

MEETING OF THE TEMPLE CITY COUNCIL

MUNICIPAL BUILDING

2 NORTH MAIN STREET

THURSDAY, MARCH 4, 2010

3:30 P.M.

3RD FLOOR CONFERENCE ROOM

WORKSHOP AGENDA

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

5:00 P.M.

MUNICIPAL BUILDING

2 NORTH MAIN STREET CITY COUNCIL CHAMBERS – 2ND FLOOR

TEMPLE, TX

REGULAR MEETING AGENDA

I. CALL TO ORDER

- 1. Invocation
- 2. Pledge of Allegiance

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. (A) Girl Scout Week March 7 – 13, 2010

(B) Social Work Month March, 2010

(C) Project ReDirectory March, 2010

(D) Great American Clean Up March 8, 2010

4. Recognize the Temple Public Library for receiving the Achievement of Excellence in Libraries Award from the Texas Municipal Library Directors Association.

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 <u>discussion</u> or final action will be taken by the City Council.

<u>IV. CONSENT AGENDA</u>

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

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

Minutes:

(A) February 18, 2010 Special Called and Regular Meeting

Contracts, Leases & Bids:

- (B) 2010-5964-R: Consider adopting a resolution authorizing a one-year renewal to a professional services agreement with City-County Benefits Services (C-CBS) for employee benefits consulting services at an annual cost of \$29,103.
- (C) 2010-5965-R: Consider adopting a resolution authorizing a services agreement with Heart of Texas Landscape & Irrigation Co, Inc. of Belton for mowing and maintenance services in the estimated annual amount of \$62,090.
- (D) 2010-5966-R: Consider adopting a resolution authorizing an agreement with the Railroad and Pioneer Museum of Temple to maintain and operate the Railroad and Heritage Museum.
- (E) 2010-5967-R: Consider adopting a resolution authorizing the construction of a 6-foot wide concrete trail from the Pepper Creek Trail to the Scott and White Parking lot located on the Scott and White West Campus, and approving a change order to the construction contract with Westar Construction, Inc. in the amount of \$36,070 to construct the trail.
- (F) 2010-5968-R: Consider adopting a resolution granting a street use license for a private wastewater gravity main and gravity services in Gene Street right-of-way, private wastewater lift station in Gene Street and Pegasus Drive right-of-way, and private wastewater forced main in Pegasus Drive right-of-way, for the proposed Troy Subdivision located approximately 500 feet south of Hart Road.

Ordinances - Second and Final Reading

- (G) 2010-4347: SECOND READING 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.
- (H) 2010-4348: SECOND READING 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.

Plats

(I) 2010-5969-R: P-FY-10-05: Consider adopting a resolution authorizing the Final Plat for the Dorsey Subdivision, an 8.03 ± acre, three-lot residential subdivision, located east of SH 95, on Acres Road, in Temple's East ETJ, with the applicant's requested exceptions to the Subdivision Ordinance requirements for Park Fees, Fire Hydrants, and Curb and Gutter.

Misc.

- (J) 2010-5970-R: Consider adopting a resolution amending the City's local preference policy to be applicable only on contracts with an expenditure of less than \$100,000, to comply with current legislation.
- (K) 2010-5971-R: Consider adopting a resolution authorizing the adoption of the City of Temple Citywide Trails Master Plan.
- (L) 2010-5972-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2009-2010.

V. REGULAR AGENDA

ORDINANCES

- 6. 2010-4349: FIRST READING PUBLIC HEARING Z-FY-10-17: Consider adopting an ordinance authorizing the voluntary annexation of a 1.7+ acre tract of land located west of FM 2271, north of Live Oak Ridge Road, out of the G.W. Lindsey Survey, Abstract 513 and zoning the area Planned Development General Retail District (PD-GR).
- 7. 2010-4350: FIRST READING PUBLIC HEARING Z-FY-10-22: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to Single Family One District (SF-1) on a 0.70 ± acre tract of land being part of the Maximo Moreno Survey, Abstract Number 14, located at 216 North 36th Street.
- 8. 2010-4351: FIRST READING PUBLIC HEARING Consider adopting an ordinance reestablishing a curfew for minors.

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	а	resolution	appointing	one	alternate	member	to	the	Bell
	County Public	Health Dis	strict Board	d c	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 1:20 PM, on February 26, 2010.

aydote Erzm	inger					
Clydette Entzminger	J					
City Secretary						
I certify that this Notice	of Meeting Agenda	was removed by	me from the	outside bulletin	n board in front	of the City
Municipal Building at	on the	day of	2010.			



03/04/103 Item #3(A)-(D) Regular Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamations:

(A) Girl Scout Week March 7 – 13, 2010

(B) Social Work Month March, 2010

(C) Project ReDirectory March, 2010

(D) Great American Clean Up March 8, 2010

STAFF RECOMMENDATION: Present proclamations as presented in item description.

ITEM SUMMARY:

- (A) This proclamation was requested by Rhonda Hershey, Program Specialist for the Girl Scouts of Central Texas. Ms. Hershey and several Girl Scouts will receive the proclamation.
- (B) This proclamation will be received by Bill & Sheila Berning with the Central Texas Branch of the National Association of Social Workers.
- (C) This proclamation will be received by Tanya Gray, Executive Director, Keep Temple Beautiful, Inc.
- (D) This proclamation will also be received by Tanya Gray, Executive Director, Keep Temple Beautiful, Inc.

FISCAL IMPACT: None

ATTACHMENTS: None



03/04/10 Item #4 Regular Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

<u>ITEM DESCRIPTION:</u> Recognize the Temple Public Library for receiving the Achievement of Excellence in Libraries Award from the Texas Municipal Library Directors Association.

STAFF RECOMMENDATION: Receive presentation as presented in item description.

<u>ITEM SUMMARY:</u> Lisa Youngblood from the Harker Heights Public Library, representing the Texas Municipal Library Directors Association will present the Temple Public Library staff with a plaque in recognition of their achievement.

FISCAL IMPACT: None

ATTACHMENTS: None



03/04/10 Item #5(A) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) February 18, 2010 Special Called and Regular Meeting

STAFF RECOMMENDATION: Approve minutes as presented in item description.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

February 18, 2010 Special Called and Regular Meeting

TEMPLE CITY COUNCIL

FEBRUARY 18, 2010

Present:

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

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, February 18, 2010.

Regular Agenda Item 4 - Audit: Mr. Steve Niemeier, Brockway, Gersbach, Franklin and Niemeier, P.C., reviewed the audit for year ended September 30, 2009. He began by discussing the financial highlights of the year. Mr. Niemeier also presented the expenses versus the increase in net assets, revenues and expenses by source, and investment in capital assets. He discussed the unfunded actuarial accrued liability for the Temple Firefighter's Relief & Retirement Fund and the Texas Municipal Retirement System, noting there was a large increase in the unfunded liability from 2006 to 2007 because of a change in the accrual method.

Mr. Niemeier stated the audit report has been issued without qualifications and there were no significant or material weaknesses in internal controls. The audit results do make one recommendation regarding the unfunded actuarial accrued liability for retirement and employee benefits and Mr. Niemeier explained that recommendation. He recommended the City support paying only what retirement benefits should be, with any additional earnings going back into the fund to help reduce the cost to the City. He also recommended that COLAs be implemented prospectively instead of retroactively with different options available. A two-tier plan should also be authorized to allow cities to handle current employees differently than those hired in the future.

Regular Agenda Item 9 - Board Appointments: Councilmember Janczak stated he would like an opportunity to discuss the board appointments in work session prior to taking action. It was the concensus of the Councilmembers to delay the appointments to the March 4th City Council work session and regular meeting.

Consent Agenda Item (L) - Contract with Traylor & Associates: Traci Barnard, Director of Finance, explained how the CDBG program would be administered with both inside and outside services, bringing one employee position into the Finance Department as part of their restructuring. She discussed with the Council whether it is time to bring the administration of the CDBG program back into the City.

Consent Agenda Item (M) - Chapter 380 Agreement with Scott & White: David Blackburn, City Manager, stated all points have been agreed upon as previously discussed with Council.

2. Discuss the proposed City Wide Trails Master Plan.

Mark Meyer, Principal with TBG Partners, presented the Citywide Trails Master

Plan to the Council and Staff. This will serve as an update to the 2004 plan. Mr. Meyer began with a discussion of the reasons for planning a trails system - to promote a healthly lifestyle, contribute to the City's economic vitality, provide alternative transportation, and conserve the environment. He discussed the process used to develop the plan, including the community input process and the survey data collected. These comments expressed three primary trail issues - safety, design and trail amenities. Following the community input phase, six goals were identified and Mr. Meyer discussed these. Next, the trail guidelines and features were discussed, as well as trail destinations, such as Scott & White Hospital, Temple College, schools, civic facilities, parks, etc.

Mr. Meyer followed with a review of the map from the Temple Trails Master Plan, noting trails which are either proposed, under construction, or existing. This map depicted the Citywide spine trails, community-wide connector trails, and local connector trails. Priority areas for trails include east and northeast segments of the community, the Temple Medical and Education District, trails within existing parks and in areas included in the Safe Routes to School Plan.

The Councilmembers discussed how sidewalks fit into the trails plan and the proposed widths of the trails. They also discussed how the trails could accommodate other methods of transportation such as golf carts and scooters.

Mr. Meyer concluded by stating the next step is to adopt the Trails Master Plan and then address City codes to help facilitate the successful implementation of the plan. Strategies and policies will need to be developed through the next phase of the master planning process.

3. (A) Discuss first quarter financial results for FY 2009-2010 and

(B) FY 2010-2011 budget calendar, processes and issues

Mrs. Barnard began with a review of the first quarter financial results for FY 2009-2010. She discussed the General Fund Revenues, focusing on sales tax, ad valorem taxes and solid waste fees. Sales tax is estimated to end the year about \$600,000 under budget. The General Fund expenditures were also reviewed, with Mrs. Barnard noting that overtime costs in the Police and Fire Departments and vacation/sick leave payouts will continue to be monitored throughout the year. Other financial highlights included a summary review of the Water & Wastewater Fund revenues and expenses, the City's investments and the Capital Improvement Program.

Mr. Blackburn discussed the preliminary FY 2011 budget calendar, noting the key dates for Council discussion and action. The budget process with Council begins today and concludes with the adoption of the budget on September 2nd. Mr. Blackburn distributed handouts to Council containing unabridged issue papers submitted by Department Heads. He discussed a few of these issues, including street maintenance needs, staffing levels in all departments, maintenance and operation of all City facilities, water treatment issues, swimming pools and splash pads, Sammons Golf Course, Hillcrest Cemetery, employee compensation and benefits, strategic investment zones, planning issues, revenues, and the impact of weather conditions.

Next, Mr. Blackburn reminded Council of the 2010 fence posts he used in the development of the current budget. Fence posts for 2011 will likely be to maintain

fiscal soundness, maintain the tax rate, align strategic, financial and tactical plans and focus on core missions and activities. Mr. Blackburn noted that service levels will need to be adjusted in 2011 and they will likely be more noticeable to our residents. We also need to find ways to better address employee compensation and benefits in the 2011 budget.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, February 18, 2010 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

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

I. CALL TO ORDER

1. Invocation

Mr. Lisle Meeker, Chisholm Trail District Boy Scouts, voiced the Invocation.

2. Pledge of Allegiance

Charlie Hudson, Boy Scout, lead the Pledge of Allegiance.

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

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

Mayor Jones presented this proclamation to staff leaders and Scouts representing the Chisholm Trail District Boy Scouts organization.

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

Mayor Jones presented this proclamation to Lonzo Wallace, Fire Chief and Emergency Management Officer for the City of Temple.

III. PUBLIC COMMENTS

Mr. Edward Luna, 216 South 26th Street, addressed the City Council regarding the proposed naming of the bridge at Jeff Hamilton Park as *Hispanic Heritage Bridge*. He thanked Mr. Cicora and the City Council for their support of this project and the naming of the bridge in honor of those who have lived in this neighborhood for many, many years.

IV. REPORTS

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

Traci Barnard, Director of Finance, introduced Emily Pennington, with Brockway, Gersbach, Franklin & Niemeier, P.C., the City's audit firm. Ms. Pennington provided the Council with a brief report of the City's financial highlights for the fiscal year ended September 20, 2009. She noted the independent auditor's report was issued without qualifications and no significant or material weaknesses in internal controls were found. One recommendation was made regarding the unfunded actuarial accrued liability for retirement and employee benefits.

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

Gary Smith, Chief of Police, presented this report to Council and Staff. He discussed various statistics regarding traffic stops in the City, including information on the descent of the persons stopped, the number of citations issued, and comparisons to percent of population in Bell County and the City of Temple. These statistics were also presented for citations issued with search, citations with search by consent, traffic stops leading to arrest, traffic stops leading to arrest without consent to search. Chief Smith stated the information drawn from this data indicates the Police Department operates in a manner that is fair and consistent and there is no evidence that racial profiling or bias is used by officers to perform their duties.

V. CONSENT AGENDA

- 6. Consider adopting a resolution approving the Consent Agenda items and the appropriate resolutions for each of the following:
 - (A) February 4, 2010 Special Called and Regular Meeting
 - (B) February 5, 2010 Special Called Meeting
 - (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.
- (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 (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.
 - (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 \pm 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.
- (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.

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

Motion passed unanimously.

(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.

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

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

(W) 2010-5960-R: Consider adopting a resolution approving first quarter financial results for Fiscal Year 2010.

Traci Barnard, Director of Finance, provided the City Council with a summary report of the first quarter financials. Mrs. Barnard discussed several revenue focus areas, including sales tax, property tax, and solid waste fees. She also discussed General Fund expenditures during the first quarter and noted several expenditures that will continue to be monitored throughout the year. The Water and Wastewater Fund revenues and expenses were also presented.

Motion by Councilmember Marty Janczak to adopt resolution approving item (W), seconded by Councilmember Russell Schneider.

Motion passed unanimously.

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.

Tammy Lyerly, Planner, presented this item to the City Council. She presented an aerial photo of the property. The Parks and Leisure Services Department has requested the abandonment of the alley to allow it to be included in the park as green space. A 20-foot wide utility easement will be retained since there are existing utilities in that alley.

Mayor Jones declared the public hearing open with regard to agenda item 7 and asked if anyone wished to address this item.

Mr. Edward Luna, 216 South 26th Street, addressed the Council. He asked if there will be some additional designated parking in the park. Mr. Cicora replied yes.

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 March 4, 2010, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

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.

Tammy Lyerly, Planner, presented this item to the City Council. This location is proposed for a package store. She displayed an aerial photo for the property, which is the current location of Blockbuster Video. Ms. Lyerly showed the surrounding uses. The request complies with the Thoroughfare Plan and the Future Land Use and Character Map, and adequate utilities exist to serve the site. Ms. Lyerly showed the site plan which is required to be part of the Conditional Use Permit. The request also meets the criteria in the Zoning Ordinance for the issuance of a CUP for a package store. The Planning and Zoning Commission unanimously recommended approval of the requested rezoning and Conditional Use Permit.

Mayor Jones declared the public hearing open with regard to agenda item 8 and asked if anyone wished to address this item.

Mr. Ron Thrower, representative of the future tenant, Twin Liquors, addressed the City Council. He provided a full color site plan for the property to the Councilmembers and made himself available for questions.

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

Motion by Councilmember Marty Janczak to adopt ordinance, with second reading and final adoption set for March 4, 2010, seconded by Mayor Pro

Tem Patsy E. Luna.

Motion passed unanimously.

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

Mayor Jones recommended items 9 and 10 be tabled to the next meeting.

Motion by Councilmember Tony Jeter to table items 9 and 10 to the next Council meeting, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

William A. Jones, III, Mayor

City Council		
	ATTEST:	

Clydette Entzminger City Secretary



03/04/10 Item #5(B) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing a one-year renewal to a professional services agreement with City-County Benefits Services (C-CBS) for employee benefits consulting services at an annual cost of \$29,103.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On March 5, 2009, the Council authorized a professional services agreement with City-County Benefits Services for professional benefit consulting services over a five year period to be awarded one year at a time. Staff has worked closely with City-County Benefits Services over the past five years on health insurance, dental insurance, retiree insurance, long term disability insurance, life insurance, Section 125 insurances, and GASB 45 compliance issues. City-County Benefits Services has provided invaluable guidance in these areas. Throughout the year, C-CBS will continue to monitor our claims experience and help staff with administering the contracts, as well as guiding us through recommendations for complying with GASB 45.

Staff recommends Council authorize a one-year renewal to the professional services agreement with City-County Benefits Services.

FISCAL IMPACT: Budgeted amount: \$24,703 in account 110-2700-515-2616

3,500 in account 520-5000-535-2616 600 in account 240-4400-551-2616

300 in account 292-2900-534-2616

\$29,103

Recommended expenditure: \$29,103

ATTACHMENTS:

Resolution

RESOLUTION NO.	

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO A PROFESSIONAL SERVICES AGREEMENT WITH CITY-COUNTY BENEFITS SERVICES (C-CBS) FOR EMPLOYEE BENEFITS CONSULTING SERVICES AT AN ANNUAL COST OF \$29,103; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on March 5, 2009, the City Council authorized a professional services agreement with City-County Benefits Services for professional benefit consulting services over a 5 year period to be awarded one year at a time;

Whereas, City-County Benefits Services has worked closely with Staff over the past five years and has provided invaluable guidance for decisions about employee benefits;

Whereas, the Staff recommends authorizing a professional services agreement for an annual cost of \$29,103;

Whereas, funds are available for this service in Account Nos. 110-2700-515-2616, 520-5000-535-2616, 240-4400-551-2616, and 292-2900-534-2616; 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:

<u>Part 1:</u> The City Council authorizes the City Manager, or his designee, to execute a professional services agreement with City-County Benefits Services, for an annual cost not to exceed \$29,103, after approval as to form by the City Attorney, for employee benefit consulting services.

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

PASSED AND APPROVED this the 4th day of 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



03/04/10 Item #5(C) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a services agreement with Heart of Texas Landscape & Irrigation Co, Inc. of Belton for mowing and maintenance services in the estimated annual amount of \$62,090.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: For the past two years, the Parks and Leisure Services Department has contracted out the mowing of Conner Park, Airport Park, and Old Howard Road (Outer Loop 1). With the completion of the Outer Loop 2 project and the Pepper Creek Trail, we are adding those areas to the list of mowing to be contracted out to a private vendor.

On February 9, 2010, four bids were received. The bid allowed the City to award the contract for all mowing areas in their entirety or by each location, whichever was in the best interest of the City. We have chosen to award the contract to one bidder. Heart of Texas Landscape & Irrigation of Belton was the low bidder

The City has done business with Heart of Texas Landscape & Irrigation in the past and has found them to be a responsible vendor.

The Reinvestment Zone No. 1 has provided the City funding for Airport Park, Outer Loop (Phase I & II), Bioscience Park and Pepper Creek Trail.

<u>FISCAL IMPACT:</u> The FY 2010 operating budget includes \$120,624 for contracted mowing in account 110-3500-552-2623. This includes reimbursement from the Reinvestment Zone No. 1 to cover the cost of contracted mowing within the Reinvestment Zone No. 1 boundaries. The budget for mowing also includes smaller mowing contracts and mowing performed by VA workers that are outside of this contract.

ATTACHMENTS:

Bid Tabulation Resolution

Tabulation of Bids Received on February 9, 2010 at 2:00 p.m. Mowing & Maintenance Services

	Ī			Bidders						
		Heart of Texas Irrigation Belto	Co., Inc	Premier Law Wad		Alpha Con Tem		Advance L Desig Aus	ning	
Description	Qty	Monthly Price	Yearly Price	Monthly Price	Yearly Price	Monthly Price	Yearly Price	Monthly Price	Yearly Price	
Pepper Creek Trail - Mow, trim, edge (monthly from April to Nov)	8	\$224.00	\$1,792.00	\$296.40	\$2,371.20	\$300.00	\$2,400.00	\$325.00	\$2,600.00	
Total Yearly Price for Pepper Creek	·	\$1,792	2.00	\$2,37	1.20	\$2,40	0.00	\$2,60	0.00	
Pepper Creek Trail - Mow, trim, edge (additional times from April-Nov)		\$224.	00	\$296.40		\$300.00		\$325	5.00	
Pepper Creek Trail - Mow, trim, edge (as needed from Dec-Mar)		\$192.	00	\$296.40		\$300.00		\$325	5.00	
TOTAL FOR PEPPER CREEK		\$2,208	3.00	\$2,96	4.00	\$3,00	0.00	\$3,25	0.00	
Airport Park & Right of Way - Mow, trim, edge (monthly from April to Nov)	8	\$640.00	\$5,120.00	\$774.20	\$6,193.60	\$800.00	\$6,400.00	\$1,325.00	\$10,600.00	
Airport Park & Right of Way - Weeding the entrance planter every 2 weeks and mulch as needed	12	\$42.00	\$504.00	\$110.00	\$1,320.00	\$150.00	\$1,800.00	\$140.00	\$1,680.00	
Total Yearly Price for Airport Park & Right of Way		\$5,624	1.00	\$7,51	3.60	\$8,20	0.00	\$12,28	30.00	
Airport Park & Right of Way - Mow, trim, edge (as needed from Dec-Mar)		\$640.	00	\$774	.20	\$800	.00	\$1,32	5.00	
TOTAL FOR AIRPORT PARK & RIGHT OF WAY		\$6,264	l.00	\$8,28	7.80	\$9,00	0.00	\$13,60	05.00	
Outer Loop Traffic Islands - Mow, trim, edge (once per week from April to Nov)	8	\$1,318.00	\$10,544.00	\$974.40	\$7,795.20	\$1,575.00	\$12,600.00	\$1,806.25	\$14,450.00	
Outer Loop Right of Way - Mow, trim, edge (once per week from April to Nov)	8	\$1,343.00	\$10,744.00	\$897.60	\$7,180.80	\$1,100.00	\$8,800.00	\$656.25	\$5,250.00	
Outer Loop Area 1,2 & 3 - Mow, trim, edge (monthly from April to Nov)	8	\$720.00	\$5,760.00	\$1,281.20	\$10,249.60	\$1,700.00	\$13,600.00	\$2,730.00	\$21,840.00	
Outer Loop Planter Beds - Pull weeds (every 2 weeks from April to Mar)	12	\$42.00	\$504.00	\$110.00	\$1,320.00	\$150.00	\$1,800.00	\$85.00	\$1,020.00	
Total Yearly Price for Outer Loop		\$27,552.00		\$26,545.60		\$36,800.00		\$42,560.00		
Outer Loop Traffic Islands - Mow, trim, edge (as needed from Dec-Mar)		\$312.00		\$243.10		\$375.00		\$340.00		
Outer Loop Right of Way - Mow, trim, edge (as needed from Dec-Mar)		\$320.00		\$224.40		\$275.00		\$175.00		
Outer Loop Area 1 - Mow, trim, edge (as needed from Dec-Mar)		\$300.00		\$568.40		\$700.00		\$1,220.00		
Outer Loop Area 2 - Mow, trim, edge (as needed from Dec-Mar)		\$210.	00	\$394.80		\$500.00		\$840.00		
Outer Loop Area 3 - Mow, trim, edge (as needed from Dec-Mar)		\$210.	00	\$318	.00	\$450.00		\$675	5.00	
TOTAL OUTER LOOP		\$28,904.00		\$28,294.30		\$39,100.00		\$45,810.00		
Old Howard Road Traffic Island - Mow, trim, edge (once per week from April to Nov)	8	\$1.089.00	\$8,712.00	\$1,094.40	\$8,755.20	\$1,312.50	\$10,500.00	\$1,031.25	\$8,250.00	
Old Howard Road Right of Way - Mow, trim, edge (once per week from April to Nov)	8	\$894.00	\$7,152.00	\$1,094.40	\$9,369.60	\$1,312.50	\$7,000.00	\$1,068.75	\$8,550.00	
Old Howard Road Planter Beds - Pull weeds (every 2 weeks from April to Mar) Planting as instructed	12	\$894.00	\$2,928.00	\$1,171.20	\$960.00	\$875.00 \$150.00	\$1,800.00	\$1,068.75	\$5,280.00	
Total Yearly Price for Old Howard Road	12		. ,				,,	7	, , , , , , , ,	
		\$18,792.00 \$258.00		\$19,084.80 \$273.60		\$19,300.00 \$325.00		\$22,080.00 \$300.00		
Old Howard Road Traffic Islands - Mow, trim, edge (as needed from Dec-Mar)				,		1				
Old Howard Road Right of Way - Mow, trim, edge (as needed from Dec-Mar) TOTAL OLD HOWARD ROAD		\$213.00 \$19.263.00		\$292.80 \$19,651.20		\$275.00 \$19,900.00		\$325.00 \$22,705.00		
TOTAL OLD HOWARD ROAD		\$19,26	3.00	\$19,65	1.20	\$19,90	0.00	\$22,70	J5.UU	
Conner Park & Drainage Channel - Mow, trim, edge (every two weeks from April to Nov)	8	\$576.00	\$4,608.00	\$240.00	\$1,920.00	\$675.00	\$5,400.00	\$600.00	\$4,800.00	
Conner Park Detention Pond - Mow (monthly from April-Nov)	8	\$65.00	\$520.00	\$298.80	\$2,390.40	\$175.00	\$1,400.00	\$85.00	\$680.00	
Total Yearly Price for Conner Park		\$5,128.00		\$4,310.40		\$6,800.00		\$5,480.00		
Conner Park & Drainage Channel - Mow, trim, edge (as needed from Dec-Mar)		\$288.	00	\$120.00		\$300	.00	\$325	5.00	
Conner park Detention Pond - Mow, trim, edge (as needed from Dec-Mar)			\$35.00		\$298.80		\$175.00		\$125.00	
TOTAL CONNER PARK	\$5,451.00		\$4,729.20		\$7,27	5.00	\$5,930.00			
TOTAL OF ALL LOCATIONS			\$62,090.00		\$63,926.50		\$78,275.00		\$91,300.00	
Acknowledge Addendum	Yes		Yes		Yes		Yes			
Exceptions			Yes All or None		None		None		None	
Bid Bond (required at bid opening in the amount of \$5,000)			Cashier's Check		\$5,000.00		\$5,000.00		Cashiers Check	
Insurance Affidavit			Yes		Yes		Yes		Certificate	
Credit Check Authorization Form		Yes		Yes		Yes		Ye	es	
References		Yes	3	Ye	S	Yes		Υe	es	

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

Belinda Mattke 9-7eb-10
Belinda Mattke, Director of Purchasing Date

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A SERVICES AGREEMENT WITH HEART OF TEXAS LANDSCAPE & IRRIGATION CO., INC., OF BELTON, TEXAS, FOR MOWING AND MAINTENANCE SERVICES, IN THE ESTIMATED AMOUNT OF \$62,090; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on February 9, 2010, 4 bids were received for mowing and maintenance services;

Whereas, the Staff recommends accepting the bid (\$62,090) received from Heart of Texas Landscape & Irrigation Co., Inc., of Belton, Texas, for this service;

Whereas, funds are available for this service in Account No. 110-3500-552-2623; 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:

<u>Part 1:</u> The City Council authorizes the City Manager, or his designee, to execute a services agreement, for an estimated annual amount of \$62,090, between the City of Temple and Heart of Texas Landscape & Irrigation Co., Inc., of Belton, Texas, after approval as to form by the City Attorney, for mowing and maintenance services.

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

PASSED AND APPROVED this the 4th day of 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



03/04/10 Item #5(D) 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 an agreement with the Railroad and Pioneer Museum of Temple to maintain and operate the Railroad and Heritage Museum.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> In 2004, the City entered into a 5 year agreement with the Railroad and Pioneer Museum of Temple, Texas (a Texas non-profit corporation) to maintain and operate the Railroad and Heritage Museum. The City had renovated the Santa Fe Depot and had been managing the renovated facility and the Railroad and Heritage Museum. At that time, it was hoped that by having a non-profit organization manage the museum, there would be increased local interest and financial support. The City agreed to make an annual stipend to help with the operation costs.

We have been pleased with the progress the Railroad and Pioneer Museum of Temple Board has made in managing the museum and the Santa Fe Depot. They have worked diligently to increase visits to the museum and to secure additional funding for its operation.

The new agreement will be in force until September 30, 2013. Many of the terms of the agreement will be as in the previous agreement. The Railroad and Pioneer Museum of Temple will:

- manage the fixed assets and collection of the museum
- manage the rentals of the Santa Fe Depot
- will be responsible for the hiring and managing of all staff
- will be responsible for all routine maintenance of the Santa Fe Depot
- will provide an annual audit to the City on all financial records

Two changes in the new agreement are that:

- the City also agrees to include in the lease the Katy Depot to the Railroad and Pioneer Museum of Temple. They will assume the responsibility for routine maintenance of the Katy Depot and accept it in "as is" condition
- The City will be able to utilize the Santa Fe Depot for events 10 days per year at no cost

The City will continue to:

- maintain the ground around the Santa Fe Depot and the Santa Fe Gardens
- schedule the Santa Fe Gardens and the Gazebo for events
- pay a stipend of approximately \$173,095 to the Railroad and Pioneer Museum of Temple provided sufficient funds are available

FISCAL IMPACT: Funds in the amount of \$173,095 are included in the FY 2010 operating budget in account 240-7000-551-2623 for fund this agreement.

ATTACHMENTS:

Resolution

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AGREEMENT WITH THE RAILROAD AND PIONEER MUSEUM OF TEMPLE, TEXAS, TO MAINTAIN AND OPERATE THE RAILROAD AND HERITAGE MUSEUM; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in 2004, the City entered into a 5-year agreement with the Railroad and Pioneer Museum of Temple, Texas, to maintain and operate the Railroad and Heritage Museum;

Whereas, the agreement has expired, and since the Staff has been very pleased with the progress the Railroad and Pioneer Museum of Temple, Texas, has made in managing the museum and the Santa Fe Depot, the Staff recommends entering into a new 5-year agreement for the continued service and which will also include the Katy Depot;

Whereas, the agreement sets out the responsibilities of the Railroad and Pioneer Museum of Temple, Texas, and of the City and includes an annual stipend of approximately \$173,095 to the Railroad and Pioneer Museum of Temple, Texas, provided funds are available;

Whereas, funds are budgeted in Account No. 240-7000-551-2623 for this service; 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:

- <u>Part 1:</u> The City Council authorizes the City Manager, or his designee, to execute an agreement with the Railroad and Pioneer Museum of Temple, Texas, after approval as to form by the City Attorney, to maintain and operate the Railroad and Heritage Museum.
- <u>Part 2:</u> 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. Meetings Act.	ng was given as required by the Open
PASSED AND APPROVED this the 4	th day of March , 2010. THE CITY OF TEMPLE, TEXAS
	WILLIAM A LONGS HI Massa
ATTEST:	WILLIAM A. JONES, III, Mayor APPROVED AS TO FORM:
Clydette Entzminger City Secretary	Jonathan Graham City Attorney



03/04/10 Item #5(E) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Parks and Leisure Services Director

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing the construction of a 6-foot wide concrete trail from the Pepper Creek Trail to the Scott and White Parking lot located on the Scott and White West Campus, and approving a change order to the construction contract with Westar Construction, Inc. in the amount of \$36,070 to construct the trail.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Reinvestment Zone No. 1 funded construction of the Pepper Creek Hike and Bike Trail. Total costs to complete the trail were \$2,446,082. It has been open for the past few months and usage has been much greater than expected. In all respects, it is a huge success with Temple residents.

When the current phase of the trail was constructed, parking was not included in that funding. The general public has utilized one of the private parking lots on FM 2305 – and that has worked well so far. However, there have been several running races held on the trail and there is not sufficient parking for such events. There needs to be designated parking for the trail.

Scott and White has agreed to let the City use their parking lots at the Scott and White West Campus for trail parking. We believe that will adequately and properly solve the trail parking needs.

In order to make the parking work at the West Campus, a 6-foot wide, approximately 900-foot long trail needs to be constructed from the nearest southwest parking lot to Pepper Creek. That trail can be constructed, and the parking lot repaired, by Westar Construction, Inc., the construction company currently building the Pepper Creek Hike and Bike Trail, for \$36,070. There are sufficient funds remaining in the Pepper Creek Trail construction project to cover these costs. This item was discussed with the Project Committee of the Reinvestment Zone No. 1. They were in favor of the installation of the 6-foot wide concrete trail from the Pepper Creek Trail to the Scott and White parking lot.

03/04/10 Item #5(E) Consent Agenda Page 2 of 2

FISCAL IMPACT: Funding in the amount of \$116,143 remains available in the Reinvestment Zone No. 1 Financing Plan, account 795-9500-531-6829, project # 100220, to fund the change order with Westar Construction, Inc. in the amount of \$36,070.

ATTACHMENTS:

Map of proposed trail to be constructed Resolution



RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CONSTRUCTION OF A 6 FOOT WIDE CONCRETE TRAIL FROM THE PEPPER CREEK TRAIL TO THE SCOTT AND WHITE PARKING LOT LOCATED ON THE SCOTT AND WHITE WEST CAMPUS; APPROVING A CHANGE ORDER WITH WESTAR CONSTRUCTION, INC., IN THE AMOUNT OF \$36,070 TO CONSTRUCT THE TRAIL; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Pepper Creek Hike & Bike Trail has been open for the past few months and usage has been much greater than expected; however there is not sufficient parking and the Staff recommends construction of designated parking for the trail;

Whereas, Wester Construction, Inc., the contractor for the Pepper Creek Hike & Bike Trail, can build a 6 foot wide concrete trail at a cost of \$36,070 from the Pepper Creek Trail to the Scott & White Parking lot located on the Scott and White West Campus which Scott & White has agreed to let the City use for trail parking;

Whereas, Staff believes that this will adequately and properly solve the trail parking needs;

Whereas, funds are available in the Reinvestment Zone No. 1 Financing Plan, Account No. 795-9500-531-6829, project # 100220, to fund the change order; 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:

- <u>Part 1:</u> The City Council authorizes the City Manager, or his designee, to execute a change order, in the amount of \$36,070, after approval as to form by the City Attorney, to the contract with Westar Construction, Inc., for the construction of a 6 foot wide concrete trail from the Pepper Creek Trail to the Scott and White Parking Lot located on the Scott and White West Campus.
- <u>Part 2:</u> 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 the	is the 4 th day of March , 2010.		
	THE CITY OF TEMPLE, TEXAS		
	WILLIAM A. JONES, III, Mayor		
ATTEST:	APPROVED AS TO FORM:		
Clydette Entzminger	Jonathan Graham		
City Secretary City Attorney			



03/04/10 Item #5(F) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution granting a street use license for a private wastewater gravity main and gravity services in Gene Street right-of-way, private wastewater lift station in Gene Street and Pegasus Drive right-of-way, and private wastewater forced main in Pegasus Drive right-of-way, for the proposed Troy Subdivision located approximately 500 feet south of Hart Road.

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

<u>ITEM SUMMARY:</u> The Planning and Zoning Commission approved the Preliminary Plat of Troy Subdivision on December 8, 2009. Since the developer was unable to obtain private easements for the subdivision's private utilities, Troy Property Owner's Association, Inc. requests this street use license, as described above in the item description.

Troy Subdivision is currently going through the Final Plat process. Final plat approval is pending the outcome of the requested street use license. The applicant is aware of the 15-year term for street use licenses and the renewal process.

Staff notified all utility providers, including the City of Temple Public Works Department, regarding the applicant's requested street use license. There were no objections to the request.

FISCAL IMPACT: Street use licenses require a \$150.00 fee for a 15-year term. The applicant paid the fee with the application submittal.

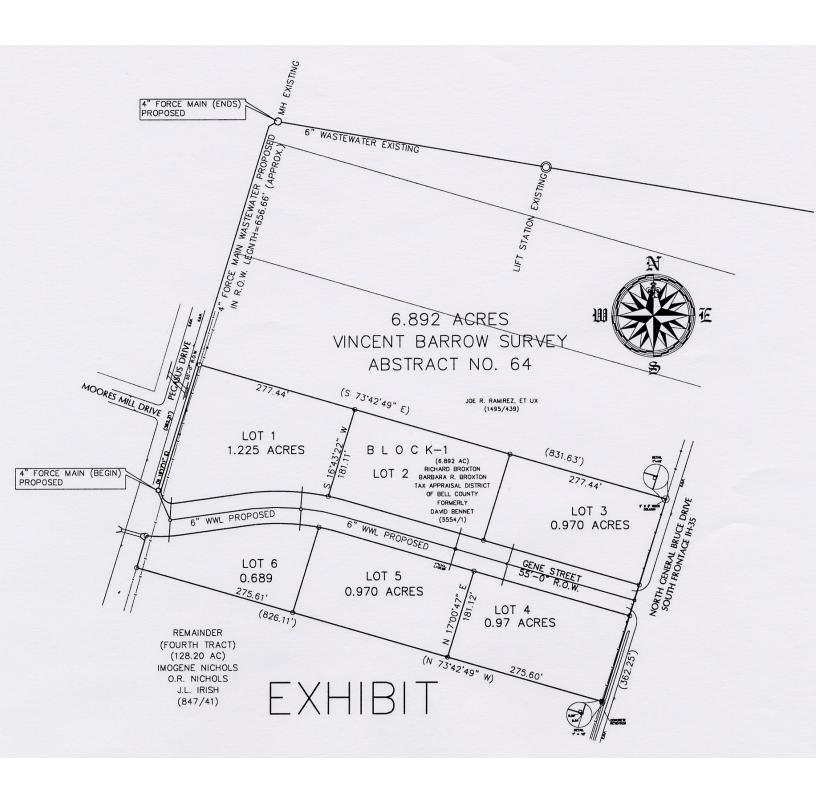
ATTACHMENTS:

Application Exhibit Resolution

STREET USE LICENSE APPLICATION

Name	MER'S ASSOCIATION, INC. PO BOX 960, MADDES	Phone #
. PAY SHAW	PO BOX 960, MANOR TX 78653	512-365 3300
pplicant: RAY SHAW	Address	Phone #
	☐ Broker ☐ Prospective Buyer ☐	Other
	510	
mail: ALLQUALROOFING@AOL.COM		
dress of Property: 5862N GEN.BRU	CE DRLot: 1-6 Block: 1 Subdivi	sion:
utblock (if not platted):		
20000K (II 1100 Plattou).		
resent Zoning: LIGHT INDUSTRI	Present Use:	N/A
ling Foo: The street use license ar	oplication requires a filing fee of \$150). The fee is not
fundable except that a 25% refund	d will be made if an application is wit	hdrawn in writing and
ceived by the Planning Department	t prior to notification of utility provide	ers.
50.700 57 0.70 7.10 7.10 7.10		
	- Frieting F Prenesed F Even	ncion proposad
irrent Status of Encroachment:	: □ Existing ☑ Proposed □ Expa	insion proposed
Existing, Date Encroachment v	was Constructed:	
Allow	□ Street M Hillity encoment □	Drainage eacement
icroachment Location: Alley	☐ Street ☐ Utility easement ☐	Dramage easement
ncroachment Description: Please	e describe the type of encroaching st	ructure and its use,
mposition, dimensions, etc. If the	encroachment is for valet parking on	a public street, please
dicate the parking area on the requ	uired survey submitted with this appli	cation.
are proposing a 4" waste water fo	orce main and a lift station in the l	ROW along PEGASUS DRIVE
and 6" WWL along Gene Street.		
- /-	e any additional area needed during	construction, including
cavation depth.		construction, including
14		construction, including

 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 Applicant's Signature Applicant's Signature
For Office Use Only Completed Application Field Notes Fee Received By: No



RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING A STREET USE LICENSE TO THE TROY PROPERTY OWNER'S ASSOCIATION, INC., FOR A PRIVATE WASTEWATER GRAVITY MAIN AND GRAVITY SERVICES IN GENE STREET RIGHT-OF-WAY, PRIVATE WASTEWATER LIFT STATION IN GENE STREET AND PEGASUS DRIVE RIGHT-OF-WAY, AND PRIVATE WASTEWATER FORCED MAIN IN PEGASUS DRIVE RIGHT-OF-WAY, LOCATED APPROXIMATELY 500 FEET SOUTH OF HART ROAD; PROVIDING FOR THE TERMS AND CONDITIONS OF THIS LICENSE; PROVIDING FOR COMPENSATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, a Street Use License has been requested for a private wastewater gravity main and gravity services in Gene Street right-of-way, private wastewater lift station in Gene Street and Pegasus Drive right-of-way, and private wastewater forced main in Pegasus Drive right-of-way, located approximately 500 feet south of Hart Road;

Whereas, the use of the property is not inconsistent, nor will it interfere, with any present City use of the property; and

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

Now, Therefore, Be it Resolved By the City Council of the City of Temple, Texas, That:

<u>Part 1</u>: A Street Use License is granted to the Troy Property Owner's Association, Inc., or any successors in interest, hereinafter "Licensee," to occupy, maintain, and utilize property to allow a private wastewater gravity main and gravity services in Gene Street right-of-way, private wastewater lift station in Gene Street and Pegasus Drive right-of-way, and private wastewater forced main in Pegasus Drive right-of-way, located approximately 500 feet south of Hart Road, in the City of Temple, Bell County, Texas, more fully shown on Exhibit A, attached hereto and made a part hereof for all purposes. This Street Use License is approved in accordance with the following terms and conditions:

I. Term

This license is granted for a term of fifteen (15) years unless sooner terminated according to the terms and conditions herein contained. At the end of the fifteen year period, the owner may request an extension or renewal of the license.

II. Fee

Licensee shall pay to the City of Temple, Texas, the sum of One Hundred Fifty Dollars (\$150) for the fifteen (15) year term for the license herein granted upon the execution by Licensee and approval by the City of the agreement.

III. Purpose

The above-described property shall be used by the Licensee to occupy, maintain, and utilize property for a private wastewater gravity main and gravity services in Gene Street right-of-way, private wastewater lift station in Gene Street and Pegasus Drive right-of-way, and private wastewater forced main in Pegasus Drive right-of-way, located approximately 500 feet south of Hart Road, in the City of Temple, Bell County, Texas.

IV. Conditions of License

That the above-described license is granted subject to the following conditions, terms, and reservations:

(a) <u>Maintenance of Encroachment Area.</u>

- (1) Licensee shall maintain the encroachment area at all times in a neat, attractive, and orderly manner. A sufficient area of the public street, right-of-way, alley, sidewalk, or other public property shall remain open after the encroachment, unobstructed and preserved for pedestrian or vehicular traffic (including access for impaired or handicapped persons), as appropriate. No other permanent structure, building, or enclosure shall be installed within the public right-of-way. Licensee shall at all times allow access to utilities and trash receptacles located within the encroachment area.
- (2) Licensee shall restore the encroachment area to its original condition at the end of the license period, unless renewed or extended, or in the event that this license is terminated by the City as provided herein. If Licensee fails to maintain the encroachment area as provided herein, or fails to restore the encroachment area when the license is expired or terminated, the City may cause such work to be done, the costs of which shall be born by Licensee.
- (3) In the event that City requests removal of the encroachment or any other physical improvement in the area of the license, Licensee shall remove said improvement at his own expense within thirty (30) days of notice thereof. In the event that Licensee fails to remove the improvements within the required thirty day period, the City reserves the right to remove the improvements, and Licensee agrees to reimburse the City for the expense of removing said improvements, and Licensee further agrees to hold the City harmless for any and all claims arising out of the removal of improvements or maintenance of the encroachment area. City shall not be required to restore the improvements, which shall be the sole responsibility of Licensee.

(b) **Right of Cancellation.**

(1) This license is made subordinate to the right of the City to use said area for a public purpose, and in addition to any other reservations made herein, it is understood and agreed that should the City of Temple deem it in the public interest to use the above area, or any portion thereof for a public purpose, or for any utility service which will require the use of said area,

then in that event, the City shall give the Licensee thirty (30) days written notice of its intention to cancel this license. Licensee shall likewise have the same right of cancellation upon giving the City thirty (30) days written notice of its intention to cancel.

In either event, upon the termination or cancellation by the City or Licensee, as the case may be, this license shall become null and void, and Licensee or anyone claiming any rights under this instrument shall remove any improvements from said area at Licensee's expense. Failure to do so shall subject Licensee to the provisions of subsection (a)(2) above. All work shall be done at the sole cost of the Licensee and to the satisfaction of the Director of Public Works. The decision of the City Council in this matter shall be final and binding upon all parties insofar as the City's determination as to the public necessity of the use of said area for public use.

(c) <u>Compliance with Laws.</u> This license is subject to all State and Federal laws, the provisions of the Charter of the City of Temple as it now exists or as it may hereafter be adopted or amended, and the ordinances of the City of Temple now in effect or those which may hereafter be passed and adopted. The City of Temple shall have the right to increase or decrease the compensation to be charged for this license upon its renewal or extension.

(d) Hold Harmless.

- (1) As a condition hereof, Licensee agrees and is bound to hold the City whole and harmless against any and all claims for damages, costs, and expenses, to persons or property that may arise out of or be occasioned by the use, occupancy and maintenance of the above-described public property by Licensee, or from any act or omission of any representative, agent, customer, or employee of Licensee, and such indemnity provision shall also cover any personal injury or damage suffered to City property, City employees, agents or officers. This license shall also cover any claim for damages that any utility, whether publicly or privately owned, may sustain or receive by reason of Licensee's use of said license for Licensee's improvements and equipment located thereon.
- (2) Licensee shall never make any claim of any kind or character against the City of Temple for damages that it may suffer by reason of the installation, construction, reconstruction, operation, and/or maintenance of any public improvement or utility, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water and/or sanitary sewer mains, and/or storm sewer facilities, and whether such damage is due to flooding, infiltration, natural causes or from any other cause of whatsoever kind or nature.
- (3) It is the intention of this indemnity agreement on the part of the Licensee and a condition of this license, that is shall be a full and total indemnity against any kind or character or claim whatsoever that may be asserted against the City of Temple by reason or a consequence of having granted permission to Licensee to use and maintain the above described public property. Licensee hereby agrees to defend any and all suits, claims, or causes of action brought against the City of Temple on account of same, and discharge any judgment or judgments that rendered City in connection may be against the of Temple

Licensee may accept the provisions of this license by signing through its duly authorized officer as indicated below within thirty (30) days after this license shall have become fully effective. In the event said acceptance is not signed as provided for herein, then this license shall be of no further effect and shall be considered as having been canceled fully.

<u>Part 2</u>: 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 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's Office
STATE OF TEXAS	§	
COUNTY OF BELL	§	
		edged before me on the day of March, 2010, by the City of Temple, Texas.
		Notary Public, State of Texas

AGREEMENT OF LICENSEE

TO THE HONO. TEXAS:	RABLE MAYO	OR AND CITY COUNCIL OF THE C	ITY OF TEMPLE,
accept the terms a for a private waste wastewater lift sta	nd conditions of ewater gravity n ation in Gene St gasus Drive righ	on behalf of the Troy Property Owner's f Resolution No granting main and gravity services in Gene Street rateet and Pegasus Drive right-of-way, and tht-of-way, located approximately 500 fee sty, Texas.	a Street Use License ight-of-way, private I private wastewater
		Troy Property Owner's Associa	ation, Inc.
		By:	
County of Bell	§		
State of Texas	§		
		owledged before me on theday of on behalf of the Troy Property Owner's	
		Notary Public, State of T	exas

Return recorded document to: City Attorney's Office 2 N Main ST, STE 308 Temple TX 76501



COUNCIL AGENDA ITEM MEMORANDUM

03/04/10 Item #5(G) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

<u>ITEM DESCRIPTION:</u> SECOND READING – 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: Adopt ordinance as presented in item description on second and final reading.

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 METENBRINK PARK PLANNER 298541
Capacity of applicant → Officer □ Broker □ Prospective Buyer □ Other
Email: Kmettenbriskecitemple. +x 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: Malley Street Drainage or utility easement Other
Use of Abandonment: Please provide the proposed use of abandoned property, if granted. PAPK

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.



City of Temple Planning & Development 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 Ciby in processing and responding to requirements or issues relevant to this request.

Applicant's Signature
Property Owner's Signature

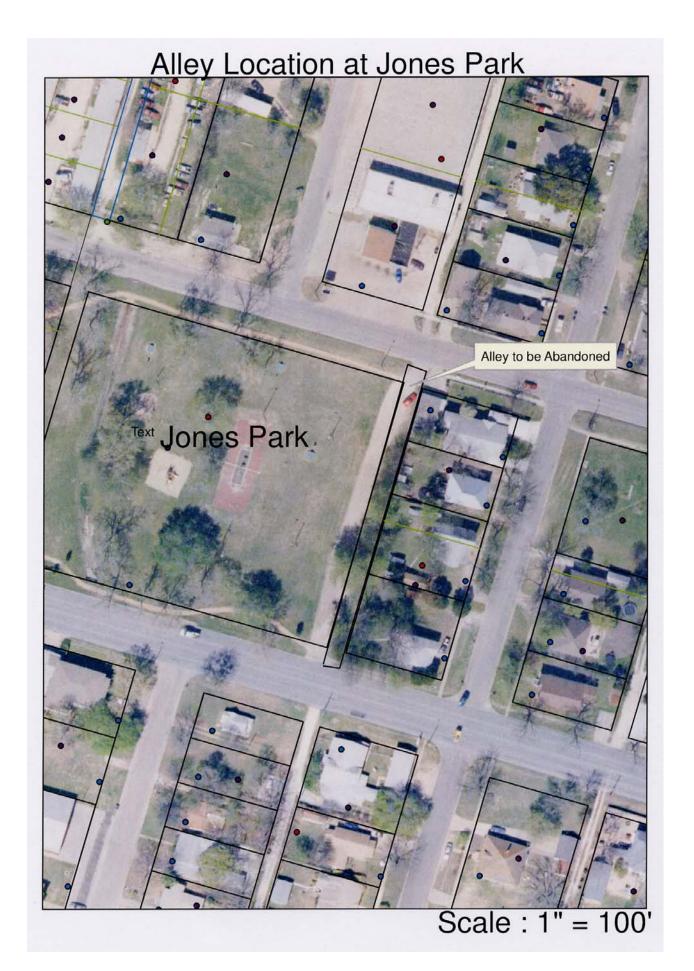
Certification: You as the property owner certify with your signature that all of the following

For Office Use Only		
Completed Application	Fee Received By:	
Case #: Zoning Ma	p Page: Project Manager:	
Tentative City Council Date:		



JAN 06 2010

City of Temple Planning & Development



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:

- <u>Part 1</u>: 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.
- <u>Part 2</u>: 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.
- <u>Part 3</u>: 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.
- <u>Part 4</u>: 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 **4**th 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	§	
		ged before me on the day of March, 2010, by the City of Temple, Texas.
		Notary Public, State of Texas



COUNCIL AGENDA ITEM MEMORANDUM

03/04/10 Item #5(H) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

<u>ITEM DESCRIPTION:</u> SECOND READING – 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: Adopt ordinance as presented in item description on second and final reading.

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.

<u>FISCAL IMPACT:</u> 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

J Stone 1.13.10

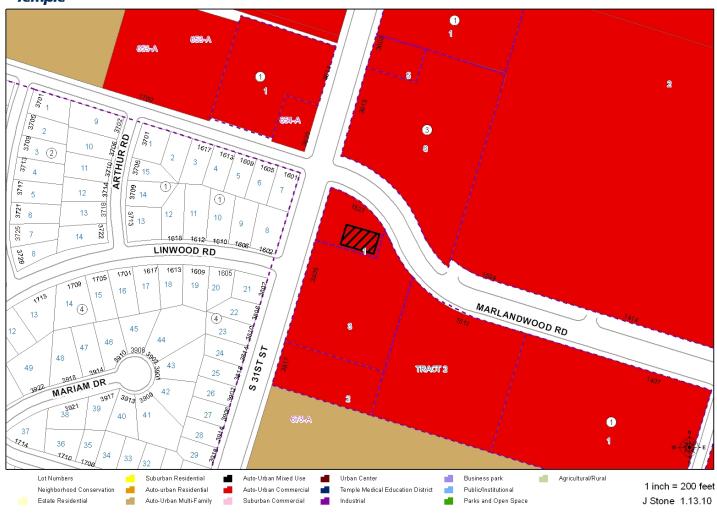


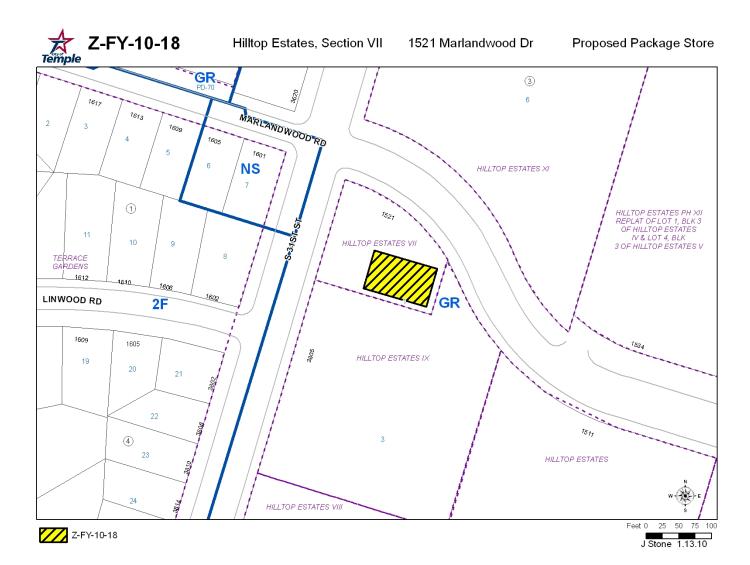
Z-FY-10-18

Hilltop Estates, Section VII

1521 Marlandwood Dr

Proposed Package Store







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

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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:

- 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
- 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.

or hospital.

4) The drive-through lane must provide a minimum of 60 feet of staking space from the pickup 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.

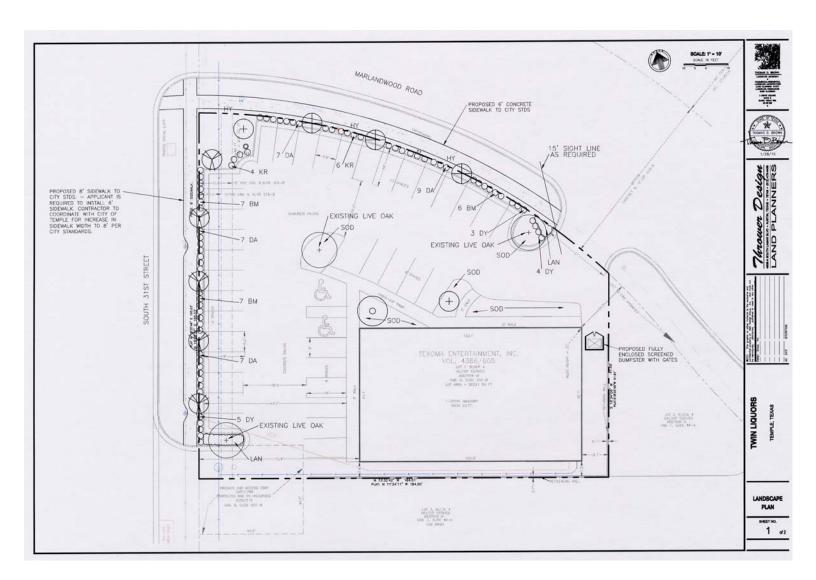
We believe that this proposed Conditional Use Permit application for the subject property meets or exceeds all of the defined standards for Conditional Use Permits. Therefore, we respectfully request positive consideration for the application contained with this letter.

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

Sincerely,

A. Ron Thrower

a. Ru Thow



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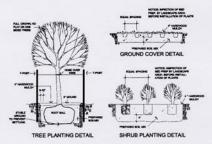
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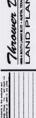
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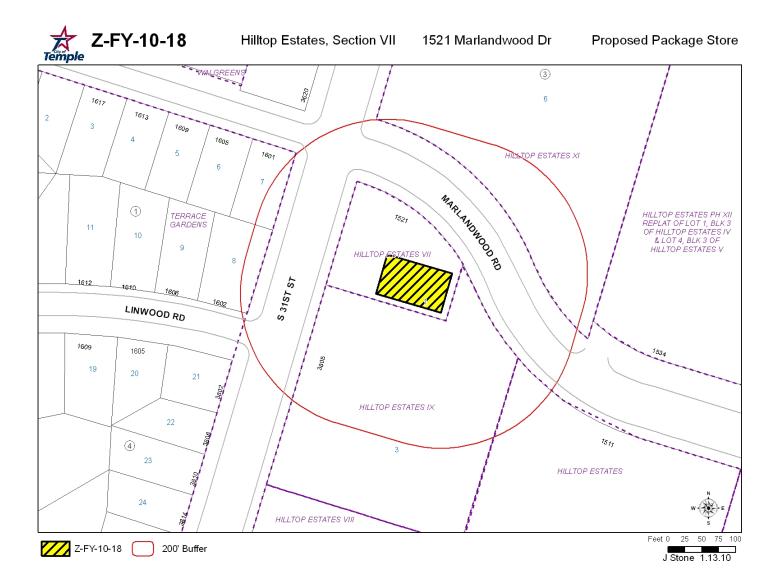




TWIN LIQUORS

LANDSCAPE DETAILS

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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	5 Trus

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

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

<u>Thoroughfare Plan</u> – 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	Yes. The property is a retail use. The
and not injurious to the use and enjoyment of the	surrounding properties contain commercial uses.
property, nor significantly diminish or impair	
property values within the immediate vicinity	
The establishment of the conditional use will not	Yes.
impede the normal and orderly development and	
improvement of surrounding vacant property	
Adequate utilities, access roads, drainage, and	Yes.
other necessary support facilities have been or	
will be provided	
The design, location, and arrangement of all	Yes. 35' wide driveways for this corner lot are
driveways and parking spaces provide for the	from South 31 st Street and Marlandwood Drive.
safe and convenient movement of vehicular and	The applicant will install 6' wide sidewalks along
pedestrian traffic without adversely affecting the	S. 31 st Street and Marlandwood Road, both
general public or adjacent development	Arterial Designated Roadways.
Adequate nuisance prevention measures have	Yes.
been or will be taken to prevent or control	
offensive odors, fumes, dust, noise, and vibration	
Directional lighting will be provided so as not to	Yes. Lighting conforms to the cutaway or 'night-
disturb or adversely affect neighboring properties	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	with the landscaping requirements along S. 31st
property.	Street and Marlandwood Road.

<u>CUP Standards</u> 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.

[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.

- <u>Part 2:</u> 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.

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

<u>Part 4:</u> 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.

<u>Part 5:</u> 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.

<u>Part 6:</u> 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.

<u>Part 7:</u> 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 **18**th 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

03/04/10 Item #5(I) Consent Agenda Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, Director of Planning

<u>ITEM DESCRIPTION:</u> P-FY-10-05: Consider adopting a resolution authorizing the Final Plat for the Dorsey Subdivision, an $8.03 \pm acre$, three-lot residential subdivision, located east of SH 95, on Acres Road, in Temple's East ETJ, with the applicant's requested exceptions to the Subdivision Ordinance requirements for Park Fees, Fire Hydrants, and Curb and Gutter.

P&Z COMMISSION RECOMMENDATION: At its February 15, 2010 meeting, the Planning and Zoning Commission voted 6/0 in accordance with the staff recommendation to approve Final Plat with the applicant's requested exceptions.

Subdivision Regulations Citation	Requirement	Applicant's Justification	Staff Support?*
Sec. 33-102(d)	Payment of \$225 in park fees per dwelling unit	The proposed subdivision contains three large lots (2.8 acre average lot size), 2.6 miles from the closest city park	Yes
Section 33- 97(e)	Fire hydrants every 600'	Little River Academy Fire VFD responder, area is outside of Temple Fire District	Yes
Sec. 33-94	Curb and Gutter	The subdivision is located on a county road	Yes

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> Please refer to the Staff Report and draft minutes of case P-FY-10-05, from the Planning and Zoning Commission meeting, February 15, 2010.

Except for the exceptions requested, the final plat meets the requirements of the Subdivision Ordinance.

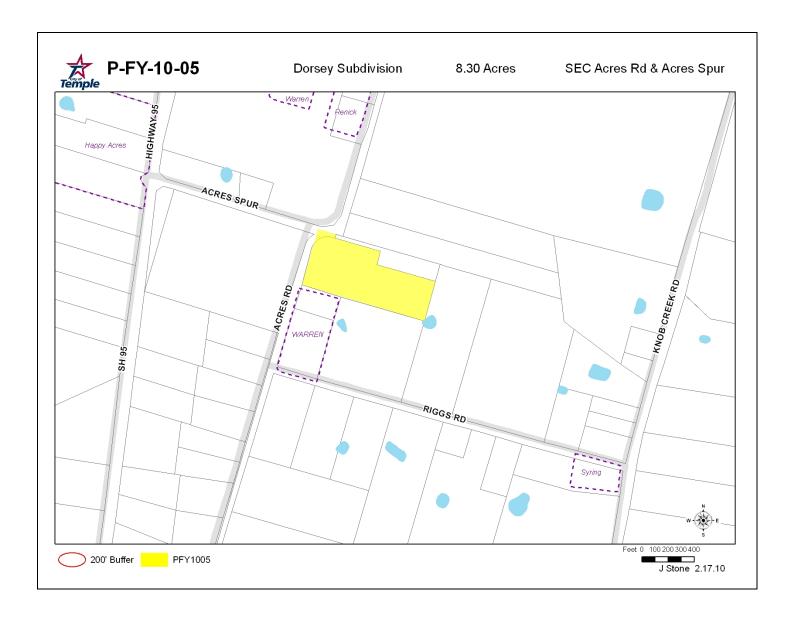
03/04/10 Item #5(I) Consent Agenda Page 2 of 2

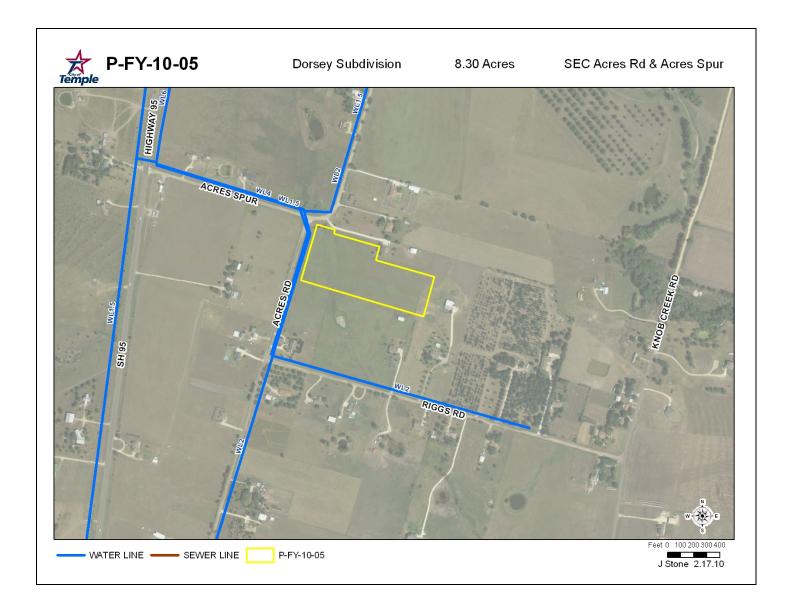
FISCAL IMPACT: NA

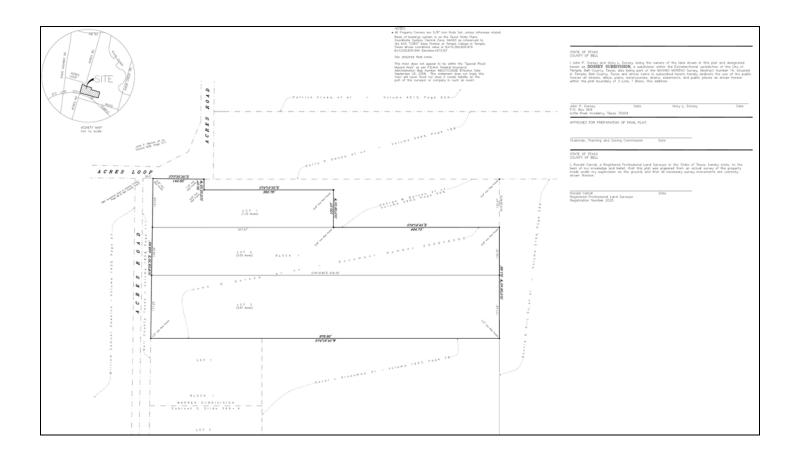
ATTACHMENTS:

Aerial
Locator
Utility Plan
Plat
Exception Request
Statement from Little River Academy Fire Department
P&Z Staff Report (P-FY-10-05)
P&Z Minutes (02/15/10)
Resolution











February 9, 2010

City of Temple Planning Department Attention: Mr. Tim Dolan 2 North Main Temple, Tx. 76501

Re: Exceptions request for DORSEY SUBDIVISION In the ETJ of the City of Temple, Tx.

Mr. Tim Dolan,

As you know we have a subdivision in process for filing in the joint area of the ETJ of Temple and Academy. We are requesting for the owner, 3 waivers as follows:

PARK LAND DEDICATION (Sub. Ord, Sect. 33-102)

The property is 3 large tracts and is not conducive for community style subdivisions.

FIRE HYDRANT REQUIREMENT (Sub. Ord. Sect. 33-97e)

This property does not have adequate water line improvements conducive for fire protection on site. The City of Academy-Little River is responsible for first alert fire protection.

CURB AND GUTTER REQUIREMENT (Sub. Ord., Sect. 33-94)

This property is adjacent to maintained by Bell County Road System, and there are no existing curb and gutters within this region of roadways.

The request are being requested because:

- 1. These conditions would affect the land and such strict application of these provisions would have substantial adverse impact on the applicant's reasonable use of their property.
- 2. Granting these exceptions will not be detrimental to the public health, safety, or welfare, or injurious to the property in the area; and
- 3. Grating these exceptions will not have the effect of preventing orderly subdividing of other land in the area in accordance with the provision of the City of Temple Subdivision Ordinance.

Sincerely,

Ronald Carroll

Ronald Carroll Surveyors, Inc.

RECEIVED

FEB 09 2010

City of Temple Planning & Development

Little River - Academy Volunteer Fire Department

509 East main / P.O. Box 531 Little River, TX. 76554 Ph. (254) 928-4251

The Little River Academy Volunteer Fire Department will provide fire protection for the subdivision on Acres Spur in Little River.

Tanya Snowden President



02/15/10 Item #4 Regular Agenda Page 1 of 2

APPLICANT / DEVELOPMENT: Ronald Carroll for John Dorsey

CASE MANAGER: Tim Dolan, AICP, Planning Director

<u>ITEM DESCRIPTION:</u> P-FY-10-05: Consider and take action on a Final Plat for the Dorsey Subdivision, an 8.03 ± acre, three-lot residential subdivision, located east of SH 95, on Acres Road, in Temple's East ETJ with the applicant's requested exceptions to Section 33-102(d), Park Fees, Section 33-97(e), Fire Hydrants, Curb and Gutter Sec. 33-94.

STAFF RECOMMENDATION: Staff recommends approval of the Final Plat with exception to Section 33-102(d), Park Fees, Section 33-97 (e), Fire Hydrants, and Curb and Gutter Sec. 33-94.

BACKGROUND:

The Development Review Committee reviewed the Preliminary Plat and deemed it complete on 02/09/10. Except for the request exceptions, it meets the minimum requirements of the Subdivision Ordinance. The City Council is the final plat authority since exceptions have been requested. The applicant began the process with a Final Plat. The proposed subdivision is in ETJ, so zoning does not apply. The property is located is nearly three miles from the City Limits. The applicant requests exceptions to the following provisions.

Subdivision Regulations Citation	Requirement	Applicant's Justification	Staff Support?*	
Sec. 33-102(d)	Payment of \$225 in park fees per dwelling unit	The proposed subdivision contains three large lots (2.8 acre average lot size)	Yes	
Section 33- 97(e)	Fire hydrants every 600'	Little River Academy Fire VFD responder, area is outside of Temple Fire District	Yes	
Sec. 33-94	Curb and Gutter	The subdivision is located on a county road	Yes	

^{*}See explanations below

Park Fees

Staff agrees with the applicant's justification for the exception to park land dedication or fee (\$225 x 3 lots = \$675) due to the following factors: (1) less than 9 lots are being subdivided, (2) annexation is not foreseen, (3) there are no parks within a mile of this ETJ property, and (4) this property is in an area in which residential development is sparse with very little future development anticipated.

Fire Hydrants

Staff agrees with the applicant's justification for the exception to the placement of fire hydrants every 600' since the City of Temple Fire Department will not serve the site. The attached letter from the Little River Academy Fire Department stipulates it will offer fire protection to the area.

Curb and Gutter

Staff agrees with the applicant's request for the exception to the construction of curb and gutter since the proposed subdivision is located on a county road, not designated on the adopted Thoroughfare Plan. The proposed subdivision is nearly three miles from the City Limits and within 1,000± of being outside the extra territorial jurisdiction (ETJ).

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, FEBRUARY 15, 2010

ACTION ITEMS

Item 4: Discussion and Action P-FY-10-05: Consider and take action on a Final Plat for the Dorsey Subdivision, an 8.03 ± acre, three-lot residential subdivision, located east of SH 95, on Acres Road, in Temple's East ETJ with the applicant's requested exceptions to Section 33-102(d), Park Fees, Section 33-97(e), Fire Hydrants, Curb and Gutter Sec. 33-94. (Applicant: Ronald Carroll for John Dorsey)

Mr. Tim Dolan stated this property was located in the City's ETJ; almost two miles from the City limits and very close to being outside of the ETJ. It was also over two and a half miles from the closest city park. Applicant was seeking three exceptions as presented--park land dedication, curb and gutters, and fire protection. This case would move forward to City Council on March 4th.

This area is not contemplated as any part of a future annexation or possible extension since it is not on any City Thoroughfare Plan.

Staff recommended approval of the exceptions for the park fees, hydrants, and curb and gutters due to the location of the subject property.

Mr. Dolan stated this was not a public hearing.

Commissioner Hurd asked about the land surrounding the property and if it would be developed. Mr. Dolan stated the land was rural residential with no large subdivision.

Vice-Chair Talley made a motion to approve the final plat for Dorsey Subdivision with the three Staff recommended exceptions and Commissioner Hurd made a second.

Motion passed: (6:0)

Commissioners Pope, Barton and Secrest absent.

RESOLUTION NO	
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(PLANNING NO. P-FY-10-05)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE FINAL PLAT OF THE DORSEY SUBDIVISION, AN APPROXIMATELY 8.03 ACRE, 3-LOT RESIDENTIAL SUBDIVISION, LOCATED EAST OF SH 95, ON ACRES ROAD, IN TEMPLE'S EAST ETJ, SUBJECT TO THE DEVELOPER'S REQUESTED EXCEPTIONS TO THE SUBDIVISION ORDINANCE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on February 15, 2010, the Planning and Zoning Commission approved the final plat of the Dorsey Subdivision, an approximately 8.03 acre, 3-lot residential subdivision, located east of SH 95, on Acres Road, in Temple's east ETJ, subject to the developer's requested exceptions to the Subdivision Ordinance regarding requirements for park fees, fire hydrants, and curb and gutter; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve the final plat of the Dorsey Subdivision.

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

Part 1: The City Council approves the final plat of the Dorsey Subdivision, an approximately 8.03 acre, 3-lot residential subdivision, located east of SH 95, on Acres Road, in Temple's east ETJ, more fully shown on the Plat which is on file in the City's Planning Department, incorporated herein and referred to by reference, and including the following exceptions to the Subdivision Ordinance: *Section 33-94* to waive the requirement for curb and gutter; *Section 33-97(e)* to waive the requirement for fire hydrants; and *Section 33-102(d)* to waive the requirement for park fees.

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

PASSED AND APPROVED this the 4th day of March, 2010.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, MAYOR

ATTEST:	APPROVED AS TO FORM:		
Clydette Entzminger	Jonathan Graham		
City Secretary	City Attorney		



COUNCIL AGENDA ITEM MEMORANDUM

03/04/10 Item #5(J) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution amending the City's local preference policy to be applicable only on contracts with an expenditure of less than \$100,000, to comply with current legislation.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In the 2009 Texas Legislative Session, H.B. 2082 was passed amending the Texas Local Government Code §271.9051 by limiting the application of a local preference to the purchase of any real property, personal property that is not affixed to real property, or services to a contract for an expenditure of less than \$100,000. This changed a law that was previously enacted on September 1, 2005, which allowed municipalities with a population less than 250,000 to endorse a local preference of 5% with no contract value limitation.

Based on this change in law, it is staff's recommendation that Council amend the City's Local Preference Policy that was previously adopted by Council on May 1, 2008. If the amendment is authorized by Council, Purchasing staff will continue to offer the declaration of local preference on bidded contracts with an anticipated contract value of less than \$100,000. If local preference on a recommended contract is relevant, staff will continue to recommend award of the contract to the low bidder and will communicate to Council their option to award the contract to the bidder whose principal place of business is within the City limits, and whose bid is within 5% of the lowest bid price received, if Council determines that the local vendor offers the best combination of price and additional economic development opportunities.

FISCAL IMPACT: No direct fiscal impact.

ATTACHMENTS:

Resolution

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE CITY'S LOCAL PREFERENCE POLICY TO BE APPLICABLE ONLY TO CONTRACTS INVOLVING THE PURCHASE OF REAL PROPERTY, PERSONAL PROPERTY OR SERVICES REQUIRING THE EXPENDITURE OF LESS THAN \$100,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in the 2009 Texas Legislative Session, H.B. 2082 was passed amending the Texas Local Government Code §271.9051 by limiting the ability of cities to consider a local preference to the purchase of any real property, personal property (that is not affixed to real property), or services to contracts requiring an expenditure of less than \$100,000;

Whereas, this changed a law that was previously enacted on September 1, 2005, which allowed municipalities with a population less than 250,000 to endorse a local preference of 5% with no contract value limitation;

Whereas, based on this change in law, Staff recommends amending the City's Local Preference Policy to comply with State law by limiting the City's ability to consider a local preference on contracts requiring an expenditure of less than \$100,000; 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 amends the City's local preference policy to be applicable only to contracts involving the purchase of real property, personal property (that is not affixed to real property), or services requiring an expenditure of less than \$100,000.

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

PASSED AND APPROVED this the 4th day of March, 2010.

THE CITY OF TEMPLE, TEXAS	
WILLIAM A. JONES, III, Mayor	

ATTEST: APPROVED AS TO FORM:

Jonathan Graham City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/04/10 Item #5(K) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager

ITEM DESCRIPTION: Consider a resolution adopting the City of Temple Citywide Trails Master Plan.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Temple Comprehensive Plan "Choices '08', adopted last October, established the development of a comprehensive bike and pedestrian plan as a key goal. Chapter 5, "Transportation", of the Temple Comprehensive Plan discusses the need for community-wide mobility needs on all levels, including those of sidewalks and trails. Through adoption of the Comprehensive Plan, the City Council designated the development of a Trail, Bike, and Sidewalk Master Plan as one of the top 17 immediate priorities for the upcoming year. The development of a master plan also provides for a connected system where trail corridors and alignments are designed to enhance linkages between parks, neighborhoods, schools, neighborhood services and key civic and community destinations. When the development of individual segments of trails, bike lanes, and sidewalks occurs as part of a comprehensive plan, community-wide connectivity of the system as a whole is ensured. A master plan also provides a framework through which the City and the private sector can work together to jointly create trail corridors, and to make informed decisions regarding trail standards and specifications. A trail master plan also guides decisions regarding funding mechanisms and priorities and provides the City the ability to competitively seek grant funding for the development of the system.

Following the adoption of the Temple Comprehensive Plan, City staff began compiling and mapping information and data needed for the planning effort including such information as an inventory of our existing trail and sidewalk system (including conditions), inventory of utility easements, key destinations (schools, hospitals, major employers, etc.), previous city and regional plans, and other information important to consider in the development of the Master Plan. Mapping this information provides a visual tool that allows for better identification of potential trail location opportunities.

TBG Partners, a Texas-based landscape architecture and planning firm, provided the City of Temple with a grant for planning services associated with the development of the Master Plan. TBG and city staff members worked to complete the compilation and analysis of the data needed for the

03/04/10 Item #5(K) Consent Agenda Page 2 of 2

development of the Master Plan. A Master Plan Coordinating Committee, comprised of representatives from various stakeholder groups, was established to help guide the development of the plan. The Coordinating Committee held several meetings to review the scope and schedule for the plan development, define goals, develop strategies for public input, and begin prioritizing trail segment recommendations.

The Trail, Bike, and Sidewalk Master Plan process was designed to include significant input from the citizens of the community. The Master Plan Coordinating Committee developed several opportunities and methods for citizens to get involved in the process and provide their input and feedback.

A planning workshop, held on June 16, provided residents the opportunity to share ideas on potential trail locations throughout the city. A brief overview and educational session regarding trail types and standards was provided and workshop participants had the opportunity to provide their input by drawing their recommendations on trail locations on maps of the different segments of the City. The information obtained during the planning workshop has been incorporated into the draft Plan.

The City also conducted a citizen survey to seek additional input regarding the Master Plan. All utility customers received a survey in their utility bills. Citizens were also able to access an on-line version of the survey on this website. Results of the survey and information obtained from the survey respondents have been incorporated into the proposed Plan.

A work session was held with the Parks and Leisure Services Advisory Board and the Planning and Zoning Commission to present the results of the input received from the Coordinating Committee, the June 16 planning workshop, and the citizen survey. In addition, the boards provided additional input and comments regarding the planning process.

The proposed Citywide Trails Master Plan as presented is comprised of several different elements including goals, design guidelines, trail corridor and maps, and priority trails and maps.

Both the Parks and Leisure Services Advisory Board and the Planning and Zoning Commission have adopted the Master Plan.

FISCAL IMPACT: None

ATTACHMENTS:

Citywide Trails Master Plan Resolution

Connecting the Community...











January 2010

FIRST DRAFT



"This is the vision, to create a changed transportation system that offers not only choices among travel modes for specific trips, but more importantly presents these options so that they are real choices that meet the needs of individuals and society as a whole. Making this vision a reality must begin now."

- The National Bicycling and Walking Study







Ac	knowledgments	iii.
A.	Introduction Why Should We Plan for a Trails System? Promoting a Healthy Lifestyle Economic Benefits Alternative Transportation Conserving and Appreciating the Environment Purpose of the Trails Master Plan Planning for Temple of Today and Tomorrow. City of Temple Future Land Use Plan Process	A2 A2 A3 A3 A4
B.	Planning Efforts 2004 Trail System Master Plan City of Temple Comprehensive Plan K-TUTS Urban Transportation Study.	B2 B3
C.	Community Input & Involvement. Community Input Efforts City Sectors Community Input Meeting Community Input and Design Breakout Sessions Community Survey and Input Community Input Summary	C2 C3 C4 C5
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The 2010 Citywide Trails Master Plan was an effort of many. The plan was developed by the City Manager's office and the City of Temple Parks and Leisure Services Department, with the technical and design assistance of TBG Partners, Inc. Special thanks are merited by the general community and community leaders for their insight and support throughout this study's duration.

City Council:

William A. Jones, III – Mayor Patsy Luna (District 2) – Mayor Pro Tem Tony Jeter (District 1) Marty Janczak (District 3) Russell Schneider (District 4)

Parks & Leisure Services Department Advisory Board:

Paul Erchinger – Chairperson Danny Dunn – Vice Chair Kenneth Martin Dean F. Mohlstrom David Perez-Guerra Ron Perry David Rapp Doug Smith Charles Stout

Planning & Zoning Commission:

Mike Pilkington – Chairperson H. Allan Talley – Vice Chair Bert Pope Jack Barton Ashley Dusek Marvin Hurd Jamey Secrest James Staats Derek Martin

Master Plan Coordinating Committee:

Jack Barton – Planning and Zoning Commission Sherry Eller – Citizen at Large John Kiella – Temple Area Builders Association David Rapp – Parks and Leisure Services Advisory Department Board Zoe Rascoe – Keep Temple Beautiful

Dr. Robert Reeve – Scott and White Cycling Club

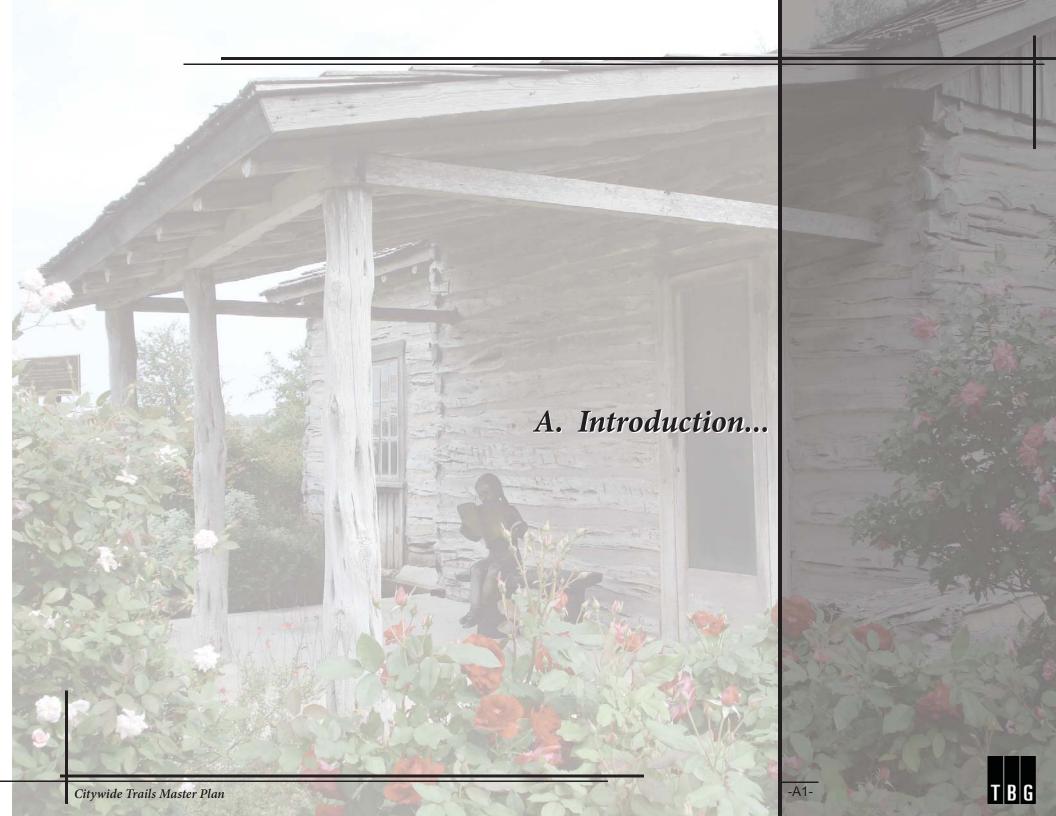
TBG Partners Inc. (consultant):

Mark Meyer James Knapp

City Departments:

City Manager's Office Information Technology Services Parks and Leisure Services Planning





Introduction

Why Should We Plan for a Trails System?

Trails play a vital role in our individual well-being, our local economy, the environment and traffic-congestion relief. Communities across America consistently cite trails as one of their most popular recreational opportunities and they are often the single most-requested community amenity. Trails strengthen a community's social fabric, and people of all income brackets, age groups and cultures will be able to travel throughout the City of Temple and enjoy trail-based recreational experiences.

To remain a viable tool for the City of Temple, this implementation plan is intended to be flexible and adapt to future growth and changes that take place in the City. The plan is intended to provide guidance for many years, however, it should be periodically updated. Each update should reflect current conditions within the City, its neighboring communities and the region as a whole.

- Frank Murkowski, Governor of Alaska, 2002-2006

Promoting a Healthy Lifestyle

Trails can provide meaningful and satisfying outdoor experiences for many users while providing accessible, widely available and low-cost opportunities to meet most individuals' physical activity needs. According to the Mayo Clinic, individuals need at least 30 minutes of daily physical activity to help them live longer and healthier. Studies show that walking or hiking a few times per week can improve a person's physical and mental health, reduce stress and lower health care costs. The anticipated national benefits of increased participation in physical fitness include reductions in both the direct and indirect costs of illness and disease, improvements in quality of life and a reduction in health care costs for the elderly.



"Furthermore, use of trails contribute to the health and well-being of individuals by providing physical

exercise and increasing mental

alertness."

Economic Benefits

An organized, well-managed trail system is a desirable city amenity that can contribute to a community's economic vitality. Trails can guide both visitors and residents through diverse neighborhoods, past interesting shops, enticing restaurants and many other community destinations. Revenue generated from trail-related recreation and sports activities provides substantial income and employment opportunities. Trails also typically increase property values, and studies have shown that properties located near trails generally sell for five to 30 percent more than those farther away.

Alternative Transportation

Americans continue to spend more and more time in traffic congestion and spend millions of dollars purchasing, operating and maintaining their automobiles. Studies show that 50 percent of all car excursions are less than three miles, a distance that could easily be walked or biked. A network of trails can enhance Temple's transportation system by providing an alternative means of getting to places of employment, retail areas and key destinations such as schools, libraries, parks, amenity centers and City Hall.

Conserving and Appreciating the Environment

Trails play an important role in supporting environmental education and building a public commitment to environmental conservation. Meaningful outdoor experiences can reaffirm one's sense of connection to and appreciation of the natural environment.



"With the emphasis on health and fitness in today's society, trails are becoming just as important as streets and sidewalks in our communities. Offering people a place to walk, run or ride that encourages them to connect with nature is a valuable benefit that is relatively inexpensive to provide."

- American Trails Organization



"In every walk with nature one receives far more than he seeks." - John Muir



Purpose of the Trails Master Plan

The Citywide Trails Master Plan is designed to be adaptable to remain an effective instrument for Temple for many years. As development continues to grow and affect Temple's urban boundaries, the plan should be periodically updated to accommodate the most current conditions and needs within the community and larger region.

The City of Temple initiated the master-planning process to develop a citywide trail, bike and sidewalk master plan. This plan, Connecting the Community, is intended to provide guidance in the creation of an interconnected network of trails, bike lanes and sidewalks throughout Temple.

The Temple Comprehensive Plan, Choices '08, established the development of a comprehensive bicycle and pedestrian plan for the community as a key goal. The plan's purpose is to identify a network of new or extended bike lanes, trails, greenways and pedestrian linkages throughout the City limits and extraterritorial jurisdiction (ETJ). This study will identify a network of on- and off-street linear connections between neighborhoods, parks, schools and commercial areas.

As part of the effort for redefining place, as discussed in the Temple Comprehensive Plan, we must consider what are attractive qualities to a wide range of residents by providing options, not just for current residents, but also for future residents. The defining of a citywide trails master plan will expand on Temple's high-quality amenities and enhance its community character, making the City a more attractive location for educated and skilled workers.

Master plan development will provide guidance in developing a connected system in which trail corridors and alignments are designed to enhance linkages between parks, neighborhoods, schools, area services and key civic and community destinations. Citywide connectivity throughout the entire system can be ensured by developing individual trail segments, bike lanes and sidewalks as part of a comprehensive plan.

A master plan also provides a framework through which the City and the private sector can work together to jointly create beautiful trail corridors and make informed decisions regarding trail standards and specifications. A trail master plan also guides decisions regarding funding mechanisms and priorities and enables the City to competitively seek grant funding for development of the system.

The system of trail networks recommended in this master plan creates an opportunity to enhance not only recreational opportunities but also to influence the visual appearance of much of Temple.

"There are many benefits of trails and greenways that planners, funders, and the public need to know about: they make our communities more liveable; improve the economy through tourism and civic improvement; preserve and restore open space; and provide opportunities for physical activity to improve fitness and mental health."

- American Trails Organization

"We also come out here to learn about ourselves. The biggest prize in long-distance hiking is the gift of time. Time to look. Time to think. Time to feel. All those hours you spend with your thoughts. You don't solve all of your problems, but you come to understand and accept yourself."

- Cindy Ross



Planning for Temple of Today and Tomorrow

The existing hike-and-bike trail system of Temple is designed to accommodate the many different backgrounds, needs and wants of residents, who share a common desire to live in a city that focuses on providing high-quality facilities. To keep the City moving forward toward a more holistic and integrated trails system, it is import to consider the context of Temple today and in the future, looking at the many key destinations and attractions within the City and beyond.

Temple has several existing trails throughout the City. In general, the existing trails are very well conceived by the community and typically well used by area residents. Within these existing area trails, various trail surface types exist along with a variety of different adventures and sceneries available to experience.

Of the observations made, two main concerns regarding the existing trails were noted. First, the current design width of some of the existing trails segments may not be able to support significant numbers of users and/or the anticipated variety of trail users. Second, many gaps still exist in linking the existing trails together as well as to City destinations and attractions. Establishing these connections will significantly increase the number of trail users in Temple.

To ensure the best layout of individual trail segments, this plan considers the context of the City today, looking at the many key destinations within and adjacent to the City that should be acces-

sible from the trails system. The plan also considers regional planning efforts being made by the Killeen-Temple Metropolitan Planning Organization through the Killeen-Temple Urban Transportation Study (K-TUTS), as well as efforts being made by neighboring cities surrounding Temple's municipal boundary.

Because Temple has many viable opportunities for growth and expansion, the population is expected to continue growing in ensuing years as new industries and corporations move into the area. Currently the City has an estimated population of more than 60,000 and a median age of 35. With Temple's potential for continued growth, many opportunities and challenges exist for trail corridors and will require close coordination with residential property owners and commercial businesses to make this trail system complete. In order to establish a complete system with lasting community impact, holes or missing links in the system should be avoided.

Citywide Trails Master Plan

"In nature we never see anything isolated, but everything in connection with something else which is before it, beside it, under it and over it."

- Johann Wolfgang von Goethe





TBG

| -*F*

City of Temple Future Land Use Plan

Legend

Neighborhood Conservation

Estate Residential

Suburban Residential

Auto-Urban Residential

Auto-Urban Multi-Family

Auto-Urban Mixed Use

Auto-Urban Commercial

Suburban Commercial

Urban Center

Temple Medical Education District

Industrial

Business Park

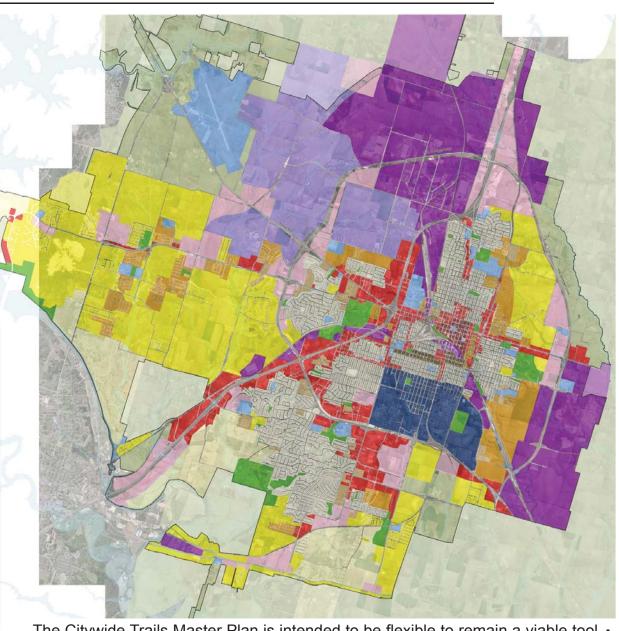
Public/Institutional

Parks and Open space



Current development trends place much of Temple's residential grow in the western and southern sections of the City.



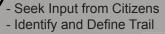


The Citywide Trails Master Plan is intended to be flexible to remain a viable tool for Temple for many years. As development patterns continue to change and urban boundaries grow within and beyond the current City limits, the plan should be periodically updated to reflect the most current conditions and needs within the community and region.

"Few actions can do more to make urban areas safer, healthier, prettier, and more environmentally balanced than setting aside corridors or trails for walking, biking, wildlife watching, and just plain breaking up the monotony of cars and concrete."

- James Snyder

- Establish Task Force
- Define Time Frame
- Compile City Data
- Review Previous Plans
- Inventory Existing Trails
- Identify Citywide Trail Opportunities
- Identify Key City Destinations
- Seek Input from Task Force



Opportunities

- Develop Master Plan Goals

- Develop Trails Master Plan

- Develop Design Standards and Guidelines
- Identify Trail Prioritization
- Define Development Recommendations for City Code

Place Before Parks Board,
 P&Z Commission and City
 Council for Approval



The trail-planning process included significant input from citizens, City staff, stakeholders and other entities in determining the best and most effective use of a trail system connecting all community members and destinations.

"One touch of nature makes the whole world kin."

- William Shakespeare







2004 Trail System Master Plan

Hike and Bike Trail Master Plan 2004

In 2004 a community-based committee was developed within the Parks and Leisure Services Department to assist staff members in developing a Hike-and-Bike Trails Master Plan. The committee developed a set of "beneficial goals" and "development goals," listed below, as part of the plan.

trails system plan has been a goal Beneficial Goals: of the City for many years. In every

The development of a citywide

past needs assessment survey, the

community responded with high

demand for hike-and-bike trails,

ranking them as the community's

most-desirable want and need.

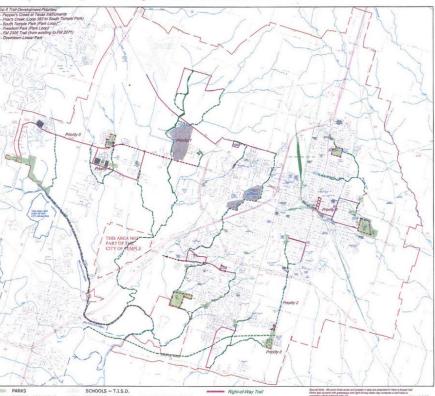
City of Temple

Parks & Leisure Services Department

Hike and Bike Trail Master Plan 2004

- 1. Increase Wellness
- 2. Economic Benefit
- 3. Increase Safety
- 4. Decrease Pollution /Increase Preservation
- 5. Educate the Public on the Plan

City of Temple Recreational Trail Master Plan



Primary Development Goals:

- 1. Preserve Creek Corridors
- 2. Site Specific Loops
- 3. Utilize Easements
- 4. Utilize Undeveloped Parks
- 5. Develop an Iconic Trail
- 6. Links via Enhanced Sidewalks

Secondary Development Goals:

- 1. Rail Trails
- 2. Transit Linkage
- 3. Preserve Right-of-Way for Trails
- 4. Historic Tour Trails
- 5. Develop Curb Appeal





City of Temple Comprehensive Plan

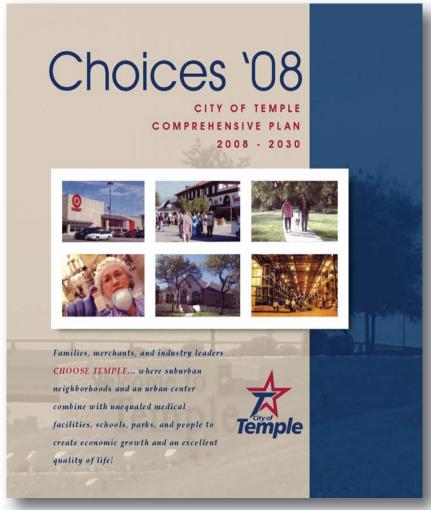
The **Temple Comprehensive Plan, Choices '08**, was designed as a framework for guiding future development, redevelopment and community enhancement in the City and its surrounding planning area over the next 20 years and beyond.

Purpose - The plan lays out a comprehensive vision for community growth and enhancement that considers the entire geographic area of the community, including potential growth areas. It also as-

sesses near- and longer-term needs and desires across a variety of interrelated topics that represent the key building blocks of a community.

Applicability - Chapter 5 of the Temple Comprehensive Plan, "Transportation," discusses community-wide mobility needs on all levels, encompassing everything from sidewalks and trails to local streets and neighborhood access. The plan identified the lack of nearby trails and other amenities as a typical concern of residents.

Goal - A mobility system that offers a variety of choice in modes of travel.



Vision for Growth...

Key Planning Considerations:

- Identifying needs and innovative transportation options for accommodating an aging population and disabled residents (those using motorized wheelchairs and scooters).
- Expanding the existing trail/bike network to create an integrated and connected system throughout the community.
- Connectivity between neighborhoods and commercial and public areas through the roadway system, sidewalks and trails.



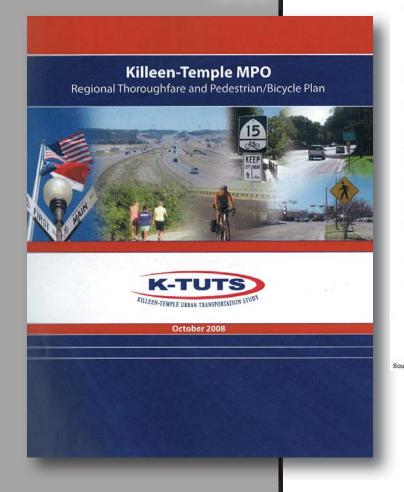


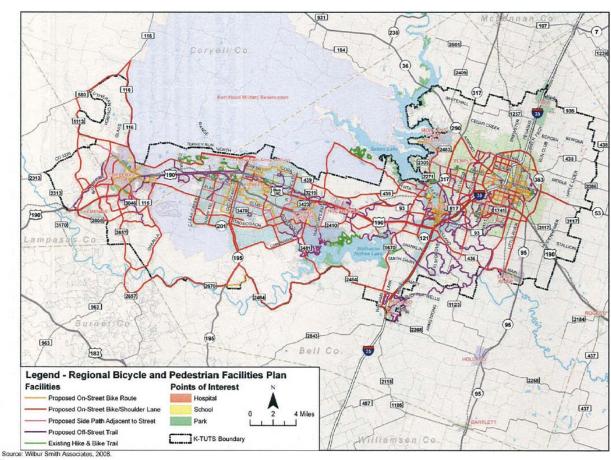
K-TUTS Urban Transportation Study

The Killeen-Temple Urban Transportation Study (K-TUTS), which included a Regional Thoroughfare and Pedestrian/Bicycle Plan in 2008 as a key element of its transportation-planning process, endeavored to develop a blueprint for a regional transportation system. The plan is organized into two distinct but related components: a thoroughfare element and a pedestrian/bicycle element. Both seek to establish a long-term vision for the region's mobility needs.

"A well-coordinated transportation system is critical to the region's quality of life."

- K-TUTS





In order to create a well-coordinated trails system, it is important to study and understand previous planning efforts to ensure development of a seamless trail system both locally and regionally.





Community Input Efforts

Connecting the Community
City-Wide Trail, Bike, and Sidewalk
Master Plan



Community Survey and Input

City of Temple, Texas

The City of Temple has initiated a master planning process to develop a citywide trail, bike, and sidewalk master plan. This plan, called Connecting the Community, is intended to provide guidance in the creation of an interconnected network of trails, bike lanes, and sidewalks throughout the Temple community.

The planning process has been designed to include significant input from the citizens of the community. One of the primary methods for citizen input is this community survey.

We encourage you to provide your feedback regarding the Master Plan by participating in this survey.

An <u>online version of this survey</u>, along with more detailed information regarding the Master Plan, is also available on our website:

www.templetrails.org





Feedback from the public through the Community Survey and Input provided invaluable information to the Master Plan Coordinating Committee. The results from the survey can be found on pages C6 and C7.

T B G

Through meaningful public participation and coordination with other city and public entities, the consulting team and City staff learned a great deal about the community's goals and aspirations for future trails.

The Citywide Trails Master Plan process was designed to include significant input from the community members. The Master Plan Coordinating Committee developed several opportunities and methods for citizens to get involved in the process and provide their input and feedback.

A Master Plan website, www.templetrails.org, was developed to allow citizens to access information about the planning process and provide a forum through which they could have input.

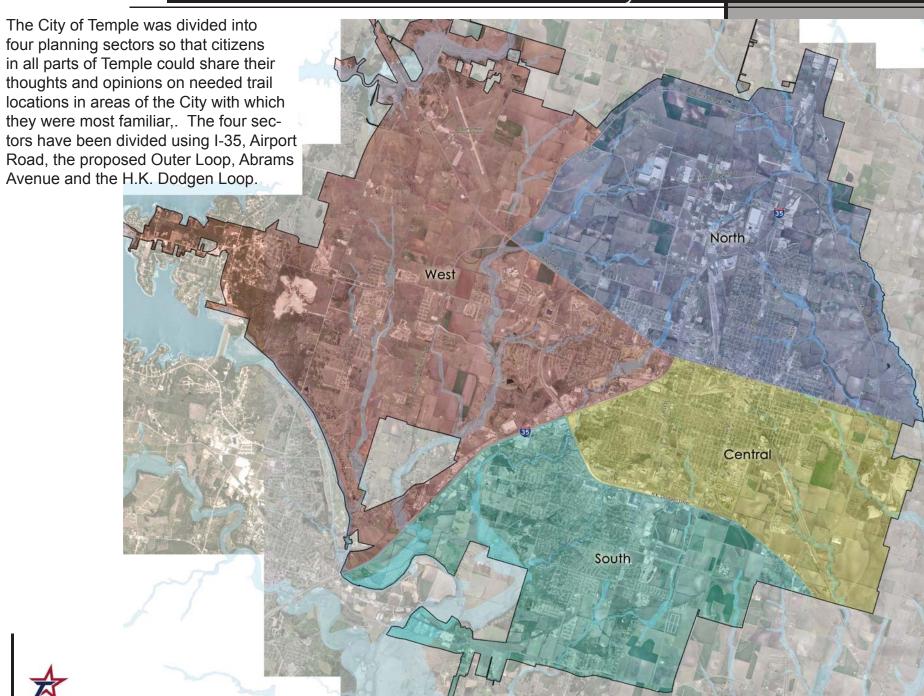
A planning workshop held on June 16, 2009, provided residents the opportunity to share ideas on potential trail locations throughout the City. A brief overview and educational session regarding trail types and standards were provided and workshop participants were able to voice their opinions by drawing recommendations of trail locations on maps depicting different segments of the City.

The City also conducted a citizen survey to seek additional input regarding the Master Plan. All utility customers received a survey in their utility bills, and citizens were also able to access an online version of the survey on the Master Plan's website.

"I feel this plan is crucial to the growth of Temple. Our city is primarily known for it's economic basis and reputation for health care facilities. Temple currently has extremely poor access for any mode beyond cars. To attract future growth, people are looking for a community that you can connect with physically, that is, have bike/walking trails so you can explore/utilize your community without a car, that is safe for all age groups. I am very excited and proud that the City of Temple has taken this initiative. This will make Temple a desired place to live and work."

- Unknown, Community Survey and Input





Temple

Citywide Trails Master Plan

-C3-

Community Input Meeting

On the evening of June 16, 2009, a planning workshop was held at the Temple College to allow residents to share their ideas on trail opportunities. About 29 individuals from the community attended, offering their thoughts, concerns and general input on how they would like to see trails laid out within their communities and connect locally and regionally.

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The introduction to the project was made by City Manager David Blackburn, after which Mark Meyer, Principal at TBG Partners, presented to attending community members about TBG's scope of services and project role, as well as short- and long-term goals and implementation strategies for the citywide trails master plan.



"A city known for hike & bike trails will draw healthy, productive, outdoor type people who will be an asset to the city of Temple. Very important!"

- Unknown, Community Survey and Input



For the next 30 to 40 minutes participants were organized into four groups, based on the geographic area of the City with which they were most familiar, for the design breakout session. This was their chance to draw, discuss and make note of what they considered good opportunities for trails and trail connections within the local commu-

nity as well as to adjacent cities. Members of the Task Force worked with the groups as facilitators, providing answers to questions and making note of comments made.



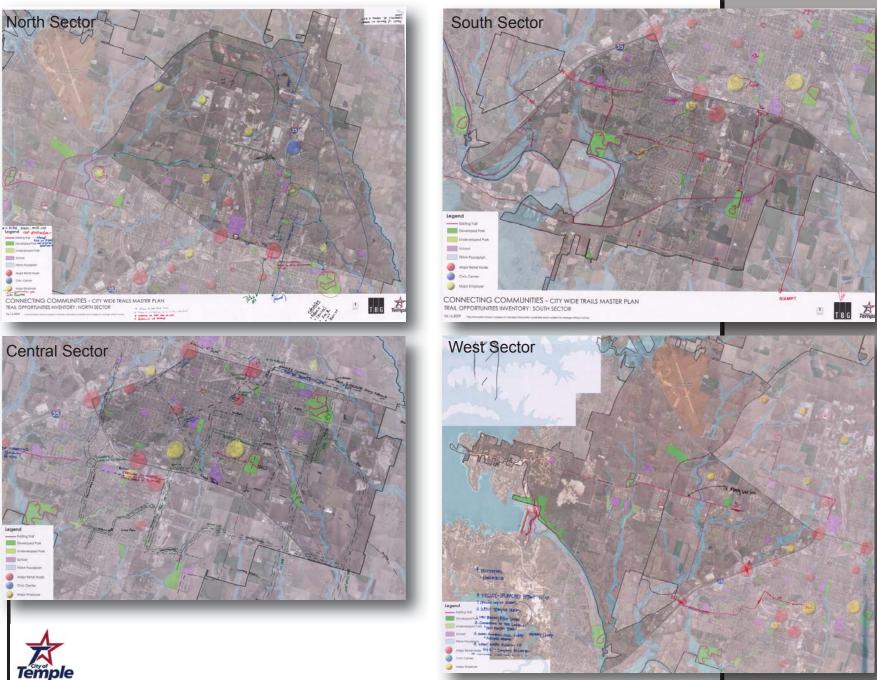
Each of the four groups then took five to 10 minutes to share with everyone its ideas for a community-wide trail system.





Community Input and Design Breakout Sessions

The illustrations below represent some of the work session outcomes from each of the four groups.



TBG

Citywide Trails Master Plan

Community Survey & Input

The following survey was distributed to the community through citizens' utility bills as well as during the community input and work session. The results shown here are from nearly 800 respondents from the community.

P = Poor

N = Neutral

E = Excellent

NI = No Importance

LI = Little Importance

N = Neutral

I = Important

VI = Very Important

SO = Strongly Oppose

O = Oppose

N = Neutral

S = Support

SS = Strongly Support

VU = Very Unlikely

U = Unlikely

N = Neutral

L = Likely

VL = Very Likely

NE = Never

S = Seldom

N = Neutral

O = Often

VO = Very Often

2. In the last 12 months, have you or your family utilized a hike and bike 75% City of Temple 26% County 38% Elsewhere in T		the: (c	heck al	I that ap	ply)
3. Based on your impressions in regards to the current City trails, how the terms of	would yo	ou rate	the City	of Tem	ple in
	Р		Ν		E
a.) The number of hike and bike trails	28%	27%	25%	17%	3%
b.) The variety of amenities along trials		25%	34%	13%	3%
c.) The convenience of access to the current hike and bike trails		24%	23%	23%	6%
d.) Overall quality of the City hike and bike trails		22%	27%	31%	6%
e.) Overall safety of the City hike and bike trails		20%	32%	29%	7%
-, -, -, -, -, -, -, -, -, -, -, -, -, -					
4. In planning trails, what do you consider to be the most important cha	racteris	tic for tr	ails to i	nclude?)
, p g , ,	NI	LI	N	I	VI
a.) Connectivity to key destinations in the city		10%	22%	32%	26%
b.) Scenery / views	5%	5%	15%	45%	30%
c.) Natural areas / walking paths	4%	3%	15%	43%	36%
d.) Trail amenities (i.e. water fountains, benches, interpative signage, etc)		8%	28%	38%	20%
e.)					
o.,,					
5. Of the following trail amenities, how strongly would you support or or	pose ea	ach?			
3 · · · · · · · · · · · · · · · · · · ·	SO	0	Ν	S	SS
a.) Directional signage and/or map		2%	20%	43%	30%
b.) Mile markers	5%	2%	19%	43%	32%
c.) Trailhead marker with informational kiosk	5%	4%	31%	37%	24%
d.) Lights along some primary trails		3%	15%	32%	45%
e.) Bike racks	8%	7%	41%	32%	12%
f.) Fitness stations along trail	9%	9%	43%	27%	12%
g.) Benches and/or picnic tables		4%	20%	46%	24%
h.) Restrooms		3%	16%	37%	38%
i.) Nature / scenic viewing areas	5%	2%	20%	41%	31%
i. / Tatare / Sociale viewing areas		-10	400/	2004	4.70

1. How long have you lived in the City of Temple? 5% < 1 year 14% 2-4 years 8% 5-7 years 73% 8+ years



38%

45%

10%

1%

Community Survey & Input (cont.)

- 6. Have you traveled by bicycle on the existing roadway system, other than local neighborhood streets, that have **no** bike lane designation? 33% Yes 67% No If a street had a designated on-street bike lane, either as a system of on-street trails or a connector to other types of trail surfaces, how likely would you use it? 19% VU 11% U 16% N 25% L 29% VL
- 7. If a trail system were located close to your home or place of work, how likely or unlikely would you be to use it for: U VL Ν 15% 30% 29% 11% 16% 20% 28% 19% 30% 10% 15% 33% 19% 26% 14% 13% 23% 16% 35% 25% 11% 7% 1% 6% 24% 58% What is your primary means of travel when using a trail system? NE S VO O 12% 17% 32% 25% b.) Walking for exercise (circle WITH or WITHOUT a dog)...... 12% 9% 11% 34% 34% c.) Jogging / Running (circle WITH or WITHOUT a dog).......33% 12% 22% 15% 18% 21% 25% 13% 16% 17% 12% 23% 22% 22% 6% 6% 14% 21% 10% 6% 12% 18% 7% 3% i.) _____ 9. What type of surface of trails do you prefer for your particular trail use? SS 0 S Ν 20% 31% 35% b.) Natural / Non-Paved path...... 22% 35% 29% 30% 27% 26%
- 10. The development of a community-wide trail system may require some trails to run adjacent to neighborhoods and in some cases, homes. If necessary, how strongly would you support or oppose a trail adjacent to your home? 14%SO 7% O 22% N 31% S 28% SS







"In nature we never see anything isolated, but everything in connection with something else which is before it, beside it, under it and over it."

- Johann Wolfgang von Goethe



Community Input Summary

"Participation, I think, is one of the best methods of educating."

- Tom Glazer





"I would like to see the city provide a safe way for all citizens, to get exercise by utilizing hike, bike, and cycling lanes."

- Unknown, Community Survey and Input

Community input is a critical part of the planning process. In order to develop a successful, comprehensive and long-term plan, community needs and goals must be met—because, ultimately, community members will fund, support and utilize the facilities being planned.

Some of the key comments and input the community provided included:

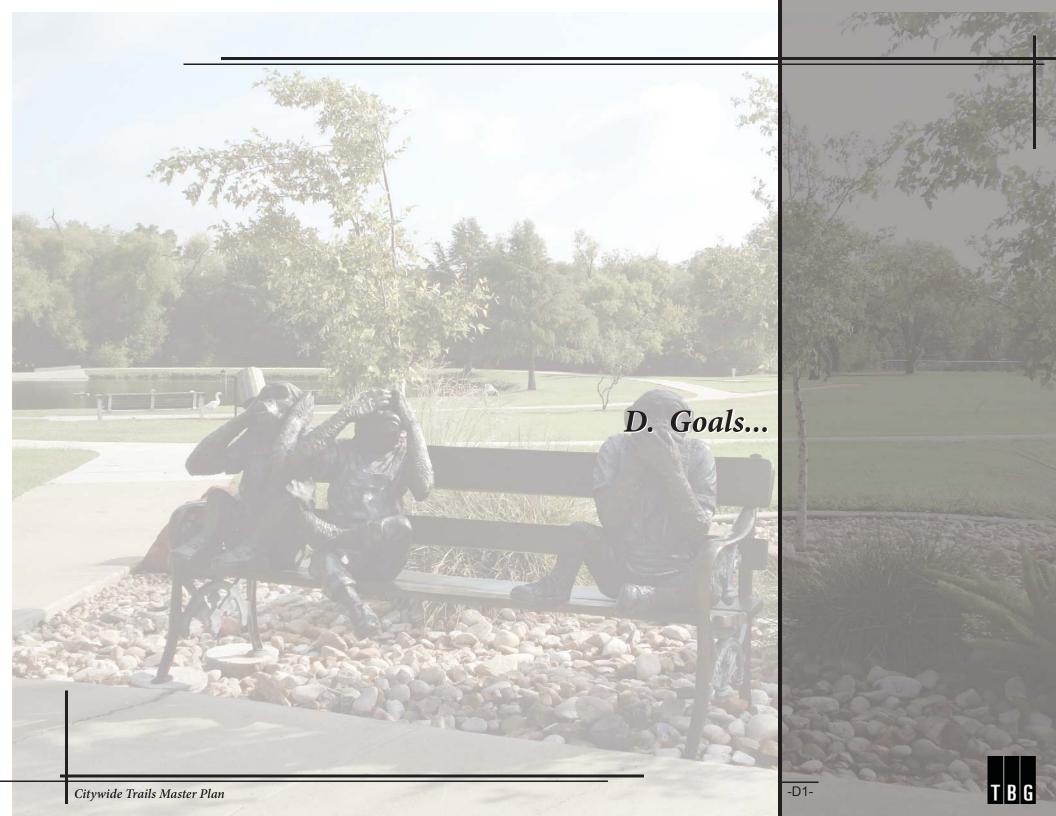
- Connect missing links between existing trail segments and/or continue those trails that just end.
- Look for opportunities to connect to trail systems in adjacent cities for a more contiguous system.
- Desire for a strong east/west connection across the City from downtown to Belton Lake.
- Stronger, more defined connections between neighborhoods, parks, key City destinations and other secondary destinations.
- The creation of continuous loops, with opportunities for trail users to choose their desired length.
- Establishing connections to future industrial employers that will be located in the northern part of the City.
- Ability to move east/west across I-35 and the loop safely and conveniently.
- Desire for a variety of trail surfaces and trail amenities.
- Citizens expressed personal safety concerns when being around faster-moving vehicles and when there are too many driveway cuts.

From the many comments and concerns expressed through the survey and during the charrette, **three primary trail issues** can be derived:

- Safety Address pedestrian and bicyclist needs and safety concerns. Trails should provide easily accessed, walkable corridors that are open and visible. A trail designed to accommodate users of all types provides a sense of safety and comfort and encourages those who are less active to use the trail. When possible, trails should be designed to conform to those standards recommended by the American Association of State Highway and Transportation officials (AASHTO), which offer the most comprehensive safety standards. Effective trail maintenance will also be critical to the overall success and safety of the trails system.
- Design Create a complete trail system; specifically, one that has a series of continuous loops
 that can be long, short or any distance in between for different user needs. The system's design
 should provide convenient access from citizens' residences and/or places of work to other key
 City destinations and neighborhoods. Trails must be wide enough to accommodate a wide range
 of uses and user types.
- **Trail amenities** Provide amenities appropriate to the trail system that will enhance trail users' overall experience. These amenities may include items ranging from informational components, landscaping and light fixtures to enhanced intersections and crosswalks.







Goals

Goal #1

Community Vision and Participation - Create a strong vision for a citywide trails system, through equal opportunity for participation of the community. The vision should preserve and enhance the beauty of the City in a way that will foster pride and appeal to citizens, corporate community members and visitors. The vision should continue to be refined and expanded as Temple grows to remain an effective and vitalizing guide for the future.

Goal #2

Multi-modal Transportation System - Accommodate the convenient, efficient and, most importantly, the safe movement of people while endeavoring to maintain and enhance neighborhood integrity. Provide trails that meet citizens' complete recreation and leisure needs for a variety of activities such as running, walking, cycling and in-line skating. Nature trail opportunities, where feasible, should protect and preserve open spaces and critical natural areas.

Goal #3

Interconnected System - The primary goal is to create a network of trails that allows multiple connections to an overall system of continuous trails. This trail system should strengthen linkages between parks, neighborhoods, schools, neighborhood services, and key civic and community destinations.

Goal #4

Trail Hierarchy - Building from the primary goal of an interconnected system, a clearly defined hierarchy of trails capable of sufficient capacity and amenities should create a spine of regional trails, while smaller segments should connect neighborhoods and destination points in the City to the regional trail system.

Goal #5

City Coordination and Support - Foster coordination of trail development with other City departments, especially planning, engineering and transportation, so that all entities work together to fully recognize and maximize trail opportunities. The City's thoroughfare master plan and subdivision ordinance must support the efforts of such a transportation system to become a reality.

Goal #6

Implementing - Develop a system that can be implemented incrementally by both public and private entities. The system should help establish public and private partnerships that help develop a more complete, regionally connected system in a shorter time frame than otherwise possible. The plan needs to provide guidance in allocating resources and available outside funding sources to develop the City's trail system.



"Passion and vision will build future trails, preserve greenspace, and create other community connections and enhancements in our area."

- A History of Portland Trails





Types of Users

Because all users have varying measures of confidence and ability, it is essential to understand their strengths and weaknesses in order to create appropriate spaces that are comfortable for every rider. AASHTO designates riders in three different categories:

Advanced (experienced and confident)

Basic (less confident and ride for transportation purposes, avoids high traffic roads)

Children (least confident, travel slowly and usually with parents in very low traffic areas).

Walkers

(leisure, exercise, with dog)

Joggers / Runners

Cyclists

(leisure, exercise, high-speed)

Mountain Biking

In-Line Skaters

Scooters

"We celebrate not the trail, but the wild places it passes through."

- Ray Jardine





This citywide trail system will link key City destinations with an integrated network of trails designed for users of all ages, skill levels and environments. Design standards are an important component for a well-functioning trail system because they outline the recommended minimum requirements and additional support items for all trail types.

All trails, bike lanes and sidewalks should conform and be designed to standards set forth in the American Association of State Highway and Transportation Officials (AASHTO). Deviations from AASHTO may be acceptable in some cases to respect the character or special conditions present in an area. Other sources commonly used for trail design include:



- Americans with Disabilities Act Accessibility Guidelines (ADAAG)
- Texas Department of Transportation (TxDOT)
- Texas Transportation Institute (TTI)
- Texas Manual on Uniform Traffic Control Devices (TMUTCD)

AASHTO Standards

Shared Roadway

(these have no bikeway designation)

Signed Shared Roadway

(designated by bike route signs, these roadways have been specifically chosen as the best route for bikes to share with vehicles)

Bicycle Lane

(these lanes feature appropriate markings and signage and are along corridors with a high demand for bike use)



Shared Use Path

(these paths serve corridors not served by streets and/or where wide utility corridors exist)

Off-Street Trail

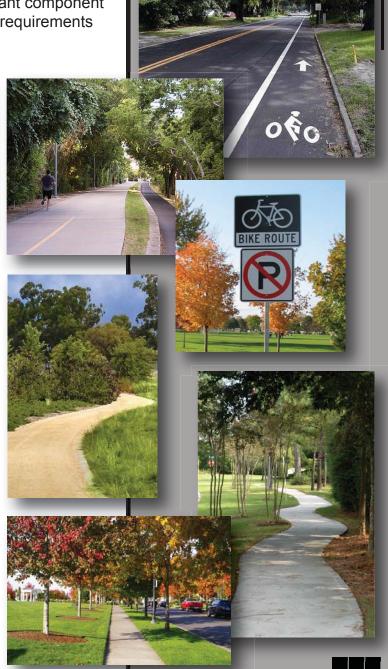
(these trails provide an upgraded walkway alongside a road either in the right-of-way or reserve)

Natural Surface / Nature Trail

(these afford a more natural-feeling, softer-surface trail in wooded or scenic areas)

Neighborhood Trail

(these trails generally follow the system of local streets, ultimately connecting to a larger community/citywide trail system)



Citywide Trails Master Plan

Trail Definitions

Temple has many opportunities for trails in all parts of the City that will connect communities, key locales and employment destinations together. This plan recommends a variety of trail types in all areas of the City so everyone can easily access and use the particular trail that appeals to them. Just like there is a hierarchy in our roadway systems, specific types of trails have been developed to accommodate distinct user types and capacities.

The trail type hierarchies given here are intended to define surface options and widths associated with projected user volume and user type variety, giving structure to the overall system. The trail type is not intended to prioritize implementation of any particular trail over others.

Trails should be designed to conform to standards recommended by AASHTO. Variations from AASHTO may be acceptable in some cases to respect the character or special conditions present in an area.

The trail types described here are shown on the Trails Master Plan found on page F3.

Citywide Spine Trails:

Because they are fed by all other trail types and walkways like a major thoroughfare, citywide spine trails will have the highest user capacity and a greater range of user types, providing opportunities to travel longer distances. The intent of this trail type is to create a city trail system connecting many key City destinations while also creating longer-distance loops that unite city destinations and also link regionally to adjacent cities. Trails designated as part of the citywide spine trail system will accommodate a higher user capacity and should typically be constructed of concrete with a width of 10 to 12 feet, depending on the projected volume of anticipated users.

Community-Wide Connector Trails:

Community-wide connector trails will make up the majority of Temple trails, providing more local connection between neighborhoods and key City destinations while linking communities to the larger, farther-reaching network of citywide spine trails. Many of these trails will integrate city floodplain corridors, potentially allowing for some of the most scenic trail segments. Trail design in these corridors should preserve the existent natural beauty as best possible. Community-wide connector trails can range in surface types from decomposed granite (DG) or concrete to natural surfaces and should be eight- to 10-feet wide to accommodate local user volume. A greater number of trail amenities can be provided along these trails.

Local Connector Trails:

Local connector trails are arguably just as important and necessary as any of the other trail types. This trail type seeks to link many immediate communities, schools, parks and key City destinations and then, ultimately, connect to the higher-classified trails that have a farther reach and greater connection to user destinations. The local connector trails also expand on the opportunities and options for trail users to choose the direction, distance, access and, essentially, unique trail experience for their journey. Trails designated as part of the local connector trail system should be six to eight feet in width to accommodate the local user volume and can range in surface types.

Neighborhood Sidewalks:

These local community walkways typically follow the system of local neighborhood streets, connecting into larger street networks. These walkways connect neighborhood blocks and communities together and ultimately provide connection into area trails. They typically range between four and six feet in width. At locations where sidewalk connections to the trail system are needed, a five-foot minimum walkway is recommended.



Trail Destinations

Trails provide a great ability to connect people with places. As part of the trail system planning process, key destinations throughout the City have been identified for potential trail destinations.

These destinations give purpose and reason for individuals to utilize trail facilities, whether for short errands, going to work or school, or even visiting friends. Not all trails are organized around specific destinations; many simply provide residents opportunities for physical activity and to enjoy the community around them.

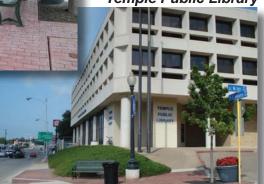




Places of Worship



Temple Public Library



Scott & White Hospital

Temple City Hall



Schools and Sports Fields



Railroad & Heritage Museum
Amtrak & Santa Fe Railroad Station



"A trail is as serviceable as its poorest link."

- Benton MacKaye

Temple College







Trail Destinations (cont.)

"I think this is an incredible opportunity for Temple to become more eco-friendly as well as physically fit while building connectivity and relationships among citizens."

- Unknown, Community Survey and Input

Civic Uses



Recreation Facilities



TRG

Connecting trails to key City destinations can promote increased trail usage and encourage the use of alternative transportation modes by the community.

Some of the key destinations throughout Temple and nearby in adjacent cities include:

- Scott & White Hospital
- Temple College
- Schools
- Civic facilities
- Parks
- Belton Lake
- Amtrak Station

- Community gardens
- Farmers market
- Recreation facilities
- Government facilities
- Major employers
- · Major retail areas



Playgrounds





Local, Community and Regional Parks



Belton Lake



Lions Junction Family Water Park



Trail Opportunities and Constraints

Physical Constraints

Trails will always be located in one of two settings: either in the built environment or in the undeveloped natural environment. Each condition presents its own set of unique opportunities and constraints.

Trails located in undeveloped natural areas need to avoid and protect stream banks from erosion and mitigate the impact on steeper slopes. Impact to mature trees and the over-clearing of brush understory should also be avoided when possible.

Providing trail connections in and through the built environment can be difficult at times due to challenges presented by utility lines, walls, fences, signs and existing grade changes. Trail connections should be incorporated as areas in the City are developed and/or redeveloped, roads are improved, etc.



Scenic Qualities

There are many opportunities within Temple to take advantage of scenic natural areas, most of which can be found along creeks and rivers and within floodplain-designated areas. Trail corridors in these areas should aim to protect the natural beauty of the area and avoid tree removal as much as possible.

Easements

Existing easements found across the City can provide a great opportunity to incorporate trails that connect to other trails and key destinations. In other cases easements may need to be acquired from individual property owners in order to continue the trails network and/or provide connection to the trails system from neighborhoods or businesses.





-E7-

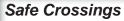


Citywide Trails Master Plan

Trail Opportunities and Constraints (cont.)

Many of the opportunities along these trails will be realized through trail features discussed in the following pages.





Major highways and other barriers present several challenges to safety and establishing easily accessed pedestrian crossings. Such crossings will require partnerships and coordination with TxDOT and individual property owners and are important to the overall trails network to establish a continuous system that connects the City from one side to the other. Such crossings, whether at grade, below grade or a bridge crossing, should seek to avoid vehicular and pedestrian conflicts.



Trail Features

Adding appropriate trail amenities to a local or citywide trail system enhances the experience for the trail user. As identified during the community workshop, the public desires a variety of trail amenities at appropriate locations. The following is a summary of the trail amenities that should be considered along Temple's trail system. The Parks and Leisure Services Department will have to consider construction and maintenance costs as well as the overall recreation and programming goals for each trail.

Bike Racks

Parking for bicycles along the trail system and key destinations in the region was viewed as an important trail amenity to participants in the community workshop. Since the community-wide trail system will connect many key City destinations, providing bike racks is essential. They allow trail users to safely park their bikes if they wish to stop along the way, particularly at parks and other desirable destinations.

Directional Signage/Maps/Kiosks

To assist users in navigating the trail system, directional signage, maps and/or kiosks should be provided that contain important trail information. Such items can inform trail users of their location on the map, how long the trail is, where certain trail amenities are located and generally what to expect from the trail.

Drinking Fountains

Water fountains provide trail users and their pets the opportunity to remain hydrated and/or fill up their water containers. Where feasible, drinking fountains should be located along trails, especially higher-use trails.

Fitness Stations

Fitness stations allow trail users to stretch, warm up and cool down at the beginning and end of their trail activity. These fitness stations also provide users an opportunity to get more out of their workout with muscular training.

Informational Signage

Informational signage can provide a variety of information types to the trail user. Information can range from historical and environmental to facts about native plants and animals potentially encountered. Informational signage enhances the user experience and provides interesting information for all.

Lighting

Pedestrian-scale lighting improves safety and enables trails to be used year-round. It also enhances a trail's aesthetic beauty.

"A well-maintained trail is fun to hike on. With a broad, wellmarked path free of debris, hikers can concentrate more on their surroundings and less on the footpath."

-Victoria Logue



Trail Features (cont.)

Mileage Markers

Mileage markers inform trail users of their distance traveled. Bicyclists, joggers and others often use trails for many miles and like to know their distance traveled. Mileage markers allow users to determine whether their exercise goals have been reached and/or how much farther they must travel to meet them.

Multi-Use Trail Striping

A centerline stripe approximately four inches wide should be painted on regional trails as well as 12-foot-wide trails designed for multiple uses and those that connect to regional trails.

Parking

Parking areas should be provided at regional trail entrances, when appropriate, in parks lacking existent parking. Parking at trail entrances is convenient for those living farther from the trail network and provides a place to park for those that transport their bicycle to a trail entrance with their car.

Pet Amenities

Where appropriate, dog waste pickup bag dispensers should be placed at trailheads and key neighborhood access points along the route. Signs should be placed along the trail notifying dog owners to pick up after their dogs.

Rest Area/Shade Structures

Rest areas should be relaxing places containing shelter, shading, benches and other places to sit. These areas may also contain enhanced landscaping, drinking fountains, trash receptacles and even informational signage. Rest areas should be strategically located to make trails more usable for all user groups.

Trailheads

Trailheads serve as primary access points to the trail system and should be considered at major trail intersections and in city parks through which trails pass or begin/end. Trailhead stations should provide trail users with information and trail rules and regulations, and trailhead amenities should be considered such as parking areas, restrooms, drinking fountains, trash receptacles, information kiosks (maps and points of interest) and destination signage with mileage.

Trash Receptacles

Trash receptacles play an essential role in maintaining a trail system's cleanliness. They allow trail users to dispose of any trash or other refuse generated while utilizing the trail system, and should be located at regular intervals, trail intersections, rest areas, fitness stations, trailheads and parking.





General Overview



"Creating a system means learning where trails are and developing connections that link them together into networks and where desirable and necessary, building new trails that also connect."
- American Trails, Trails for All Americans



Temple has many opportunities for trails to connect communities, retail, schools, parks, and other key City destinations together. The Citywide Trails Master Plan identifies a system of trail corridors reaching all across the City and beyond. Many of the trails identified can be enacted in the near-term future, while others represent long-term goals for the City to strive and plan for. The City's efforts should foremost be focused on those corridors that provide the most significant benefits and impact for the community while helping to build a major citywide trails network.

This section presents the overall Citywide Trails Master Plan that addresses the various trail types available and the network the plan creates. This section also breaks out the major Community Spine Trail and Community-Wide Connector Trail system in separate maps along with connection points to adjacent cities. These two additional maps help to understand the trail hierarchy and network created by these trail types. The next section will touch on the Prioritized Trails Master Plan and Safe Routes to Schools (SRTS) Plan, representing the most important trails to be built.

Trail corridors identified were selected to meet the goals established herein, set in place by the Task Force, reflecting the comments and desires received during the community input process.

Trails considered in this plan were intended to first and foremost link destinations such as schools, nearby retail, civic uses, recreation facilities and parks, major places of employment and neighborhood communities. When possible, trail corridors should capitalize on the many scenic qualities Temple has to offer, yet must remain convenient and maintain a high level of safety to support use by community residents.

Some identified trails reach beyond Temple's city boundaries, most of which provide an opportunity to link into adjacent cities and the regional pedestrian/bicycle trails serving the Killeen-Temple region.

Because Temple has so much opportunity for growth and expansion, many of the corridor easements needed for these trails are available in undeveloped land, while others will have to be obtained from commercial and residential property owners. The creation of partnerships may be possible for some trails or trail segments in existing developed conditions. In undeveloped areas, many trail segments can be built by new developments.

As development patterns in Temple change over the years, the classifications of some trails may require upgrading to accommodate the community's growing needs.

In order to make a complete system with lasting impact for the City, holes or missing links in the system should be avoided. As Temple continues to develop in the years to come, it will be necessary for the City's planning, parks and engineering departments to make adjustments to this trails master plan to complete, expand or reach areas needed to connect communities and key City destinations.

report, 1990

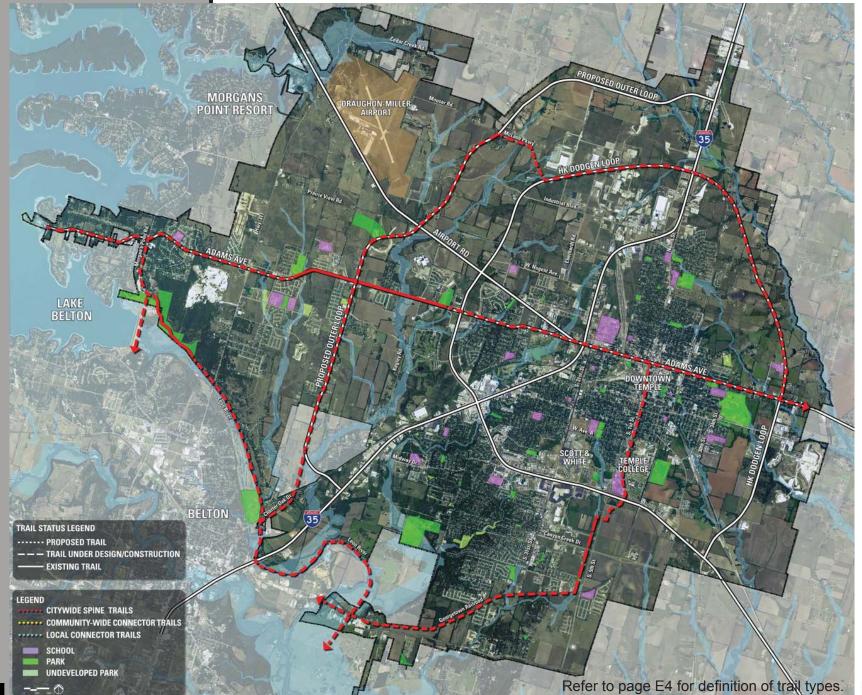
Temple Trails Master Plan





Citywide Trails Master Plan

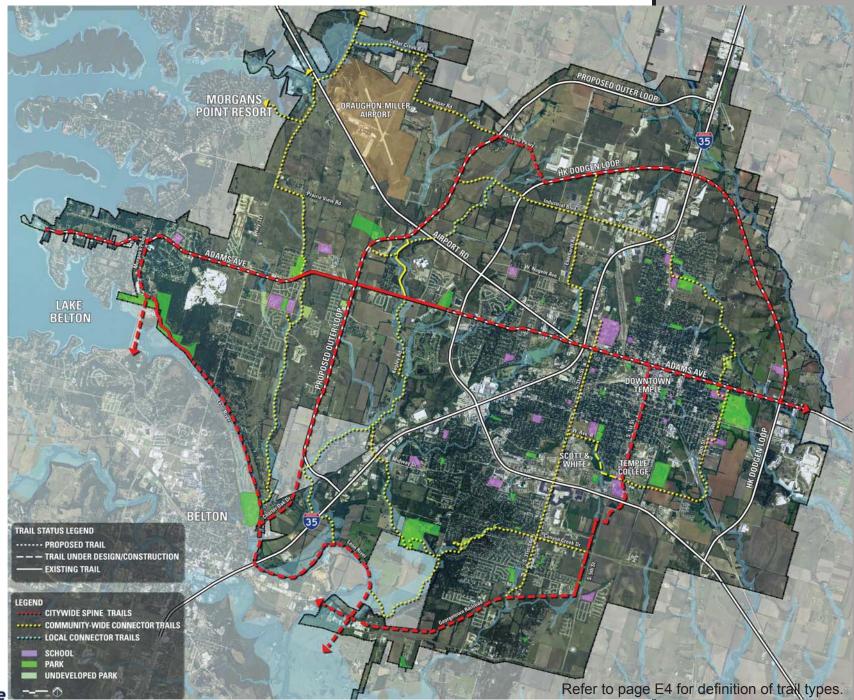
Citywide Spine Trails







Community-Wide Connector Trails

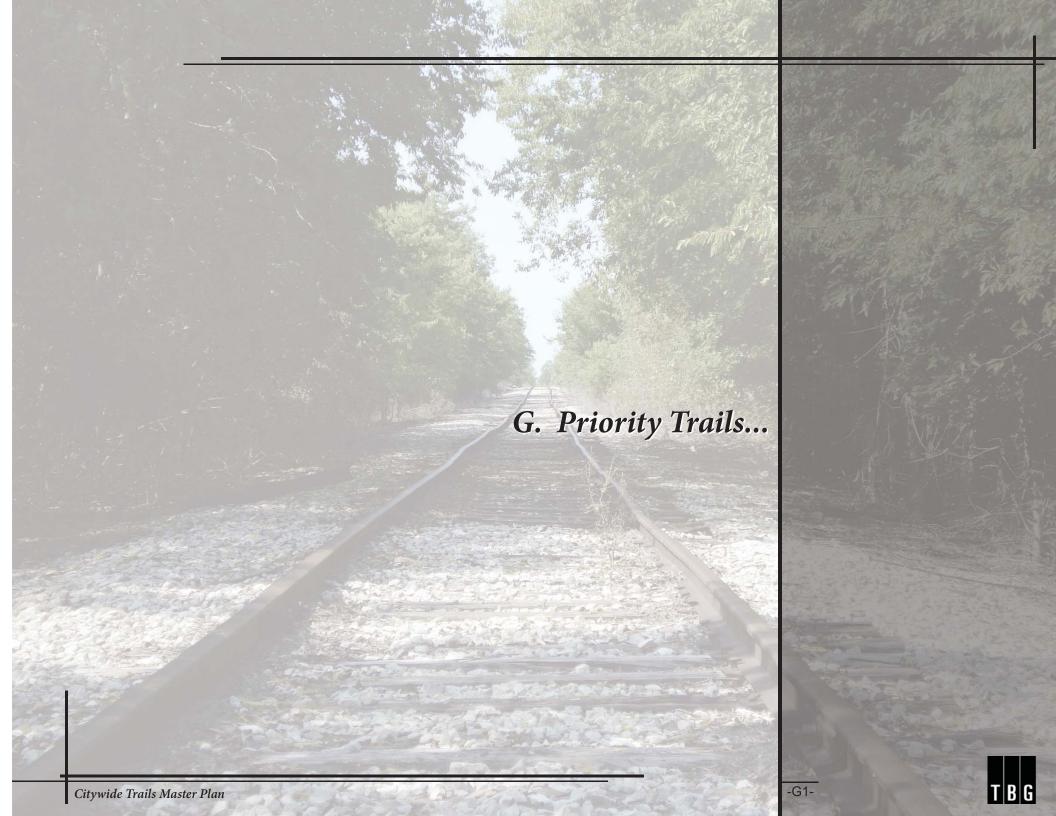




Citywide Trails Master Plan



-F5-



Prioritized Trails Overview

Defining the importance and setting priority to those trails and sidewalks most important to the community will help give critical direction on overall trail system development. This will also allow longterm funding mechanisms to make prioritized trails become a reality.

This Chapter has divided the priority trails and walks into three categories. The first category is the Priority Trails Master Plan. This prioritizes trails that look to identify a community-wide network which will connect many of the key destinations around Temple. The second category identifies the need for safe pedestrian routes traveling to and from Temple's elementary and middle schools. The third and final category is the Trail Priorities within Park Lands. This category identifies the existing parks that are in need of new trails, trail extensions or better trail connections. Each category presents opportunities for funding from federal, state and local sources.

The trails identified on the Priority Trails Master Plan are the most important trails to be developed or provided. They are key pieces of the larger system that someday will link all of Temple together as well as to the larger regional system, connecting adjacent municipal communities together. These trails are not intended to be the only trails constructed in the years ahead; other opportunities, funding or distinct needs could arise that warrant implementation of other trails designated on the Trails Master Plan. The City's efforts should focus on those trails that provide the most significant beneficial impact to the community and that truly begin to create a major community-wide network of trails.

No order has been assigned for the implementation of these trails or neighborhood sidewalks discussed in the three categories; they should be implemented as funding comes available, development or redevelopment takes place, road projects occur, and as citizen demand and needs warrant priorities.

"To walk; to see and to see what you see."

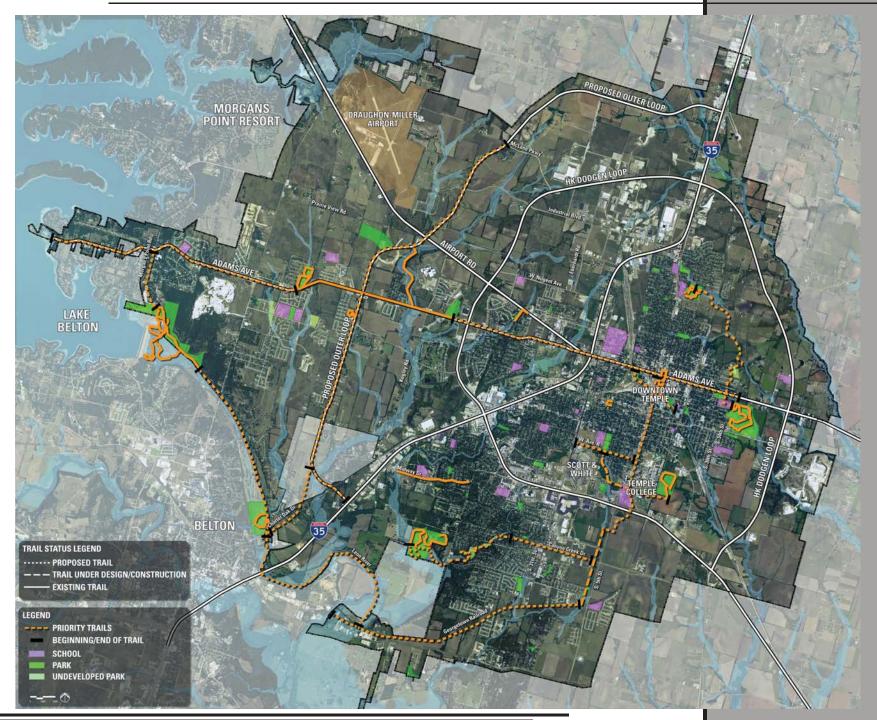
- Benton MacKaye

"Concern for the environment and access to parks and open space is not frivolous or peripheral, rather, it is central to the welfare of people body, mind, and spirit."





Priority Trails Master Plan





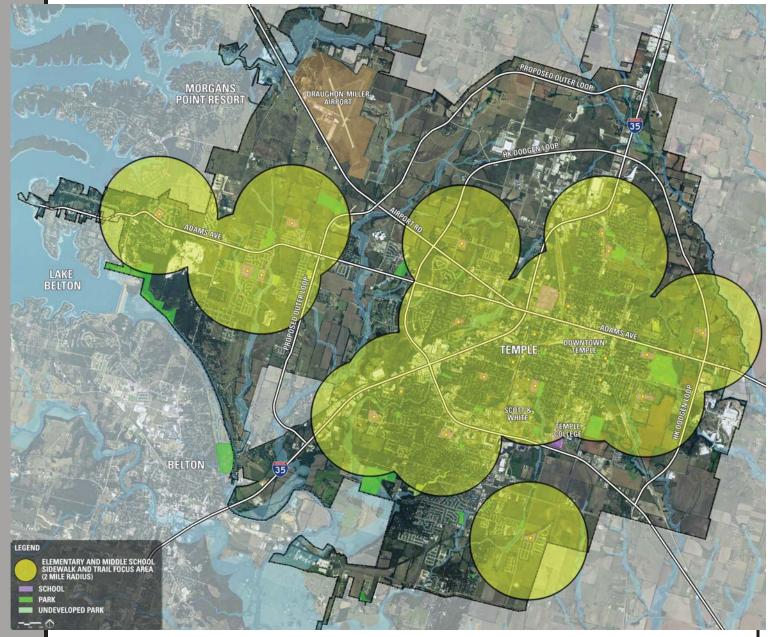
Citywide Trails Master Plan

Safe Routes to School (SRTS) Plan

The National Center for Safe Routes to School defines the program as a way for community leaders, schools and parents across the United States to improve safety and encourage more children to safely walk and bicycle to school. In the process, these programs are working to reduce traffic congestion and improve health and the environment, making communities more livable for everyone.

SRTS programs examine conditions around schools and conduct projects and activities that work to improve safety and reduce traffic and air pollution in a school's vicinity. As a result, these programs help make bicycling and walking to school safer and more appealing transportation choices, thus encouraging a healthy and active lifestyle from an early age.

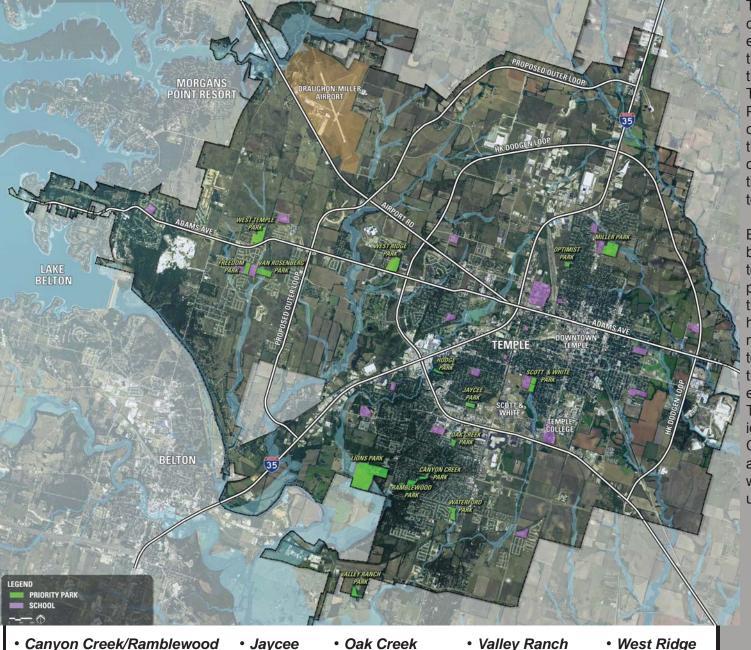
In support of the goals established by the Temple Comprehensive Plan, *Choices '08*, it is important that the City implements neighborhood sidewalks and/or trails as shown on the Temple Trails Master Plan within the two-mile radius around elementary and middle schools as defined by the SRTS program.







Trail Priorities within Park Lands



There is a need for continued focus on trails within many of the existing City parks, in addition to those that have been identified on the Trails Master Plan, the Priority Trails Master Plan and the SRTS Plan. Necessary improvements include the installation of new trails, the extension of existing trails, the creation of new connections, or the full replacement of trails due to altered conditions and uses.

Existing trails and walks should be incorporated and connected to new trails as future adjacent parks are acquired. The fourteen trails listed and illustrated here have a current need for development. The intent of these trails is to provide the user easy access throughout the park to experience what the space has to offer. These trails are similar to those identified in the Trail Definitions of Chapter E Trail Design Guidelines and should be six to twelve feet in width, depending upon projected user type and volume.

- Canyon Creek/Ramblewood
- Lions Freedom
- Hodge

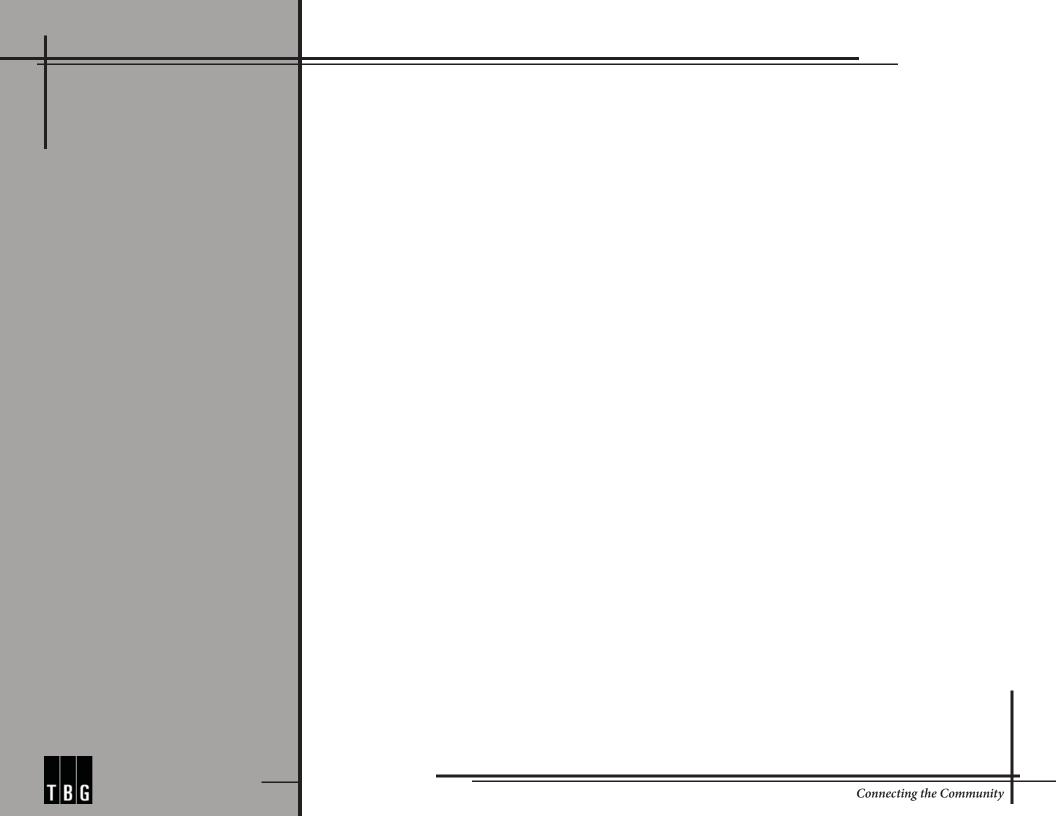
Jaycee

• Miller

- Oak Creek
 - Optimist
 - Scott & White
- Valley Ranch
- Von Rosenberg
- Waterford

-G5-

West Temple





Implementation

The preservation of planned trail corridors is essential to the successful implementation of the Trails Master Plan. Acquisition of trail corridors on private lands will be necessary in order to have a contiguous trails network.

It is the recommendation of this Citywide Trails Master Plan that the City of Temple look to address the following in the current City code to help facilitate the successful implementation of this plan.

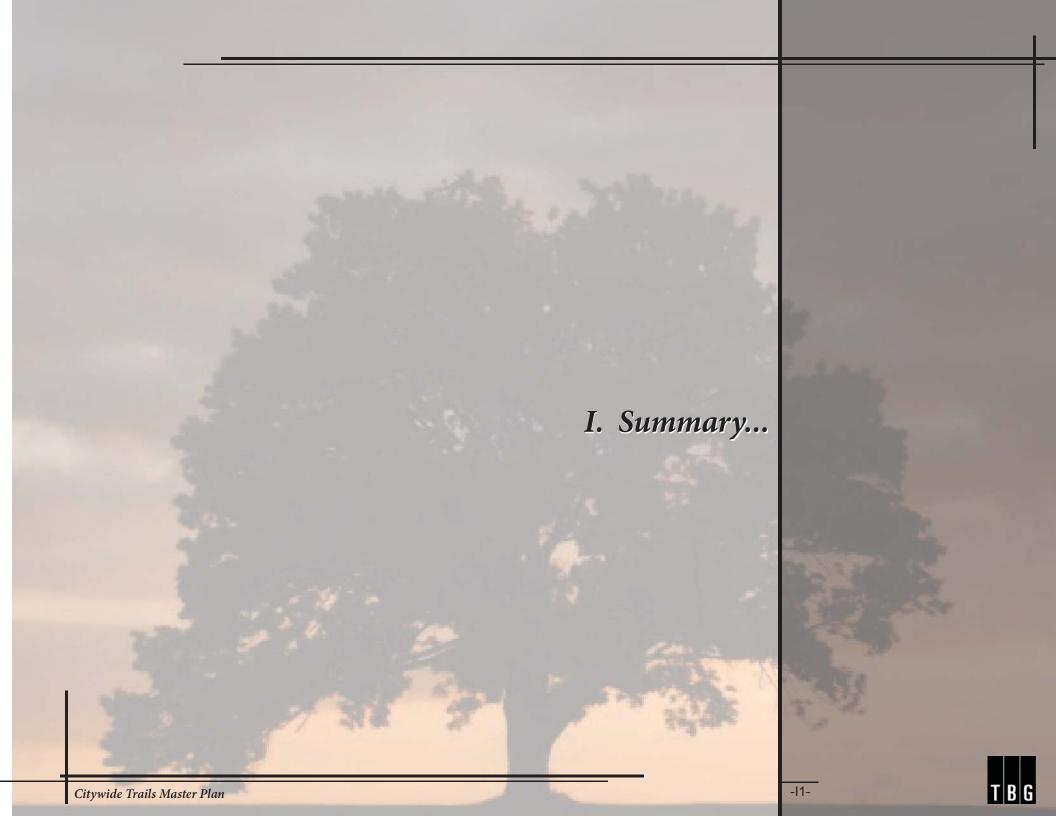
Strategies and policies for implementation of the Citywide Trails Master Plan will be developed through phase two of the master planning process. These strategies and policies will likely include ordinance review to specify potential development incentives and alternatives; methods of acquisition of trail easements; and other approaches that will help facilitate trail development through public and private initiatives and partnerships.

"Few actions can do more to make urban areas safer, healthier, prettier, and more environmentally balanced than setting aside corridors or trails for walking, biking, wildlife watching, and just plain breaking up the monotony of cars and concrete."

- James Snyder

Creating healthy habits by building healthy communities...





Summary



It is not a niche market that desires trails; it is an under-tapped mass market. A 2005 survey of potential home buyers by Brook Warrick of American Lives found that:

- 92% want low traffic areas
- 79% want walking and biking paths
- 78% want natural open space
- Only 22% want a golf course within the community.



"All truly great thoughts are conceived by walking."

- Friedrich Nietzsche

The development of the Citywide Trails Master Plan was set in motion by the Temple Comprehensive Plan, *Choices '08*. Its purpose is to ensure that Temple's quality of life will be maintained while still allowing for growth in the City and region, as well as to formulate strategies to manage future opportunities and challenges. If done correctly, the implementation of a citywide trail system can play a vital role in our individual well-being, local economy, the environment and traffic-congestion relief.

The Citywide Trails Master Plan is the culmination of a long planning process by the Task Force that has included an analysis of existing trail routes, public workshop and surveys from Temple citizens, as well as presentations to and guidance from City officials. Goals were set in place and modified based on community input received, which formed the framework under which the trails master plan was prepared.

Safe, convenient and well-designed facilities are essential to encourage trail use and, just as importantly, to establish a complete and connected system of on-street, off-street and end-of-trip facilities. Trail design should be a thoughtful design process that studies user types, trail use purpose and environmental conditions, and considers things like grade, interesting features and privacy issues.

When completed, the Temple trails system will link many of the neighborhood communities and provide connections to many key City destinations. By providing access to a wide array of retail, parks, schools, neighborhoods and other key City destinations, the trails will establish a network of connections useful to many Temple citizens, and allow outdoor enthusiasts to appreciate all that Temple has to offer. Connections to existing and planned trails will encourage recreational use as well as bicycle commuting, as safer bicycle networks are established and expanded.

Implementation of the Temple trails network will rely on cooperation among property owners as well as any governmental agencies with jurisdiction over planned trail corridors.

Just like *Choices '08*, this master plan lays out a big picture vision for a system of community hikeand-bike trails that contribute to the quality of life necessary for community growth and enhancement, considering at once the entire geographic area of the Temple community.







RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ADOPTING THE CITY OF TEMPLE CITYWIDE TRAILS MASTER PLAN; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Temple Comprehensive Plan, "Choices '08," establishes the development of a comprehensive bike and pedestrian plan as a key goal and discusses the need for community-wide mobility needs on all levels, including those of sidewalks and trails;

Whereas, a Master Plan Coordinating Committee, comprised of representatives from various stakeholder groups, was established to help guide the development of the plan – the Coordinating Committee held several meetings to review the scope and schedule for the plan development, define goals, develop strategies for public input, and begin prioritizing trail segment recommendations;

Whereas, a work session was held with the Parks and Leisure Services Advisory Board and the Planning and Zoning Commission to present the results of input received from the Coordinating Committee, a planning workshop, and a citizen survey – in addition, the board provided additional input and comments regarding the planning process, and both boards have adopted the Citywide Trails Master Plan;

Whereas, the Staff recommends adopting the City of Temple Citywide Trails Master Plan which is comprised of several different elements including goals, design guidelines, trail corridor and maps, and priority trails and maps; 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:

<u>Part 1:</u> The City Council adopts the City of Temple Citywide Trails Master Plan, incorporated herein and made a part hereof for all purposes, a copy of which is on file in the City Secretary's Office.

<u>Part 2:</u> 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 **4**th day of **March**, 2010.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/04/10 Item #5(L) 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.

<u>ITEM SUMMARY:</u> 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 \$1,474.

ATTACHMENTS:

Budget amendments Resolution

CITY OF TEMPLE BUDGET AMENDMENTS FOR FY 2010 BUDGET March 4, 2010

ACCOUNT # DDOLLECT #			APPROPRIATIONS			
ACCOUNT #	PROJECT #	DESCRIPTION		Debit		Credit
110-2200-522-2625		Advertising/Legals (Fire Dept.)	\$	343		
110-0000-313-0331		Reserve for Public Safety			\$	343
		Appropriate funds to reimburse the Fire Department for an ad placed in the Temple Daily Telegram as part of the Public Safety Advisory Board's CPR Task Force prog	ram.			
110-2200-522-2516		Judgments & Damages (Fire Dept.)	\$	274		
110-1500-515-6531		Contingency - Judgments & Damages			\$	274
		Settlement of claim filed against the City by Fikes Wholesale, Inc., seeking reimbur for fuel pump nozzles damaged by a Fire Department vehicle on January 8, 2010.	semer	ıt		
110-3700-524-2516		Judgments & Damages (Construction Safety)	\$	333		
110-1500-515-6531		Contingency - Judgments & Damages	Ψ		\$	333
		Attorney fees for lawsuit filed against the City Centex Investments, Inc. v. City of Temple	f			
361-4000-555-6808	100395	Library Roof Replacement	\$	524		
361-3400-531-6833	1003/3	Project Savings	Ψ	324	\$	524
		TOTAL AMENDMENTS	\$	1,474	\$	1,474
		TOTAL AMENDMENTS	\$	1,474	\$	1,474
		GENERAL FUND	\$	1,474	\$	1,474
		GENERAL FUND Beginning Contingency Balance	\$	1,474	\$	1,474
		GENERAL FUND Beginning Contingency Balance Added to Contingency Sweep Account	\$	1,474	\$ \$	1,474
		GENERAL FUND Beginning Contingency Balance Added to Contingency Sweep Account Carry forward from Prior Year	\$	1,474	\$ \$ \$	1,474 - - -
		GENERAL FUND Beginning Contingency Balance Added to Contingency Sweep Account Carry forward from Prior Year Taken From Contingency	\$	1,474	\$ \$ \$	1,474 - - -
		GENERAL FUND Beginning Contingency Balance Added to Contingency Sweep Account Carry forward from Prior Year	\$	1,474	\$ \$ \$	1,474 - - - -
		GENERAL FUND Beginning Contingency Balance Added to Contingency Sweep Account Carry forward from Prior Year Taken From Contingency Net Balance of Contingency Account	\$	1,474	\$ \$ \$ \$	- - - - -
		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	\$	1,474	\$ \$ \$	- - - - - - - 77,833
		GENERAL FUND Beginning Contingency Balance Added to Contingency Sweep Account Carry forward from Prior Year Taken From Contingency Net Balance of Contingency Account	\$	1,474	\$ \$ \$ \$	- - - - -
		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 Added to Contingency Judgments & Damages from Council Contingency	\$	1,474	\$ \$ \$ \$	77,833
		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 Added to Contingency Judgments & Damages from Council Contingency Taken From Judgments & Damages	\$	1,474	\$ \$ \$ \$ \$	77,833
		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 Added to Contingency Judgments & Damages from Council Contingency Taken From Judgments & Damages Net Balance of Judgments & Damages Contingency Account Beginning Fuel Contingency Added to Fuel Contingency	\$	1,474	\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	77,833 - (22,072) 55,761
		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 Added to Contingency Judgments & Damages from Council Contingency Taken From Judgments & Damages Net Balance of Judgments & Damages Contingency Account Beginning Fuel Contingency Added to Fuel Contingency Taken From Fuel Contingency Taken From Fuel Contingency	\$	1,474	\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	77,833 - (22,072) 55,761 125,000
		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 Added to Contingency Judgments & Damages from Council Contingency Taken From Judgments & Damages Net Balance of Judgments & Damages Contingency Account Beginning Fuel Contingency Added to Fuel Contingency	\$	1,474	\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	77,833 - (22,072) 55,761
		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 Added to Contingency Judgments & Damages from Council Contingency Taken From Judgments & Damages Net Balance of Judgments & Damages Contingency Account Beginning Fuel Contingency Added to Fuel Contingency Taken From Fuel Contingency Taken From Fuel Contingency	\$	1,474	\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	77,833 - (22,072) 55,761 125,000
		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 Added to Contingency Judgments & Damages from Council Contingency Taken From Judgments & Damages Net Balance of Judgments & Damages Contingency Account Beginning Fuel Contingency Added to Fuel Contingency Taken From Fuel Contingency Net Balance of Fuel Contingency Account	\$	1,474	\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	77,833 - (22,072) 55,761 125,000
		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 Added to Contingency Judgments & Damages from Council Contingency Taken From Judgments & Damages Net Balance of Judgments & Damages Contingency Account Beginning Fuel Contingency Added to Fuel Contingency Taken From Fuel Contingency Net Balance of Fuel Contingency Account	\$	1,474	\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	77,833 - (22,072) 55,761 125,000 - 125,000
		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 Added to Contingency Judgments & Damages from Council Contingency Taken From Judgments & Damages Net Balance of Judgments & Damages Contingency Account Beginning Fuel Contingency Added to Fuel Contingency Taken From Fuel Contingency Net Balance of Fuel Contingency Account	\$	1,474	\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	77,833 - (22,072) 55,761 125,000

CITY OF TEMPLE BUDGET AMENDMENTS FOR FY 2010 BUDGET March 4, 2010

			APPROPRIATIONS		TIONS
ACCOUNT #	PROJECT #	DESCRIPTION	Debit		Credit
		Beginning Balance Budget Sweep Contingency		\$	-
		Added to Budget Sweep Contingency		\$	-
		Taken From Budget Sweep		\$	-
		Net Balance of Budget Sweep Contingency Account		\$	-
		WATER & SEWER FUND			
		Beginning Contingency Balance		\$	247,423
		Added to Contingency Sweep Account		\$	-
		Taken From Contingency		\$	(28,875)
		Net Balance of Contingency Account		\$	218,548
		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		\$	218,548
		HOTEL/MOTEL TAX FUND			
		Beginning Contingency Balance		\$	26,336
		Added to Contingency Sweep Account		\$	20,330
		Taken From Contingency		\$	(19,000)
		Net Balance of Contingency Account		\$	7,336
				_	1,000
		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			
		Added to Contingency Sweep Account		\$	51,505
		Taken From Contingency Taken From Contingency		\$ \$	(20,000)
		Net Balance of Contingency Account		\$	46,748
		Net Datance of Contingency Account		Ф	40,748

RESOLUTION NO. $__$	
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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:

<u>Part 1</u>: 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.

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

PASSED AND APPROVED this the 4th day of March, 2010.

	THE CITY OF TEMPLE, TEXAS
ATTEST:	WILLIAM A. JONES, III, Mayor APPROVED AS TO FORM:
Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/04/10 Item #6 Regular Agenda Page 1of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Z-FY-10-17: Consider adopting an ordinance authorizing the voluntary annexation of a 1.7± acre tract of land located west of FM 2271, north of Live Oak Ridge Road, out of the G.W. Lindsey Survey, Abstract 513 and zoning the area Planned Development General Retail District (PD-GR).

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

ITEM SUMMARY: On January 21, the Council accepted a petition for voluntary annexation from A.C. Boston, on January 5, 2010, seeking voluntary annexation of approximately 1.7± 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 February 4, 2010 (regular meeting) and February 5, 2010 (special meeting) and the proposed Municipal Services Plan for the area under consideration for annexation was presented. No public comments were received at either hearing.

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.

03/04/10 Item #6 Regular Agenda Page 2of 2

ATTACHMENTS:

Petition
Aerial
Future Land Use and Character Plan
Utility Plan
Service Plan
P&Z Staff Report Z-FY-10-17
Excerpts Z-FY-10-17
Ordinance

VOLUNTARY PETITION FOR ANNEXATION

January 5, 2010

To the City Council of the City of Temple:

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

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

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

A.C. Boston, Owner

STATE OF TEXAS

COUNTY OF BELL

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

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

Velva Forman Notary Public, State of Texas

VELVA P. JOHNSON MY COMMISSION EXPINES August 11, 2012 Mancy Boston Owner

STATE OF TEXAS

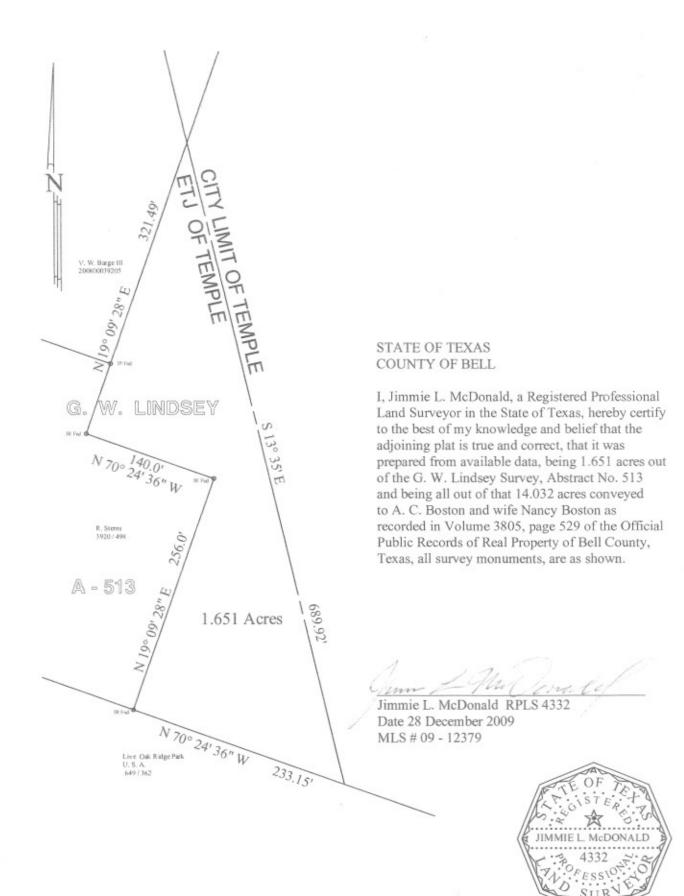
COUNTY OF BELL

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

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

Notary Public, State of Texas

VELVA F. JOHNSON MY COMMISSION EXPIRES AUGUST 11, 2012



Field Notes 1.651 Acres

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

Beginning at an iron rod found in the north boundary of Live Oak Ridge Park as conveyed to U. S. A. and recorded in Volume 649, page 362 of the Deed Records of Bell County, Texas, and being the southeast corner of a tract of land conveyed to R. Sterns as recorded in Volume 3920, page 498 of the Official Public Records of Real Property of Bell County, Texas, for the southwest corner of said 14. 032 acres and this tract;

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

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

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

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

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

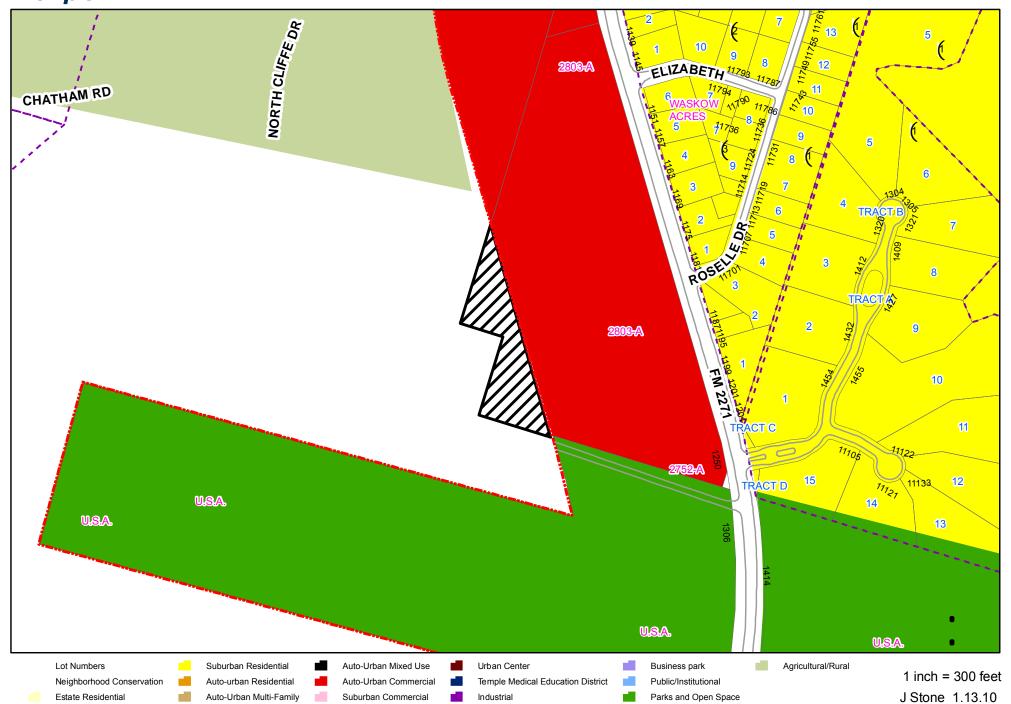
28 December 2009. MLS # 09 – 12379

A JIMMEL MCDONALD SURVEY SURVEY

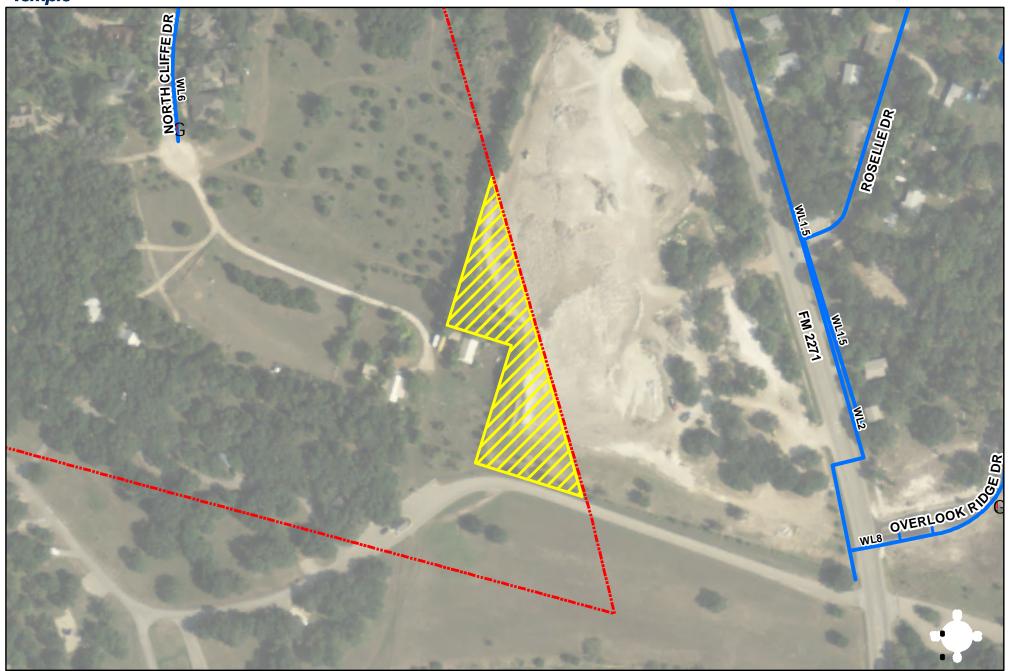












CITY OF TEMPLE ANNEXATION SERVICE PLAN—VOLUNTARY ANNEXATION – BOSTON ET AL

For approximately 1.7± acre tract of land located west of FM 2271, north of Live Oak Ridge Road, out of the G.W. Lindsey Survey, Abstract 513, located in Bell County, and being more particularly described an Exhibit "A" and depicted as Exhibit "B" of the Annexation Ordinance (2010-####).

SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION

POLICE PROTECTION

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

2. FIRE PROTECTION AND AMBULANCE SERVICE

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

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.

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.

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.

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.

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.

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.

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 provided 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, 2010.	
	City of Temple, Texas	
	Mayor	_
	ATTEST:	
	City Secretary	_

Exhibit 'A'

VOLUNTARY PETITION FOR ANNEXATION

January 5, 2010

To the City Council of the City of Temple:

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

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

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

A.C. Boston, Owner

STATE OF TEXAS

COUNTY OF BELL

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

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

Notary Public, State of Texas

VELVA P. JOHNSON SAY COMMISSION EXPIRES August 11, 2012 Mancy Boston Owner

STATE OF TEXAS

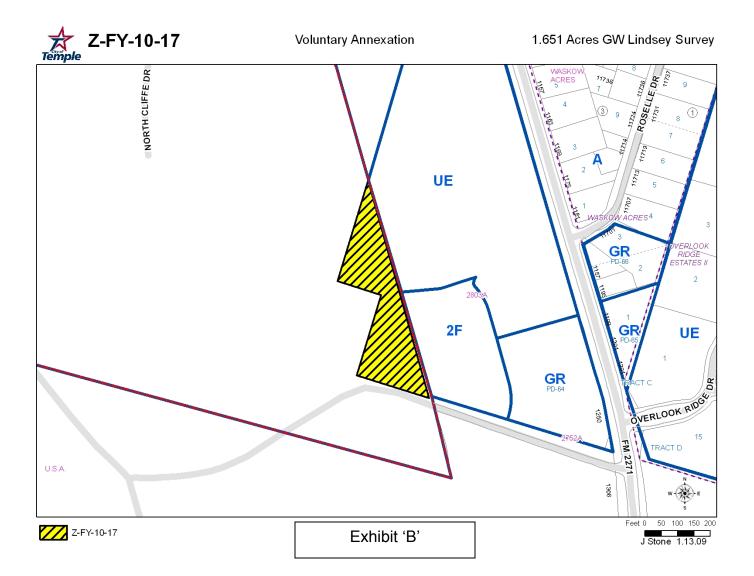
COUNTY OF BELL

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

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

Notary Public, State of Texas

MELVA F. JOHNSON
MY COMMISSION EXPIRES
August 11, 2012





PLANNING AND ZONING COMMISSION AGENDA ITEM

February 15, 2010 Item #2 Regular Agenda Page 1 of 2

APPLICANT / DEVELOPMENT: A.C. Boston c/o McDonald Surveying

CASE MANAGER: Tim Dolan, AICP, Planning Director

<u>ITEM DESCRIPTION: Public Hearing, Discussion and Action Z-FY-10-17:</u> Discuss and recommend action for a Planned Development (General Retail) District (PD-GR) on 1.7 ± acres as part of a voluntary annexation located west of FM 2271, north of Live Oak Ridge Road, out of the G.W. Lindsey Survey, Abstract 513.

BACKGROUND: The applicant sought voluntary annexation to have City utilities and access for a planned retail center for this area and the property to the east. The property to the east, zoned UE PD-GR and SF2 and this area is part of another zoning request for a zoning request to a PD-GR (scheduled 03/01/10). This area will require platting for as part of the building permit process

Surrounding Property and Uses

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

Direction	Zoning	Current Land Use	Photo
Subject Property	Voluntary annexation (PD-GR proposed)	Undeveloped	

Direction	Zoning	Current Land Use	Photo
North	Urban Estate (UE) (PD-GR proposed)	Undeveloped	
South	County	Lake Ridge Drive (entrance to park)	

Direction	Zoning	Current Land Use	Photo
East	Urban Estate, (UE) Two Family (2F), (PD- GR proposed)	Undeveloped	
West	County	Rural Residential	

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 area for Suburban Commercial and the requested PDD-GR conforms to the Future Land Use and Character Plan.

Thoroughfare Plan

The proposed PDD-GR 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.

Planned Development Regulations

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

PD-GR, Planned Development	
General Retail	
Min. Lot Area (sq. ft.)	None
Min. Lot Width (ft.)	None
Min. Lot Depth (ft.)	None
Max. Height (stories)	25'
Min. Yard (ft)	
Front	30 from street centerline
Side	10 adjacent to residential district
Rear	10 adjacent to residential district
Building Appearance	Residential appearance, pitched roofs, windows and foundation plantings
Building Materials	70% masonry façades
Parking	Screened from all streets by continuous landscaped edge
Driveway Spacing	150' separation
On-premise Signs	Maximum 30' height, maximum 50 square foot area

In accordance with Planned Development submittal requirements, the applicant has submitted a binding development plan showing building locations and heights, general parking areas and access points. The applicant is requesting to construct a meandering trail along SH 2271 in lieu of a six-food sidewalk. Sidewalks are a platting requirement for discussion. This area will require platting for as part of the building permit process.

STAFF RECOMMENDATION: Allow a PD-GR, Planned Development General Retail District with a Binding development plan for the following reasons:

1. The annexation will comply with the Suburban Commercial on the Future Land Use and Character Plan;

- The request complies with the Thoroughfare Plan for access to FM 2271, a designated Arterial roadway; and
 Available utilities will serve the site.

FISCAL IMPACT: Not Applicable

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, FEBRUARY 15, 2010

ACTION ITEMS

Item 2: Public Hearing, Discussion and Action Z-FY-10-17: Discuss and recommend action on a zoning change to Planned Development (General Retail) District (PD-GR) on 1.7 ± acres as part of a voluntary annexation out of the located west of FM 2271, north of Live Oak Ridge Road, out of the G.W. Lindsey Survey, Abstract 513. (Applicant: A.C. Boston c/o McDonald Surveying)

Mr. Tim Dolan, Planning Director, presented the case to the Commission and stated the subject property had been sought for voluntary annexation. The property owner was unable to be present at the meeting but the matter required a public hearing. This case would go forward to City Council on March 4th and 18th.

This property would be brought in as a Planned Development (PD) General Retail (GR) district and would be part of a further development which would come forward to the Commission on March 1st for the remainder of the property. The Future Land Use and Character Plan showed this area to be a suburban/commercial area and the PD-GR would be in conformance.

The existing utilities are part of a Utility Extension Agreement and would be improved as part of the development.

Staff recommended approval of this case since it conformed with the Future Land Use and Character Plan, suburban/commercial use, the Thoroughfare Plan, as it was developed, with access to 2271, an arterial designated roadway, and the availability of public services to serve the lot at time of development.

No notices were required for the annexation.

Commissioner Hurd asked about the additional acreage and Mr. Dolan stated that portion would be coming to the Commission on the March 1st meeting.

Chair Pilkington opened the public hearing and there being no speakers, the public hearing was closed.

Commissioner Hurd made a motion to approve the zone request and Commissioner Staats made a second.

Motion passed: (6:0)

Commissioners Pope, Barton and Secrest absent.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, ANNEXING ADJACENT AND CONTIGUOUS TERRITORY CONSISTING OF AN APPROXIMATELY 1.7 ACRE TRACT OF LAND LOCATED WEST OF FM 2271, NORTH OF LIVE OAK RIDGE ROAD, OUT OF THE G.W. LINDSEY SURVEY, ABSTRACT 513, AND 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 **PROVIDING** SEVERABILITY CLAUSE: Α 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 where 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.
- <u>Part 2</u>: The property consisting of an approximately 1.7 acre tract of land, located west of FM 2271, north of Live Oak Ridge Road, out of the G.W. Lindsey Survey, Abstract 513, more fully 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."
- <u>Part 3</u>: 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."
- <u>Part 4</u>: 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.
- <u>Part 5</u>: 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.
- <u>Part 6</u>: The annexed Property shall, in compliance with the Zoning Ordinance of the City of Temple, be zoned as *Planned Development General Retail District (PD-GR)*, as shown on the map made a part hereof and attached hereto as Exhibit "D."
- <u>Part 7</u>: The annexed Property shall be included in, and become a part of, the City of Temple City Council Election District Number 4.
- <u>Part 8</u>: 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.
- <u>Part 9</u>: 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.

<u>Part 10</u>: 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.

<u>Part 11</u>: 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 **March**, 2010.

PASSED AND APPROVED on Second and Final Reading on the 18th day of March, 2010.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
 Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/04/10 Item #7 Regular Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Z-FY-10-22: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to Single Family One District (SF-1) on a 0.70 ± acre tract of land being part of the Maximo Moreno Survey, Abstract Number 14, located at 216 North 36th Street.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its February 15, 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 SF-1. Commissioners Pope, Secrest, and Barton were absent.

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

<u>ITEM SUMMARY:</u> Please refer to the Staff Report and draft minutes of case Z-FY-10-22, from the Planning and Zoning meeting, February 15, 2010. Although the property's Agricultural District (A) allows a single family home, the property owner wants to obtain a Single Family One District (SF-1) for her existing home.

The property owner is currently going through the platting process for this property, but does not propose any development changes. The property is located on North 36th Street, a local street, and is served by public (6" and 24" water lines) and private facilities (septic system).

This request conforms to the area and use requirements for the Single Family One District.

Public Notice

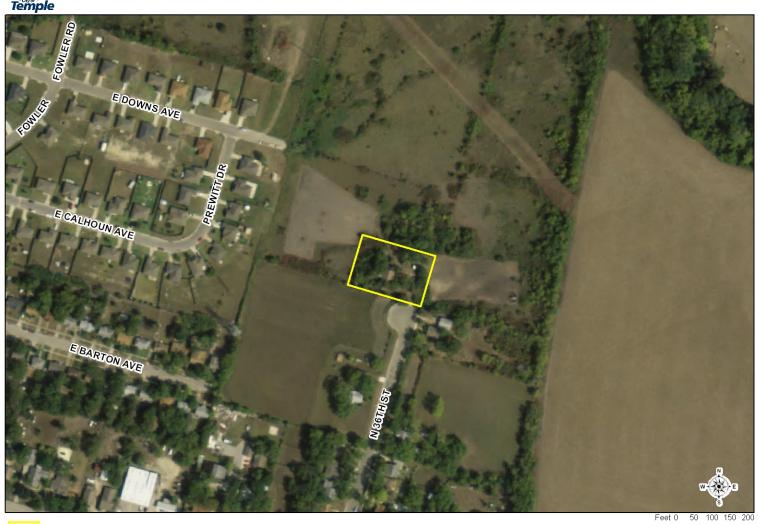
Staff mailed notices to two property owners within 200 feet of the subject property. As of Tuesday, February 16, 2010 at 10:00 AM, staff received one notice in favor of the request and none in opposition. The newspaper printed notice of the Planning and Zoning Commission public hearing on February 4, 2010 in accordance with state law and local ordinance.

FISCAL IMPACT:

ATTACHMENTS:

Aerial
Land Use and Character Map
Zoning Map
Utility Map
Notice
P&Z Staff Report (Z-FY-10-22)
P&Z Minutes (2-15-2010)
Ordinance

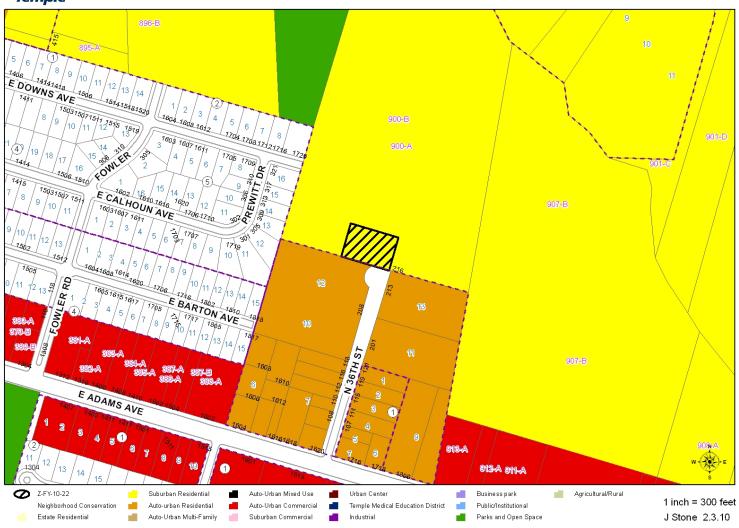


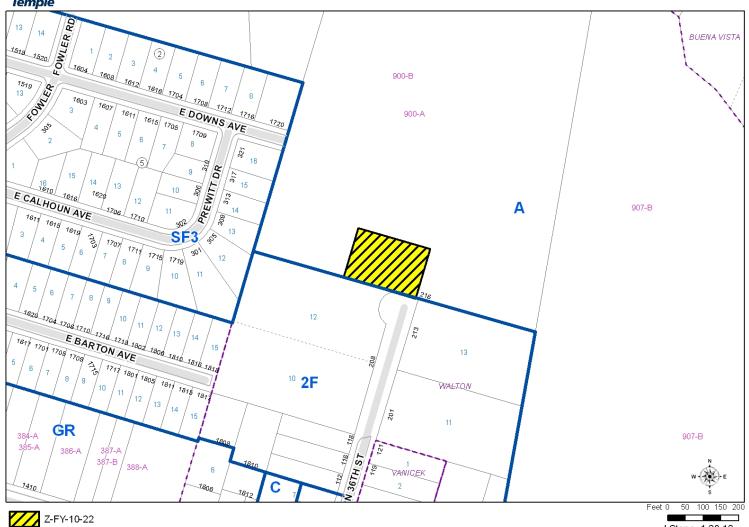


Z-FY-10-22

Rezoning for Proposed Hamby Subdivision

0.70 Acres









Z-FY-10-22



PLANNING AND ZONING COMMISSION AGENDA ITEM

02/15/10 Item #2 Regular Agenda Page 1 of 3

APPLICANT / DEVELOPMENT: Ronald Carroll c/o Sue Hamby

CASE MANAGER: Tammy Lyerly, Planner

ITEM DESCRIPTION: Z-FY-10-22 Hold a public hearing to discuss and recommend action on a zoning change from Agricultural District (A) to Single Family One District (SF-1) on a 0.70 ± acre tract of land being part of the Maximo Moreno Survey, Abstract Number 14, located at 216 North 36th Street. (Applicant: Ronald Carroll for Carolyn Sue Hamby)

BACKGROUND: The property's Agricultural District allows a single family home, but the property owner wants to secure her existing home with a Single Family One District. The property owner is currently going through the platting process for this property, but does not propose any development changes.

Surrounding Property and Uses

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

Direction	Zoning	Current Land Use	Photo
Subject Property	A (SF-1 proposed)	Residential	
North	A	Undeveloped Land	

Direction	Zoning	Current Land Use	Photo
South	2F	Residential	
East	A	Residential and Undeveloped Land	
West	SF3 and A	Residential and Undeveloped Land	

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

<u>Future Land Use and Character</u> – This request conforms to the Future Land Use and Character Map's designation of Suburban Residential for the property. The property is adjacent to an Auto-Urban Residential Designated area to the south, and a Neighborhood Conservation Designated area to the west.

<u>Thoroughfare Plan</u> – This request conforms to the Thoroughfare Plan with access from South 36th Street.

Adequacy of Public Facilities –A 6-inch water line and a septic system serve this property.

<u>Development Regulations</u> – The purpose of the SF-1 zoning district is to develop average or standard single-family lots that serve as a transition between larger and smaller lot single-family districts.

The existing property exceeds the following minimum lot area and setback requirements for the SF-1 zoning district.

SF-1, Single-Family 1	
Min. Lot Area (sq. ft.)	7,500
Min. Lot Width (ft.)	60
Min. Lot Depth (ft.)	100
Max. Height (stories)	2 ½ stories
Min. Yard (ft)	
Front	25
Side	10% width of lot - 6 min &
	7.5 max
Rear	10

Public Notice

Staff mailed notices to two property owners within 200 feet of the subject property. As of Wednesday, February 10, 2010 at 10:00 AM, staff received one response notice returned in favor of the request and none in opposition. The newspaper printed notice of the Planning and Zoning Commission public hearing on February 4, 2010 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of **Z-FY-10-22** because the zoning request:

- 1. Conforms to the Future Land Use and Character Plan for a single-family residence;
- 2. Conforms to the Thoroughfare Plan for access to the property; and
- 3. It conforms to the Availability of Public Facilities Plan.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial
Land Use and Character Map
Zoning Map
Notice Map
Response Letter

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, FEBRUARY 15, 2010

ACTION ITEMS

Item 3: Public Hearing, Discussion and Action Z-FY-10-22: Discuss and recommend action on a zoning change from Agricultural District (A) to Single Family One District (SF-1) on a 0.70 ± acre tract of land being part of the Maximo Moreno Survey, Abstract Number 14, located at 216 North 36th Street. (Applicant: Ronald Carroll for Carolyn Sue Hamby)

Ms. Tammy Lyerly, Planner, presented the information and stated this case would go forward to City Council on March 4th and 18th for first reading and second reading, respectively.

The subject property was currently zoned Agricultural (A) and proposed for a Single Family One (SF1) zoning district and the request conformed with SF1 regulations. The property was located at the north end of North 36th Street with undeveloped land surrounding it and an existing subdivision to the west.

The Future Land Use and Character Map showed the area as Suburban/Residential and was compatible with surrounding residential uses. It exceeded the SF1 zoning regulations of lot width and depth and had access from North 36th, a local street. The property currently had a septic system and would remain septic. A 6-inch and 24-inch water line served the property. This property complied with the Thoroughfare Plan and public and private facilities were available to serve the site.

Two notices were sent to property owners and one was received back in favor of the request. There were no notices received in opposition

Staff recommended approval of this zone change from A to SF1 because it complied with the Future Land Use and Character Map, the Thoroughfare Plan, adequate public and private facilities were available to serve the property, and complied with the Single Family One regulations.

Commissioner Staats asked if 36th Street would ever go any further northward and Ms. Lyerly stated no, not at this time that she was aware of.

Vice-Chair Talley asked about the sewer line and if the property owner had any right to hook up to it. Ms. Lyerly stated it was a considerable distance but was available for extension to the property in the future. Staff's understanding was there were no plans to connect to the sewer.

Chair Pilkington opened the public hearing.

Mr. Ronald Carroll, 5302 S. 31st Street, Temple, was the applicant's agent and available to answer any questions.

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

Commissioner Martin made a motion to approve the zone request from A to SF1 as recommended and Commissioner Hurd made a second.

Motion passed: (6:0)

Commissioners Popé, Barton and Secrest absent.

ORDINANCE NO	
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[PLANNING NO. Z-FY-10-22]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO SINGLE FAMILY ONE DISTRICT (SF-1) ON AN APPROXIMATELY 0.70 ACRE TRACT OF LAND BEING PART OF THE MAXIMO MORENO SURVEY, ABSTRACT NUMBER 14, LOCATED AT 216 NORTH 36TH STREET; 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:

- <u>Part 1</u>: The City Council approves a zoning change from Agricultural District (A) to Single Family One District (SF-1) on an approximately 0.70 acre tract of land being part of the Maximo Moreno Survey, Abstract Number 14, located at 216 North 36th Street, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.
- <u>Part 2:</u> The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.
- <u>Part 3</u>: 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.
- <u>Part 4</u>: 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.
- <u>Part 5</u>: 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 ${\bf 4^{th}}$ day of March, 2010.

PASSED AND APPROVED on Second Reading on the 18th day of March, 2010.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/04/10 Item #8 Regular Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Gary O. Smith, Chief of Police

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance reestablishing a curfew for minors.

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

<u>ITEM SUMMARY:</u> The Temple Police Department seeks Council approval for a renewed juvenile curfew ordinance. The original curfew ordinance was enacted in September 1994. Without Council action the current ordinance will expire on April 5, 2010. The ordinance will allow the Temple Police Department to continue to intervene when police officers encounter curfew violations. This intervention will be in the best interests of the health, safety and welfare of the general public. The curfew is a valuable tool that helps the community in several ways. First, it helps provide for the protection of minors, both from each other and from other persons. Next, it helps to promote parental control and responsibility for their children. Finally, it is intended to reduce the incidence of juvenile criminal activities. In the past three years, the Temple Police Department cited 689 curfew violations.

The current curfew hours are proposed for continuation:

- (A) 11:00 P.M. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 A.M. of the following day; and
- (B) 12:01 A.M. until 6:00 A.M. on any Saturday or Sunday.

03/04/10 Item #8 Regular Agenda Page 2 of 2

<u>FISCAL IMPACT:</u> There is no direct fiscal impact with regard to expenditures for this ordinance. However, fines will be assessed to violators that may result in revenue through Municipal Court.

ATTACHMENTS:

Ordinance

ORDINANCE NO.	ODDIN ANCE NO
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AN ORDINANCE ADOPTING CURFEW HOURS FOR MINORS; DEFINING TERMS; CREATING OFFENSES FOR MINORS, PARENTS AND GUARDIANS OF MINORS, AND BUSINESS ESTABLISHMENTS PROVIDING FOR ENFORCEMENT BY THE POLICE DEPARTMENT; PROVIDING FOR WAIVER BY THE MUNICIPAL COURT OF JURISDICTION OVER A MINOR WHEN REQUIRED UNDER THE TEXAS FAMILY CODE; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, on April 5, 2007, the City Council adopted Ordinance No. 2007-4133 adopting curfew hours for minors due to the increase in juvenile violence, juvenile gang activity, and crime by and against persons under the age of 17 in the City of Temple

WHEREAS, persons under the age of 17 are particularly susceptible by their lack of maturity and experience to participation in unlawful and gang-related activities or are likely to be victims of crime committed by adults or other youths;

WHEREAS, the ordinance will expire on April 5, 2010;

Whereas, Section 370.002, "Review of Juvenile Curfew Order or Ordinance," of the Texas Local Government Code, requires:

- (a) before the third anniversary of the date of adoption of a juvenile curfew ordinance by a general-law municipality or a home-rule municipality or an order of a county commissioners court, and every third year thereafter, the governing body of the general-law municipality or home-rule municipality or the commissioners court of the county shall:
 - (1) review the ordinance or order's effects on the community and on problems the ordinance or order has intended to remedy;
 - (2) conduct public hearings on the need to continue the ordinance or order; and
 - (3) abolish, continue, or modify the ordinance or order.
- (b) Failure to act in accordance with Subsections (a)(1)-(3) shall cause the ordinance or order to expire;

WHEREAS, the Staff recommends readopting the curfew for minors;

WHEREAS, the City of Temple desires to continue to provide for the protection of minors from each other and from other persons, to promote parental control over and responsibility for children, in order to protect the general public, and reduce the incidence of juvenile criminal activities; and

WHEREAS, a curfew for those under the age of 17 is in the interest of the public health, safety, and general welfare and will help to attain the foregoing objectives and to diminish the undesirable impact of such conduct on the citizens of the City of Temple.

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

<u>Part 1</u>: The City Council of the City of Temple, Texas, finds that it is in the interest of the public health, safety, and general welfare of the general public, to readopt the curfew hours for minors in an effort to continue to provide for the protection of minors from each other and from other persons, to promote parental control over and responsibility for children, in order to protect the general public, and to reduce the incident of juvenile criminal activities.

<u>Part 2</u>: The following curfew requirements for minors are hereby adopted:

CURFEW HOURS FOR MINORS

- (a) <u>Definitions</u>. In this ordinance, the words and phrases listed below have the meanings provided herein:
 - (1) CURFEW HOURS means:
- (A) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day; and
 - (B) 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.
- (2) EMERGENCY means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- (3) ESTABLISHMENT means any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.
 - (4) GUARDIAN means:
 - (A) a person who, under court order, is the guardian of the person of a minor; or
 - (B) a public or private agency with whom a minor has been placed by court.
 - (5) MINOR means any person under 17 years of age.

(6) OPERATOR means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of, an association or partnership and the officers of a corporation.

(7) PARENT means a person who is:

- (A) a natural parent, adoptive parent, or step-parent of another person; or
- (B) at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.
- (8) PUBLIC PLACE means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

(9) REMAIN means to:

- (A) linger or stay; or
- (B) fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.
- (10) SERIOUS BODILY INJURY means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

b. Offenses.

- (1) A minor commits an offense if he remains in any public place or on the premises of any establishment within the city curfew hours.
- (2) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of the establishment during curfew hours.
- (3) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

c. Defenses.

- (1) It is a defense to prosecution under Subsection (b) that the minor was:
 - (A) accompanied by the minor's parent or guardian;
 - (B) on an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - (C) in a motor vehicle involved in interstate or intrastate travel;

- (D) engaged in an employment activity, or going to or returning home from an employment activity, without detour or stop;
 - (E) involved in an emergency;
- (F) on the sidewalk abutting the minor's residence or abutting the residence of next door neighbor if the neighbor did not complain to the police department about the minor's presence;
- (G) attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Temple, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious or other recreational activity supervised by adults and sponsored by the City of Temple, a civic organization, or another similar entity that takes responsibility for the minor;
- (H) exercising first amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right to assembly; or
- (I) married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.
- (2) It is a defense to prosecution under Subsection (b)(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during the curfew hours and refused to leave.

d. Enforcement.

Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that based, on any response and other circumstances, no defenses in Subsection (c) is present. In assessing punishment for either a minor or a parent, the Municipal Court Judge may consider a community service or teen court program.

e. Penalties.

- (1) A person who violates a provision of this ordinance is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$500.
- (2) When required by Section 51.08 of the Texas Family Code, as amended, the municipal court shall waive original jurisdiction over a minor who violates Subsection (b)(1) of this section and shall refer the minor to juvenile court.
- <u>Part 3</u>: 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.

<u>Part 4</u>: 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.

<u>Part 5</u>: 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: This ordinance will expire on March 18, 2013.

<u>Part 7</u>: 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 March, 2010.

PASSED AND APPROVED on Second Reading on the 18th day of March, 2010.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
 Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/04/10 Item # 9(A)-(H) Regular Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

<u>ITEM DESCRIPTION:</u> 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

03/04/10 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.

<u>ITEM SUMMARY:</u> 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