



**MEETING OF THE  
TEMPLE CITY COUNCIL**

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET**

**THURSDAY, JUNE 3, 2010**

**4:00 P.M.**

**3<sup>RD</sup> FLOOR CONFERENCE ROOM**

**WORKSHOP AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, June 3, 2010.
2. Discuss the City's Demolition Policy.

**5:00 P.M.**

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET  
CITY COUNCIL CHAMBERS – 2<sup>ND</sup> FLOOR**

**TEMPLE, TX**

**REGULAR MEETING AGENDA**

## **I. CALL TO ORDER**

1. Invocation
2. Pledge of Allegiance

## **II. PUBLIC COMMENTS**

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

## **III. CONSENT AGENDA**

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

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

### **Minutes:**

- (A) [May 14, 2010 Special Called Meeting](#)
- (B) [May 20, 2010 Special Called and Regular Meeting](#)

### **Contracts, Leases & Bids**

- (C) [2010-6028-R](#): Consider adopting a resolution authorizing a construction contract with TTG Utilities, LP, of Gatesville for construction services required to install waterline improvements associated with the 876' Pressure Plane Project in south Temple, in an amount not to exceed \$123,770.
- (D) [2010-6029-R](#): Consider adopting a resolution authorizing a construction contract with Joe Bland Construction, LP of Austin for construction services required to install waterline improvements along SH 317 from FM 2305 to Prairie View Road as part of the Expansion of West Temple Water & Wastewater Utilities North of FM 2305, Phase 1, in an amount not to exceed \$437,821.05.
- (E) [2010-6030-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for engineering services required to implement the Pepper Creek Tank Rehabilitation in west Temple in an amount not to exceed \$57,900 and declaring an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this project.

- (F) [2010-6031-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for engineering services required to implement the Taylor Tank Rehabilitation in southeast Temple in an amount not to exceed \$69,100 and declaring an official intent to reimburse this expenditure made prior to the issuance of tax exempt obligations for this project.
- (G) [2010-6032-R](#): Consider adopting a resolution authorizing the purchase of metal refuse containers and replacement lids for the Solid Waste Division as follows:
1. Front loading containers from Wastequip, Statesville, NC, in the amount of \$23,654;
  2. Side loading containers from Roll-offs USA, Durant, OK, in the amount of \$36,146; and
  3. Replacement lids from Bryan Container Co., Inc., dba Technology Plastics, Bryan, in the amount of \$2,642.50
- (H) [2010-6033-R](#): Consider adopting a resolution authorizing the purchase of 1,908 plastic 95-gallon refuse containers for the Solid Waste Division from Toter, Inc, Statesville, NC, in the amount of \$83,818.44.
- (I) [2010-6034-R](#): Consider adopting a resolution authorizing the purchase of Avaya/Nortel Equipment upgrades and PASS Maintenance contract with Affiliated Telephone Inc. of Austin through the State of Texas DIR contract DIR-SDD-289 in the amount of \$76,505.
- (J) [2010-6035-R](#): Consider adopting a resolution authorizing a new lease with the Department of the Army, Corps of Engineers, for facility space for AMCOM at the Draughon-Miller Central Texas Regional Airport.

#### **Ordinances – Second and Final Reading**

- (K) [2010-4361](#): SECOND READING - Z-FY-09-29: Consider adopting an ordinance amending Chapter 37, "Traffic," of the Code of Ordinances of the City of Temple by adding requirements for parking in residential yards.

#### **Misc.**

- (L) [2010-6036-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2009-2010.

### **IV. REGULAR AGENDA**

#### **ORDINANCES**

4. [2010-4362](#): SECOND READING – Z-FY-10-26: Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) to allow display for sale in a Commercial District on Lot 1, Block 1, Wildflower Commerce Park IV, at 5615 SW H K Dodgen Loop.

5. [2010-4364](#): FIRST READING – PUBLIC HEARING – Z-FY-10-28: Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) to allow a package store with alcoholic beverage sales for off-premise consumption on the south one-half of Lot 1, Block 292-1, Temple Original at 1 North 6<sup>th</sup> Street.
6. [2010-4365](#): FIRST READING – PUBLIC HEARING - Z-FY-10-27: Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) to allow the sale of all alcoholic beverages for on-premise consumption in a restaurant, where the gross revenue from alcoholic beverages is 50 percent or less than the total gross revenue of the restaurant, located on Lot 1, Block 1, Shoney's Commercial Addition at 411 North General Bruce Drive.

## **RESOLUTIONS**

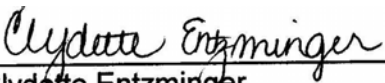
7. [2010-6037-R](#): Consider adopting a resolution appointing members to the following City boards and commissions:
  - (A) Two members to the Temple Public Safety Advisory Board to fill unexpired terms through September 1, 2010 and September 1, 2011
  - (B) One member to the Animal Services Advisory Board to fill an unexpired term through September 1, 2012

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

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I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 1:30 PM, on May 28, 2010.

  
\_\_\_\_\_  
Clydette Entzminger  
City Secretary

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





## COUNCIL AGENDA ITEM MEMORANDUM

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06/03/10  
Item #3(A)-(B)  
Consent Agenda  
Page 1 of 1

**DEPT./DIVISION SUBMISSION & REVIEW:**

Clydette Entzminger, City Secretary

**ITEM DESCRIPTION:** Approve Minutes:

- (A) May 14, 2010 Special Called Meeting
- (B) May 20, 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:**

May 14, 2010 Special Called Meeting  
May 20, 2010 Special Called and Regular Meeting

# **SPECIAL MEETING OF THE TEMPLE CITY COUNCIL**

**MAY 14, 2010**

The City Council of the City of Temple, Texas conducted a Special Meeting on Friday, May 14, 2010, at 8:00 a.m. in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

**Present:**

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

**I. CALL TO ORDER**

**1. Invocation**

Mayor Jones voiced the Invocation.

**2. Pledge of Allegiance**

Municipal Court Judge Kathleen Person led the Pledge of Allegiance.

**II. ELECTION ITEMS**

**3. 2010-6008-R: Consider adopting a resolution canvassing the returns of the May 8, 2010 City of Temple general election for City Councilmember District 4.**

Sarah Gardner-Cox, Deputy City Attorney, presented this item to the City Council. She displayed historical data for the last four contested elections, noting total number of registered voters and the number and percentage of voters casting ballots in each of those elections.

The results of the May 8, 2010 City of Temple general election were presented as follows:

Justice Bigbie - 216 votes; Russell T. Schneider - 244 votes. Total votes cast were 460, or 4.21% of the registered voters in District 4.

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

Motion passed unanimously.

**4. Administer Oaths of Office to newly elected Councilmembers.**

Judge Kathleen Person administered the Oaths of Office to both Councilmember

Russell Schneider and Councilmember Danny Dunn.

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William A. Jones, III, Mayor

ATTEST:

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Clydette Entzminger  
City Secretary

## TEMPLE CITY COUNCIL

**MAY 20, 2010**

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, May 20, 2010, at 1:00 pm, in the City Council Chambers, Municipal Building, 2 North Main Street.

**Present:**

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

1. **Receive presentations from the following public service agencies regarding their activities and funding requests for FY 2010-2011:**

**Keep Temple Beautiful  
Ralph Wilson Youth Clubs of Temple, Inc.  
Bell County Human Services Dept. (HELP Center)  
Temple Civic Theatre  
Temple Parks Foundation  
Tribal America Network  
Visually Impaired Person Who are VIPs**

David Blackburn, City Manager, stated this is the second round of presentations by public service agencies. Each of these agencies made presentations to the City Council, highlighting services they provide, funding being requested and the proposed use of those funds.

**The City Council reconvened the worksession in the 3rd Floor Conference Room, Municipal Building, 2 North Main Street, at 3:00 p.m. for discussion of the following items:**

1. **Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, May 20, 2010.**

Consent Agenda Item #6(N) - Voluntary Annexation: Jonathan Graham, City Attorney, recommended the Council take no action on this item.

Regular Agenda Item #7 - Parking in Residential Yards: Councilmember Russell Schneider questioned the definition of side yards and trucks as used in the proposed ordinance. Kim Foutz, Assistant City Manager, stated she would review these for any minor revisions that might be needed for clarity.

2. **Discuss proposed policy to require quarterly disclosure by City Councilmembers of amounts received by them, directly or indirectly, as a contractor, subcontractor or materials supplier from contractors entered into by the City or from projects that are funded in whole or in part from City funds or funds administered by the City.**

Jonathan Graham, City Attorney, presented this item to the City Council. He explained a resolution was adopted at the April 15th Council meeting directing him to prepare a policy requiring quarterly disclosure of payments received by a Councilmember from doing business with the City. This policy would be in addition to State law and Charter requirements and would be self-imposed. Mr. Graham reviewed the elements of the proposed policy, noting all points were open for discussion. The policy would be prospective and would require disclosure of payments received by Councilmembers, a first degree relative, or a business in which they have a financial interest. Mr. Graham explained types of payments that would be disclosed and the timing and form of reporting. The proposed policy also provides an exception for councilmembers who are employees of companies that do business with the City.

Councilmember Schneider asked if reporting under the proposed policy would provide the information citizens are wanting to know. It will not tell them how much a particular subcontract is for and that is the reason this is on the agenda, Councilmember Schneider stated. He recommended the total amount of the contract be disclosed when awarded, not when the payment is received, along with the name of the contract.

Mr. Graham stated the policy can be amended to include reporting of either the total contract amount when awarded or as payments are received.

**3. Discuss the City's Demolition Policy.**

This item was not discussed.

**4. Present and discuss the 2009-2010 mid-year budget and Capital Improvement Program; and preliminary FY 2010-2011 budget and Capital Improvement Program.**

Traci Barnard, Director of Finance, began with a review of the quarterly financial statements for the six month period ending March 31, 2010. She discussed the General Fund revenues, focusing on sales tax, ad valorem tax, and solid waste collections. General Fund expenditures highlighted included fuel costs, overtime for Police and Fire and vacation/sick leave payout due to several retirements. Mrs. Barnard estimated additions to fund balance at year end will be \$1,322,173, for an estimated total fund balance of \$3,195,072 at September 30, 2010.

Mrs. Barnard also presented Water & Wastewater Fund revenues and expenses, monthly water consumption data, investments, and the capital improvement program.

David Blackburn, City Manager, continued the presentation with a briefing regarding the proposed FY 2010-2011 budget. He discussed the budget calendar and the fence posts to be used in developing the 2011 budget, which include maintaining fiscal soundness, maintaining the tax rate, aligning strategic, financial and tactical plans and focusing on core missions and activities.

Mr. Blackburn stated the remaining part of the presentation, which includes several FY 2011 budget issues, would be presented at a future work session due to the lack of time.

Mayor Jones suggested a special Council work session for early next week to continue the budget discussion.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, May 20, 2010 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

**Present:**

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

**I. CALL TO ORDER**

**1. Invocation**

**2. Pledge of Allegiance**

Gregory Hartigan, District 14 VFW Chaplain, voiced the Invocation and led the Pledge of Allegiance.

**II. PROCLAMATIONS & SPECIAL RECOGNITIONS**

**3. Presentation of Proclamations:**

**(A) Public Works Week May 16-22, 2010**

Mayor Jones presented this proclamation to Nicole Torralva, Interim Director of Public Works, and Staff from the various Public Works Divisions.

**4. Receive the Planning and Zoning Commission Annual Report.**

Mike Pilkington, Chair of the Planning and Zoning Commission, presented this report to the City Council. This plan covers the past five years and outlines the accomplishments during the time frame of 2004-2009. These include projects, as well as ordinance amendments. Maps were shown displaying the zoning cases and plats approved by year with photos of some significant projects. In conclusion, Mr. Pilkington provided a review of some of the highlights from 2004-2009.

**III. PUBLIC COMMENTS**

Public comments from citizens were deferred to the appropriate items as part of the regular agenda.

**IV. ELECTION ITEMS**

- 5. 2010-6009-R: Consider adopting a resolution electing a Mayor Pro Tem for the City of Temple.**

Mayor Jones stated following each general election in May, the City Council selects one of its members to serve as Mayor Pro Tem for the City.

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

Motion passed unanimously.

## **V. CONSENT AGENDA**

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

**(A) May 6, 2010 Special Called and Regular Meeting**

**(B) 2010-6010-R: Consider adopting a resolution authorizing entering into to an Interlocal Agreement with the Belton Independent School District to provide school locations for after school latchkey programming.**

**(C) 2010-6011-R: Consider adopting a resolution authorizing a contract with BlackTopper Technology, Inc. of Blanco for the FY 2010 Seal Coat Program in the estimated amount of \$649,019.**

**(D) 2010-6012-R: Consider adopting a resolution authorizing a contract with Brockway, Gersbach, Franklin and Niemeier, P.C. to perform the annual City of Temple audit for an amount not to exceed \$62,500.**

**(E) 2010-6013-R: Consider adopting a resolution authorizing the following technology contracts and purchases for the new Temple Fire Station:**

- 1. Video surveillance system from Redmoon Inc. of Plano in the amount of \$26,399.54 under State of Texas DIR contract DIR-SDD-475;**
- 2. Card Access System from A-1 Fire & Security Equipment Company under GSA Contract GSO 7F 7733C in the amount of \$30,262.05; and**
- 3. Phone system from Affiliated Telephone of Austin in the amount of \$31,184.86 under DIR contract #DIR-SDD-289.**

**(F) 2010-6014-R: Consider adopting a resolution authorizing a construction contract with Patin Construction, LLC of Taylor for construction services required to install water and wastewater utility relocations and improvements along 57th Street, Phase I of a two phase project that is associated with the Texas Department of Transportation IH 35 & Loop 363 Highway Improvement Project, in an amount not to exceed**

**\$347,625 and declaring an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations.**

**(G) 2010-6015-R: Consider adopting a resolution authorizing a contract with Chapman Marine, Inc., of Austin in the estimated amount of \$60,000 for the emergency removal of sedimentation in the Leon River outside of the Water Treatment Plant Intake; and a supplemental contract with S&M Vacuum and Waste, Ltd., of Killeen in the estimated amount of \$35,000 for the emergency disposal of removed sediments.**

**(H) 2010-6016-R: Consider adopting a resolution authorizing an amendment to the professional services agreement with Kasberg, Patrick & Associates, LP, for additional engineering services required to complete design improvements necessary to address the solids removal and disposal process from the Membrane Water Treatment Plant waste stream in an amount not to exceed \$77,078.**

**(I) 2010-6017-R: Consider adopting authorizing a consulting agreement with Tristem, Ltd. of Hewitt for an audit of utility bills paid by the City.**

**(J) 2010-6018-R: Consider adopting a resolution authorizing a construction contract with Hunter Knepshield Company of Plano for the purchase and installation of a pedestrian bridge at Jeff Hamilton Park utilizing the BuyBoard in the amount of \$49,213.12.**

**(K) 2010-6019-R: Consider adopting a resolution authorizing a Chapter 380 "matching grant" agreement with Central Texas Lenders, Inc. dba First Finance & Furniture for redevelopment improvements at 108 South Main Street in downtown Temple, located within the 1st Street Strategic Investment Zone corridor, in an amount not to exceed \$22,500 plus waiver of permits and fees.**

**(L) 2010-6020-R: Consider adopting a resolution authorizing a Chapter 380 "matching grant" agreement with James Fertsch for redevelopment improvements at 12 East Central Avenue in downtown Temple, located within the 1st Street Strategic Investment Zone corridor, in an amount not to exceed \$28,500 plus waiver of permits and fees.**

**(M) 2010-6021-R: Consider adopting a resolution authorizing a Chapter 380 "matching grant" agreement James Fertsch for redevelopment improvements on 14 East Central Avenue in downtown Temple, located within the 1st Street Strategic Investment Zone corridor, in an amount not to exceed \$28,500 plus waiver of permits and fees.**

**(N) 2010-4349: SECOND READING - 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).**

**(O) 2010-4360: SECOND READING - Consider adopting an ordinance**



establishing a juvenile case manager fund requiring certain defendants to pay as part of court costs a juvenile case manager fee, not to exceed \$5, for deposit in a restricted fund.

**(P) 2010-6022-R: Consider adopting a resolution authorizing the grant application for the Bureau of Justice Assistance Bulletproof Vest Partnership Program of 2010 for the purchase of ballistic vests and replacements for the Police Department in the amount of \$22,365.**

**(Q) 2010-6023-R: Consider adopting a resolution authorizing Temple Fire & Rescue to apply for a U.S. Department of Homeland Security, FY 2010 Assistance to Firefighters Grant Program for the purchase of outdoor live fire props and an associated training program in the amount of \$142,000.**

**(R) 2010-6024-R: Consider adopting a resolution authorizing funding from the Child Safety Fees for the 2010-2011 Travis Science Academy CPR Training Program in the amount of \$3,000.**

**(S) 2010-6025-R: Consider adopting a resolution authorizing funding from the Child Safety Fees for the 2010 Junior Fire Cadet Program in the amount of \$17,874.**

**(T) 2010-6026-R: Consider adopting a resolution approving second quarter financial results for Fiscal Year 2010.**

**(U) 2010-6027-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 the Consent Agenda, with exception of items 6 (N),(R), and (T), seconded by Councilmember Marty Janczak.

Motion passed unanimously.

**(N) 2010-4349: SECOND READING - 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).**

Jonathan Graham, City Attorney, asked that no action be taken regarding this item.

**(R) 2010-6024-R: Consider adopting a resolution authorizing funding from the Child Safety Fees for the 2010-2011 Travis Science Academy CPR Training Program in the amount \$3,000.**

Fire Chief Lonzo Wallace stated Drs. Robin and Pat Smith have spearheaded a very successful CPR program throughout the City.

Dr. Pat Smith, past chair of the Public Safety Advisory Board, stated their goals are being met in this program which has been underway for 4 years.

Dr. Robin Smith stated just over 450 CPR kits have been sold throughout the community. The remaining will be distributed within the public school district, most particularly through the Travis Science Academy, Health Care Exploration Program. This will train a number of people in CPR skills. He asked for the City's continued support of this program.

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

Motion passed unanimously.

**(T) 2010-6026-R: Consider adopting a resolution approving second quarter financial results for Fiscal Year 2010.**

Traci Barnard, Director of Finance, presented a summary report of the second quarter financials. She focused on revenues to date, with particular focus on sales tax revenues which were reported through April 30th. General Fund expenditures were also reviewed with some noted that will be monitored over the next six months. Mrs. Barnard also reviewed the Water & Wastewater Fund revenues and expenses and monthly water consumption.

Motion by Councilmember Russell Schneider to adopt resolution, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

## **VI. REGULAR AGENDA**

### **ORDINANCES**

**7. 2010-4361: FIRST READING - PUBLIC HEARING - Z-FY-09-29: Consider adopting an ordinance amending Chapter 37, "Traffic," of the Code of Ordinances of the City of Temple by adding requirements for parking in residential yards.**

Tim Dolan, Planning Director, presented this item to the City Council, which addresses parking of vehicles in front yards, both motorized and non-motorized vehicles. He reviewed the standards for front yard parking and the erodible surfaces that would be grandfathered if in existence prior to June 3, 2010, the second reading of this ordinance if approved. A grandfathering condition would go away under certain circumstances and vehicles would not be allowed to park within the visibility triangle. There may be some additional changes necessary to address side entry garages, Mr. Dolan stated.

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

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

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance with second reading and final adoption set for June 3, 2010, seconded by Councilmember Danny Dunn.

Motion passed unanimously.

**8. 2010-4362: FIRST READING - PUBLIC HEARING - Z-FY-10-26: Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) to allow display for sale in a Commercial District on Lot 1, Block 1, Wildflower Commerce Park IV, at 5615 SW H K Dodgen Loop.**

Brian Mabry, Senior Planner, presented this case to the City Council. He displayed the location of the subject property. The portable buildings are already displayed on the site but the property owner was notified this was not allowable without approval from the Council. Mr. Mabry also displayed surrounding properties and associated uses, most of which are commercial. The significant features of the site plan associated with this request were presented, including parking and landscaping. The Planning & Zoning Commission and staff recommended approval of the proposed Conditional Use Permit with the specific conditions contained in the ordinance.

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

Mr. Jim Vaughn, 4017 Sunflower, addressed the Council representing Chris Vonder Hoya, developer of Wildflower Subdivision and other properties in Temple. He stated this intersection has great potential for development so he cautioned everyone to look very closely at the proposal. The unpleasant part of the landscaping business is behind the site. Metal storage containers are on-site also, not for sale but for storage. The driveway base being proposed will not hold up well and will be a problem in the future. The property owner has a conglomeration of items for sale on this property and the integrity of this area needs to be maintained as development continues.

Cy Long, applicant in this request, explained the metal storage containers will be used for storage but will be blocked from sight by the fence, portable buildings and a metal awning structure that will cover the sod for sale. They are a retail and wholesale business for landscaping companies and have received good feedback from their customers to date. They will keep some utility and cargo trailers, some vehicles and landscaping equipment, and operate a repair service for that equipment. Mr. Long discussed options for the driveway material and whether it should be limestone or granite. He does have dump trucks and trailers to deliver soils and grass.

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

Mr. Mabry indicated he would provide a revised site plan at the second reading of this item to show how the issues brought up in the public hearing will be addressed.

Motion by Councilmember Marty Janczak to adopt ordinance, with second reading and final adoption set for June 3, 2010, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

**9. 2010-4363: FIRST READING - PUBLIC HEARING - Z-FY-10-29: Consider adopting an ordinance authorizing a zoning change from Commercial District and General Retail District to Planned Development - Commercial District (PD-C) on Lots 1 - 4, Block 33, Temple Heights Addition, located at 2015 West Avenue M, 1305 and 1307 South 41st Street.**

Brian Mabry, Senior Planner, presented this case to the City Council. The applicant is the City of Temple on behalf of Kellum Pellawata. The van/truck rental is being moved from South 1st Street to Avenue M. This use is already allowed on three of the lots, and only lot 4 needs to be brought into compliance. The Planned Development will provide stricter controls on parking than allowed under the base zoning district. Mr. Mabry showed an aerial of the property and photos of surrounding properties and associated uses. The development plan was also reviewed, with Mr. Mabry noting the important features of that plan. Three surrounding properties have expressed disapproval of the proposed planned development. Mr. Mabry reviewed the conditions proposed in the planned development ordinance.

Councilmember Schneider asked why no landscaping is being required.

Mr. Mabry stated it is due to the paving already in place and the landscaping would only be required if the square footage of the development is doubled.

Kim Foutz, Assistant City Manager, explained all of the truck rental business is not being moved. Mr. Pellawata will continue to rent trucks from a small area on South 1st Street with the overload going to the Avenue M/South 41st Street location.

The Council discussed the use of storage trailers on the Avenue M site and whether this should be allowed. Lot 4 is required to have an all weather surface if used for parking.

Councilmember Schneider stated the residential nature of the area needs to be considered when looking at the trailer parking. He also felt landscaping should be required to be consistent with what the City has done in the past.

Councilmember Janczak stated Sanders Paint and Body was expanded in this general location a few years ago and the City required landscaping.

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

Mable Taylor, 1308 South 41st Street, stated she lives across from the applicant's property. Four trailers have been parked there for quite some time and they are old and rusty. She thought one was being used to store tires. A storage unit was moved in and set on the southwest corner of those three lots and the City made them move it back. The wooden fence is in disrepair and the property owner has made no attempt to repair it. Tree trimming trucks also started parking on this property and the employees were parking on lot 4. Ms. Taylor noted the Budget rental trucks and tree trimming trucks are now gone. Other businesses in the area are not a problem, as they are neat, clean businesses that are open during the day only and fit in with the existing neighborhood. Ms. Taylor stated she was opposed to this zoning change.

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

Mayor Jones stated he felt the property owner wants to comply with the City's requirements and do the right thing. The City has an opportunity to require some improvements to benefit this neighborhood. He reiterated that the applicant can already use lots 1-3 for this type of business.

Councilmember Schneider stated he would like to require landscaping, identify the type of fencing material and get the issue with the storage trailers resolved before the second reading of this item.

David Blackburn, City Manager, stated the staff has been working diligently with the applicant to bring his operations into compliance and enhance both the South 1st Street and Avenue M locations.

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance, with second reading and final adoption set for June 3, 2010, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

## RESOLUTIONS

- 10. 2010-6007-R: Consider adopting a resolution approving a policy to require quarterly disclosure by City Councilmembers of amounts received by them, directly or indirectly, as a contractor, subcontractor or materials supplier from contractors entered into by the City or from projects that are funded in whole or in part from City funds or funds administered by the City.**

Jonathan Graham, City Attorney, presented this item to the City Council. About one month ago Mayor Pro Tem Luna placed an item on the agenda to direct the City Attorney to develop a policy as indicated in the item description. The item was tabled at the May 6th meeting. The Council has been provided a draft policy which was reviewed at the work session

today. Mr. Graham provided a brief overview of the state law and City Charter regarding conflicts of interest. The policy being proposed is outside of those laws. He reviewed the amended language that addresses the comments made during the work session concerning disclosure of either the full gross amount of the contract awarded or the amount received in each quarter.

Councilmember Schneider stated it is his understanding that it is desirable to citizens to be able to determine the total amounts paid to Councilmembers for subcontracts and this amendment should address this. All forms are public information and would be available in the City Secretary's office.

Mayor Pro Tem Luna stated she felt this policy would address the concerns expressed to her by citizens.

Motion by Mayor Pro Tem Patsy E. Luna to adopt resolution, to include amendments to policy, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

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William A. Jones, III, Mayor

ATTEST:

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Clydetta Entzminger  
City Secretary



## COUNCIL AGENDA ITEM MEMORANDUM

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06/03/10  
Item #3(C)  
Consent Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Nicole Torralva, P.E., Interim Director of Public Works

Michael Newman, P.E., City Engineer/Asst. Director of Public Works

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a construction contract with TTG Utilities, LP, of Gatesville for construction services required to install waterline improvements associated with the 876' Pressure Plane Project in south Temple, in an amount not to exceed \$123,770.

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

**ITEM SUMMARY:** A 2006 study of Temple's water distribution system by Lockwood, Andrews, and Newnam recommended adding pressure-reducing valves (PRV's) to the system between the 876' and 785' pressure planes to increase operational flexibility and allow a redundant supply route to the 785' pressure plane from the recently constructed elevated storage tank on 25<sup>th</sup> Street. Additionally, an existing PRV in the vicinity of FM 93 is in disrepair and is in need of replacement. This project will replace the deteriorated PRV (Area #3 on attached Map) and install two new PRV's between the 876' and 785' pressure planes along South 5<sup>th</sup> Street (Areas #1 and #2). This project will also abandon five existing water lines extending laterally from the 8" water main along Blackland Road that are no longer used (Area #4).

The infrastructure built with this project will consist of three reinforced concrete access vaults, two 12-inch PRV's, one 8-inch PRV, and associated bypass lines and valves. Five abandoned water lines will also be cut and capped. The Opinion of Portal Cost for this construction project was \$170,000. Base bids ranged from \$123,770 to \$185,000 (see attached Bid Tab). Staff recommends awarding a contract for the base bid to the low bidder, TTG. Construction time allotted for this project is 120 days.

**FISCAL IMPACT:** The cost of this construction contract is \$123,770. Funding in the amount of \$200,000 is appropriated in account 561-5200-535-6923, project #100043 from the 2006 Utility Revenue Bond Issue. After funding surveying costs of \$6,200, miscellaneous expenses related to the project in the amount of \$656, and this construction contract in the amount of \$123,770 a balance of \$69,374 will remain available to complete this project.

### **ATTACHMENTS:**

[Bid Tabulation](#)

[Project Map](#)

[Resolution](#)

Tabulation of Bids Received  
on May 13, 2010 at 2:30 p.m.  
876' Pressure Plane Improvements

		Bidders					
		Patin Construction LLC Taylor		TTG Utilities LP Gatesville		Bell Contractors Inc Belton	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Mobilization, Bonds, Permits and Insurance	1	\$14,400.00	\$14,400.00	\$7,500.00	\$7,500.00	\$10,300.00	\$10,300.00
Prepare and implement a Trench Safety Plan conforming to State Law and OSHA	1	\$2,000.00	\$2,000.00	\$1,050.00	\$1,050.00	\$1,800.00	\$1,800.00
Area #1: Furnish all materials, labor, overhead, and profit required to prepare site, excavate, remove and dispose of existing 14" Water Line, provide 6" Gravel, provide 12" Ductile Iron Water Line and Fittings, provide 12" Ductile Iron 45° Bends, provide 12"-14" Ductile Iron Water Line Reducers, provide 12" Pressure Reducing Valve, construct or place vault per plans and specifications, connect to existing 14" water line, including tie-ins, pressure testing, backfill, compaction, final grading and site cleanup.	1	\$65,040.00	\$65,040.00	\$43,500.00	\$43,500.00	\$48,400.00	\$48,400.00
Area #2: Furnish all materials, labor, overhead, and profit required to prepare site, excavate, remove and dispose of existing 8" Water Line, provide 6" Gravel, provide 8" Ductile Iron Water Line and Fittings, provide 8" Ductile Iron 45° Bends, provide 8" Pressure Reducing Valve, construct or place vault per plans and specifications, connect to existing 8" water line, including tie-ins, pressure testing, backfill, compaction, final grading and site cleanup.	1	\$48,780.00	\$48,780.00	\$34,500.00	\$34,500.00	\$40,300.00	\$40,300.00



		Bidders					
		Patin Construction LLC Taylor		TTG Utilities LP Gatesville		Bell Contractors Inc Belton	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Area #3: Furnish all materials, labor, overhead, and profit required to prepare site, excavate, remove and dispose of existing 8" Water Line and 8" Pressure Reducing Valve and Vault, provide 6" Gravel, provide 8" Ductile Iron Water Line and Fittings, provide 8" Ductile Iron 45° Bends, provide 8" Pressure Reducing Valve, construct or place vault per plans and specifications, connect to existing 8" water line, including compliance with the General Special Provisions of the approved TXDOT Utility Installation Request, grass seed mix (TXDOT Standard Specification Item 164), tie-ins, pressure testing, backfill, compaction, final grading and site cleanup.	1	\$48,780.00	\$48,780.00	\$34,500.00	\$34,500.00	\$39,900.00	\$39,900.00
Provide two copies of as-built drawings of all locations in electronic format	1	\$500.00	\$500.00	\$430.00	\$430.00	\$600.00	\$600.00
Provide one copy of as-built drawings of all locations on mylar sheets.	1	\$500.00	\$500.00	\$215.00	\$215.00	\$180.00	\$180.00
Provide all materials, labor, overhead, and profit required to excavate, provide 8" Ductile Iron End Cap, Cut and Cap Existing Lateral Water Line, including pressure testing, backfill, compaction, final grading and cleanup.	5	\$1,000.00	\$5,000.00	\$415.00	\$2,075.00	\$1,100.00	\$5,500.00
<b>BID TOTAL:</b>		\$185,000.00		\$123,770.00		\$146,980.00	
DEDUCT: Provide all materials, labor, overhead, and profit required to excavate, provide 8" Ductile Iron End Cap, Cut and Cap Existing Lateral Water Line (1 location), including pressure testing, backfill, compaction, final grading and cleanup.	1	-\$1,000.00	-\$1,000.00	-\$415.00	-\$415.00	-\$1,100.00	-\$1,100.00

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

*Belinda Mattke*

Belinda Mattke, Director of Purchasing

*13-May-10*

Date

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



# TEMPLE VICINITY MAP



EXHIBIT A



CITY OF TEMPLE  
ENGINEERING DEPARTMENT

3210 E. Avenue H, Bldg. A

TEMPLE, TX, 76501-8402

APPROVED BY: NICOLE TORRALVA, P.E.

DATE: 7 APRIL 2010

DRAWN BY: Chris Peal

FILE NAME: EXHIBITABC.dwg

VICINITY MAP

SCALE:  
N.T.S.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH TTG UTILITIES, LP, OF GATESVILLE, TEXAS, FOR CONSTRUCTION SERVICES REQUIRED TO INSTALL WATERLINE IMPROVEMENTS ASSOCIATED WITH THE 876' PRESSURE PLANE PROJECT IN SOUTH TEMPLE, FOR AN AMOUNT NOT TO EXCEED \$123,770; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on May 13, 2010 the City received 6 bids for the construction services required to install waterline improvements associated with the 876' Pressure Plane Project in South Temple;

**Whereas**, the Staff recommends accepting the bid (\$123,770) received from TTG Utilities, LP, of Gatesville, Texas;

**Whereas**, funds are available for this project in Account No. 561-5200-535-6923, Project # 100043; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a construction contract, not to exceed \$123,770, with TTG Utilities, LP, of Gatesville, Texas, after approval as to form by the City Attorney, for the construction services required to install waterline improvements associated with the 876' Pressure Plane Project in South Temple.

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

PASSED AND APPROVED this the 3<sup>rd</sup> day of June, 2010.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

---

Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/03/10  
Item #3(D)  
Consent Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Nicole Torralva, P.E., Interim Director of Public Works  
Michael Newman, P.E., City Engineer/Asst. Director of Public Works

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a construction contract with Joe Bland Construction, LP, of Austin for construction services required to install waterline improvements along SH 317 from FM 2305 to Prairie View Road as part of the Expansion of West Temple Water & Wastewater Utilities North of FM 2305, Phase 1, in an amount not to exceed \$437,821.05.

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

**ITEM SUMMARY:** Current and anticipated growth in west Temple is placing additional demand on the water delivery system in the area. Before completion of construction projects associated with this project, all water supplied to west Temple was delivered through infrastructure east of SH 317 and pumped through the FM 2305 pump station to the Pepper Creek storage tank (near FM 2271).

This project, "Expansion of West Temple Water and Wastewater Utilities North of FM 2305" consists of two phases. Phase 1 provided sanitary sewer service from FM 2305 northwest to the intersection of FM 2483 and SH 317 and extended water service from SH 317 along FM 2483 to loop an existing 10" diameter pipeline west of the city limits. Phase 2 of this project included a pump station at the Draughton-Miller Central Texas Regional Airport capable of pumping water south through a 16" line to a new elevated storage tank located in the vicinity of the intersection of SH 317 and FM 2483. Transfer of water through this route is providing a second feed to the west side of Temple from the north, reducing the dependency on water delivery through the FM 2305 pump station.

An undersized section of 6" water main still exists on the west side of SH 317 between larger diameter mains. This places a constriction on water delivery capability from FM 2305 northward to the new water lines on SH 317. Upsizing of this water main will provide additional transmission looping of these larger diameter water lines in northwest Temple and help to sustain the overall infrastructure in the area.

This construction contract will consist of approximately 6,000 feet of 16" PVC water line, 60 feet of 6" water line, 220 feet of steel encasement, 6 fire hydrants, and associated valves and appurtenances. Base bids ranged from \$437,821.05 to \$694,089.30 (see attached Bid Tab). The engineer's Opinion of Portable Cost for this construction project was \$560,000. KPA recommends awarding a contract for the base bid to the low bidder, Joe Bland Construction (see attached Recommendation). Construction time allotted for this project is 120 days.

**FISCAL IMPACT:** Funding in the amount of \$520,321 has been reallocated from the West Temple Utility Extension North of FM 2305 project in account 561-5200-535-6928, project #100172 to account 561-5200-535-6928, project #100621 from the 2006 Utility Revenue Bond Issue for the construction and installation of waterline improvements along SH 317 from FM 2305 to Prairie View Road. After funding engineering services in the amount of \$72,500 and this construction contract in the amount of \$437,821.05 a balance of \$9,999.95 will remain available to complete this project.

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

**ATTACHMENTS:**

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



**KASBERG, PATRICK & ASSOCIATES, LP**

CONSULTING ENGINEERS

Texas Firm F-510

RICK N. KASBERG, P.E.

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

THOMAS D. VALLE, P.E.

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

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

May 10, 2010

Mr. Don Bond, E.I.T.  
CIP Project Manager  
3210 E. Avenue H  
Building A  
Temple, Texas 76501

Re: City of Temple, Texas  
16" Waterline Improvements  
Along SH 317 from Prairie View Road to FM 2305

Dear Mr. Bond:

On May 6, 2010, the City of Temple received competitive bids from eleven contractors for the referenced project. This bid contained an Add Alternate to install ductile iron pipe in lieu of PVC C905. A Bid Tabulation is provided for your reference.

The attached Bid Tabulation shows Joe Bland Construction, LP of Austin, Texas as the low bidder for the Base Bid at \$437,821.05 and including the add alternate at \$535,199.25. The bids ranged from this low bid to \$785,456.50. Our Final Opinion of Probable Cost for this project was \$560,000.

The add alternate bid for ductile iron pipe allows the City to evaluate whether this additional cost is warranted based on the potential advantages of ductile iron pipe installation and if funding is available. We have reviewed Joe Bland Construction, LP's bid, similar projects and reference information. Therefore, we recommend that a contract be awarded to Joe Bland Construction, Inc. for the Base Bid or Base Bid plus Add Alternate as funding permits.

Sincerely,

Ginger R. Tolbert, P.E.

GRT/

xc: Ms. Belinda Mattke, City of Temple (1 copy with Original Bid Documents)  
2007-125-41



BID TABULATION

2007-125-43  
16-inch Waterline

16" Water Line Improvements Along SH 317 From Prairie View Road to FM 2305 May 6, 2010; 2:00 PM: 3210 E Ave H, Bldg C; Temple, TX 76501				BIDDER INFORMATION											
				Joe Bland Construction 13111 Dessau Road Austin TX 78754		TTG Utilities, LP PO Box 299 Gatesville TX 76528		McLean Construction Inc PO Box 10759 Killeen TX 76547		Royal Vista Inc 350 CR 260 Liberty Hill TX 78742		K&S Backhoe Services PO Box 691 Gatesville TX 76528		Rogers Construction PO Drawer1136 Georgetown TX 78627	
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 8,000.00	\$ 8,000.00	\$ 14,975.00	\$ 14,975.00	\$ 24,441.00	\$ 24,441.00	\$ 20,000.00	\$ 20,000.00	\$ 19,425.10	\$ 19,425.10	\$ 13,000.00	\$ 13,000.00
2	6,011	LF	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of Right-of-way	1.70	10,218.70	1.85	11,120.35	0.60	3,606.60	3.00	18,033.00	0.88	5,289.68	3.90	23,442.90
3	100%	LS	Submit Trench Safety Plan prepared & signed by P.E., in Conformance with State Law & OSHA	330.00	330.00	700.00	700.00	1,854.00	1,854.00	1,000.00	1,000.00	351.00	351.00	600.00	600.00
4	6,011	LF	Implement & Follow Trench Safety Plan (Pipe)	1.20	7,213.20	1.10	6,612.10	0.50	3,005.50	1.00	6,011.00	2.34	14,065.74	0.60	3,606.60
5	1,100	SF	Implement & Follow Trench Safety Plan (Bore Pits, Manholes & Structures)	1.20	1,320.00	0.68	748.00	1.00	1,100.00	1.00	1,100.00	2.34	2,574.00	0.40	440.00
6	100%	LS	Prepare & Submit Control Plan prepared & signed by a P.E. for Vehicular Traffic	1,900.00	1,900.00	2,090.00	2,090.00	1,380.00	1,380.00	5,000.00	5,000.00	702.00	702.00	2,070.00	2,070.00
7	100%	LS	Implement & Administer Barricade, Signing & Traffic Safety Plan (Vehicular & Pedestrian)	4,700.00	4,700.00	4,640.00	4,640.00	3,172.00	3,172.00	5,000.00	5,000.00	3,088.80	3,088.80	3,500.00	3,500.00
8	100%	LS	Provide Project Record Drawings (As Builts)	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00
9	100%	LS	Provide DVD of right-of-way pre-construction & post construction site conditions for total project	380.00	380.00	1,275.00	1,275.00	115.00	115.00	2,000.00	2,000.00	409.62	409.62	500.00	500.00
10	6,011	LF	Provide Clean-up & Final Grading Along Final Pipeline Route	1.10	6,612.10	0.90	5,409.90	1.70	10,218.70	3.00	18,033.00	1.76	10,579.36	1.00	6,011.00
11	6,011	LF	Provide & Install 16" Diameter C905 PVC Water Line, including Thrust Restraint	36.10	216,997.10	41.75	250,959.25	46.60	280,112.60	42.00	252,462.00	48.70	292,735.70	41.85	251,560.35
12	5	LF	Provide & Install 8" Diameter C900 PVC Water Line, including Thrust Restraint	18.30	91.50	25.90	129.50	55.30	276.50	40.00	200.00	45.77	228.85	18.85	94.25
13	57	LF	Provide & Install 6" Diameter PVC Water Line, including Thrust Restraint	15.60	889.20	23.00	1,311.00	33.70	1,920.90	30.00	1,710.00	21.73	1,238.61	16.25	926.25
14	45	LF	Provide & Install 28" Diameter Steel Encasement by Bore	320.00	14,400.00	270.00	12,150.00	436.60	19,647.00	395.00	17,775.00	325.40	14,643.00	357.00	16,065.00
15	176	LF	Provide & Install 28" Diameter Steel Encasement by Open Cut	109.00	19,184.00	195.00	34,320.00	106.90	18,814.40	105.00	18,480.00	166.27	29,263.52	210.00	36,960.00
16	8	EA	Furnish & Install 16" Gate Valve	5,200.00	41,600.00	4,950.00	39,600.00	4,890.00	39,120.00	4,500.00	36,000.00	4,944.34	39,554.72	5,458.00	43,664.00
17	1	EA	Furnish & Install 14" Gate Valve	4,800.00	4,800.00	4,900.00	4,900.00	4,896.00	4,896.00	4,200.00	4,200.00	4,831.34	4,831.34	5,323.25	5,323.25
18	1	EA	Furnish & Install 8" Gate Valve	1,300.00	1,300.00	1,030.00	1,030.00	913.00	913.00	950.00	950.00	974.35	974.35	897.00	897.00
19	2	EA	Furnish & Install 6" Gate Valve	1,000.00	2,000.00	705.00	1,410.00	912.00	1,824.00	750.00	1,500.00	736.37	1,472.74	613.00	1,226.00
20	1	EA	Provide & Install 16" x 8" Tee	1,500.00	1,500.00	1,220.00	1,220.00	1,037.00	1,037.00	1,100.00	1,100.00	754.74	754.74	580.00	580.00
21	2	EA	Provide & Install 16" x 6" Tee	1,200.00	2,400.00	840.00	1,680.00	664.00	1,328.00	850.00	1,700.00	722.85	1,445.70	541.50	1,083.00
22	1	EA	Provide & Install 16" x 14" Reducer	1,130.00	1,130.00	670.00	670.00	550.00	550.00	750.00	750.00	637.25	637.25	471.00	471.00
23	4	EA	Provide & Install Ductile Iron 45° Bends, 16" Diameter	1,200.00	4,800.00	720.00	2,880.00	602.00	2,408.00	800.00	3,200.00	678.49	2,713.96	489.00	1,956.00
24	1	EA	Provide & Install 6" Cap	630.00	630.00	150.00	150.00	194.00	194.00	100.00	100.00	446.09	446.09	125.00	125.00
25	2	EA	Furnish & Install Air Release Valve Assembly on Water Main	5,000.00	10,000.00	7,855.00	15,710.00	6,767.00	13,534.00	4,500.00	9,000.00	5,767.54	11,535.08	5,981.00	11,962.00
26	6	EA	Furnish & Install Standard Fire Hydrant	2,900.00	17,400.00	3,520.00	21,120.00	3,580.00	21,480.00	3,350.00	20,100.00	3,503.16	21,018.96	2,991.00	17,946.00
27	1	EA	Connect to Existing 16" Water Line	1,500.00	1,500.00	1,200.00	1,200.00	649.00	649.00	750.00	750.00	409.54	409.54	3,000.00	3,000.00
28	1	EA	Connect to Existing 14" Water Line	1,200.00	1,200.00	1,200.00	1,200.00	649.00	649.00	1,500.00	1,500.00	409.54	409.54	4,300.00	4,300.00
29	1	EA	Connect to Existing 8" Water Line	1,100.00	1,100.00	1,950.00	1,950.00	764.00	764.00	1,200.00	1,200.00	315.92	315.92	1,840.00	1,840.00
30	2	EA	Connect to Existing 6" Water Line	1,000.00	2,000.00	1,475.00	2,950.00	740.00	1,480.00	1,100.00	2,200.00	315.92	631.84	1,700.00	3,400.00
31	8	EA	Furnish & Install Water Service Connections, Including Meter Box & Lid	1,100.00	8,800.00	600.00	4,800.00	1,044.00	8,352.00	900.00	7,200.00	838.20	6,705.60	2,565.00	20,520.00
32	100%	LS	Abandon of Existing 6" Water Line, Including cutting & capping line at all cross connections & removal of valves, risers, boxes, & hydrants	800.00	800.00	6,800.00	6,800.00	1,335.00	1,335.00	2,000.00	2,000.00	3,861.18	3,861.18	8,000.00	8,000.00
33	100%	LS	Furnish All Materials, Equipment, Tools & Labor Necessary for Pressure Testing Water Pipe, Including Any Necessary Repairs	7,200.00	7,200.00	8,780.00	8,780.00	649.00	649.00	2,000.00	2,000.00	2,270.01	2,270.01	6,000.00	6,000.00
34	100%	LS	Furnish & Install Sampling Stations for Microbiological Testing in accordance with AWWA C-651	2,700.00	2,700.00	3,770.00	3,770.00	2,220.00	2,220.00	2,000.00	2,000.00	5,684.02	5,684.02	3,545.00	3,545.00
35	100%	LS	Furnish & Install Temporary Flush Assembly(ies), Complete For	1,600.00	1,600.00	6,135.00	6,135.00	649.00	649.00	2,100.00	2,100.00	3,412.97	3,412.97	2,800.00	2,800.00
36	100%	LS	Re-locate existing fire hydrant to TX-DOT ROW at tank site along FM 2483	1,500.00	1,500.00	3,930.00	3,930.00	1,684.00	1,684.00	1,950.00	1,950.00	3,510.00	3,510.00	2,155.00	2,155.00
37	30	LF	Remove & Replace Concrete Curb & Gutter	25.00	750.00	20.05	601.50	25.10	753.00	50.00	1,500.00	34.32	1,029.60	36.00	1,080.00
38	33	LF	Furnish & Install Asphalt Pavement Replacement	24.00	792.00	20.80	686.40	26.00	858.00	30.00	990.00	60.09	1,982.97	78.90	2,603.70
39	183	LF	Furnish & Install Gravel Driveway Replacement	8.00	1,464.00	10.75	1,967.25	11.60	2,122.80	10.00	1,830.00	48.87	8,943.21	25.00	4,575.00
40	67	LF	Furnish & Install Concrete Driveway Replacement	28.00	1,876.00	24.80	1,661.60	49.30	3,303.10	30.00	2,010.00	29.41	1,970.47	85.00	5,695.00
41	6,011	LF	Furnish, Install, Maintain & Remove Silt Fence as required in the Stormwater Pollution Prevention Plan	1.75	10,519.25	2.30	13,825.30	1.80	10,819.80	2.00	12,022.00	1.72	10,338.92	1.55	9,317.05
42	9,770	SY	Furnish & Install Hydro Mulch Seeding For Permanent Erosion Control, Including water to establish & sustain growth	1.20	11,724.00	0.80	7,816.00	1.00	9,770.00	1.00	9,770.00	0.52	5,080.40	1.00	9,770.00
BID AMOUNT (ITEMS 1 -42)				\$ 437,821.05		\$ 507,383.15		\$ 505,505.90		\$ 498,926.00		\$ 539,036.10		\$ 535,110.35	

ADD ALTERNATE

Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
1	6,011	LF	Furnish & Install 16" Diameter Ductile Iron Waterline, including Thrust Restraint, in Lieu of 16" C905 PVC Waterline	\$ 16.20	\$ 97,378.20	\$ 9.40	\$ 56,503.40	\$ 11.20	\$ 67,323.20	\$ 16.00	\$ 96,176.00	\$ 11.27	\$ 67,743.97	\$ 12.95	\$ 77,842.45
BID AMOUNT - ADD ALTERNATE				\$ 97,378.20		\$ 56,503.40		\$ 67,323.20		\$ 96,176.00		\$ 67,743.97		\$ 77,842.45	

BID TABULATION

16" Water Line Improvements Along SH 317 From Prairie View Road to FM 2305 May 6, 2010; 2:00 PM: 3210 E Ave H, Bldg C; Temple, TX 76501				BIDDER INFORMATION									
				Austin Engineering 3317 Ranch Road 620 North Austin TX 78734		Smetana & Associates Construction PO Box 794 Temple TX 76503		Patin Construction Co., Ltd 3800 W 2nd Street Taylor TX 76577		National Power Rodding Corporation 2500 West Arthington Street Chicago IL 60612		Bell Contractors, Inc 3082 W Hwy 190 Belton TX 76513	
				Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit	Extended Amount	Unit Price	Extended Amount
Item No.	Estimated Quantity	Unit	Bid Data Description										
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 2,000.00	\$ 2,000.00	\$ 9,775.00	\$ 9,775.00	\$ 46,000.00	\$ 46,000.00	\$ 31,250.00	\$ 31,250.00	\$ 29,500.00	\$ 29,500.00
2	6,011	LF	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of Right-of-way	2.00	12,022.00	1.70	10,218.70	5.00	30,055.00	4.56	27,410.16	1.40	8,415.40
3	100%	LS	Submit Trench Safety Plan prepared & signed by P.E., in Conformance with State Law & OSHA	800.00	800.00	878.00	878.00	1,500.00	1,500.00	825.00	825.00	1,200.00	1,200.00
4	6,011	LF	Implement & Follow Trench Safety Plan (Pipe)	1.00	6,011.00	1.13	6,792.43	0.50	3,005.50	1.25	7,513.75	1.40	8,415.40
5	1,100	SF	Implement & Follow Trench Safety Plan (Bore Pits, Manholes & Structures)	1.00	1,100.00	3.80	4,180.00	1.00	1,100.00	1.25	1,375.00	2.50	2,750.00
6	100%	LS	Prepare & Submit Control Plan prepared & signed by a P.E. for Vehicular Traffic	2,800.00	2,800.00	1,191.00	1,191.00	1,500.00	1,500.00	2,062.50	2,062.50	1,500.00	1,500.00
7	100%	LS	Implement & Administer Barricade, Signing & Traffic Safety Plan (Vehicular & Pedestrian)	5,000.00	5,000.00	7,487.00	7,487.00	3,000.00	3,000.00	3,125.00	3,125.00	5,000.00	5,000.00
8	100%	LS	Provide Project Record Drawings (As Built)	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00
9	100%	LS	Provide DVD of right-of-way pre-construction & post construction site conditions for total project	800.00	800.00	566.00	566.00	1,000.00	1,000.00	1.25	1.25	200.00	200.00
10	6,011	LF	Provide Clean-up & Final Grading Along Final Pipeline Route	2.00	12,022.00	1.23	7,393.53	0.50	3,005.50	0.13	781.43	1.80	10,819.80
11	6,011	LF	Provide & Install 16" Diameter C905 PVC Water Line, including Thrust Restraint	53.50	321,588.50	58.26	350,200.86	43.00	258,473.00	58.44	351,282.84	70.70	424,977.70
12	5	LF	Provide & Install 8" Diameter C900 PVC Water Line, including Thrust Restraint	200.00	1,000.00	28.52	142.60	100.00	500.00	21.63	108.15	280.00	1,400.00
13	57	LF	Provide & Install 6" Diameter PVC Water Line, including Thrust Restraint	40.00	2,280.00	25.53	1,455.21	40.00	2,280.00	17.69	1,008.33	37.00	2,109.00
14	45	LF	Provide & Install 28" Diameter Steel Encasement by Bore	575.00	25,875.00	414.00	18,630.00	455.00	20,475.00	561.88	25,284.60	470.00	21,150.00
15	176	LF	Provide & Install 28" Diameter Steel Encasement by Open Cut	130.00	22,880.00	159.00	27,984.00	180.00	31,680.00	131.20	23,091.20	120.00	21,120.00
16	8	EA	Furnish & Install 16" Gate Valve	5,000.00	40,000.00	5,402.00	43,216.00	8,350.00	66,800.00	5,968.75	47,750.00	5,200.00	41,600.00
17	1	EA	Furnish & Install 14" Gate Valve	5,000.00	5,000.00	5,154.00	5,154.00	7,800.00	7,800.00	5,481.25	5,481.25	5,100.00	5,100.00
18	1	EA	Furnish & Install 8" Gate Valve	1,000.00	1,000.00	1,074.00	1,074.00	1,360.00	1,360.00	1,013.75	1,013.75	1,100.00	1,100.00
19	2	EA	Furnish & Install 6" Gate Valve	800.00	1,600.00	950.00	1,900.00	940.00	1,880.00	691.25	1,382.50	800.00	1,600.00
20	1	EA	Provide & Install 16" x 8" Tee	800.00	800.00	855.00	855.00	1,820.00	1,820.00	806.25	806.25	1,200.00	1,200.00
21	2	EA	Provide & Install 16" x 6" Tee	760.00	1,520.00	820.00	1,640.00	1,220.00	2,440.00	768.75	1,537.50	1,200.00	2,400.00
22	1	EA	Provide & Install 16" x 14" Reducer	600.00	600.00	679.00	679.00	1,010.00	1,010.00	540.00	540.00	650.00	650.00
23	4	EA	Provide & Install Ductile Iron 45° Bends, 16" Diameter	700.00	2,800.00	692.00	2,768.00	1,180.00	4,720.00	650.00	2,600.00	780.00	3,120.00
24	1	EA	Provide & Install 6" Cap	80.00	80.00	259.00	259.00	110.00	110.00	231.25	231.25	230.00	230.00
25	2	EA	Furnish & Install Air Release Valve Assembly on Water Main	6,315.00	12,630.00	6,794.00	13,588.00	8,050.00	16,100.00	7,512.50	15,025.00	5,800.00	11,600.00
26	6	EA	Furnish & Install Standard Fire Hydrant	3,100.00	18,600.00	3,412.00	20,472.00	5,120.00	30,720.00	4,137.50	24,825.00	3,400.00	20,400.00
27	1	EA	Connect to Existing 16" Water Line	1,300.00	1,300.00	1,994.00	1,994.00	1,120.00	1,120.00	1,593.75	1,593.75	1,800.00	1,800.00
28	1	EA	Connect to Existing 14" Water Line	1,200.00	1,200.00	1,925.00	1,925.00	560.00	560.00	3,025.00	3,025.00	2,300.00	2,300.00
29	1	EA	Connect to Existing 8" Water Line	900.00	900.00	1,712.00	1,712.00	300.00	300.00	2,606.25	2,606.25	1,300.00	1,300.00
30	2	EA	Connect to Existing 6" Water Line	750.00	1,500.00	1,687.00	3,374.00	220.00	440.00	1,456.25	2,912.50	1,300.00	2,600.00
31	8	EA	Furnish & Install Water Service Connections, Including Meter Box & Lid	900.00	7,200.00	795.00	6,360.00	1,000.00	8,000.00	1,093.75	8,750.00	1,500.00	12,000.00
32	100%	LS	Abandon of Existing 6" Water Line, Including cutting & capping line at all cross connections & removal of valves, risers, boxes, & hydrants	5,700.00	5,700.00	1,839.00	1,839.00	500.00	500.00	2,856.25	2,856.25	3,100.00	3,100.00
33	100%	LS	Furnish All Materials, Equipment, Tools & Labor Necessary for Pressure Testing Water Pipe, Including Any Necessary Repairs	2,000.00	2,000.00	5,265.00	5,265.00	1,500.00	1,500.00	1,875.00	1,875.00	2,700.00	2,700.00
34	100%	LS	Furnish & Install Sampling Stations for Microbiological Testing in accordance with AWWA C-651	2,700.00	2,700.00	590.00	590.00	5,060.00	5,060.00	668.75	668.75	4,800.00	4,800.00
35	100%	LS	Furnish & Install Temporary Flush Assembly(ies), Complete For	4,800.00	4,800.00	3,500.00	3,500.00	3,620.00	3,620.00	1,693.75	1,693.75	1,800.00	1,800.00
36	100%	LS	Re-locate existing fire hydrant to TX-DOT ROW at tank site along FM 2483	2,300.00	2,300.00	3,650.00	3,650.00	590.00	590.00	2,400.00	2,400.00	1,800.00	1,800.00
37	30	LF	Remove & Replace Concrete Curb & Gutter	25.00	750.00	37.00	1,110.00	30.00	900.00	30.00	900.00	39.20	1,176.00
38	33	LF	Furnish & Install Asphalt Pavement Replacement	150.00	4,950.00	26.00	858.00	70.00	2,310.00	36.25	1,196.25	37.10	1,224.30
39	183	LF	Furnish & Install Gravel Driveway Replacement	20.00	3,660.00	14.00	2,562.00	30.00	5,490.00	3.44	629.52	8.00	1,464.00
40	67	LF	Furnish & Install Concrete Driveway Replacement	100.00	6,700.00	33.00	2,211.00	50.00	3,350.00	33.75	2,261.25	25.30	1,695.10
41	6,011	LF	Furnish, Install, Maintain & Remove Silt Fence as required in the Stormwater Pollution Prevention Plan	0.50	3,005.50	1.98	11,901.78	2.00	12,022.00	1.88	11,300.68	1.60	9,617.60
42	9,770	SY	Furnish & Install Hydro Mulch Seeding For Permanent Erosion Control, Including water to establish & sustain growth	0.65	6,350.50	0.80	7,816.00	0.70	6,839.00	1.44	14,068.80	1.50	14,655.00
BID AMOUNT (ITEMS 1 -42)				\$ 558,324.50		\$ 597,667.11		\$ 593,435.00		\$ 637,549.46		\$ 694,089.30	

ADD ALTERNATE

Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
1	6,011	LF	Furnish & Install 16" Diameter Ductile Iron Waterline, including Thrust Restraint, in Lieu of 16" C905 PVC Waterline	\$ 10.00	\$ 60,110.00	\$ 12.85	\$ 77,241.35	\$ 18.00	\$ 108,198.00	\$ 12.45	\$ 74,836.95	\$ 15.20	\$ 91,367.20
BID AMOUNT - ADD ALTERNATE				\$ 60,110.00		\$ 77,241.35		\$ 108,198.00		\$ 74,836.95		\$ 91,367.20	



BID TABULATION

2007-125-43  
16-inch Waterline

16" Water Line Improvements  
Along SH 317 From Prairie View Road to FM 2305  
May 6, 2010; 2:00 PM: 3210 E Ave H, Bldg C; Temple, TX 76501

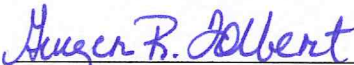
	BIDDER INFORMATION					
	Joe Bland Construction 13111 Dessau Road Austin TX 78754	TTG Utilities, LP PO Box 299 Gatesville TX 76528	McLean Construction Inc PO Box 10759 Killeen TX 76547	Royal Vista Inc 350 CR 260 Liberty Hill TX 78742	K&S Backhoe Services PO Box 691 Gatesville TX 76528	Rogers Construction PO Drawer1136 Georgetown TX 78627
BID SUMMARY						
TOTAL BID AMOUNT (ITEMS 1 - 42)	\$ 437,821.05	\$ 507,383.15	\$ 505,505.90	\$ 498,926.00	\$ 539,036.10	\$ 535,110.35
TOTAL BID AMOUNT ADD ALTERNATE	\$ 97,378.20	\$ 56,503.40	\$ 67,323.20	\$ 96,176.00	\$ 67,743.97	\$ 77,842.45
	\$ 535,199.25	\$ 563,886.55	\$ 572,829.10	\$ 595,102.00	\$ 606,780.07	\$ 612,952.80

Did Bidder Acknowledge Addenda No. 1 & 2?	YES	YES	YES	YES	YES	YES
Did Bidder provide Bid Security?	YES	YES	YES	YES	YES	YES

	Austin Engineering 3317 Ranch Road 620 North Austin TX 78734	Smetana & Associates Construction PO Box 794 Temple TX 76503	Patin Construction Co., Ltd 3800 W 2nd Street Taylor TX 76577	National Power Rodding Corporation 2500 West Arthington Street Chicago IL 60612	Bell Contractors, Inc 3082 W Hwy 190 Belton TX 76513
BID SUMMARY					
TOTAL BID AMOUNT (ITEMS 1 - 42)	\$ 558,324.50	\$ 597,667.11	\$ 593,435.00	\$ 637,549.46	\$ 694,089.30
TOTAL BID AMOUNT ADD ALTERNATE	\$ 60,110.00	\$ 77,241.35	\$ 108,198.00	\$ 74,836.95	\$ 91,367.20
	\$ 618,434.50	\$ 674,908.46	\$ 701,633.00	\$ 712,386.41	\$ 785,456.50

Did Bidder Acknowledge Addenda No. 1 & 2?	YES	YES	YES	YES	YES
Did Bidder provide Bid Security?	YES	YES	YES	YES	YES

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

  
Ginger R. Tolbert, P.E.  
Kasberg, Patrick & Associates, LP

5/6/10

Date









A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH JOE BLAND CONSTRUCTION COMPANY OF AUSTIN, TEXAS, FOR CONSTRUCTION SERVICES REQUIRED TO INSTALL WATERLINE IMPROVEMENTS ALONG SH 317 FROM FM 2305 TO PRAIRIE VIEW ROAD AS PART OF THE EXPANSION OF WEST TEMPLE WATER & WASTEWATER UTILITIES NORTH OF FM 2305, PHASE I, FOR AN AMOUNT NOT TO EXCEED \$437,821.05; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on May 6, 2010, the City received 11 bids for the construction services required to install waterline improvements along SH 317 from FM 2305 to Prairie View Road as part of the expansion of West Temple Water and Wastewater Utilities north of FM 2305, Phase I;

**Whereas**, the Staff recommends accepting the bid (\$437,821.05) received from Joe Bland Construction Company of Austin, Texas;

**Whereas**, funds are available for this project in Account No. 561-5200-535-6928, Project # 100621; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a construction contract, not to exceed \$437,821.05, with Joe Bland Construction Company of Austin, Texas, after approval as to form by the City Attorney, for the construction services required to install waterline improvements along SH 317 from FM 2305 to Prairie View Road as part of the expansion of West Temple Water and Wastewater Utilities north of FM 2305, Phase I.

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

PASSED AND APPROVED this the 3<sup>rd</sup> day of June, 2010.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

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Clydette Entzminger  
City Secretary

APPROVED AS TO FORM:

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/03/10  
Item #3(E)  
Consent Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Nicole Torralva, P.E., Interim Director of Public Works  
Michael Newman, P.E., City Engineer/Asst. Director of Public Works

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for engineering services required to implement the Pepper Creek Tank Rehabilitation in west Temple in an amount not to exceed \$57,900 and declaring an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this project.

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

**ITEM SUMMARY:** The City owns and operates the 220,000-gallon Pepper Creek elevated storage tank, located off of FM 2305 in far west Temple (see attached Proposal & Map). The tank is in need of rehabilitation, including interior and exterior recoating. This project will rehabilitate the tank, maintaining potable water quality standards and compliance with TCEQ regulations.

Engineering services authorized under this resolution will provide for design services, bid phase services and construction phase services required to implement tank surface rehabilitation and recoating. Infrastructure rehabilitated with this project includes interior and exterior surfaces of the 220,000-gallon tank.

Following is a list of costs associated with each task:

Plans and Specifications	\$ 15,700
Bidding	\$ 6,000
Construction Administration	\$ 9,400
On-Site Representation	\$ 7,800
HOT Inspection Services, Inc.	\$ 19,000
<b>TOTAL</b>	<b><u>\$ 57,900</u></b>

The proposed timeline for design is 90 calendar days. Construction is anticipated to begin during the fall.

**FISCAL IMPACT:** Funding in the amount of \$600,000 is designated for the rehabilitation of Pepper Creek Tank in the proposed 2010 Utility Revenue Bond Issue. Initially funding for this contract will come from funding available from the 2008 Utility Revenue Bonds in account 561-5100-535-6904, project #100619, with an intent to reimburse the 2008 Utility Revenue Bonds from the proposed 2010 Utility Revenue Bond Issue. The cost of this professional services contract is \$57,900.

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

**ATTACHMENTS:**

[Proposal & Map  
Resolution](#)



# KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS

Texas Firm F-510

RICK N. KASBERG, P.E.

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

THOMAS D. VALLE, P.E.

Temple

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

Georgetown

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

April 23, 2010

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

Re: City of Temple  
Rehabilitation of Pepper Creek Tank

Dear Mrs. Torralva:

This letter is in response to your request for engineering services required for repainting and renovating Pepper Creek Tank (220,000 gallons) as shown on Exhibit "A".

The attached Exhibit "B" provides for a Scope of Services which would be provided for the project. In order for us to provide services required for completion of this project, the following not-to-exceed lump sum amounts will be applicable:

Basic Services

Plans and Specifications	\$	15,700.00
Bidding		6,000.00
Construction Administration		9,400.00
<b>Total Basic Services</b>	<b>\$</b>	<b>31,100.00</b>

Special Services

On-Site Representation	\$	7,800.00
HOT Inspection Services, Inc.	\$	19,000.00
<b>Total Special Services</b>	<b>\$</b>	<b>26,800.00</b>

**TOTAL \$ 57,900.00**

HOT Inspection Services, Inc. will observe containment systems, blasting, welding and coating applications. KPA's on-site representative will observe general daily construction activities which will be necessary for scheduling and coordinating HOT Inspection Services, Inc. site visits to observe completed blasting and coating applications by the Contractor.

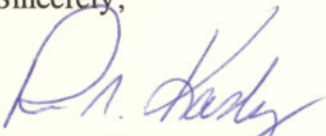
Mrs. Nicole Torralva, P.E.

April 23, 2010

Page Two

Exhibit "C" outlines rates which would be used to charge for special or additional services authorized beyond the scope as described in this proposal. KPA will begin work once a written notice to proceed is issued by the City and will complete plans and specifications within 90 calendar days. We are available to address any questions or comments that you may have about this proposal. As always, we look forward to working with you on the project and to the enhancement that it will bring to the City of Temple.

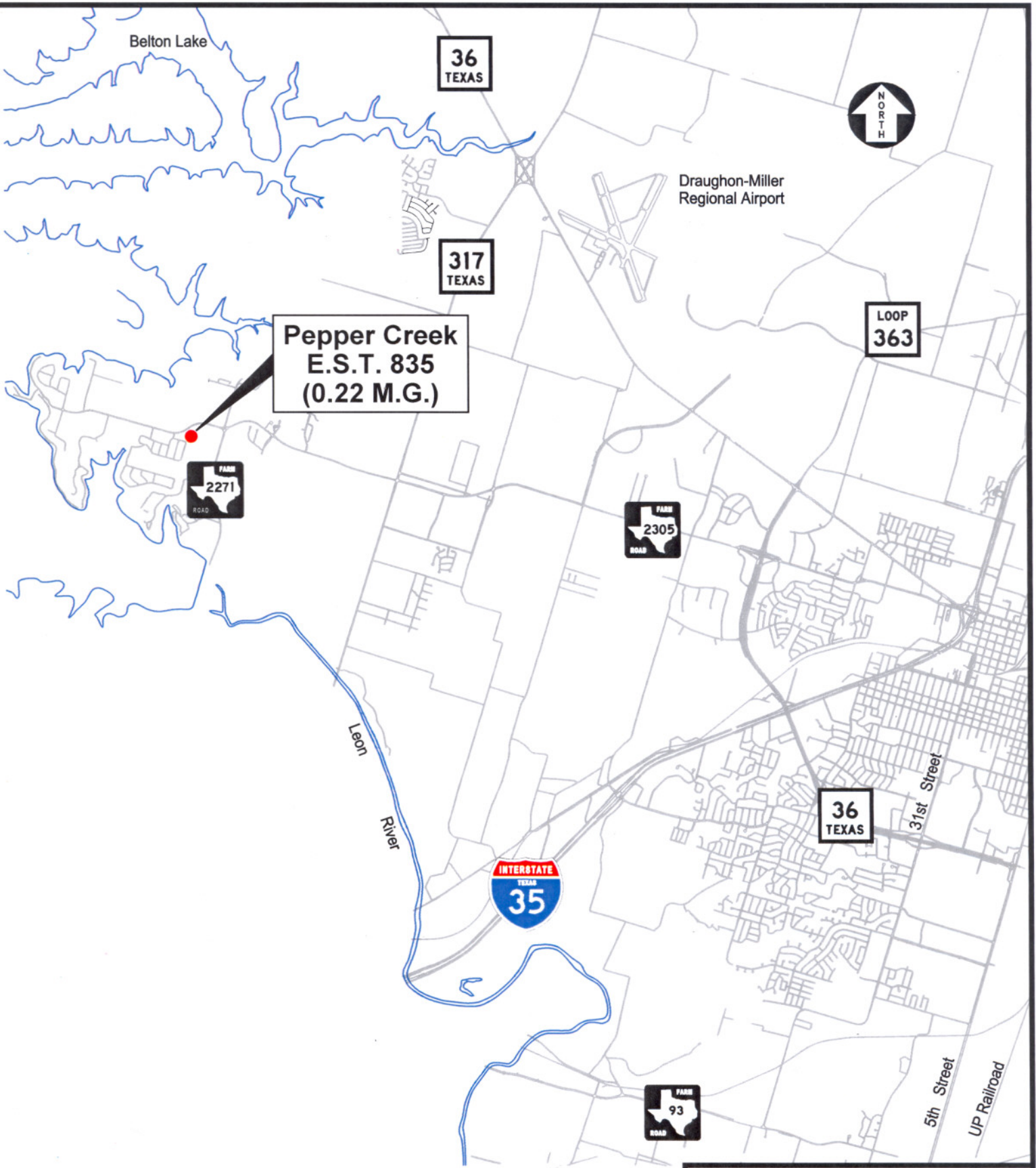
Sincerely,

A handwritten signature in blue ink, appearing to read "R. N. Kasberg", is written over the printed name.

Rick N. Kasberg, P.E.

RNK/grt





KASBERG, PATRICK & ASSOCIATES, LP  
CONSULTING ENGINEERS  
TEMPLE, TEXAS 76701  
FIRM REGISTRATION NO. F-610

APRIL 2010

EXHIBIT A

## EXHIBIT "B"

### Scope of Services

#### Rehabilitation of Pepper Creek Tank

##### I. Plans and Specifications

- A. Provide Project Location Map;
- B. Prepare plan and section views of the tank;
- C. Provide colored photographs in Bid Documents;
- D. Prepare specifications;
- E. Develop time frame and sequence for project;
- F. Develop bid schedule;
- G. Submit to City for review;

##### II. Bidding

- A. Answer potential bidders questions;
- B. Conduct pre-bid conference;
- C. Prepare addenda as required;
- D. Attend bid opening;
- E. Tabulate bids and recommend contract award.

##### III. Contract Administration

- A. Conduct pre-construction conference;
- B. Prepare Partial Payment forms and review partial payment requests;
- C. Make periodic project visits during construction;
- D. Advise and consult with the Owner, communicate with Contractor, prepare routine change orders as required, and keep the Owner informed of the progress;
- E. Review submittals;
- F. Check final pay quantities and pay requests;
- G. Prepare Record Drawings.

##### IV. On-Site Representation

- A. **KPA** will respond to Contractor's request s for information (RFI);
- B. **KPA** will utilize HOT Inspection Services, Inc. as a sub-consultant to perform observations of construction, which will include containment systems, blasting, welding, miscellaneous metal work and coating applications for conformance with the project Contract Documents;
- C. **KPA** will observe daily construction activities which will be necessary for scheduling and coordinating HOT Inspection Services, Inc. site visits at critical hold points. The **KPA** portion of costs for on-site representation is based on an anticipated average of two (2) hours per day during construction, including associated vehicle cost; **KPA** will provide construction reports.

**EXHIBIT "C"**

**Charges for Additional Services**

**City of Temple  
Rehabilitation of Pepper Creek Tank**

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

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK AND ASSOCIATES, LP (KPA) FOR ENGINEERING SERVICES REQUIRED TO IMPLEMENT THE PEPPER CREEK TANK REHABILITATION IN WEST TEMPLE, IN AN AMOUNT NOT TO EXCEED \$57,900; DECLARING OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS FOR THIS PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the Staff recommends entering into an agreement with Kasberg, Patrick & Associates, LP, for engineering services required to implement the Pepper Creek Tank rehabilitation in West Temple;

**Whereas**, Kasberg, Patrick and Associates, LP, submitted a proposal (\$57,900) and the staff recommends accepting it;

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

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

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

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

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

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a Professional Services Agreement, not to exceed \$57,900, between the City of Temple, Texas, and Kasberg, Patrick & Associates, LP, after approval as to form by the City Attorney, for engineering services required to implement the Pepper Creek Tank rehabilitation in West Temple.

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

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

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

<b><u>Project Description</u></b>	<b><u>Debt To Be Issued</u></b>
Engineering services required to implement the Pepper Creek Tank rehabilitation in West Temple	\$57,900

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

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

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

PASSED AND APPROVED on this the **3<sup>rd</sup>** day of **June**, 2010.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Clydette Entzminger  
City Secretary

---

Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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06/03/10  
Item #3(F)  
Consent Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Nicole Torralva, P.E., Interim Director of Public Works  
Michael Newman, P.E., City Engineer/Asst. Director of Public Works

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for engineering services required to implement the Taylor Tank Rehabilitation in southeast Temple in an amount not to exceed \$69,100 and declaring an official intent to reimburse this expenditure made prior to the issuance of tax exempt obligations for this project.

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

**ITEM SUMMARY:** The City owns and operates the one million gallon Taylor elevated storage tank, located off of MLK (Taylor Road) in southeast Temple (see attached Proposal & Map). The tank is in need of rehabilitation, including interior and exterior recoating. This project will rehabilitate the tank, maintaining potable water quality standards and compliance with TCEQ regulations.

Engineering services authorized under this resolution will provide for design services, bid phase services and construction phase services required to implement the tank surface rehabilitation and recoating. Infrastructure rehabilitated with this project includes interior and exterior surfaces of the one million gallon tank.

Following is a list of costs associated with each task:

Plans and Specifications	\$ 15,700
Bidding	\$ 6,000
Construction Administration	\$ 11,500
On-Site Representation	\$ 9,900
HOT Inspection Services, Inc.	<u>\$ 26,000</u>
<b>TOTAL</b>	<b><u>\$ 69,100</u></b>

The proposed timeline for design is 90 calendar days. Construction is anticipated to begin during the fall.

**FISCAL IMPACT:** Funding in the amount of \$600,000 is designated for the rehabilitation of Taylor tank in the proposed 2010 Utility Revenue Bond Issue. Initially, funding for this contract will come from funding available from the 2008 Utility Revenue Bonds in account 561-5100-535-6904, project #100620, with an intent to reimburse the 2008 Utility Revenue Bonds from the proposed 2010 Utility Revenue Bond Issue. The cost of this professional services contract is \$69,100.

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

**ATTACHMENTS:**

[Proposal & Map](#)  
[Resolution](#)





# KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS

Texas Firm F-510

RICK N. KASBERG, P.E.

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

THOMAS D. VALLE, P.E.

Temple

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

Georgetown

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

April 23, 2010

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

Re: City of Temple  
Rehabilitation of Taylor Road Tank

Dear Mrs. Torralva:

This letter is in response to your request for engineering services required for repainting and renovating Taylor Road Tank (1.0 million gallons) as shown on Exhibit "A".

The attached Exhibit "B" provides for a Scope of Services which would be provided for the project. In order for us to provide services required for completion of this project, the following not-to-exceed lump sum amounts will be applicable:

Basic Services

Plans and Specifications	\$	15,700.00
Bidding		6,000.00
Construction Administration		11,500.00
<b>Total Basic Services</b>	<b>\$</b>	<b>33,200.00</b>

Special Services

On-Site Representation	\$	9,900.00
HOT Inspection Services, Inc.	\$	26,000.00
<b>Total Special Services</b>	<b>\$</b>	<b>35,900.00</b>

**TOTAL \$ 69,100.00**

HOT Inspection Services, Inc. will observe containment systems, blasting, welding and coating applications. KPA's on-site representative will observe general daily construction activities which will be necessary for scheduling and coordinating HOT Inspection Services, Inc. site visits to observe completed blasting and coating applications by the Contractor.

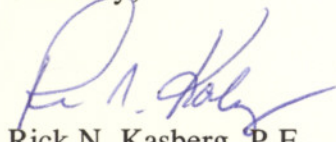
Mrs. Nicole Torralva, P.E.

April 23, 2010

Page Two

Exhibit "C" outlines rates which would be used to charge for special or additional services authorized beyond the scope as described in this proposal. KPA will begin work once a written notice to proceed is issued by the City and will complete plans and specifications within 90 calendar days. We are available to address any questions or comments that you may have about this proposal. As always, we look forward to working with you on the project and to the enhancement that it will bring to the City of Temple.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. N. Kasberg", written over a horizontal line.

Rick N. Kasberg, P.E.

RNK/grt

LOOP  
363

Old Highway 81



LOOP  
363

**Taylor Road  
E.S.T. 876  
(1.0 M.G.)**

53  
TEXAS

Adams Avenue

Avenue H

Tower Road

36  
TEXAS

Case Rd.

Lorraine Drive



31st Street

5th Street

UP Railroad

Barnhardt Road



KASBERG, PATRICK & ASSOCIATES, LP  
CONSULTING ENGINEERS  
TEMPLE, TEXAS 76501  
FIRM REGISTRATION NO. F-610

APRIL 2010

EXHIBIT A



## EXHIBIT "B"

### Scope of Services

#### Rehabilitation of Taylor Road Tank

##### V. Plans and Specifications

- A. Provide Project Location Map;
- B. Prepare plan and section views of the tank;
- C. Provide colored photographs in Bid Documents;
- D. Prepare specifications;
- E. Develop time frame and sequence for project;
- F. Develop bid schedule;
- G. Submit to City for review;

##### VI. Bidding

- A. Answer potential bidders questions;
- B. Conduct pre-bid conference;
- C. Prepare addenda as required;
- D. Attend bid opening;
- E. Tabulate bids and recommend contract award.

##### VII. Contract Administration

- A. Conduct pre-construction conference;
- B. Prepare Partial Payment forms and review partial payment requests;
- C. Make periodic project visits during construction;
- D. Advise and consult with the Owner, communicate with Contractor, prepare routine change orders as required, and keep the Owner informed of the progress;
- E. Review submittals;
- F. Check final pay quantities and pay requests;
- G. Prepare Record Drawings.

##### VIII. On-Site Representation

- A. **KPA** will respond to Contractor's request s for information (RFI);
- B. **KPA** will utilize HOT Inspection Services, Inc. as a sub-consultant to perform observations of construction, which will include containment systems, blasting, welding, miscellaneous metal work and coating applications for conformance with the project Contract Documents;
- C. **KPA** will observe daily construction activities which will be necessary for scheduling and coordinating HOT Inspection Services, Inc. site visits at critical hold points. The **KPA** portion of costs for on-site representation is based on an anticipated average of two (2) hours per day during construction, including associated vehicle cost; **KPA** will provide construction reports.

**EXHIBIT "C"**

**Charges for Additional Services**

**City of Temple  
Rehabilitation of Taylor Road Tank**

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

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK AND ASSOCIATES, LP (KPA) FOR ENGINEERING SERVICES REQUIRED TO IMPLEMENT THE TAYLOR REHABILITATION IN SOUTHEAST TEMPLE, IN AN AMOUNT NOT TO EXCEED \$69,100; DECLARING OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS FOR THIS PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Staff recommends entering into an agreement with Kasberg, Patrick & Associates, LP, for engineering services required to implement the Taylor Tank rehabilitation in southeast Temple;

**Whereas**, Kasberg, Patrick and Associates, LP, submitted a proposal (\$69,100) and the staff recommends accepting it;

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

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

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

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

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

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a Professional Services Agreement, not to exceed \$69,100, between the City of Temple, Texas, and Kasberg, Patrick & Associates, LP, after approval as to form by the City Attorney, for engineering services required to implement the Taylor Tank rehabilitation in southeast Temple.

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

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

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

<b><u>Project Description</u></b>	<b><u>Debt To Be Issued</u></b>
Engineering services required to implement the Taylor Tank rehabilitation in southeast Temple	\$69,100

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

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

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

PASSED AND APPROVED on this the **3<sup>rd</sup>** day of **June**, 2010.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Clydette Entzminger  
City Secretary

---

Jonathan Graham  
City Attorney





## **COUNCIL AGENDA ITEM MEMORANDUM**

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**06/03/10**  
**Item #3(G)**  
**Consent Agenda**  
**Page 1 of 2**

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Nicole Torralva, P.E., Interim Director of Public Works  
Lisa Sebek, Superintendent of Solid Waste Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of metal refuse containers and replacement lids for the Solid Waste Division as follows:

1. Front loading containers from Wastequip, Statesville, NC, in the amount of 23,654;
2. Side loading containers from Roll-offs USA, Durant, OK, in the amount of \$36,146; and,
3. Replacement lids from Bryan Container Co., Inc., dba Technology Plastics, Bryan, in the amount of \$2,642.50.

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

**ITEM SUMMARY:** On May 18, 2010, the City received bids for metal refuse containers and replacement lids. The bids are shown on the attached tabulation sheet.

The low bidder for the front loading metal containers was Wastequip. Wastequip did take some minor exceptions to the specifications but the exceptions would not adversely affect the operation of the container or our service. The City has done business with Wastequip in the past and finds them to be a responsible vendor.

The low bidder for the side loading metal containers was Pro-Form, Winnsboro, TX. Pro-Form took several exceptions to our bid including the oxide primer requested and the dimensions of the containers making them a taller can. These dimensions will adversely affect our customers requiring the lower height container for their use. The second low bidder for the side loading metal containers was Rolloffs, USA. Rolloffs took no exceptions to our bid. The City has done business with Rolloffs in the past and finds them to be a responsible vendor.

The low bidder for the replacement lids for current containers in the field was Bryan Container Co., Inc., dba Technology Plastics, Bryan, TX. Technology Plastics took no exceptions to our bid. The City has done business with Technology Plastics in the past and finds them to be a responsible vendor.

**FISCAL IMPACT:** Funding has been appropriated in the accounts listed below.

Description	Account #	Budget	Proposed Expenditure
Frontload Containers	110-2350-540-2211	\$32,200	\$23,654
Sideload Containers	110-2360-540-2211	29,930	36,146
Replacement Lids	110-2350-540-22-11	5,000	2,642
TOTALS		\$67,130	\$62,442

**ATTACHMENTS:**

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

Tabulation of Bids Received  
on May 18, 2010 at 2:30 p.m.  
Metal Refuse Containers

Bidders																	
		Bryan Container DBA Technology Plastics Bryan		Fuqua Industries Rio Vista		Pro-Form Winnsboro		Wastequip Inc. Statesville, NC		Steelform Inc. Phoenix, AZ		Otto Enviro Sys LLC Charlotte, NC		Roll-Offs USA Inc. Durant, OK		Toter, Inc. Statesville, NC	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
6 Yd Flat Top Front Loading Containers	16	No Bid		\$720.00	\$11,520.00	\$710.00	\$11,360.00	\$674.00	\$10,784.00	\$857.00	\$13,712.00	No Bid		\$664.00	\$10,624.00	No Bid	
8 Yd Flat Top Front Loading Containers	9	No Bid		\$840.00	\$7,560.00	\$796.00	\$7,164.00	\$766.00	\$6,894.00	\$1,003.00	\$9,027.00	No Bid		\$777.00	\$6,993.00	No Bid	
8 Yd Slant Top Front Loading Containers	8	No Bid		\$795.00	\$6,360.00	\$796.00	\$6,368.00	\$747.00	\$5,976.00	\$1,269.00	\$10,152.00	\$525.00	\$4,200.00	\$761.00	\$6,088.00	No Bid	
<b>Subtotal</b>		No Bid		\$25,440.00		\$24,892.00		\$23,654.00		\$32,891.00		\$4,200.00		\$23,705.00		No Bid	
Replacement lid for 6 Yd Flat Top Front Loading Containers		No Bid		\$20.00		\$23.50		\$29.23		\$36.00		No Bid		\$24.00		No Bid	
Replacement lid for 8 Yd Flat Top Front Loading Containers		No Bid		\$20.00		\$23.50		\$29.23		\$36.00		No Bid		\$24.00		No Bid	
Replacement lid for 8 Yd Slant Top Front Loading Containers		No Bid		\$20.00		\$23.50		\$29.23		\$36.00		\$40.00		\$24.00		No Bid	
2 Yd Side Loading Containers	10	No Bid		\$385.00	\$3,850.00	\$346.00	\$3,460.00	\$397.00	\$3,970.00	\$547.00	\$5,470.00	No Bid		\$362.00	\$3,620.00	No Bid	
3 Yd Side Loading Containers	48	No Bid		\$405.00	\$19,440.00	\$381.50	\$18,312.00	\$444.00	\$21,312.00	\$618.00	\$29,664.00	No Bid		\$397.00	\$19,056.00	No Bid	
4 Yd Side Loading Containers	30	No Bid		\$460.00	\$13,800.00	\$437.50	\$13,125.00	\$487.00	\$14,610.00	\$728.00	\$21,840.00	No Bid		\$449.00	\$13,470.00	No Bid	
<b>Subtotal</b>		No Bid		\$37,090.00		\$34,897.00		\$39,892.00		\$56,974.00		No Bid		\$36,146.00		No Bid	
Replacement lid for 2 Yd Side Loading Containers		No Bid		\$19.00		\$20.00		\$27.00		\$24.00		No Bid		\$20.00		No Bid	
Replacement lid for 3 Yd Side Loading Containers		No Bid		\$19.00		\$20.00		\$27.00		\$24.00		No Bid		\$22.00		No Bid	
Replacement lid for 4 Yd Side Loading Containers		No Bid		\$19.00		\$20.00		\$27.00		\$24.00		No Bid		\$22.00		No Bid	
37" x 55" Frontload Metal Replacement Container Lid	50	\$17.95	\$897.50	\$20.00	\$1,000.00	\$23.50	\$1,175.00	\$29.23	\$1,461.50	No Bid		No Bid		No Bid		No Bid	
37" x 58" Frontload Metal Replacement Container Lid	50	\$17.95	\$897.50	\$20.00	\$1,000.00	\$23.50	\$1,175.00	\$29.23	\$1,461.50	No Bid		No Bid		\$24.00	\$1,200.00	No Bid	
31" x 45" Sideload Metal Replacement Container Lid	50	\$16.95	\$847.50	\$19.00	\$950.00	\$20.00	\$1,000.00	\$21.67	\$1,083.50	No Bid		No Bid		\$23.00	\$1,150.00	No Bid	
<b>Delivery</b>		Yes		Yes		Yes		Yes		Yes		Yes		Yes		No Bid	
<b>Exceptions</b>		Yes		None		Yes		Yes		Yes		Yes		None		No Bid	
<b>Local Preference</b>		No		No		No		No		No		No		No		No Bid	
<b>Credit Check Authorization</b>		Yes		Yes		Yes		Yes		Yes		Yes		Yes		No Bid	

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

*Belinda Mattke*

*May 18, 2010*

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

Belinda Mattke, Director of Purchasing

Date

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF METAL REFUSE CONTAINERS AND REPLACEMENT LIDS FOR THE SOLID WASTE DIVISION AS FOLLOWS: FRONT LOADING CONTAINERS FROM WASTEQUIP, OF STATESVILLE, NC, IN THE AMOUNT OF \$23,654.00; SIDE LOADING CONTAINERS FROM ROLL-OFFS USA FROM DURANT, OK, IN THE AMOUNT OF \$36,146.00; AND REPLACEMENT LIDS FROM TECHNOLOGY PLASTICS OF BRYAN, TEXAS, IN THE AMOUNT OF \$2,642.50; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

—

**Whereas**, on May 18, 2010, the City received bids for the purchase of metal refuse containers and replacement lids for the Solid Waste Division;

**Whereas**, the Staff recommends purchasing the front loading containers from Wastequip, of Statesville, NC, in the amount of \$23,654.00; side loading containers from Roll-Offs USA from Durant, OK, in the amount of \$36,146.00; and replacement lids from Technology Plastics of Bryan, Texas, in the amount of \$2,642.50;

**Whereas**, funds are available for these purchases in Account Nos. 110-2350-540-2211, 110-2360-540-2211, and 110-2350-540-2211; and

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

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

**Part 1:** The City Council authorizes purchasing front loading containers from Wastequip, of Statesville, NC, in the amount of \$23,654.00; side loading containers from Roll-Offs USA from Durant, OK, in the amount of \$36,146.00; and replacement lids from Technology Plastics of Bryan, Texas, in the amount of \$2,642.50.

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

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

PASSED AND APPROVED this the **3<sup>rd</sup>** day of **June**, 2010.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Clydette Entzminger  
City Secretary

---

Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/03/10  
Item #3(H)  
Consent Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Nicole Torralva, P.E., Interim Director of Public Works  
Lisa Sebek, Superintendent of Solid Waste Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of 1,908 plastic 95-gallon refuse containers for the Solid Waste Division from Toter, Inc, Statesville, NC, in the amount of \$83,818.44.

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

**ITEM SUMMARY:** On May 18, 2010, the City received bids for plastic refuse containers. The bids are shown on the attached tabulation sheet.

The low bidder for the 95gallon plastic carts was Toter, Inc. Toter listed two exceptions to our bid specifications but upon review, it was more clarification to our specifications which we deemed as enhancements. Toter also took exception to the ability to ship less than a full truckload (636 containers) at the bid price. Accordingly, staff evaluated available funding and determined that 1,908 95-gallon containers could be used (versus the base bid quantity of 1,500) and adequate funding was available to purchase this incremental quantity making the total purchase \$83,818.44 versus the \$65,895 as stated on the bid tabulation sheet.

The City has done business with Toter, Inc. and finds them to be a responsible vendor.

There were no bidders for the 300-gallon plastic containers. The 300-gallon containers are mainly used in alleys. Staff is currently evaluating different options to fulfilling the need for the 300-gallon size containers.

**FISCAL IMPACT:** Funding has been appropriated in the account listed below.

Description	Account #	Budget	Proposed Expenditure
95 & 300 Gallon Containers	110-2330-540-2211	\$105,630	\$83,818.44
TOTALS		\$105,630	\$83,818.44

**ATTACHMENTS:**

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



Tabulation of Bids Received  
on May 18, 2010 at 2:30 p.m.  
Plastic Refuse Containers

		Bidders					
		Toter Inc. Statesville, NC		Rehrig Pacific Company Dallas, Texas		Otto Environmental Systems Charlotte, NC	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
95 Gal Plastic Containers	1500	\$43.93	\$ 65,895.00	\$48.10	\$72,150.00	\$46.81	\$70,215.00
Replacement Lids		\$16.50		\$7.00		\$17.50	
Replacement Wheels		\$3.00		\$4.00		\$5.95	
300 Gal Plastic Containers	150	No Bid		No Bid		No Bid	
Replacement Lids		No Bid		No Bid		No Bid	
Delivery		Yes		Yes		Yes	
Exceptions		Yes		Yes		Yes	
Acknowledged Addendum		Yes		No		Yes	
Local Preference		Yes		Yes		Yes	
Credit Check Authorization		Yes		Yes		Yes	

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

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

***Belinda Mattke***

***18-May-10***

Belinda Mattke, Director of Purchasing

Date

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 1,908 PLASTIC 95-GALLON REFUSE CONTAINERS FOR THE SOLID WASTE DIVISION FROM TOTER, INC., OF STATESVILLE, NC, IN THE AMOUNT OF \$83,818.44; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on May 18, 2010, the City received bids for the purchase of plastic refuse containers for the Solid Waste Division;

**Whereas**, the Staff recommends purchasing the containers from Toter, Inc., of Statesville, NC, in the amount of \$83,818.44;

**Whereas**, funds are available for this purchase in Account No. 110-2330-540-2211; and

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

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

**Part 1:** The City Council authorizes purchasing 1,908 plastic 95-gallon refuse containers for the Solid Waste Division from Toter, Inc., of Statesville, NC, in the amount of \$83,818.44.

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

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

PASSED AND APPROVED this the **3<sup>rd</sup>** day of **June**, 2010.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/03/10  
Item #3(I)  
Consent Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Alan DeLoera, Information Technology Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of Avaya/Nortel Equipment upgrades and PASS Maintenance contract with Affiliated Telephone Inc. of Austin through the State of Texas DIR contract DIR-SDD-289 in the amount of \$76,505.

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

**ITEM SUMMARY:** The City currently uses Nortel Telecommunication servers for the City's new phone system. These servers are tasked with ensuring telecommunications availability at City Hall, Police Department, the Service Center, and other locations throughout the City.

This Communications Server is now 5 years old and the major component cards in the system are going end-of-life so the upgrades and maintenance are necessary to ensure that system can support future features as well as keep maintenance on our current system. This will help insure against long outages for employees in these facilities. Telecommunications are deemed a critical part of the City's business infrastructure and this infrastructure must be maintained properly to reduce downtime.

This upgrade is also required to increase capacity due to the additions of the new Municipal Courts, Water Business Office, Central Fire Station and the new Fire Station 8/EOC/Training Center. This will allow us to add at least another 300 phones in the future.

**FISCAL IMPACT:** Since this project includes maintenance and telecommunication upgrades there are two sources of funding. A budget adjustment is presented for Council's approval appropriating \$51,505 of Designated for Capital Projects - Technology Funds to account 351-1900-519-62-24, project # 100622. \$25,000 is currently available in the FY 2010 operating budget in account 110-1900-519-23-36 for the maintenance contract associated with this upgrade.

### **ATTACHMENTS:**

[Budget Adjustment  
Resolution](#)

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

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

**Adjustments should be rounded to the nearest \$1.**

		+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE	
351-1900-519-62-24	100622	Capital Equipment/Communication Equip	51,505		
351-0000-490-25-82		Transfer In - Desg Capital Proj Fund	51,505		
110-0000-351-09-43		Designated Capital - Technology Funds		51,505	
110-9100-591-81-51		Transfer Out - Desg Capital Proj Fund	51,505		
		<b>Do not post</b>			
<b>TOTAL.....</b>			<b>\$ 154,515</b>	<b>\$ 51,505</b>	

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

The City currently uses Nortel Telecommunication servers for the City's new phone system. These servers are tasked with ensuring telecommunications availability at City Hall, Police Department and the Service Center and other locations throughout the City.

This Communications Server is now 5 years old and the major component cards in the system are going end-of-life so the upgrades and maintenance are necessary to ensure that system can support future features as well as keep software maintenance on our current system. This will help insure against long outages for employees in these facilities. Telecommunications are deemed a critical part of the City's business infrastructure and this infrastructure must be maintained properly to reduce downtime.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

6/3/2010

WITH AGENDA ITEM?

☒

Yes

☐

No



Department Head/Division Director

Date

☒

Approved

Disapproved

Finance

Date

☐

Approved

Disapproved

City Manager

Date

☐

Approved

Disapproved

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF AVAYA/NORTEL EQUIPMENT UPGRADES AND PASS MAINTENANCE CONTRACT WITH AFFILIATED TELEPHONE INC., OF AUSTIN, TEXAS, IN THE AMOUNT OF \$76,505 THROUGH THE STATE OF TEXAS DIR CONTRACT DIR-SDD-289; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** the City currently uses Nortel Telecommunication servers for the new phone system which ensure telecommunications availability at City Hall, the Police Department, the Service Center, and other locations throughout the City;

**Whereas,** the communications server is 5 years old and needs to be upgraded to ensure that the system can support future features as well as keep maintenance on the City's current system – the upgrade is also required to increase capacity due to the addition of several new City facilities;

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

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

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

**Part 1:** The City Council authorizes the purchase of Avaya/Nortel Equipment upgrades and PASS maintenance contract with Affiliated Telephone, Inc., of Austin, Texas, in the amount of \$76,505, through the State of Texas DIR contract DIR-SDD-289.

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

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

**Part 4:** It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of

the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **3<sup>rd</sup>** day of **June**, 2010.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/03/10  
Item #3(J)  
Consent Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Sharon Rostovich, Airport Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a new lease with the Department of the Army, Corps of Engineers, for facility space for AMCOM at the Draughon-Miller Central Texas Regional Airport.

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

**ITEM SUMMARY:** The United States government is currently leasing a 45,000 square foot helicopter maintenance hangar; a 7,800 square foot hangar for an aviation supply warehouse; and a 6,000 square foot airline terminal for avionics at the Draughon-Miller Central Texas Regional Airport. The annual lease payment is \$309,560. The lease on the existing facilities has been extended on a month to month basis while in negotiations with the US Army Corps of Engineers.

The US Army Corps of Engineers conducted an appraisal of the facilities and the annual lease rate proposed was \$297,420 – \$12,140 less than the City is currently receiving. The City was able to negotiate an 8% increase over the appraised value based on fair market value and increased costs of maintenance on the facilities. The new rental rate is \$321,213 (approximately \$5.46 per square foot), an increase of \$11,656.52 per year. The lease term is for one year effective June 1, 2010 through May 31, 2011 with four one year renewal options through May 31, 2015.

As part of the lease, AMCOM requests improvements in security fencing and lighting totaling \$38,897 and will pay a one time lump sum payment to the City upon completion and acceptance of the tenant requested improvements.

**FISCAL IMPACT:** The annual lease payment is \$321,213, an increase of \$11,656.52 per year for the three facilities totaling 58,800 square feet.

### **ATTACHMENTS:**

[Resolution](#)



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A NEW LEASE WITH THE DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS, FOR FACILITY SPACE FOR AMCOM AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the United States Government is currently leasing a 45,000 square foot helicopter maintenance hangar, a 7,800 square foot hangar for an aviation supply warehouse, and a 6,000 square foot airline terminal for avionics at the Draughon-Miller Central Texas Regional Airport;

**Whereas**, the Staff has negotiated a new lease beginning June 1, 2010, through May 31, 2011, with 4 one-year renewal options through May 31, 2015, at a rate of \$321,213 annually; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a new lease with the Department of the Army, Corps of Engineers, after approval as to form by the City Attorney, for facility space for AMCOM at the Draughon-Miller Central Texas Regional Airport.

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

PASSED AND APPROVED this the **3<sup>rd</sup>** day of **June**, 2010.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/03/10  
Item #3(K)  
Consent Agenda  
Page 1 of 2

### **DEPT. /DIVISION SUBMISSION & REVIEW:**

Tim Dolan, Planning Director

**ITEM DESCRIPTION:** SECOND READING – Z-FY-09-29: Consider adopting an ordinance amending Chapter 37, "Traffic," of the Code of Ordinances of the City of Temple by adding requirements for parking in residential yards.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** At its May 3, 2010, meeting, the Planning and Zoning Commission voted 5/0, in accordance with staff recommendation, to recommend approval to add requirements for parking in residential yards. Commissioners Secrest, Martin, Barton and Chairperson Pilkington were absent.

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

**ITEM SUMMARY:** The proposed ordinance contains the amendments approved as part of the first reading, which includes the definitions and requirements for parking in a side yard area.

Please refer to the Staff Report and draft minutes of case Z-FY-09-29, from the Planning and Zoning meeting, May 3, 2010. The parking amendment discusses parking regulations in residential yards.

Exceptions to the proposed ordinance include land zoned Agricultural (A), lot areas larger than 3 acres which may be zoned single-family or two-family, residential parking 150' away from the front property line and construction or landscaping and the unloading of any vehicle, provided it is removed within 72 hours of the completion of work.

Parking on erodible surfaces may continue where a person may park or allow parking of an automobile or truck on an erodible parking area (grass or dirt) where the parking area extends in a continuous course from an allowed curb cut with a standard drive approach, the parking area existed and was in use before June 3, 2010, (2<sup>nd</sup> Reading), the parking area is perpendicular to the front property line, the parking area is a maximum of 20 feet wide, and the parking area is part of a residentially developed lot.

Parking on a non-erodible surface may also continue where a person may park or allow parking of a vehicle or boat on a maintained non-erodible parking area that extends in a continuous course from an allowed curb cut with a standard drive approach, if the driveway or parking area existed before

June 3, 2010. (2<sup>nd</sup> Reading). Non-erodible surfacing includes concrete, asphalt, brick and stone. Gravel, crushed stone and crushed granite are considered non-erodible if bordered by cement curbing or similar permanent border, and the parking area is part of a residentially developed lot.

Both driveway types that existed before June 3, 2010, must be improved to current standards with asphalt or concrete if the driveway or parking area is expanded; the size of the dwelling is expanded by more than 10 percent; or the dwelling is destroyed by more than 60 percent of its value.

The newspaper printed notice of the text amendment April 22, 2010 as required.

**FISCAL IMPACT:** NA

**ATTACHMENTS:**

[P&Z Staff Report \(Z-FY-09-29\)](#)

[P&Z Minutes \(05/03/10\)](#)

[Ordinance](#)



# PLANNING AND ZONING COMMISSION AGENDA ITEM

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05/03/10  
Regular Agenda  
Item 2  
Page 1 of 2

**APPLICANT / DEVELOPMENT:** Planning & Zoning Commission c/o City Council

**CASE MANAGER:** Tim Dolan, AICP, Planning Director

**ITEM DESCRIPTION: Z-FY-10-25:** Public Hearing to discuss and recommend action to amend the Chapter 37 of the Code of Ordinances and add requirements for parking in residential yards.

**BACKGROUND:**

The City Council recommended the Commission to consider amending several ordinances for all residential parking, primarily to have all vehicles on private property and to be aligned. Standards exist for required parking, yet none exist for additional parking of boats, trailers, etc. The Council recommended some exceptions; they also recommended allowing some existing parking on erodible surfaces, with some triggers to improve to non-erodible, and to allow some existing parking on non-erodible surfaces, different than asphalt or concrete. (New construction requires driveway pavement of asphalt or concrete.)

**Exceptions**

The ordinance does not apply to property with the temporary zoning of Agricultural (A), or property which may be zoned SF-1 or SF-2, yet is equal to or larger than three acres, or for residential parking 150' away from a property line or for the temporary vehicle parking for construction/landscaping loading and unloading of any vehicle, provided it is removed with 72 hours of completion of work.

**Parking on Erodible Surfaces**

(1) A person may park or allow parking of an automobile or truck on an erodible parking area that has the following characteristics:

- (a) The parking area extends in a continuous course from an allowed curb cut with a standard drive approach,
  - (b) The parking area existed and was in use on [insert date of new aerial photo]
  - (c) The parking area is perpendicular to the front property line.
  - (d) The parking area is a maximum of 20 feet wide.
  - (e) The parking area is part of a residentially developed lot.
- (2) Erodible surfacing includes any material other than the materials listed in (e)(2) above.
- (3) An erodible parking area that existed before [insert date of new aerial photo] must be improved to current standards set forth in subsection (d) above if:
- (i) The driveway or parking area is expanded;
  - (ii) The size of the dwelling is expanded by more than 10 percent; or
  - (iii) The dwelling is destroyed by more than 60 percent of its value.

Parking on Non-erodible Surfaces

(1) A person may park or allow parking of a vehicle or boat on a maintained non-erodible parking area that extends in a continuous course from an allowed curb cut with a standard drive approach, if the driveway or parking area existed on [insert date of new aerial photo]. Non-erodible surfacing includes concrete, asphalt, brick and stone. Gravel, crushed stone and crushed granite are considered non-erodible if bordered by cement curbing or similar permanent border.

(2) An unpaved driveway that existed before [insert date of new aerial photo] must be improved to current standards if:

- (i) The driveway or parking area is expanded;
- (ii) The size of the dwelling is expanded by more than 10 percent; or
- (iii) The dwelling is destroyed by more than 60 percent of its value.

Construction of paved parking surfaces

The following provisions apply to a paved parking surface constructed after [insert date of new aerial photo], according to a City of Temple aerial photo taken on such date:

(1) Paved parking surfaces may cover no more than 50 percent of the actual front yard for a single-family or two-family dwelling.

(2) Paved parking surfaces may cover no more than 70 percent of the actual front yard for a townhome or single-family attached dwelling.

(3) A paved parking surface may exceed the coverage limitation if necessary to provide a two-car-wide driveway for each dwelling.

(4) The maximum width of a driveway for a single-family dwelling is 20 feet, measured at the property line. The 20-foot maximum driveway width is increased to 30 feet for a driveway connected to a three-car garage.

(5) The maximum width of each driveway for a two-family dwelling is 20 feet, measured at the property line. The driveways for a two-family dwelling must be at least 5 feet apart.

(6) A parking surface may be located in front of the primary entrance to a single-family dwelling in only two circumstances:

- (a) The parking surface is a curvilinear driveway, or
- (b) The lot width is 40 feet or less.

**STAFF RECOMMENDATION:** Staff recommends the Commission recommend approval of Z-FY-10-25 to amend the Chapter 37 of the Code of Ordinances and add requirements for parking in residential yards.

**ATTACHMENTS:** Proposed Ordinance

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, MAY 3, 2010**

**ACTION ITEMS**

**Item 2: Z-FY-09-29:** Public Hearing to discuss and recommend action to amend the Chapter 37 of the Code of Ordinances and add requirements for parking in residential yards. (Applicant: Planning & Zoning Commission).

Mr. Tim Dolan, Planning Director, stated the City Council recommended the Commission to consider amending several ordinances for all residential parking, primarily to have all vehicles on private property and to be aligned. Standards exist for required parking, yet none exist for additional parking of boats, trailers, etc. The Council recommended some exceptions; they also recommended allowing some existing parking on erodible surfaces, with some triggers to improve to non-erodible, and to allow some existing parking on non-erodible surfaces, different than asphalt or concrete. (New construction requires driveway pavement of asphalt or concrete.)

Exceptions to this would apply to property with temporary zoning of Agricultural (A), or property which may be zoned SF-1 or SF-2, yet is equal to or larger than three acres, or for residential parking 150' away from a property line or for the temporary vehicle parking for construction/landscaping loading and unloading of any vehicle, provided it is removed with 72 hours of completion of work.

The proposed standards focus on the location of vehicles parked in the front yard, which could include both motorized vehicles (as defined by the Ordinance) and non-motorized vehicles, which could include trailers, trailer mounted equipment and its machinery. The front yard is essentially the front of the house out to the property line and from side yard to side yard.

Mr. Dolan stated some sections will be looked at for existing uses termed as grandfathered. A grass or dirt lot which existed before June 3<sup>rd</sup>, which is the date City Council would have their second reading provided this item moved forward, would have to be on a developed residential lot (has to have a house), and could be a pickup or automobile aligned with existing garage, carport, enclosed garage, or if none of these in an area that would be parked perpendicular to the street and exist from a curb cut in a continuous course and parked perpendicular to the property line unless there was a curvilinear road.

**Parking on Non-erodible Surfaces**

(1) A person may park or allow parking of a vehicle or boat on a maintained non-erodible parking area that extends in a continuous course from an allowed curb cut with a standard drive approach, if the driveway or parking area existed on **[insert date of new aerial photo]**. Non-erodible surfacing includes concrete, asphalt, brick and stone. Gravel, crushed stone and crushed granite are considered non-erodible if bordered by cement curbing or similar permanent border.

(2) An unpaved driveway that existed before [insert date of new aerial photo] must be improved to current standards if:

- (i) The driveway or parking area is expanded;
- (ii) The size of the dwelling is expanded by more than 10 percent; or
- (iii) The dwelling is destroyed by more than 60 percent of its value.

#### Parking on Erodible Surfaces

- (1) A person may park or allow parking of an automobile or truck on an erodible parking area that has the following characteristics:
  - (a) The parking area extends in a continuous course from an allowed curb cut with a standard drive approach,
  - (b) The parking area existed and was in use;
  - (c) The parking area is perpendicular to the front property line.
  - (d) The parking area is a maximum of 20 feet wide.
  - (e) The parking area is part of a residentially developed lot.
- (2) Erodible surfacing includes any material other than the materials listed in (e)(2) above.
- (3) An erodible parking area that existed before **[insert date of new aerial photo]** must be improved to current standards set forth in subsection (d) above if:
  - (i) The driveway or parking area is expanded;
  - (ii) The size of the dwelling is expanded by more than 10 percent; or
  - (iii) The dwelling is destroyed by more than 60 percent of its value.

#### Construction of paved parking surfaces

The following provisions apply to a paved parking surface constructed after [insert date of new aerial photo], according to a City of Temple aerial photo taken on such date:

- (1) Paved parking surfaces may cover no more than 50 percent of the actual front yard for a single-family or two-family dwelling.
- (2) Paved parking surfaces may cover no more than 70 percent of the actual front yard for a town home or single-family attached dwelling.
- (3) A paved parking surface may exceed the coverage limitation if necessary to provide a two-car-wide driveway for each dwelling.
- (4) The maximum width of a driveway for a single-family dwelling is 20 feet, measured at the property line. The 20-foot maximum driveway width is increased to 30 feet for a driveway connected to a three-car garage.
- (5) The maximum width of each driveway for a two-family dwelling is 20 feet, measured at the property line. The driveways for a two-family dwelling must be at least 5 feet apart.
- (6) A parking surface may be located in front of the primary entrance to a single-family dwelling in only two circumstances:



- (a) The parking surface is a curvilinear driveway, or
- (b) The lot width is 40 feet or less.

The grandfather goes away when the driving or parking area is expanded or the house is expanded by 10%, or if the home is destroyed more than 60% of its value.

The visibility triangle would be City wide and would be a 15 x 15 foot triangle clear of obstructions and able to see oncoming traffic.

Mr. Dolan stated Staff recommended approval of amendments to Chapter 37 of the Code of Ordinances and add the parking requirements for residential yards. If this item moved forward, May 20<sup>th</sup> would be City Council first reading and June 3<sup>rd</sup> would be the second reading and adoption.

Vice-Chair Talley opened the public hearing.

Ms. Dorothy Jenkins, 7108 Brandon Drive, Temple, Texas, approached the Commission. Ms. Jenkins stated she was not clear about this issue. Ms. Jenkins asked if Mr. Dolan was stating he doesn't want anything on her side of the sidewalk or the City side and Mr. Dolan stated it needed to be on the private side of the sidewalk, that parking should not occur within the right-of-way. Mr. Dolan stated the sidewalk was in the right-of-way and Ms. Jenkins should try not to have a vehicle parked where it would be in the right-of-way, where the sidewalk would be. Ms. Jenkins asked if Mr. Dolan was saying, 'between the house and the sidewalk is cool' and Mr. Dolan stated 'that's correct, that's cool, just don't have your cars parked on the sidewalk.'

Ms. Shirley Grandison, 420 S. 15<sup>th</sup> Street, a dead end. Ms. Grandison stated they did not have sidewalks, lived on the corner, the streets are real narrow, and in their yard was a circle gravel driveway which had not been paved yet. If asphalt were laid down would they be able to park there. Mr. Dolan stated if the vehicle were on private property and the property were zoned some type of single family or two family zoning, a building permit could be obtained for the pavement (asphalt or concrete) and Ms. Grandison could pave up to 50% of the front yard (as defined previously).

Mr. Dolan clarified what conditions would trigger the end of grandfathered areas.

Ms. Grandison asked if back yards could be used for parking and Mr. Dolan stated some type of paved surface had to be available. Ms. Grandison asked about the selling of recycled asphalt and Mr. Dolan asked Ms. Grandison to leave her name and address and he would research the question and get back to her.

Commissioner Staats asked if the property line was the back side of the sidewalk and Mr. Dolan stated if a sidewalk existed. Commissioner Staats suggested looking at property surveys and/or deeds if people had any questions regarding where their property lines were located.

Ms. Jessie Louise Hall, 416 S. 15<sup>th</sup> Street, Temple, Texas, stated she had no sidewalks, lived on a dead end road, and wanted to know why the City let the neighbors put a house on the Avenue making it difficult for her to get out of her driveway. The neighbors' driveway was located off of 15<sup>th</sup> Street and on the side of the house instead

of Avenue E. The neighbors also have a lot of cars and Ms. Hall cannot get out of her driveway.

Ms. Hall wanted to know how and why the City allowed that type of situation to occur. Mr. Dolan asked Ms. Hall, if the Commission were in favor, to leave her phone number and he would research the issue and history and get back to her.

Vice-Chair Talley asked Ms. Hall to leave her number with Ms. Evans and one of the Staff would research the matter and contact her with any information.

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

Commissioner Pope asked Mr. Dolan about the 'loading and unloading' containers and to go over those items again since there was some question about the timeline at the last meeting. Mr. Dolan stated the exceptions regarding temporary parking could be done if the vehicle were removed within 72 hours of completion.

Commissioner Pope asked about PODS, temporary storage units, and wondered if they were a separate issue. Mr. Dolan stated they were a separate issue since those containers are looked at as a 'structure' and not necessarily for residential parking purposes. These are covered under different ordinances.

Commissioner Pope made a motion to amend Chapter 37 of Code of Ordinances and Commissioner Williams made a second.

*Motion passed: (5:0)*

Commissioners Secrest, Barton Martin and Chair Pilkington absent.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 37, "TRAFFIC," OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE TO ADD REQUIREMENTS FOR PARKING IN RESIDENTIAL YARDS; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1:** Chapter 37, "Traffic," of the Code of Ordinances of the City of Temple, Texas, Section 37-1, "Definitions," is amended as follows:

**Sec. 37-1. Definitions.**

Wherever in this chapter the following terms are used, they shall have the meanings respectively ascribed to them in this section, unless clearly indicated to the contrary:

*Authorized emergency vehicle.* Vehicles of the fire department, police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the chief of police.

*Crosswalk.* That portion of a roadway ordinarily included within the prolongation of curb and property lines at intersections, or any other portion of a roadway clearly indicated for pedestrian crossing by lines or other markings on the surface.

*Hand signals.* All signals made by the operator by use of the hand and forearm for the purpose of indicating his intention of turning, stopping, or changing the course of the vehicle.

*Intersection.* The area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of two (2) or more streets or highways which join one another at an angle, whether or not one such street or highway crosses the other.

*Intersection visibility triangle.* That area enclosed by drawing an imaginary line connecting two points located within 15 feet of the curb line of any street intersection, street/driveway intersection or street/alley intersection. It includes that portion of public street right-of-way and any corner lot in the triangular area formed by extending the curb lines of the intersecting streets to their imaginary point of intersection for the first point of the triangle, then proceeding back

from this imaginary point of intersection 15 feet along the curb lines of the intersecting streets to establish the two remaining points of the triangle. These points must then be connected with imaginary lines, thereby forming a triangle. If there are no curbs existing, the triangular area are formed by extending the pavement edges to the imaginary point of intersection of the streets and then proceeding in the same manner described above.

*Motor vehicle.* Every vehicle, which is self-propelled.

*Non-motor Vehicle.* Any vehicle or device without motive power and which is not self-propelled and is designed or used to carry property or passengers on its own structure and is drawn by a motor vehicle. Such non-motor vehicle shall include boat trailers, utility trailers, trailer-mounted equipment or wheel-mounted machinery.

*Official traffic signs.* All signals, not inconsistent with this chapter, placed or erected by authority of a public body or official having jurisdiction for the purpose of directing, warning or regulating traffic.

*Operator.* Any person who is in actual physical control of a vehicle.

*Park or parking.* ~~The standing of a vehicle, whether occupied or not, upon a roadway, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or in obedience to traffic regulations or traffic signs and signals.~~ To stand an occupied or unoccupied vehicle, other than temporarily while loading or unloading merchandise or passengers.

*Pedestrian.* Any person afoot.

*Police officer.* Every officer of the city police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

*Private road or driveway.* ~~Every road or driveway not open to the use of the public for purposes of vehicular travel.~~ A privately owned way or place used for vehicular travel and used only by the owner and persons who have the owner's express or implied permission.

*Recreational vehicle.* A motor vehicle primarily designed or used as temporary living quarters for recreational camping or travel use. Recreational vehicle includes a travel trailer, camping trailer, tent trailers, motor homes, and converted buses, but shall not include truck campers which do not exceed one ton in capacity and are not longer than twenty-two (22) feet in length.

*Right-of-way.* The privilege of the immediate use of the street or highway.

*Roadway.* That portion of a street or highway between the regularly established curb lines or that part devoted to vehicular travel.

*Safety zone.* That area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

*Sidewalk.* ~~That~~ The portion of a street that is:

- (a) between the curb lines a curb or lateral line of a roadway and the adjacent property lines; and
- (b) intended for pedestrian use.

*Street or highway.* Every way set apart for public travel, except foot paths.

*Traffic.* Pedestrians, ridden or herded animals, vehicles, and other conveyances, either singly or together, while using any street for purposes of travel.

*Vehicle.* ~~Every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.~~ A device that can be used to transport or draw persons or property on a highway. The term does not include:

- (a) a device exclusively used on stationary rails or tracks; or
- (b) manufactured housing as that term is defined by Chapter 1201, Occupations Code.

**Part 2:** Chapter 37, "Traffic," of the Code of Ordinances of the City of Temple, Texas, is amended to add a new Section 37-91, entitled "Intersection Visibility Triangle," to read as follows:

#### **Sec. 37-91. Intersection Visibility Triangle.**

- (a) A vehicle, fence, wall, screen, view obstruction, or foliage is not allowed within the intersection visibility triangle at elevations between three feet and eight feet above the average street grade. Obstructions of this nature are declared to be a public traffic nuisance. A person may not park or allow parking of a vehicle or boat in the intersection visibility triangle at elevations between three feet and eight feet above the average street grade.
- (b) Obstruction of an intersection visibility triangle must be abated within 10 days after written notice.

**Part 2:** Chapter 37, "Traffic," of the Code of Ordinances of the City of Temple, Texas, is amended to add a new Section 37-108, entitled, "Parking in Residential Yards," to read as follows:

#### **Sec. 37-108. Parking in residential yards.**

##### **(a) Purpose**

The purpose of this section is to regulate parking in the front and side yards of residential property, to preserve the property values and esthetics of neighborhoods,

promote traffic safety and prevent damage to public infrastructure.

**(b) Parking restricted**

(1) A person may not park or allow parking of a vehicle or boat in the actual front yard or actual side yard of a dwelling except on a paved surface (asphalt or concrete) that extends in a contiguous course from an allowed curb cut with a standard drive approach.

(2) A person may not park or allow parking of a vehicle or boat on a residentially zoned vacant lot except on a paved surface that extends in a contiguous course from an allowed curb cut with a standard drive approach.

(3) The actual front yard is the area extending from side property line to side property line, between the front façade of the dwelling and the front property line. The actual side yard is the area between the sides of the dwelling and the side property lines, from the front façade to the rear facade of the dwelling.

(4) In this Section, the term “vehicle” includes a device that can be used to transport or draw persons or property, not only on a highway or street, but also off road, whether or not the vehicle is operable. For purposes of this Section, examples of vehicles include, but are not limited to, an automobile, truck, motorcycle, all-terrain vehicle, golf car or cart, motorhome, camper, trailer, trailer-mounted equipment, wheel-mounted machinery, mower, farm equipment and construction equipment.

(5) In this Section, the term “boat” includes personal watercraft.

**(c) Parking orientation**

The following provisions apply regardless of the parking surface on the subject property:

(1) A vehicle or boat parked in the front yard of a single-family or two-family residence must be parked perpendicular to the front property line unless the vehicle is parked in a paved curvilinear driveway.

(2) A vehicle or boat parked in the front yard of a single-family or two-family dwelling must be aligned with any garage, carport or garage converted to living space unless the vehicle or boat is parked in a paved curvilinear driveway.

(3) A vehicle or boat parked in the side yard of a single-family or two-family dwelling must be aligned with any garage, carport or garage converted to living space unless the vehicle or boat is parked in a paved curvilinear driveway.

**(d) Construction of paved parking surfaces**

The following provisions apply to a paved parking surface constructed after [insert date of new aerial photo], according to a City of Temple aerial photo taken on such date:

(1) Paved parking surfaces may cover no more than 50 percent of the actual front yard or side yard for a single-family or two-family dwelling.

(2) Paved parking surfaces may cover no more than 70 percent of the actual front or side yard for a townhome or single-family attached dwelling.

(3) A paved parking surface may exceed the coverage limitation if necessary to provide a two-car-wide driveway for each dwelling.

(4) The maximum width of a driveway for a single-family ~~or two-family~~ dwelling is 20 feet, measured at the property line. The 20-foot maximum driveway width is increased to 30 feet for a driveway connected to a three-car garage with a minimum lot width of 90 feet.

(5) The minimum driveway depth is 18 feet, measured at the property line.

(6) The maximum width of each driveway for a two-family dwelling is 20 feet, measured at the property line. The driveways for a two-family dwelling must be at least 5 feet apart.

(7) A parking surface may be located in front of the primary entrance to a single-family dwelling in only two circumstances:

- (a) The parking surface is a curvilinear driveway, or
- (b) The lot width is 40 feet or less.

**(e) Existing non-erodible parking areas**

(1) A person may park or allow parking of a vehicle or boat on a maintained non-erodible parking area that extends in a continuous course from an allowed curb cut with a standard drive approach, if the driveway or parking area existed on [insert date of new aerial photo]. Non-erodible surfacing includes concrete, asphalt, brick and stone. Gravel, crushed stone and crushed granite are considered non-erodible if bordered by cement curbing or similar permanent border.

(2) An unpaved driveway that existed before [insert date of new aerial photo] must be improved to current standards if:

- (i) The driveway or parking area is expanded;
- (ii) The size of the dwelling is expanded by more than 10 percent; or
- (iii) The dwelling is destroyed by more than 60 percent of its value



**(f) Existing erodible parking areas**

- (1) A person may park or allow parking of an automobile or truck on an erodible parking area that has the following characteristics:
  - (a) The parking area extends in a continuous course from an allowed curb cut with a standard drive approach.
  - (b) The parking area existed and was in use on [insert date of new aerial photo].
  - (c) The parking area is perpendicular to the front property line.
  - (d) The parking area is a maximum of 20 feet wide.
  - (e) The parking area is part of a residentially developed lot that does not have a non-erodible, two-car-wide parking area.
  - (f) The parking area is not in front of the primary entrance to a single-family dwelling.
- (2) Erodible surfacing includes any material other than the materials listed in (e) (2) above.
- (3) An erodible parking area that existed before [insert date of new aerial photo] must be improved to current standards set forth in subsection (d) above if:
  - (i) The driveway or parking area is expanded;
  - (ii) The size of the dwelling is expanded by more than 10 percent; or
  - (iii) The dwelling is destroyed by more than 60 percent of its value.

**(g) Exceptions**

- (1) This Section does not apply in Agricultural Zoning Districts.
- (2) This Section does not apply to properties greater than three acres in area or to parking areas farther than 150 feet from the front property line.
- (3) Temporary vehicle parking associated with construction, landscaping, loading and unloading is exempt from this section if the vehicle is removed within 72 hours of completion of the work.

**Part 3:** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **20<sup>th</sup>** day of **May**, 2010.

PASSED AND APPROVED on Second Reading on the **3<sup>rd</sup>** day of **June**, 2010.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, MAYOR

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/03/10  
Item #3(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.

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

**FISCAL IMPACT:** The total amount of budget amendments is \$36,587.

**ATTACHMENTS:**

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

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2010 BUDGET**  
**June 3, 2010**

			<b>APPROPRIATIONS</b>	
<b>ACCOUNT #</b>	<b>PROJECT #</b>	<b>DESCRIPTION</b>	<b>Debit</b>	<b>Credit</b>
110-0000-441-0654		Vital Statistic Preservation (City Secretary)	\$ 17,061	
110-0000-318-0000		<b>Fund Balance Reserved/Vital Statistic Preservation Funds</b>		<b>\$ 17,061</b>
<p>Recognize funding for the Records Specialist position for October 1, 2009 thru September 30, 2010, that was included in the FY 2010 Operating Budget. Funds are available from fund balance reserve for the monies collected from prior years restricted for Vital Statistic Preservation.</p>				
110-1900-519-2228		PEG Expenditures (Channel 10)	\$ 9,000	
110-0000-315-1900		<b>Designated for PEG Expenditures (1% Cable Fee)</b>		<b>\$ 9,000</b>
<p>To fund Apple MAC Pro replacement and editing software for Channel 10</p>				
110-3700-524-2516		Judgments & Damages (Construction Safety)	\$ 3,190	
110-1500-515-6531		<b>Contingency - Judgments &amp; Damages</b>		<b>\$ 3,190</b>
<p>Attorney fees for lawsuits filed against the City -- Centex Investments, Inc. v. City of Temple and Anderson v. City</p>				
240-4400-551-2117		Janitorial Supplies (Mayborn Center)	\$ 2,000	
240-4400-551-2311		Buildings & Grounds	\$ 2,000	
240-4400-551-2318		Plumbing	\$ 336	
240-4400-551-2319		Electrical	\$ 500	
240-4400-551-2320		Air Condition/Heat	\$ 2,500	
240-4400-551-6532		<b>Contingency</b>		<b>\$ 7,336</b>
<p>Appropriate contingency funds to cover janitorial and maintenance expenses for the Mayborn Center.</p>				
<b>TOTAL AMENDMENTS</b>			<b>\$ 36,587</b>	<b>\$ 36,587</b>
<b>GENERAL FUND</b>				
Beginning <b>Contingency</b> Balance			\$	-
Added to Contingency Sweep Account			\$	-
Carry forward from Prior Year			\$	-
Taken From Contingency			\$	-
Net Balance of Contingency Account			\$	-
Beginning <b>Judgments &amp; Damages</b> Contingency			\$	77,833
Added to Contingency Judgments & Damages from Council Contingency			\$	-
Taken From Judgments & Damages			\$	(60,915)
Net Balance of Judgments & Damages Contingency Account			\$	16,918
Beginning <b>Fuel</b> Contingency			\$	125,000
Added to Fuel Contingency			\$	-
Taken From Fuel Contingency			\$	-
Net Balance of Fuel Contingency Account			\$	125,000
Beginning <b>Solid Waste - Future Capital Replacement</b> Contingency			\$	48,400
Added to Solid Waste - Future Capital Replacement Contingency			\$	-
Taken From Solid Waste - Future Capital Replacement Contingency			\$	-
Net Balance of Solid Waste - Future Capital Replacement Contingency Account			\$	48,400
<b>Net Balance Council Contingency</b>			<b>\$</b>	<b>190,318</b>

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2010 BUDGET**  
**June 3, 2010**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Beginning Balance <b>Budget Sweep</b> Contingency	\$	-
		Added to Budget Sweep Contingency	\$	-
		Taken From Budget Sweep	\$	-
		Net Balance of Budget Sweep Contingency Account	\$	-
		<b>WATER &amp; SEWER FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	247,423
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(28,875)
		Net Balance of Contingency Account	\$	218,548
		Beginning <b>Approach Mains</b> Contingency	\$	-
		Added to Approach Mains Contingency	\$	488,270
		Taken From Approach Mains Contingency	\$	(488,270)
		Net Balance of Approach Mains Contingency Account	\$	-
		<b>Net Balance Water &amp; Sewer Fund Contingency</b>	\$	<b>218,548</b>
		<b>HOTEL/MOTEL TAX FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	26,336
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(26,336)
		Net Balance of Contingency Account	\$	-
		<b>DRAINAGE FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	-
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	-
		<b>FED/STATE GRANT FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	15,243
		Carry forward from Prior Year	\$	51,505
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(43,745)
		Net Balance of Contingency Account	\$	23,003

**RESOLUTION NO. \_\_\_\_\_**

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

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

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

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

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

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

PASSED AND APPROVED this the 3<sup>rd</sup> day of **June**, 2010.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/03/10  
Item #4  
Regular Agenda  
Page 1 of 3

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Tim Dolan, Planning Director

**ITEM DESCRIPTION:** SECOND READING – Z-FY-10-26: Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) to allow display for sale in a Commercial District on Lot 1, Block 1, Wildflower Commerce Park IV, at 5615 SW H K Dodgen Loop.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** At its May 3, 2010 meeting, the Planning and Zoning Commission voted 4/1 in accordance with staff recommendation to recommend approval of a Conditional Use Permit for the outdoor display of portable buildings with the following conditions:

1. The permittee must design and operate the establishment in such a manner that the proposed use does not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
2. The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
3. The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.
4. The City Council may cancel, suspend, deny or revoke this CUP, in accordance with the revocation clause set forth in Section 7-608 of the Zoning Ordinance.
5. The CUP runs with the property. Changes in the owner or lessee of a permitted establishment do not affect the permit.
6. The CUP may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-608 of the Zoning Ordinance.
7. The applicant's site plan and application are exhibits to the ordinance granting the CUP.

Vice-Chair Talley voted against the recommendation. Chair Pilkington and Commissioners Secrest, Barton and Martin were absent.

**STAFF RECOMMENDATION:** Adopt the ordinance as presented in the description on second and final reading with the following additional conditions:

8. Storage must occur only inside the primary building or inside the two permitted shipping containers. Semi-trailers or any other moveable accessory storage structures are prohibited.
9. No auto, boat or lawnmower parts may be stored outside of the building.
10. All repair work must take place completely inside the primary building.



11. The back of the portable buildings acts as a screening device along Greenview Drive. A wood fence that is eight feet in height is required if a gap in portable buildings exists for more than 30 days in the area along Greenview Drive that is designated for such buildings on the attached site plan.

**ITEM SUMMARY:** During the public hearing, on May 20, 2010, the applicant mentioned some aspects of the site plan that were not shown on the copy that the Council was reviewing. These aspects are addressed in the bullet points below and are reflected on the attached revised site plan.

- The applicant proposes that the internal driveway on the north side of the property be composed of railroad rock, which is a dust-free base used under railroad tracks.
- The applicant proposes two shipping containers on the property each nine feet in height. The containers are proposed to be screened by a wood fence with extensions that total nine feet in height.
- Nine additional limestone enclosures for mulch, sand and topsoil are proposed along the north property line.
- A wood fence eight feet in height is proposed along Greenview Drive to screen rear service area.

The additional Staff Recommendations (conditions 8 through 10 above) are not suitable to show on a site plan and are in response to City Council and general public concerns expressed at the first reading related to outdoor storage and lawnmower, auto and boat repair.

The applicant wishes to display portable sheds for outdoor retail display. The subject property is located at the corner of SW H. K. Dodgen Loop and Greenview Drive. The property formerly served as a vehicle sales facility and has recently been re-established as a vehicle sales facility and landscape supply and portable building store.

Parking, landscaping and screening shown on the attached CUP site plan meets or exceeds the requirements of the Zoning Ordinance. The applicant does not propose changing the outside of the building.

#### **Public Notice**

Seven notices of the Planning and Zoning Commission public hearing were sent out. As of April 27 at 5 PM, two notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on April 22, 2010 in accordance with state law and local ordinance

**FISCAL IMPACT:** NA

**ATTACHMENTS:**

Aerial

Land Use and Character Map

Zoning Map

Utility Map

Revised CUP Site Plan

Notice Map

P&Z Staff Report (Z-FY-10-26)

P&Z Minutes (May 3, 2010)

Ordinance




**Z-FY-10-26**

Lot 1, Block 1 Wildflower Commerce Park IV

5615 S.W. HK Dodgen Loop



 Z-FY-10-26

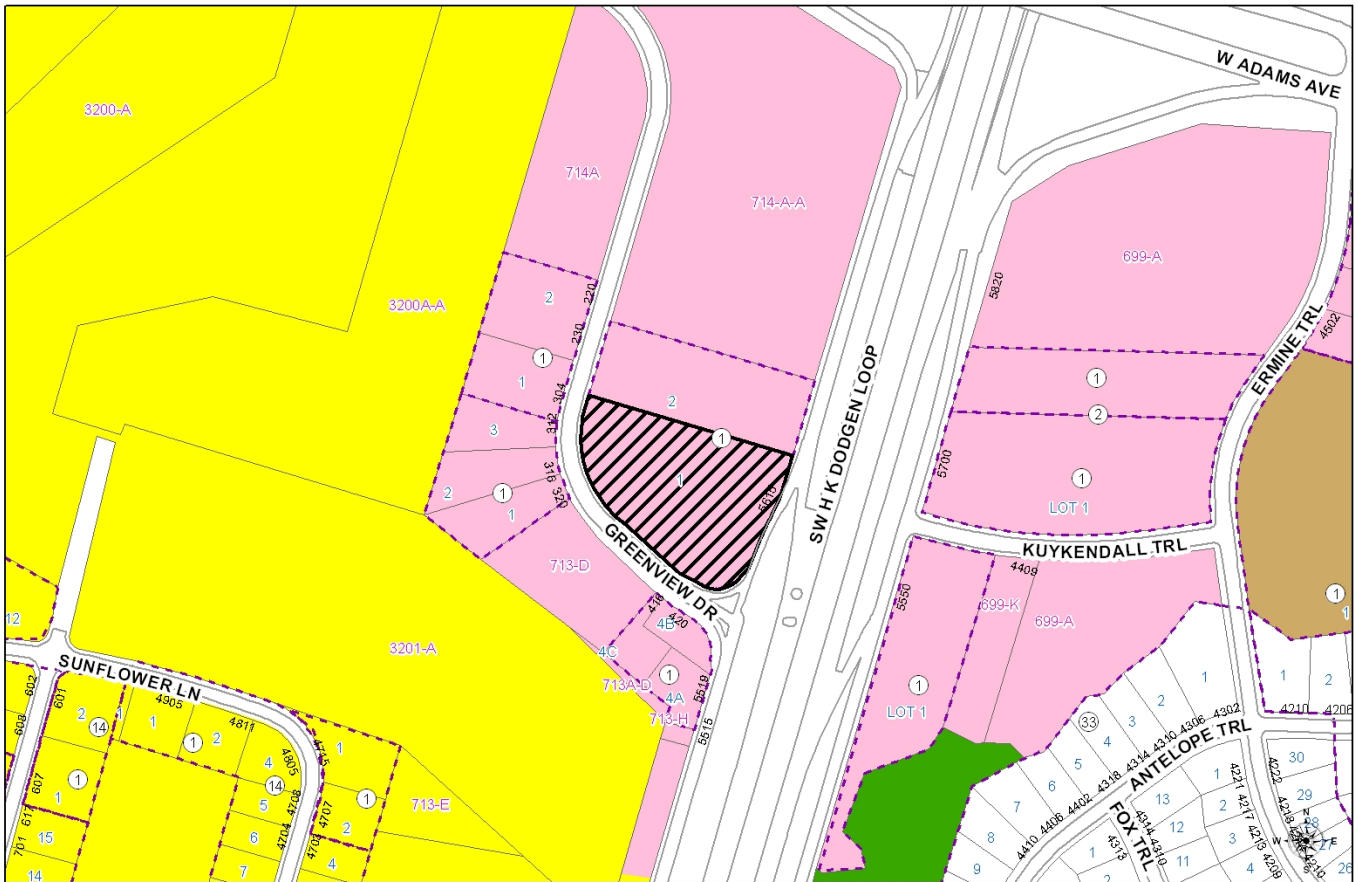
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Z-FY-10-26

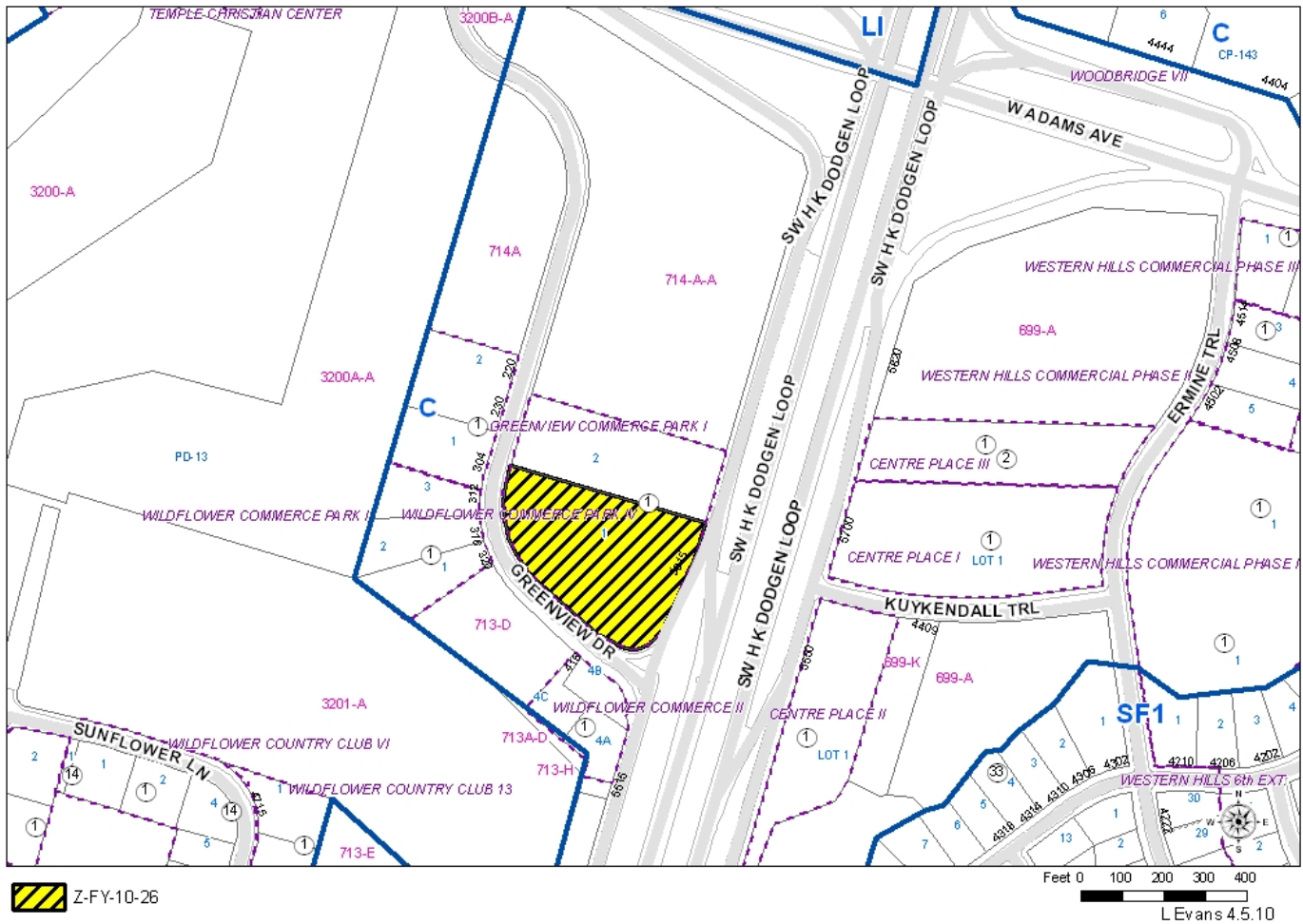
Lot 1, Block 1 Wildflower Commerce Park IV

5615 S.W. HK Dodgen Loop



- |                           |                         |                       |                                   |                      |            |
|---------------------------|-------------------------|-----------------------|-----------------------------------|----------------------|------------|
| Neighborhood Conservation | Auto-urban Residential  | Auto-Urban Commercial | Temple Medical Education District | Public/Institutional | Z-FY-10-26 |
| Estate Residential        | Auto-Urban Multi-Family | Suburban Commercial   | Industrial                        | Parks and Open Space |            |
| Suburban Residential      | Auto-Urban Mixed Use    | Urban Center          | Business park                     | Agricultural/Rural   |            |

1 inch = 300 feet  
J Stone 4.28.10







Z-FY-10-26

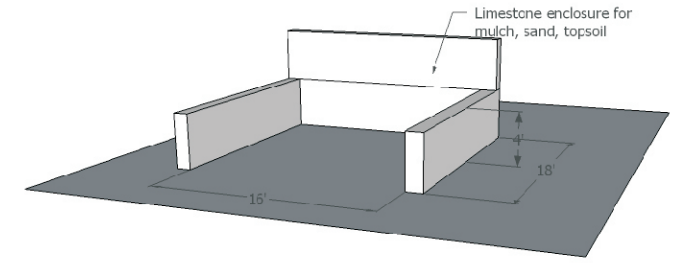
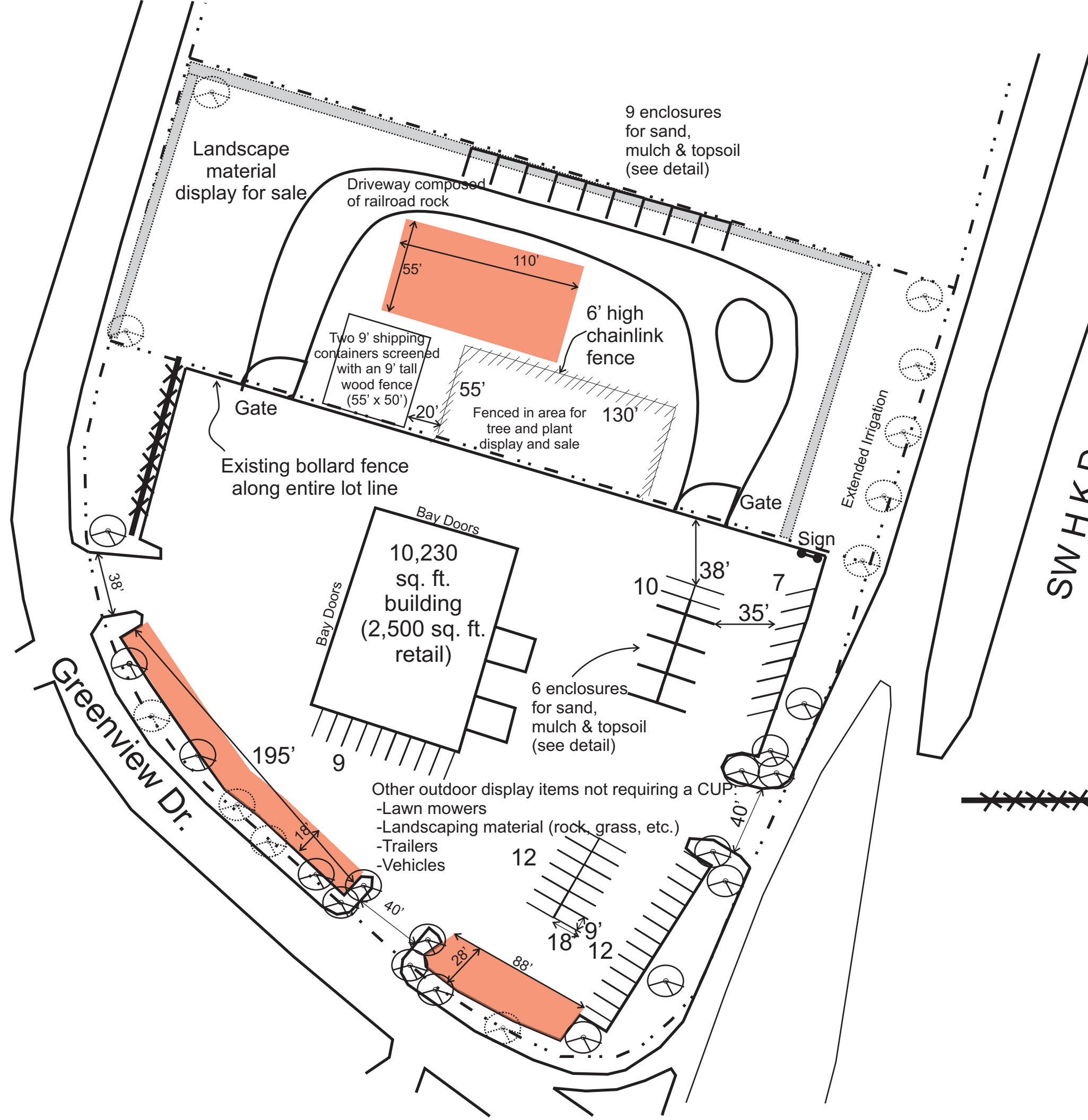
Lot 1, Block 1 Wildflower Commerce Park IV

5615 S.W. HK Dodgen Loop



Feet 0 100 200 300 400  
L Evans 4.5.10

— WATER LINE — SEWER LINE Z-FY-10-26



**Parking**  
 2,500 sq. ft. retail = 10 required spaces  
 (1 per 250 sq. ft.)  
 3,500 sq. ft. auto shop = 18 required spaces  
 (1 per 200 sq. ft.)  
 4,230 sq. ft. warehouse = 4 required spaces  
 (1 per 1,000 sq. ft.)

Total Required = 32

Total Provided = 50

XXXXXXXXXX 8' wood fence

Storage building display area  
 (12,024 sq. ft.)

Existing tree or crepe myrtle  
 along Loop and Greenview Dr. (17)

Proposed tree, min. 5' in height  
 and 2" caliper (11)

Proposed limestone blocks  
 approx. 2' thick x 4' tall x 5' long

Scale: 1" = 60'

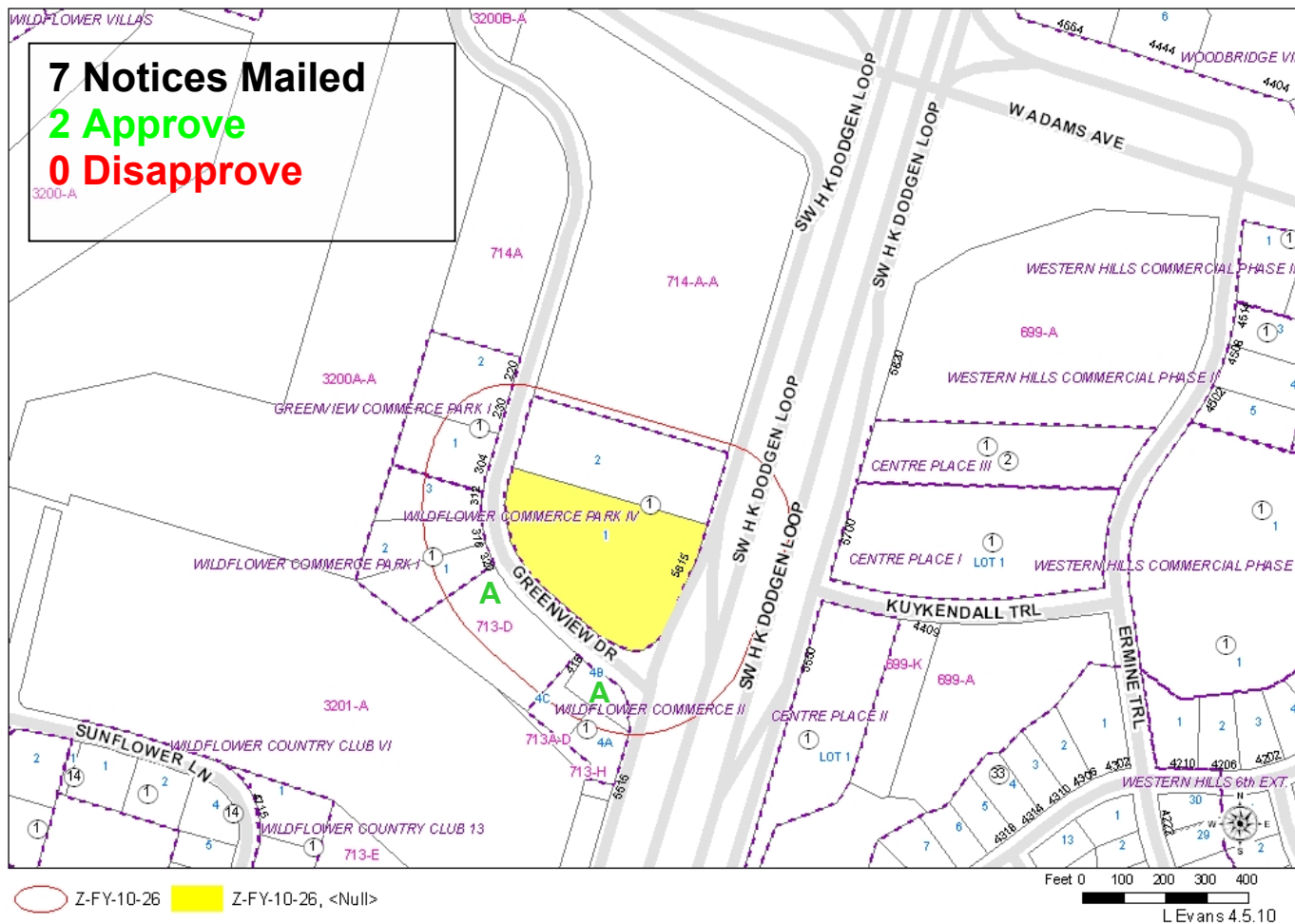




**Z-FY-10-26**

Lot 1, Block 1 Wildflower Commerce Park IV

5615 S.W. HK Dodgen Loop





# PLANNING AND ZONING COMMISSION AGENDA ITEM

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05/03/10  
Item #3  
Regular Agenda  
Page 1 of 4

**APPLICANT / DEVELOPMENT:** Trey Gallaway for Don Ringler

**CASE MANAGER:** Brian Mabry, AICP. Senior Planner

**ITEM DESCRIPTION:** Z-FY-10-26 - Public Hearing to discuss and recommend action on a Conditional Use Permit to allow portable building retail display on Lot 1, Block 1, Wildflower Commerce Park IV, at 5615 SW H K Dodgen Loop. Zoned C, Commercial.

**BACKGROUND:** The applicant wishes to display portable sheds for outdoor retail display. Section 13-105(3) requires a CUP (with some display allowed by right) for outdoor retail display in the C, Commercial zoning district.

The subject property is located at the corner of SW H. K. Dodgen Loop and Greenview Drive. The property formerly served as a vehicle sales facility and has recently been re-established as a vehicle sales facility and landscape supply and portable building store. The subject property is approximately five acres in area and the building is approximately 10,000 square feet with about 2,500 square feet of retail and office space. Parking, landscaping and screening shown on the attached CUP site plan meets or exceeds the requirements of the Zoning Ordinance.

The CUP site plan shows approximately 12,000 square feet of outdoor area designated for retail display of portable buildings. The largest buildings to be sold on the site will be a maximum of 384 square feet. The site plan also shows 3,000 square feet dedicated to display of plants for sale. It is proposed to be surrounded by a split rail fence that is four feet in height. The site plan also proposes six "stalls" for storage and sale of loose mulch, topsoil, sand and other such materials. The stalls are proposed to be made of limestone blocks. A detail of one of the stalls is in the upper right corner of the site plan.

The applicant agrees with the CUP site plan and Staff Recommendation.

## **CUP Criteria**

The Commission must consider the following items when reviewing a CUP:

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;
2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property;
3. Adequate utilities, access roads, drainage, and other necessary support facilities have been or will be provided;
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;


**Double Sided**

5. Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise, and vibration;
6. Directional lighting will be provided so as not to disturb or adversely affect neighboring properties; and
7. There is sufficient landscaping and screening to insure harmony and compatibility with adjacent property.

#### 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	C	Vehicle sales, landscape supply and portable building sales	
North	C	Undeveloped	
South	C	Office	
East	C	Vehicle sales	

Direction	Zoning	Current Land Use	Photo
West	C	Office	

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

#### Future Land Use and Character

The Future Land Use and Character Map designates the subject property as Suburban Commercial. The proposal complies with the Future Land Use and Character Map.

#### Thoroughfare Plan

The Thoroughfare Plan designates SW H. K. Dodgen Loop as an Expressway and Greenview Drive as a Local Street. The proposal complies with the Thoroughfare Plan.

#### Adequacy of Public Facilities

A six-inch water line and a six-inch sewer line serve the subject property. Public facilities are available.

#### Public Notice

Seven notices of the Planning and Zoning Commission public hearing were sent out. As of April 27 at 5 PM, two notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on April 22, 2010 in accordance with state law and local ordinance

**STAFF RECOMMENDATION:** Staff recommends approval of Z-FY-10-26 subject to the following conditions:

1. The permittee must design and operate the establishment in such a manner that the proposed use does not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
2. The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
3. The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.
4. The City Council may cancel, suspend, deny or revoke this CUP, in accordance with the revocation clause set forth in Section 7-608 of the Zoning Ordinance.
5. The CUP runs with the property. Changes in the owner or lessee of a permitted establishment do not affect the permit.
6. The CUP may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-608 of the Zoning Ordinance.
7. The applicant's site plan and application are exhibits to the ordinance granting the CUP.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Aerial  
Land Use and Character Map  
Zoning Map  
Utility Map  
CUP Site Plan  
Notice Map  
Response Letters

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, MAY 3, 2010**

**ACTION ITEMS**

**Item 3: Z-FY-10-26:** Public Hearing to discuss and recommend action on a Conditional Use Permit to allow portable building retail display on Lot 1, Block 1, Wildflower Commerce Park IV, at 5615 SW H K Dodgen Loop. Zoned C, Commercial. (Applicant: Trey Gallaway for Don Ringler).

Mr. Brian Mabry stated the applicants for this matter were Trey Gallaway and Cy Long for Don Ringler and Mr. Long was in attendance. If approved, City Council would have first reading on May 20th and second reading on June 3rd.

The purpose of the request was to allow outdoor display of portable buildings. Some items are allowed by right to be displayed for sale which do not require a CUP such as cars, landscaping materials, mulch, topsoil, sand, etc., however, sale of portable buildings required a CUP.

The subject property is located at the corner of SW H. K. Dodgen Loop and Greenview Drive and formerly served as a vehicle sales facility. It had recently been reestablished as a vehicle sales facility and landscape supply and portable building store.

The subject property is approximately five acres in area and the building is approximately 10,000 square feet with about 2,500 square feet of retail and office space. Parking, landscaping and screening shown on the attached CUP site plan meets or exceeds the requirements of the Zoning Ordinance.

Some of the surrounding properties include undeveloped land to the north, vehicle sales across the Loop to the east, offices to the west and south. The subject property is designated suburban/commercial and the request complied with the Future Land Use and Character Map.

The Thoroughfare Plan designated the Loop as an expressway and Greenview is a local street and complied with the Thoroughfare Plan.

The subject property is served by a 6" sewer line and 6" water line.

The CUP site plan showed approximately 12,000 square feet of outdoor area designated for retail display of portable buildings. The largest buildings to be sold on the site would be a maximum of 384 square feet. The applicant also stated anything over 240 square feet would be placed in the less obvious storage area while smaller buildings would be placed along Greenview.

There is another area of 150 feet x 55 feet which would be partially fenced in for sale of trees, plants and other landscaping materials, approximately 3,000 square feet. Six "stalls" (about 12 conventional parking spaces) will be used for storage and sale of

loose mulch, topsoil, sand and other such materials. The stalls are proposed to be made of limestone blocks approximately 3 feet tall.

Existing landscaping is currently along the Loop and Greenview Drive and additional trees would be added.

A total of seven notices were mailed out and two notices were returned in favor.

Staff recommended approval of the CUP for display of portable buildings for sale subject to the following conditions:

1. The permittee must design and operate the establishment in such a manner that the proposed use does not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
2. The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
3. The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.
4. The City Council may cancel, suspend, deny or revoke this CUP, in accordance with the revocation clause set forth in Section 7-608 of the Zoning Ordinance.
5. The CUP runs with the property. Changes in the owner or lessee of a permitted establishment do not affect the permit.
6. The CUP may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-608 of the Zoning Ordinance.
7. The applicant's site plan and application are exhibits to the ordinance granting the CUP.

Vice-Chair Talley asked when the letter notices went out to the property owners, were they aware there would be small portable buildings placed along that road and Mr. Mabry stated they would not have been aware of the exact location, only that the storage buildings are the reason for the CUP.

Vice-Chair Talley then asked that the property owners could have imagined them being anywhere on the property and Mr. Mabry stated yes. The notice stated "consider a CUP to allow display of storage buildings for sale in a Commercial district at 5615 S.W. H.K. Dodgen Loop" and does not specify the location of the buildings.

Commissioner Hurd asked if there were only two places to enter and exit off the property and Mr. Mabry stated there were two existing locations along Greenview and one along S.W. H.K. Dodgen. No more entrances/exits would be added.

Vice-Chair opened the public hearing.



Mr. Jim Vaughn, 4017 Sunflower, Temple, Texas, approached and stated he was representing Chris Von de Hoya, the principal owner of the Wildflower area, more particularly, the lots behind the subject property. Mr. Vaughn stated he understood the area was currently zoned and acceptable for a full scale landscaping operation to be there and Mr. Mabry confirmed.

Mr. Vaughn stated that indicating from the development around Loop 363, the area was destined to be a well taken care of showplace for the City of Temple. This landscaping operation would be moving from off of the service road south of 190. Mr. Vaughn stated like all landscaping operations, 'unintended consequences' may occur, such as failure to maintain property and materials. Since this is a landscaping operation and due to the materials involved, there would be dust and odors, it goes with the territory.

Mr. Vaughn stated putting the portable buildings right at the intersection is "kind of defacing" the whole area there. Mr. Vaughn asked the applicant what type of material will be supporting the road(s) for the coming and goings of trucks that are loading and unloading buildings.

Mr. Vaughn was surprised that the applicant wanted to put four 5-foot trees in the corners when it was a full service landscaping operation. It was Mr. Vaughn's opinion the applicant should do more than just that, considering materials such as throw away pallets, little plastic containers, and the debris which needed to be hidden from public view.

Mr. Vaughn was not supportive of this request due to many 'unintended consequences' he felt would arise should this request be granted. He encouraged the Commission to take into consideration the size of the large buildings, location of the buildings, and what the City of Temple had been working toward. There were other areas in the City better suited for this request.

Mr. Cy Long, representative for the store at 5616 S.W. H.K. Dodgen Loop, approached and stated the buildings located out there now are 10' x 16', 12' x 16', 10' x 20', or smaller and do not stick out further than a parking space. Mr. Long stated he had no problem with moving the buildings back from the Interstate somewhat, but this company guaranteed the buildings with a lifetime warranty on the wood; they are neutral in color, and aligned on the property in a straight and uniform manner.

Mr. Long stated the dirt control was one of the company's main priorities since the area was quite beautiful and the store would like to make everyone happy. Mr. Long stated the irrigation would be moved to the corner to create green more area; a permit had been applied for to erect a 6 foot fence around a 55 foot x 150 foot area to house 30 gallon to 15 gallon trees; control of the mud and ruts by using plastic covering and crushed granite; and having crushed granite or road base material on the drive around. The property would be aesthetically pleasing and maintained.

All the rock purchased for sale are palletized and those pallets are returned. Currently there is no trash laying around and the applicant does not want to destroy the area.

Mr. Long stated all of the bigger buildings would be located out in the field and only a few smaller buildings would be kept in stock and displayed in front.

Vice-Chair Talley asked about the reasons for placing the smaller buildings off of Greenview and Mr. Long stated it was for “future permission.” Currently they sell about 10 a month, it’s more of an eye catcher, and mainly so they don’t cap themselves.

Mr. Mabry stated the Code Enforcement letter stated, for a business to display in front of their building, such as portable buildings, a CUP was required. Due to the structure of the roads, there is no rear section to this building. There was no way to store the buildings without a CUP being required.

Mr. Long stated approximately 6 to 8 smaller buildings would fit in the front section. He did not feel they hid any visibility when turning out to the main road.

Commissioner Staats asked if it was possible to relocate or turn the six ‘stalls’ 90 degrees so the sand and soil was not visible from passing motorists and Mr. Long stated they would prefer to keep it the way it was currently set up since it worked the best and would probably not be interested in doing that due to the lay of the land. The drainage was also a consideration in how it was displayed.

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

Commissioner Hurd made a motion to approve Z-FY-10-26 and Commissioner Williams made a second.

*Motion passed: (4:1)*

Vice-Chair Talley voted Nay

Commissioners Secrest, Barton Martin and Chair Pilkington absent.

ORDINANCE NO. 2010-4362

[PLANNING NO. Z-FY-10-26]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW DISPLAY FOR SALE IN A COMMERCIAL DISTRICT ON LOT 1, BLOCK 1, WILDFLOWER COMMERCE PARK IV, AT 5615 SW H K DODGEN LOOP; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

WHEREAS, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of Lot 1, Block 1, Wildflower Commerce Park IV, at 5616 SW H K Dodgen Loop, recommends that the City Council approve the application for this Conditional Use Permit to allow display for sale in a Commercial District; 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 display for sale in a Commercial District on Lot 1, Block 1, Wildflower Commerce Park IV, at 5615 SW H K Dodgen Loop, more fully shown on Exhibit A, attached hereto and made a part of for all purposes.

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

- (A) The permittee must design and operate the establishment in such a manner that the proposed use does not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
- (B) The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
- (C) The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.
- (D) The City Council may cancel, suspend, deny or revoke this CUP, in accordance with the revocation clause set forth in Section 7-608 of the Zoning Ordinance.
- (E) The CUP runs with the property. Changes in the owner or lessee of a permitted establishment do not affect the permit.
- (F) The CUP may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-608 of the Zoning Ordinance.
- (G) The applicant's site plan and application are attached hereto and made a part hereof for all purposes as Exhibits B and C, respectively.
- (H) Storage must occur only inside the primary building or inside the two permitted shipping containers. Semi-trailers or any other moveable accessory storage structures are prohibited.
- (I) No auto, boat or lawnmower parts may be stored outside the building.
- (J) All repair work must take place completely inside the primary building.
- (K) The back of the portable buildings acts as a screening device along Greenview Drive. A wood fence that is 8 feet in height is required if a gap in portable buildings exists for more than 30 days in the area along Greenview Drive that is designated for such buildings on the attached site plan.

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

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **20<sup>th</sup>** day of **May**, 2010.

PASSED AND APPROVED on Second Reading on the **3<sup>rd</sup>** day of **June**, 2010.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
WILLIAM A. JONES, III Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clydette Entzminger  
City Secretary

\_\_\_\_\_  
Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/03/10  
Item #5  
Regular Agenda  
Page 1 of 2

### **DEPT. /DIVISION SUBMISSION & REVIEW:**

Tim Dolan, Planning Director

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING – Z-FY-10-28: Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) to allow a package store with alcoholic beverage sales for off-premise consumption on the south one-half of Lot 1, Block 292-1, Temple Original at 1 North 6<sup>th</sup> Street.

**P&Z COMMISSION RECOMMENDATION:** At its May 20, 2010 meeting, the Planning and Zoning Commission voted 5/3 to deny approval of a CUP for a package store at 1 North 6<sup>th</sup> Street. Among the expressed concerns were the locations of the off-street parking on a lot across an alley behind the business (relative to the proposed front entrance to the building on North 6<sup>th</sup> Street). Some concern was also expressed about allowing a package store at this location east of core downtown.

The CUP package store conditions require parking on-site, not less than one space per 250 square feet of retail area, including the CA zoning district. The Planning Staff had recommended as part of the DRC review that the applicant seek additional off-site parking agreement for the requested CUP. The applicant acquired a 20-year agreement for the 10 required spaces across an alley on the east side of the building. There was some opposition expressed at the P&Z meeting by the owner of a duplex on North 6<sup>th</sup> just north of the proposed package store—his concern was that patrons of the package store would use the limited number of private parking spaces available on his property.

There was some discussion by the Planning & Zoning Commission about revising the terms of the CUP to allow the applicant to use existing head in parking on Central Avenue on the south side of the building, if the applicant relocated the entrance of the business to an existing doorway on the south side of the building. In response to this discussion, the applicant was agreeable to: (1) relocating the entrance to Central Avenue; (2) using the existing head in parking on this side of the building, and (3) installing landscaping in an appropriate area that exceeded City standards. The available head in parking on the south side of the building is within the City right of way, but outside the traveled portion of the roadway, as is typical in the downtown area. An alternative site plan reflecting this discussion is attached to this item.

**A motion to disapprove the request for a CUP was, however, approved by the Planning & Zoning Commission by 5-3 vote.**

All CUPs for package stores require that:

1. The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
2. 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.
3. The City Council may deny or revoke this CUP 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.
4. The CUP runs with the property. Changes in the owner or lessee of a permitted establishment do not affect the permit.
5. The CUP may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-608 of the Zoning Ordinance.
6. The applicant's site plan, elevations and application are exhibits to the CUP.
7. Window signs are prohibited.
8. Lighted signs must be turned off at closing time.

**STAFF RECOMMENDATION:** Staff recommended approval for the CUP request since the applicant met the minimum conditions for a package store. Council may choose to consider only the minimum conditions or may also consider other issues related to this case.

**ITEM SUMMARY:** This item requires four votes from the City Council to overrule a recommendation for denial by the Planning & Zoning Commission.

Please refer to the Staff Report and draft minutes of case Z-FY-10-28 from the Planning and Zoning meeting, May 20, 2010. The purpose of the CUP is to establish a package store. Existing facades of the building that are visible to the public are 100% painted brick, excluding doors, windows and an awning. Metal exists with a tan facade for the rear (alley) and north (next to duplex).

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

Aerial  
Future Land Use & Character Plan  
Zoning Map  
Utility Map  
Buffer Map  
CUP Site Plan – original site plan submitted  
CUP Site Plan – revised site plan reflecting P&Z discussion  
P&Z Staff Report (Z-FY-10-28)  
P&Z Minutes (May 20, 2010)  
Ordinance



**Z-FY-10-28**

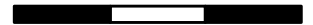
Temple Original, Blk 292, S 1/2 of Lot 1

1 N 6th Street



Z-FY-10-28

Feet 0 50 100 150



J Stone 5.25.10

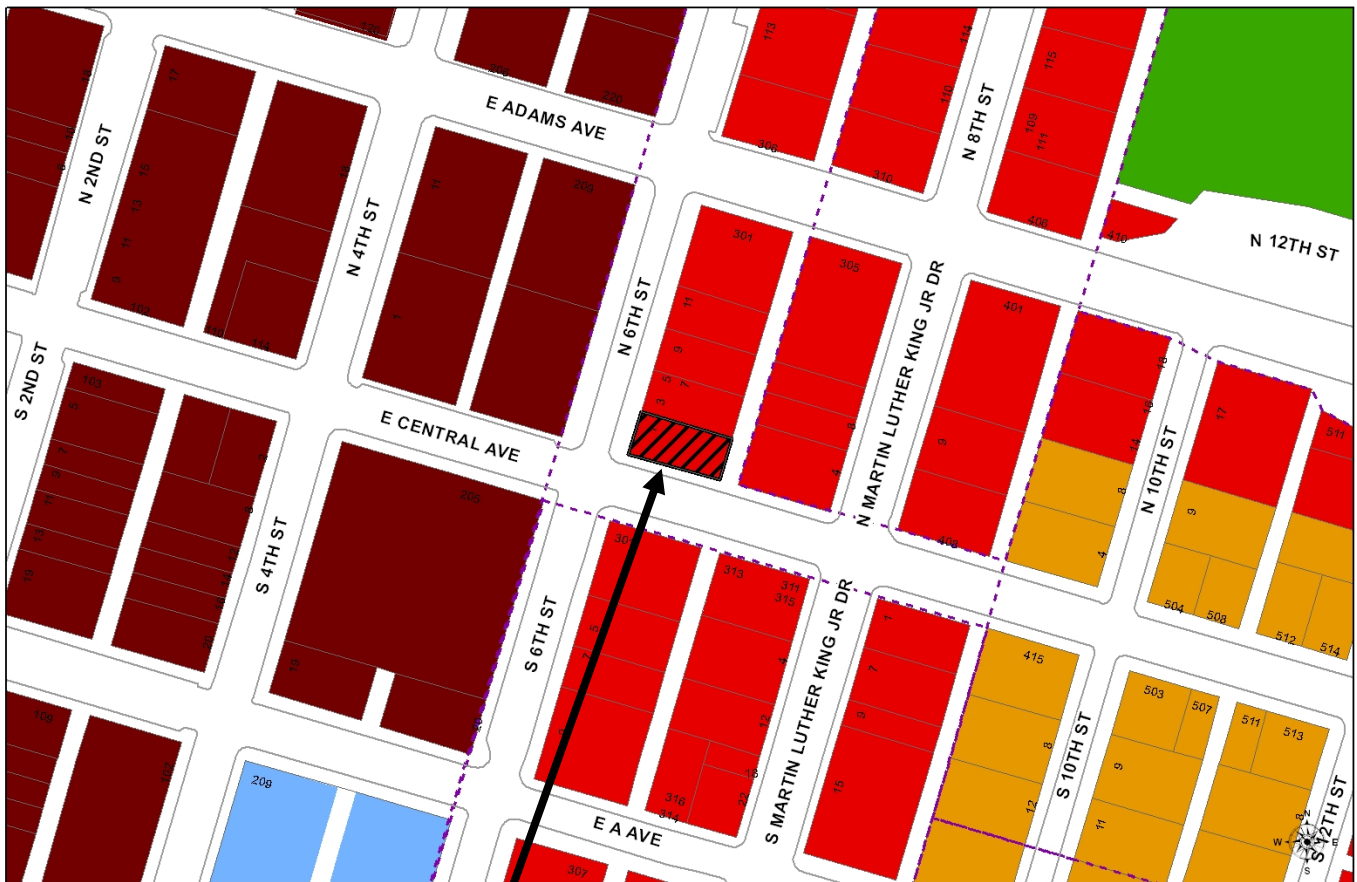




Z-FY-10-28

Temple Original, Blk 292, S 1/2 of Lot 1

1 N 6th Street



0 Z-FY-10-28

Neighborhood Conservation  
Estate Residential

Suburban Residential  
Auto-urban Residential  
Auto-Urban Multi-Family

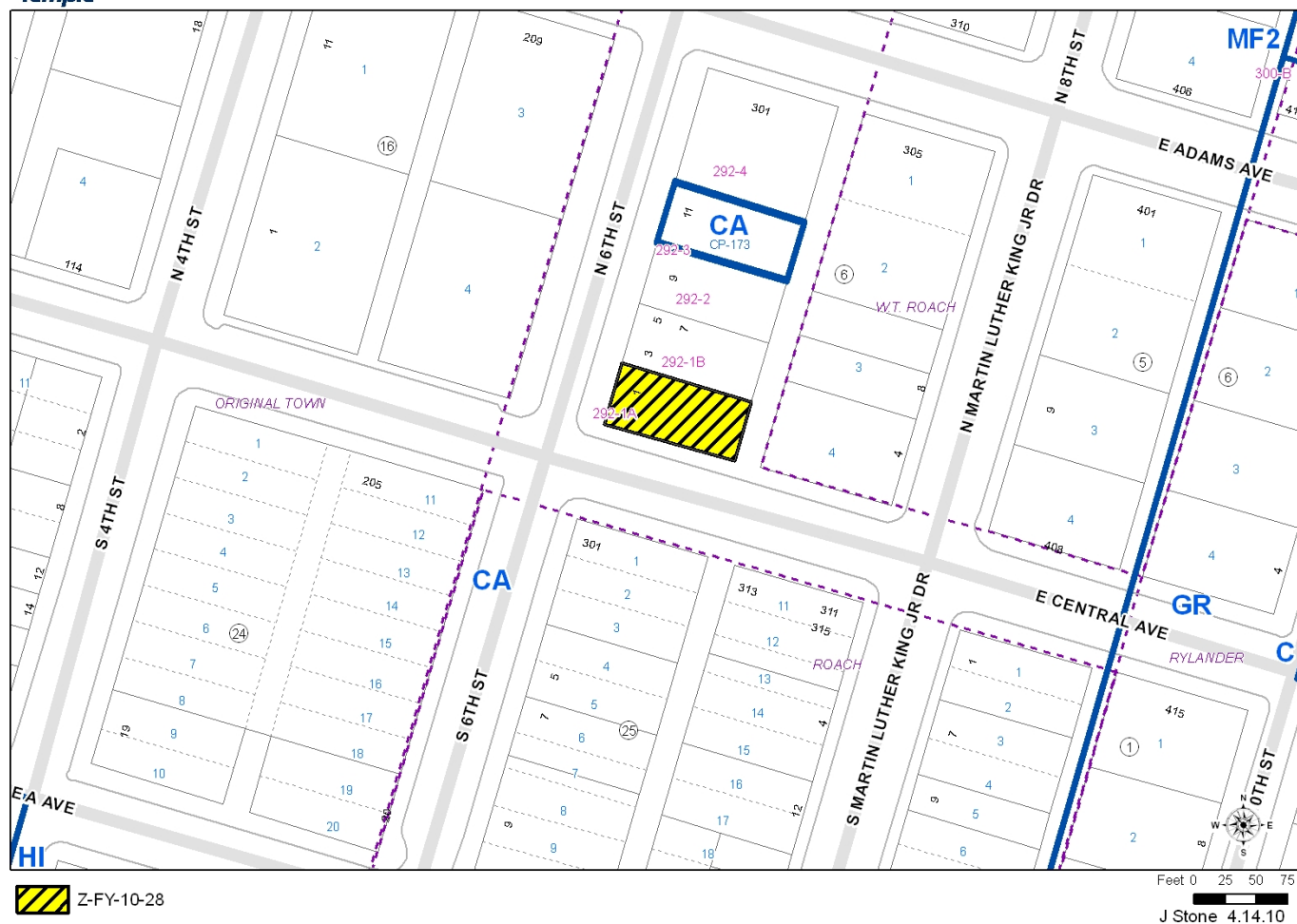
Auto-Urban Mixed Use  
Auto-Urban Commercial  
Suburban Commercial

Urban Center  
Temple Medical Education District  
Industrial

Business park  
Public/Institutional  
Parks and Open Space

Agricultural/Rural

1 inch = 150 feet  
J Stone 4.14.10





Z-FY-10-28

Temple Original, Blk 292, S 1/2 of Lot 1

1 N 6th Street



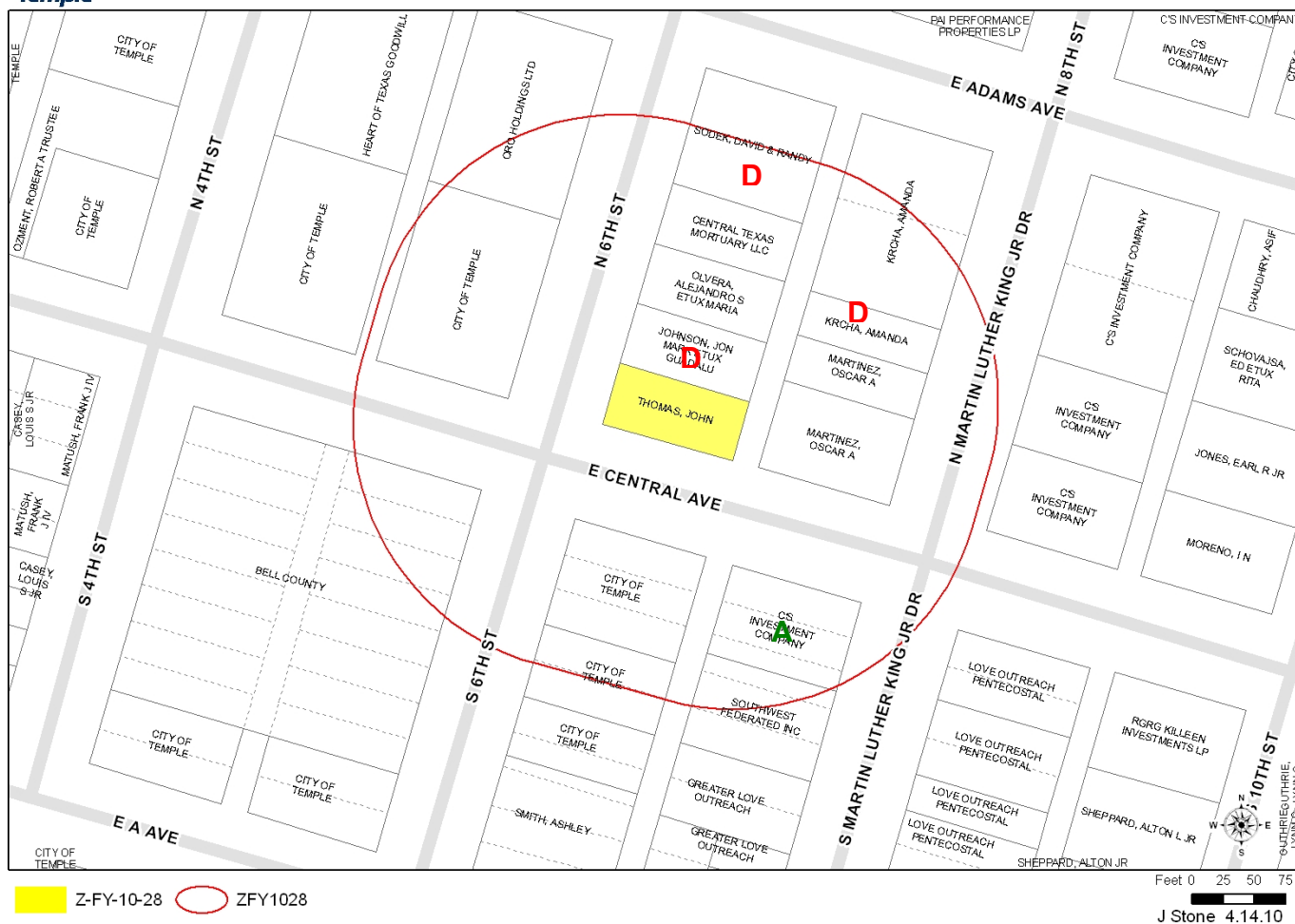
Z-FY-10-28    — WATER LINE    — SEWER LINE

Feet 0 25 50 75  
J Stone 4.14.10

**Z-FY-10-28**

Temple Original, Blk 292, S 1/2 of Lot 1

1 N 6th Street



**AGREEMENT FOR PARKING BY MICHAEL CRAMER, JR.**

STATE OF TEXAS §  
COUNTY OF BELL §

Properties of this agreement are:

Lot Four (4), Block Six (6), W. T. Roach Addition to the City of Temple, Bell County, Texas and being known locally as 4 North MLK, Jr., Drive, Temple, Texas, which is owned by **MICHAEL CRAMER, JR.**, hereinafter called ("**CRAMER**");

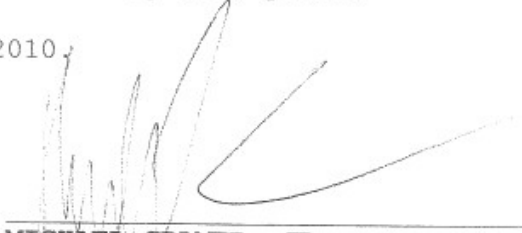
concerning

North One-half (N.1/2) of Lot One (1), Block 292, Temple Original, to the City of Temple, Bell County, Texas, according to the map or plat of record in Volume 36, Page 640, Deed Records of Bell County, Texas, and being known locally as 1 North 6<sup>th</sup> Street, Temple, Texas, which is presently owned by **CARMELA THOMAS**, hereinafter called ("**THOMAS**"), a feme sole.

Consideration: Ten Dollars (\$10.00) cash in hand paid.

Agreement: **THOMAS**, her heirs, executors and assigns has the unobstructed right to use up to ten (10) parking spaces on **CRAMER**'s property, for not less than twenty (20) years.

Dated this 11 day of May, 2010,

  
\_\_\_\_\_  
**MICHAEL CRAMER, JR.**

STATE OF TEXAS §  
COUNTY OF BELL §

This instrument was sworn to and acknowledged before me this 11 day of May, 2010, by **MICHAEL CRAMER, JR.**

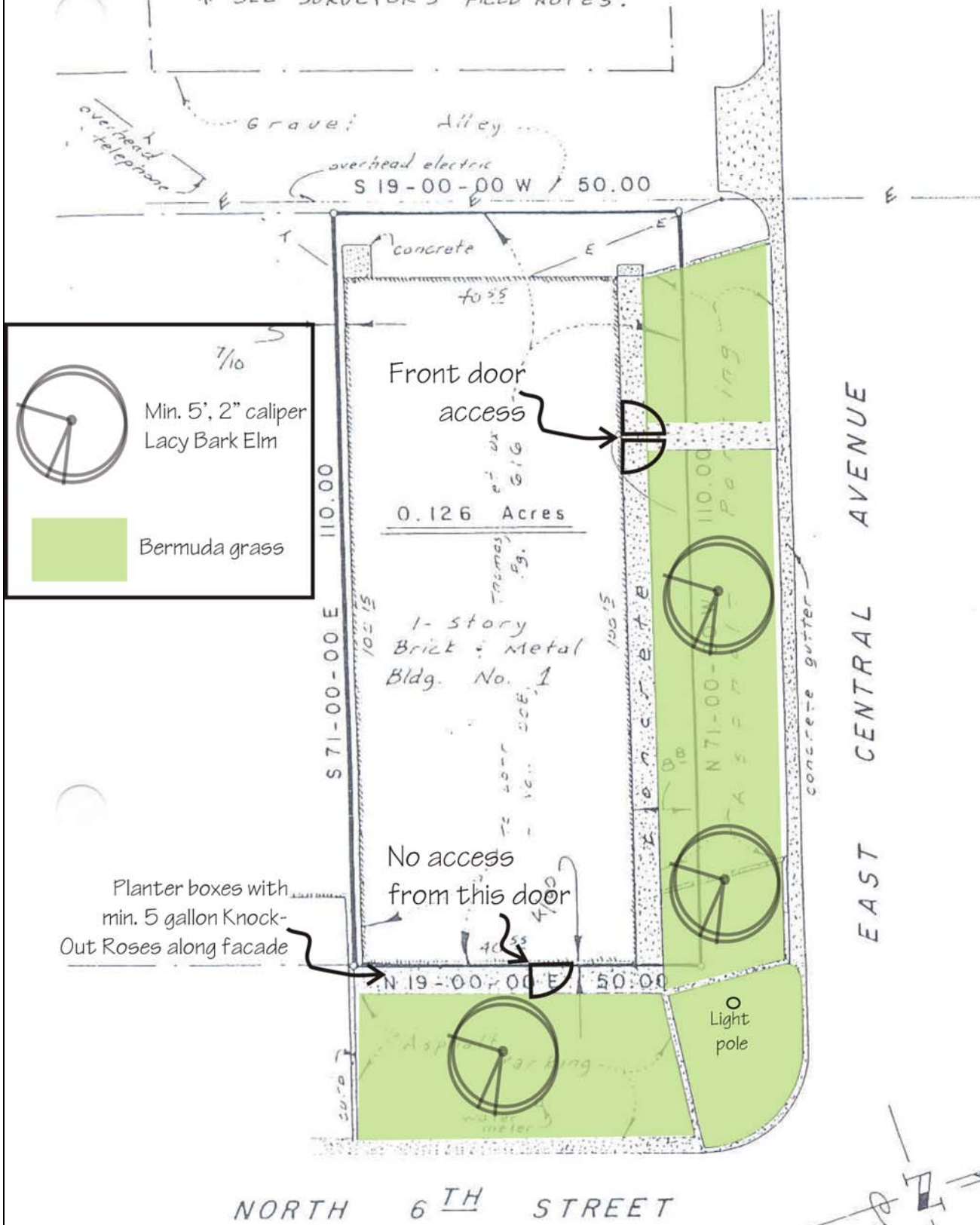
  
\_\_\_\_\_  
Notary Public, State of Texas





as recorded in Volume 1008, Page 616 of the Bell County Deed Record

\* SEE SURVEYOR'S FIELD NOTES.



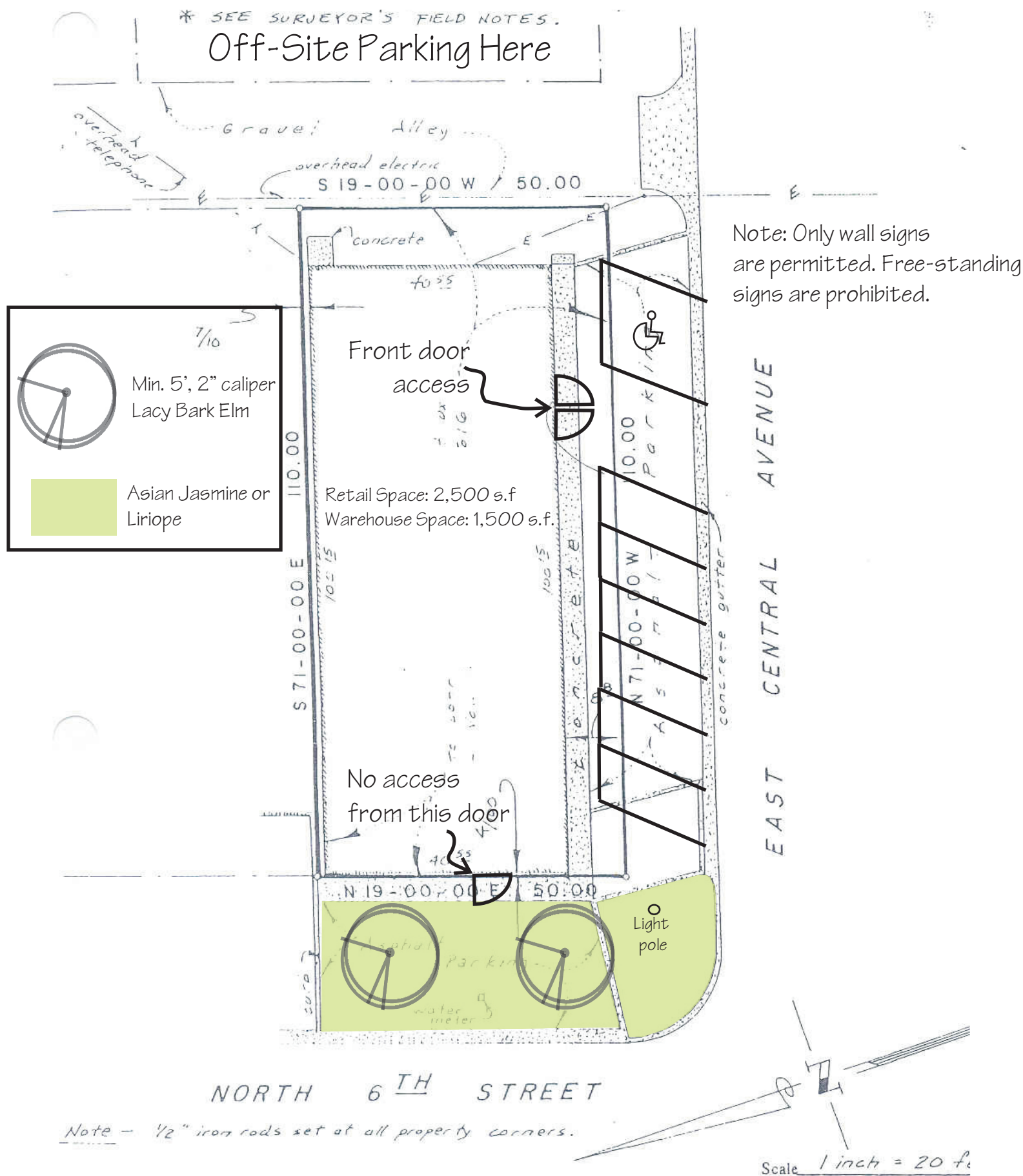
SPECIAL NOTE: THIS IS THE SAME PROPERTY PREVIOUSLY DESCRIBED AS "THE SOUTH 1/2 OF LOT NO. 1, IN BLOCK NO. 202 OF THE ORIGINAL TOWN OF TEMPLE, BELL COUNTY, TEXAS."

Note - 1/2" iron rods set at all property corners.

Scale 1 inch = 20 feet

The boundaries have been marked as shown hereon. The physical location of the improvements situated along or within the property shown. To the best of my knowledge there are no other apparent easements or visible encroachments concerning this property, exc

## ALTERNATIVE REFLECTING P&Z DISCUSSION



The boundaries have been marked as shown hereon. The physical location of the improvements situated along or within the property shown. To the best of my knowledge there are no other apparent easements or visible encroachments concerning this property, except as shown.



# PLANNING AND ZONING COMMISSION AGENDA ITEM

05/17/10  
Item #3  
Regular Agenda  
Page 1 of 3

**APPLICANT / DEVELOPMENT:** Applicant: Mike Grisham for Carmela Thomas

**CASE MANAGER:** Tim Dolan, AICP, Planning Director


**ITEM DESCRIPTION:**

**Z-FY-10-28:** 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 on the South one-half of Lot 1, Block 292-1, Temple Original at 1 North 6<sup>th</sup> Street. Zoned Central Area District (CA).




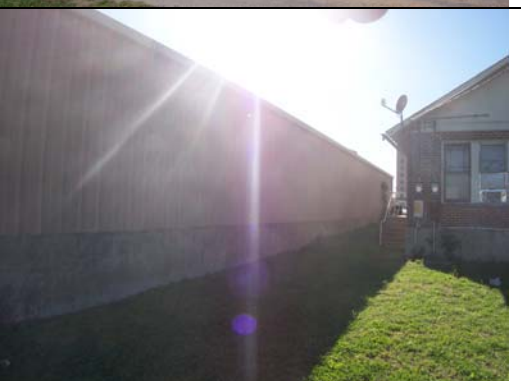
**BACKGROUND:** The purpose of this CUP request is to establish a package store at the intersection of North 6<sup>th</sup> Street & Central Avenue, the site of a former hardware store. Access to the property comes from both North 6<sup>th</sup> Street and Central Avenue as shown on the CUP site plan. The site plan shows a store with front entry use. The applicant has an off-site parking agreement for the retail parking of one space per 250 square feet of retail area. No drive through lane will be used. Facades of the existing building that are visible to the public on the south and west sides are 100% painted brick, excluding doors, windows and an awning. Metal exists for the east façade facing the alley and the north facade facing an existing building. This is the first request for a CUP package store in the Central Area zoning district (CA).

**Surrounding Property and Uses**

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

Direction	Zoning	Current Land Use	Photograph
Subject	CA	Subject Area	



South (west)	CA	Parking Lot	
West	CA	Parking Lot	
East	CA	Alley/parking lot	
North	CA	House/Business	

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

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

Thoroughfare Plan – This request conforms to the Thoroughfare Plan since the subject tract has access to North 6<sup>th</sup> Street and Central Avenue, designated as a Collector and Arterial roadways.

Availability of Public Facilities – Available public facilities for a 6" water and 6" sewer serve this site.

### General CUP Criteria

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

Criteria	Proposal Meets Criteria?
The conditional use permit will be compatible with and not injurious to the use and enjoyment of the property, nor significantly diminish or impair property values within the immediate vicinity	Yes. Project will use an empty building, providing a commercial use for the area
The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property	Yes
Adequate utilities, access roads, drainage, and other necessary support facilities have been or will be provided	Yes. 6" water line and 6" sewer serves the property
The design, location, and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development	Yes. Number of parking spaces complies with required number for a package store through the use of an off-site parking agreement
Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise, and vibration	Yes
Directional lighting will be provided so as not to disturb or adversely affect neighboring properties	Yes
There is sufficient landscaping and screening to insure harmony and compatibility.	Yes. The applicant will install some landscape islands along North 6 <sup>th</sup> and Central Avenue

Package Store Standards In addition to the general CUP standards in Zoning Ordinance Section 7-600, the following standards apply to a CUP for a package store:

1. Such use must comply with Chapter 4, "Alcoholic Beverages," of the City Code;
2. Outdoor lighting must comply with the standards in Zoning Ordinance, Section 7-566 (G);
3. If applicable, a pick-up window must be visible from the public right-of-way, and may not be placed in alleys;
4. The drive-through lane must provide a minimum of 60 feet of stacking space from the pick-up window to the beginning;
5. An escape (bypass) lane must be provided parallel to the drive-through lane, if applicable, from the beginning of the drive-through lane;
6. 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);
7. Window signs are prohibited; and
8. Lighted advertising signs must be turned off at closing time.

### Public Notice

Ten notices of the Planning and Zoning Commission public hearing were sent out May 5, 2010. As of May 12, 2010 at Noon, no notices were returned. The newspaper printed notice of the Planning and Zoning Commission public hearing on May 7, 2010 in accordance with state law and local ordinance.

**STAFF RECOMMENDATION:** Staff recommends approval of Z-FY-10-28, a CUP for a package store at South one-half of Lot 1, Block 292-1, and Temple Original at 1 North 6<sup>th</sup> Street 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 does not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
2. The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
3. The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.
4. The City Council may deny or revoke this CUP 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.
5. The CUP runs with the property. Changes in the owner or lessee of a permitted establishment do not affect the permit.
6. The CUP may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-608 of the Zoning Ordinance.
7. Window signs are prohibited.
8. Lighted signs must be turned off at closing time.
9. The applicant's site plan, elevations and application are exhibits to the CUP.
10. The parking agreement for required off-site parking is an exhibit to the CUP.

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, FEBRUARY 15, 2010**

**ACTION ITEMS**

**Item 3: Z-FY-10-28:** 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 on the South one-half of Lot 1, Block 292-1, Temple Original at 1 North 6th Street. Zoned Central Area District (CA). (Applicant: Mike Grisham for Carmela Thomas)

Mr. Tim Dolan, Planning Director, stated if approved, this item would go to City Council for first reading on June 3rd and second reading on June 17th.

The CUP request was for an off-premise consumption package store located on North 6th Street and Central Avenue. This would be the first case to come before the Commission located in the Central Area (CA) zoning district. The existing parking along Central Avenue and 6th Street is located in the right-of-way and even if those spaces were previously used, this would be a change in use. An off-street parking agreement had been agreed upon for 10 required spaces.

From discussions with the Street Department, there are no plans to widen these roads.

On two sides of the building there were existing metal façade buildings. A duplex lay to the north and was a legal nonconforming use in the CA zoning district. Parking lots are located on the west and southeast/south sides of the building.

The Future Land Use and Character Plan showed this to be auto/urban commercial area, the Thoroughfare Plan showed Central Avenue as an arterial road and 6th Street as a collector road. Existing utilities are available and sufficient to serve the site.

There are seven (7) criteria to look at for consideration of a CUP.

Would the CUP 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? Staff believed the project would occupy an empty building and provide a commercial use for the area.

Will the establishment of the CUP not impede the normal and orderly development and improvement of surrounding vacant property and Staff believed it would.

Public utilities are there for the 6" water and sewer lines that serve the property.

Will the driveways and/or parking be safe for the general public and yes, the number of spaces for required parking would be accomplished through an off-site parking agreement.

There would not be any odors, fumes, dust, noise, and vibration since this would be a retail establishment.

The lighting would be provided so as not to disturb or adversely affect neighboring properties. If any lighting would be done for the store itself, it would have to be a some type of reflector or shield and not spill over into the residential use.

The landscaping had been discussed with the applicant to landscape the islands along North Central and 6th Street.

Ten (10) notices were mailed to surrounding property owners. Four notices were received, three in opposition, one in favor.

There were some religious owned properties in the area which exceed the 300 foot minimum distance requirement.

The Parking Agreement would be adopted as part of the Exhibit for the CUP and stated the required 10 spaces for a 20 year period. This property being described as Lot Four (4), Block Six (6), W.T. Roach Addition to the City of Temple, Bell County, Texas and known locally as 4 North MLK, Jr., Drive, Temple, Texas, owned by Michael Cramer, Jr.

Staff recommended more landscaping along Central and 6th to ensure the parking was off to the side across the alley and would work with the applicant regarding landscaping options. The P&Z Board and City Council, if approved, would agree there would be no parking along Central and 6th Street, making any retail parking taking place at the rear of the site with directional signs to the front of the store.

In addition to the general CUP standards in Zoning Ordinance Section 7 600, the following standards apply to a CUP for a package store:

1. Such use must comply with Chapter 4, "Alcoholic Beverages," of the City Code;
2. Outdoor lighting must comply with the standards in Zoning Ordinance, Section 7 566 (G);
3. If applicable, a pick-up window must be visible from the public right-of-way, and may not be placed in alleys;
4. The drive-through lane must provide a minimum of 60 feet of stacking space from the pick-up window to the beginning;
5. An escape (bypass) lane must be provided parallel to the drive-through lane, if applicable, from the beginning of the drive-through lane;
6. 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);

7. Window signs are prohibited; and
8. Lighted advertising signs must be turned off at closing time.

Staff recommended approval of Z-FY-10-28, a CUP for a package store at 1 North 6th Street since it complied with the Future Land Use and Character Plan for auto/urban commercial, the Thoroughfare Plan for Central, an arterial road, and 6th Street, a collector, public facilities exist for water and sewer to serve the property, along 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 does not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
2. The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
3. The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.
4. The City Council may deny or revoke this CUP 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.
5. The CUP runs with the property. Changes in the owner or lessee of a permitted establishment do not affect the permit.
6. The CUP may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-608 of the Zoning Ordinance.
7. Window signs are prohibited.
8. Lighted signs must be turned off at closing time.
9. The applicant's site plan, elevations and application are exhibits to the CUP.
10. The parking agreement for required off-site parking is an exhibit to the CUP.

The applicant agreed to all conditions.

Commissioner Barton asked for clarification on the location of the 10 parking spaces and Mr. Dolan stated they would be in the back of the building. They were the closest spaces the applicant could find. Commissioner Barton asked if people were going to

park in the rear, get out, cross the alley and walk around the building to go in the front door and Mr. Dolan agreed. Mr. Dolan also stated parking was also located at 6th and Central, however, Staff was trying to mitigate the parking there since backing out would be in the right-of-way along Central and 6th.

Commissioner Pope asked to see the photographs again related to the parking spaces.

Commissioner Barton asked if the property owner for the parking were Oscar Martinez or Michael Cramer and Mr. Dolan stated Cramer. The parking agreement entered into between applicant and Cramer was for a 20 year period. Mr. Dolan stated the City was not interested in trying to use City owned property for parking adjacent to the site and there is no parking requirement in the CA zoning district for uses other than a package store.

Commissioner Staats asked if the building were currently in use and Mr. Dolan stated it was a vacant building.

Vice-Chair Talley asked about the required distance from churches in the area and if anyone had inquired or responded about that and Mr. Dolan stated no.

Commissioner Pope wanted clarification on the off street parking that was there with the previous hardware store and whether it would not be usable and Mr. Dolan stated Staff recommended it not be used since backing out would put people in the right-of-way. Commissioner Barton stated Staff recommended that but who would enforce it after the store opened and Mr. Dolan stated the Commission, if desired, could recommend 'no parking signs' be placed there along with improved landscaping to alleviate the situation. Chair Pilkington stated those actions would not stop people from using the City's parking lot across the street. Commissioner Staats stated it was highly likely people would park in the City's parking lot and walk across the street instead of going behind to the alley.

Commissioner Barton asked to see the locations of the denial notices again, which Mr. Dolan stated were to the north of the subject property.

Chair Pilkington opened the public hearing.

Mr. Mike Grisham, Grisham & Associates Real Estate, approached on behalf of the owner of the property and stated there were 10 spaces along Central and 4 spaces on 6th that are in the right-of-way. The City parking lot to the west currently had slanted parking on Central but if the cars parked there they would stick out to the gutter. There were several parking spaces behind the building.

Mr. Grisham also stated the front door could be moved to the side of the building where the landscaping was shown to cover up the existing parking, instead of where it is currently located, letting people park across the alley and not have to come all the way around the building which would be more convenient.

Clarification on the City parking area asked for and Commissioner Staats stated that would probably be the primary parking space for customers because that would be the



nearest to the door. Mr. Grisham stated he was not saying that, he was stating the cars impede more there (currently in the right-of-way) than the parking lot next to the building. Commissioner Staats stated if parking were not allowed in front of the building, that would be the next available, closest parking. Mr. Grisham agreed but stated they were told that parking area could not be used. Commissioner Staats stated it was public parking and Mr. Grisham agreed. Commissioner Barton asked Mr. Grisham who told him he could not use it and Mr. Grisham said "for the purpose of the CUP." Mr. Dolan stated it was a City owned facility and from discussions with the Development Review Committee Staff did not recommend public property for private use and Commissioner Barton asked who would enforce that. Jonathan Graham, City Attorney, stated it was a public parking lot and if somebody wanted to park there and go to the store, they would be able to do that. Mr. Graham stated that "you added that requirement in the downtown area" and "in addition to whatever, on-street parking that a business, a package store, would have a certain amount of traffic, it needed additional parking, that every business that gets a CUP downtown had to have 10, a ratio, of parking spaces off-site in addition to whatever else is available." Mr. Graham stated "can someone park in that City parking lot? Of course, it's a public parking lot."

Commissioner Barton stated during prior discussions about downtown liquor stores, he did not realize at that time they were talking about putting a store somewhere and use City parking—"we don't want you to do it but we are not going to enforce you to keep you from doing that." Mr. Graham stated he did not believe Staff was saying "you can't use it" but instead "add some parking to the equation in addition to what parking may be there, add 10 spots." Commissioner Barton stated "behind the building and across the alley." Chair Pilkington stated the applicant needed the additional spots to be counted for required off site parking.

Mr. John Mark Johnson, JMJ Properties, 4005 Robin Hood Drive, Temple, Texas approached and stated he owned the duplex directly behind the subject property and had families living there. Those families are very concerned about having a liquor store next door to them. Mr. Johnson also stated there were concerns about the parking. If someone parked behind the building, the first thing they would do would be to walk between the buildings where the duplex was located and the proposed store would be located. This would require Mr. Johnson to put up a fence to stop that.

Mr. Johnson stated when the property was the hardware store parking problems occurred but were overlooked at that time and the store did not have that much business, however, people would pull into the duplex parking lots, jump out, and run in to shop. If there are only 4 spaces in front of the building, people would park right on his property.

Another concern were trucks delivering product to the building since a semi could not get down the alley previously and wanted to know how the liquor would be delivered. Previously, the truck would park on the street and block the tenants' parking spots which created problems for the tenants. Now another problem would be created by having people go through the alley.

Commissioner Staats asked about the location of the duplex and Mr. Dolan showed the appropriate photos to clarify.

Mr. Mike Grisham returned to the lectern and stated if the front door were moved to the side of the building, there would be no concern about people walking across Mr. Johnson's property to get to the front door of the store since it would be closer. Also, deliveries would be made in the morning during off hours, before 10:00 a.m., and are not made by semi trucks. Mr. Grisham stated Mr. Cramer was obviously in favor of the business being there although he did not send in a response and would be better than having a vacant building inviting vagrants.

Discussion about Staff suggested landscaping.

Commissioner Staats asked about traffic counts (volume) for 6th Street in front of the store and Mr. Dolan stated when he spoke with Kenny Henderson, Street Department, there were no firm counts available but it was not a heavily traveled road.

Chair Pilkington stated he thought it would help matters if the front door were relocated to the side.

Commissioner Staats asked Mr. Grisham what kind of difficulty would handicapped people experience being parked that far away from the door and if the sidewalks were ADA compliant. Mr. Grisham stated the sidewalks could be made ADA complaint easily enough. Mr. Dolan stated that as the project went through the permitting process, that would be one of the issues looked at but was not associated with the CUP for package store retail use currently before the Board.

Chair Pilkington stated he had concern about having any parking or a door by the duplex and would prefer to keep people away from that as far as possible.

Mr. Grisham stated he did not know which was there first, the duplex or the building, and would still be willing to move the front door to the side area, but if the 4 spaces could be utilized, he did feel this would keep the duplex tenants from being bothered.

Commissioner Pope asked if it was the intention to close the door on the west side, what was the main door for the hardware store. Mr. Grisham stated it could be done to alleviate the problem with the owner of the duplex.

Mr. Johnson stated the businesses through the years end up with people parking on his spots anyway. Someone whips in real quick, can't find a parking space and the 4 spaces are full, they will park on his property. Signs will not make any difference since it has been that way for years. Part of the problem is with the 4 spaces in front, someone will pull in and want to get a drink and they won't care where they park. They will see an open spot, come over, and park. A package store will increase the volume of traffic significantly. Since the building has been vacant there have been no problems.

Commissioner Martin asked if the previous hardware store utilized the main entrance (front door) and Mr. Johnson confirmed. Commissioner Martin stated if the owner were willing to close that entrance off and make the entire south side of the building the front

of the building, he did not see people parking in Mr. Johnson's lot and then walking all the way around the building to get to the front door. Mr. Johnson stated people will park wherever they want to park.

Chair Pilkington closed the public hearing.

Vice-Chair Talley stated there were more problems than there are applications for hope of this to work out.

Commissioner Barton asked Mr. Dolan "in the future when the next two or three open up downtown, what was the distance required for off-site parking – 50 feet, 200 feet, can you park at the City parking lot and walk down?" Mr. Dolan stated there were no criteria stated in the Parking Regulations and/or Zoning Code, but the Institute of Transportation Engineers (ITE) recommended anywhere less than 200 feet, which is based on statistics people would walk to a facility versus trying to get in a vehicle and drive. Mr. Graham stated Staff was interpreting the Section of the Commission approved recommendation for the CUP Ordinance and package stores, to say applicants were required to furnish that number of additional parking spaces. With the way the Ordinance is currently written, if someone wanted to come in from across the City parking lot, and were not adding any off-street parking, that would not be an allowed use under that CUP. Commissioner Barton stated his concern were people going three blocks down, getting a lease, and say they had their off-street parking since there's no distance requirement. Mr. Graham believed that was something the Commission could take into consideration to decide if it met the spirit of that requirement.

Commissioner Barton asked where the Dempsey Dumpster for trash was located and Mr. Dolan used the Powerpoint to point out one already existing in the alley. Commissioner Barton's concern was a customer having to cross the alley and deal with trucks in the alley. Mr. Dolan stated he would speak with the Solid Waste Department regarding schedules but felt they normally picked up around 3:00 a.m.

Commissioner Staats stated he personally did not like vacant buildings because they invite trouble but was not convinced this was a good plan for this building and more options should be explored.

Chair Pilkington stated the major question was parking off around the corner. It was his belief that all traffic, parking, walking, etc., should be directed away from the duplexes.

Vice-Chair Talley made a motion to not recommend approval of Z-FY-10-28 and Commissioner Barton made a second.

Mr. Graham clarified that an affirmative vote would mean disapproval.

*Motion passed: (5:3)*

Commissioners Williams, Martin and Hurd voted Nay, Commissioner Secrest absent.

ORDINANCE NO. \_\_\_\_\_

[PLANNING NO. Z-FY-10-28]

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 ON THE SOUTH ONE-HALF OF LOT 1, BLOCK 292-1, TEMPLE ORIGINAL AT 1 NORTH 6<sup>TH</sup> STREET; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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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 1 North 6<sup>th</sup> Street, 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 on the south one-half of Lot 1, Block 292-1, Temple Original at 1 North 6<sup>th</sup> Street, more fully shown on Exhibit A, attached hereto and made a part of for all purposes.

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

- (A) The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
- (B) 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.
- (C) The City Council may deny or revoke this CUP 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.
- (D) The CUP runs with the property. Changes in the owner or lessee of a permitted establishment do not affect the permit.
- (E) The CUP may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-608 of the Zoning Ordinance.
- (F) The applicant's site plan and application are exhibits to the CUP, attached hereto as Exhibits B and C, respectively.
- (G) Window signs are prohibited.
- (H) Lighted signs must be turned off at closing time.

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

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

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

**Part 5:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this

ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **3<sup>rd</sup>** day of **June**, 2010.

PASSED AND APPROVED on Second Reading on the **17<sup>th</sup>** day of **June**, 2010.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydetta Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/03/10  
Item #6  
Regular Agenda  
Page 1 of 3

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Tim Dolan, Planning Director

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING - Z-FY-10-27: Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) to allow the sale of all alcoholic beverages for on-premise consumption in a restaurant, where the gross revenue from alcoholic beverages is 50 percent or less than the total gross revenue of the restaurant, located on Lot 1, Block 1, Shoney's Commercial Addition at 411 North General Bruce Drive.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** The Planning and Zoning Commission voted 7/0 to recommend approval of the Condition Use Permit at its meeting on May 17, 2010, subject to staff's recommended conditions. (Commissioner Secrest was absent; Commissioner Martin abstained)

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for June 17, 2010, 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 14 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 bears the burden of showing that the establishment does not exceed the limitation on gross receipts from sales of alcoholic beverages applicable to its conditional use permit. The permittee must maintain accounting records of the sources of its gross revenue and allow the City to inspect such records during reasonable business hours.
4. The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
5. The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment premises to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee shall consult with the Chief of Police, who shall act in an advisory capacity to determine the number of qualified employees necessary to meet his obligations hereunder.



6. 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.
7. 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.
8. The City Council may deny or revoke a conditional use permit if it affirmatively determines that the issuance of the same is (a) incompatible with the surrounding uses of property, or (2) detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
9. A conditional use permit issued under this section runs with the property. Changes in the owner or lessee of a permitted establishment do not affect the permit.
10. All conditional use permits issued under this section will be further conditioned that the same may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-608.
11. The applicant's site plan and application are exhibits to the conditional use permit.

**ITEM SUMMARY:** The applicant, Patricia Reno-Davis, requests this Conditional Use Permit (CUP) to allow the sale of all alcoholic beverages for on-premise consumption in the future Mad Mongo's restaurant, where the gross revenue from alcoholic beverages is 50 percent or less than the total gross revenue of the restaurant, located at 411 North General Bruce Drive, between Johnson Brothers Ford and Wendy's restaurant.

Please refer to the Staff Report and draft minutes of case Z-FY-10-27, from the Planning and Zoning meeting, May 17, 2010. The subject property's General Retail District (GR) permits on-premise alcoholic beverage sales or consumption in a restaurant with a CUP. The property exceeds the CUP distance requirement of 300 feet from a church, public school, or public hospital. The applicant's request is compatible with surrounding land uses and complies with the Future Land Use and Character Map's designation of Auto-Urban Commercial for this property and the surrounding area. The property satisfies the Thoroughfare Plan with access to General Bruce Drive/IH-35, and West Calhoun Avenue. Adequate public facilities serve this restaurant site.

At its meeting on May 17, 2010, the Planning and Zoning Commission voiced concerns regarding the property's lack of compliance with I-35 Corridor Overlay District landscaping regulations along its strip of grass along North General Bruce Drive. The applicant, Patricia Reno-Davis, addressed the Commission and explained she had no problem increasing the landscaping along the strip of grass along North General Bruce Drive to satisfy the Zoning Ordinance. The applicant and her representative, Scott Motsinger, expressed the desire to meet all requirements during the restaurant's building permit review for planned renovations. The CUP site plan notes the strip of grass subject to I-35 Corridor landscaping requirements.

Staff mailed notices of the Planning and Zoning Commission public hearing to the six property owners within 200 feet of the subject property. As of Wednesday, May 19, 2010 at 3:00 PM, one notice was returned in favor of the request and none in opposition. The newspaper printed notice of the Planning and Zoning Commission public hearing on Thursday, May 6, 2010, in accordance with state law and local ordinance.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

Aerial  
Land Use and Character Map  
Zoning Map  
Utility Map  
CUP Site Plan Checklist  
CUP Site Plan Exhibits  
Notice Map  
P&Z Staff Report (Z-FY-10-27)  
P&Z Minutes (5/17/10)  
Ordinance



**Z-FY-10-27**

Lot 1, Block 1, Shoney's Commercial Subdivision

411 N General Bruce Dr



Z-FY-10-27

Feet 0 25 50 75

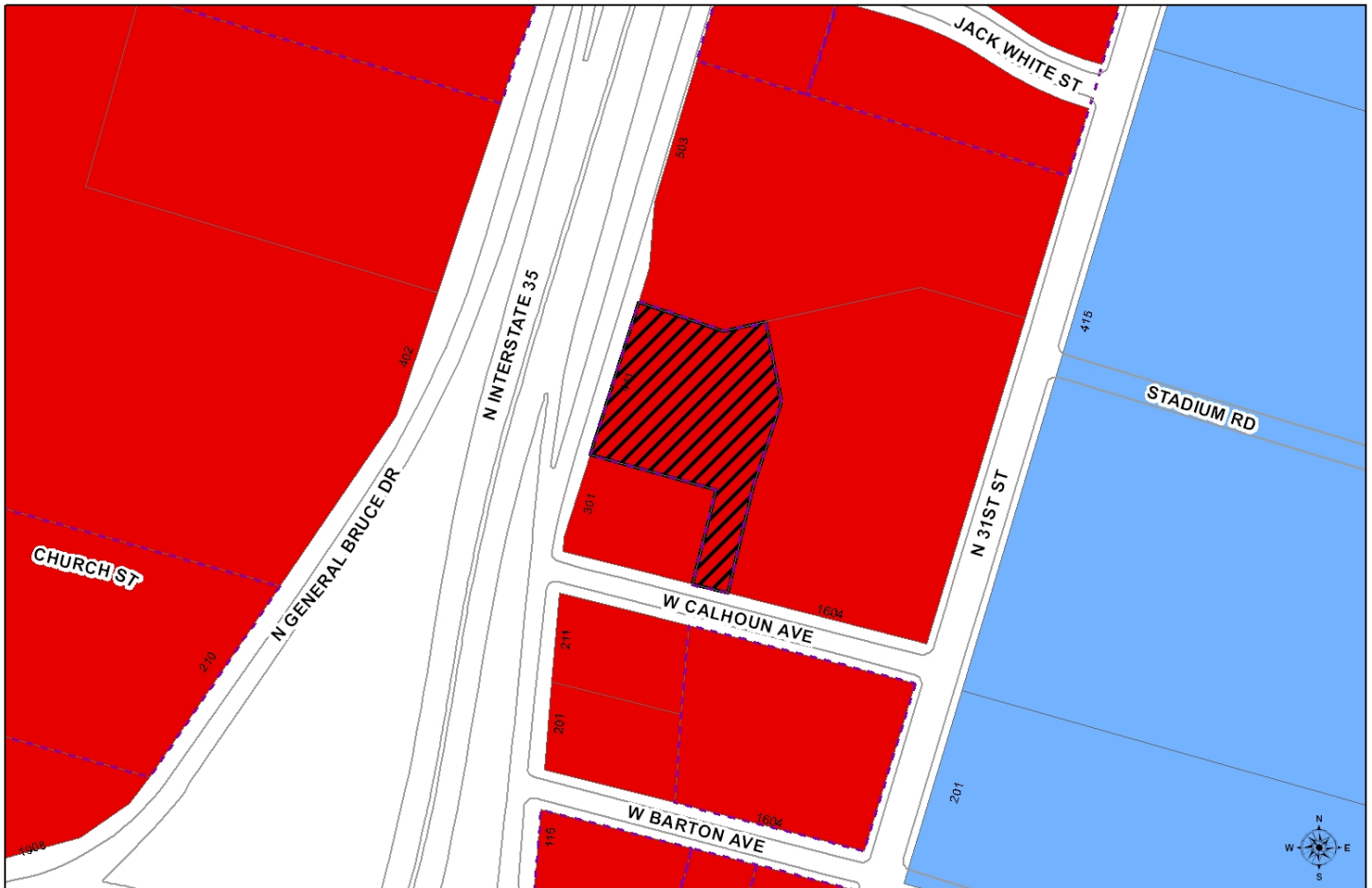
J Stone 4.14.10



**Z-FY-10-27**

Lot 1, Block 1, Shoney's Commercial Subdivision

411 N General Bruce Dr



- |                           |                         |                       |                                   |                      |                    |
|---------------------------|-------------------------|-----------------------|-----------------------------------|----------------------|--------------------|
| Z-FY-10-27                | Suburban Residential    | Auto-Urban Mixed Use  | Urban Center                      | Business park        | Agricultural/Rural |
| Neighborhood Conservation | Auto-urban Residential  | Auto-Urban Commercial | Temple Medical Education District | Public/Institutional |                    |
| Estate Residential        | Auto-Urban Multi-Family | Suburban Commercial   | Industrial                        | Parks and Open Space |                    |

1 inch = 200 feet  
J Stone 4.14.10







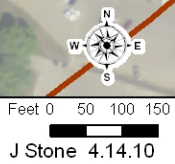
**Z-FY-10-27**

Lot 1, Block 1, Shoney's Commercial Subdivision

411 N General Bruce Dr



— WATER LINE — SEWER LINE Z-FY-10-27



## CUP SITE PLAN CHECKLIST

Data describing all the processes and activities involved with the proposed use: Location will be utilized as a Mongolian grill-style restaurant. Restaurant will have a full bar. Kitchen area will be small, with a large round grill as the focal point of the dining area. Menu items will be limited to the buffet style raw grill items and a few children's alternatives and desserts.

Building Location: 411 North General Bruce Drive, Temple, TX

Building height and gross floor area: approx 500 square feet

Setbacks from property lines: see site plan

Landscaping: left side fully lined with red-tip fotinas which act as a privacy barrier between restaurant and Johnson Bros Ford. Flower beds line the front and left sides of the building, focusing on medium-sized yaupon bushes. Grassy areas at frontage road, rear, and between restaurant and Wendy's, including some medium-sized plants.

Lot area: see site plan, approx 1.4 acres

Adjacent land uses: I-35 frontage road, Wendy's restaurant, Johnson Bros Ford, vacant lot (see site plan)

Easements: TXU, see site plan

Significant drainage ways or natural features: see site plan

Fire hydrants: located on Calhoun Street

Sidewalks: see site plan

Required parking and loading spaces: see site plan. Ninety Eight parking spaces with wide lanes all the way around the building.

Refuse container and screening: see site plan

Width of internal and adjacent streets and alleys: see site plan

Location and size of water and sewer main:

Drainage facilities: see site plan

Public open space, parks and playgrounds: n/a

Owner background: Trish Reno-Davis has owned and managed several Shipley Do-Nut locations in the Temple area (currently owns two) over the past 15 years. She is a former military officer with a U.S. Military Academy education (West Point) as well as a master's degree. She owns commercial property as well as a self storage. The restaurant will be co-owned by her brother, Chris Cyr, who has similar business experience and education, with the addition of five years of Luby's management experience. He will be heavily involved in concept development and start-up, but not the ongoing management of the restaurant.



[illegible][illegible]

TA/ACSM LAND TITLE SURVEY  
 NENEY'S COMMERCIAL SUBDIVISION  
 MASTERS SURVEY, ABSTRACT NO. 550

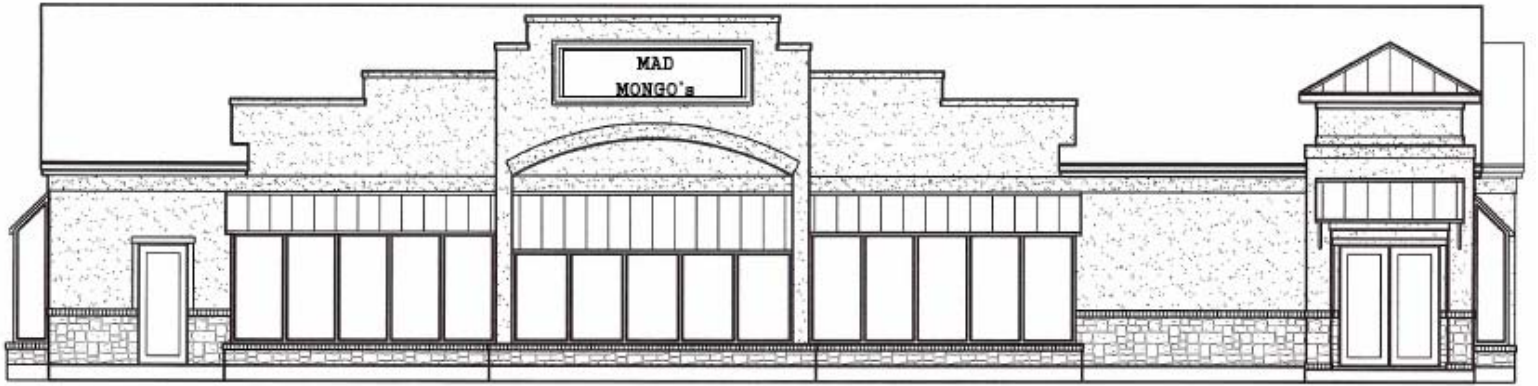
LOT 1, BLOCK 1  
 1477 ACRE TRACT  
 411 N. GENERAL BRUCE DRIVE

NOTE:  
THIS PROPERTY IS NOT SUBJECT TO 100  
YEAR FLOOD PLAIN AS PER FEMA/FIRM  
PANEL #480034-0005C.

VICTOR D. TURLEY, R.P.L.S. #2475

REVISIONS		
1	NAD MORRIS-B	2310

DATE: NOV. 5, 1998  
 DRN BY: JSL  
 REF: 9159-D  
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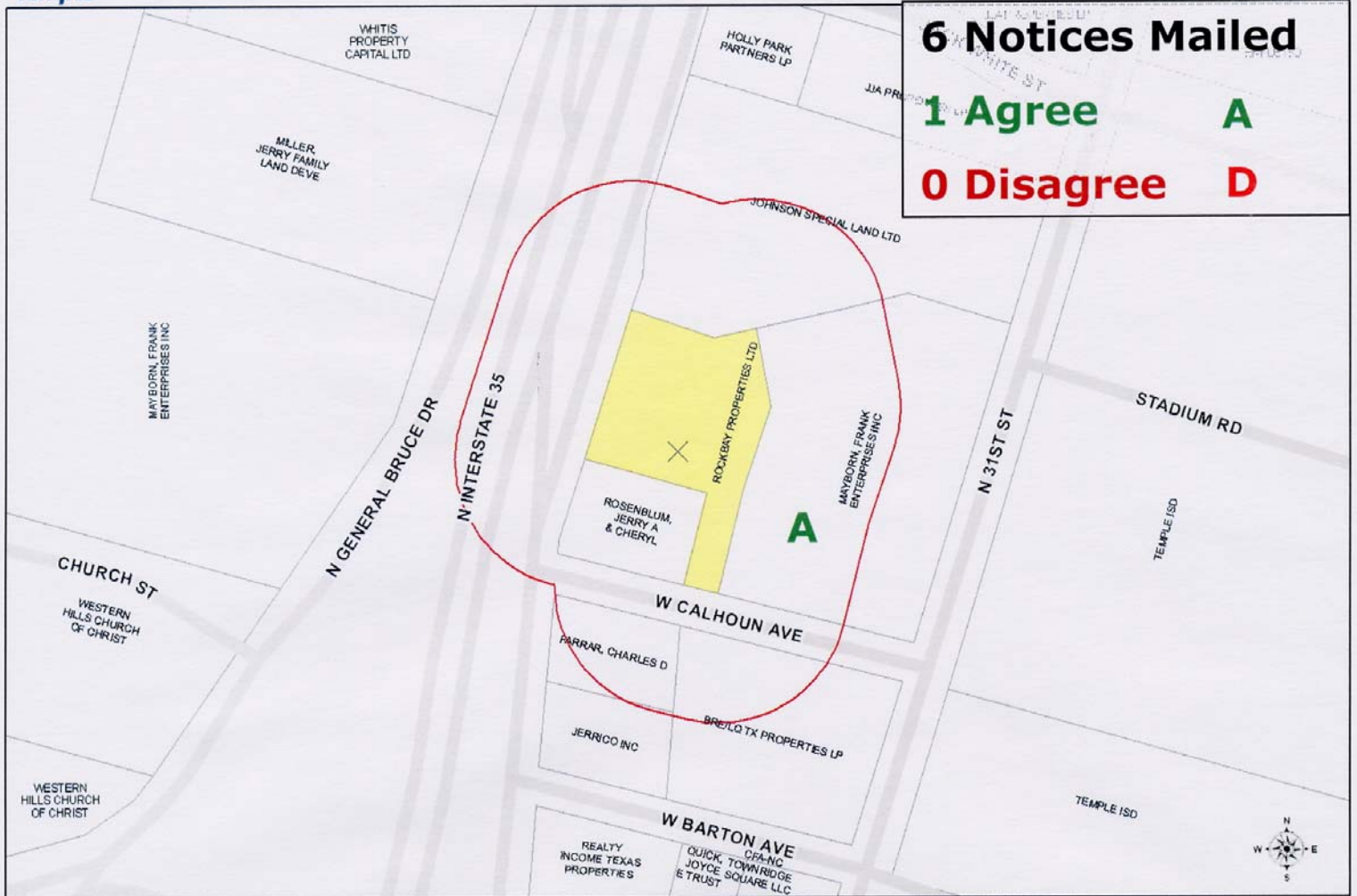




**Z-FY-10-27**

Lot 1, Block 1, Shoney's Commercial Subdivision

411 N General Bruce Dr



**6 Notices Mailed**

**1 Agree**

**A**

**0 Disagree**

**D**

200' Buffer

Z-FY-10-27

Feet 0 50 100 150

J Stone 4.14.10



# PLANNING AND ZONING COMMISSION AGENDA ITEM

05/17/10  
Item #2  
Regular Agenda  
Page 1 of 4

**APPLICANT / DEVELOPMENT:** Patricia Reno-Davis

**CASE MANAGER:** Tammy Lyerly, Planner

**ITEM DESCRIPTION:** **Z-FY-10-27** Hold a Public Hearing to discuss and recommend action on a Conditional Use Permit (CUP) to allow the sale of all alcoholic beverages for on-premise consumption in a restaurant, where the gross revenue from alcoholic beverages is 50 percent or less than the total gross revenue of the restaurant, located on Lot 1, Block 1, Shoney's Commercial Addition at 411 North General Bruce Drive. Zoned General Retail District (GR). (Applicant: Patricia Reno-Davis)

**BACKGROUND:** The applicant, Patricia Reno-Davis, requests this Conditional Use Permit (C.U.P.) to allow beer, wine, and mixed drinks with meals in a proposed restaurant at 411 North General Bruce Drive. The property was originally developed as the Shoney's restaurant. The applicant plans to renovate the existing building on the property for a Mongolian grill-style restaurant called Mad Mongo's.





The property exceeds the C.U.P. distance requirement of 300 feet from a church, public school, or public hospital.

## **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	General Retail (C.U.P. proposed)	Vacant Restaurant Site	



Direction	Zoning	Current Land Use	Photo
North	General Retail	Car Dealership	
South	General Retail (with C.U.P.'s for On-Premise Beer Sales) and Commercial	Restaurants and Hotel	
East	General Retail	Undeveloped Land	
West	Commercial	Undeveloped Land	

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

Future Land Use and Character – The applicant's request complies with the Future Land Use and Character Map's designation of Auto-Urban Commercial for this property and the surrounding area.

Thoroughfare Plan – The property fronts North General Bruce Drive and satisfies the Thoroughfare Plan with access to IH-35 and West Calhoun Avenue.

Adequacy of Public Facilities – The property has water and sewer service from 6-inch water and sewer lines.

### Development Regulations

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

Criteria	Proposal Meets Criteria?
The conditional use permit will be compatible with and not injurious to the use and enjoyment of the property, nor significantly diminish or impair property values within the immediate vicinity	Yes.
The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property	Yes.
Adequate utilities, access roads, drainage, and other necessary support facilities have been or will be provided	Yes. The property has the necessary infrastructure for restaurant use and has direct access to North General Bruce Drive and West Calhoun Avenue.
The design, location, and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development	Yes. The property was developed for restaurant use with plenty of parking spaces (98). Entrances from West Calhoun Avenue and North General Bruce Drive provide safe and convenient vehicular movement throughout the parking lot.
Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise, and vibration	Yes.
Directional lighting will be provided so as not to disturb or adversely affect neighboring properties	Yes.
There is sufficient landscaping and screening to insure harmony and compatibility with adjacent property.	Yes.

Zoning Ordinance Section 7-611 requires C.U.P. compliance with the Alcoholic Beverage Code. The applicant is currently working with TABC in following required regulations.

### Public Notice

Staff mailed notices of the Planning and Zoning Commission public hearing to the six property owners within 200 feet of the subject property. As of Wednesday, May 12, 2010 at 4 PM, one notice was returned in favor of the request and none in opposition. The newspaper printed notice of the Planning and Zoning Commission public hearing on Thursday, May 6, 2010, in accordance with state law and local ordinance.

**STAFF RECOMMENDATION:** Staff recommends approval of Z-FY-10-27, a C.U.P. to allow the sale of all alcoholic beverages for on-premise consumption in a restaurant, where the gross revenue from alcoholic beverages is 50 percent or less than the total gross revenue of the restaurant at 411 North General Bruce Drive 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. The conditional use permit runs with the property. Changes in the owner or lessee of a permitted establishment do not affect the permit.
8. 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.
9. 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  
Utility Map  
CUP Site Plan Checklist  
CUP Site Plan Exhibits  
Notice Map  
Response Letters



**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, MAY 17, 2010**

**ACTION ITEMS**

**Item 2: Z-FY-10-27:** Public Hearing to discuss and recommend action on a Conditional Use Permit (CUP) to allow the sale of all alcoholic beverages for on-premise consumption in a restaurant, where the gross revenue from alcoholic beverages is 50 percent or less than the total gross revenue of the restaurant, located on Lot 1, Block 1, Shoney's Commercial Addition at 411 North General Bruce Drive. Zoned General Retail District (GR). (Applicant: Patricia Reno-Davis)

Commissioner Martin abstained from this Item and turned in his signed Affidavit to Staff.

Ms. Tammy Lyerly, Planner, stated if approved, the City Council would have their first reading on June 3rd and June 17th for second reading.

This case concerned a proposed Conditional Use Permit (CUP) which was currently zoned General Retail (GR) and the proposal conformed to the CUP regulations. The site was formerly Shoney's Restaurant. The new restaurant will be called Mad Mongo's, a Mongolian grill style restaurant.

The aerial for the subject property showed it fronted General Bruce Drive, Johnson Brothers Ford was located to the north, Wendy's to the south, undeveloped land to the east, I35 to the west, and another entrance to West Calhoun Avenue.

The Future Land Use and Character Map showed this area with an auto/urban commercial designation with zoning in a GR district. The request complied with the Thoroughfare Plan and infrastructure needs for this use with access to and from I35, General Bruce Drive, and West Calhoun Avenue, with public facilities to serve the site, and 98 parking spaces are available for the restaurant.

Ms. Lyerly stated there were seven (7) general criteria to meet when considering a CUP which were related to safety issues, infrastructure needs, compatibility with surrounding areas, drainage, etc., and the request complied with all seven criteria.

The general requirements for a CUP were also reviewed which were contained in Zoning Ordinance Section 7-611. The applicant was also required to comply with all TABC requirements and that procedure had already begun.

Six notices were mailed out to surrounding property owners: only one notice was received in favor of the request.

Staff recommended approval of this request since it complied with the Future Land Use and Character Map, the Thoroughfare Plan, had available public facilities to serve the

property, and the applicant complied with the Zoning Ordinance's CUP regulations. The site plan would serve as an exhibit for the request.

Commissioner Barton asked if Mad Mongo's were a franchise and Ms. Patricia Reno-Davis, the applicant, stated no.

Commissioner Pope asked about landscaping requirements and did the applicant meet the requirements. Ms. Lyerly stated it was an existing site and already had existing landscaping, including hedges, trees, and grass. Mr. Scott Motsinger stated 75% of the front had landscaping already.

Chair Pilkington opened the public hearing.

Mr. Scott Motsinger, 1101 North 13th, Central Realty Partners, stated he was available for questions, along with the developer. Mr. Motsinger stated this idea was a new concept patterned after Genghis Grill/Fire & Ice with a flat rounded grill.

Commissioner Barton asked about the landscaping which ran along the strip on N. General Bruce and if it contained shrubs and trees. Mr. Motsinger stated it had 'grass,' shrubs were on the north side and plants around the front. Commissioner Barton stated he thought the new landscape ordinance required trees and shrubs. Commissioner Staats stated there were none shown in the elevation view and Mr. Motsinger agreed. Mr. Motsinger stated they still needed to go through the whole process of approval and landscaping would be addressed at that time. Commissioner Pope stated the I35 corridor plan which had been developed and adopted would also apply. Mr. Motsinger stated the whole façade would change and shrubs would be installed so compliance would be met.

Ms. Patricia Reno-Davis, owner of the building and business, stated some of the landscaping currently there looked 'tired' and they had some things to improve the area and bring it up to date if needed. Ms. Reno-Davis and Mr. Motsinger stated they may end up losing some area due to TxDOT.

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

Chair Pilkington asked Ms. Lyerly how the I35 would affect what was already there. Ms. Lyerly stated this was an existing site and during review, a certain percentage kicked into the landscaping improvements. Ms. Lyerly stated if the Commission desired to request additional requirements they were authorized to do so. Chair Pilkington asked if the site, under permitting process, would require to be brought up to the I35 corridor standards and Ms. Lyerly confirmed.

Commissioner Pope made a motion to approve the CUP as stated for the property at 411 N. General Bruce Drive and Commissioner Staats made a second.

Motion passed: (7:0)

Commissioner Secrest absent; Commissioner Martin abstained.

ORDINANCE NO. \_\_\_\_\_

[PLANNING NO. Z-FY-10-27]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF ALL ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION IN A RESTAURANT, WHERE THE GROSS REVENUE FROM ALL ALCOHOLIC BEVERAGES IS 50% OR LESS THAN THE TOTAL GROSS REVENUE OF THE RESTAURANT, LOCATED ON LOT 1, BLOCK 1, SHONEY'S COMMERCIAL ADDITION AT 411 NORTH GENERAL BRUCE DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**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 location and zoning classification of the establishment, has recommended that the City Council approve this application; 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 concerning the establishment at 411 North General Bruce Drive, and has heard the comments and evidence presented by all persons supporting or opposing this matter at said public hearing, and after examining the location and the zoning classification of the 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 the sale of all alcoholic beverages for on-premise consumption in a restaurant, where the gross revenue from all alcoholic beverages is 50% or less than the total gross revenue of the restaurant, located on Lot 1, Block 1, Shoney's Commercial Addition at 411 North General Bruce Drive, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

**Part 2:** The owners/applicants, their 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 14 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 bears the burden of showing that the establishment does not exceed the limitation on gross receipts from sales of alcoholic beverages applicable to its conditional use permit. The permittee must maintain accounting records of the sources of its gross revenue and allow the City to inspect such records during reasonable business hours.
- (D) The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
- (E) The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment premises to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee shall consult with the Chief of Police, who shall act in an advisory capacity to determine the number of qualified employees necessary to meet his obligations hereunder.
- (F) 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.
- (G) 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.

- (H) The City Council may deny or revoke a conditional use permit if it affirmatively determines that the issuance of the same is (a) incompatible with the surrounding uses of property, or (2) detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
- (I) A conditional use permit issued under this section runs with the property. Changes in the owner or lessee of a permitted establishment do not affect the permit.
- (J) All conditional use permits issued under this section will be further conditioned that the same may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-608.
- (K) The applicant's site plan and application are exhibits to the conditional use permit, attached hereto as Exhibits B and C, respectively.

**Part 3:** The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 3<sup>rd</sup> day of **June**, 2010.

PASSED AND APPROVED on Second Reading on the 17<sup>th</sup> day of **June**, 2010.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/03/10  
Item #7  
Regular Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Clydette Entzminger, City Secretary

**ITEM DESCRIPTION:** Consider adopting a resolution appointing members to the following City boards and commissions:

- (A) Two members to the Temple Public Safety Advisory Board to fill unexpired terms through September 1, 2010 and September 1, 2011
- (B) One member to the Animal Services Advisory Board to fill an unexpired term through September 1, 2012

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

**ITEM SUMMARY:** (A) Cynthia Martinez and Stephen Paine have both forfeited their positions on the Temple Public Safety Advisory Board due to non-attendance. We request the Council fill these two unexpired terms, on through September 1, 2010, and the other through September 1, 2011, with Temple residents.

(B) Krissy Whittington has forfeited her position on the Animal Services Advisory Board due to non-attendance. We request the Council fill the unexpired term through September 1, 2012, with a representative from an animal welfare organization.

Please see the attached summary forms for these two boards, which list current board members, purpose, membership requirements, term and meeting time/place for the boards.

**FISCAL IMPACT:** N/A

### **ATTACHMENTS:**

[Board Summary Forms](#)  
[City Board Application Forms](#)



# TEMPLE PUBLIC SAFETY ADVISORY BOARD

TERM EXPIRATION: SEPTEMBER - 3 YEAR TERMS

APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Bill E. Moore	06/05	2012	2005 East Avenue K, 76501	773-3589 H
John Mayo	04/10	2012	6918 Valley Mist, 76502 <a href="mailto:John.Mayo@hotmail.com">John.Mayo@hotmail.com</a>	773-9966 W 541-6816 C
Warren R. Smith O/OMA	03/10	2010	4409 Sunflower Lane 76502 <a href="mailto:Warrensmith1953@yahoo.com">Warrensmith1953@yahoo.com</a>	207-2727 W 228-7472 C
John Bush	09/09	2010	1302 North 13 <sup>th</sup> , 76501 <a href="mailto:Jbush83498@sbcglobal.net">Jbush83498@sbcglobal.net</a>	774-8899 W 773-1416 H 760-9313 C
Donald W. Nelson	09/09	2012	3105 Hemlock Blvd., 76502 <a href="mailto:Dnelson8@hotmail.com">Dnelson8@hotmail.com</a>	778-1803 H/F
Justice M. Bigbie	07/09	2010	108 Sundance, 76502 <a href="mailto:jbnavyman@hotmail.com">jbnavyman@hotmail.com</a>	742-2171 H 421-0849 C
Patricia A. Smith, Ph.D.	11/02	2010	3334 Red Cliff Cr., 76502 <a href="mailto:pat-smith@earthlink.net">pat-smith@earthlink.net</a>	778-4425 H
Corey Richardson, Chair	09/07	2010	100 Ottoway Drive, 76501 <a href="mailto:cdrich@excite.com">cdrich@excite.com</a>	760-8330 W
Temikia Brown (O/OMA)	09/09	2012	8228 Starview, 76502 <a href="mailto:brownnchrist@aol.com">brownnchrist@aol.com</a>	780-2822 H 778-8036 W 217-5476 C
Cynthia Martinez (OMA) Forfeit position-non attendance 5-11-10	09/09	2010	508 West Virginia Ave., 76501 <a href="mailto:cymartinez@templejc.edu">cymartinez@templejc.edu</a>	298-8358 W 778-4180 H 231-6004 C
Karl J. Kolbe	04/07	2011	4802 S. 31 <sup>st</sup> Street, #Apt 515 <a href="mailto:kkolbe@hotmail.com">kkolbe@hotmail.com</a>	512-771-4132 C 254-231-3445 H
Gerald Richmond	09/05	2011	3210 Glenwood Drive 76502 <a href="mailto:n5zxj@n5zxj.us">n5zxj@n5zxj.us</a>	773-6868 W 771-3006 H 913-7041 C
Stephen Paine (OMA) Forfeit position-non attendance 5-11-10	02/08	2011	227 Taylors Drive Temple, TX 76502 <a href="mailto:Stephen.centraltexasems@gmail.com">Stephen.centraltexasems@gmail.com</a>	771-1136 W 534-1834 C
Arben "Benny" Ismaili	09/07	2011	1810 Marlandwood Rd. #8107 76502 <a href="mailto:arben1976@hotmail.com">arben1976@hotmail.com</a>	771-0169 W 421-1249 C
John Barina	09/08	2011	2109 Stagecoach Trl 76502 <a href="mailto:johnbarina@hotmail.com">johnbarina@hotmail.com</a>	760-6525 W/C 773-9580 H

Created by Resolution 94-641-R February 3, 1994; previously under authority of resolution adopted September 1, 1983 as Temple Law Enforcement Advisory Board.

**Purpose:** Advise the Council on matters of law enforcement, fire, emergency medical service, communications and emergency management.

**Membership:** 15 members - all residents of the City;  
Ex-Officio members - Chief of Police, Fire Chief

**Term:** 3 years

**City Staff:** Police Chief Gary Smith/Fire Chief Lonzo Wallace

**Meeting Time/Place:** 2nd Tuesday of each month at 5:30 p.m., Temple Police Department. Revised 04/15/10

# ANIMAL SERVICES ADVISORY BOARD

TERM EXPIRATION: SEPTEMBER - 3 YEAR TERMS

APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE APOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Dr. Lance Crews, Veterinarian OMA	01/03	2010	Animal Medical Care 1604 W. Avenue H Temple, TX 76502 <a href="mailto:amc@vvm.com">amc@vvm.com</a>	778-5246 W 913-8450 M 778-6327 F
Twila Coley	09/04	2010	714 S. 13 <sup>th</sup> Street Temple, TX 76504 <a href="mailto:tcoley@strasburger.net">tcoley@strasburger.net</a>	774-8142 H 778-3547 W ext.424
Barbara Brown, Chair	10/07	2011	4402 Lonestar Trail Temple, TX 76502 <a href="mailto:hbbrown76502@sbcglobal.net">hbbrown76502@sbcglobal.net</a>	771-2832 H
Patsy Luna, Mayor Pro Tem/Councilmember District 2	01/03	2011	216 South 26 <sup>th</sup> Street Temple, TX 76501 <a href="mailto:pluna@ci.temple.tx.us">pluna@ci.temple.tx.us</a>	773-5870 H
Amy Strunk, Animal Shelter Operator	09/09	2012	Animal Shelter 620 Mama Dog Circle Temple, TX 76504 <a href="mailto:astrunk@ci.temple.tx.us">astrunk@ci.temple.tx.us</a>	298-5732 W
Gene Moeller OMA	09/08	2012	8715 Trailridge Temple, TX 76502 <a href="mailto:Bodiddle36@aol.com">Bodiddle36@aol.com</a>	780-2948 H 541-1733 M
Krissy Whittington, APAC Forfeit position-non attendance	03/08	2012	P O Box 2351 Temple, TX 76503 <a href="mailto:krissyw@fcttx.com">krissyw@fcttx.com</a>	773-7750 W 931-0840 M
Walter Hetzel, Animal Services Director	Ex-Officio		Animal Shelter 620 Mama Dog Circle Temple, TX 76504 <a href="mailto:whetzel@ci.temple.tx.us">whetzel@ci.temple.tx.us</a>	298-5742

Created July 3, 1975 by Ordinance #830; reorganized in 1988 under Ordinance #1892; board repealed and re-established as Animal Services Advisory Board under Resolution No. 2003-3589-R, January 16, 2003.

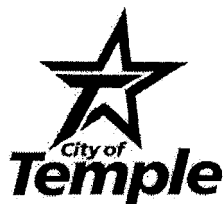
**Purpose:** To advise the City Council and City staff on matters relating to the City's Animal Services Division and its operations. The Board is specifically charged with ensuring that the City complies with State law requirements relating to the operation of animal shelters (currently found in Chapter 823 of the Texas Health and Safety Code. The Board shall submit each March a report to the City Council describing the Board's activities during the preceding year.

**Membership:** 7 members - to include 1 licensed veterinarian, 1 representative from an animal welfare organization, 1 municipal official, 1 person who duties include the daily operation of an animal shelter and 3 additional members that are residents of the City of Temple. **Chair to be appointed by Council annually.**

**Terms:** 3 years **Meeting Time/Place:** 2<sup>nd</sup> Monday of every other month; 11:00 am; Board must meet at least 3 times per year.

**City Staff:** Walter Hetzel, Animal Services Director; Clydette Entzminger, City Secretary

Revised: 08/20/09



## CITY OF TEMPLE

### CITY BOARD APPLICATION FORM

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

- |                                     |   |
|-------------------------------------|---|
| 1 AIRPORT ADVISORY BOARD            | ANIMAL SERVICES ADVISORY BOARD          |
| BUILDING & STANDARDS COMMISSION     | BUILDING BOARD OF APPEALS               |
| CIVIL SERVICE COMMISSION            | COMMUNITY SERVICES ADVISORY BOARD       |
| ELECTRICAL BOARD                    | 2 TEMPLE PUBLIC SAFETY ADVISORY BOARD   |
| ZONING BOARD OF ADJUSTMENT          | DEVELOPMENT STANDARDS ADVISORY BOARD    |
| LIBRARY BOARD                       | PARKS & LEISURE SERVICES ADVISORY BOARD |
| PLANNING & ZONING COMMISSION        | 4 TRANSIT ADVISORY COMMITTEE            |
| REINVESTMENT ZONE NUMBER ONE        | CENTRAL TEXAS HOUSING CONSORTIUM        |
| 3 TEMPLE ECONOMIC DEVELOPMENT CORP. |   |

• If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.

• If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or [centz@ci.temple.tx.us](mailto:centz@ci.temple.tx.us).

\*\*\*\*\*  
Name PAT BELL Residence Address 3201 Pecan Valley Dr. 76502  
Mailing Address PO Box 2062 Temple 76503 Phone Number(Business) 231-1075 (Home) 721-6925  
Fax Number \_\_\_\_\_ Cell Phone Number 721-6925 E-Mail Address atwoodbell@yahoo.com  
Current Employer/Nature of Business: Giddens Distributing/ Beverage Distributor  
What City Boards have you served on before & When? \_\_\_\_\_

Name, in priority order, the Board or Boards on which you would prefer to serve: Airport Advisory Board,  
Temple Public Safety Advisory Board, TEDC, TRANSIT Advisory

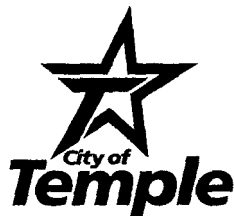
What experience and/or educational background do you have that could be applied to community service?  
Licensed Private Pilot, Bachelor of Science degree in Marketing

Comments (Attach additional page if desired):

I'm also on the advisory board of the Temple Salvation Army

Signed: PAT BELL Date: 7/15/08

PLEASE NOTE: All information supplied on this form is public information.



## CITY OF TEMPLE

### CITY BOARD APPLICATION FORM

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

AIRPORT ADVISORY BOARD  
BUILDING & STANDARDS COMMISSION  
CIVIL SERVICE COMMISSION  
ELECTRICAL BOARD  
ZONING BOARD OF ADJUSTMENT  
LIBRARY BOARD  
PLANNING & ZONING COMMISSION  
REINVESTMENT ZONE NUMBER ONE  
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD  
BUILDING BOARD OF APPEALS  
COMMUNITY SERVICES ADVISORY BOARD  
TEMPLE PUBLIC SAFETY ADVISORY BOARD —  
DEVELOPMENT STANDARDS ADVISORY BOARD  
PARKS & LEISURE SERVICES ADVISORY BOARD  
TRANSIT ADVISORY COMMITTEE  
CENTRAL TEXAS HOUSING CONSORTIUM  
TREE BOARD

• If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.

• If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or [centz@ci.temple.tx.us](mailto:centz@ci.temple.tx.us).

\*\*\*\*\*

Name SYLVIA R. CHESSE Residence Address 802 WESTPOINT DR. TEMPLE 76504

Mailing Address Same - Phone Number(Business) — (Home) 254-771-1171

Fax Number — Cell Phone Number — E-Mail Address KD5USI@AOL.COM

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: RETIRED - TEMPLE PUBLIC Library.

What City Boards have you served on before & When? Public Safety Advisory Board 2004 - 2008

Library Board 2003 - 2009

Name, in priority order, the Board or Boards on which you would prefer to serve: Public Safety Advisory Board,

Parks & Leisure Services Advisory Board, Community Services Advisory Board,  
TRANSIT ADVISORY COMMITTEE

What experience and/or educational background do you have that could be applied to community service?

AS THE WIFE OF A Career G.I. I have lived in 5 states and 3 Countries.

I have been in public service jobs all my life from Catering to Retail

Comments (Attach additional page if desired):

Temple is a great place to live and I like to give back to it with

my time. I am a member of the Citizens Police Academy Alumni and a Volunteer  
at Scott and White.

Signed: Angie R. Chesser Date: July 22nd, 2009

PLEASE NOTE: All information supplied on this form is public information.

\* Appointed to Transit Adv. Committee 8/24/09



## CITY OF TEMPLE

## CITY BOARD APPLICATION FORM

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AIRPORT ADVISORY BOARD  
BUILDING & STANDARDS COMMISSION  
CIVIL SERVICE COMMISSION  
ELECTRICAL BOARD  
ZONING BOARD OF ADJUSTMENT  
LIBRARY BOARD  
PLANNING & ZONING COMMISSION  
REINVESTMENT ZONE NUMBER ONE  
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD  
BUILDING BOARD OF APPEALS  
COMMUNITY SERVICES ADVISORY BOARD  
TEMPLE PUBLIC SAFETY ADVISORY BOARD  
DEVELOPMENT STANDARDS ADVISORY BOARD  
PARKS & LEISURE SERVICES ADVISORY BOARD  
TRANSIT ADVISORY COMMITTEE  
CENTRAL TEXAS HOUSING CONSORTIUM

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Name Margaret Goodwin Residence Address 3206 Keller Rd., 76504

Mailing Address Same Phone Number (Business) 254-771-8600 EXT 277 (Home)

Fax Number \_\_\_\_\_ Cell Phone Number 254-541-0894 E-Mail Address mag47g00@msn.com

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: Kings Daughters Hosp, medical technologist

What City Boards have you served on before & When? N/A

Name, in priority order, the Board or Boards on which you would prefer to serve: ① Parks & Leisure

② Library ③ Community Services ④ Temple Public Safety ⑤ Any others at your discretion

What experience and/or educational background do you have that could be applied to community service?

I am a life-long resident of Temple and a graduate of Temple High School and Temple college. I have worked in the medical field for over 40 yrs.

I feel that I have benefited from the services of the city and would like to be a benefit to my community.

Signed: Margaret Goodwin

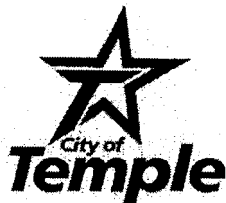
Date: \_\_\_\_\_

PLEASE NOTE: All information supplied on this form is public information.

RECEIVED

JAN 26 2009

CITY OF TEMPLE, TX  
CITY SECRETARY



CITY OF TEMPLE  
CITY BOARD APPLICATION FORM

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AIRPORT ADVISORY BOARD  
BUILDING & STANDARDS COMMISSION  
CIVIL SERVICE COMMISSION  
ELECTRICAL BOARD  
ZONING BOARD OF ADJUSTMENT  
LIBRARY BOARD  
PLANNING & ZONING COMMISSION  
REINVESTMENT ZONE NUMBER ONE  
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD  
BUILDING BOARD OF APPEALS  
COMMUNITY SERVICES ADVISORY BOARD  
TEMPLE PUBLIC SAFETY ADVISORY BOARD  
DEVELOPMENT STANDARDS ADVISORY BOARD  
PARKS & LEISURE SERVICES ADVISORY BOARD  
TRANSIT ADVISORY COMMITTEE  
CENTRAL TEXAS HOUSING CONSORTIUM

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\*\*\*\*\*  
Name Richard E. Morgan Residence Address 214 West Houston Ave.  
Temple, TX 76501  
Mailing Address 214 W. Houston Ave. Phone Number (Business) 254.634-4244 (Home) 254.771.0109  
Temple, TX 76501  
Fax Number 254.634.8809 Cell Phone Number 254.760.0331 E-Mail Address richardmorgan@hst.ir.com

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: Self Employed/Sole Proprietor/Clinical Social Worker

What City Boards have you served on before & When? \_\_\_\_\_

Name, in priority order, the Board or Boards on which you would prefer to serve: (1) Planning & Zoning Commission  
(2) Community Services Advisory Board (3) Temple Public Safety Advisory Board  
(4) Reinvestment Zone Number One (5) Transit Advisory Board

What experience and/or educational background do you have that could be applied to community service?  
Served on Numerous Committees including Bell County Resource Group,  
Parents Without Partners Board of Directors - Bell County Mental Health  
Comments (Attach additional page if desired): I have a Master of Science Degree  
in Social Work from University of Texas  
over 20 years as a Clinical Social Worker

Signed: [Signature] Date: 7/26/09



## CITY OF TEMPLE

## CITY BOARD APPLICATION FORM

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BUILDING & STANDARDS COMMISSION  
CIVIL SERVICE COMMISSION  
CONVENTION CENTER & TOURISM BOARD  
ZONING BOARD OF ADJUSTMENT  
LIBRARY BOARD  
PLANNING & ZONING COMMISSION  
REINVESTMENT ZONE NUMBER ONE  
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD  
BUILDING BOARD OF APPEALS  
COMMUNITY SERVICES ADVISORY BOARD  
ELECTRICAL BOARD  
DEVELOPMENT STANDARDS ADVISORY BOARD  
PARKS & RECREATION BOARD  
TRANSIT ADVISORY COMMITTEE  
TEMPLE HOUSING AUTHORITY  
TEMPLE PUBLIC SAFETY ADVISORY BOARD

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Name David Perkins Residence Address 814 Pecos, Temple 76504

Mailing Address 814 Pecos, Temple 76504 Phone Number (Business) 773-9292 Home) 778-5650

Fax Number 770-0811 Cell Phone Number 931-1900 E-Mail Address davidwperkins@shcglobal.net

Current Employer/Nature of Business: Viron International/Environmental Control Systems

What City Boards have you served on before & When? N/A

Name, in priority order, the Board or Boards on which you would prefer to serve: Temple Public

Safety Advisory Board, Zoning Board of Adjustment

What experience and/or educational background do you have that could be applied to community service?

BS, History UT at Tyler

minor: Economic Geography

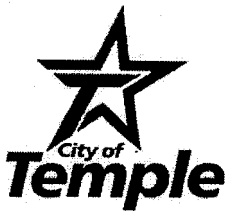
Comments (Attach additional page if desired):

Signed: David Perkins Date: 7/15/2008

PLEASE NOTE: All information supplied on this form is public information.

RECEIVED  
JUL 15 2008  
CITY OF TEMPLE, TX  
CITY SECRETARY





CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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CIVIL SERVICE COMMISSION  
ELECTRICAL BOARD  
ZONING BOARD OF ADJUSTMENT  
LIBRARY BOARD  
PLANNING & ZONING COMMISSION  
REINVESTMENT ZONE NUMBER ONE  
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD  
BUILDING BOARD OF APPEALS  
COMMUNITY SERVICES ADVISORY BOARD  
TEMPLE PUBLIC SAFETY ADVISORY BOARD  
DEVELOPMENT STANDARDS ADVISORY BOARD  
PARKS & LEISURE SERVICES ADVISORY BOARD  
TRANSIT ADVISORY COMMITTEE  
CENTRAL TEXAS HOUSING CONSORTIUM

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Name Bennie Trevino Residence Address 1003 South 13th St  
Mailing Address 1003 S. 13th St Phone Number (Business) \_\_\_\_\_ (Home) 254-771-3859  
Fax Number 254-771-3859 Cell Phone Number \_\_\_\_\_ E-Mail Address benn-trevino@yahoo.com  
Temple Resident: ☒ Yes ☐ No  
Current Employer/Nature of Business: not employed  
What City Boards have you served on before & When? none

Name, in priority order, the Board or Boards on which you would prefer to serve: Building Board of Appeals  
electrical board, community services, public safety board.

What experience and/or educational background do you have that could be applied to community service?  
25 years as an electrician 18 as an industrial maintenance electrician

Comments (Attach additional page if desired):

Signed: Bennie Trevino Date: 1-28-09

PLEASE NOTE: All information supplied on this form is public information.