



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

THURSDAY, FEBRUARY 18, 2010

2:00 P.M.

3RD FLOOR CONFERENCE ROOM

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, February 18, 2010.
2. Discuss the proposed City Wide Trails Master Plan.
3. (A) Discuss first quarter financial results for FY 2009-2010 and
(B) FY 2010-2011 budget calendar, processes and issues

5:00 P.M.

MUNICIPAL BUILDING

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

TEMPLE, TX

REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. (A) Recognize the [100th Anniversary of the Boys Scouts of America](#)
(B) [Severe Weather Awareness Week](#) February 21—27, 2010

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. REPORTS

4. Receive the City of [Temple Comprehensive Annual Financial Report](#) for fiscal year ended September 30, 2009.
5. Receive a report from the Police Department as required by the [Racial Profiling](#) Statute contained in the Texas Code of Criminal Procedure.

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.

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

Minutes:

- (A) [February 4, 2010 Special Called and Regular Meeting](#)
- (B) [February 5, 2010 Special Called Meeting](#)

Contracts, Leases & Bids:

- (C) [2010-5946-R](#): Consider adopting a resolution authorizing an interlocal agreement with Bell County for the purchase of fuel from Texas Fleet Fuel in the estimated annual amount of \$1,263,700.
- (D) [2010-5947-R](#): Consider adopting a resolution authorizing an interlocal agreement with the Temple Independent School District for the school district to reimburse the City for its costs in providing after-school and summer camp recreational programs to the district.
- (E) [2010-5948-R](#): Consider adopting a resolution authorizing change order #15 to the Lions Junction Family Water Park construction contract with Chaney-Cox Construction, Inc. for the addition of 48 parking spaces to the existing parking lot in the amount not to exceed \$44,403.
- (F) [2010-5949-R](#): Consider adopting a resolution authorizing a professional services contract with Carollo Engineers, PC, of Austin for the engineering services required to prepare a Water Treatment Plant Process Assessment, in an amount not to exceed \$256,074.
- (G) [2010-5950-R](#): Consider adopting a resolution authorizing a professional services agreement with TBG Partners Inc. of Dallas for development of a form based code/overlay ordinance for the Temple Medical and Education District, in an amount not to exceed \$36,000.
- (H) [2010-5951-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick, and Associates of Temple for engineering services required to perform preliminary engineering of the 18" Charter Oak Waterline Replacement Project (from WTP to Loop 363), in an amount not to exceed \$73,385 and declaring an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations.

- (I) [2010-5952-R](#): Consider adopting a resolution authorizing a construction contract with Bell Contractors of Belton for the emergency replacement of a 12" sewer line in the area of North 20th Street and East Downs Avenue in the amount of \$40,204.82.
- (J) [2010-5953-R](#): Consider adopting a resolution authorizing a contract with Rexel Electrical and Data Com of Temple for the purchase of Flow Meter Differential Transmitters and Manifolds for the Water Treatment Plant in the amount of \$35,640.
- (K) [2010-5954-R](#): Consider adopting a resolution authorizing a construction contract with Bell Contractors of Belton for the emergency replacement of a 12" sewer line in the area of Cottonwood and Jack Rabbit (Cottonwood Creek) in the amount of \$36,628.79.
- (L) [2010-5955-R](#): Consider adopting a resolution authorizing a professional services agreement with Traylor and Associates of Tyler for administration and management of the CDBG grant program with an annual amount not to exceed \$88,200 and for preparation of the five-year Consolidate Plan for Fiscal Years 2011-2015 with a one time amount not to exceed \$45,000.
- (M) [2010-5956-R](#): Consider adopting a resolution authorizing a Chapter 380 development agreement with Scott & White to assist in acquiring property on South 5th Street for Temple Medical and Education District purposes.

Ordinances – Second and Final Reading

- (N) (1) [2010-4338](#): SECOND READING - 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.

(2) [2010-5957-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates of Temple 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 for an amount not to exceed \$41,550.
- (O) (1) [2010-4339](#): SECOND READING – 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.

(2) [2010-4340](#): SECOND READING - 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.
- (P) [2010-4341](#): SECOND READING - 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.

- (Q) [2010-4342](#): SECOND READING - 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.
- (R) [2010-4343](#): SECOND READING - 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.
- (S) (1) [2010-4344](#): SECOND READING - 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.
- (2) [2010-4345](#): SECOND READING - 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.
- (T) [2010-4346](#): SECOND READING - 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.

Misc.

- (U) [2010-5958-R](#): Consider adopting a resolution authorizing acceptance of a grant for Phase I of the Mayors' Physical Fitness Council Grant Program through the Governor's Advisory Council on Physical Fitness in the amount of \$11,988.
- (V) [2010-5959-R](#): Consider adopting a resolution naming the new bridge to be constructed at Jeff Hamilton Park as the *Hispanic Heritage Bridge*.
- (W) [2010-5960-R](#): Consider adopting a resolution approving first quarter financial results for Fiscal Year 2010.
- (X) [2010-5961-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2009-2010.

VI. REGULAR AGENDA

ORDINANCES

7. [2010-4347](#): FIRST READING – PUBLIC HEARING – Consider adopting an ordinance authorizing the abandonment of the 20-foot wide alley in Block 14, Jones and Moore Addition, located on the east side of Jones Park, between West Avenue G and West Avenue H.

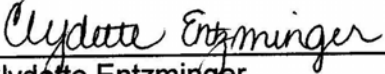
8. **2010-4348:** FIRST READING – PUBLIC HEARING - Z-FY-10-18: Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) to allow a package store with alcoholic beverage sales for off-premise consumption in a 6,000 square foot building, on Lot 1, Block 4, Hilltop Estates Addition VII, at 1521 Marlandwood Road.

RESOLUTIONS

9. **2010-5962-R:** Consider adopting a resolution appointing members 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
10. **2010-5963-R:** Consider adopting a resolution appointing one alternate member to the Bell County Public Health District Board of Directors.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 2:00 PM, on February 12, 2010.


Clydette Entzminger
City Secretary

I certify that this Notice of Meeting Agenda was removed by me from the outside bulletin board in front of the City Municipal Building at _____ on the _____ day of _____ 2010. _____



COUNCIL AGENDA ITEM MEMORANDUM

02/18/10
Item #3(A)-(B)
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamations:

(A) Recognize the 100th Anniversary of the Boys Scouts of America

(B) Severe Weather Awareness Week February 21—27, 2010

STAFF RECOMMENDATION: Present proclamations as presented in item description.

ITEM SUMMARY:

(A) This proclamation will be received by local Boy Scouts & Troop Leaders.

(B) This proclamation was requested by and will be received by Fire Chief Lonzo Wallace.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

02/18/10

Item #4

Regular Agenda

Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Receive the City of Temple Comprehensive Annual Financial Report for fiscal year ended September 30, 2009.

STAFF RECOMMENDATION: Receive the audit report as presented in item description.

ITEM SUMMARY: According to the City Charter of the City of Temple, an annual independent audit is required to be made of the financial records of the City by a Certified Public Accountant selected by the City Council. The City of Temple engaged the firm of Brockway, Gersbach, Franklin & Niemeier, P.C.

The City of Temple Comprehensive Annual Financial Report (CAFR) for fiscal year ending September 30, 2009, will be presented by Steve Niemeier, CPA. Mr. Niemeier is a partner with the accounting firm of Brockway, Gersbach, Franklin and Niemeier, P.C. and will be available to address the Councilmembers' questions.

In the previous year's financial statements, the City implemented a dramatic change in governmental financial reporting. We believe this new presentation provides better information to users of the comprehensive annual financial report. The new reporting model issued by the Governmental Accounting Standards Board requires that the management provide a narrative introduction, overview, and analysis to accompany the basic financial statements in the form of Management's Discussion and Analysis (MD&A). The City's MD&A can be found immediately following the independent auditors' report.

The comprehensive annual financial report is presented in four sections: introductory, financial, statistical and compliance. The introductory section includes this transmittal letter, the City's organizational chart and a list of principal officials. The financial section includes the MD&A, Government-wide and Major Fund presentations, notes to the financial statements, Required Supplementary Information, Combining Individual Fund Statements, as well as the independent

auditors' report on the financial statements and schedules. The statistical section includes selected financial and demographic information, generally presented on a multiyear basis.

Fiscal year 2009 was the second year new risk-based auditing standards were implemented by the auditors. These new auditing standards changed the audit approach. Some of these changes included expanding the quality and depth of the auditor's required understanding of the city and its environment, including internal control, requiring the auditor to assess the risks of material misstatements at the financial statement level and at the assertion level on all audits based on the understanding obtained, eliminating the "default to maximum" for control risk, which should encourage testing of controls, emphasizing the importance of the City's risk assessment process, strengthening the linkage between assessed risks and the auditor's responses to those risks, clarifying the auditor's ability to rely on audit evidence gathered in prior audits, strengthening guidance for testing disclosures, clarifying and expanding guidance on evaluating audit findings, and expanding documentation requirements.

The new auditing standard, *Communicating Internal Control Related Matters Identified in an Audit*, made some significant changes. Some of these changes included segregating deficiencies into three categories – control deficiencies, significant deficiencies, and material weaknesses. Significant deficiencies replaces the old term previously used as "reportable conditions." The terms "significant deficiency" and "material weakness" have been redefined. The auditor is now required to evaluate our organization's internal control deficiencies and to determine which deficiencies rise to the level of a significant deficiency or material weakness. Although an audit is not designed to identify internal control deficiencies, the auditor will be required to evaluate the design and implementation of our internal controls and deficiencies may be noted. The auditor must communicate in writing to management and those charged with governance both significant deficiencies and material weaknesses, including those already communicated to you in prior periods, even if we chose not to correct them. However, they will not be expressing an opinion on the effectiveness of our internal control. This new standard will significantly increase the number of management letters issued compared to the past.

FISCAL IMPACT: The fee for the FY 2009 annual audit is \$53,000. The audit fee is proportionally allocated to each fund.

ATTACHMENTS:

Audit – hard copy only



COUNCIL AGENDA ITEM MEMORANDUM

02/18/10
Item #5
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Gary O. Smith, Chief of Police

ITEM DESCRIPTION: Receive a report from the Police Department as required by the Racial Profiling Statute contained in the Texas Code of Criminal Procedure.

STAFF RECOMMENDATION: Receive as indicated in item description.

ITEM SUMMARY: The Code of Criminal Procedure requires a report to the governing body of the municipality that details the department's activities related to traffic stops that result in citations, arrests, and searches of persons and/or vehicles. The statute requires the head of the agency to use comparative data to make a determination as to the possible presence of racial profiling within the agency.

The report includes the totals for each category mentioned above. Census data for Temple and Bell County are used for comparisons where appropriate.

It is recommended that the Council receive this report. No other action is required.

FISCAL IMPACT: None

ATTACHMENTS:

Report - hard copy



COUNCIL AGENDA ITEM MEMORANDUM

02/18/10
Item #6(A)-(B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydetta Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

- (A) February 4, 2010 Special Called and Regular Meeting and
- (B) February 5, 2010 Special Called 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:

February 4, 2010 Special Called and Regular Meeting
February 5, 2010 Special Called

TEMPLE CITY COUNCIL

FEBRUARY 4, 2010

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, February 4, 2010, at 3:30 P.M. in the 3rd Floor Conference Room, Municipal Building, 2 North Main Street.

Present:

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

Absent:

Councilmember Tony Jeter

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, February 4, 2010.

David Blackburn, City Manager, addressed the follow items from the regular meeting agenda:

Consent Agenda Item 5(D) - Virtual Desktop Hardware and Software: Councilmember Janczak asked who will own the hardware. Alan DeLoera, ITS Director, stated the City will own the hardware and he explained the services to be provided under the contract with Sychron.

Consent Agenda Item 5(G) - Fire Station No. 8 Construction bid: Staff is recommending the competitive sealed proposal delivery method for this project. Belinda Mattke, Purchasing Director, provided the Council with a handout summarizing the project delivery methods utilized for previous projects. The competitive sealed proposal method was also used for construction services for the Central Fire Station project.

Consent Agenda Item 5(H) - Vasquez Development Agreement: Mr. Blackburn noted the on-site parking has been addressed by the applicant. Parking will occur in allowed areas as shown in the development agreement, on improved surfaces only. The surface material will conform to Zoning Ordinance standards.

Consent Agenda Item 5(I) - Medicare benefits: Mr. Blackburn explained the City opted out of social security many years ago but a law change in 1986 required Medicare to be re-instated. There are 41 City employees hired prior to this law change that have not contributed to Medicare and therefore will not receive those benefits. There is a process for extending Medicare benefits to those employees and this proposed action by the Council will allow this process to occur. The City's maximum exposure is estimated to be \$34,000 but we feel it will be significantly lower because most of the 41 employees are eligible for Medicare by working the required number of quarters under the social security system or under their spouse's social security. However, each of the 41 employees will be able to individually elect whether to get back in the

Medicare system at this time or not.

Regular Agenda Item 6 - RZ No. 1 Financing Plan Amendment: This item will provide funds for Kasberg, Patrick & Associates to complete the final design on the segment of the Outer Loop from Wendland Road to the IH-35 interchange. TxDOT is completing IH-35 designs in this area so our final design must be done as soon as possible. Mr. Blackburn stated about 80% of the right-of-way has been acquired, with some still needed on the north side.

Traci Barnard, Director of Finance, explained that \$300,000 is being allocated in the RZ No. 1 Financing Plan. Only about \$45,000 is needed at this for the professional services agreement with Kasberg, Patrick and Associates, but the remainder of the funds will also be allocated to this portion of the project. The priority for this segment of the Outer Loop has increased due to TxDOT's design of the interchange on IH-35.

Councilmember Schneider stated four new homes are being built along the segment of the Outer Loop south of FM 2305. He asked if they are in the area where future right-of-way will be needed. Jonathan Graham, City Attorney, replied this would be reviewed.

Regular Agenda Item 9 - Zoning change for McLane Group LP Subdivision: Mr. Graham noted the plat will be presented to the Council for consideration at its next meeting. The sidewalk issue, which relates to the plat, should be resolved prior to that meeting.

Regular Agenda Item 10 - CUP for Package Store on West Avenue J: Mr. Graham discussed the previous code changes to accommodate the package store use following the election in November 2009. He reviewed the conditions in the CUP and discussed with the Council how to evaluate various locations for approval or disapproval of the request.

Regular Agenda Item 13 (A) and (B) - Long term disability for Fire Department personnel: Mr. Blackburn noted the City of Temple Employee Benefits Trust, which are the Councilmembers, will need to take action on this item prior to action by the City Council.

2. Discuss proposed City Council strategic planning session.

Mayor Jones stated the budget review and planning process is underway so it is timely for the Council to review its strategic plan, discuss future actions relating to transportation, industrial development, infrastructure, future growth, etc. Other boards and agencies are developing master plans and they need the benefit of having the City's updated plan and direction from the City.

Councilmember Schneider stated the City needs to be sure we don't build the infrastructure out too far. We need to invest some funds in the maintenance of existing facilities and infrastructure.

Mr. Blackburn stated the staff will present a 2011 budget briefing at the February 18th City Council work session, to include a financial overview and some preliminary forecasting. We will also discuss the current strategic plan, which provides direction on fence posts for budget development, and the proposed budget calendar for 2011. Mr. Blackburn recommended the Council conduct a work session on March 18th, 1:00

p.m., to review its strategic objectives and do some visioning about the future direction of the City. On May 20th, the staff will provide a mid-year budget review and finalize the fence posts and strategic issues at that time.

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

Mayor Jones briefly discussed some of the upcoming board appointments. Recommendations for some of the industry related positions will be submitted by the Temple Area Builders Association prior to the February 18th meeting when these appointments will be considered by Council.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, February 4, 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

Associate Pastor Jane Woodward, First United Methodist Church, voiced the invocation.

2. Pledge of Allegiance

Mr. Thomas Jones, Temple Independent School District, led the Pledge of Allegiance.

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. (A) National School Counselors Week February 1—5, 2010

Mayor Jones presented this proclamation to Mr. Thomas Jones and several counselors from Temple Independent School District.

(B) National Heart Month/ Go Red for Women Day February 5, 2010

Mayor Jones presented this proclamation to Dawn Orange, City of Temple Human Resources Department.

(C) Recognition of the Christmas Parade Committee volunteers and the Parks Bond Advisory Committee members.

Ken Cicora, Director of Parks and Leisure Services, recognized members of the City of Temple 2009 Christmas Parade Committee for their hard work and dedication to this annual project. These included the Red Coat Ambassadors of the Temple Chamber of Commerce, the Community Education and Response Team, Temple Amateur Radio Club, Mr. Jim Thigpen, Mr. Kendall Young, and Mr. Tony Hennes.

Mr. Cicora also recognized the members of the Parks Bond Advisory Committee for their assistance in getting the bonds approved by the voters and for assisting staff with getting these projects completed on time and within budget. Recognitions were made to Zoe Rascoe, Dan Jones, Norman Sisk, Willie Floyd, Allen Einboden, Allen Talley, Warren Maupin, Jack Barton, Charles Stout, Kenny Martin, and Scott Allen.

III. PUBLIC COMMENTS

There were no public comments made at this meeting.

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.

Tim Dolan, Planning Director, presented this item to the City Council. This is the first of two public hearings for the voluntary annexation petition submitted by Mr. A.C. Boston. There are no residents in this area. The Municipal Service plan has been submitted and there is no proposal to extend water or wastewater services to the area. Mr. Dolan displayed an aerial photo of

the proposed annexation area, noting its location to the current City limits and other recent voluntary annexations in the vicinity.

Mayor Jones declared the public hearing open with regard to agenda item 4 and asked if anyone wished to address this item.

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

V. CONSENT AGENDA

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

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

(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 Synchron 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.

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

(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.**

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

Motion passed unanimously.

(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.

Councilmember Jeter asked when a proposal is turned in, what documents are required regarding subcontractors. Once a project has started, are there any requirements regarding how or to whom funds are disbursed, he asked.

Belinda Mattke, Purchasing Director, stated it is up to the City to indicate what is required. It has been our intent for the general contractor to submit a list of the primary subcontractors they will use on a job. Once the contract is awarded and construction begins, monthly pay requests are submitted by the contractor and reviewed by the architect but we do not know how much is being paid to which subcontractors.

Councilmember Jeter asked if the general contractor is bound to use the subcontractors indicated in his proposal.

Mrs. Mattke replied no, because until the contract is awarded they are still negotiating. The City's contract is with the primary contractor.

Jonathan Graham, City Attorney, stated the Council can require any documentation it would like as part of the bid.

Councilmember Jeter stated for the benefit of the public, when Councilmembers are involved as subcontractors, we should require documentation stating how and who receives funds under the contract.

Councilmember Schneider stated that is why an architect and engineer are hired. Each subcontractor is required to document their work to the contractor for review by the architect and engineer before the general contractor disburses funds.

Mayor Jones asked when a bid comes in, is detail provided about how much is paid to subcontractors doing work on a particular job.

Councilmember Schneider stated it would not be accurate because contractors may not bid all components or use several subcontractors for one category of work.

Councilmember Jeter stated the public needs to know all funds disbursed to Councilmembers on public projects. He asked if this can this be done and if so, how.

Mr. Graham replied that Council can require that to be part of the contract package.

Mayor Jones stated it might be more appropriate for a Councilmember to disclose that information without requiring all subcontractor information to be submitted as part of the contract.

Councilmember Jeter agreed there should be full disclosure by Council.

Motion by Councilmember Tony Jeter to adopt resolution, with a detailed listing of all Councilmembers to whom funds are disbursed for that job to be provided at the completion of the job, Motion failed due to lack of second.

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

Councilmember Tony Jeter voted nay. The other Councilmembers voted aye. The motion passed.

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.**

Traci Barnard, Finance Director, presented this item to the City Council. This amendment is proposed due to a change in project priorities. The professional services agreement with Kasberg, Patrick and Associates to proceed with the final design of the portion of the Outer Loop from Wendland Road to IH-35 will be presented at the next City Council meeting for approval. The Reinvestment Zone No. 1 Board of Directors recommended approval of this financing plan

amendment at its January 27th meeting.

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

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

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance, with second reading and final adoption set for February 18, 2010, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

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.**

Tim Dolan, Planning Director, presented items 7 (A), 7(B) and 8 as these properties are adjacent to one another. The ordinance proposed in item 7(A) authorizes the voluntary annexation of 10.8 acres west of FM 2271 and south of FM 2305. Item 7(B) is a request to rezone that 10.8 acre tract to Planned Development Single Family 2 (PDD-SF2). The adjacent 7.7 acre tract is requested for rezoning to PDD-SF2 also, agenda item 8. Mr. Dolan showed aerial photos of the property and presented the PDD-SF2 residential use standards. Thirty-six notices were mailed to surrounding properties, with 1 being returned approving the requested zoning and 4 disapproving, all of which are outside of the current City limits but within the 200' notice boundary. The Planning and Zoning Commission recommended approval of the annexation and the requested rezonings to PDD-SF2. The extension of water and sewer to the area will be addressed as part of the utility extension policy.

Mayor Jones declared the public hearing open with regards to agenda items 7 (A), 7(B) and 8 and asked if anyone wished to address these items.

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

Motion by Councilmember Russell Schneider to adopt ordinances in items 7(A), 7(B) and 8, with second reading and final adoption set for February 18, 2010, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

- 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.**

Tim Dolan, Planning Director, presented this item to the City Council. He displayed an aerial photo of the property, which is located at the southwest corner of Loop 363 and Central Pointe Parkway. The development standards for the light industrial zoning district were also presented and discussed. The Planning and Zoning Commission unanimously recommended approval of the requested rezoning.

Mayor Jones declared the public hearing open with regard to agenda item 9 and asked if anyone wished to address this item.

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

Motion by Councilmember Marty Janczak to adopt ordinance, with second reading and final adoption set for February 18, 2010, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

- 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.**

Tim Dolan, Planning Director, presented this item to the Council. This is the location of a former auto parts store which is proposed for a package store. Mr. Dolan showed photos of the surrounding properties. This tract is surrounded by commercial zoning. Six notices were mailed to surrounding property owners, with 2 being returned in approval and none disapproving the request. The site plan will be adopted as part of ordinance approving the CUP. Parking is sufficient and landscape requirements for the IH-35 overlay district are being complied with even though they are not required. The Planning and Zoning Commission recommended approval of the requested Conditional Use Permit.

Mayor Jones declared the public hearing open with regard to agenda item 10 and asked if anyone wished to address this item.

Douglas Johns and Cory Herring, owners of the establishment, addressed the Council. They stated they are Temple businessmen who have lived here much of their lives. They provided a handout showing the final design of the building and the landscaping.

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

Motion by Councilmember Russell Schneider to adopt ordinance, with second reading and final adoption set for February 18, 2010, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

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.

Brian Mabry, Senior Planner, presented items 11(A) and (B) to the City Council. The purpose of this request is to re-establish a convenience store at FM 2305 and Woodland Point Road. This property was annexed in 2008 and has been out of use for some time. Neighborhood Service is proposed as the zoning district and a CUP is required for the sale of alcoholic beverages. Mr. Mabry showed the surrounding properties, an aerial of the subject property, and the Future Land Use and Character Map for the property. The location of utilities and the zoning map for the area were also displayed, as well as the dimensional standards for the Neighborhood Service District. Mr. Mabry discussed the site plan standards associated with the issuance of the Conditional Use Permit. Six notices were mailed to surrounding property owners, with one being returned in approval and one in disapproval. The Planning and Zoning Commission recommended approval of the proposed rezoning and the requested Conditional Use Permit. In response to questions raised, Mr. Mabry discussed the parking spaces required and proposed improvements. The owner will not be adding to the structure at this time but the structure will be brought up to the current City codes.

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

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

Motion by Councilmember Marty Janczak to adopt ordinance, with second reading and final adoption set for February 18, 2010, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

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.

Brian Mabry, Senior Planner, presented this item to the City Council. The proposal is to convert the existing structure on the property to an ice and water vending facility. This property was annexed in 2008, with the default zoning district of Agricultural, and was previously used as an auto repair facility. Mr. Mabry showed an aerial photo of the property and photos of surrounding uses. The property is served by Moffat Water Supply and is adequate for the proposed use. The surrounding zoning is all Agricultural and Mr. Mabry discussed the dimensional standards for the General Retail Zoning District. Five notices were mailed to surrounding property owners, with one returned in approval and none in disapproval. The Planning and Zoning Commission recommended approval of the requested rezoning.

Mayor Jones declared the public hearing open with regard to agenda item 12, and asked if anyone wished to address this item.

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

Motion by Mayor Pro Tem Patsy E. Luna adopt ordinance, with second reading and final adoption for February 18, 2010., be table, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

At this time, Mayor Jones recessed the regular meeting of the Temple City Council and convened the City of Temple Employee Benefits Trust meeting.

RESOLUTIONS

- 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**

Amy House, Director of Human Resources, presented both items 13 (A) and (B) to the Trust and City Councilmembers. In July 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 long term disability for all fire employees covered under the pension plan. A study performed by Rudd and Wisdom showed the Pension's LTD insurance to provide a better benefit. The City is actually paying for a LTD policy that would provide no benefit to fire personnel due to the policy provided through the Pension.

The Tempel Firefighters' Relief and Pension Fund has requested 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. If approved, the effective date of the change would be March 1, 2010.

Motion Mrs. Luna to amend the purchase agreement with The Standard to remove the Fire Department personnel covered under a separate long term disability policy, seconded by Mr. Janczak.

Motion carried unanimously.

Mayor Jones adjourned the meeting of the City of Temple Employee Benefits Trust and reconvened 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.

Motion by Councilmember Tony Jeter to adopt resolution, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

SPECIAL MEETING OF THE TEMPLE CITY COUNCIL

FEBRUARY 5, 2010

The City Council of the City of Temple, Texas conducted a Special Meeting on Friday, February 5, 2010, at 8:00 a.m. in the City Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

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

Absent:

Councilmember Russell Schneider

I. CALL TO ORDER

1. Invocation

Mayor Pro Tem Luna voiced the invocation.

2. Pledge of Allegiance

Councilmember Janczak led the Pledge of Allegiance.

II. PUBLIC HEARINGS

3. PUBLIC HEARING - Conduct a public hearing to receive comments on the possible voluntary annexation 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.

Tim Dolan, Planning Director, presented this item to the City Council. This is the second public hearing regarding the voluntary annexation of this property. There are no residents in the area. The Municipal Services Plan has been prepared and presented to Council. There is no proposal to extend water or wastewater services to the area. The Planning & Zoning Commission will consider a request to rezone this property to PDD-GR at its February 15th meeting. Mr. Dolan displayed an aerial photo of the property showing its location relative to the current City limits and other recent voluntary annexations in this area.

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

There being no comments, Mayor Jones closed the public hearing, noting that no action is required by Council regarding this item.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

02/18/10
Item #6(C)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an interlocal agreement with Bell County for the purchase of fuel from Texas Fleet Fuel in the estimated annual amount of \$1,263,700.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: For the past four (4) years the City has purchased its fuel through Texas Fleet Fuel Ltd by means of an interlocal agreement with Bell County. Bell County's contract with Texas Fleet Fuel Ltd expired in December 2009.

On January 5, 2010, Bell County received one (1) proposal for fuel management services. The proposal was received from Texas Fleet Fuel Ltd. Texas Fleet Fuel has been providing fuel services for Bell County since September 2002. On January 11, 2010, Bell County Commissioners Court awarded a two (2) year contract to Texas Fleet Fuel Ltd with the option to renew the contract for an additional two-year period. It is staff's recommendation to piggy-back off of Bell County's contract again.

Bell County's contract with Texas Fleet Fuel is priced at 8 cents over the OPIS price (Oil Price Information Service) per rack price for each week, exclusive of freight. This is the same pricing offered under the Bell County contract that was executed in 2005. Freight varies in Temple with the majority being between 2–3 cents per gallon.

Bell County's contract is in effect until January 2012, at which time the County has an option to renew for an additional two-year period. Likewise, if Bell County renews the contract, the City would have the option to extend the interlocal agreement for two (2) additional years.

Each week the City receives a report that shows each vehicle's fueling, who fueled, where they fueled, and the price for that week. We are able to upload this information into our fleet maintenance system with little effort. This system has worked very well for the City, and staff desires to enter into this local agreement to continue service with Texas Fleet Fuel.

FISCAL IMPACT: The FY 2009-2010 adopted budget for fuel is as follows:

General Fund	\$1,038,100
Hotel/Motel Tax Fund	1,100
Drainage Fund	41,000
Water & Wastewater Fund	<u>183,500</u>
Total	<u>\$1,263,700</u>

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN INTERLOCAL AGREEMENT WITH BELL COUNTY FOR THE PURCHASE OF FUEL FROM TEXAS FLEET FUEL, LTD, IN THE ESTIMATED AMOUNT OF \$1,263,700; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, for the past 4 years the City has purchased its fuel through Texas Fleet Fuel, Ltd, by means of an interlocal agreement with Bell County – Bell County’s contract with Texas Fleet Fuel, Ltd, expired in December, 2009;

Whereas, on January 5, 2010, Bell County received one proposal for fuel management services – the proposal was received from Texas Fleet Fuel, Ltd, and on January 11, 2010, the Bell County Commissioner’s Court awarded a 2-year contract to the company with an option to renew the contract for an additional 2-year period;

Whereas, the Staff recommends entering into an interlocal agreement with Bell County to enable the City to continue service with Texas Fleet Fuel, Ltd;

Whereas, the estimated annual expenditure is approximately \$1,263,700 and each department with vehicles has budgeted for fuel in their FY 2009-10 budget; 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 an Interlocal Agreement between the City of Temple, Texas, and Bell County, after approval as to form by the City Attorney, for the purchase of fuel from Texas Fleet Fuel, Ltd, in the estimated amount of \$1,263,700.

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 18th 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

02/18/10
Item #6(D)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Parks and Leisure Services Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing an interlocal agreement with the Temple Independent School District for the school district to reimburse the City for its costs in providing after-school and summer camp recreational programs to the district.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Temple Independent School District (TISD) recently received a Texas Education Agency "After School Centers for Education" grant for after school programs to be conducted at:

Garcia Elementary
Meridith-Dunbar Elementary
Scott Elementary
Raye-Allen Elementary
Temple High School

Jefferson Elementary
Travis Middle School
Lamar Middle School
Bonham Middle School

In order to conduct the programs, TISD will be partnering with local agencies, including the Parks and Leisure Services Department.

TISD has requested that the Parks and Leisure Services Department staff provide athletic and recreational activities in the schools and to be able to send students to the Department's summer camp programs. The grant period will be from March 1, 2010 through July 31, 2011. A budget of \$60,000 has been allocated to the Parks and Leisure Services Department for the programs it will conduct.

The Department will be providing activities that focus on physical fitness and nutrition and developing sports classes that teach team work and reinforce basic math and reading skills. The grant funds will cover the City's costs for staffing, supplies, and other related program costs.

FISCAL IMPACT: After reimbursement by TISD, pursuant to the interlocal agreement, there will be no net fiscal impact to the City during the time period covered by the agreement. The City will receive \$9,000 for personnel and supplies and from March 1, 2010 through July 31, 2010 and an additional \$26,000 for personnel and supplies from August 1, 2010 through July 31, 2011 for a total of \$35,000 to cover the costs associated with the activities in selected schools.

The City will receive \$8,500 to send students to the City's summer camp programs from March 1, 2010 through July 31, 2010 and will receive \$16,500 from August 1, 2010 through July 31, 2011 to send students to the City's summer camp programs.

A budget adjustment is presented for Council's approval to appropriate the grant revenue and associated expenditures of \$35,000 related to the activities to be held in selected schools. The budget adjustment also reallocates the revenue to be received in FY 2010 for the summer camp programs from general program revenue to grant revenue.

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.

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE
260-3200-551-11-18		Extra Help/Seasonal	\$ 26,000		
260-3200-551-21-10		Office Supplies	9,000		
260-0000-431-01-63		Federal Grants	35,000		
110-0000-431-01-63		Federal Grants	12,750		
110-0000-445-15-90		Special Events/Classes			12,750
TOTAL.....			\$ 82,750		\$ 12,750

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

Appropriate funds to be received from Temple ISD to fund athletic and recreational activities in selected schools and to allow students to attend City summer camp programs. TISD has received federal funding from the Texas Education Agency for the 21st Century Learning Center Program's "After School Centers for Education" project. The City will provide activities that focus on physical fitness and nutrition and will develop sports classes that teach teamwork and reinforce basic math and reading skills. The City will receive \$9,000 for personnel and supplies and \$8,500 to send students to the City's summer camp programs from March 1, 2010 through July 31, 2010. The City will receive an additional \$26,000 for personnel and supplies and \$16,500 (\$4,250 is being appropriated in FY 2010 and \$12,250 will be appropriated in FY 2011) to send students to the City's summer camp programs from August 1, 2010 through July 31, 2011. The grant period is from March 1, 2010 through July 31, 2011.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

X

Yes

1

No

DATE OF COUNCIL MEETING

2/18/2010

WITH AGENDA ITEM?

X

☒ Yes

7

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 AN INTERLOCAL AGREEMENT WITH THE
TEMPLE INDEPENDENT SCHOOL DISTRICT FOR THE SCHOOL
DISTRICT TO REIMBURSE THE CITY FOR ITS COSTS IN PROVIDING
AFTER-SCHOOL AND SUMMER CAMP PROGRAMS TO THE
DISTRICT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Temple Independent School District (TISD) recently received a Texas Education Agency, “After School Centers for Education” grant for after school programs to be conducted at several elementary and middle schools in the district;

Whereas, TISD will be partnering with local agencies, including the Parks and Leisure Services Department, to conduct the programs;

Whereas, TISD has requested that the Parks and Leisure Services Department (PALS) staff provide athletic and recreational activities in the schools and to be able to send students to the Department’s summer camp programs – PALS will provide activities that focus on physical fitness and nutrition and developing sports classes that teach team work and reinforce basic math and reading skills;

Whereas, the grant funds will cover the City’s costs for staffing, supplies, and other related program costs – TISD will reimburse the City during the fiscal years covered by the agreement;

Whereas, an amendment to the FY2009-2010 budget needs to be approved to appropriate the grant revenue and associated expenditures related to the activities to be held in selected schools; 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 to execute an interlocal agreement between the City of Temple and Temple Independent School District, after approval as to form by the City Attorney, for after-school and summer camp recreational programs.

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 program.

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 **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

02/18/10
Item #6(E)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Parks and Leisure Services Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing change order #15 to the Lions Junction Family Water Park construction contract with Chaney-Cox Construction, Inc. for the addition of 48 parking spaces to the existing parking lot in the amount not to exceed \$44,403.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: When the parking area for the Lions Junction Family Water Park was constructed, the Parks and Leisure Services Department also created an overflow parking area adjacent to, and just to the north of, the paved parking area. This overflow parking area was created by installing approximately 1 to 1.5 inches of gravel over the existing top soil with the boundary of the temporary lot defined by limestone boulders.

On many occasions last year during the operation of the Water Park this parking lot was used to provide the additional parking space needed during peak swim times and has become the primary parking area for the users of the disc golf course.

This change order will add 48 permanent parking spaces to the existing 95 spaces and will be constructed to the same standards as the existing parking lot. As designed, this parking area will create a new planter area to take advantage of existing irrigation that is in place.

Funds for this parking lot expansion will come from savings realized during the construction of all of the bond projects (\$25,278) and from park development fees (\$19,125).

FISCAL IMPACT: Funding in the amount of \$4,435,000 was appropriated in account 362-3500-552-6838, project # 100356, from the 2008 Parks General Obligation (GO) bond issue. The total expenditures incurred on this project, which was substantially completed in FY 2009, were \$4,430,115. Minor additional modifications in the amount of \$4,885 are pending leaving no additional funding available for Lions Junction Family Water Park.

A budget adjustment is presented for Council's approval appropriating project savings from completed projects funded with the 2008 Parks GO bond issue in the amount of \$25,278 to account 362-3500-552-6838, project #100356, and Park Dedication fees in the amount of \$19,125 to account

110-3500-552-6516, project # 100356 to cover the additional funds needed to fund this change order in the amount of \$44,403 for the addition of 48 parking spaces.

ATTACHMENTS:

[Change Order](#)
[Budget Adjustment](#)
[Resolution](#)

CHANGE ORDER

PROJECT: South Temple Family Aquatic Center
OWNER: City of Temple
CONTRACTOR: Chaney-Cox Construction
ENGINEER:
CHANGE ORDER #: 15

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

ITEM # 1: Pave approximately half of the overflow parking lot to include; ribbon curbs, excavation of existing asphalt, paving, striping and 49 wheel stops as indicated on the attached drawing;

LUMP SUM AMOUNT **\$44,403.00**

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

Original Contract Amount	\$ 3,889,943.00
Previous Net Change in Contract Amount	\$ 128,624.00
Net Change in Contract Amount	\$ 44,403.00
Revised Contract Amount	\$ 4,062,970.00
Original Contract Time	270 calendar days
Previous Net Change in Contract Time	N/A
Net Change in Contract Time	40 calendar days
Revised Contract Time	310 calendar days
Original Final Completion Date	
Revised Final Completion Date	

Contractor: **Chaney-Cox Construction**

Engineer/Architect/Contract Administrator:

By _____
date

By _____
date

Approved by City of Temple:

Approved as to Form::

By _____
date

By _____
City Attorney's Office date

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

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

Adjustments should be rounded to the nearest \$1.

			+	-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE	
362-3500-552-68-38	100356	Family Aquatics Center-Lions Junction	25,278		
362-3500-552-68-39	100357	Sammons Indoor Aquatic Center		3,401	
362-3500-552-68-42	100360	Miller Park Improvements		8,322	
362-3500-552-68-43	100361	West Temple Spray Park		7,410	
362-3500-552-68-45	100363	Ferguson Park Improvements		6,145	
		<i>Appropriate project savings</i>			
110-3500-552-65-16	100356	Park Improvements-Lions Junction	19,125		
110-0000-461-08-30		Misc. Rev- Park Fees for Lions Junction	19,125		
		<i>Appropriate park dedication fees</i>			
TOTAL.....			\$ 63,528	\$ 25,278	

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

To reallocate project savings from completed projects within the Parks General Obligation Bond issue in the amount of \$25,278 and appropriate Park Dedication Fees from Stonegate II and Sarah's Glen subdivisions in the amount of \$19,125 to fund a construction contract change order with Chaney-Cox Construction for the addition of 48 parking spaces at Lions Junction Family Water Park.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

February 18, 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 CHANGE ORDER #15 IN THE AMOUNT OF \$44,403 TO THE CONSTRUCTION CONTRACT WITH CHANEY-COX CONSTRUCTION, INC., FOR THE CONSTRUCTION OF THE LIONS JUNCTION FAMILY WATER PARK, FOR THE ADDITION OF 48 PARKING SPACES TO THE EXISTING PARKING LOT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 18, 2008, the City entered into a contract with Chaney-Cox Construction, Inc., for the construction of the Lions Junction Family Water Park;

Whereas, the Staff recommends approving Change Order #15 to the contract to provide for the addition of 48 parking spaces to the existing parking lot;

Whereas, funds are available for this change order but an amendment to the FY 2009-2010 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute Change Order #15 to the contract with Chaney-Cox Construction, Inc., of Temple, Texas, for the construction of the Lions Junction Family Water Park, after approval as to form by the City Attorney, for the addition of 48 parking spaces to the existing parking lot, in an amount not to exceed \$44,403.

Part 2: The City Council authorizes an amendment to the FY 2009-2010 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 18th 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

02/18/10
Item #6(F)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services contract with Carollo Engineers, PC, of Austin for the engineering services required to prepare a Water Treatment Plant Process Assessment, in an amount not to exceed \$256,074.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple currently operates a 29.4 MGD conventional water treatment plant that has been renovated or expanded several times since its original construction. In 2004, the City constructed an 11.6 MGD membrane water treatment plant to meet increasing water demands. The City has identified significant deficiencies at the plants as noted in the attached white paper dated October 16, 2009, which could potentially result in noticeably decreased water production in the future if not addressed.

The scope of services for this project will include the following:

- Capacity confirmation;
- Raw water quality assessment;
- Review of current , proposed, and future effluent regulations;
- Treatment requirements;
- Application of the Optimum Process Train to the conventional plant;
- Application of the Optimum Process Train to the membrane plant;
- Analysis of selected treatment approach; and,
- Final assessment document and presentation to Council.

The cost for these services shall not exceed \$256,074 and the assessment will be completed by December 2010. Carollo Engineers will again be teaming with KPA to perform this work. The City has had several very successful contracts with this team, including assessment of the membrane treatment process and subsequent design work including the chemical tank and plate settler projects (to be bid later this spring). Carollo is also currently completing work at the conventional plant on rehabilitation of the filters.

FISCAL IMPACT: A budget adjustment is presented for Council's approval appropriating Water & Sewer Unreserved Retained Earnings in the amount of \$256,074 to account 520-5900-535-2616, project # 100609, for professional services related to the Water Treatment Plant Process Assessment.

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

ATTACHMENTS:

[10-16-09 White Paper](#)
[Engineers' Scope of Work](#)
[Engineers' Estimate of Costs](#)
[Budget Adjustment](#)
[Resolution](#)

**White Paper Regarding
City of Temple's Water Treatment Plants
By Bruce A. Butscher, P.E.
October 16, 2009**

I have many concerns about our ability to provide water for our customers in the future. The biggest concern is the sustainability of the current two plant configuration. The study which was done before the construction of the membrane treatment plant predicted that the maximum daily demand in 2010 would be approximately 40 MGD. Based on the summer of 2009, which was hot and dry, the maximum day was 25.175 MGD on August 21, 2009.

I believe we need to take another look at what and how we are going to meet water needs for the next 30 to 40 years.

The concerns are in two general areas:

1. What can be done with and/or to the existing plants to meet current demand and to meet ever increasing regulatory requirements?
2. What needs to be done as far as plant expansion in the future?

For example:

- There are many concerns within the existing conventional plant that, if the conventional plant is to be relied upon in the future, need to be dealt with to assure its sustainability. These concerns are outlined further in this memo.
- If the regulatory requirements continue to become stricter- can the conventional (mixed media) plant meet the requirements?
- If membrane technology is going to be the most cost effective method of treating water to meet future requirements, what are the limits on membrane expansion on the current site?
- If membrane technology is going to be the most cost effective method of treating water to meet future requirements, what is the role of the conventional plant in the future?
- It has been almost 10 years since the last report was written on plant capacity, it is time to re-examine our position and re-evaluate what we need to be doing in the future.

The Conventional Water Treatment Plant has been expanded and modified approximately six times. Several different engineering companies were involved. My concern is that as engineers change, it is possible that things are accepted and not sufficiently reviewed. It is also possible that the expansions were done to meet some immediate need / regulation change/ crisis and the only focus was on the particular area that was being worked on. As a result, there are several areas that I think need to be looked at again.

I have outlined my concerns below by operating section of the plant:

1. Intake Structures For Both Plants

The intake structure for the Conventional Plant was constructed in 1958. The intake for the Membrane Plant was constructed in 2004. Both of these structures take water from the river and pump it to the plants. The concern here is two-fold –

- a. Age of Conventional structure (now over 50 years), and,
- b. The "sustainability" of taking water at the current location.

Issue 'a' is self-explanatory; Issue 'b' is related to the fact that the existing intakes have a tendency to silt up with the river water. When the silt gets high enough, we begin to bring it into the plant, which costs more to treat than water without silt. We need to re-evaluate the current structures and determine if they can be re-worked, modified, or made more reliable. The option of moving the intakes to some other place should also be evaluated. Although moving the structures will be extremely expensive, it needs to be considered as an alternative and weighted against the projected life of the current structures.

2. Raw Water Header – Conventional Plant

The raw water header in the Conventional Plant is configured such that it is almost impossible to isolate a single pump when maintenance is required. We had money in the 2008-09 CIP to replace valves in this header that are worn out and do not function. When we uncovered the header prior to doing the valve replacement, we found the header encased in concrete, which makes it virtually impossible to replace these valves. The entire header needs to be re-designed and replaced. Unfortunately, because of the problem with the existing header, this will be a moderately large undertaking. We need to determine how the header can be replaced and put it in a priority relative to all of the other repairs that need to be made.

3. Piping From the Intake to the Conventional Plant / Clarifier #4

The 30" header at the raw water feeds a 30" line and a 24" line. The 24" line was installed to feed the #4 Clarifier. The supernatant from the settling basins is also sent back through the raw water line to the clarifiers, because of the piping configuration at low flows, there are times when the discharge of the supernatant pumps overpower the water from the 24" feed line, and as a result, more supernate is routed to the #4 Clarifier. This causes an upset in the #4 Clarifier because the supernate has treatment chemicals in it, and when these react with the chemicals that are being fed normally, we have, in effect, a chemical overload that causes the blanket to expand and carryover increases. We need to assess what can be done to solve this problem.

4. #1 and #2 Clarifiers

A good example of something possibly being overlooked in the plant expansions is the case of Clarifiers #1 and #2. I had a discussion with the operators and they informed me that even though these clarifiers are rated at 6 MGD, if they try to put any more than 4 MGD through them, they have problems with the sludge blanket rising and they get Flocc carryover. This didn't make sense to me, since the Clarifiers are rated at 6 MGD, they should be able to handle 6 MGD or more with no problems.

I went back to the drawings and found that originally these two clarifiers were used as settling basins with chemical feed and flocculation equipment in front to the clarifiers. At this time, the plant was functioning as a softening plant with addition of lime and other chemicals. During one of the rehabs, the chemical feeders and flocculators were done away with and the clarifiers were changed to "Reactor Clarifiers."

The main difference between conventional clarifiers and reactor clarifiers is twofold:

1. In a conventional clarifier, the chemicals are added external to the clarifier and are allowed to react in a unit called a flocculator. This has a tendency to form a 'heavier' floc and when this floc is added to the clarifier, it has a tendency to settle quickly.
2. In a reactor clarifier, however, the chemicals are introduced to the clarifier directly and react with incoming water. This causes a lighter, smaller floc to form. In order to get this floc to settle, a reactor clarifier is deeper than a conventional clarifier.

This is where my concern for the Conventional Plant comes in. When the clarifiers were changed from conventional to reactor, the basins should have been deepened and they weren't. As a result, the floc does not have adequate settling distance and so, at higher flows, carryover occurs.

4. Mixed Media Filters

The eight mixed media filters cause, relatively speaking, less concern than any other treatment entity in the Conventional Plant. Couple this with the fact that we are replacing filter bottoms, media, and doing considerable work on the backwash system, they should continue to cause little concern from an operations perspective.

The changing of the treatment rules and requirements is another matter. TCEQ and its predecessors have continually made the treatment requirements more stringent. We are being required to remove impurities to a level never thought of ten to fifteen years ago. In addition, Tri Halo methanes, disinfection by-products, and total turbidity requirements continue to increase.

These issues are, in part, why the industry is using many more membrane treatment plants than were used in the past.

An evaluation of the membrane vs. conventional technology must be made to determine the position of the conventional plant in the next several decades.

In addition, due to the way the Plant has been reworked, piping for the filters should be analyzed to be sure that there are not any issues from a hydraulic perspective.

5. High Service Pumps

The high service pumps are all in a single location fed from a single set of switch gear. We have a CIP project to provide a generator for backup power. The generator will only power three pumps; however, this will be enough to keep water in the system during an emergency. Currently, the Membrane Plant sends its water to conventional for high service. A separate high service pump station at Membrane is needed. The question as to how this would work is part of #7 – Plant Discharge Piping, below.

6. Plant Discharge Piping

The current plant discharge piping comes from the high service pumps and goes out in the street in front of the plant. There are several problems with this.

- a. The piping in front of the plant is very old and is subject to breaking. Depending on which line breaks and where, this could mean shutting the entire plant down to make repairs.
- b. The valving on the discharge line is old and, in most cases, bypass valves that were installed - so that the large (24", 30") valves could be operated – have been either broken or covered up with asphalt.
- c. The 30" discharge line in front of the plant has a 24" valve in it. This was because the last time the 30" was worked on, the largest replacement valve that could be found quickly was a 24" size. This creates an area of high velocity through the 24" line, which is not good for the valve.
- d. Due to the various types of work that have been done on the valves in front of the plant, we have what we call, "the spaghetti bowl." If we have a major break, it is almost impossible to work in this area without digging all of the lines up to be sure what line we are working on.

We need to determine how this problem can be fixed and what should be done before a major problem causes us to shut the plants down.

Summary

The sustainability of the two treatment plants should be evaluated. Determination of the roles of the Conventional Plant and the Membrane Plant should be made with regard to meeting current and future treatment requirements. The modifications which have been made to the Conventional Plant should be investigated to be sure we haven't 'built in' operational problems in the future.

The evaluation should be done by a team of engineers made up of a firm that has current knowledge of the plants (KPA) and a firm that has a broad-based knowledge of design and planning for future changes in regulation (Carollo).

The Water and Sewer Master Plan dealt with the 'systems' - the pipes, tanks, and pump stations that circulate the water. The Master Plan has a \$10 million placeholder project entitled, "Water Treatment Plant – Conventional Plant Rehabilitation," in the 2010-11 fiscal year.

In my opinion, not performing this evaluation now is a mistake; we need to determine direction for the future. It makes no sense to spend large amounts on the rehab of the Conventional Plant if conventional technology cannot meet future needs. In addition, it makes no sense to expand the Membrane Plant in a manner that uses up available space and does not provide for future pumping, clear well, and chemical feed needs that will be required to meet the needs of customers in the future. The plants need to be evaluated one time, together, to determine how each can help Temple meet the needs of a growing city in the future.

TEMPLE, TX
WATER TREATMENT PLANT TREATMENT PROCESS ASSESSMENT
SCOPE OF WORK

BACKGROUND AND APPROACH

The City of Temple (City) currently operates a 29.4 MGD conventional water treatment plant (CWTP) that has been renovated or expanded several times since its original construction. In 2004, the City constructed an 11.6 MGD membrane water treatment plant (MWTP) to meet increasing water demands. However, the City has identified significant deficiencies, as noted in the attached White Paper, which could potentially result in notably decreased water production in the future if not addressed.

A preliminary analysis (to be confirmed as part of this process assessment) indicated that the plant capacity is sufficient to meet annual maximum day demands until about 2020 or 2025. Therefore the focus of this process assessment will be to develop a facilities plan for the water treatment plant (WTP) which addresses the existing deficiencies so that water quality regulations and goals can be met while considering future expansion requirements. Additional water production reliability and redundancy will be achieved by adding components so that the CWTP and MWTP can function independently.

The approach to this process assessment will be to first confirm that expansion of the plant can be delayed until after the current plant issues are addressed and corrected. (Of course future expansion consideration will be included in any facilities recommended by the process assessment). Once the current capacity issue is addressed, a process plan will be developed for both the CWTP and MWTP to meet the treatment requirements while maximizing the use of existing facilities. Implementation of this process plan will be worked out for each plant along with developing the necessary facilities to create two independent plants. Finally, both plants will be evaluated for future expansion beyond the current combined capacity to determine what course of action will provide the City with the most cost effective and operationally feasible/friendly expansion when it is required.

SCOPE OF WORK

Task 1 - Capacity Confirmation

The objective of Task 1 is to confirm the preliminary analysis which indicated plant capacity is sufficient to meet demands beyond the expected construction period needed to implement the process improvements which will result from this process assessment.

1.1 Review Historic Water Demands:

Average day and maximum day water demands will be evaluated for the last ten to fifteen years and the ratios of max:avg demands will be calculated for each year. For years when population data is available the average daily per capita demand will be calculated.

1.2 Assess Plant Capacity:

Using the maximum day per capita demands and the current plant combined capacity (CWTP and MWTP), the projected population capable of being served by the existing facilities will be calculated. If this population is not expected to be reached within eight to ten years, then expansion will not be included in the development of facilities to meet the process requirements. However, as stated in Task 7.5, the appropriate path for future expansion to meet the demands in the Region G report will be developed once the process improvements have been identified.

Deliverable: Technical Memorandum (TM) summarizing Task 1 (one page or less).

Task 2 - Raw Water Quality

The purpose of Task 2 is to assemble and analyze historic water quality data to quantify temporal fluctuations and to gain a better understanding of how the operation of Lake Belton and the Leon River may impact the water quality downstream at the City's water treatment plant intake.

2.1 Historic Raw Water Quality at WTP Intake:

Historic raw water quality data (previously collected by the City) will be reviewed and analyzed to characterize the variability and trends of key raw water quality parameters.

2.2 Historic Water Quality in Lake Belton and the Leon River:

Available water quality data collected by the Texas Clean Rivers Program for Lake Belton and the Leon River upstream of the WTP intake will be obtained and reviewed along with any water quality studies completed by other water suppliers utilizing these sources. The data will be analyzed to determine variability and seasonal impacts, including the impact of stratification in Lake Belton on key water quality parameters.

2.3 Operation Lake Belton Dam:

Historical, current, and projected operation of Lake Belton Dam water releases will be obtained from a meeting with the Corps of Engineers (COE). This information will be utilized in conjunction with water quality data gathered and analyzed in Tasks 2.1 and 2.2 to characterize the projected impacts of Lake Belton operations on water quality.

2.4 Leon River Spatial Water Quality Analysis:

Water samples will be collected and analyzed for key water quality parameters near the WTP intake, upstream of the WTP intake (location to be determined), and immediately below the Lake Belton dam to determine if the water quality deteriorates as it travels downstream from the Lake and through the plant intake. A total of five sample events are proposed to be spread seasonally as much as possible within the schedule of the Assessment. Parameters proposed for measurement include:

- Temperature

- pH
- Dissolved Oxygen
- Fe (dissolved)
- Mn (dissolved)
- Hardness
- Alkalinity
- Turbidity
- Total and Dissolved Organic Carbon
- UV₂₅₄ (Trihalomethane Precursor Surrogate)
- Ammonia

2.5 Summarize Collected Data and Estimate Future Water Quality:

The data collected in Task 2 will be summarized, reviewed, and analyzed to characterize current water quality, evaluate changes as it travels downstream, and estimate future water quality.

Conduct a staff meeting to present findings of Tasks 1 and 2. Current and project water quality will be presented.

Deliverable: TM Summarizing Task 2.

Task 3 - Regulations

The purpose of Task 3 is to review current and near future regulations to determine potential impacts on future WTP improvements.

3.1 Review Current Regulations:

Current regulations will be reviewed to ensure compliance with all those applicable to the Temple WTP.

3.2 Review Future Regulations:

Future drinking water treatment regulations will be reviewed to determine potential impacts on current and proposed treatment strategies. In addition to potential changes in the Disinfection Byproduct rules covering THMs and HAA5s, the Contaminants of Concern List 3, Unregulated Contaminant Monitoring Rule 2, Perchlorate, Total Coliform Rule and Distribution System Rule will be addressed.

3.3 Summarize Current and Future Regulations:

The information collected in Task 3 will be summarized to verify compliance with current and near future regulations.

Deliverable: TM Summarizing Task 3.

Task 4 - Treatment Requirements

The purpose of Task 4 is to determine treatment goals and to evaluate the effectiveness of potential treatment techniques towards their attainment.

4.1 Determine Treatment Goals and Identify Conceptual Treatment Techniques and Process Trains:

Treatment goals will be determined and potential treatment techniques will be developed by comparing raw water quality (data collected and analyzed in Task 2) with current and proposed regulations (information gathered in Task 3). This comparison will allow potential impacts of regulations on treatment requirements to be determined and conceptual treatment techniques and process trains to be developed. The conceptual treatment techniques and process trains will be further developed and refined in Tasks 4.2 through 4.4.

Conduct a staff meeting to establish treatment goals and develop treatment techniques that will be evaluated in subsequent tasks.

4.2 Review CWTP and MWTP Disinfection CT Studies:

The CWTP and MWTP Disinfection CT Study will be reviewed to determine the potential impacts of proposed treatment techniques on compliance with TCEQ disinfection requirements. The conceptual treatment techniques and process trains will be refined to ensure compliance with TCEQ disinfection requirements.

4.3 Laboratory Scale Treatment Studies:

Laboratory scale treatment studies will be designed and conducted to determine potential feasibility of treatment techniques identified in Tasks 4.1 and 4.2. The treatment studies will be conducted in two phases. Phase 1 will evaluate the effectiveness of different pre-oxidation strategies on dissolved Fe and Mn treatment, and Phase 2 will evaluate the impact of subsequent coagulation on TOC removal and DBP formation.

The previous coagulant evaluation work will be reviewed and expanded to develop coagulant recommendations for both plants. It is anticipated that up to three days of jar testing will be included in the expanded evaluation.

4.4 Refine Conceptual Treatment Techniques and Process Trains:

The treatment study data will be reviewed and analyzed to determine the effectiveness of each of the proposed treatment techniques with respect to meeting the treatment goals defined in Task 4.1. This analysis will further develop and refine the treatment techniques and define an optimum process train for the CWTP and one for the MWTP.

Deliverable: TM Summarizing Task 4.

Task 5 - Application of the Optimum Process Train to the CWTP

The purpose of Task 5 is to overlay the optimum process train on the existing CWTP to determine what modifications of the existing facilities are necessary to achieve the desired treatment results.

As alternatives are developed in each of the subtasks below, order of magnitude cost estimates and layouts will be developed so that alternatives can be compared and evaluated.

The structural integrity of the various basins and structures will be visually reviewed. The structural condition of facilities will be considered in their evaluation for future use. Costs of structural rehabilitation will be included as appropriate.

It is the intent of Tasks 5 and 6 to develop independent and separate facilities for the CWTP and the MWTP.

5.1 Intake and Raw Water Pumping:

The intake and raw water pumping will be examined together because they are interrelated. The effects of silt build up at the intake on turbidity and disinfection by-product precursors will be evaluated to determine whether modifications or upgrades need to be made to the intake or whether a new intake structure needs to be constructed. Concurrent with this evaluation, the potential effects of presedimentation will be considered as one option to meeting the treatment goals of the optimum treatment train.

As a part of this subtask the best approach to raw water header replacement will be evaluated. This needs to be done so that raw water pumps can be isolated for service. If a new intake or presedimentation in a channel off the river is selected, then a new raw water pump station would also be included.

The result of this subtask will be the necessary modifications to the intake and raw water pump station needed to meet the demand and quality requirements.

5.2 Raw Water Piping:

The raw water piping will be evaluated to determine whether it is capable of supplying the nominal 29.4 mgd capacity of the CWTP.

In addition, the split of both raw water feed to the clarifier basins as well as the split of sludge basin supernatant to the clarifiers will be evaluated. Potential solutions could be return of the supernatant ahead of a splitter box preceding the basins, replacing the raw water piping, or reworking the existing piping to achieve the desired goals.

5.3 Clarifiers/Flocculation:

The clarifiers, as currently configured, cannot treat 29.4 mgd on a consistent basis. Potential options to achieve the desired capacity are to add additional reactor/clarifiers or to convert the existing basins back to settling basins and add flocculation ahead of the existing basins. A consideration in the evaluation of the future use of the basins is whether the side water depth will allow them to operate effectively as reactor/clarifiers. The evaluation will also consider the requirements for meeting disinfection by-product regulations. The evaluation of the clarifiers will be completed in conjunction with subtask 5.2 since they are interrelated.

5.4 Filters:

The filters will have been upgraded by the filter rehabilitation project and will not need additional study other than confirmation of the pipe sizing around the filters and perhaps minor upgrades to some equipment. Media filtration should be capable of meeting current and future turbidity goals.

5.5 Chemical Feed:

Based on the results of subtask 4.3 the optimum locations for preoxidants and disinfection will be identified. This subtask will incorporate these locations into the CWTP along with appropriate detention times and appropriate monitoring locations.

Coagulant recommendations will also be made.

5.6 Clear Wells and High Service Pump Station:

Clearwell sizing will be evaluated for compliance with State regulations and for meeting operational needs.

The piping around and between the clearwells and high service pump station will be evaluated for integrity and for the ability to isolate individual facilities. The necessary modifications will be developed to be able to isolate and service each clear well and pump.

5.7 Discharge Piping:

The plant discharge piping will be evaluated to simplify the piping and maintain its intended function for the distribution system as well as the plant (some backwash for the filters will be supplied off this piping after the current modifications are completed).

5.8 Ancillary Facilities:

Yard piping, sludge basins, plant water, sewer systems and electrical facilities will be evaluated. Modifications will be incorporated as necessary to provide a complete functioning facility. In addition near and long term sludge disposal options for the CWTP plant will be identified and discussed to provide future direction for sludge handling and disposal.

5.9 Flow Metering and Process Monitoring and Control:

Once the plant process is complete, metering and control strategies will be developed. The locations and types of flow metering and process monitoring and control systems will be identified and summarized.

5.10 Summary and Prioritization:

Recommended modifications to the CWTP will be summarized along with the associated costs. Hydraulic profiles and process flow diagrams will also be developed to further define the improvements. The modifications will also be prioritized to aid in developing implementation plans.

Conduct a staff meeting to review potential modifications to the CWTP and confirm selection of the recommended approaches for each component of the plant. (Combined with Task 6 staff meeting.)

Council presentation (October)

Deliverable: TM Summarizing Task 5

Task 6 - Application of the Optimum Process Train to the MWTP

The purpose of Task 6 is to overlay the optimum process train (particularly with regard to preoxidation and disinfection) on the existing MWTP to determine what modifications of the existing facilities are necessary to achieve the desired treatment results.

As alternatives are developed in each of the subtasks below, order of magnitude cost estimates and layouts will be developed so that alternatives can be compared and evaluated.

It is the intent of Tasks 5 and 6 to develop independent and separate facilities for the CWTP and the MWTP.

6.1 Intake and Raw Water Pumping:

Any approaches to the intake and raw water pumps developed in subtask 5.1 applicable to the MWTP facilities will be evaluated.

6.2 Raw Water Pipe:

No study effort is anticipated.

6.3 Membrane Process:

With completion of the improvements currently under design the membrane process should be capable of meeting the intended plant capacity of 11.6 mgd, some changes to chemical addition may be necessary to meet disinfection by-product regulations.

6.4 Clear Well and High Service Pump Station:

A divided clearwell will be sized and located on the site. A high service pump station will be evaluated to serve the same distribution piping as the CWTP. Pumps would be sized to match the required capacity and system head.

6.5 Discharge Piping:

Discharge piping would be sized and located to tie into the system to maximize blending with water from the CWTP.

6.6 Ancillary Facilities:

Yard piping, recycle basins, plant water, sewer systems and electrical facilities will be evaluated. Modifications will be incorporated as necessary to provide a complete functioning facility. In addition near and long term sludge disposal options for the MWTP plant will be identified and discussed to provide future direction for sludge handling and disposal. A combined evaluation for both plants will also be included in this task.

6.7 Flow Metering and Process Monitoring and Control:

Once the plant process is complete, metering and control strategies will be developed. The locations and types of flow metering and process monitoring and control systems will be identified and summarized. The air operated valves in the MWTP will also be evaluated and a recommendation made.

6.8 Summary:

Recommended modifications to the MWTP will be summarized along with the associated costs. Hydraulic profiles and process flow diagrams will also be updated to further define the improvements.

Conduct a staff meeting to review the modification concepts for the MWTP. (Combined with the Task 5 staff meeting.)

Deliverable: TM Summarizing Task 6

Task 7 - Selected Treatment Approach

The objective of Task 7 is to further develop the process trains selected in Tasks 5 and 6. The sequencing and implementation will be determined and a CIP plan will be proposed.

7.1 Develop Chemical, Electrical and Manpower Requirements:

The chemical, electrical and manpower requirements for the plants developed in Tasks 5 and 6 will be estimated. These requirements can be used by staff for future operating budget development.

7.2 Develop a Sequence for Implementation of the Treatment Improvements :

The treatment improvements will be broken down into key construction components/elements to develop a sequence for implementing them. The sequencing will be based on the criticality/need, production demands, and plant constraints. The sequence will result in construction phases which can be spread over time to correspond to the availability of funds for construction.

7.3 Implementation:

The sequence developed in Tasks 7.1 for the plants will be presented with a schedule (bar chart) to estimate an overall time frame for each construction phase. The time frame will include design, permit, construction, and other significant time factors.

7.4 CIP Development:

A CIP plan and associated CIP implementation schedule will be developed.

Conduct a staff meeting to develop a CIP plan for the selected process train/option for both plants. The staff meeting will review the sequencing and phasing strategies developed in Task 7.

Based on the sequencing and phasing modified and approved during the staff meeting, a projected construction cost/budget and schedule will be developed for inclusion into the CIP plan along with cash flow projections.

7.5 Future Plant Expansion:

Based on the future plant capacity time line developed in Task 1, current day order of magnitude costs will be developed for alternatives for future plant expansion. The alternatives will include expansions in either of the plants or a combined expansion of both plants. A recommendation will be made for the most cost effective and operationally feasible method of expansion in the future.

Deliverable: TM Summarizing Task 7.

Task 8 - Preliminary Engineering Assessment

8.1 Compile all information/data collected in Tasks 1-7:

8.2 Write draft Preliminary Engineering Assessment:

8.3 Finalize Assessment after receiving comments from the City:

Council presentation

Workshops

Staff Meeting 1 - Capacity Confirmation and Raw Water Quality
Staff Meeting 2 - Treatment Goals and Techniques
Staff Meeting 3 - Conceptual Design Alternatives: Process Train Consolidation
Staff Meeting 4 - CWTP Modifications
Staff Meeting 5 - MWTP Expansion
Staff Meeting 6 - CIP Development

Deliverables

TM 1 - Capacity Confirmation
TM 2 - Raw Water Quality
TM 3 - Regulations
TM 4 - Treatment Requirements
TM 5 - CWTP Modifications
TM 6 - MWTP Expansion
TM 7 - Selected Treatment Approach
Draft Preliminary Engineering Assessment
Final Preliminary Engineering Assessment

Kasberg, Patrick & Associates, LP will provide assistance under Carollo's direction on the following Tasks including the associated TMs and staff meeting:

2.4 Leon River Spatial Water Quality Analysis (Sampling)
5.6 Clear Wells and HSPS
5.7 Discharge Piping
5.8 Ancillary facilities
6.3 Membrane Process
6.4 Clear Well and HSPS
6.5 Discharge Piping
6.6 Ancillary Facilities

The value of this work is estimated to be about \$37,087.

					TEMPLE, TX WTP TREATMENT PROCESS ASSESSMENT COST											
			Paul Walker	C B Hagar	Hani Michel	Wil Sarchet	Greg Pope	John Mitchell		Price	Dietzel		Total Hours	Labor Cost	ODC Cost	Total Cost
Task	Description		Review	PIC	PM	Eng I	Engr II	Engr III	Intake Cons	Word Proc	Graphics					
	Future WTP Capacity															
1.1	Review Historic Water Demands			1	2	8							11	1490		1490
1.2	Assess Plant Capacity			1	1	4					6		12	1571	300	1871
	TM 1		1	1	1	4				2			9	1213		1213
	Raw Water Quality															
2.1	Historic Quality at WTP Intake			1	2		16						19	2738		2738
2.2	Hist Qual Lake Belton, Leon River			1	2		16						19	2738		2738
2.3	Operation Lake Belton Dam			1	1		8						10	1490		1490
2.4	Leon River Spatial WQ Analysis			1	2	20	24		4				51	6882	4500	11382
2.5	Summarize and Est Future WQ	WS		8	12		24			4	8		56	8716	300	9016
	TM 2		2	2	2		8			8	8		30	3830		3830
	Regulations															
3.1	Review Current Regulatios			1	2		12						15	2216		2216
3.2	Review Future Regulations			1	2		12						15	2216		2216
3.3	Summarize Regulations			1	2		12						15	2216		2216
	TM 3		1	1	4		8			4			18	2579		2597
	Treatment Requirements															
4.1	Goals & Conceptual Process Trains	WS		10	12		30			4	8		64	9983	300	10283
4.2	Review Disinfection Studies			1	2		16						19	2738		2738
4.3	Lab Treatment Studies			8	2		56						66	9652		9652
4.4	Refine Process Trains			1	2		16						19	2738	10600	13338
	TM 4		2	2	2		8			4	8		26	3570		3570
	Application of Process Train to CWTP															
5.1	Intake & Pumping			2	4			24	16				46	9140		9140
5.2	Raw Water Piping			2	4			16					22	3860		3860
5.3	Clarifiers/ Flocculation			4	4	24							32	4304		4304
5.4	Filters			1	2			12					15	2570		2570
5.5	Chemical Feed			1	4		32						37	5234		5234
5.6	Clear Wells & HSPS			1	4			24					29	4898		4898
5.7	Discharge Piping			1	4			24					29	4898		4898
5.8	Ancillary facilities			2	8	20	16	16					62	8864		8864
5.9	Metering, Monitoring and Control			1	4	16	16	12					49	6746		6746
5.1	Summary and Prioritization	WS		10	8	16	16	24		8	16		98	14060	500	14560
	TM 5		2	2	4	4	4	8	4	8	8		44	6416		6416

[illegible]

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	
520-5900-535-26-16	100609	WTP Process Assessment	\$ 256,074			
520-0000-373-04-11		Water & Sewer Unreserved Ret Earnings			\$ 256,074	
		<i>Do Not Post</i>				
TOTAL.....			\$ 256,074		\$ 256,074	

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

To fund the professional services contract with Carollo Engineers, PC for the engineering services required to prepare a Water Treatment Plant Process Assessment. This project was approved by Council as part of the FY 2010 Capital Improvement Program as revised on November 19, 2009.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

February 18, 2010

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CAROLLO ENGINEERS, PC, OF AUSTIN, TEXAS, FOR THE ENGINEERING SERVICES REQUIRED TO PREPARE A WATER TREATMENT PLANT PROCESS ASSESSMENT, IN AN AMOUNT NOT TO EXCEED \$256,074; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City currently operates a 29.4 MGD conventional water treatment plant that has been renovated several times since its original construction – in 2004, the City constructed an 11.6 MGD membrane water treatment plant to meet increasing water demands;

Whereas, Staff has identified significant deficiencies at the plants which could potentially result in noticeably decreased water production in the future if not addressed;

Whereas, Carollo Engineers, PC, of Austin, Texas, submitted a proposal (\$256,074), for engineering services required to prepare a Water Treatment Plant Process Assessment, and the Staff recommends accepting it;

Whereas, funds are available for this project but an amendment to the FY 2009-2010 budget need to be approved to transfer the funds to the appropriate expenditure account; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a professional services agreement, for a cost not to exceed \$256,074, with Carollo Engineers, PC, of Austin, Texas, after approval as to form by the City Attorney, for the engineering services required to prepare a Water Treatment Plant Process Assessment.

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 **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

02/18/10
Item #6(G)
Consent Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Kim Foutz, City Manager's Office

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with TBG Partners Inc. of Dallas for development of a form based code/overlay ordinance for the Temple Medical and Education District, in an amount not to exceed \$36,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Over the past two years, the Temple Medical and Education District (TMED) Coordinating Group has worked with staff and TBG Partners to develop a concept and framework plan for the District. In order to see this plan come into fruition, development standards must be created and implemented.

These standards will come in the format of a form based code, an ordinance that is similar to an overlay. Due to the variety of existing conditions in the TMED, the code will provide different standards for each distinct area: the major corporate and institutional campuses, First Street corridor, and the west campus area (developed and undeveloped area between South 5th Street, the Loop, and Scott and White Hospital).

Elements of the code will include allowable uses, broad architectural design, site layout, signage, landscaping and other design control to ensure adequate information to guide the design, quality, and value for the area. (See Section B of the contract for details). Deliverables include 10 hard copies of the ordinance along with a digital version.

FISCAL IMPACT: Funding is not to exceed \$36,000 including travel and reimbursable expenditures. This item is funded with account #110-1700-519-2616, Planning Department Professional Services.

ATTACHMENTS:

[Contract](#)

[Exhibit "A" – Ordinance boundary \(map\)](#)

[Resolution](#)



November 11, 2009
Revised December 2, 2009
Revised January 28, 2010
Revised February 05, 2010
Revised February 10, 2010

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

CC: Ms. Kim Foutz

Re: City of Temple – TMED Form Based Code
Temple, Texas
TBG Project #D09577

Dear Mr. Blackburn:

The Broussard Group, dba TBG Partners (TBG) is pleased to submit this proposal for professional services in connection with the project referenced above. This agreement is by and between TBG (Consultant) and The City of Temple (Client), Temple, Texas.

SCOPE OF SERVICES

TBG will provide professional services for the development of a municipal zoning ordinance/form based code for TMED within the city's boundaries that will help establish design control and owner compliance within the area described herein. The project location will begin at the northern end of Temple College and proceed north to Avenue M and extend on both sides on First Street for the depth of two blocks. The project will also include Scott and White, Veteran Hospital and Temple College as one transect area, lastly the area between Temple College and Scott and White will be included, refer to exhibit A.

FORM BASED CODE AND ORDINANCE

- A. A comprehensive municipal zoning ordinance/form based code will be prepared to address the future growth within TMED. With the anticipated re-development with TMED (Temple Medical Educational District), this area will need new design and development controls. This document will create transect zones and regulate new allowable uses, architectural control, site layout, signage, landscape and other design control within the project area and will also include text and graphics which will

guide the desired design concepts for these areas. The intent is not to provide final design solutions but to provide adequate information to guide the design, ensure establishment of quality, and create value while generating definable standards that the city can enforce.

- B. The ordinance will establish regulations governing major sections, as listed below, but subject to change. Each section will contain text and graphics suitable for depicting the requirements with the regulations.
 1. Introduction
 2. General purpose and description
 3. Boundary
 4. Transect zones
 5. General requirements
 6. Permitted uses and Density
 7. Prohibited uses
 8. Vehicular lane dimensions and parking assemblies
 9. Public realm – area between the private lot and curb
 10. Landscaping and Site Requirements
 11. Building configuration and disposition
 12. Parking locations and calculations
 13. Exterior appearance of building and structures
 14. Screening of utilities
 15. Placement of utilities
 16. Pedestrian and vehicular connections
 17. Setbacks
 18. Design review
 19. Definitions
 20. Appendix
- C. Meetings with the Client, other project consultants, and public agencies/officials, during the course of work above, for understanding and coordination, will be limited to seven (7) meetings. These meetings will consist of multiple assemblies to facilitate meetings with city staff, RZ (Re-investment Zone) board members, TMED Coordinating Group and stakeholder groups. Additional meetings will be considered as additional services, as indicated elsewhere in this agreement. Preliminary meeting agenda would be as followed:
 1. Kick-Off Meeting with TMED Coordinating Group and City Staff
 2. Design Informational meeting with stakeholders.
 3. Design workshop with TMED Coordinating Group and City Staff
 4. Form Based Code Review meeting with stakeholders.
 5. Final review of Code to TMED Coordination Group and City Staff
 6. Present to Planning and Zoning
 7. Present to City Council

D. The final Form Based Code will be delivered in an 8.5x11 format, spiral bound with front and back covers. Ten (10) hardcopies and one PDF, digital version will be delivered for the clients use.

EXCLUSIONS TO SCOPE OF SERVICES

The Client will provide the following information or services as required for performance of the work. Should TBG be required to provide services in obtaining or coordinating compilation of this information, such services will be charged as additional services. TBG assumes no responsibility for the accuracy of such information or services and may rely on the accuracy of such information but will not be liable for error or omissions therein.

- A. Topography and boundary surveys in digital format will be provided by the city's GIS department
- B. Legal descriptions of property
- C. Soils investigations and/or engineering
- D. Existing site engineering and utility base information
- E. Site environmental information required for planning processing
- F. Economic or market analyses
- G. Overhead aerial photographs at controlled scale

COMPENSATION

Services described above will be provided on an hourly basis and will not exceed **\$36,000** without prior written authorization from the Client. These services will be provided in accordance with the terms and conditions, attached hereto. A proposed task/fee matrix is attached as Exhibit B for an estimated man hour schedule. Fees for professional services and reimbursable costs will be billed monthly. Accounts are payable net 30 days from the date of invoice at our office in Austin, Texas. Reimbursable expenses, as described below, have been included in the overall compensation.

REIMBURSABLES

The following costs shall be reimbursed at cost plus ten percent and are included in the fee for professional services:

- A. Cost of copies for drawings, specifications, reports, cost estimates, xerography and photographic reproduction of drawings and other documents furnished or prepared in connection with the work of this contract
- B. Travel associated with the project, including, but not limited to, mileage (\$0.55/mile), airfare, automobile rental, hotel and meals
- C. Cost of postage and shipping expenses other than first class mail
- D. Long-distance telephone and facsimile charges
- E. Photographic services, film and processing
- F. Cost of digital scanning
- G. Cost of printing for small and large format plots black and white as well as color plots

- H. Cost of models, special renderings, promotional photography, special process printing, special equipment, special printed reports or publications, maps and documents approved in advance by the Client
- I. Fees for additional consultants retained with the approval of the Client

CLIENT RESPONSIBILITIES

- A. The Client will provide surveys, record drawings, geotechnical investigations and/or other such investigations that TBG may request to properly execute the work.
- B. The Client will review and provide comments on drawings and outline criteria provided by TBG.
- C. The following engineering tasks are being performed by the Client's consultants, if required:
 - 1. Civil engineering of roads
 - 2. MEP for site lighting/electrical
 - 3. Structural engineering for flatwork, walls and structural (if any)
 - 4. Environmental assessment and entitlement submittals

If this proposal meets your approval, please sign below and return one copy for our files. Please do not hesitate to call if you have any questions or need additional information. We look forward to the opportunity of working with you.

Sincerely,



Mark T. Meyer
Principal

APPROVED:

BY: City of Temple

DATE

The Texas Board of Architectural Examiners, 333 Guadalupe, Suite 2-350, Austin, Texas 78701, telephone (512) 305-9000, has jurisdiction over individuals licensed under the Architects Registration Law, Article 249.a, and the Landscape Architects Registration Law, Article 249.c, Vernon's Texas Civil Statutes.

Proposal copyright ©2009 by TBG Partners. No portion of this proposal may be copied or distributed without the written permission of TBG Partners.

CONTRACT TERMS AND CONDITIONS

A. Effective Date Payment

This agreement shall become effective upon its execution by client or when client provides written authorization to TBG to begin its work.

B. Standard of Care

TBG will perform its services in accordance with the standard of care expected of urban planners doing projects of similar scope in the State of Texas. In performing these services, TBG cannot ensure perfection and therefore does not make any warranties, either expressed or implied, as to the quality of its services or of its drawings. To the extent that TBG is relying upon documents supplied to it by the owner or the owner's consultants, it shall be entitled to rely upon the accuracy of those documents in preparing its drawings.

C. Parties to this Agreement

This is a professional services agreement which TBG is entering into for the exclusive benefit of the client. There are no intended third-party beneficiaries of the agreement, and both TBG and client agree not to assign this agreement or any causes of action which arise under it without the express consent of the other party.

D. Statements and Payment

Fees for professional services and reimbursable expenses will be invoiced to the client monthly based on the percentage of the work completed for each task. A task-by-task description of work performed will be submitted with each invoice at client's request. TBG reserves the right to suspend services in the event that invoices exceeding a total amount of \$5,000 remain unpaid for more than thirty (30) days.

E. Termination

The client may terminate this agreement upon written notice to TBG, in which event client shall compensate TBG for all work performed by TBG prior to termination.

TBG may terminate this agreement upon ten (10) days' written notice to owner after the occurrence of any of the following:

1. The client's failure to pay TBG's invoices within thirty (30) days;
2. Suspension of the project for more than sixty (60) days;
3. The client's material default of any terms of this agreement; or
4. The client's failure to execute this agreement.

F. Risk Allocation

TBG will be responsible only for its own work and not for defects in the work designed or built by others. TBG will not be responsible for consequential damages either to the client or to other members of the construction team, including without limitation damages for delay or for construction inefficiencies for any cause whatsoever; In no event shall TBG be liable for damages to the client, assignees, the contractor or its subcontractors for any claims or damages in excess of the amount of the fees paid to TBG by the client.

G. Dispute Resolution

As a condition precedent to either client or TBG's filing of any claim in litigation, the President of TBG and the client shall meet within thirty (30) days of a request by either party to attempt to resolve the

dispute. TBG will not be required to participate in any mediation or arbitration proceeding with any parties other than the client without TBG's consent. In the event of a dispute, neither TBG nor client shall be entitled to the award of attorneys' fees. Venue for any dispute arising out of the services provided by TBG under this agreement shall be in the District Court of Bell County, Texas. Any applicable statute of limitations shall commence to run and any cause of action shall be deemed to have accrued not later than the date of substantial completion of the project on which TBG's services are provided.

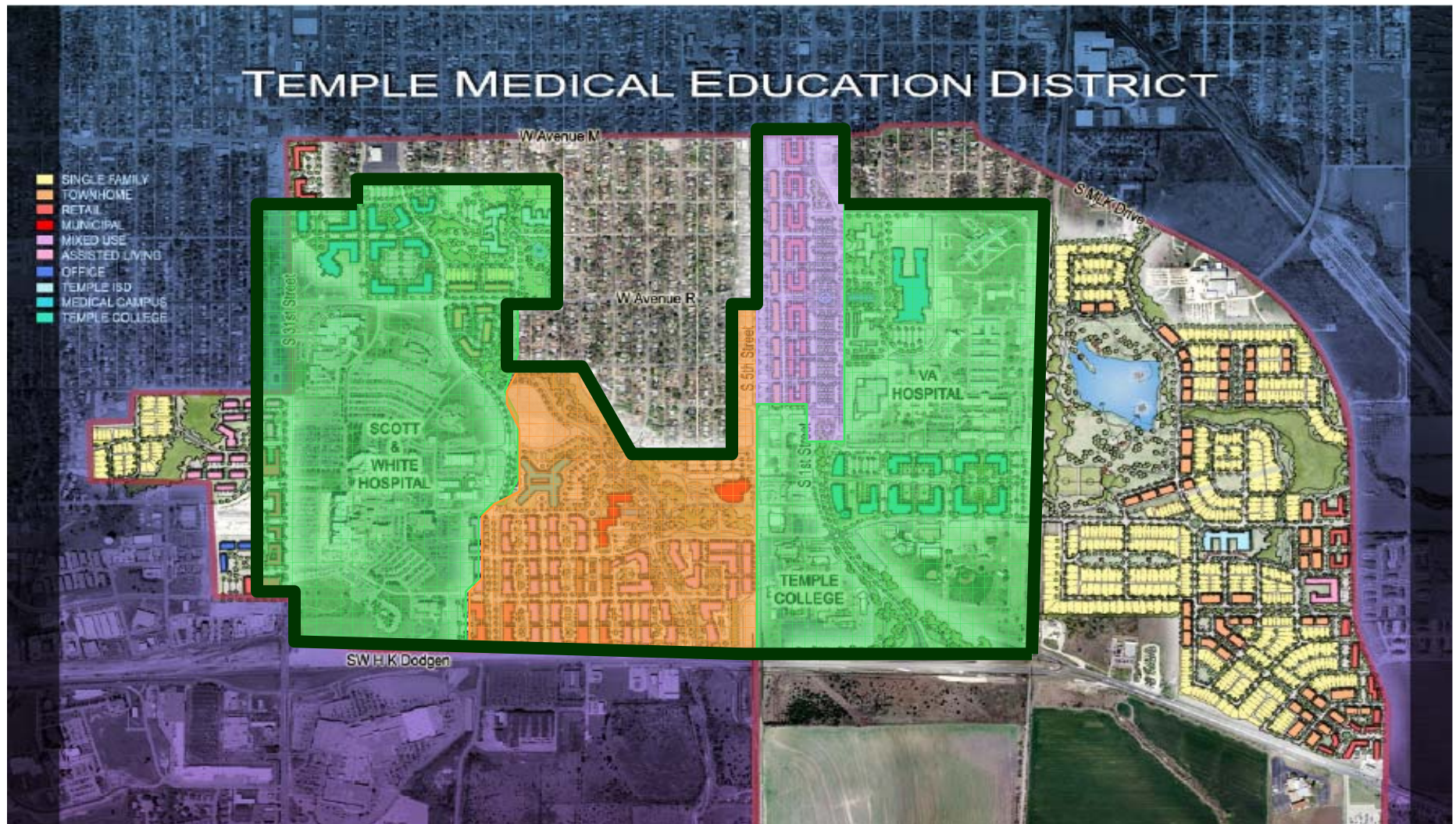
H. Additional Services

Additional services are services that may be needed by the client, but which are not included in the basic services. Additional services will be provided only with prior approval of the client, and include but are not limited to the following:

1. Preparation and presentation of graphic exhibits other than those described in the basic scope of services.

TMED Overlay Boundary & Transect Map

Exhibit "A"



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH TBG PARTNERS, INC., OF DALLAS, TEXAS, FOR DEVELOPMENT OF A FORM BASED CODE/OVERLAY ORDINANCE FOR THE TEMPLE MEDICAL EDUCATION DISTRICT, IN AN AMOUNT NOT TO EXCEED \$36,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, over the past 2 years, the Temple Medical Education District (TMED) Coordinating Group has worked with Staff and TBG Partners, Inc., to develop a concept and framework plan for the District – in order to see this plan come into fruition, development standards must be created and implemented;

Whereas, these standards will come in the format of a form based code, an ordinance which is similar to an overlay – due to the variety of existing conditions in the TMED district, the code will provide different standards for each distinct area; elements of the code will include allowable uses, broad architectural design, site layout, signage, landscaping and other design control to ensure adequate information to guide the design, quality, and value for the area;

Whereas, the Staff recommends entering into a professional services agreement the TBG Partners, Inc., for development of the form based code/overlay ordinance, for an amount not to exceed \$36,000;

Whereas, funds are available for this project in Account No. 110-1700-519-2616; 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 with TBG Partners, Inc., of Dallas, Texas, after approval as to form by the City Attorney, for development of a form code/overlay ordinance for the Temple Medical Education District, in an amount not to exceed \$36,000.

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 **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

02/18/10
Item #6(H)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick, and Associates of Temple for engineering services required to perform preliminary engineering of the 18" Charter Oak Waterline Replacement Project (from WTP to Loop 363), in an amount not to exceed \$73,385 and declaring an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Over the past several years, one of the primary water transmission mains that provide water directly to the City from the Water Treatment Plant has shown severe signs of deterioration and aging. This waterline is estimated to be over 70 years old, and is made of cast iron pipe. The transmission main is the primary artery for the system and routes water northward, generally along the I-35 corridor, toward the ground storage tanks at the intersection of Avenue G and 31st Street.

As this pipe ages and line breaks occur, multiple maintenance crews are called in to fix the main requiring substantial effort, many times installing clamps next to clamps to hold the piping together. In addition, repairs to this critical main disrupt plant operations, sometimes resulting in significant shutdowns of the plant until repairs are made. In addition to the normal pipe aging process, this particular section of main experiences daily surges as the high service pump station at the plant cycles on and off throughout the day. Customers still receiving service off this waterline are impacted when leaks occur, and need to be removed altogether from this transmission main. To address this concern, this project will also expand the 720 pressure plane by extending additional distribution mains into the area, thereby removing these customers from the aging system and providing new infrastructure along Charter Oak to function solely as a transmission main, resulting in a more reliable water supply for the City.

The objective of this preliminary engineering phase of the project is to determine an alignment for both the transmission and distribution mains to accomplish the project's intended goals. In order to complete this task, preliminary engineering will include specific tasks as shown on the attached

proposal. Once complete, an amendment for final design and construction services will be brought forward for project implementation.

The proposed timeline for preliminary engineering work is 6 - 9 months. Per the attachment, specific tasks are broken down as follows:

Task 1	Data Collection and Identification of Rights of Way	\$ 5,345
Task 2	Verification of Existing Utilities	\$ 16,410
Task 3	Identify/Confirm Service Connections	\$ 5,790
Task 4	Preliminary Design	\$ 34,990
Task 5	Prepare Opinions of Probable Cost	\$ 3,580
Task 6	Prepare Design/Construction Schedule	\$ 1,680
Task 7	Prepare Letter Report	\$ 5,590
TOTAL		<u>\$ 73,385</u>

The total anticipated project cost is approximately \$4.75 million dollars. Once preliminary engineering is complete, an updated construction cost estimate and engineering contract amendment will be brought to Council for final design of the facility. The City has used KPA for numerous projects and has an excellent relationship with the firm.

FISCAL IMPACT. Funding in the amount of \$4,750,000 is designated for the 18" Charter Oak Waterline Replacement project in the proposed 2010 Utility Revenue Bond Issue. Initially, funding for this contract will come from funding available from the 2008 Utility Revenue Bonds in account 561-5200-535-6939, project # 100608, with an intent to reimburse the 2008 Utility Revenue Bonds from the proposed 2010 Utility Revenue Bond Issue. The engineering cost related to this project totals \$73,385.

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

ATTACHMENTS:

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

**KASBERG, PATRICK & ASSOCIATES, LP**

CONSULTING ENGINEERS

Texas Firm F-510

RICK N. KASBERG, P.E.

R. DAVID PATRICK, P.E., C.F.M.

THOMAS D. VALLE, P.E.

Temple
One South Main Street
Temple, Texas 76501
(254) 773-3731

Georgetown
3613 Williams Drive, Suite 406
Georgetown, Texas 78628
(512) 819-9478

January 11, 2010

Mrs. Nicole Torralva, P.E.
Assistant Director of Public Works - Operations
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple
Preliminary Design of Transmission Main From Water Plant to Loop 363

Dear Mrs. Torralva:

This letter proposal is in response to your request for our services required to perform preliminary engineering of the transmission main from the water plant to Loop 363, including elimination of service connections on the existing 18" Water Line. The project is shown on the attached Exhibit A. Replacement of the Existing 18" Water Line is outlined in the Water Master Plan and will provide a more reliable water supply for the City.

Generally, the preliminary engineering for the Transmission Main will consist of verification of existing utilities, determination of existing connections to be removed, recommended alignments for the transmission main and distribution lines, construction schedule and opinions of probable cost. The specific tasks are detailed in Attachment B - Scope of Services, and are generalized with their respective cost as follows:

Transmission Main From Water Plant to Loop 363

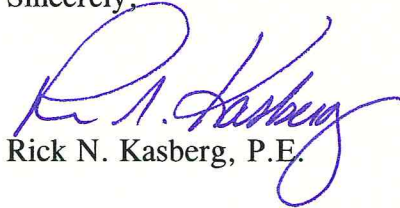
Task 1	- Data Collection and Identification of Rights of Way	\$	5,345.00
Task 2	- Verification of Existing Utilities	\$	16,410.00
Task 3	- Identify/Confirm service connections to Existing 18" Transmission Lines	\$	5,790.00
Task 4	- Preliminary Design of Transmission Line and 720 Zone Improvements	\$	34,990.00
Task 5	- Prepare Opinions of Probable Cost	\$	3,580.00
Task 6	- Prepare Design/Construction Schedule	\$	1,680.00
Task 7	- Prepare Letter Report	\$	5,590.00
Total Preliminary Design		\$	73,385.00

Mrs. Nicole Torralva, P.E.
January 11, 2010
Page Two

The charges for our services will be a lump sum amount of \$ 73,385. Attachment C outlines rates which would be used to charge for special or additional services authorized beyond the scope as described in this proposal.

KPA will begin work once a written notice to proceed is issued by the City. We are available to address any questions or comments that you may have about this proposal. As always, we look forward to working with you on the project and to the enhancement that it will bring to the City of Temple.

Sincerely,



Rick N. Kasberg, P.E.

RNK/crc

ATTACHMENT B – SCOPE OF SERVICES

CITY OF TEMPLE, TEXAS

PRELIMINARY DESIGN of

TRANSMISSION MAIN FROM WATER PLANT TO LOOP 363

BACKGROUND

In order to provide for more reliable water supply, the City of Temple Water Master Plan proposes replacement of the existing 18" transmission main from the water plant to Loop 363. Further, remaining connections on the transmission main will be eliminated with construction of additional distribution lines in the 720 Zone.

SCOPE OF SERVICES

Task 1 – Data Collection and Identification of Rights of Way

- 1.1 Identify Existing ROW limits and ownership, including TxDOT and Railroad
- 1.2 Identify adjacent property owners
- 1.3 Obtain Record Drawings of Existing Water Lines and Dry Utilities
- 1.4 Obtain Plans for Future TxDOT Direct Connect of I-35 to Loop 363

Task 2 – Verification of Existing Utilities

- 2.1 Identify Existing 30"/18"/18" Water Line alignment
- 2.2 Determine sequence of construction of Existing 30"/18"/18" Water Lines, pipe materials, abandonment
- 2.3 Determine/document location of sewer and dry utilities
- 2.4 Field verify existing water line locations/coordination of potholing efforts and vac truck
- 2.5 Confirm section(s) of abandoned 18" Water Line – Sounding

Deliverable: Constraints Map

Task 3 – Identify/Confirm service connections to Existing 18” Transmission Lines

- 3.1 Identify major 18” Water Line connections to be removed/replaced/relocated
- 3.2 Meet with city staff to identify existing distribution lines fed from the two parallel 18” Water Lines, services connected to 18” Water Lines, services on water plant fire line, etc.

Deliverable: Exhibit illustrating known connections/services

Task 4 – Preliminary Design of Transmission Line and 720 Zone Improvements

- 4.1 Perform hydraulic analysis to determine equivalent pipe diameter
- 4.2 Meet with TxDOT, Railroad and Bell County to obtain alignment/permit criteria
- 4.3 Prepare 720 Zone distribution line(s) preliminary alignments
- 4.4 Prepare Transmission Main preliminary alignment
- 4.5 Meet with TxDOT to review alignments
- 4.6 Meet with Bell County to review alignments
- 4.7 Incorporate comments
- 4.8 Meet with city staff to review alignments
- 4.9 Incorporate comments
- 4.10 Determine temporary and permanent easement requirements

Deliverable: Exhibits illustrating preferred alignments for the transmission main and distribution lines.

Task 5 – Prepare Opinions of Probable Cost

Task 6 – Prepare Design/Construction Schedule

Task 7 – Prepare Letter Report

- 7.1 Review recommended alignments and opinions of probable cost with city staff
- 7.2 Provide copies of draft report
- 7.3 Incorporate City comments as appropriate
- 7.4 Provide Preliminary Engineering Letter Report

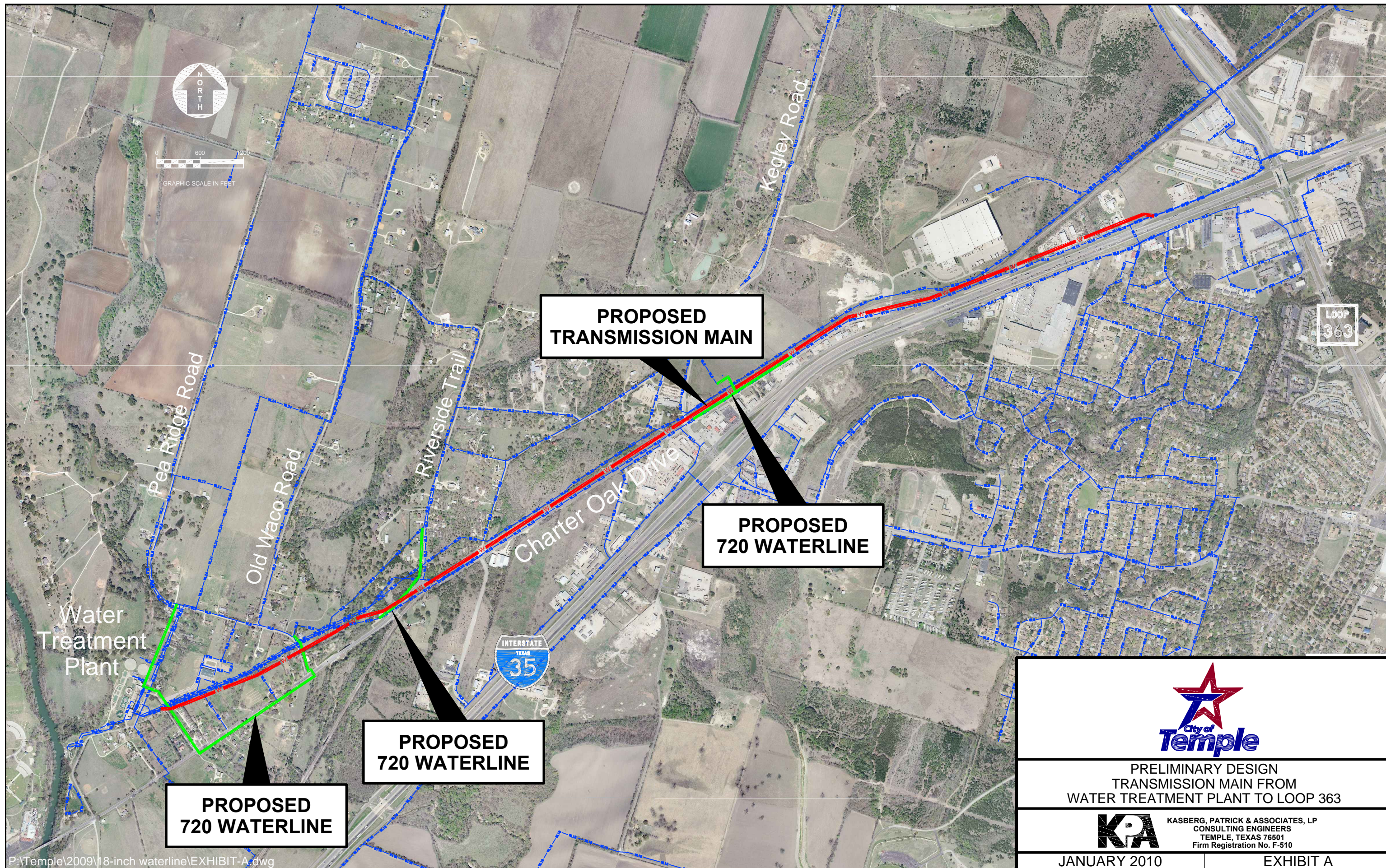
Deliverable: Letter Report and Final Exhibits

ATTACHMENT C

Charges for Additional Services

City of Temple Preliminary Design of Transmission Main From Water Plant to Loop 363

<u>POSITION</u>	<u>MULTIPLIER</u>	<u>SALARY COST/RATES</u>
Principal	2.4	\$ 60.00 – 80.00/hour
Project Manager	2.4	45.00 – 58.00/hour
Project Engineer	2.4	40.00 – 45.00/hour
Engineer-in-Training	2.4	32.00 – 40.00/hour
Engineering Technician	2.4	22.00 – 40.00/hour
CAD Technician	2.4	18.00 – 40.00/hour
Clerical	2.4	13.00 – 25.00/hour
Expenses	1.1	actual cost
Computer	1.0	15.00/hour
Survey Crew	1.1	95.00 – 120.00/hour
Registered Public Surveyor	1.0	110.00/hour
On-Site Representative	2.1	30.00 – 40.00/hour



**PROPOSED
TRANSMISSION MAIN**

**PROPOSED
720 WATERLINE**

**PROPOSED
720 WATERLINE**

**PROPOSED
720 WATERLINE**

	
PRELIMINARY DESIGN TRANSMISSION MAIN FROM WATER TREATMENT PLANT TO LOOP 363	
 KASBERG, PATRICK & ASSOCIATES, LP CONSULTING ENGINEERS TEMPLE, TEXAS 76501 Firm Registration No. F-510	
JANUARY 2010	EXHIBIT A

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK AND ASSOCIATES, LP (KPA), FOR ENGINEERING SERVICES REQUIRED TO PERFORM PRELIMINARY ENGINEERING OF THE 18-INCH CHARTER OAK WATERLINE REPLACEMENT PROJECT (FROM THE WATER TREATMENT PLANT TO LOOP 363), IN AN AMOUNT NOT TO EXCEED \$73,385; DECLARING OFFICIAL INTENT TO REIMBURSE THIS EXPENDITURE MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS FOR THIS PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Staff recommends entering into an agreement with Kasberg, Patrick & Associates, LP, for preliminary engineering of the 18-inch Charter Oak Waterline Replacement Project (from the Water Treatment Plant to Loop 363);

Whereas, Kasberg, Patrick and Associates, LP, submitted a proposal (\$73,385) and the staff recommends accepting it;

Whereas, funding is designated for the 18-inch Charter Oak Waterline Replacement project in the proposed 2010 Utility Revenue Bond Issue – funding for this contract will come from funding available from the 2008 Utility Revenue Bonds in Account No. 561-5200-535-6939, project # 100608, with an intent to reimburse the 2008 Utility Revenue Bonds from the proposed 2010 Utility Revenue Bond issue;

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

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

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

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

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

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a Professional Services Agreement, not to exceed \$73,385, between the City of Temple, Texas, and Kasberg, Patrick & Associates, LP, after approval as to form by the City Attorney, for preliminary engineering of the 18-inch Charter Oak Waterline Replacement Project (from the Water Treatment Plant to Loop 363).

Part 2: The findings, determinations and certifications contained in the preamble hereof are incorporated herein for all purposes.

Part 3: This Resolution is a declaration of official intent under Section 1.150.2 of the Treasury Regulations by the City that it reasonably expects to reimburse the expenditures described in Part 4 with proceeds of debt to be incurred by the City, such debt to be issued on or before eighteen (18) months after the date of (i) the date the first expenditure is paid; or (ii) the date on which the property is placed in service, but in no event three years after the first expenditure is paid.

Part 4: The following is a general functional description of the Project for which the expenditures to be reimbursed are paid and a statement of the maximum principal amount of debt expected to be issued for the purpose of paying the costs of the Project.

Project Description

Debt To Be Issued

Preliminary engineering of the 18-inch
Charter Oak Waterline Replacement Project
(from the Water Treatment Plant to Loop 363)

\$73,385

Part 5: The expenditures described in Part 4 is a capital expenditure under general Federal income tax principles or a cost of issuance.

Part 6: Except for the proceeds of the Obligations, no funds are, or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside by the City or by any member of the same controlled group to pay for the expenditures described in Part 4.

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

PASSED AND APPROVED on this 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

02/18/10
Item #6(I)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Bell Contractors of Belton for the emergency replacement of a 12" sewer line in the area of North 20th Street and East Downs Avenue in the amount of \$40,204.82.

STAFF RECOMMENDATION: Adopt resolution as presented in item description

ITEM SUMMARY: Over the past week, utility maintenance crews have responded to problematic sewer stoppages in the vicinity of North 20th Street and East Downs Avenue. After excavating parts of the sewer line, utility crews have found substantial roots and missing pipe, indicating severe deterioration of the main. Due to concerns of pipe depth and large diameter trees on top of the sewer line, crews were unable to relieve the stoppage. Utility crews were able to break the existing 12" clay tile pipe and pumps are currently by-pass pumping the wastewater around the blockage to a secondary manhole downstream.

Due to the many homes tied into the 12" sewer line, the Public Works Department has determined that this situation is now deemed a health hazard. As a result of the urgent nature of the project, Bell Contractors was asked to complete the work as they have the necessary material and equipment on hand to respond immediately.

Staff authorized this work as an emergency and notice to proceed was issued on Tuesday, February 9, 2010. The project is expected to be totally complete, to include clean-up, by the end of March 2010.

FISCAL IMPACT: A budget adjustment is presented for Council's approval reallocating project savings in the amount of \$16,389 and appropriating \$23,816 of contingency within the Sewer Departmental budget to account 520-5400-535-6361, project # 100610 to fund the emergency sewer line replacement.

ATTACHMENTS:

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



Bell Contractors, Inc.

3082 West Hwy. 190 . Belton, Texas 76513 . Phone (254)939-3509 . FAX (254)939-3500

February 8, 2010

Thomas Brown
City of Temple
32210 East Ave H, Bldg A
Temple, Texas 76501

Bid proposal for Emergency 12" sewer replacement @ 20th and Downs in Temple, Texas.

Unit #	Description	Quantity	Unit	Unit Price	Amount
I	Sanitary Sewer			\$	40,204.82
II	Other			\$	-
Total				\$	40,204.82

Exclusions:

All Fees and Permits
Engineering for Line and Grade
Soil Erosion Control
Soils Testing

Thank you for the opportunity to quote this project.

Sincerely,

Jay Pearson
Estimator / Project Manager
Bell Contractors, Inc.



Bell Contractors, Inc.

3082 West Hwy. 190 . Belton, Texas 76513 . Phone (254)939-3509 . FAX (254)939-3500

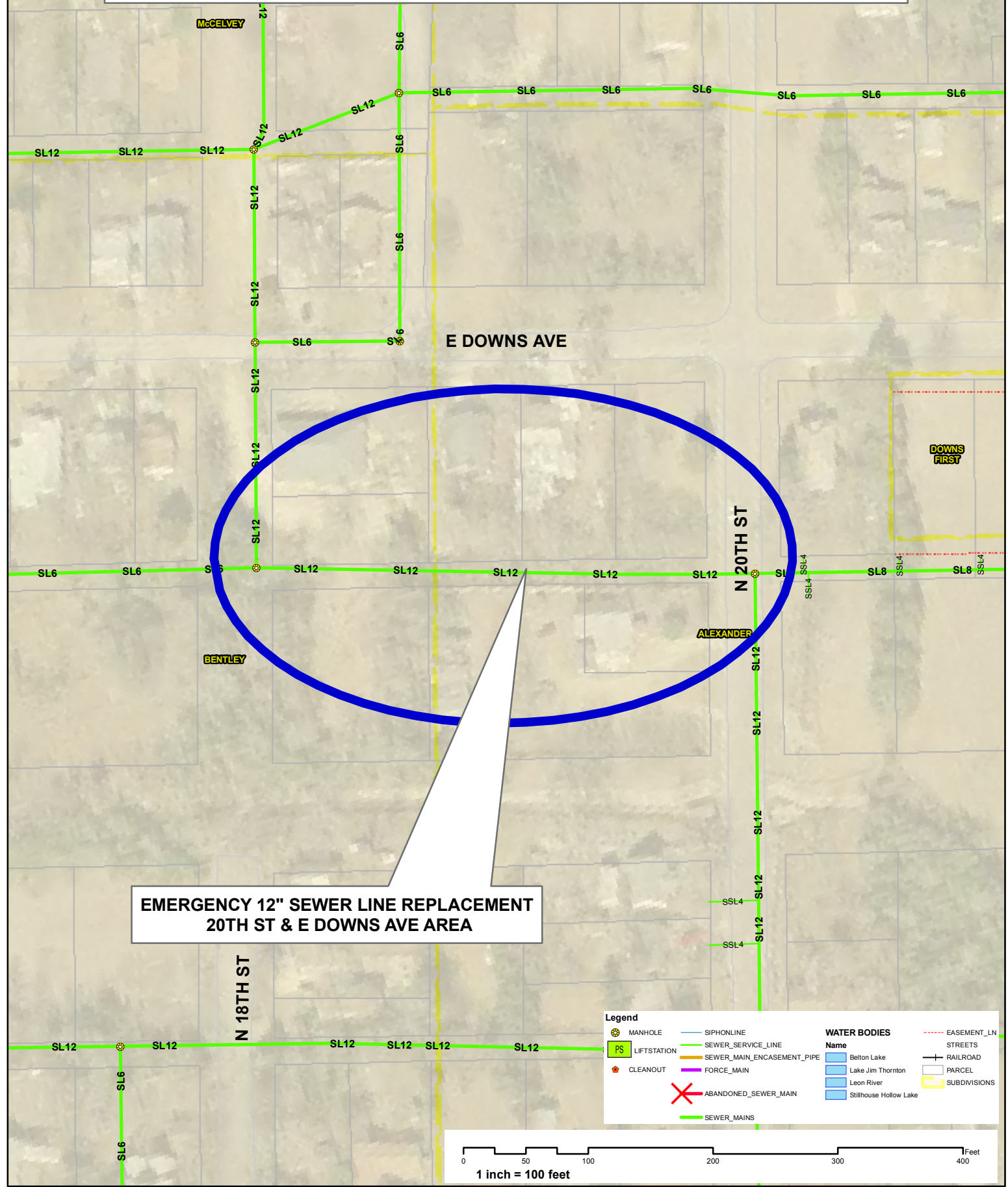
February 8, 2010

Thomas Brown
City of Temple
32210 East Ave H, Bldg A
Temple, Texas 76501

Bid proposal for Emergency 12" sewer replacement @ 20th and Downs in Temple, Texas.

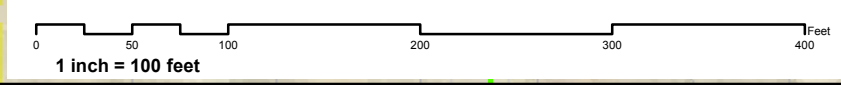
Unit #	Description	Quantity	Unit	Unit Price	Amount
I	Sanitary Sewer				
	1 Mobilization and Insurance	1	LS		
	2 Site prep and Restoration to Include Tree Removal	350	LF		
	3 12" SDR 26 By Open cut @ 12' Depth	350	LF		
	4 48" Eccentric Manhole w/32" R&C @ 13' Depth	1	EA		
	5 Tie into existing 12" Sewer Main	1	EA		
	6 Hauloff and Disposal of old Clay pipe Materials	350	LF		
	7 Base Backfill under Street	24	LF		
	8 HMAC Replacement	8	SY		
	9 Service Connections	6	EA		
	10				
II	Other				
	1				
	2				
	3				

EMERGENCY 12" SEWER LINE REPLACEMENT 20TH ST & E DOWNS AVE



EMERGENCY 12" SEWER LINE REPLACEMENT
20TH ST & E DOWNS AVE AREA

Legend		WATER BODIES	
MANHOLE	SIPHONLINE	Name	EASEMENT_LN
LIFTSTATION	SEWER_SERVICE_LINE	Belton Lake	STREETS
CLEANOUT	SEWER_MAIN_ENCASEMENT_PIPE	Lake Jim Thornton	RAILROAD
ABANDONED_SEWER_MAIN	FORCE_MAIN	Leon River	PARCEL
	SEWER_MAINS	Stillhouse Hollow Lake	SUBDIVISIONS



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	
520-5400-535-63-61	100610	Sewer Line Rpl- Emergency @ Downs	40,205			
520-5400-535-63-61	100319	Sewer Line Rpl-Along Ave L			4,929	
520-5400-535-63-61	100320	Sewer Line Rpl-Ave P to M			5,438	
520-5400-535-63-61	100321	Sewer Line Rpl- Along Antelope			6,022	
520-5400-535-65-32		Contingency			23,816	
TOTAL.....			\$ 40,205		\$ 40,205	

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

To reallocate project savings and contingency to fund a construction contract with Bell Contractors for the emergency replacement of a 12" sewer line in the area of N 20th Street and E Downs Avenue.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

February 18, 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 CONSTRUCTION CONTRACT WITH BELL CONTRACTORS, INC., OF BELTON, TEXAS, IN THE AMOUNT OF \$40,204.82, FOR THE EMERGENCY REPLACEMENT OF A 12-INCH SEWER LINE IN THE AREA OF NORTH 20TH STREET AND EAST DOWNS AVENUE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, over the past week, utility maintenance crews have responded to problematic sewer stoppages in the vicinity of North 20th Street and East Downs Avenue – utility crews have found severe deterioration of the main and are currently by-pass pumping the wastewater around the blockage to a secondary manhole;

Whereas, due to the many homes tied to the 12-inch sewer line, the Public Works Department has determined that this situation is now deemed a health hazard, and as a result of the urgent nature of the project, Bell Contractors, Inc., of Belton, Texas, was asked to complete the work as they have the necessary material and equipment on hand to respond immediately;

Whereas, the cost of this project will not exceed \$40,204.82 and the project is expected to be totally complete to include clean-up by the end of March, 2010;

Whereas, funds are available for this project but an amendment to the FY 2009-2010 budget needs to be approved to transfer the funds to the appropriate expenditure account;

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a construction contract, not to exceed \$40,204.82, between the City of Temple, Texas, and Bell Contractors, Inc., of Belton, Texas, after approval as to form by the City Attorney, for the emergency replacement of a 12-inch sewer line in the area of North 20th Street and East Downs Avenue.

Part 2: The City Council authorizes an amendment to the FY 2009-2010 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 **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

02/18/10
Item #6(J)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with Rexel Electrical and Data Com of Temple for the purchase of Flow Meter Differential Transmitters and Manifolds for the Water Treatment Plant in the amount of \$35,640.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: To maintain TCEQ's regulatory requirements related to water system accountability, flows to the distribution system must be monitored. Many of these units, at both the conventional and membrane plants, are obsolete. As a result, City staff prepared plans and specifications for the purchase of twelve new transmitters located at both water plants.

On February 2, 2010, two bids were received for this project. Per the attached bid tabulation, Rexel Electrical and Data Com submitted the low bid on the project in the amount of \$35,640.00. This equipment will be installed by City of Temple personnel.

FISCAL IMPACT: Funding in the amount of \$70,000 is appropriated in account 520-5100-535-63-10, project #100569, for the purchase of these differential flow meters.

ATTACHMENTS:

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

Tabulation of Bids Received
on February 2, 2010 at 2:00 p.m.
Differential Flow Meters with Compatible Manifolds

		BIDDERS			
		Rexel Electrical and Data Com Temple, Texas		Pall Corp Cortland, NY	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price
Rosemount differential flow meters	12	\$2,410.00	\$28,920.00	\$3,980.34	\$47,764.08
Rosemount manifold	12	\$560.00	\$6,720.00		
Total		\$35,640.00		\$47,764.08	
Delivery		Yes		No	
Local Preference		Yes		No	
Exceptions?		None		None	
Credit Check Authorization		No		Yes	

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

Belinda Mattke

Belinda Mattke, Director of Purchasing

2-Feb-10

Date

***Note: Shaded bid is recommended
for Council approval.***

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH REXEL ELECTRICAL AND DATA COM OF TEMPLE, TEXAS, FOR THE PURCHASE OF FLOW METER DIFFERENTIAL TRANSMITTERS AND MANIFOLDS FOR THE WATER TREATMENT PLANT, IN THE AMOUNT OF \$35,640.00; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, to maintain TCEQ's regulatory requirements related to water system accountability, flows to the distribution system must be monitored – many of these units, at both the conventional and membrane plants, are obsolete;

Whereas, City Staff prepared plans and specifications for the purchase and installation of 12 new transmitters located at both water plants – on February 2, 2010, 2 bids were received for this project;

Whereas, the Staff recommends accepting the bid (\$35,640.00) from Rexel Electrical and Data Com of Temple, Texas, for this purchase;

Whereas, funds are budgeted in Account No. 520-5100-535-6310, project # 100569, for this purchase; and

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

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

Part 1: The City Council authorizes a contract with Rexel Electrical and Data Com of Temple, Texas, for the purchase of Flow Meter Differential Transmitters and Manifolds for the Water Treatment Plant, in the amount of \$35,640.00.

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

Part 3: 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 **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

02/18/10
Item #6(K)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Bell Contractors of Belton for the emergency replacement of a 12" sewer line in the area of Cottonwood and Jack Rabbit (Cottonwood Creek) in the amount of \$36,628.79.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Over the past week, utility maintenance crews have responded to several sewer stoppages in the vicinity of Cottonwood Lane and Jack Rabbit Road (along Cottonwood Creek). While multiple causes may have contributed to the recent blockages, the pipe was also found to contain numerous roots and cracks. Due to the number of facilities on the 12" sewer line (churches, restaurants, medical facilities, etc.) the existing condition of this main is deemed a health hazard. Due to the urgent nature of this project, Bell Contractors was asked to complete the work, as they have the necessary material and equipment on hand to respond in a timely manner.

Staff authorized this work as an emergency and notice to proceed was issued on Monday, February 8, 2010. The project is expected to be totally complete, to include clean-up, by the end of March.

FISCAL IMPACT: This project was not budgeted as part of the FY 2010 operating budget. Due to the critical nature of the timing of the repair of this sewer line, funding in the amount of \$36,629 was reallocated from project savings within account 520-5400-535-6361 to project #100607 for construction of this project.

ATTACHMENTS:

[Contractor's Proposal](#)
[Project Map](#)
[Resolution](#)



Bell Contractors, Inc.

3082 West Hwy. 190 . Belton, Texas 76513 . Phone (254)939-3509 . FAX (254)939-3500

February 5, 2010

Thomas Brown
City of Temple
3210 East Ave H
Temple, Texas 76501

Bid proposal for Emergency Sewer Replacement along Cottonwood Creek in Temple, Texas.

Unit #	Description	Quantity	Unit	Unit Price	Amount
I	Sanitary Sewer			\$	36,628.79
Total				\$	36,628.79

Fire Sprinkler RME-Underground Fire Main License No. RME-0843-U
Fire Sprinkler Certificate of Registration -Underground Fire Main No. SCR-0733-U

Exclusions:

- All Fees and Permits
- Engineering for Line and Grade
- Soil Erosion Control
- Soils Testing

Thank you for the oppurtunity to quote this project.

Sincerely,

Jay Pearson
Estimator / Project Manager
Bell Contractors, Inc.



Bell Contractors, Inc.

3082 West Hwy. 190 . Belton, Texas 76513 . Phone (254)939-3509 . FAX (254)939-3500

February 5, 2010

Thomas Brown
City of Temple
3210 East Ave H
Temple, Texas 76501

SCOPE of Bid proposal for Emergency Sewer Replacement along Cottonwood Creek in Temple, Texas.

Unit #	Description	Quantity	Unit	Unit Price	Amount
I	Sanitary Sewer				
1	Mobilization and Insurance	1	LS		
2	Site prep and cleanup	500	LF		
3	12" SDR 26 PVC by Open Cut	500	LF		
4	12" HDPE by Pipe Burst	40	LF		
5	48" Manhole @ 10' Depth	1	EA		
6	48" Manhole @ 11' Depth	1	EA		
7	48" Manhole @ 12' Depth	1	EA		
8	Tie in to Existing 6" Sewer	1	EA		
9	Tie in to Existing 8" Sewer	1	EA		
10	Hauloff and Disposal of old Clay Pipe Materials	500	LF		

COTTONWOOD CREEK SEWER PROJECT

COTTONWOOD CREEK SEWER PROJECT AREA

Legend

- MANHOLE
- LIFTSTATION
- CLEANOUT
- SEWER MAINS
- SIPHONLINE
- SEWER_SERVICE_LINE
- SEWER_MAIN_ENCASUREMENT_PIPE
- FORCE_MAIN
- ABANDONED_SEWER_MAIN

WATER BODIES

- Belton Lake
- Lake Jim Thornton
- Leon River
- Stillhouse Hollow Lake

EASEMENT_LN

- STREETS
- RAILROAD
- PARCEL
- SUBDIVISIONS

1 inch = 300 feet

**COTTONWOOD CREEK
SEWER PROJECT AREA**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH BELL CONTRACTORS, INC., OF BELTON, TEXAS, IN THE AMOUNT OF \$36,628.79, FOR THE EMERGENCY REPLACEMENT OF A 12-INCH SEWER LINE IN THE AREA OF COTTONWOOD AND JACK RABBIT (COTTONWOOD CREEK); AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, over the past week, utility maintenance crews have responded to problematic sewer stoppages in the vicinity of Cottonwood Lane and Jack Rabbit Road (along Cottonwood Creek) – while multiple causes may have contributed to the recent blockages, the pipe was also found to contain numerous roots and cracks;

Whereas, due to the number of facilities tied to the 12-inch sewer line, the Public Works Department has determined that this situation is now deemed a health hazard, and as a result of the urgent nature of the project, Bell Contractors, Inc., of Belton, Texas, was asked to complete the work as they have the necessary material and equipment on hand to respond in a timely manner;

Whereas, the cost of this project will not exceed \$36,628.79 and the project is expected to be totally complete to include clean-up by the end of March, 2010;

Whereas, funds are available for this project within Account 520-5400-535-6361; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a construction contract, not to exceed \$36,628.79, between the City of Temple, Texas, and Bell Contractors, Inc., of Belton, Texas, after approval as to form by the City Attorney, for the emergency replacement of a 12-inch sewer line in the area of Cottonwood Lane and Jack Rabbit Road (Cottonwood Creek).

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 **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

02/18/10
Item #6(L)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Traylor and Associates of Tyler for administration and management of the CDBG grant program with an annual amount not to exceed \$88,200 and for preparation of the five-year Consolidate Plan for Fiscal Years 2011-2015 with a one time amount not to exceed \$45,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple is a recipient of Community Development Block Grant (CDBG) Entitlement funds on an annual basis. The City is responsible for developing and executing an annual action plan and for developing a five-year comprehensive plan to address the needs in the city that can be addressed with CDBG funds. The City solicited firms to manage the CDBG grant program and prepare the five-year plan for 2011-2015. The City received one proposal for this service from Traylor & Associates. The initial contract term is for one year, with an option for four 1-year renewals. The annual fee for general administrative duties and grant management services is \$88,200. The fee for the preparation of the Five-Year Consolidated Plan is \$45,000.

Under this contract, Traylor and Associates would perform those services as proposed in RFP No. 60-01-10, as amended. The services include preparation of the Annual Action Plans for each fiscal year, the Consolidated Annual Performance and Evaluation Reports for each fiscal year and the Five-Year consolidated Plan for Fiscal Years 2011-2015.

Traylor and Associates currently has a contract with the City to administer our CDBG Program and 2008 HOME grant and the City has been pleased with the services provided by Traylor and Associates.

FISCAL IMPACT: The cost of this contract is \$88,200 per year and a one time amount of \$45,000. The CDBG program limits the amount of CDBG funds that can be spent on administration to 20% of the funds awarded. Since the five-year plan will be completed in a single fiscal year, CDBG administration funds are not available for the full \$45,000. A budget adjustment is presented for your approval appropriating \$45,000 to the Professional account, 260-6000-515-26-16 from CDBG

Contingency, 260-6000-515-65-32 and General Fund Designated Capital Projects-Unallocated, 110-0000-352-13-45.

ATTACHMENTS:
[Budget Adjustment](#)
[Resolution](#)

FY 2010**BUDGET ADJUSTMENT FORM**

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

Adjustments should be rounded to the nearest \$1.

			+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
260-6000-515-26-16		Professional	\$ 45,000			
260-6000-515-65-32		Contingency			20,000	
260-0000-490-25-82		Transfer In	25,000			
110-9100-591-81-60		Transfer Out - Fed Grant Fund	25,000			
110-0000-352-13-45		Desg Cap Proj - Unallocated			25,000	
		(Do not Post)				
TOTAL.....			\$ 95,000		\$ 45,000	

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

To appropriate funds for the contract with Traylor and Associates to prepare the CDBG five-year consolidated plan.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

2/18/2010

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director_____
Date☐

Approved

☐

Disapproved

Finance_____
Date☐

Approved

☐

Disapproved

City Manager_____
Date☐

Approved

☐

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE AND TRAYLOR AND ASSOCIATES OF TYLER, TEXAS, FOR ADMINISTRATION AND MANAGEMENT OF THE CDBG GRANT PROGRAM, IN AN ANNUAL AMOUNT NOT TO EXCEED \$88,200, AND FOR THE PREPARATION OF THE FIVE-YEAR CONSOLIDATED PLAN FOR 2011-2015, IN AN AMOUNT NOT TO EXCEED \$45,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple is a recipient of Community Development Block Grant (CDBG) Entitlement funds on an annual basis, and the City is responsible for developing a five-year comprehensive plan to address the needs in the city that can be addressed with CDBG funds;

Whereas, the Staff solicited firms to manage the CDBG grant program and to prepare the five-year consolidated plan for 2011-2015;

Whereas, the City received one proposal for this service from Traylor and Associates of Tyler, Texas, who currently has a contract with the City to administer the CDBG Program and 2008 HOME grant, and the City has been pleased with the services provided by the company;

Whereas, the Staff recommends entering into a one-year contract, with an option for four 1-year renewals, with Traylor and Associates, in an amount not to exceed \$88,200, for the administration and management of the CDBG grant program, and for the preparation of the Five-Year Consolidated Plan, in an amount not to exceed \$45,000;

Whereas, funds are available for these services but an amendment to the FY2009-2010 budget needs to be approved to transfer the funds to the appropriate 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 between the City of Temple, Texas, and Traylor and Associates, of Tyler, Texas, after approval as to form by the City Attorney, for administration and management of the CDBG grant program, in an amount not to exceed \$88,200, and for developing the CDBG consolidated five-year plan for 2011-2015, in an amount not to exceed \$45,000.

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

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 **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

02/18/10
Item #6(M)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Chapter 380 development agreement with Scott & White to assist in acquiring property on South 5th Street for Temple Medical and Education District purposes.

STAFF RECOMMENDATION:

ITEM SUMMARY: Additional information regarding this item will be provided prior to the Council meeting.

FISCAL IMPACT:

ATTACHMENTS:



COUNCIL AGENDA ITEM MEMORANDUM

02/18/10
Item #6(N-1)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

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

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 is presented 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. 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.

A budget adjustment is presented for Council's approval reallocating these funds within the FY 2010 Financing Plan from account 795-9500-531-6317, project # 100542, to account 795-9500-531-6773, project # 100603.

ATTACHMENTS:

Summary of Recommended Financing Plan Amendments
Financing Plan
Summary Financing Plan with Detailed Project Plan
Budget Adjustment
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	-	-	-	-	-	-
215WW1--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

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
795-9500-531-67-73	100603	Western Zone Projects	\$ 300,000	
795-9500-531-63-17	100542	Streets & Alleys		\$ 300,000
TOTAL.....			\$ 300,000	\$ 300,000

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

To reallocate funds in the amount of \$300,000 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.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

2/18/2010

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date

☐ Approved
☐ Disapproved

Finance

Date

☐ Approved
☐ Disapproved

City Manager

Date

☐ Approved
☐ Disapproved

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

02/18/10
Item #6(N-2)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce A. Butscher, PE, Public Works Director
Michael C. Newman, PE, CFM, Assist. Public Works Director/City Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, of Temple 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 for an amount not to exceed \$41,550.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Hart Road extension, when completed, will provide a continuous connection to the intersection at IH-35 and with future phases to the west of Old Texas 81.

This project will consist of completing the final design drawings for the section of the Outer Loop in order to have a completed design prior to the completion of design plans for IH-35 that are currently underway by the Texas Department of Transportation (TxDOT). Professional services will include horizontal and vertical geometry along the alignment of the Outer Loop to the west of this section of the project to ensure the compatibility with future phases. These design elements can be incorporated into future phases of the roadway. In order that KPA provide the engineering services required for completion, the scope of services is included in engineer's proposal for this project.

The proposed timeline for the design portion of this project is 120 days from the notice to proceed. An outline of rates that would be used to charge for additional services authorized beyond the scope are also described and incorporated in KPA's attached proposal.

FISCAL IMPACT: The total cost of professional services for the Hart Road project is \$41,550. After approval of the Reinvestment Zone No. 1's Financing Plan, funding for this agreement will be available in account 795-9500-531-6773, project #100603.

ATTACHMENTS:

[KPA Engineer's Proposal](#)
[Outer Loop at Hard Road Extension Illustration](#)
[Resolution](#)



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS

Texas Firm F-510

RICK N. KASBERG, P.E.

R. DAVID PATRICK, P.E., C.F.M.

THOMAS D. VALLE, P.E.

Temple
One South Main Street
Temple, Texas 76501
(254) 773-3731

Georgetown
3613 Williams Drive, Suite 406
Georgetown, Texas 78628
(512) 819-9478

January 13, 2010

Mr. Michael Newman, P.E., C.F.M.
City of Temple
3210 East Avenue H, Building A
Temple, Texas 76501

Re: City of Temple, Texas
Temple Reinvestment Zone #1
Outer Loop at Hart Road

Dear Mr. Newman:

At the request of the City of Temple, we were directed to prepare a proposal for the above referenced project. The project will prepare final design drawings for the Outer Loop from the right-of-way of Old Texas 81 to IH-35. An exhibit is attached to this proposal illustrating the project location.

This project will consist of completing the final design drawings for this section of the Outer Loop in order to have a completed design prior to the completion of design plans for IH-35 that are currently underway by The Texas Department of Transportation (TxDOT). This will allow us to present these concepts in the form of design set drawings to TxDOT and get the proposed intersection alignment and geometry into the IH-35 design. Meetings between the City of Temple and TxDOT should be planned to review the Outer Loop design and inform them of our future plans. We will complete this work within (120) days of a notice to proceed from the City of Temple.

The proposal will include horizontal and vertical geometry along the alignment of the Outer Loop to the west of this section of the project to ensure the compatibility with future phases. These design elements can be incorporated into future phases of the roadway.

Exhibit C outlines rates which would be used to charge for special or additional services authorized beyond the scope as described in this proposal.

The scope of services for this project will include the following:

- Perform design surveys of the project area.
- Research and survey existing utilities in the project area.
- Research property owners within the project area.
- Develop topographic drawings from design surveys.
- Design horizontal alignment of the Outer Loop within the project area to connect to the intersection at IH-35 and with the future phases to the west of Old Texas 81.

- Design vertical alignments of the Outer Loop within the project area to connect to the intersection at IH-35 and with future phases to the west of Old Texas 81.
- Develop drainage areas for the project.
- Develop off site storm water flows to be incorporated into the roadway design.
- Develop storm water flow patterns for the proposed roadway.
- Determine conveyance of storm water.
- Design storm water conveyance for the roadway and acceptance to existing systems.
- Design signing and striping for the project area.
- Prepare cost estimates for the design.
- Attendance at meeting with TxDOT to deliver the design sets and review the design.

Design Services

Outer Loop (Old Texas 81 to IH35)

- Design surveys	\$	6,600
- Survey and research existing utilities	\$	2,800
- Research property owners	\$	1,200
- Develop topographic drawings	\$	4,200
- Design horizontal geometry	\$	3,150
- Design vertical geometry	\$	3,600
- Design drainage areas and storm water flow	\$	3,400
- Design roadway drainage system	\$	3,900
- Design conveyance to existing facilities	\$	2,700
- Design striping and signage	\$	3,100
- Prepare Cost Estimates	\$	1,200
- Prepare design sets	\$	4,500
- COT/TxDOT Meetings	\$	1,200

TOTAL \$ 41,550

Mr. Michael Newman, P.E., C.F.M.
January 13, 2010
Page Three

The deliverables for the project shall be as follows:

1. Existing property owners exhibit.
2. Required rights-of-way exhibit.
3. 70% Review Set.
4. 90% Review Set.
5. 100% Review Set.
6. Five (5) copies of the final design set.
7. Exhibits required for TxDOT.
8. Cost Estimates

We can complete all the tasks represented for the lump sum cost of \$41,550. We are available to discuss the scope of the project at your convenience. As always, we look forward to working with you on the project and to the enhancement that it will bring to the City of Temple.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. David Patrick", with a stylized flourish at the end.

R. David Patrick, P.E., C.F.M.

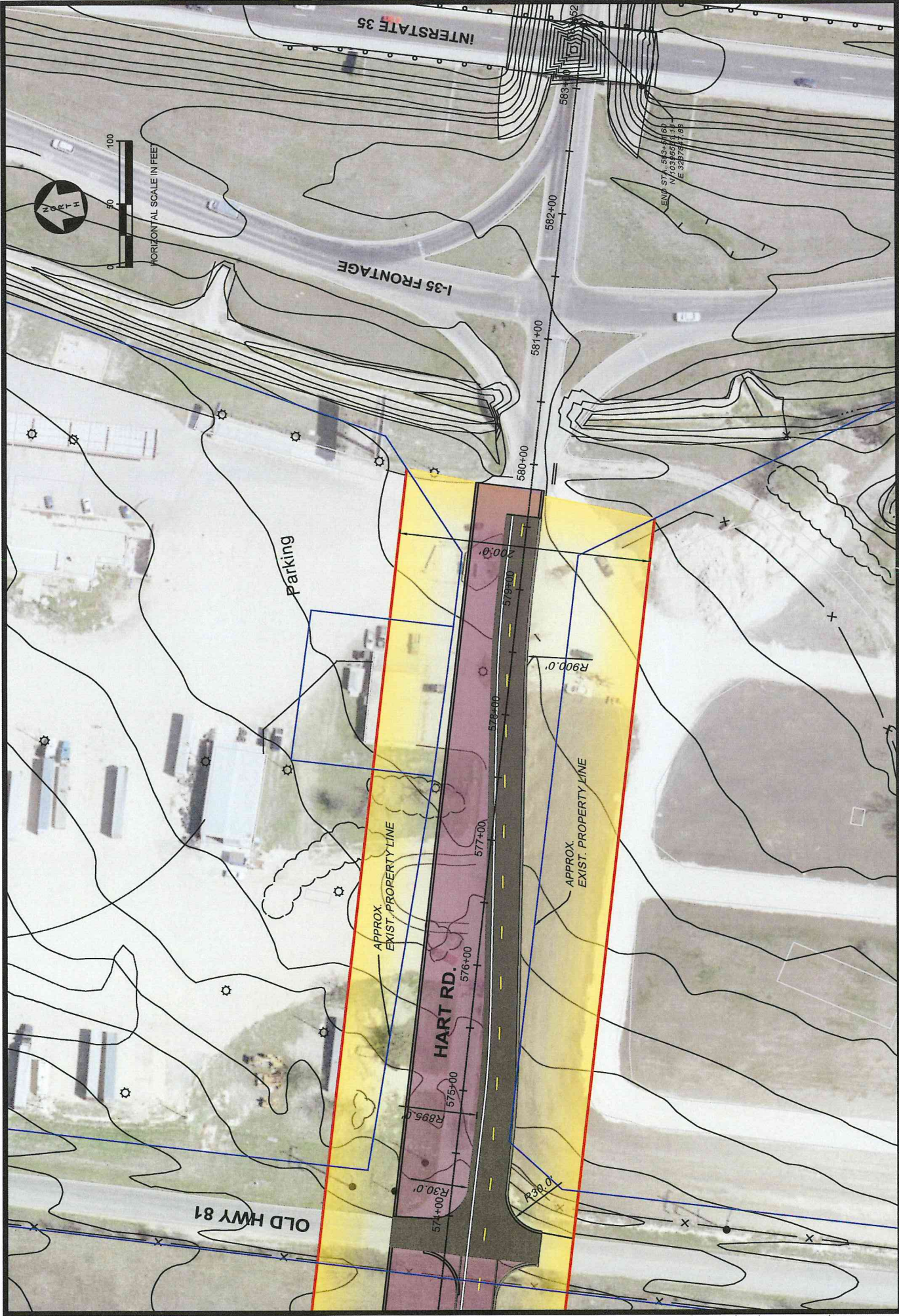
RDP/crc

EXHIBIT C

Charges for Additional Services

Temple Reinvestment Zone #1 Outer Loop at Hart Road

<u>POSITION</u>	<u>MULTIPLIER</u>	<u>SALARY COST/RATES</u>
Principal	2.4	\$ 60.00 – 80.00/hour
Project Manager	2.4	45.00 – 58.00/hour
Project Engineer	2.4	40.00 – 45.00/hour
Engineer-in-Training	2.4	32.00 – 40.00/hour
Engineering Technician	2.4	22.00 – 40.00/hour
CAD Technician	2.4	18.00 – 40.00/hour
Clerical	2.4	13.00 – 25.00/hour
Expenses	1.1	actual cost
Computer	1.0	15.00/hour
Survey Crew	1.1	95.00 – 120.00/hour
Registered Public Surveyor	1.0	110.00/hour
On-Site Representative	2.1	30.00 – 40.00/hour



CITY OF TEMPLE, TEXAS
TEMPLE REINVESTMENT ZONE
OUTER LOOP AT HART ROAD
PLAN VIEW

KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
TEMPLE, TEXAS 76501

KPA

This document is released for
the project and view
under the authority of
R. David Patrick, P.E. 62638
Jan 1, 2010
It is not to be used for
construction, bidding or permit
purposes.

©2009 Kasberg, Patrick & Associates, LP
KPA Firm Registration Number F-510

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 KASBERG, PATRICK & ASSOCIATES, L.P., FOR ENGINEERING SERVICES REQUIRED TO PREPARE FINAL DESIGN DRAWING FOR THE OUTER LOOP AT HART ROAD FROM THE RIGHT-OF-WAY OF OLD TEXAS 81 TO IH-35, FOR AN AMOUNT NOT TO EXCEED \$41,550; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Staff recommends a project to complete the final design drawings for the section of the Outer Loop in order to have a completed design prior to the completion of design plans for IH-35 that are currently underway by the Texas Department of Transportation (TxDOT);

Whereas, Kasberg, Patrick & Associates, L.P., submitted a proposal for engineering services required for this project in the amount of \$41,550, and the Staff recommends accepting it;

Whereas, funds are available for this project in Account No. 795-9500-531-6773, project # 100603, within the Reinvestment Zone Financing Plan; 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 \$41,550, between the City of Temple, Texas, and Kasberg, Patrick & Associates, L.P., after approval as to form by the City Attorney, for engineering services required to prepare final design drawing for the Outer Loop at Hart Road from the right-of-way of Old Texas 81 to IH-35.

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 **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

02/18/10
Item #6(O-1)
Consent Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: SECOND READING – Consider adopting an ordinance authorizing the voluntary annexation of a 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: Adopt ordinance as presented in item description, on second reading and final adoption.

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

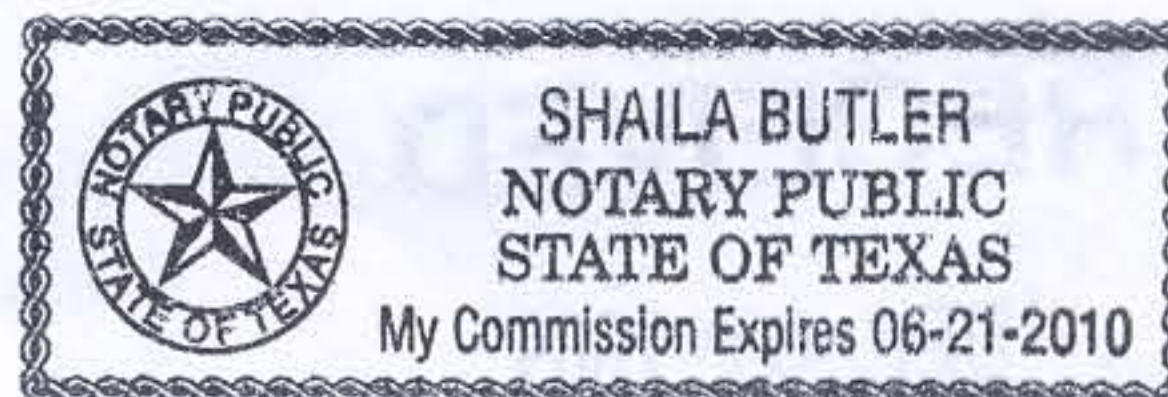
COUNTY OF BELL

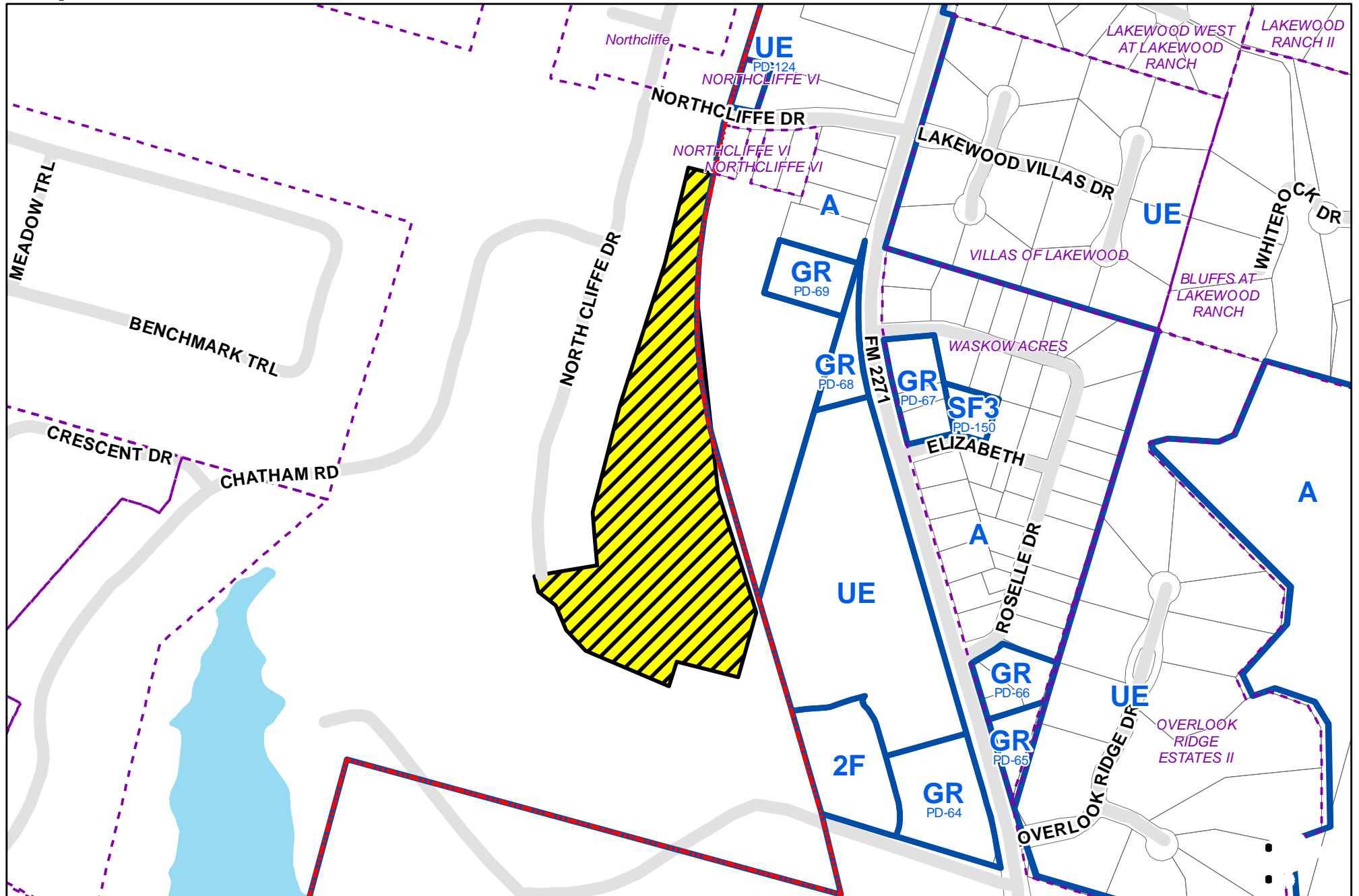
BEFORE ME, The undersigned authority, personally appeared V.W. Barge, III, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same, for the purpose and consideration therein expressed.

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 (2010-4339).

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:



- 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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301 NORTH 3RD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400

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;

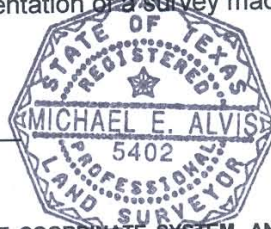
THENCE departing the said 0.1452 acre tract and with the south boundary line of the said Northcliffe, Phase I (calls S. 82° 56' 23" W., 327.88 feet in Cabinet A, Slide 374-A) the following two (2) calls:

- 1) N. 80° 23' 12" E., 50.14 feet 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).



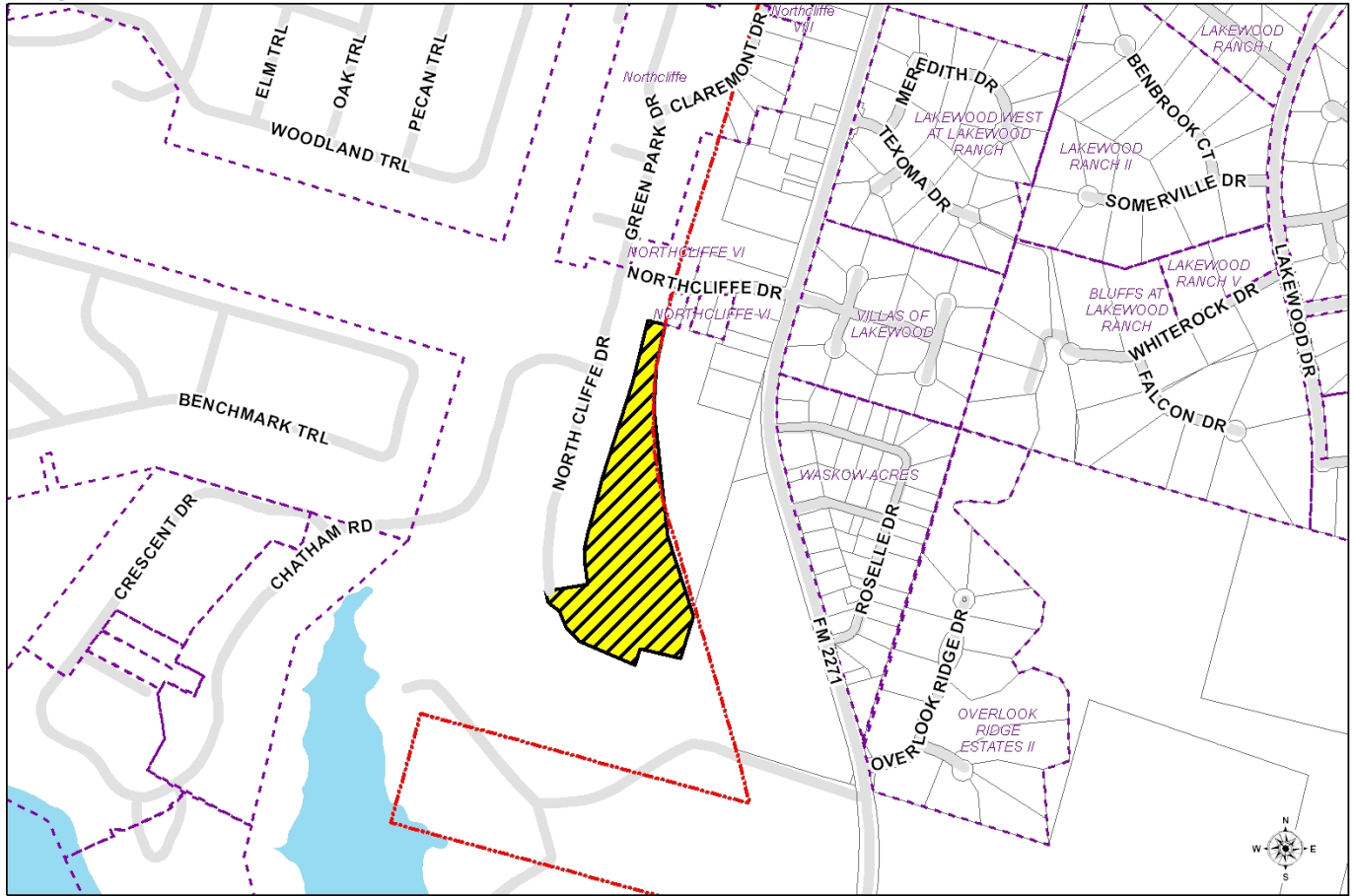
ENGINEERING • PLANNING • SURVEYING • DESIGN/BUILDING
301 NORTH 3RD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400



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

02/18/10
Item #6(O-2)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

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

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)

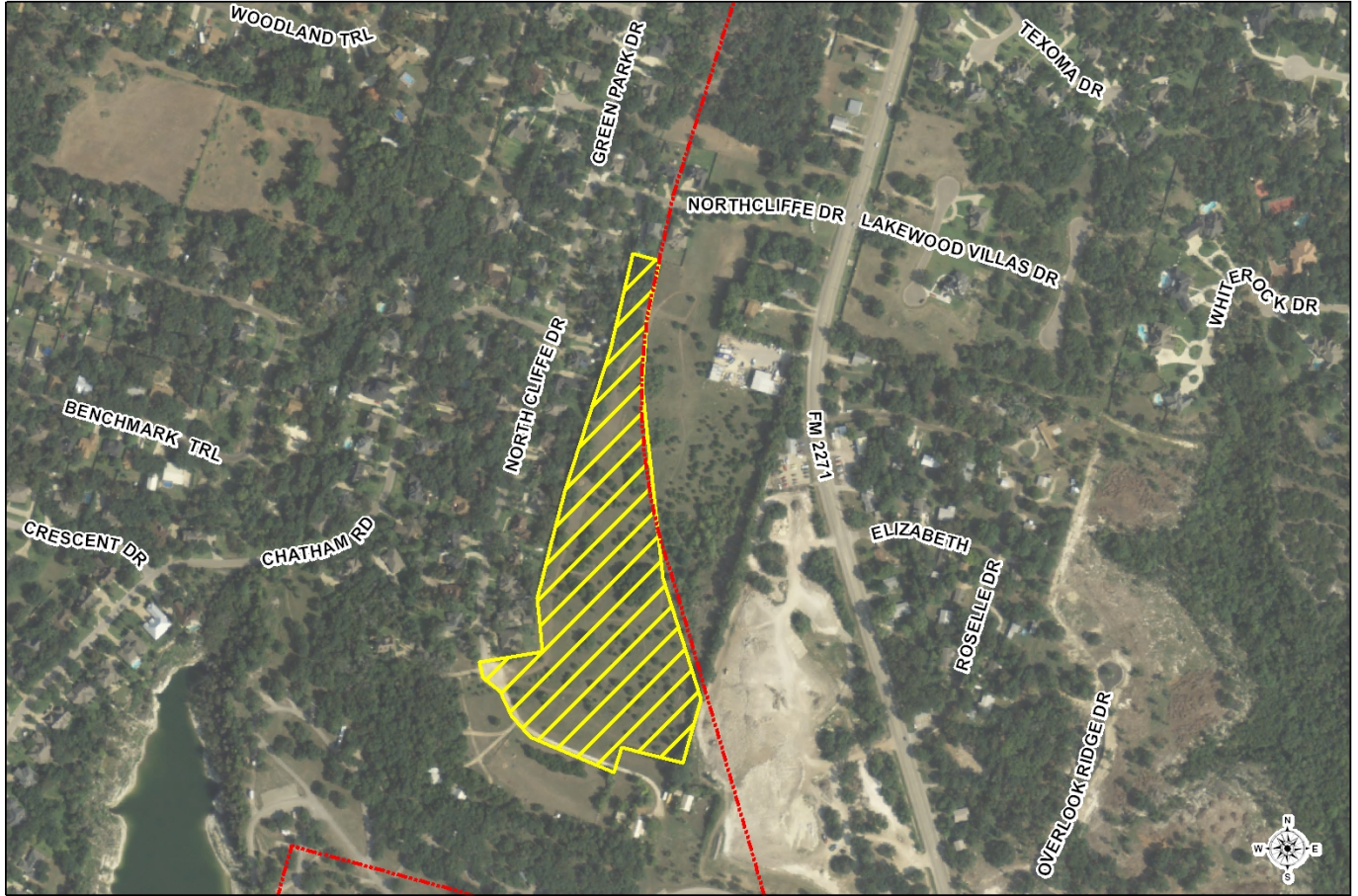
Ordinance




Z-FY-10-13

Voluntary Annexation: Proposed Northcliffe Phase IX

10.933ac



 Proposed Annexation

Feet 0 150 300 450

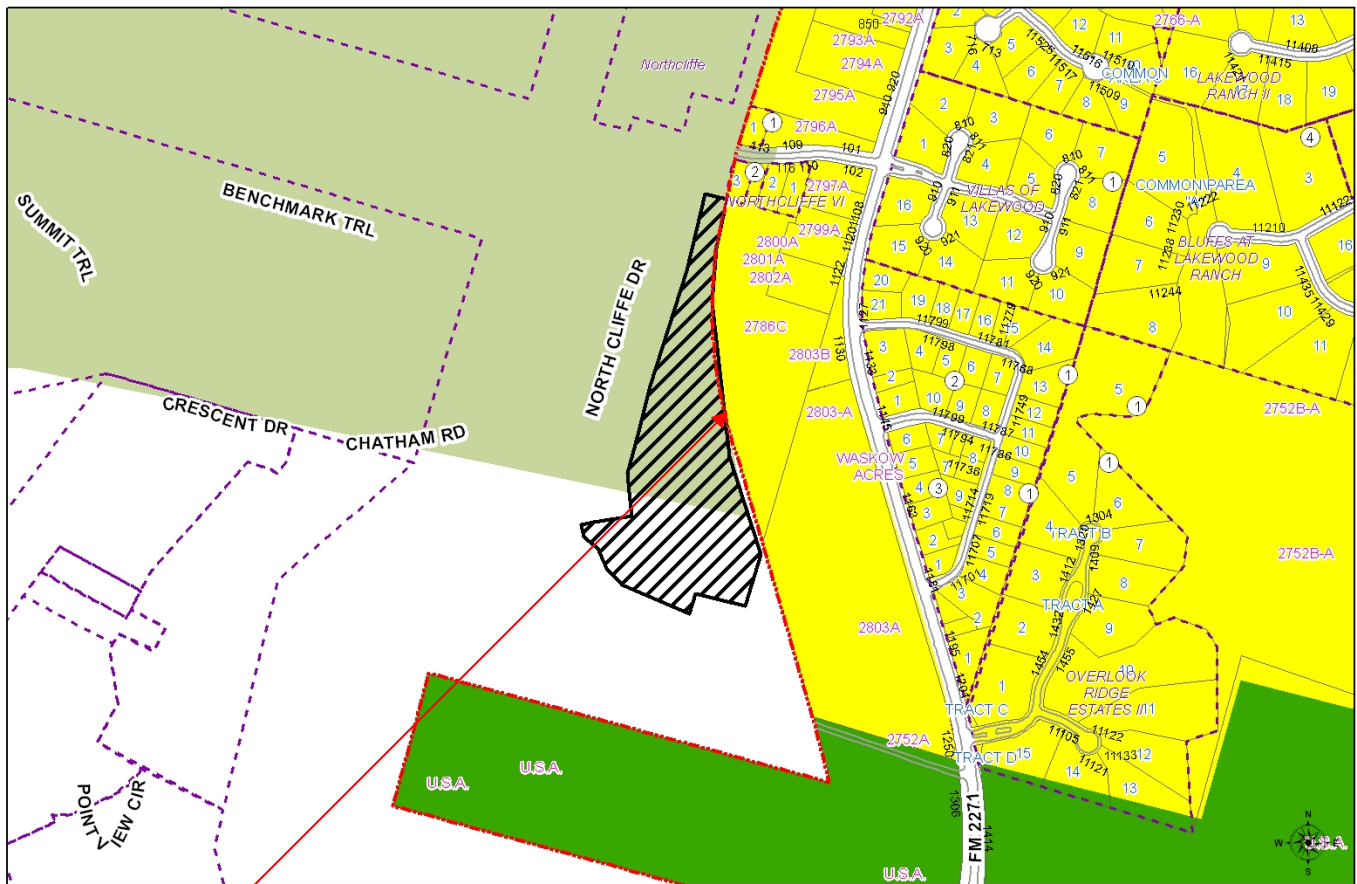
J Stone 12.01.09



Z-FY-10-13

Voluntary Annexation: Proposed Northcliffe Phase IX

10.933ac



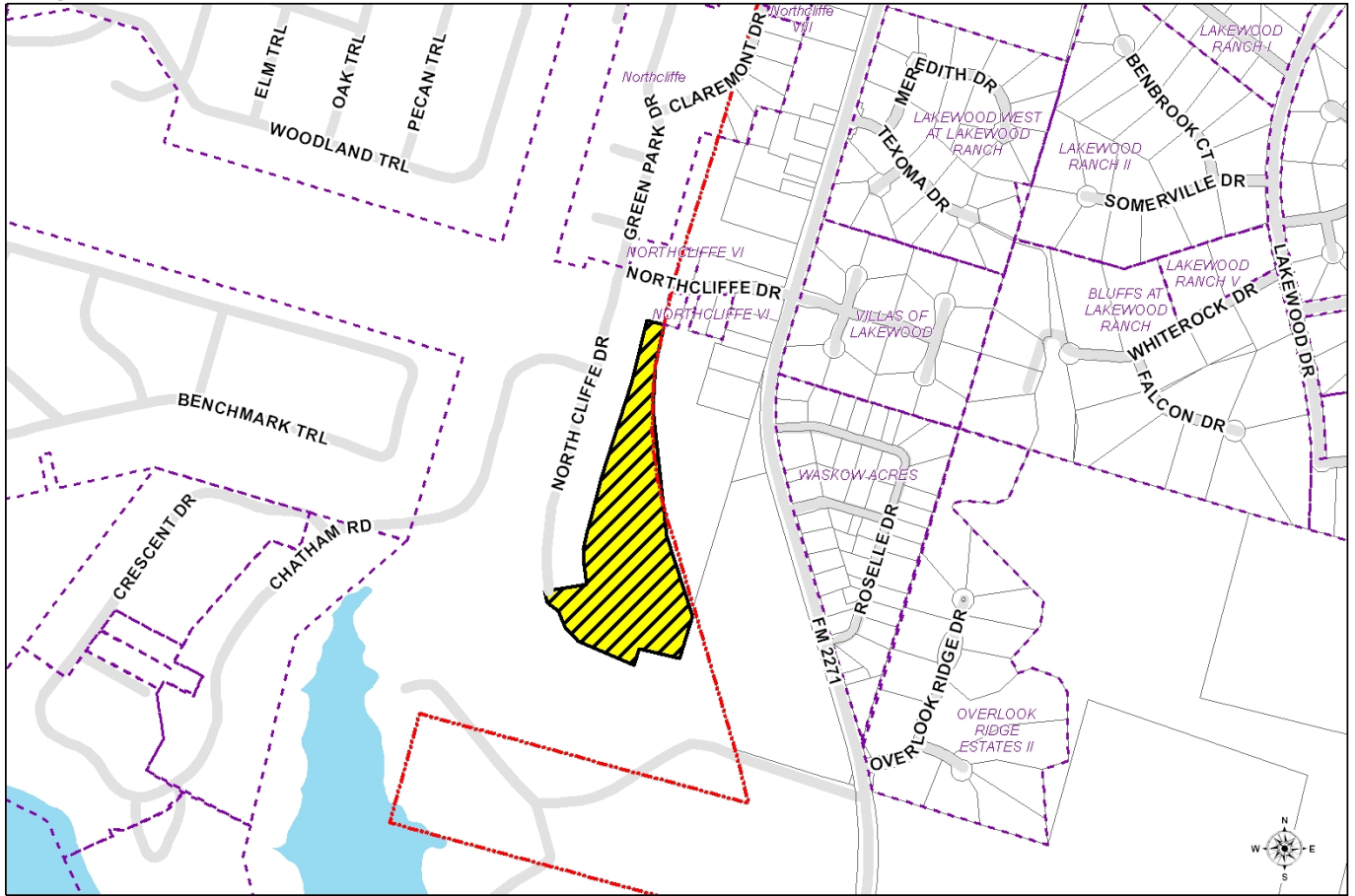
1 inch = 500 feet
J Stone 12.01.09




Z-FY-10-13

Voluntary Annexation: Proposed Northcliffe Phase IX

10.933ac



 Proposed Annexation

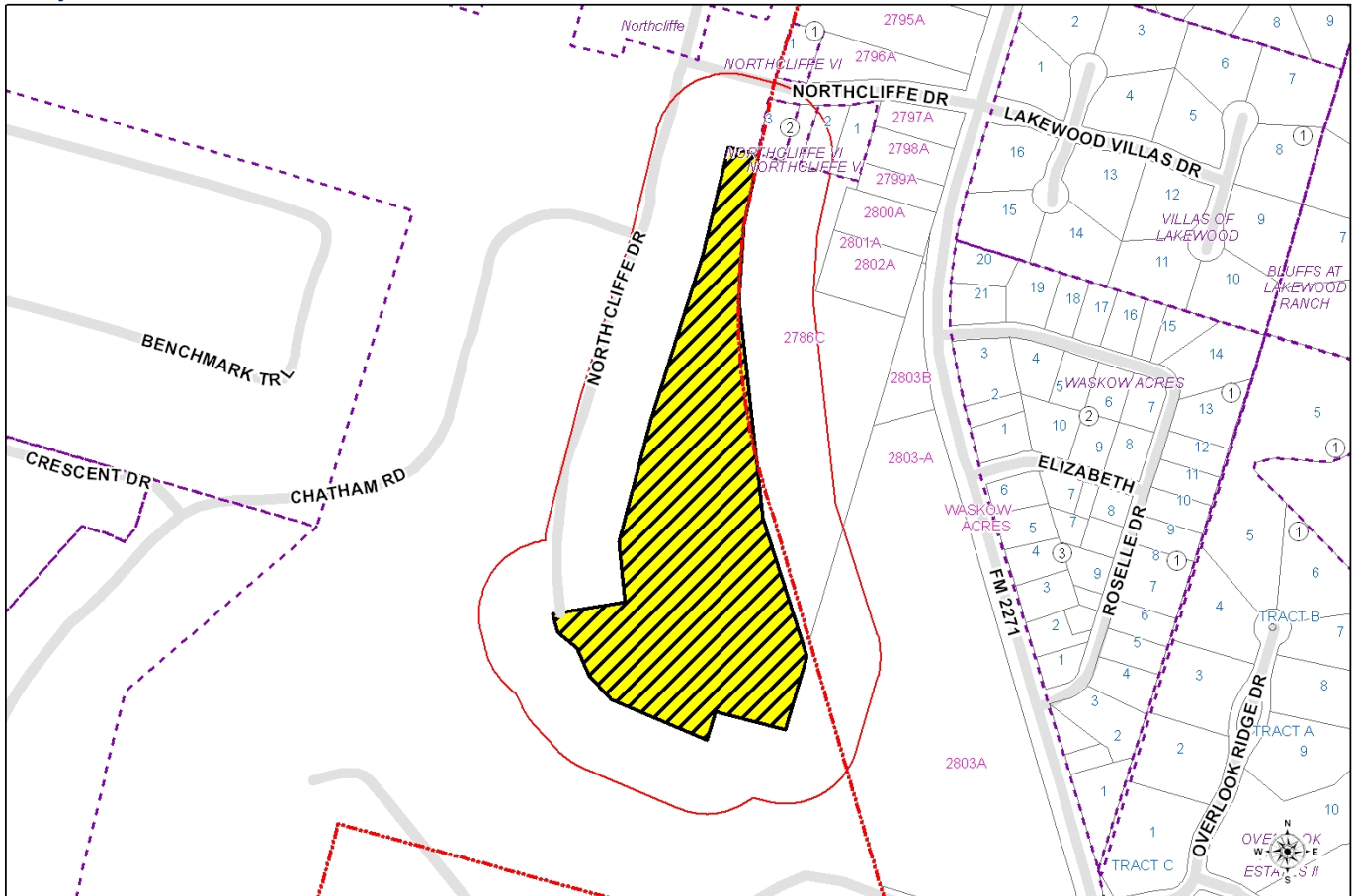
Feet 0 150 300 450 600
J Stone 12.01.09





Z-FY-10-13

Voluntary Annexation: Proposed Northcliffe Phase IX

10.933ac



 Proposed Annexation  200' Buffer

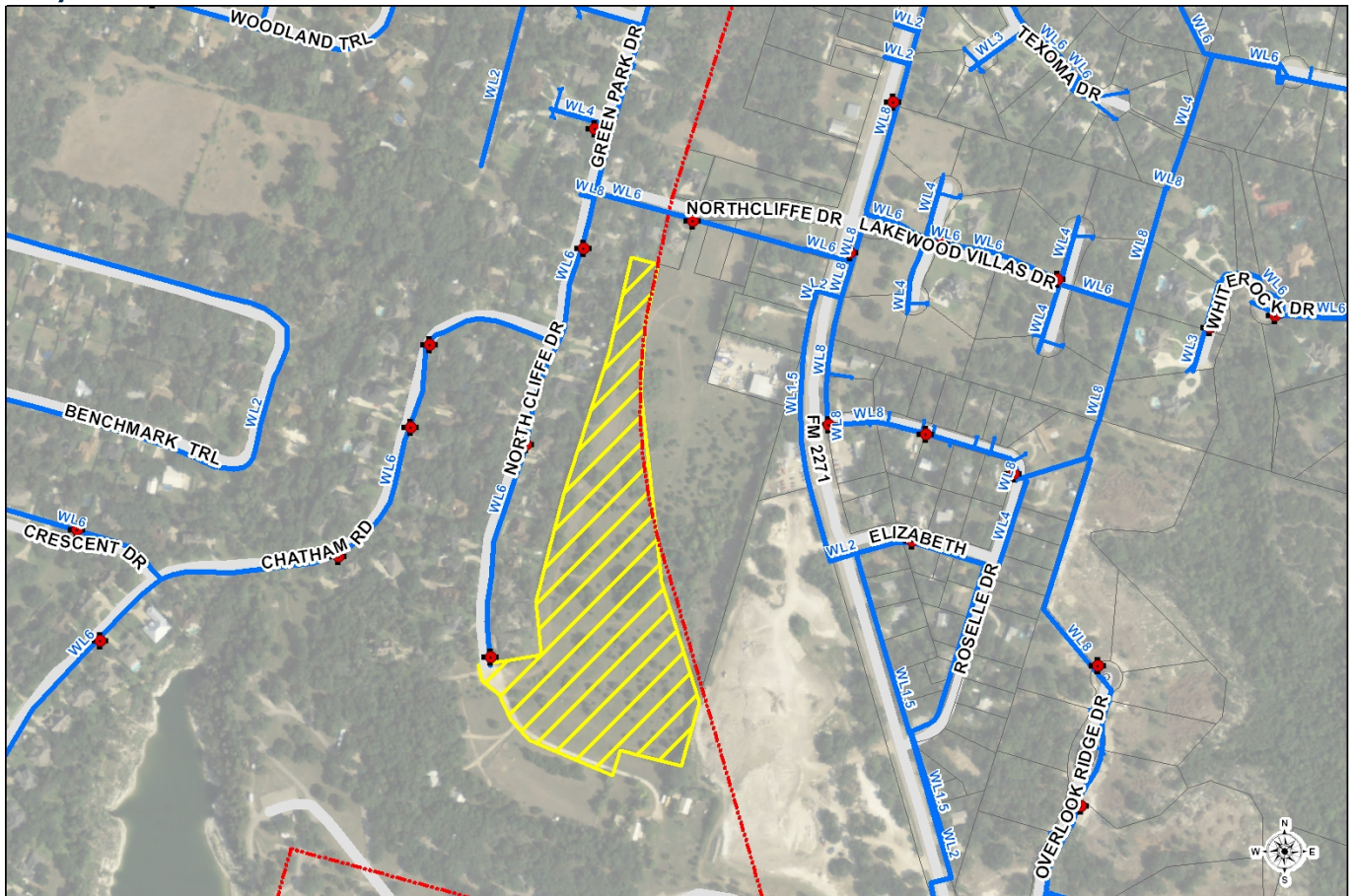
Feet 0 100 200 300 400
J Stone 12.01.09



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

02/18/10
Item #6(P)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

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

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:

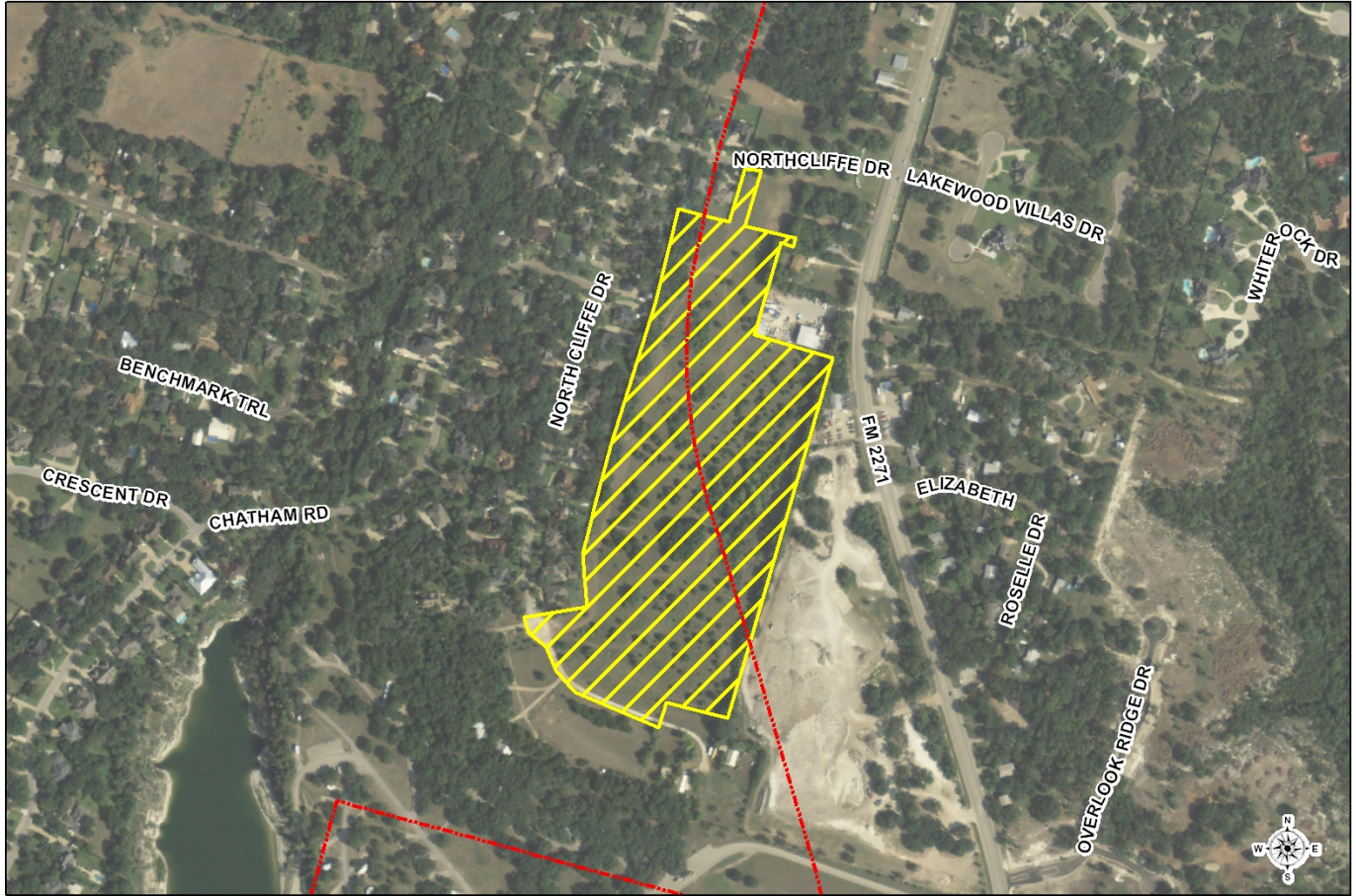
Aerial
Land Use and Character Map
Zoning Map
Notice Map
Utilities Map
P&Z Staff Report (Z-FY-10-14)
P&Z Minutes (January 19, 2010)
Ordinance



Z-FY-10-14

Zoning: Proposed Northcliffe Phase IX

18.598ac



 ZFY1014

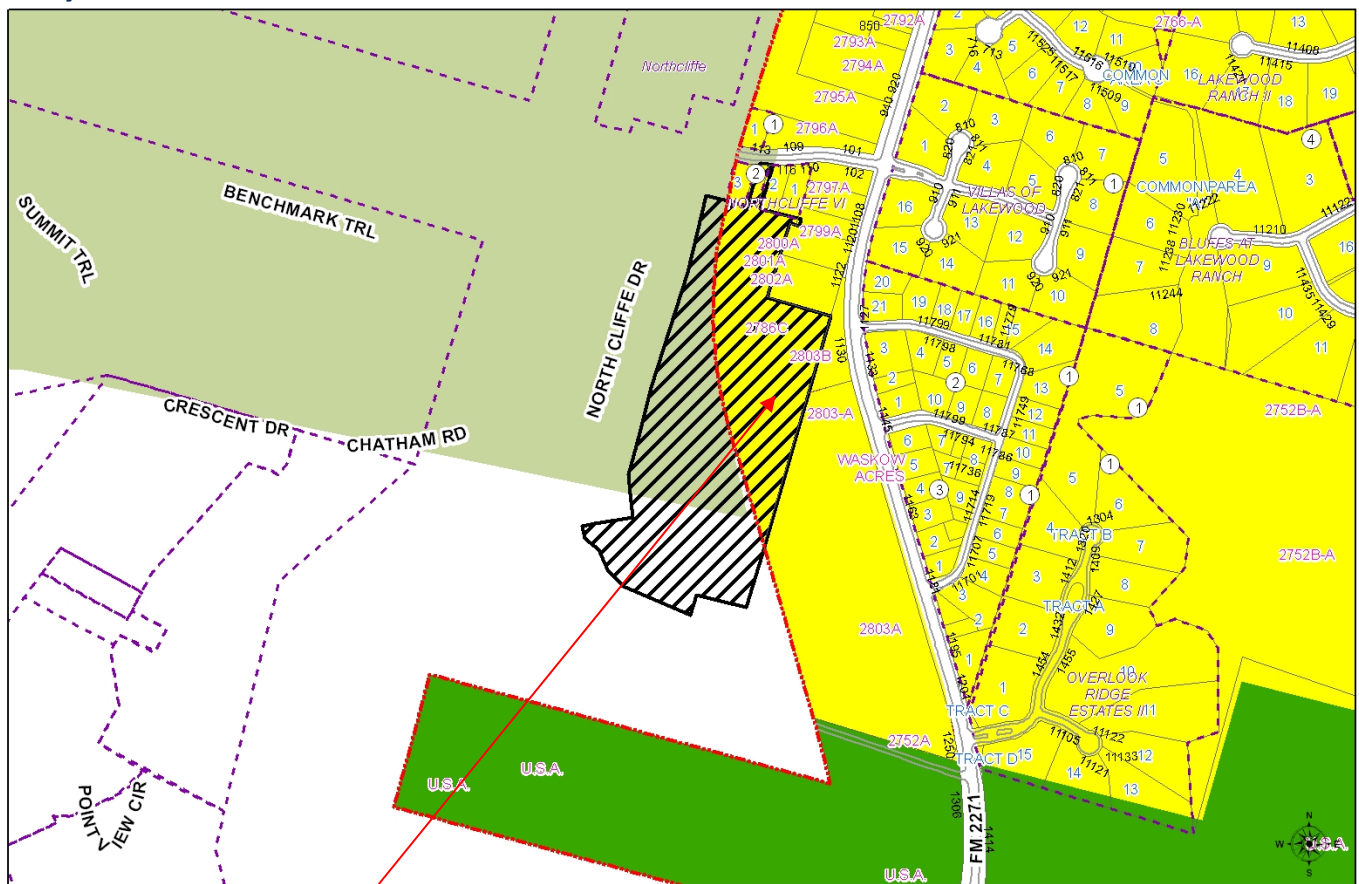
Feet 0 100 200 300 400
J Stone 12.10.09



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 | | |

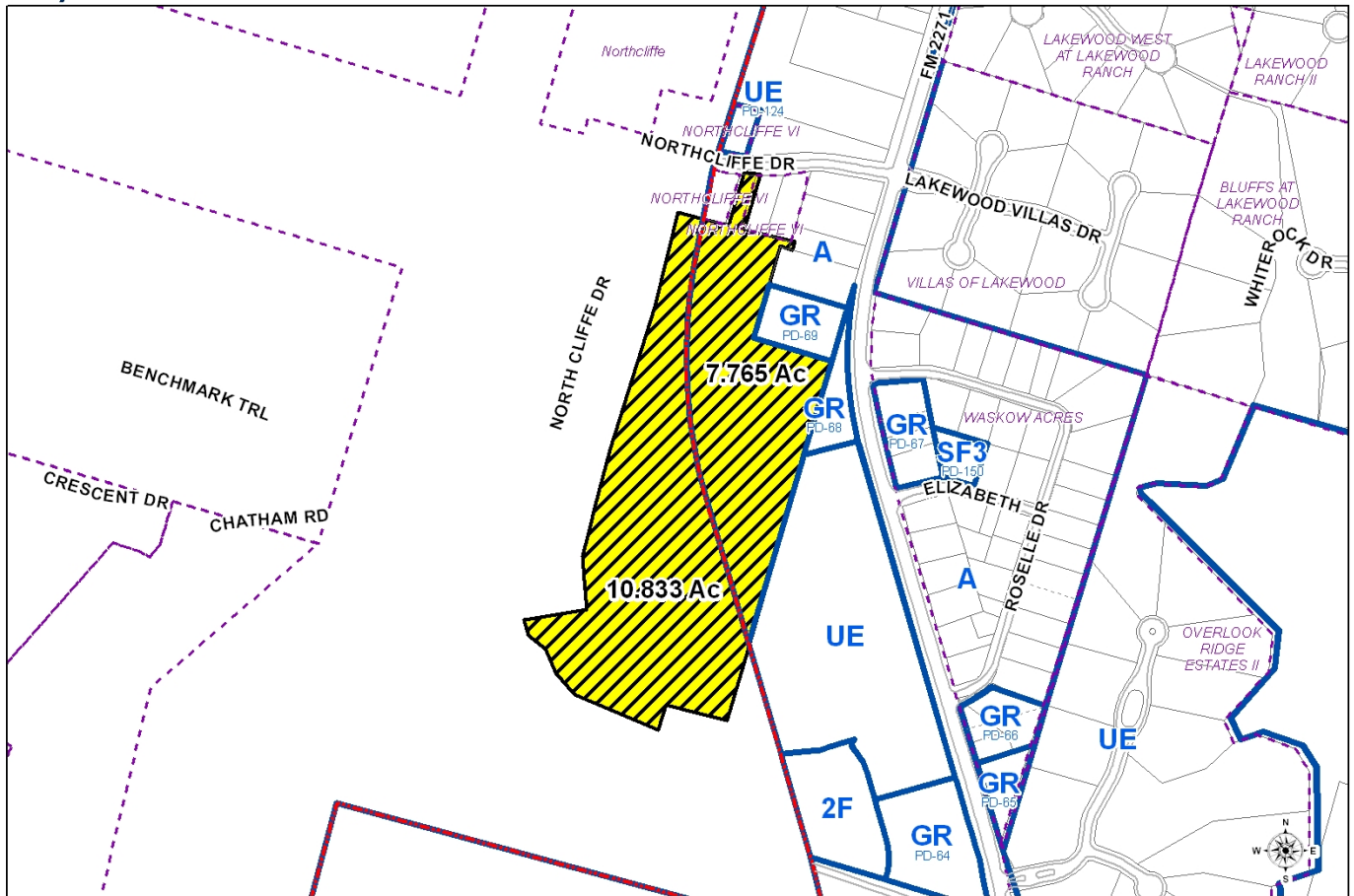
1 inch = 500 feet
J Stone 12.10.09



Z-FY-10-14

Zoning: Proposed Northcliffe Phase IX

18.598ac



 ZFY1014

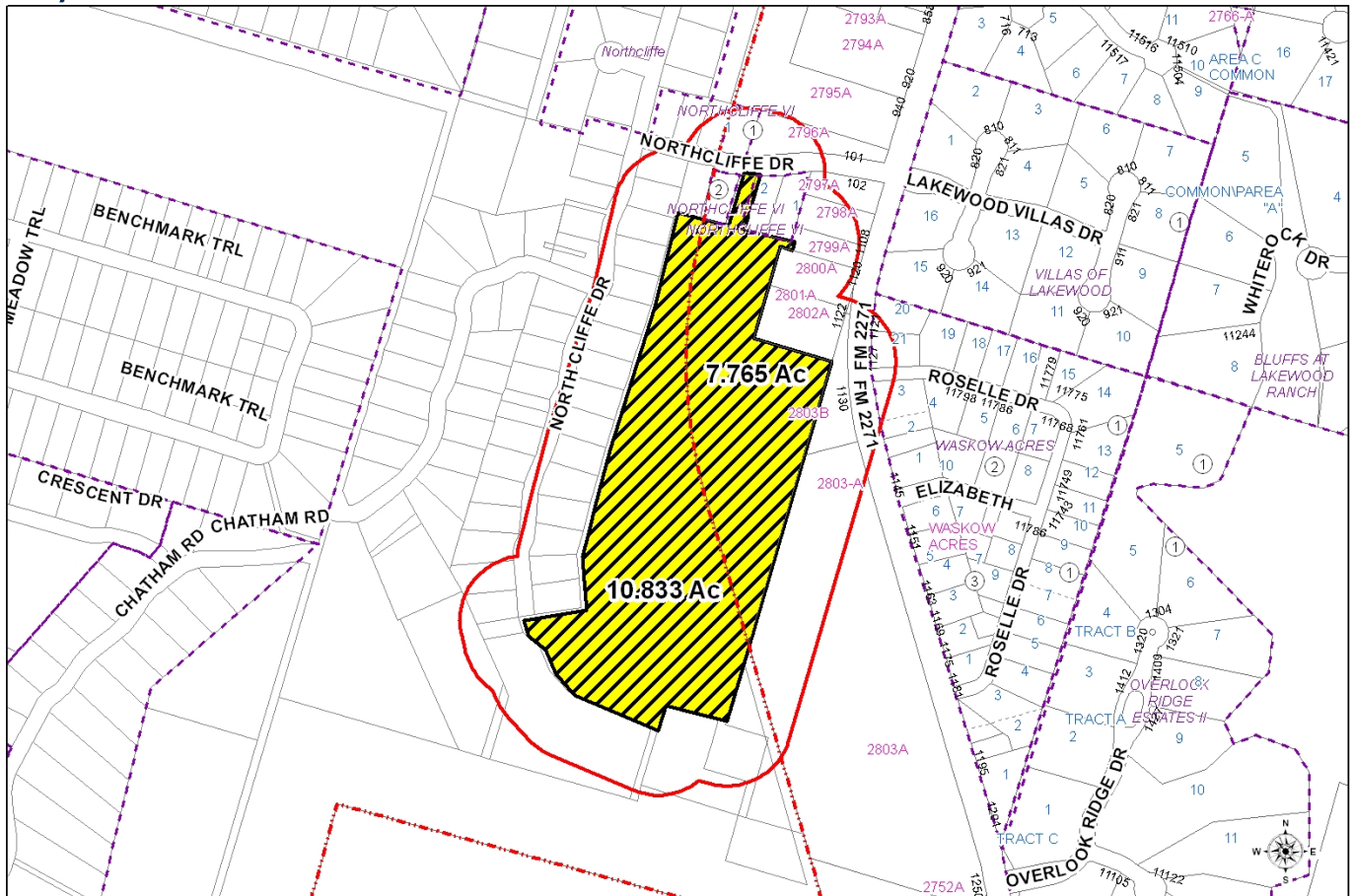
Feet 0 100 200 300 400
J Stone 12.10.09



Z-FY-10-14

Zoning: Proposed Northcliffe Phase IX

18.598ac



Current Temple Boundary 200' Buffer ZFY1014

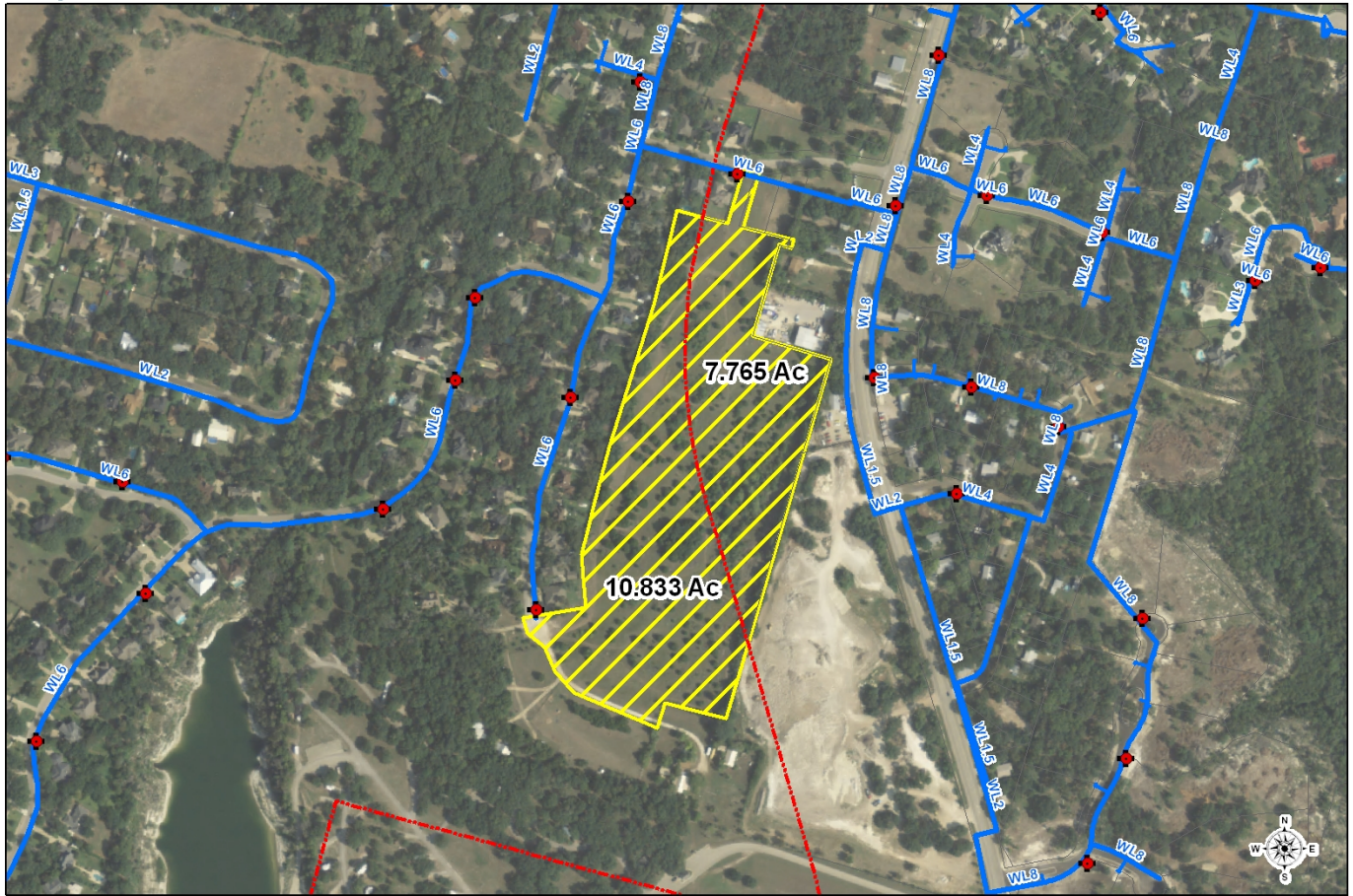
Feet 0 100 200 300 400
J Stone 12.10.09



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

02/18/10
Item #6(Q)
Consent Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

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

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)

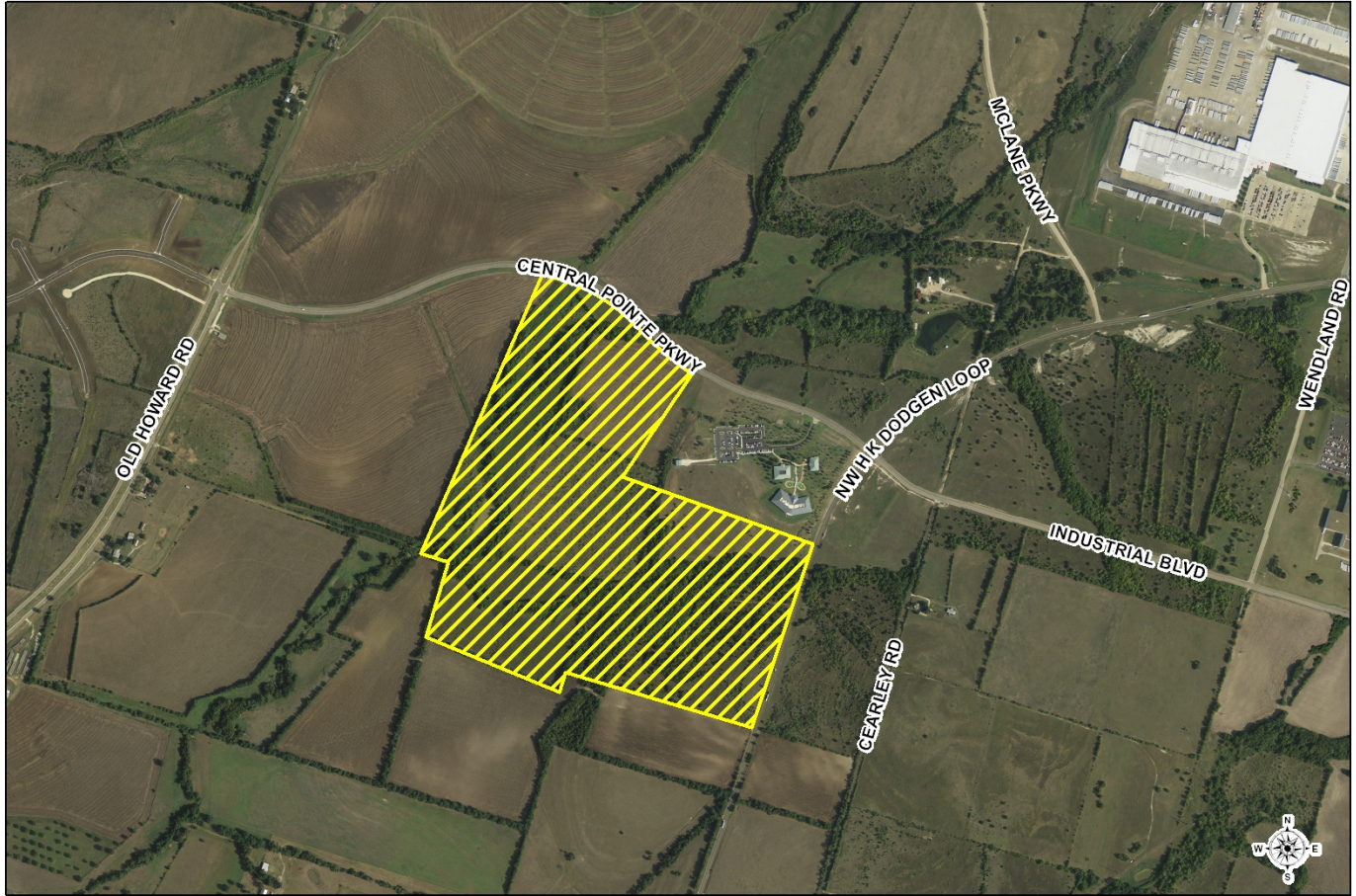
Ordinance



Z-FY-10-11

McLane Group, LP Subdivision, Phase Two

135.78 Ac Extension of LI Zoning



 ZFY1011

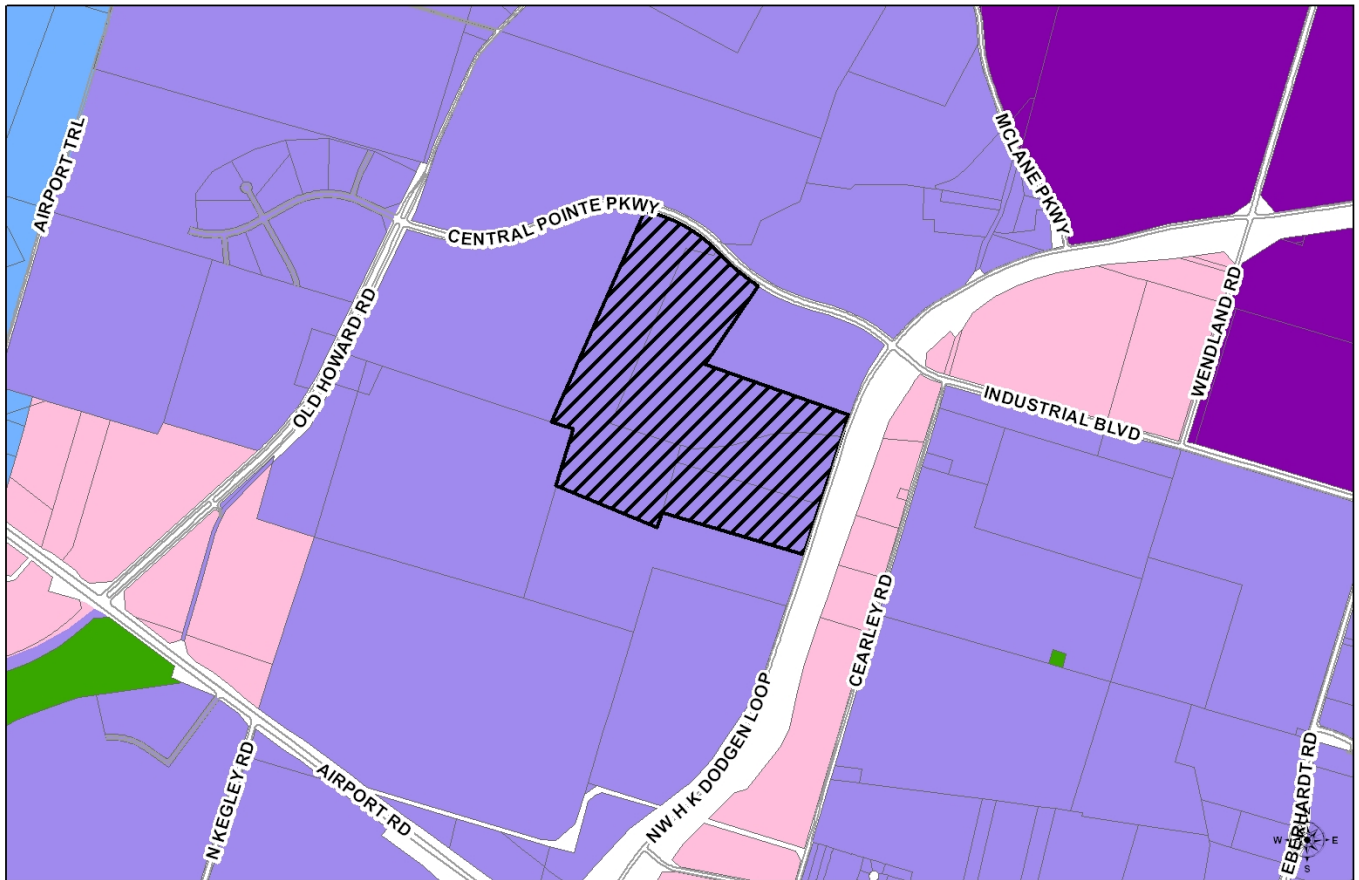
Feet 0 250 500 750 1,000
J Stone 12.01.09



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

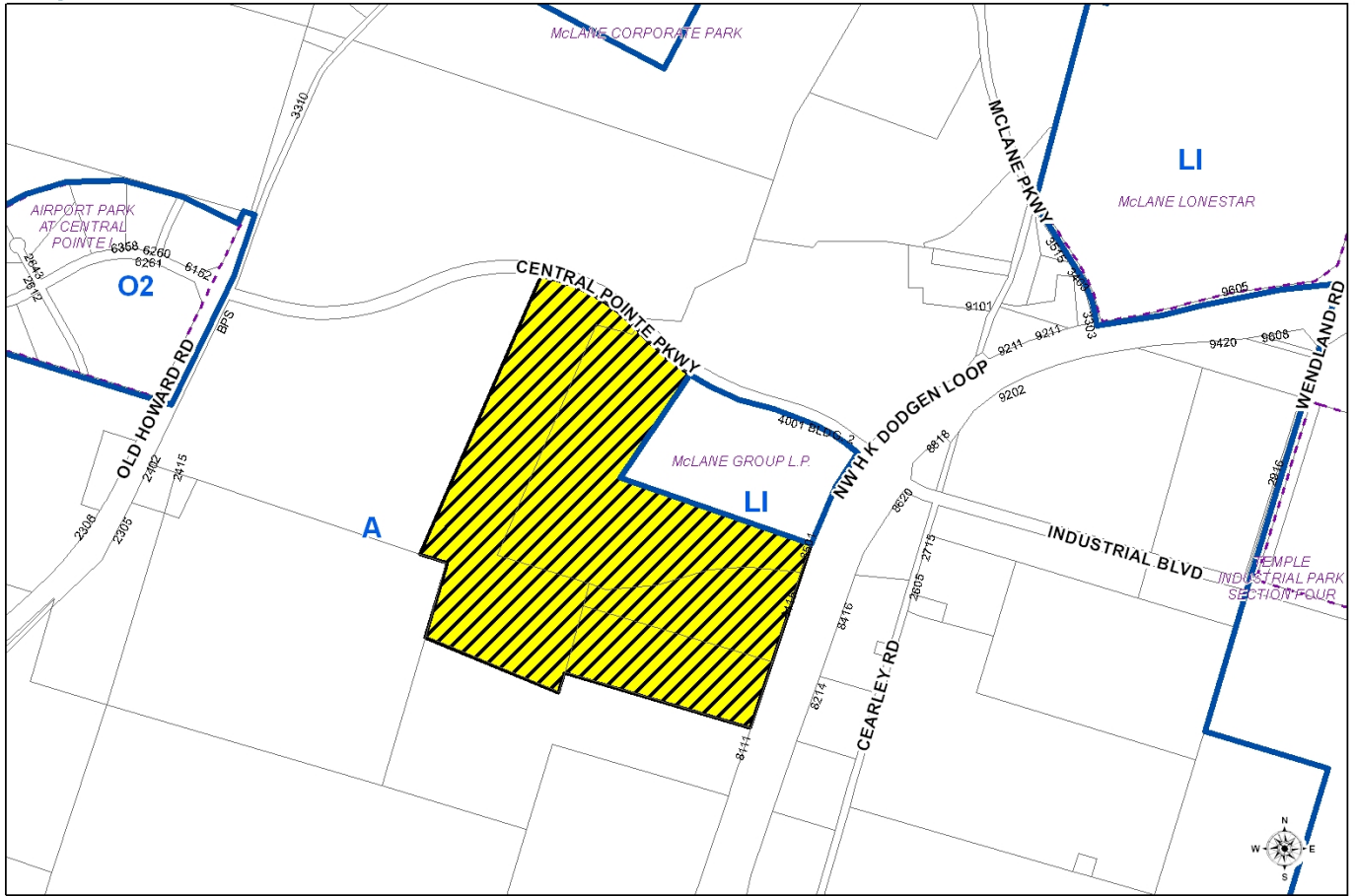
J Stone 12.01.09



Z-FY-10-11

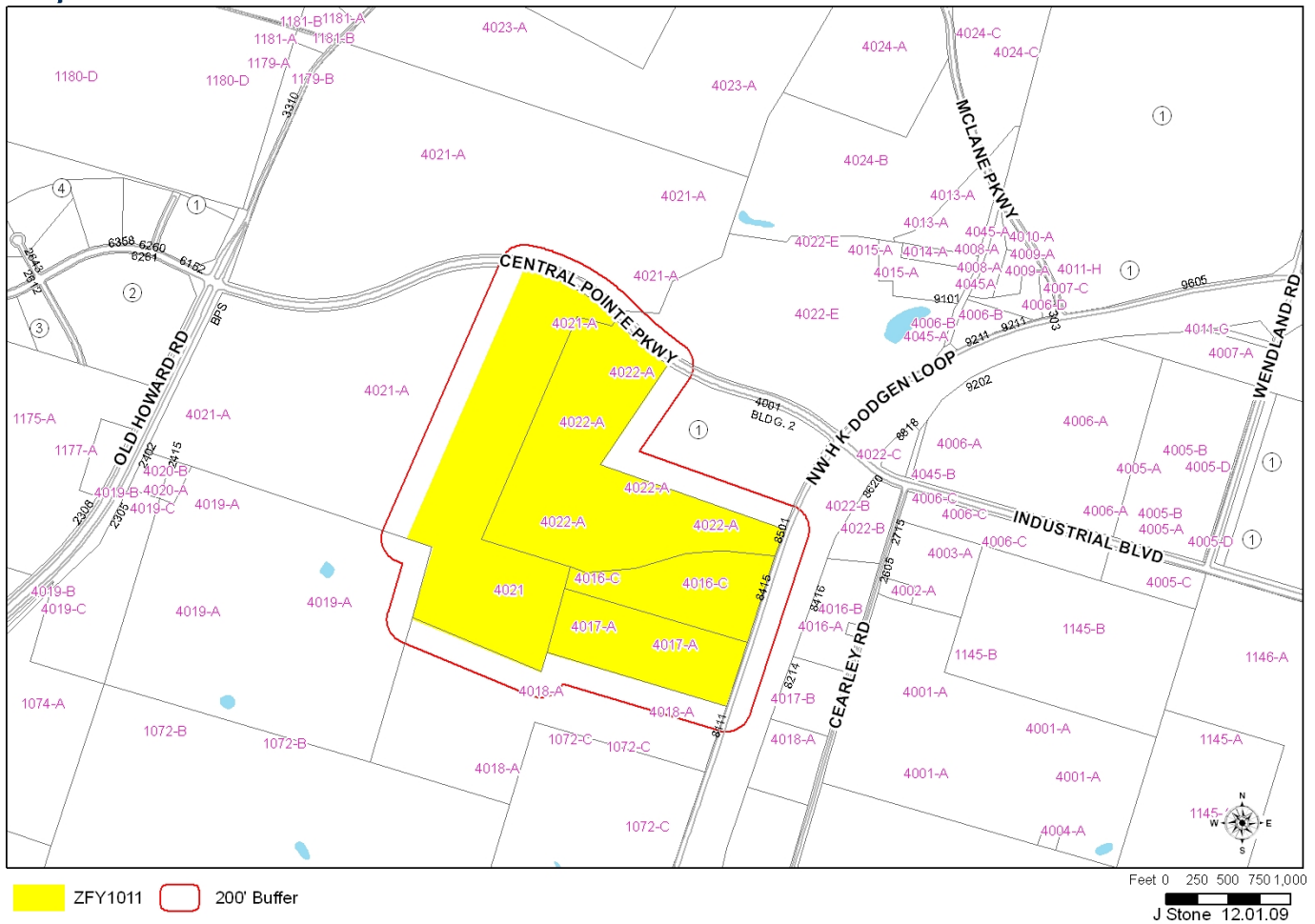
McLane Group, LP Subdivision, Phase Two

135.78 Ac Extension of LI Zoning



 ZFY1011

Feet 0 250 500 750 1,000
J Stone 12.01.09

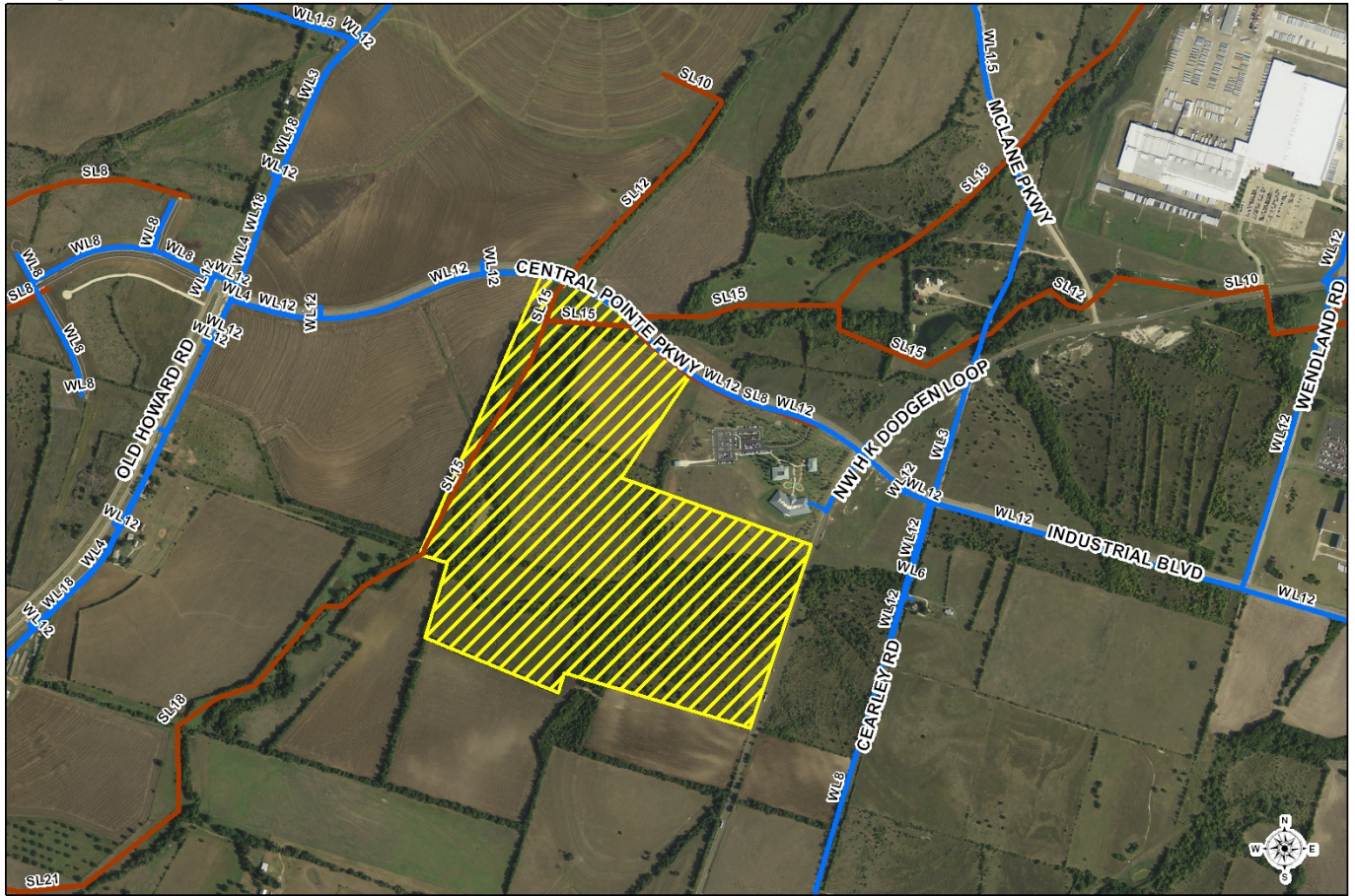




Z-FY-10-11

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

02/18/10
Item #6(R)
Consent Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

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

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

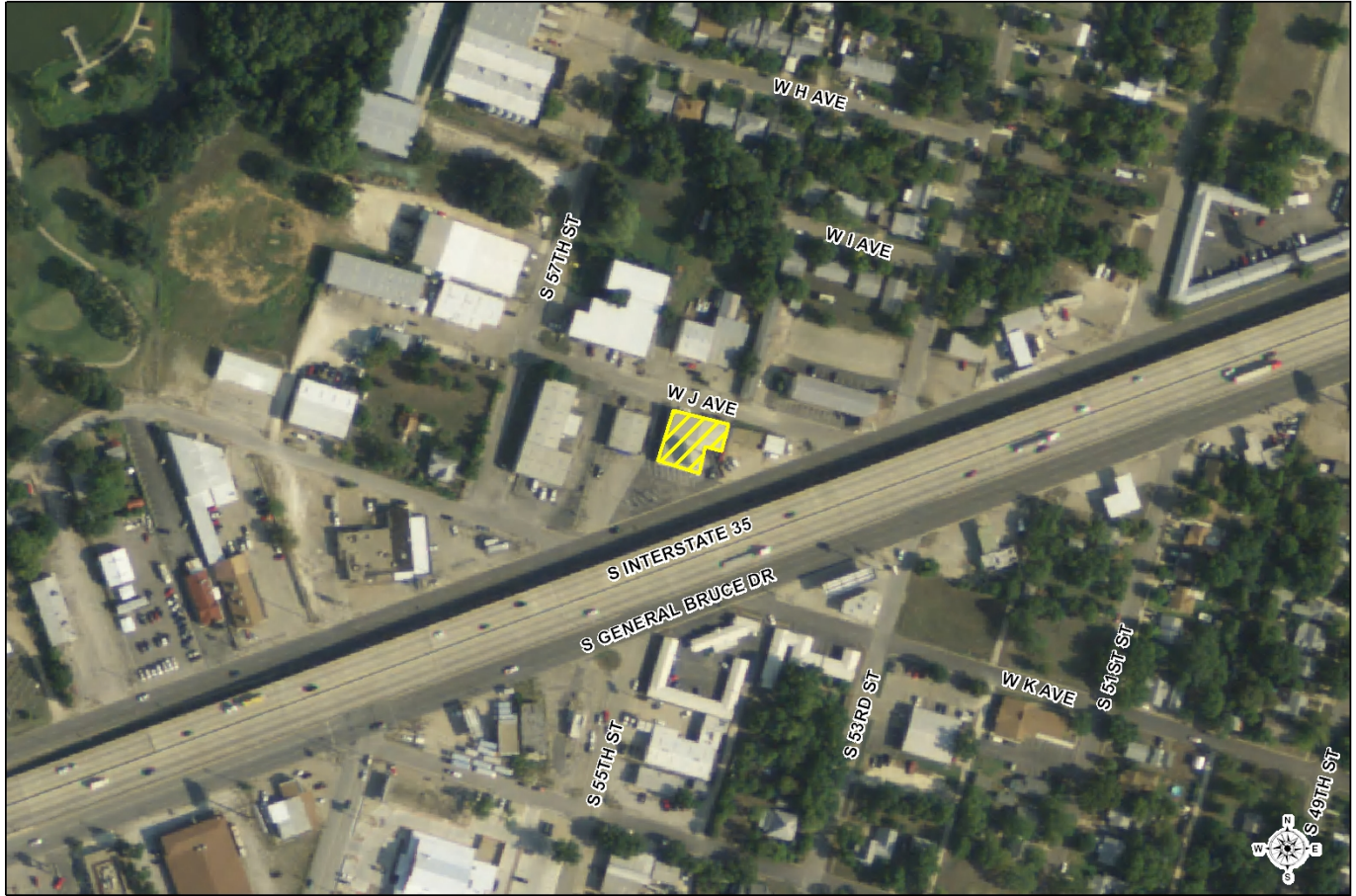
ATTACHMENTS:

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

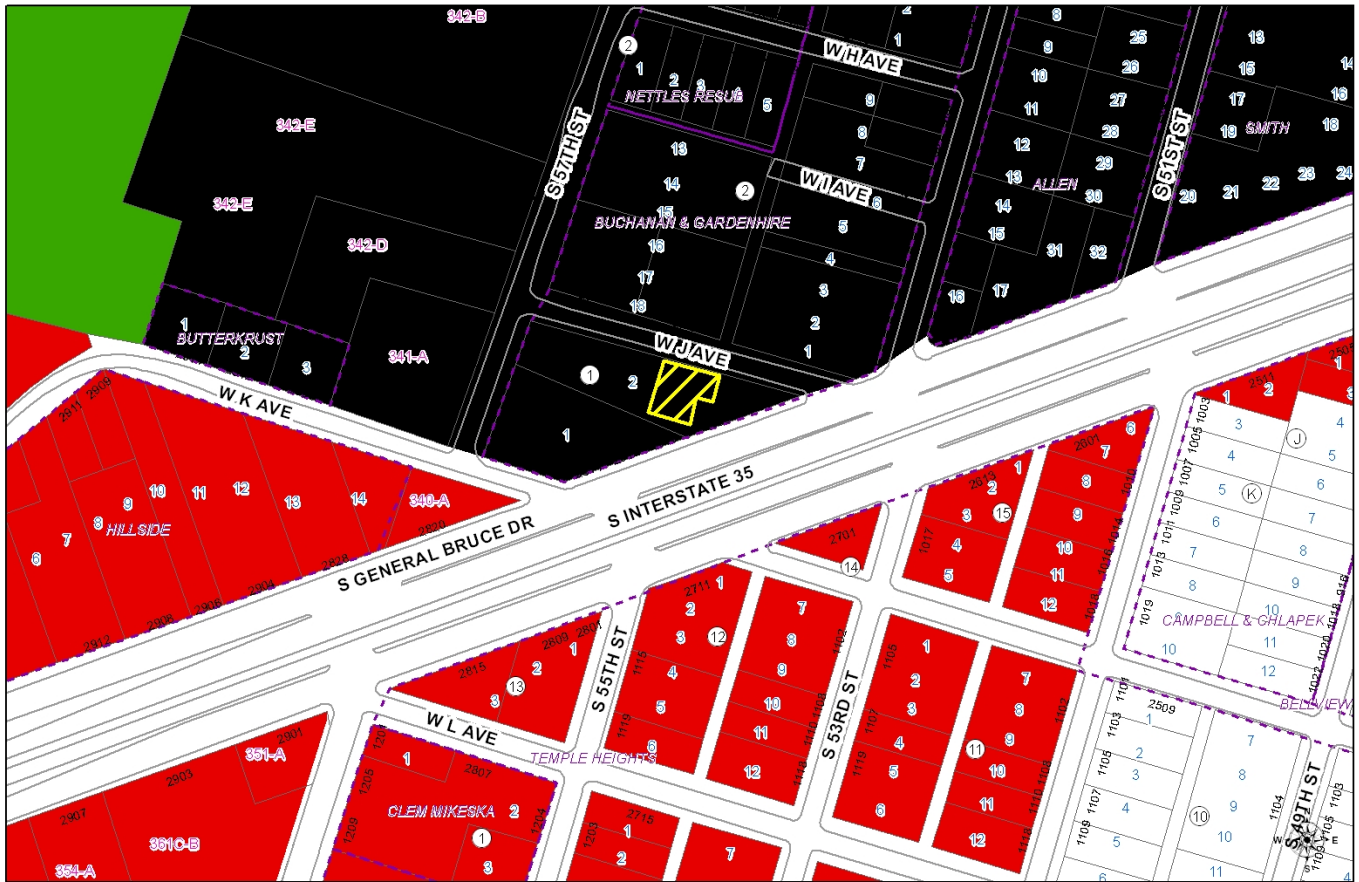
Feet 0 70 140 210 280

J Stone 11.30.09



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

Proposed Package Store



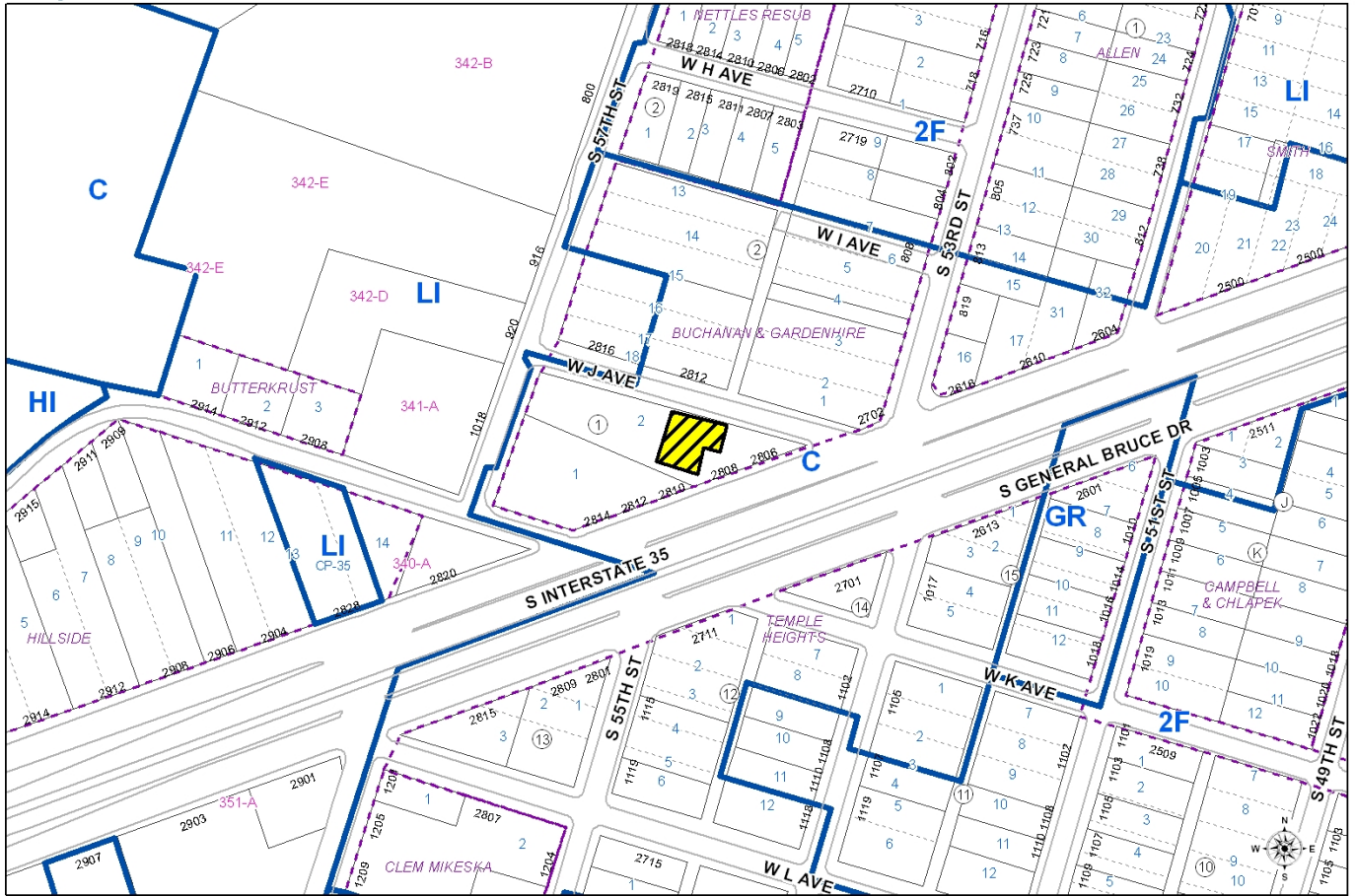
- | | | | | | |
|---------------------------|-------------------------|-----------------------------|-----------------------------------|----------------------|--------------------|
| Lot Numbers | Suburban Residential | Auto-Urban Mixed Use | Urban Center | Business park | Agricultural/Rural |
| Neighborhood 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



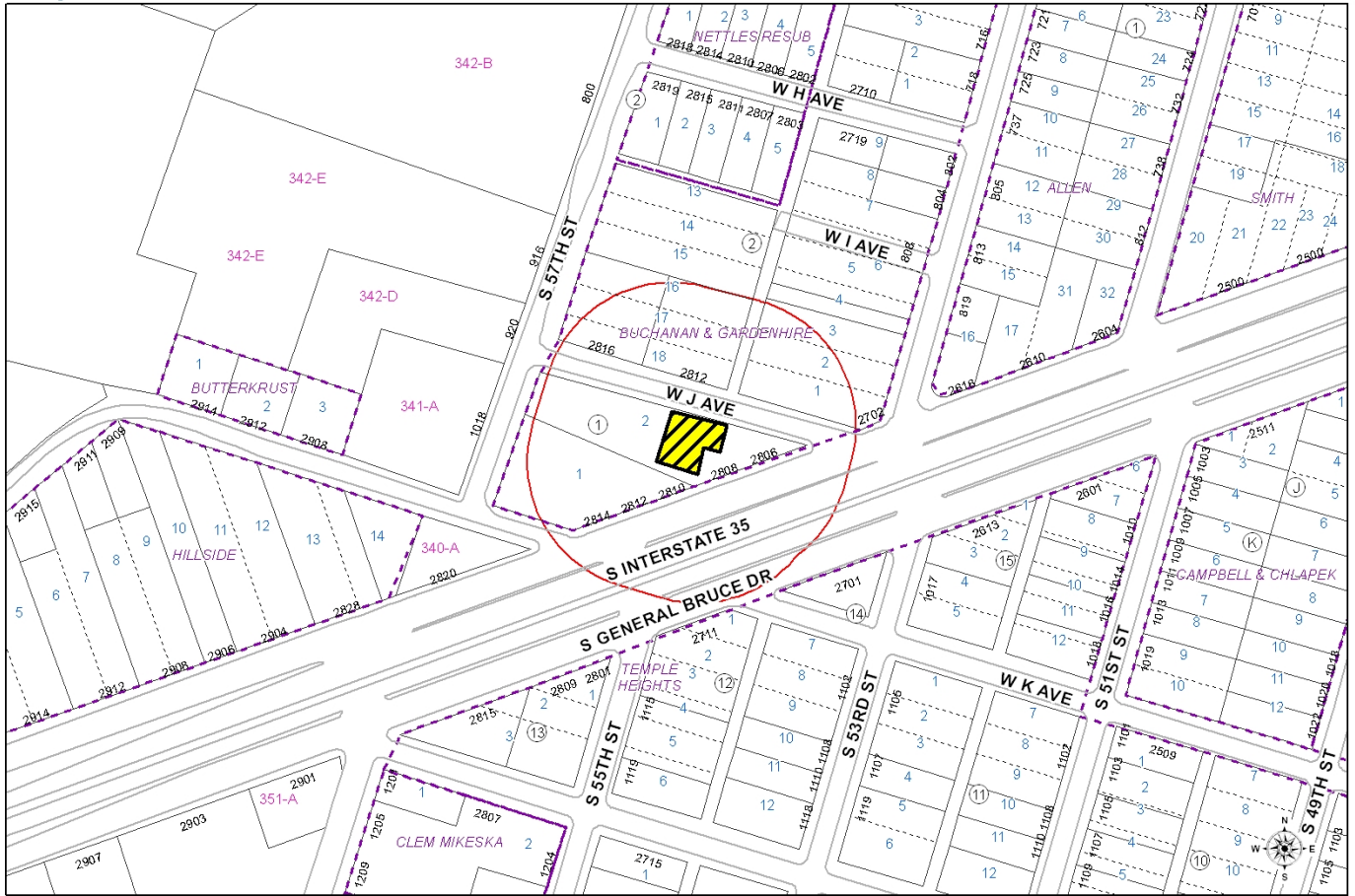
 ZFY1012

Feet 0 50 100 150 200
J Stone 11.30.09



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

Proposed Package Store



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

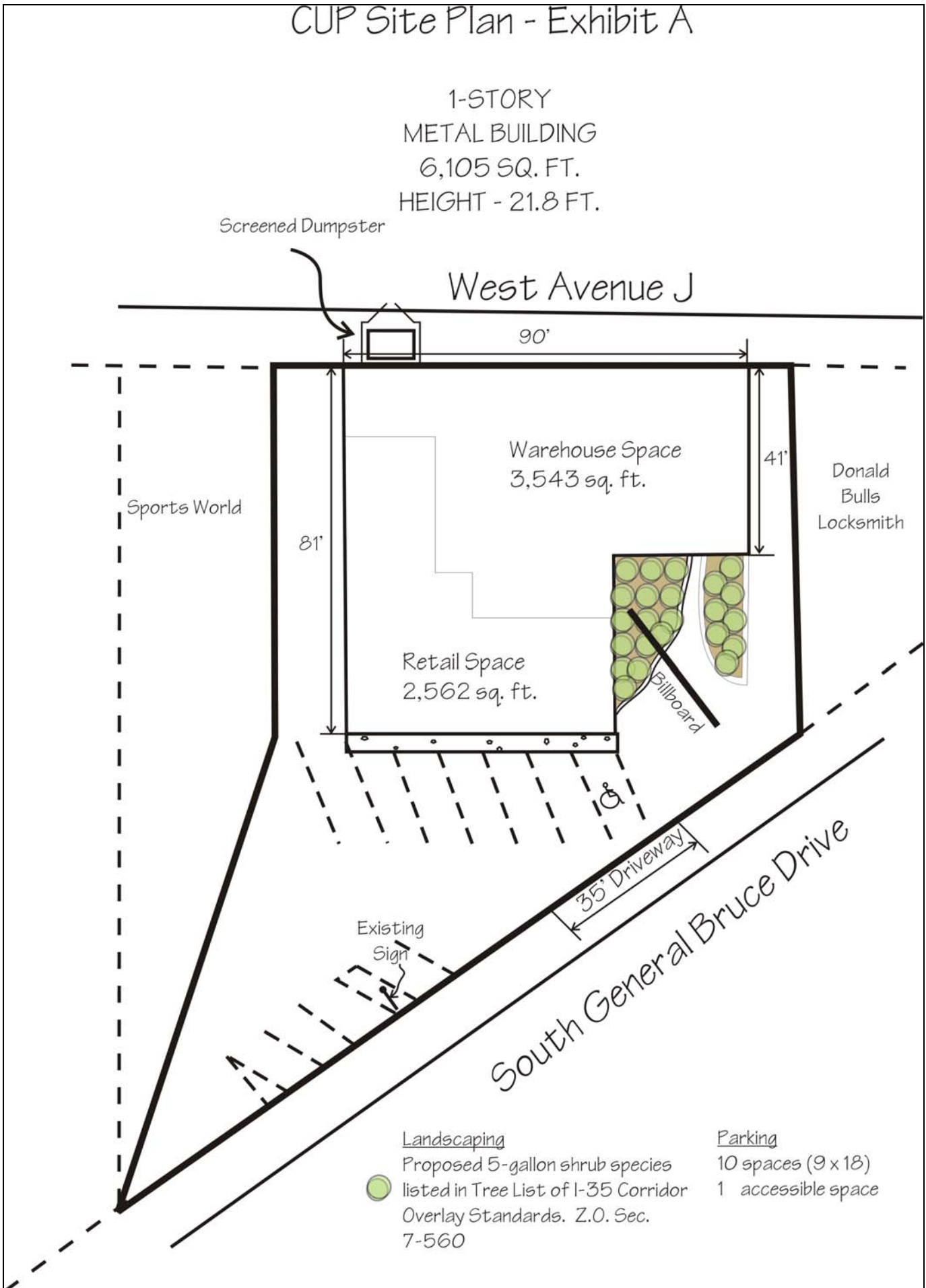
Existing
Sign

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

02/18/10
Item #6(S-1)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

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

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

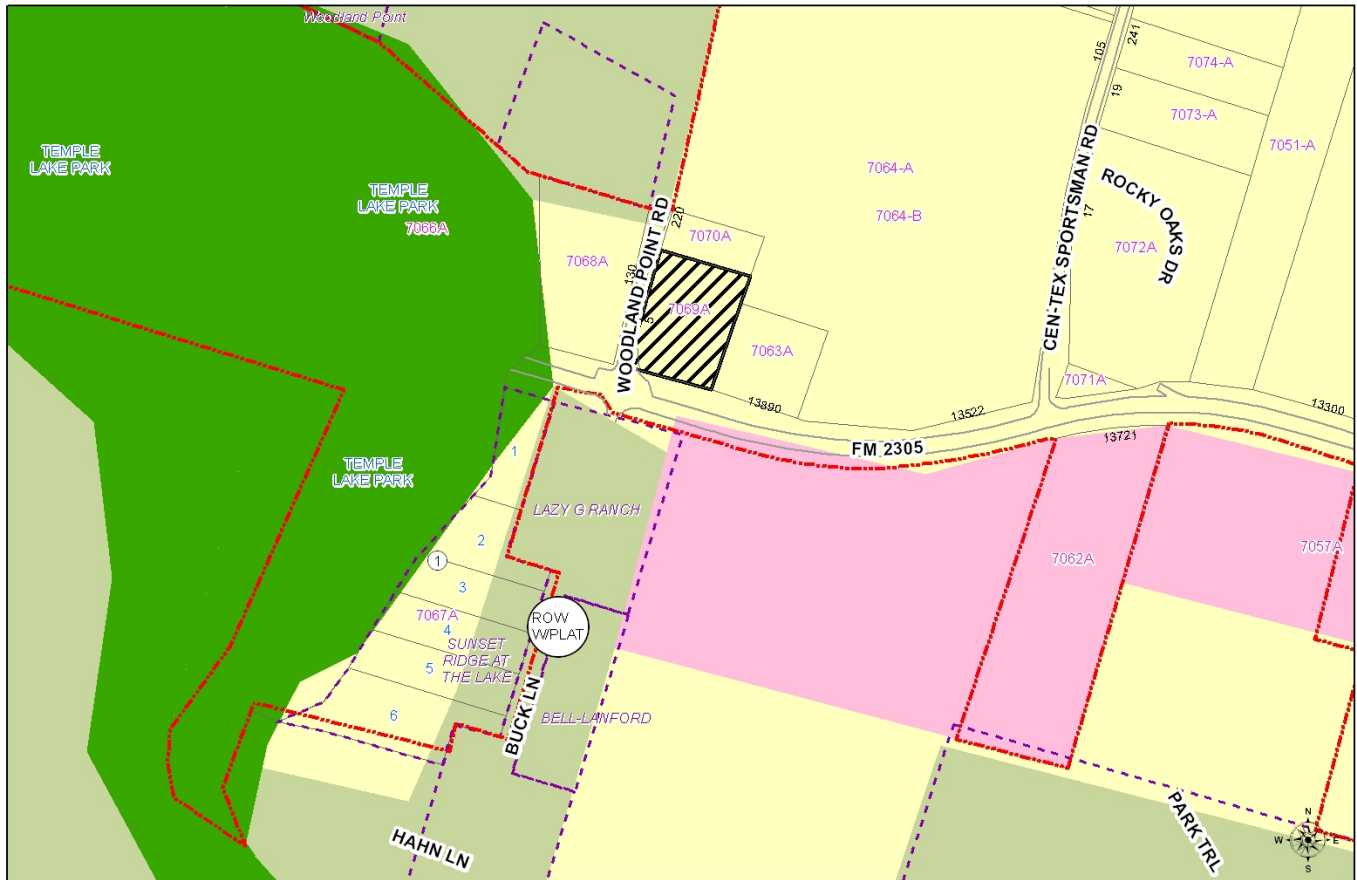
Feet 0 50 100 150 200
J Stone 12.14.09



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

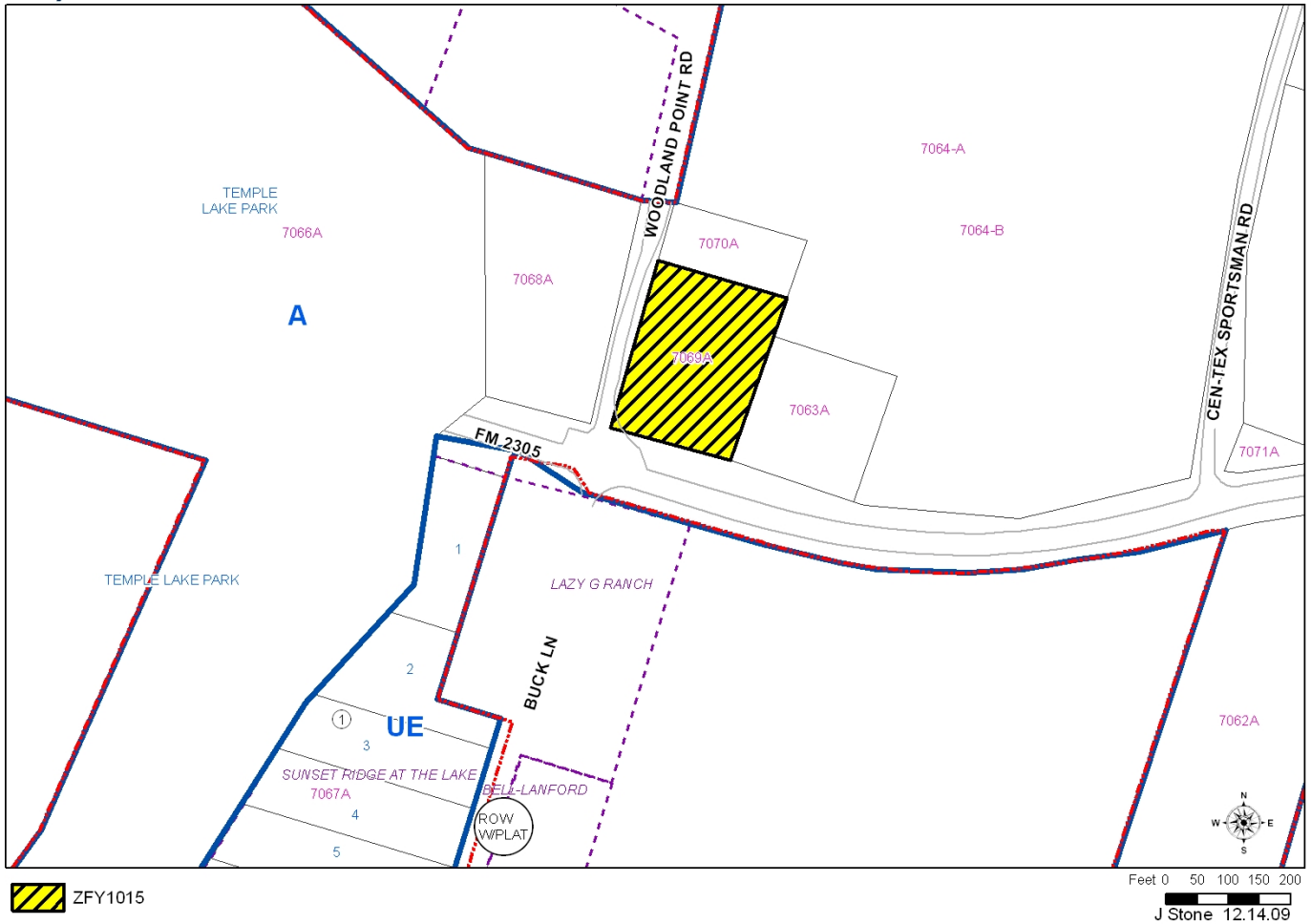
1 inch = 300 feet
J Stone 12.21.09



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

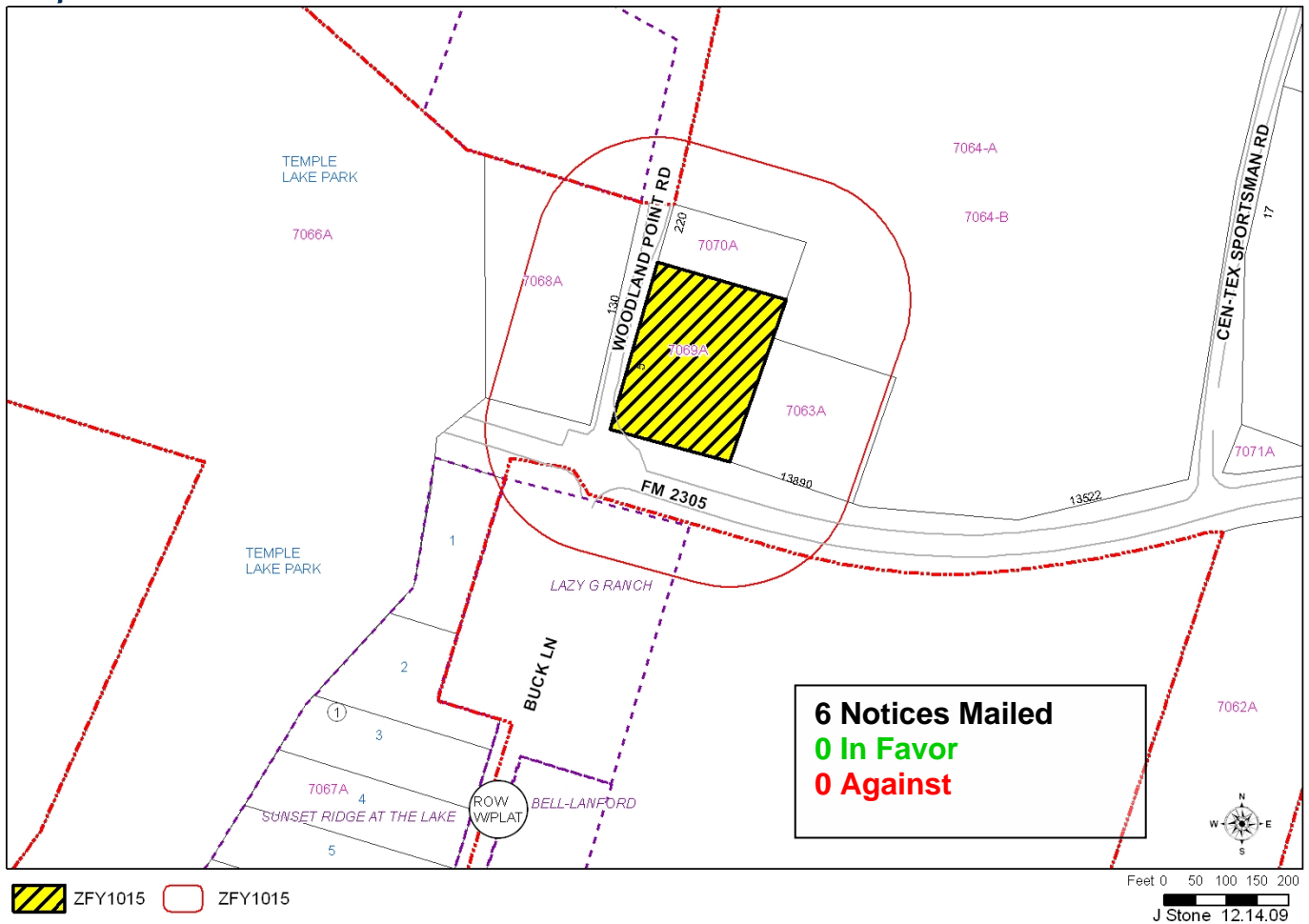




Z-FY-10-15

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

02/18/10
Item #6(S-2)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

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

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](#)

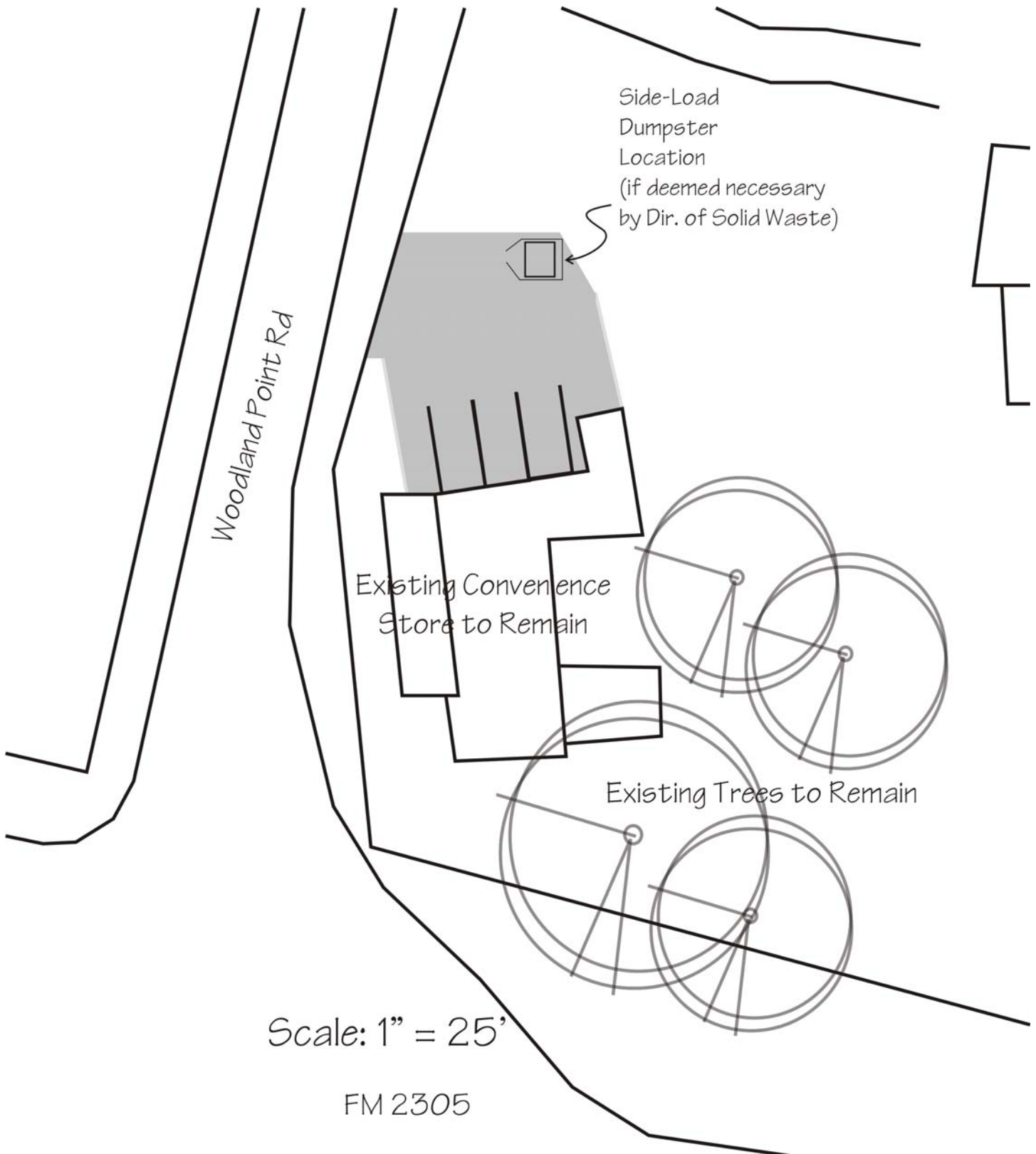


Z-FY-10-15

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:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/18/10
Item #6(T)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

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

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

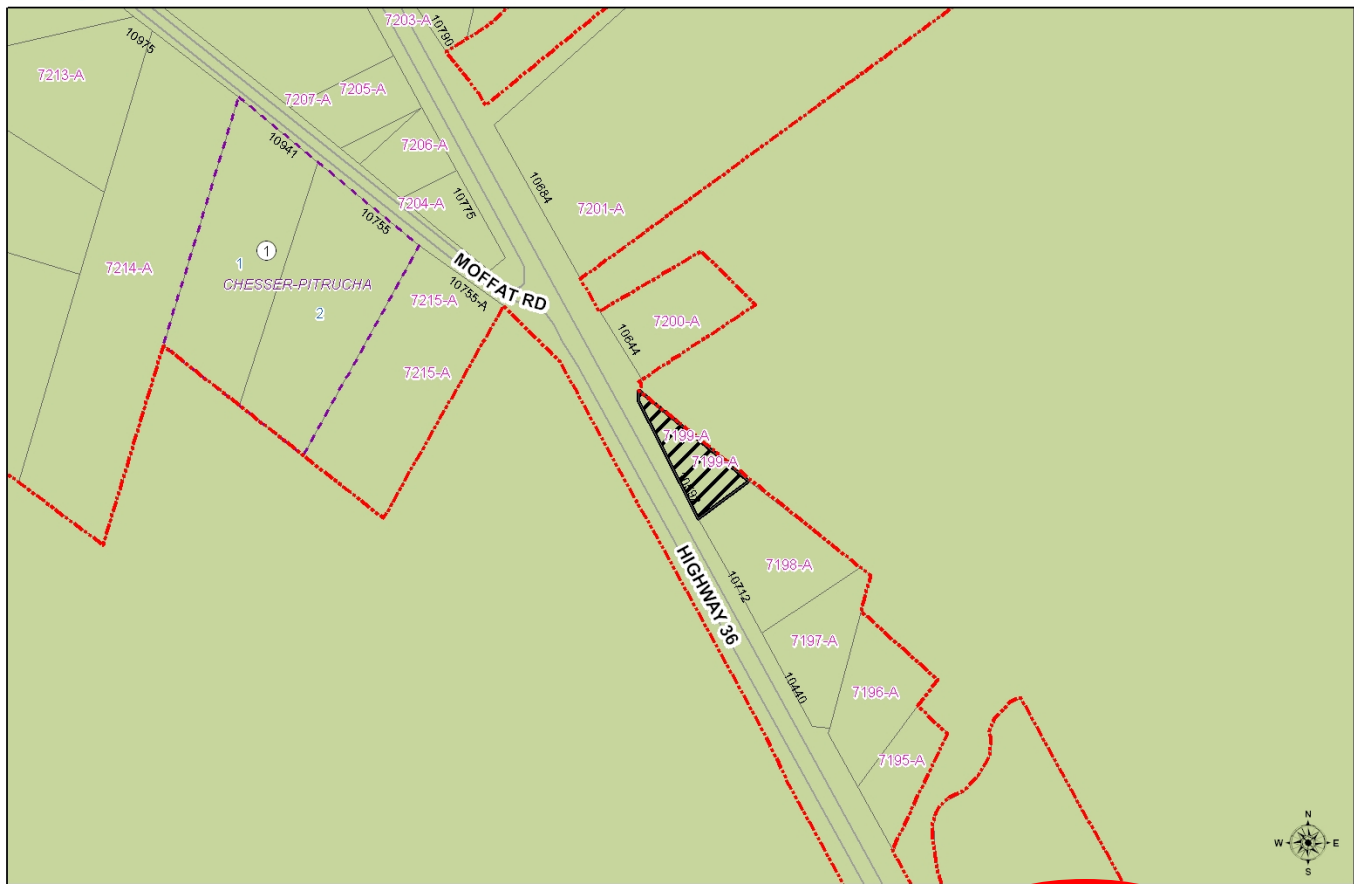


Z-FY-10-16

OB# 7199

10592 W State Highway 36

0.571 ac



Lot Numbers	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 = 300 feet
J Stone 12.21.09

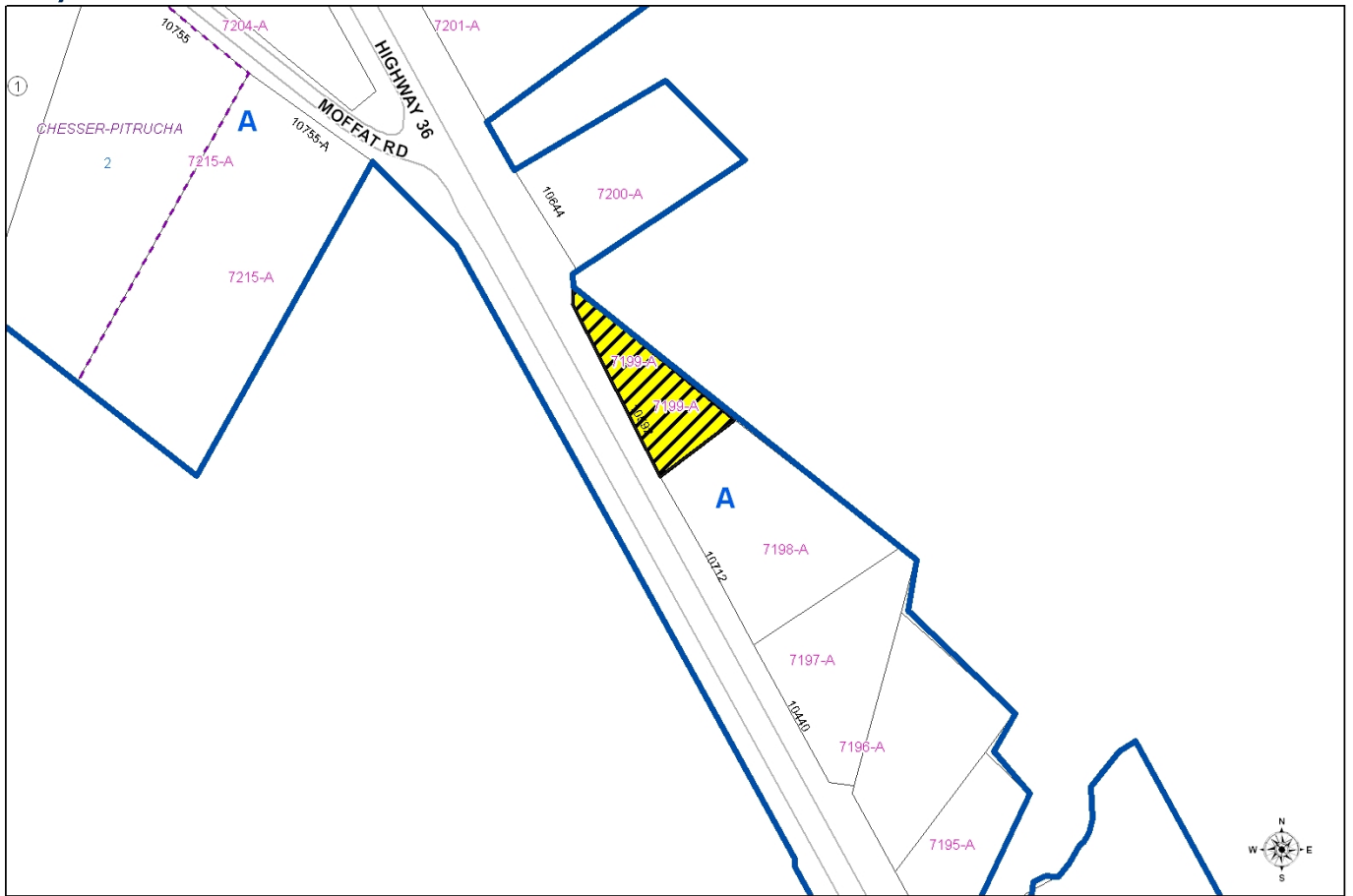



Z-FY-10-16

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

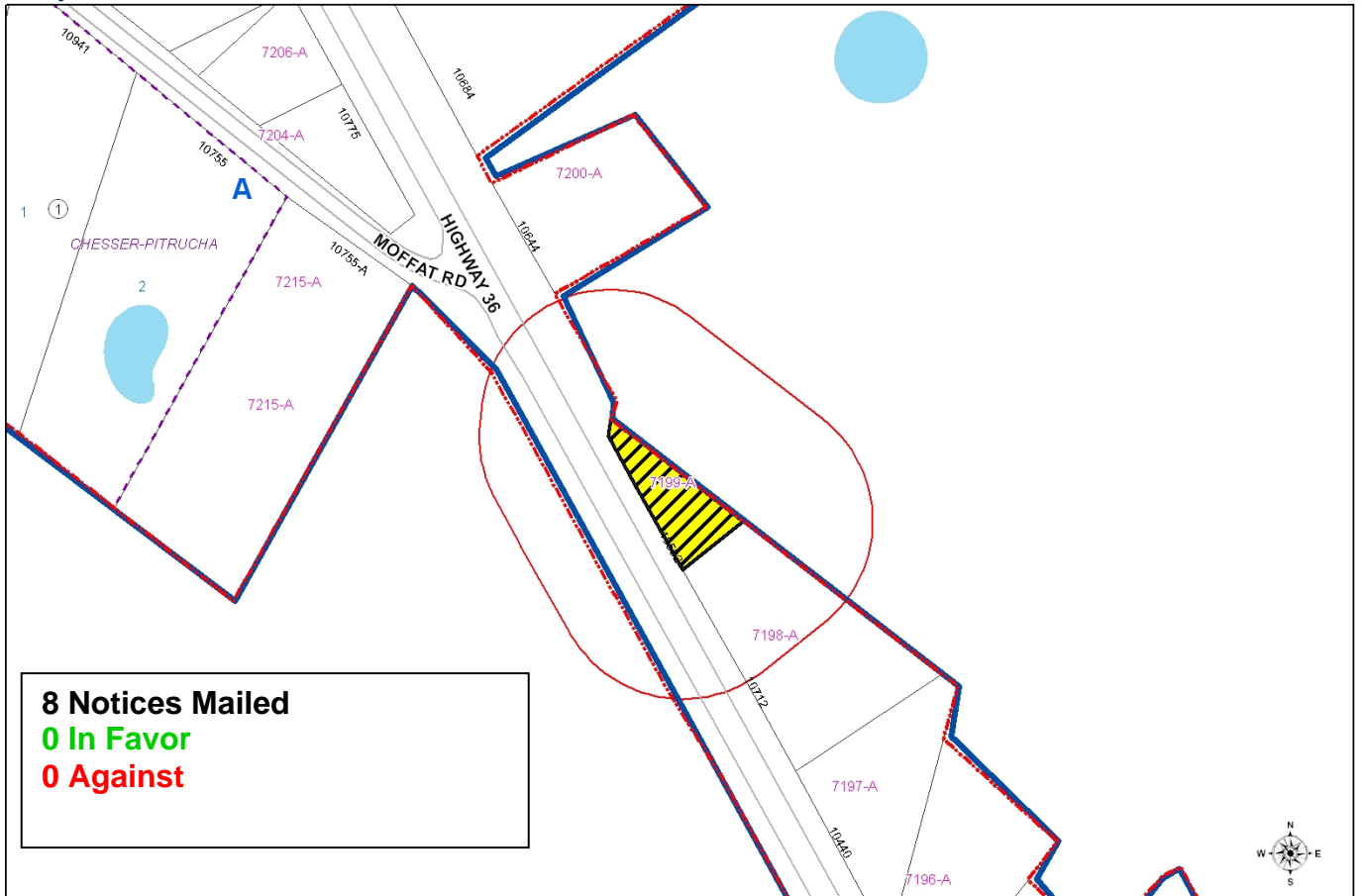


Z-FY-10-16

OB# 7199

10592 W State Highway 36

0.571 ac



 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



COUNCIL AGENDA ITEM MEMORANDUM

02/18/10
Item #6(U)
Consent Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing acceptance of a grant for Phase I of the Mayors' Physical Fitness Council Grant Program through the Governor's Advisory Council on Physical Fitness in the amount of \$11,988.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: As part of Governor Rick Perry's program to improve the health and well being of Texas residents, he developed the Governor's Advisory Council on Physical Fitness (GACPF) in 2001. The purpose of the GACPF is to advise the Governor on matters related to physical fitness, sports, health and nutrition education, and exercise.

At the suggestion of GACPF members, Governor Perry worked with legislators to pass funding for the development of local physical fitness councils. This legislation directed the Texas Department of State Health Services to make \$400,000 per year in general revenue available for use by the GACPF to provide grants to Texas communities for the development of local Mayors' councils that will develop, implement and market local wellness and fitness programs in communities across the state. The grants do not require a match by the local community.

The City of Temple Parks and Leisure Services Department applied for a grant and recently learned that it was awarded one of the grants from the Governor's office to assist in the development of a Mayors' Fitness Council in Temple. The grant awarded is for \$11,988. The purpose of the grant will be to develop the Mayors' Council on Physical Fitness, assess the wellness and fitness needs of the community and to determine the existing fitness activities and events occurring in Temple. The grant is considered phase 1 of a two-phased, tiered grant program that can be awarded to Temple for the Mayors' Council on Physical Fitness.

Upon completion of Phase I, the City can apply for a second grant that would focus on developing a marketing program to promote community wellness and fitness programs and encourage the development of new fitness programs in the City. That grant can be as large as \$68,012.

Members of the council will represent Temple College, TISD, BISD, Scott & White Hospital, Kings Daughters Clinic, Texas A&M College of Medicine, Veterans Administration Hospital, various youth sports organizations, private citizens, and the Parks and Leisure Services Department.

FISCAL IMPACT: The City will receive \$11,988 in grant funds. The Mayors' Physical Fitness Council Grant Program is a reimbursement grant which has no matching funds requirement. A budget adjustment is presented for Council's approval appropriating the grant expenditures and grant revenue.

ATTACHMENTS:
[Budget Adjustment](#)
[Resolution](#)

FY 2010**BUDGET ADJUSTMENT FORM**

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

Adjustments should be rounded to the nearest \$1.

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
260-4100-551-11-15		Skilled	\$ 2,688			
260-4100-551-21-10		Office Supplies	500			
260-4100-551-25-11		Printing/Publications	2,400			
260-4100-551-25-14		Travel & Training	400			
260-4100-551-26-23		Other Contracted Services	6,000			
260-0000-431-02-61		State Grants	11,988			
TOTAL.....			\$ 23,976		\$ -	

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

To appropriate grant revenue and expenditures for Phase I of the Mayors' Physical Fitness Council Grant Program through the Governor's Advisory Council on Physical Fitness. The City has been awarded \$11,988 in grant funds. The purpose of the grant is to develop the Mayors' Council on Physical Fitness, assess the wellness and fitness needs of the community and to determine the existing fitness activities and events occurring in Temple. This grant is considered Phase I of a two-phased, tiered grant program that can be awarded to Temple for the Mayors' Council on Physical Fitness.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

2/18/2010

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 ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$11,988 FOR PHASE 1 OF THE MAYORS' PHYSICAL FITNESS COUNCIL GRANT PROGRAM THROUGH THE GOVERNOR'S ADVISORY COUNCIL ON PHYSICAL FITNESS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City's Park and Leisure Services Department applied for a grant through the Governor's Advisory Grant Program and recently learned that it was awarded one of the grants in the amount of \$11,988 to assist in the development of a Mayors' Fitness Council in Temple;

Whereas, the purpose of the grant will be to develop the Mayors' Council on Physical Fitness, assess the wellness and fitness needs of the community and determine the existing fitness activities and events occurring in Temple – the grant is considered Phase 1 of a two-phased tiered grant program that can be awarded to Temple for the Mayors' Council on Physical Fitness;

Whereas, the grant does not require the City to provide matching funds, and upon completion of Phase 1, the City can apply for a second grant that would focus on developing a marketing program to promote community wellness and fitness programs and encourage the development of new fitness programs in the City;

Whereas, the grant funds need to be accepted by the City and an amendment to the FY2009-10 budget needs to be approved to appropriate the funds; 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 acceptance of a grant in the amount of \$11,988 for Phase 1 of the Mayors' Physical Fitness Council Grant Program through the Governor's Advisory Council on Physical Fitness, and authorizes the City Manager, or his designee, to execute any documents, after approval as to form by the City Attorney, that may be necessary for the grant.

Part 2: The City Council approves an amendment to the FY2009-10 budget, substantially in the form of the copy attached as Exhibit A, to appropriate the funds for this grant.

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 **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

02/18/10
Item #6(V)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Parks and Leisure Services Director

ITEM DESCRIPTION: Consider adopting a resolution naming the new bridge to be constructed at Jeff Hamilton Park as the *Hispanic Heritage Bridge*.

ITEM SUMMARY: At the January 20th, Parks and Leisure Services Advisory Board meeting, Temple resident Edward Luna requested the Board consider naming the new pedestrian bridge at Jeff Hamilton Park, *Hispanic Heritage Bridge*, in honor of the many Hispanic contributions to east side neighborhoods of Temple.

Funding for a new bridge at Jeff Hamilton Park is part of the current Community Development Block Grant program. This will be a new metal bridge spanning the drainage area on the south end of the park. This bridge will lead from the park into the area that Mr. Luna discussed in his request to name the bridge.

At the Parks and Leisure Services Advisory Board meeting, Mr. Luna told the Board that he was born and raised, with his 11 brothers and sisters, on the 16th street alley near Jeff Hamilton Park. The area, which is only a block long, has since been renamed Luna Lane. Mr. Luna said that many of the Hispanic immigrants that came to Temple located in this area. Many were railroad workers and farm laborers. In the 1930's an all Mexican school was established so the children could learn to read and write English.

In addition to the history of the Mexican school, Mr. Luna presented historical information on the contributions of several Hispanic residents of Temple. Mr. Luna said that he continues to do research on the Hispanic heritage in Temple.

The Council adopted policy for the naming a park or park facility, in part states:

Parks, facilities, or streets may be named:" For a geologic, geographic, historical, botanical, horticultural or scientific feature inherent to the area".

The naming of the new bridge meets the criteria of the above.

After hearing Mr. Luna's request, the Parks and Recreation Advisory Board voted unanimously to support the request to name the bridge, the *Hispanic Heritage Bridge*, and that their recommendation

be forwarded to City Council for approval.

FISCAL IMPACT: None

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, NAMING THE NEW BRIDGE TO BE CONSTRUCTED AT JEFF HAMILTON PARK THE *HISPANIC HERITAGE BRIDGE*; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on January 20, 2010, the Parks and Recreation Advisory Board voted unanimously to support a request made by Temple resident, Edward Luna, to name the new bridge to be constructed at Jeff Hamilton Park the *Hispanic Heritage Bridge* in recognition of the many invaluable contributions made to east side neighborhoods by Hispanic residents throughout the years;

Whereas, Mr. Luna said that many of the Hispanic immigrants who came to Temple located in the area of Jeff Hamilton Park;

Whereas, the City Council adopted policy for the naming of a park or park facility, in part states: *Parks, facilities, or streets may be named for a geologic, geographic, historical, botanical, horticultural or scientific feature inherent to the area*; 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 naming the new bridge to be constructed at Jeff Hamilton Park the *Hispanic Heritage Bridge*.

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 **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

02/18/10
Item #6(W)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution approving first quarter financial results for Fiscal Year 2010.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item will present in detail the first quarter ending December 31, 2009, for the General, Water & Sewer, Hotel/Motel Tax and Drainage Funds.

Included with these first quarter results will be various schedules detailing grants, sales tax, capital projects and investments.

FISCAL IMPACT: N/A

ATTACHMENTS:

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE FIRST QUARTER FINANCIAL RESULTS FOR THE FISCAL YEAR 2009-2010; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the first quarter 2009-2010 fiscal year financial results need to be approved by the City Council;

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

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

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

Part 1: The City Council approves the first quarter 2009-2010 fiscal year financial results, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED this the **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

02/18/10
Item #6(X)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

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

FISCAL IMPACT: The total amount of budget amendments is \$194,374.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2010 BUDGET
February 18, 2010

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-0000-352-1345		Designated for Capital Projects - Unallocated	\$ 84,108	
110-0000-431-0163		Federal Grants		\$ 84,108
<p>To appropriate revenue related to the Interlocal Agreement with Temple Independent School District (TISD) in which TISD will reimburse the City for the salary, benefits, related equipment, and training for one police officer from the Temple Police Department to serve as a School Resource Officer (SRO). TISD will also reimburse the City for mileage costs incurred by the position while performing SRO duties. This agreement expires September 30, 2014. Council approved the Interlocal Agreement on July 16, 2009. The expenditures associated with the SRO were included in the FY 2010 budget, but the associated revenue was not included in the FY 2010 budget.</p>				
110-2000-521-2136		Public Safety Expenditures (Police Department)	\$ 10,200	
110-0000-442-0722		Donations		\$ 10,200
<p>Appropriate funds for the purchase of automated external defibrillators with funds donated to the Public Safety Advisory Board.</p>				
110-2000-521-2333		Auto & Equipment - Fleet Services (Police Department)	\$ 903	
110-0000-461-0554		Insurance Claims		\$ 903
<p>Reimbursement for damage to a vehicle as a result of an accident on January 1, 2010. Vehicle was repaired.</p>				
110-2200-522-2331		Instruments/Special Equipment (Fire Department)	\$ 2,000	
110-0000-442-1629		Donations Revenue		\$ 2,000
<p>This budget adjustment includes a \$2,000 donation/grant from Wal-Mart for the purchase of Haz-Mat safety equipment. The fire department will use the donation/grant funding to purchase a Massimo CO monitor which will read CO blood levels in firefighters.</p>				
110-2350-540-2516		Judgments & Damages (Solid Waste - Frontload)	\$ 3,193	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 3,193
<p>Settlement of claim filed against the City by Heartland Resources, Inc., seeking reimbursement for damage to a trash enclosure on June 8, 2009, by a Solid Waste frontload vehicle.</p>				
361-1800-525-6849	100240	Municipal Court Facility	\$ 15,348	
361-0000-315-1116		Reserve for Future Expenditures		\$ 15,348
561-5800-535-6929	100240	Water Business Office Improvements	\$ 6,577	
561-0000-373-0411		Unreserved Retained Earnings		\$ 6,577
<p>This budget adjustment appropriates additional funds for the Municipal Court/Utility Business Office renovations as a result of a deductive change order in the amount of \$21,925 in FY 2009.</p>				

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2010 BUDGET
February 18, 2010

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
520-5500-535-2311		Doshier WWTP Building & Grounds	\$ 5,059	
520-5000-535-6532		Contingency		\$ 5,059
<p>Last carpeted and tiled in 1993-94, the Doshier Wastewater Treatment Plant (WWTP) needs to have the flooring replaced. Funds are available in the Public Works Administration contingency account.</p>				
561-5000-535-1112		Professional (Water Admin - UR Bonds)	\$ 40,638	
561-5000-535-1126		Longevity	\$ 111	
561-5000-535-1220		Retirement/Pension	\$ 6,361	
561-5000-535-1221		Social Security (FICA)	\$ 591	
561-5000-535-1222		Health Insurance	\$ 1,939	
561-5000-535-1223		Workers Compensation	\$ 155	
561-5000-535-1224		Unemployment Insurance	\$ 203	
561-5000-535-1225		Dental Insurance	\$ 72	
561-5000-535-1226		Life Insurance	\$ 60	
561-5000-535-1227		AD&D Insurance	\$ 13	
561-5000-535-1228		Long Term Disability	\$ 97	
561-5400-535-6935	100390	Lilac Lane		\$ 50,240
75% of salary & benefits for the CIP Project Manager - funding from UR Bonds				
361-1500-515-1112		Professional (Special Services - CO's)	\$ 13,546	
361-1500-515-1126		Longevity	\$ 37	
361-1500-515-1220		Retirement/Pension	\$ 2,120	
361-1500-515-1221		Social Security (FICA)	\$ 197	
361-1500-515-1222		Health Insurance	\$ 646	
361-1500-515-1223		Workers Compensation	\$ 52	
361-1500-515-1224		Unemployment Insurance	\$ 68	
361-1500-515-1225		Dental Insurance	\$ 24	
361-1500-515-1226		Life Insurance	\$ 20	
361-1500-515-1227		AD&D Insurance	\$ 4	
361-1500-515-1228		Long Term Disability	\$ 32	
361-0000-461-0111		Interest Income		\$ 16,746
25% of salary & benefits for the CIP Project Manager - funding from CO's				
<p>Funding for the CIP Project Manager position. This position is being funded with interest earnings and bond proceeds for FY 2008 CIP projects. 75% of the salary and benefits for the CIP Project Manager is being funded from the 2008 Utility Revenue bond proceeds. All interest earnings have been netted against interest expense related to the UR bonds. 25% of the salary and benefits is being funded from the Series 2008 Certificates of Obligation bonds.</p>				
TOTAL AMENDMENTS			\$ 194,374	\$ 194,374
GENERAL FUND				
Beginning Contingency Balance			\$	-
Added to Contingency Sweep Account			\$	-
Carry forward from Prior Year			\$	-
Taken From Contingency			\$	-
Net Balance of Contingency Account			\$	-
Beginning Judgments & Damages Contingency			\$	77,833
Added to Contingency Judgments & Damages from Council Contingency			\$	-
Taken From Judgments & Damages			\$	(21,465)
Net Balance of Judgments & Damages Contingency Account			\$	56,368

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2010 BUDGET
February 18, 2010

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
		Beginning Fuel Contingency	\$	125,000
		Added to Fuel Contingency	\$	-
		Taken From Fuel Contingency	\$	-
		Net Balance of Fuel Contingency Account	\$	125,000
		Beginning Solid Waste - Future Capital Replacement Contingency	\$	48,400
		Added to Solid Waste - Future Capital Replacement Contingency	\$	-
		Taken From Solid Waste - Future Capital Replacement Contingency	\$	-
		Net Balance of Solid Waste - Future Capital Replacement Contingency Account	\$	48,400
		Net Balance Council Contingency	\$	229,768
		Beginning Balance Budget Sweep Contingency	\$	-
		Added to Budget Sweep Contingency	\$	-
		Taken From Budget Sweep	\$	-
		Net Balance of Budget Sweep Contingency Account	\$	-
		WATER & SEWER FUND		
		Beginning Contingency Balance	\$	247,423
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(5,059)
		Net Balance of Contingency Account	\$	242,364
		Beginning Approach Mains Contingency	\$	-
		Added to Approach Mains Contingency	\$	488,270
		Taken From Approach Mains Contingency	\$	(488,270)
		Net Balance of Approach Mains Contingency Account	\$	-
		Net Balance Water & Sewer Fund Contingency	\$	242,364
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance	\$	26,336
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(19,000)
		Net Balance of Contingency Account	\$	7,336
		DRAINAGE FUND		
		Beginning Contingency Balance	\$	-
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	-
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$	15,243
		Carry forward from Prior Year	\$	51,505
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	66,748

RESOLUTION NO. _____

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

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

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

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

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

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

PASSED AND APPROVED this the 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

02/18/10
Item #7
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Consider adopting an ordinance to abandon the 20-foot wide alley in Block 14, Jones and Moore Addition, located on the east side of Jones Park, between West Avenue G and West Avenue H.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented, on first reading, and schedule second reading and final adoption for March 4, 2010.

ITEM SUMMARY: The City of Temple Parks and Leisure Services Department requests this abandonment to incorporate the alley into Jones Park as green space.

Planning staff contacted all utility providers, including all divisions of the Public Works Department, regarding the proposed alley abandonment. ATMOS Energy, AT&T Texas, and Oncor Electric requests the City retain a 20-foot wide easement with full ingress/egress rights to protect existing utilities in the alley.

Planning staff notified all property owners adjacent to the alley regarding this alley abandonment request. The property owner at 704 South 19th Street was not opposed to the alley abandonment request, but had concerns about people possibly driving on the grass, and suggested there be a parking area on the east side of the park for children and their parents. The property owner at 706 South 19th Street did not have any issues with the alley abandonment request.

FISCAL IMPACT: There are no plans to sell the alley.

ATTACHMENTS:

[Application](#)
[Exhibit](#)
[Ordinance](#)

ABANDONMENT APPLICATION

Date: 12-3-09

Property Owner: CITY OF TEMPLE
Name Address

Phone #

Applicant: KIM METTENBRINK - PARK PLANNER 298 5411
Name Address Phone #

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

Email: kmettenbrink@ci.temple.tx.us Fax Number: 298 5565

Address of Property: _____ Lot: _____ Block: _____ Subdivision: _____

Outblock (if not platted): _____

Filing Fee: The abandonment application requires a filing fee of \$100 plus the broker's opinion of the value of the property to be abandoned (if applicable). The fee is not refundable, except that a refund of \$25 and the value of the property will be made if an application is withdrawn in writing and received by the Planning Department prior to the notification of utility providers.

Type of Abandonment: ☒ Alley ☐ Street ☐ Drainage or utility easement ☐ Other _____

Abandonment Description: Please explain why the abandonment is needed.

PARKS & LEISURE SERVICES WILL INCORPORATE THE ALLEY INTO JONES PARK AS GREEN SPACE.

Use of Abandonment: Please provide the proposed use of abandoned property, if granted.

PARK / GREEN SPACE

Thoroughfare Plan Streets: Any abandonment of a street reflected on the City's Thoroughfare Plan may be presented to Planning and Zoning Commission and the City Council.

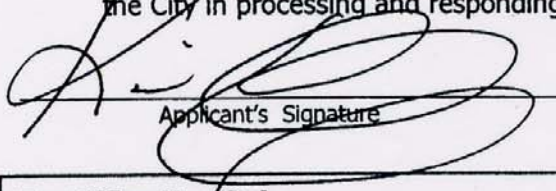
RECEIVED

JAN 06 2010

City of Temple
Planning & Development

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

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


Applicant's Signature

Property Owner's Signature

For Office Use Only

____ Completed Application

Fee Received By: _____

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

Tentative City Council Date: _____

RECEIVED

JAN 06 2010

City of Temple
Planning & Development

Alley Location at Jones Park



Text

Jones Park

Alley to be Abandoned

Scale : 1" = 100'

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ABANDONING THE 20-FOOT WIDE ALLEY LOCATED IN BLOCK 14, JONES AND MOORE ADDITION, ON THE EAST SIDE OF JONES PARK, BETWEEN WEST AVENUE G AND WEST AVENUE H; RETAINING A 20-FOOT WIDE UTILITY EASEMENT IN THE ABANDONED AREA; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City's Parks and Leisure Services Department requests abandoning the 20-foot wide alley located in Block 14, Jones and Moore Addition, on the east side of Jones Park, between West Avenue G and West Avenue H, to incorporate the alley into public green space;

Whereas, utility providers request that the City retain a 20-foot wide utility easement with full ingress/egress rights to protect existing utilities in the alley;

Whereas, the alley is not necessary for the purpose of serving the general public or the owners of adjacent land for purposes of vehicular access; and

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

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

Part 1: The City Council abandons the 20-foot wide alley located in Block 14, Jones and Moore Addition, on the east side of Jones Park, between West Avenue G and West Avenue H, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes, but retains a 20 foot wide utility easement in the entire abandoned area.

Part 2: 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 3: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

PASSED AND APPROVED on First Reading and Public Hearing on the **18th** day of **February**, 2010.

PASSED AND APPROVED on Second Reading the **4th** day of **March**, 2010.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

ATTEST:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

STATE OF TEXAS §

COUNTY OF BELL §

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

Notary Public, State of Texas



COUNCIL AGENDA ITEM MEMORANDUM

02/18/10
Item #8
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-10-18: Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) to allow a package store with alcoholic beverage sales for off-premise consumption in a 6,000 square foot building, on Lot 1, Block 4, Hilltop Estates Addition VII, at 1521 Marlandwood Road.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its February 1, 2010, meeting, the Planning and Zoning Commission voted 7/0, in accordance with staff recommendation, to recommend approval of the Conditional Use Permit request for an off-premise consumption package store, subject to CUP regulations; and with a condition that the existing dumpster shown on the CUP site plan be screened on three sides and have a gate enclosure on the fourth side. The applicant agrees with the conditions of the CUP. Commissioner Secrest abstained and Commissioner Martin was absent.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in the item description, on first reading, and schedule second reading and final adoption for March 4, 2010.

ITEM SUMMARY: Please refer the Staff Report and draft minutes of case Z-FY-10-18, from the Planning and Zoning meeting, February 1, 2010. This Conditional Use Permit (CUP) request is to allow a package store with alcoholic beverage sales for off-premise consumption in a 6,000 square foot building located at 1521 Marlandwood Road. Blockbuster Video currently leases the existing building, but Twin Liquors will become the new leaseholder if City Council approves this request. The applicant will not have a drive-through window. Retail customers will use the front door for ingress/egress.

This request conforms to the area and use requirements for a CUP required for an off-premise package store in the General Retail District. The property is at the intersection of two arterials and conforms to the Thoroughfare Plan. Available public facilities serve this site.

During the Planning and Zoning meeting on February 1, 2010, the Commission, staff, and the applicant discussed several aspects of the required CUP site plan. The applicant agreed to amend the site plan to include the required 6' wide sidewalks along South 31st Street and Marlandwood Road, both arterials. The Commission also discussed increasing the sidewalk width from 6 feet to 8 feet along South 31st Street, because of its inclusion in the Citywide Trails Master Plan. The Commission discussed TxDOT's control of the property's shared access with the adjacent convenience store along South 31st Street. The applicant also agreed to screen the existing dumpster on three sides and include a gate enclosure facing Marlandwood Road, at the Commission's request.

Staff sent out five notices. As of Monday, February 8, 2010, at 11:30 am, staff had not received any returned responses from notified property owners. The newspaper printed notice of the public hearing for the Planning and Zoning Commission meeting on January 21, 2010 in accordance with state law and local ordinance.

FISCAL IMPACT: Funding for the additional two feet of sidewalk width along South 31st Street, due to the Trails Master Plan, is estimated to cost \$2,925 and will come from the Public Works Street Department operating budget. The applicant will be reimbursed upon submission of receipts for the actual cost of the additional two feet of sidewalk.

ATTACHMENTS:

Aerial
Land Use and Character Map
Zoning Map
Applicant's Letter
CUP Site Plan
Notice Map
P&Z Staff Report (Z-FY-10-18)
P&Z Minutes (2/1/10)
Ordinance




Z-FY-10-18

Hilltop Estates, Section VII

1521 Marlandwood Dr

Proposed Package Store



 Z-FY-10-18



Feet 0 25 50 75 100

J Stone 1.13.10

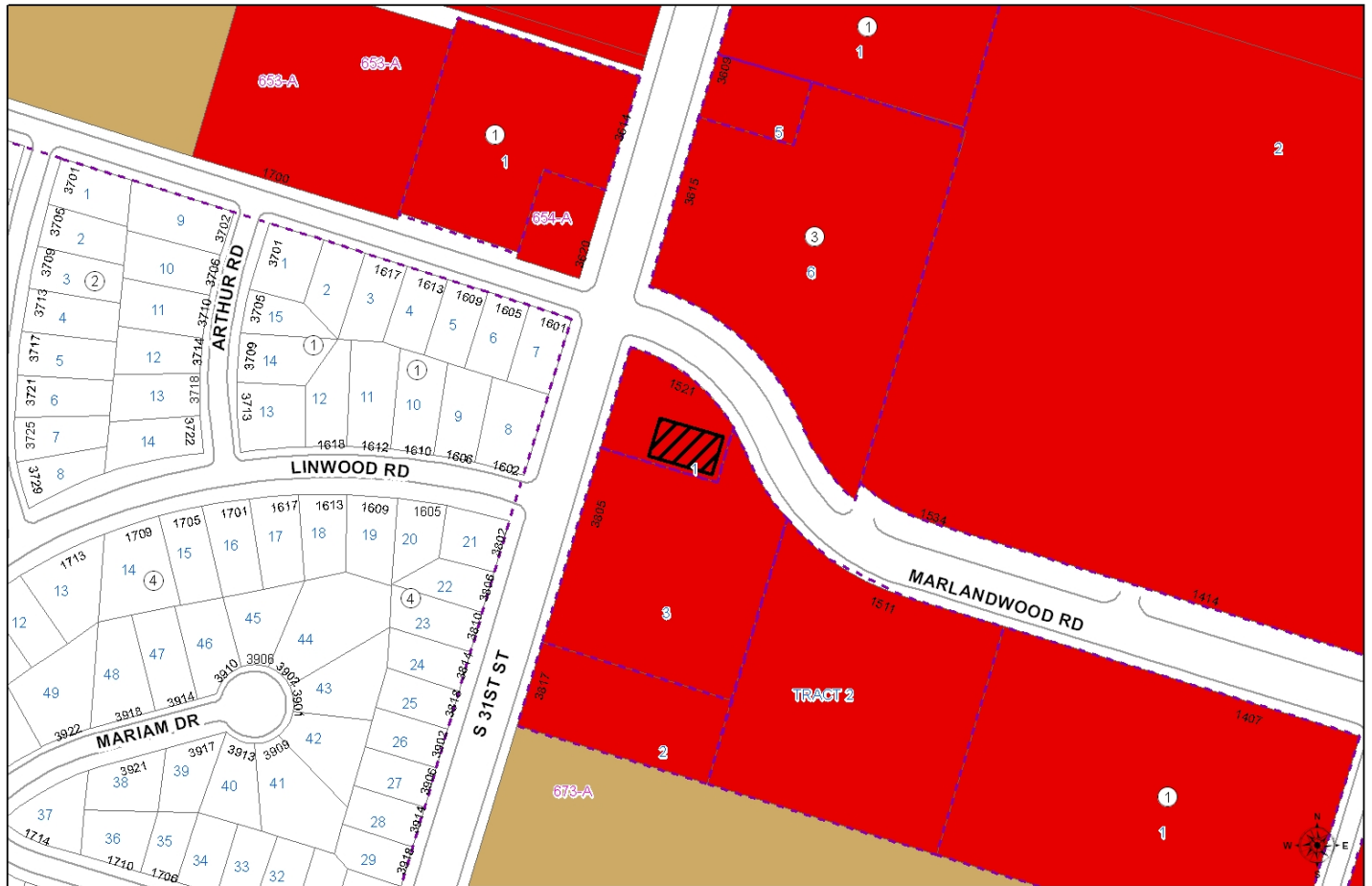


Z-FY-10-18

Hilltop Estates, Section VII

1521 Marlandwood Dr

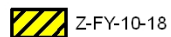
Proposed Package Store



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 1.13.10



Feet 0 25 50 75 100
J Stone 1.13.10

Thrower Design

4608-A South Lamar Boulevard
Austin, Texas 78745
(512) 476-4456 • Fax (512) 476-4454

January 5, 2010

Mr. Tim Dolan, Director
Planning Department
City of Temple
2 North Main Street,
Temple, Texas 76501

RE: 1521 Marlandwood Road – Conditional Use Permit

Dear Mr. Dolan,

This firm is representing Mr. Peter Daniels, the landowner, in a request for a Conditional Use Permit application for the above referenced property.

The subject property is located at the intersection of Marlandwood Road and Linwood Road and is fully developed with a 6,000 s.f. retail building oriented to Marlandwood Road. The current zoning of the property is "GR", General Retail District and the previous occupant of the building located on the subject property was for a Blockbuster Video Store which is defined as a Retail Shop Use.

The request for a Conditional Use Permit is to allow for the existing building to be used with an Alcohol Beverage Sales Off-Premise Consumption, Package Store Use which is a Conditional Use within the "GR" zoning district. The business operator for the proposed use is Twin Liquors, which is a Texas owned business started in Austin and has expanded to other markets through the years. The nearest Twin Liquors store closest to Temple is in Harker Heights. Twin Liquors strives themselves on customer service and satisfaction which has been a part of their business model from day one and has led to their success.

Please find attached with this letter, the application and site plan for the Conditional Use Permit. The site plan contains all of the necessary plan information associated with the

RECEIVED

JAN 07 2010

L A N D P L A N N E R S

City of Temple
Planning & Development

Conditional Use Permit process and believe is adequate for review and processing with the City of Temple.

Specific conditions for Conditional Use Permits as found in Section 7-606 are addressed as follows:

1) *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.*

The proposed use of the site is compatible with surrounding uses and often is found in similar locations with similarly situated properties. The hours of operation for this store is Monday through Saturday 10:00 a.m. to 9:00 p.m..

2) *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property.*

The surrounding properties are fully developed.

3) *Adequate utilities, access roads, drainage, and other necessary support facilities have been or will be improved.*

This site is fully developed and all infrastructure is in place for the continued use of the site as a retail operation. No other support facilities are necessary.

4) *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.*

Two driveways currently serve the property. The primary driveway is to Marlandwood Road and is located +/-175' from the intersection of Marlandwood and Linwood. A joint use driveway to Linwood serves the subject property and the commercial property to the south. This driveway is +/-160' from the intersection. A total of 40 parking spaces are found on-site which equates to 1 space per 150 s.f. of building area. The existing parking on site is well above the minimum requirements of the code. Both of the driveways and parking arrangements are adequate for the intended use of the subject property and will not adversely affect the general public or adjacent development.

5) *Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise, and vibration.*

These nuisances are not typically associated with the proposed use of the property.

6) *Directional lighting will be provided so as not to disturb or adversely affect neighboring properties.*

All lighting will be evaluated and, if necessary, brought into compliance to the code.

7) *There is sufficient landscaping and screening to insure harmony and compatibility with adjacent property.*

The only adjacent property is to the south and both sites are currently developed. No additional screening is necessary for compatibility purposes. The remaining property is right-of-way and the proposed use of the subject property is not intended to be any more or less harmonious and compatible than the previous use of the property.

In addition to the above, the following standards are required for the proposed use as follows:

1) *Such use must comply with Chapter 4, "Alcoholic Beverages," of the City Code.*

To our knowledge the proposed use is not within the proximate distances of a school, church or hospital.

2) *Outdoor lighting must comply with the standards in Section 7-566(G) of the Zoning Ordinance.*

As stated earlier, all site lighting will be evaluated and brought into compliance with current code requirements.

3) *If applicable, a pick-up window must be visible from the public right-of-way, and may not be placed in alleys.*

There is not a drive-through facility proposed with this application.

4) *The drive-through lane must provide a minimum of 60 feet of staking space from the pick-up window to the beginning.*

There is not a drive-through facility proposed with this application.

5) *An escape (bypass) lane must be provided parallel to the drive-through lane, if applicable, from the beginning of the drive-through lane.*

There is not a drive-through facility proposed with this application.

6) *Parking 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).*

The entire 6,000 s.f. building enjoys 40 parking spaces on-site which equates to 1 space per 150 s.f. of building.

7) *Window signs are prohibited.*

The operator will comply with this requirement.

8) *Lighted advertising signs must be turned off at closing time.*

The operator will comply with this requirement.

We believe that this proposed Conditional Use Permit application for the subject property meets or exceeds all of the defined standards for Conditional Use Permits. Therefore, we respectfully request positive consideration for the application contained with this letter.

Should you have any comments, concerns or questions, please contact me at my office, or by email at ront@throwerdesign.com .

Sincerely,

A handwritten signature in cursive script that reads "A. Ron Thrower".

A. Ron Thrower

LANDSCAPE CALCULATIONS

TOTAL LOT AREA = 38,221 SQ. FT.
 58 LANDSCAPE AREA REQUIRED
 28,321 SQ. FT. X 58 = 1,311 SQ. FT. REQUIRED
 8,146 SQ. FT. REQUIRED

LANDSCAPE IS INSTALLED IN REQUIRED FRONT AND SIDE AREAS

ROW AREA NOT COUNTED IN REQUIRED LANDSCAPE AREA

ROW AREA SHALL BE MAINTAINED BY OWNER

LANDSCAPING REQUIRED

1 TREE / 40' L.F. OF STREET FRONTAGE
 321' L.F. OF STREET FRONTAGE / 40' = 8 TREES REQUIRED
 18 TREES PROPOSED

LANDSCAPE NOTES

1. EXISTING BARRIERS BETWEEN ALL VEHICLES AND USER AREAS ARE MAINTAINED.
2. ALL PLANT MATERIAL REQUIRED BY THIS SECTION SHALL BE MAINTAINED AT ALL TIMES IN A LIVING AND GROWING CONDITION.
3. ALL REQUIRED LANDSCAPING SHALL BE PROVIDED BY AN AUTOMATIC SPRINKLING SYSTEM OF TYPE ACCESS TO A HOSE CONNECTION WITHIN 100 FEET OF ALL LANDSCAPING.
4. ALL MECHANICAL EQUIPMENT, STORAGE AREAS, EXTENSION AND WELLS, CULVERTS, ETC., SHALL BE LOCATED BY PLANT MATERIAL OR A 30' (3') FOOT SPACING.
5. SHRUBS AND TREE BEDS SHALL BE COVERED WITH A HARDWOOD BARK MULCH TO A DEPTH OF 2" (2") MINIMUM.
6. THIS PLAN IS TO MEET THE CITY OF TEMPLE LANDSCAPE REQUIREMENTS TO OBTAIN A BUILDING PERMIT AND IS NOT INTENDED TO BE LANDSCAPE WORKING DRAWINGS.

PLANT LIST

ORNAMENTAL TREES

ALL ORNAMENTAL TREES ARE TO BE INSTALLED AT 5' O.C. OR LARGER

KEY	#	TREE / COLUMN IN L.F.	REPLACEMENT CREDIT
1	1	1" GAL. ORNAMENTAL TREE, 10' H. MIN.	1 GAL. BUCKER FOR REPLACEMENT

BUFFER TREES

ALL BUFFER TREES ARE TO BE INSTALLED AT 5' O.C. OR LARGER

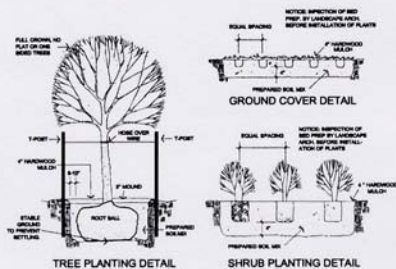
KEY	#	TREE / COLUMN IN L.F.
1	1	1" GAL. TREE THICKNESS 10' H. MIN.
2	1	1" GAL. TREE THICKNESS 10' H. MIN.
3	1	1" GAL. TREE THICKNESS 10' H. MIN.

BUFFER SHRUBS

KEY	#	SHRUB / COLUMN IN L.F.
1	1	1" GAL. SHRUB THICKNESS 10' H. MIN.
2	1	1" GAL. SHRUB THICKNESS 10' H. MIN.
3	1	1" GAL. SHRUB THICKNESS 10' H. MIN.

1 GAL. 1 GAL. NEW BOLD LANTANA, 10' O.C.

1 GAL. 1 GAL. NEW BOLD LANTANA, 10' O.C.



Thrasher Design
 LAND PLANNERS

DATE	1/28/18
BY	J. L. L.
CHECKED BY	J. L. L.
APPROVED BY	J. L. L.
SCALE	AS SHOWN
PROJECT NO.	18-001
CLIENT	THOMAS D. BROWN
LOCATION	1000 S. 10TH AVE., SUITE 100, TEMPLE, TEXAS 76708
DESCRIPTION	LANDSCAPE ARCHITECTURE

TWIN LIQUORS
 TEMPLE, TEXAS

LANDSCAPE DETAILS

SHEET NO. 2 of 2

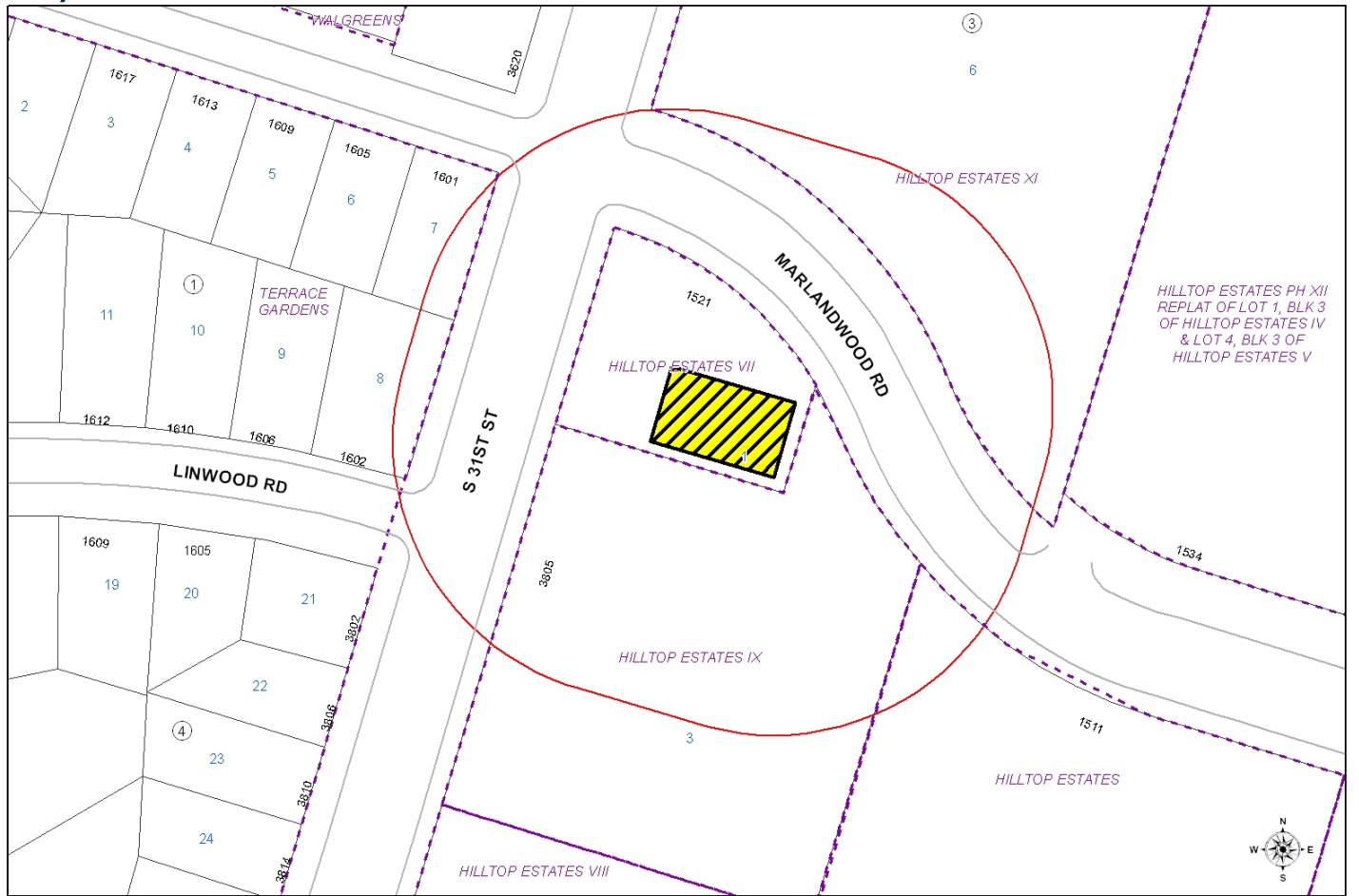




Z-FY-10-18

Hilltop Estates, Section VII

1521 Marlandwood Dr

Proposed Package Store



 Z-FY-10-18  200' Buffer

Feet 0 25 50 75 100
J Stone 1.13.10



PLANNING AND ZONING COMMISSION AGENDA ITEM

02/01/10
Item #3
Regular Agenda
Page 1 of 4

APPLICANT / DEVELOPMENT: Ron Thrower/Peter Daniels and David Jabour c/o Twin Liquors


CASE MANAGER: Tammy Lyerly, Planner



ITEM DESCRIPTION: Z-FY-10-18 Hold a public hearing to 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 6,000 square foot building, on Lot 1, Block 4, Hilltop Estates Addition VII, at 1521 Marlandwood Road. Zoned: General Retail District.

BACKGROUND: This Conditional Use Permit (CUP) request is for a package store allowing alcoholic beverage sales for off-premise consumption at 1521 Marlandwood Road, located at the corner of South 31st Street and Marlandwood Road. The applicants will have customers park and use the front door and will not use a pick-up window. The site is the location of a video store and the leasehold will change. Access comes from both Marlandwood Road and South 31st Street. The applicants will install 6' wide sidewalks along South 31st Street and Marlandwood Road, both Arterial Designated Roadways on the Thoroughfare Plan; and will also replant trees which meet the requirements of the Landscape Ordinance. The applicants are aware of the ordinance requirements.

Surrounding Property and Uses

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

Direction	Zoning	Current Land Use	Photograph
Subject	GR	Retail	
North	GR	Bank	
South	GR	Convenience Store with Car Wash	

East	GR	Assisted Living Facility and Retail	
West and Northwest	2F, NS, and GR	Residential Lot, Undeveloped Lot, and Retail	

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

Future Land Use Plan and Character Map – This request conforms to the Future Land Use and Character Map's designation of Auto Urban Commercial for the property.

Thoroughfare Plan – This request conforms to the Thoroughfare Plan since the retail site has access to the major and minor arterials of South 31st Street and Marlandwood Road, respectfully.

Availability of Public Facilities – Available public facilities 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 is a retail use. 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.
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 driveways for this corner lot are from South 31 st Street and Marlandwood Drive. The applicant will install 6' wide sidewalks along S. 31 st Street and Marlandwood Road, both Arterial Designated Roadways.
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 conforms to the cutaway or 'night-sky' lights.
There is sufficient landscaping and screening to	Yes. The applicant will replant trees to comply

Criteria	Proposal Meets Criteria?
insure harmony and compatibility with adjacent property.	with the landscaping requirements along S. 31 st Street and Marlandwood Road.

CUP Standards In addition to the general Conditional Use Permit standards in Zoning Ordinance, Section 7-600, and 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 Zoning Ordinance, Section 7-566 (G);
- 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 comply with the Zoning Ordinance. The applicant will not have a drive-through window; retail customers will use the front door for ingress/egress. The applicant will start the process with the TABC after approval of a CUP. This application conforms to the area and use requirements for a CUP required for an off-premise package store in the GR District. Condition #11 below is based on Section 7-604 providing for the site plan and application to become part of the CUP.

Public Notice

Staff sent out five notices. As of Thursday, January 28, 2010, at 9:00 am, staff had not received any returned responses from notified property owners. The newspaper printed notice of the public hearing on January 21, 2010 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of Z-FY-10-18, a CUP for a package store allowing alcoholic beverage sales for off-premise consumption at 1521 Marlandwood Road with the following conditions in accordance with Zoning Ordinance, Section 7-611:

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
Applicant's Letter
CUP Site Plan

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

MONDAY, FEBRUARY 1, 2010

ACTION ITEMS

Item 3: Z-FY-10-18: Public Hearing, Discussion and Action: 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 6,000 square foot building, on Lot 1, Block 4, Hilltop Estates Addition VII, at 1521 Marlandwood Road. Zoned: General Retail District.

Ms. Tammy Lyerly, Planner, stated this was a request for a package store Conditional Use Permit (CUP). This would be scheduled for City Council first reading on February 18th and second reading on March 4, 2010.

The subject property was currently the Blockbuster Video Store located on the corner of Marlandwood and 31st Street. If this request were approved, Blockbuster would vacate the premises and Twin Liquors would become the new leaseholder.

The Land Use and Character Map for this site showed auto/urban commercial. Marlandwood was shown as a minor arterial and 31st Street was a major arterial. The current zoning showed General Retail (GR) and to the west was a Two Family district and directly west was a Neighborhood Service district. This request complied with the Thoroughfare Plan since Marlandwood Road and S. 31st Street were both arterials and public facilities were available to serve the site.

Staff recommended the dumpster at the present site be screened per Zoning Ordinance requirements. Although the site plan currently had some existing trees, it would require an upgrade to comply with any landscaping requirements. Also, since Marlandwood and S. 31st Street were arterials, the Subdivision Ordinance required a 6 foot wide sidewalk along all arterials. Ms. Lyerly stated the applicant recently submitted a revised site plan which showed upgrades in the landscaping and the requested sidewalks along S. 31st Street and Marlandwood Road.

Since the subject property was located on S. 31st Street which was part of the new Master Trail Plan previously presented, the sidewalk along S. 31st Street would become part of the Trail Plan and due to the required size of 8 feet, the City would work with the applicant/owner to upgrade the sidewalk from 6 feet to 8 feet.

Ms. Lyerly stated a CUP must meet seven (7) criteria and be compatible with surrounding elements such as safe traffic flow through the parking lot area, access to utilities and drainage, nuisance prevention measures, directional lighting and non-interference of areas, and sufficient landscaping and screening. Staff felt all of these requirements have complied with applicable City regulations.

Section 7-611.5 cites specific requirements for off-premise package stores, such as pick up windows. In this case the applicant had not proposed a pick up window. Any lighted advertising signs must be turned off at closing and window signs are prohibited.

Five notices were mailed to surrounding property owners and zero were returned.

Staff recommended adoption of this CUP for an off-premise consumption package store because the request complied with the Land Use and Character Map, the Thoroughfare Plan, had available public facilities to serve the property. and the applicant would comply with and continue to be subject to the CUP regulations. As part of the requirements for a CUP, a site plan was required to serve as Exhibit A of this request.

Commissioner Secrest recused himself from this case.

Commissioner Staats asked about the dumpster screening and Ms. Lyerly stated the requirement was for 3 sides of screening. Commissioner Staats also asked about a large sign separate from the building and whether that sign would remain on and Ms. Lyerly stated that was correct.

Commissioner Pope asked if this sign was on 31st Street and if it met all sign ordinances. Ms. Lyerly stated Staff was not aware of any changes but when Twin Liquors came in, if approved, they would have to submit a permit for a new sign and at that time Staff would make sure it met all requirements.

Commissioner Barton voiced concern about the entrance and exit off of 31st Street and whether it met all requirements and Ms. Lyerly stated it did; it was a shared access easement for both businesses. Commissioner Barton stated the car wash traffic and liquor store traffic would be coming and going out of that entrance and his recommendation was to make that an exit a right turn only.

Mr. Dolan stated South 31st Street was a controlled street from the Texas Department of Transportation (TxDOT) and when the properties were developed in the late '90s, that was why there was only one point of ingress and egress for a shared driveway. Mr. Dolan would have to ask TxDOT for an egress only and typically, since they (TxDOT) try to limit the amount of driveways along South 31st Street, they have allowed the two-way traffic. Mr. Dolan stated Staff had not consulted TxDOT for the CUP, which is the norm,

but they would have a chance to respond if something came in for a building permit.

Acting Chair Talley asked about the possibility of whether the Commissioner could make a motion asking for a change in the entrance and Mr. Dolan stated the Commission might not be able to get the acquiescence from TxDOT since that is a state road in that area.

Some discussion about the entrance/exit situation, traffic management, possibility of traffic signs, delivery trucks and space, and TxDOT responsibilities.

Acting Chair Talley opened the public hearing.

Mr. Ron Thrower, 4608 S. Lamar, Austin, Texas 78745, approached and stated he represented the landowner and future tenant for the building. Mr. Thrower stated the amount of landscaping proposed was 65 5-gallon shrubs and another 12 trees added to the site. Mr. Thrower was in complete agreement that a front gate is necessary for the dumpster as well as providing the additional sidewalks on both streets.

Acting Chair Talley asked about delivery of products to the store and Mr. Thrower stated there were no plans for adding a dock facility to accommodate an 18-wheeler so it would probably be a bobtail, drop down tailgate in the back.

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

Commissioner Staats made a motion to approve Z-FY-10-18 with the addition that the dumpster be screened on all four sides from public view for aesthetics of the site and Commissioner Hurd made a second.

Motion passed: (7:0)

Commissioner Secrest abstained and Commissioner Martin absent.

ORDINANCE NO. _____

[PLANNING NO. Z-FY-10-18]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW A PACKAGE STORE WITH ALCOHOLIC BEVERAGE SALES FOR OFF-PREMISE CONSUMPTION IN A 6,000 SQUARE FOOT BUILDING, ON LOT 1, BLOCK 4, HILLTOP ESTATES ADDITION VII, AT 1521 MARLANDWOOD 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 a 6,000 square foot building, on Lot 1, Block 4, Hilltop Estates Addition VII, at 1521 Marlandwood Road, 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 to allow a package store with alcoholic beverage sales for off-premise consumption in a 6,000 square foot building, on Lot 1, Block 4, Hilltop Estates Addition VII, at 1521 Marlandwood 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) 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 is an exhibit to the conditional use permit, attached hereto as Exhibit B.

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 **18th** day of **February**, 2010.

PASSED AND APPROVED on Second Reading on the **4th** day of **March**, 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

02/18/10
Item #9(A)-(H)
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution appointing members 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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In accordance with the City Council adopted policies governing the appointment and training of citizens to City boards, appointments to the above stated boards are to be made at the second regular meeting in February, with an effective date of March 1, 2010.

Please see the attached board summary forms, which list current board members, purpose, membership requirements, term and meeting time/place for the boards. Also attached is a summary listing of all applications received for board appointments, as well as the each board application form.

FISCAL IMPACT: N/A

ATTACHMENTS:

Resolution



COUNCIL AGENDA ITEM MEMORANDUM

02/18/10
Item #10
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Consider adopting a resolution appointing one alternate member to the Bell County Public Health District Board of Directors.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Dr. Ray Ashcraft was appointed to the Bell County Public Health District Board of Directors in June 2009 to fill the position vacated by Dr. William Hardin. The Health District has now requested the City appoint an alternate member to serve in the absence of Dr. Ashcraft. The appointment of an alternate is provided for in the Cooperative Agreement with the Health District.

It has been recommended that Dr. Jim Madsen serve as Temple's alternate on this board. Dr. Madsen has agreed to serve through the 2010 calendar year.

FISCAL IMPACT: None

ATTACHMENTS:

Resolution