



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

THURSDAY, JUNE 17, 2010

3:00 P.M.

3RD FLOOR CONFERENCE ROOM

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, June 17, 2010.
2. Receive an update from Jacobs Engineering Group regarding the Bird Creek Interceptor Improvement Project.
3. Executive Session: Chapter 551, Government Code, §551.071 – Consultation with Attorney - The City Council will meet in executive session with the City Attorney to discuss pending and contemplated litigation.

Willis Martin, Jr. v. Wayne Dawson, et al

John Jay Reed, III v. Temple PD, et al

*City of Temple, Texas, v. William T. Anderson,
as Trustee of the Center Orthopedic Pension Plan Trust,
and Wind Mountain Ranch, LLC.*

4. Executive Session: Chapter 551, Government Code, §551.087 – Economic Development Negotiations - The City Council will meet in executive session to discuss economic development negotiations concerning Gulf States Toyota.

5:00 P.M.

MUNICIPAL BUILDING

2 NORTH MAIN STREET
CITY COUNCIL CHAMBERS – 2ND FLOOR

TEMPLE, TX

REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Presentation of Proclamations:
 - (A) [Healthcare Risk Management Week](#) [June 14—18, 2010](#)
 - (B) [235th Birthday of the United States Army](#) [June 14, 2010](#)

III. PUBLIC COMMENTS

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

IV. PUBLIC HEARING

4. [PUBLIC HEARING](#) – Presentation of the proposed 2010-2015 Community Development Block Grant (CDBG) Five Year Consolidated Plan, and the proposed 2010-2011 CDBG Annual Action Plan, including the funding recommendations for public service agencies from the Community Services Advisory Board.

V. CONSENT AGENDA

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

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

Minutes:

- (A) [May 25, 2010 Special Called Meeting](#)
- (B) [June 3, 2010 Special Called and Regular Meeting](#)

Contracts, Leases & Bids

- (C) [2010-6038-R](#): Consider adopting a resolution authorizing an interlocal agreement with Bell County for use of the County's software and fiber optic network to process and maintain records regarding early voting, in the amount of \$1200.
- (D) [2010-6039-R](#): Consider adopting a resolution authorizing change order #3 to the new Central Fire Station construction contract with EMJ Corporation of Irving in the amount of \$31,482.
- (E) [2010-6040-R](#): Consider adopting a resolution authorizing a construction contract with Cunningham Constructors & Associates, Inc. of Georgetown for the construction and installation of improvements necessary to address the solids removal process at the Membrane Water Treatment Plant in the amount of \$2,596,720.
- (F) [2010-6041-R](#): Consider adopting a resolution authorizing a 3-year rental agreement with G&K Services of Coppell off the BuyBoard, for the rental of uniforms and floor mats in the estimated annual amount of \$61,000.

Ordinances – Second and Final Reading

- (G) [2010-4365](#): SECOND READING – 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.

Misc.

- (H) [2010-6042-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2009-2010.

VI. REGULAR AGENDA

ORDINANCES

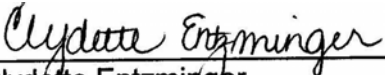
6. **2010-4366:** FIRST READING – PUBLIC HEARING – A-FY-10-08: Consider adopting an ordinance to abandon two alleys with one alley being approximately 21 feet in width by 343 feet in length, located between Lots 6 through 8, Block 8, Moore-Cole Addition and Block 1, Lang Addition and with the other alley being approximately 48 feet in width and 60 feet in length, located between Block 255, Original City of Temple Addition and Lot 5, Block 8, Moore-Cole Addition near the northwest corner of West Adams Avenue and North 23rd Street.
7. **2010-4363:** SECOND READING – 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.

RESOLUTIONS

8. **2010-6043-R:** Consider adopting a resolution authorizing a construction contract with Chaney-Cox Construction, Inc. of Temple for the construction of Fire Station No. 8 with Training Center/Emergency Operations Center in the amount of \$2,885,000.
9. **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

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 3:55 PM, on June 11, 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

06/17/10
Item #3
Regular Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamations:

- | | | |
|-----|------------------------------------------------------|------------------|
| (A) | Healthcare Risk Management Week | June 14—18, 2010 |
| (B) | 235 th Birthday of the United States Army | June 14, 2010 |

STAFF RECOMMENDATION: Present proclamations as presented in item description.

ITEM SUMMARY: (A) This proclamation was requested by the Scott & White Risk Management Department and will be received by a representative from that department.

(B) This proclamation was requested by the Department of the Army, and will be presented to the local Army Recruiting Office for Temple.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

06/17/10
Item #4
Regular Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: PUBLIC HEARING – Presentation of the proposed 2010-2015 Community Development Block Grant (CDBG) Five Year Consolidated Plan, and the proposed 2010-2011 CDBG Annual Action Plan, including the funding recommendations for public service agencies from the Community Services Advisory Board.

STAFF RECOMMENDATION: Receive presentations as indicated in item description and conduct public hearing. No action is required

ITEM SUMMARY: Five Year Consolidated Plan for 2010-2015

It is projected that the City will receive approximately \$2.5 million of CDBG funding over the next five years. Although this seems like a large amount at face value, the annual allocation has averaged only \$525,000 over the past five years. Five public hearings were held during the months of April and May 2010 at various locations. Survey forms were handed out at the hearings and made available online. Based on citizen input, survey results and public hearings, the consolidated plan will include funding for infrastructure, public facilities, demolitions, public service agencies and residential accessibility.

2010-2011 Annual Action Plan and Budget

For more than 30 years, the Community Development Block Grant (CDBG) program has been assisting metropolitan cities and urban counties across this country to fund their community and economic development activities. Approximately 1,000 entitlement communities participate in the program nationwide, including the City of Temple. The City is one of 77 entitlement communities located in the State of Texas. For Fiscal Year 2010-2011, HUD allocated CDBG funds to entitlement communities in Texas, as follows:

FY 2010-2011 CDBG in Texas

CDBG	Amount
State Total	\$197,422,384
Minimum	234,084
Maximum	37,769,402
Average	2,563,927
Temple	\$559,603

Other Recent CDBG Grant Amounts

2006-2007	\$524,380
2007-2008	\$524,136
2008-2009	\$503,239
2009-2010	\$515,539

The Community Development Block Grant Program provides annual grants on a formula basis to develop viable urban communities by providing decent housing, and a suitable living environment, and by expanding economic opportunities, principally for low-and moderate-income persons. The City of Temple anticipates receiving \$559,603 as this year's funding, which will be the first year of the 5-Year Consolidated Plan (2010-2015). In addition, the City will have \$16,090 in program income to allocate and \$7,105 in prior funding reallocation. Entitlement communities develop their own programs and funding priorities. Maximum feasible priority must be given to activities that benefit low-and moderate-income persons.

The proposed allocation of funds is as follows:

Public Services	\$78,344
Infrastructure Improvements	\$172,534
Public Facilities and Improvements	\$200,000
Residential Accessibility	\$20,000
General Administration	\$111,920
Total	\$582,798

Public Services - \$78,344

The Community Services Advisory Board (CSAB) spent many hours over several meetings sifting through the 9 requests (See Attachment) totaling \$204,851 while debating the merits of each agency and the needs of the community. It is recommended the City Council allocate \$78,344 to 5 agencies as follow:

1. Bell County Human Services (Temple HELP Center) \$14,000
2. Families in Crisis, Inc. \$17,000
3. Family Promise of East Bell County Inc. \$13,500
4. Hill County Community Action Association (Meals on Wheels) \$15,000
5. Temple Independent School District \$18,844

Infrastructure Improvements - \$172,534

The project will be located along South 1st Street within the boundaries of Ave. F on the north and Ave. M on the south. The project will include design and installation of sidewalks, not to exceed 8 feet in width, and any necessary ADA ramps, curbs and gutters. Landscaping will be installed where permissible due to absence of pavement. This project will increase safety, and provide accessibility of a suitable living environment to this low income neighborhood. This is proposed to be a multi year project with this being the first year of funding. It is recommended that \$172,534 be allocated from 2010 CDBG funds

Public Facilities and Improvements - \$200,000

The following activities will be carried out in the south-east quadrant of the City to provide shelter and transitional facilities/housing for the homeless population:

Acquisition - \$50,000

Real property will be acquired. It is recommended that \$50,000 be allocated from 2010 CDBG funds.

Public Improvements - \$100,000

Public improvements may include utilities, sidewalks, parking lots, site preparation, and curb and gutter in support of the shelter/facilities. It is recommended that \$100,000 be allocated from 2010 CDBG funds.

Demolition - \$50,000

Demolition of substandard structures on the acquired real property. It is recommended that \$50,000 be allocated from 2010 CDBG funds.

Residential Accessibility - \$20,000

Handicap accessible ramps will be installed and architectural barriers will be removed as needed to permit accessibility to the interior of the home. These services will be provided to eligible low to moderate income homeowners on a spot basis throughout the City for handicap/impaired citizens. It is recommended that \$20,000 be allocated from 2010 CDBG funds.

Administration - \$111,920

It is recommended that \$111,920 be allocated for the City's administration of the CDBG Program, including contracted services.

This presentation and public hearing for the proposed 2010-2015 Five Year Consolidated Plan and proposed 2010-2011 Annual Action Plan and Budget will be followed by a 30-day public comment period. A final public hearing and action on the plans will occur at the August 5, 2010 Council Meeting.

FISCAL IMPACT: \$559,603 in FY 2010-2011 CDBG funds along with \$16,090 program income and \$7,105 prior funding reallocation to be allocated as recommended.

ATTACHMENTS:

2010-2015 Five Year Consolidated Plan – provided in separate file

2010-2011 Annual Action Plan – provided in separate file

2010-2011 CSAB Public Service Agency Funding Recommendations – provided in separate file

2010-2011 CSAB meeting minutes – provided in separate file

Analysis of Impediments to Fair Housing – provided in separate file



COUNCIL AGENDA ITEM MEMORANDUM

06/17/10
Item #5(A)-(B)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

- (A) May 25, 2010 Special Called Meeting
- (B) June 3, 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 25, 2010 Special Called Meeting
June 3, 2010 Special Called and Regular Meeting

SPECIAL MEETING OF THE TEMPLE CITY COUNCIL

MAY 25, 2010

The City Council of the City of Temple, Texas conducted a Special Meeting on Tuesday, May 25, 2010, at 3:00 p.m. in the 3rd Floor Conference Room, Municipal Building, 3rd Floor, 2 North Main Street.

Present:

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

Absent:

Councilmember Russell Schneider

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

David Blackburn, City Manager, stated this meeting is a continuation of the budget work session conducted on May 20th. He began with a review of several issues to be addressed in the 2011 budget. These included: Fire Services - the need to perform more fire safety inspections; Golf Course - coordination of the golf course improvement project and the Bird Creek Wastewater project; Street Maintenance - the need to increase level of investment in street maintenance; Hillcrest Cemetery - whether to remain private or if public-private partnership with financial and in-kind support from the City will be necessary; Airport Fuel Sales - whether to continue current pricing model or re-institute a capital recovery fee and at what level; Grants - whether to continue to seek state and federal grants that align with strategic goals and objectives or not; Other pending issues - health insurance, TMRS, and compensation.

Mr. Blackburn explained staff was given guidance to 'hold the line' this year and the gap between requested expenditures and anticipated revenues is much less than in recent years.

Mayor Jones stated that Councilmember Schneider, though not present today, has inquired whether the Summit Recreation Center and Golf Course are closer to becoming self-funding.

Mr. Blackburn replied that a multi-year plan to achieve this goal will be presented in the 2011 budget.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

TEMPLE CITY COUNCIL

JUNE 3, 2010

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, June 3, 2010, at 4:00 pm, in the Staff Conference Room, 3rd Floor, Municipal Building, 2 North Main Street.

Present:

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

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, June 3, 2010.

Consent Agenda Item 3(K) - parking in residential yards: Councilmember Janczak asked if changes have been proposed since the first reading of the ordinance. Mayor Jones asked that this item be presented during the regular meeting to address any changes.

Regular Agenda Item 4 - Z-FY-10-26: Councilmember Schneider asked that staff explain during the regular meeting that the present commercial zoning allows the landscaping business to occur. The Conditional Use Permit is only required because of the portable buildings. Through meetings with staff, the applicant has agreed to various new conditions as part of the CUP.

Regular Agenda Item 5 - Z-FY-10-28: Jonathan Graham, City Attorney, explained that conditional use permits are discretionary by nature. The Zoning Ordinance addresses CUPs and describes them as "generally having nuisance qualities" or of a nature that "the use or possible adverse impact on neighboring properties" requires additional "review, evaluation and exercise of judgement." The Zoning Ordinance also lists some minimum conditions that must be satisfied for all CUPs and Mr. Graham reviewed those conditions, as well as the additional package store CUP requirements. Mr. Graham emphasized that CUPs don't have to be approved in any district they are allowed and the courts have given great deference to the local authority. In exercising their discretion, the Council may consider surrounding uses of property, traffic patterns, adequacy of existing infrastructure, and proximity of similar or dissimilar uses of property.

2. Discuss the City's Demolition Policy.

Kim Foutz, Assistant City Manager, discussed this item with the City Council and provided them with a decision matrix to establish guidelines in determining which substandard structures can be demolished by administrative authority versus those structures that require prior Council discussion. Under the proposed protocol for demolitions, staff would bring only the voluntary demolition of commercial buildings and residential structures in growth SIZ corridors to the City Council for discussion in a workshop prior to taking demolition action. For the purposes of this policy the

growth SIZ corridors include Airport Road and West Adams west of I-35 and South 31st and South 5th Streets south of Loop 363.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, June 3, 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

Father Tom Chamberlain, Our Lady of Guadalupe Catholic Church, voiced the Invocation.

2. Pledge of Allegiance

Police Chief Gary Smith led the Pledge of Allegiance.

II. PUBLIC COMMENTS

Milton Hensley, 301 Mitchell Drive, addressed the Council regarding the restoration of the Ferguson House. He commended the Temple Parks Foundation for their efforts. He only asked for the Council to support the effort but not monetarily at this time. There will be so many uses for the home once restored but it will be up to individuals and interested parties to support the restoration efforts.

III. CONSENT AGENDA

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

(A) May 14, 2010 Special Called Meeting

(B) May 20, 2010 Special Called and Regular Meeting

(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.

(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.

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

Motion by Mayor Pro Tem Patsy E. Luna to adopt resolution approving Consent

Agenda, with exception of item 3(K), seconded by Councilmember Marty Janczak.

Motion passed unanimously.

(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.

Brian Mabry, Planner, presented this item to the City Council. He reviewed the changes that have been proposed since the first reading of the ordinance. Language has been added to clarify the definition and applicability of side yards, curvilinear driveways, and 3 car garages. Flexibility in driveway and parking areas in front of a primary entrance will be allowed with Planning Director approval if it accomplishes the purpose of the ordinance. Mr. Mabry explained exceptions will be allowed for minimum driveway depth of 18' and an applicant can always request an exception for a lesser depth if there are unusual circumstances such as the size, shape or topography of the lot. The driveway width has also been increased to 24' for single family residences plus driveway flares.

Motion by Councilmember Marty Janczak to adopt ordinance on second and final reading, seconded by Councilmember Danny Dunn.

Mayor Pro Tem Patsy E. Luna voted nay. The other Councilmembers voted aye. The motion passed.

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.

Brian Mabry, Planner, presented this case to the City Council. He stated the purpose of this conditional use permit is for the display of portable building sales on the property. The commercial zoning allows the other uses at this time. Mr. Mabry reviewed the changes in the site plan since the first reading of the ordinance, which include screening of the shipping containers, stalls for bulk sale of topsoil, sand and mulch, and driveway to be composed of railroad rock. Mr. Mabry also reviewed the four additional conditions added to the text of the ordinance relating to this CUP.

Councilmember Schneider clarified that the CUP is only required for the portable building sales. The other uses are already allowed in this commercial zoning district.

Mayor Jones opened the public hearing on this item to allow additional comments.

Cy Long, representing the applicant, stated they felt the portable buildings would complement their business. It is their intention for this to be a neat, clean operation that consumers want to use. The railroad rock to be used in the driveway will prevent dust and mud. The 8' privacy fence will be used to screen the containers and other supplies from view of the public.

Mr. Jim Vaughn, 4017 Sunflower, addressed the City Council. He stated he has met with Don Ringler, property owner, and Trey Gallaway, the applicant, and has a better handle on what is being proposed. He has been assured the conditions of the proposed ordinance will be met. This operation is located at a very focal, key point in the City and he expressed support for the comprises made by all.

A representative of the Wildflower Country Club, 4209 Sunflower Lane, expressed his concern with public safety in this area and how the area will be secured.

Mr. Long stated it is their intention that the existing lights on this property remain on until about midnight. It is a well-lit site and all gates will be locked when the business is closed. There will be a barricade along the field site. He added the containers will be painted brown, as agreed upon.

Cindy Snodgrass, President of the Wildflower Homeowner's Association, addressed the Council. She indicated their support of new businesses in Temple. They are however, concerned with the appearance. She asked the City to continue to monitor the CUP and make sure the controls are in place to keep the site well maintained.

Motion by Councilmember Danny Dunn to adopt ordinance on second and final reading, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

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 6th Street.

Brian Mabry, Planner, presented this case to the Council. The purpose is to allow a package store at East Central and North 6th Street. The applicant and owners have executed an off-site parking agreement to serve the establishment. The Planning & Zoning Commission recommended denial of the CUP due to concerns with parking and the general location of the proposed package store. Mr. Mabry presented an aerial showing the proposed location, as well as surrounding uses. He reviewed the standard conditional use permit conditions to be used as criteria for all CUPs, as well as the criteria specific to package stores. Mr. Mabry displayed the original site plan and an alternate plan reflecting the Planning & Zoning Commission discussion. Neither plan was approved by the Commission, as their recommendation was for denial. Ten notices were mailed to surrounding property owners, with three returned in denial of the request. This item will require four affirmative votes from the

Council for approval due to the denial by the Planning & Zoning Commission, Mr. Mabry explained.

Mayor Pro Tem Luna asked the number of parking spaces required.

Mr. Mabry stated 10 in all, which are covered by the off-site parking agreement. Seven additional spaces are available along Central Avenue.

Councilmember Schneider asked if the off-site parking is for the package store customers only.

Mr. Mabry stated that building is currently vacant but other parking is also available.

Mayor Jones asked if the public parking lot across the street is available.

Mr. Mabry replied yes, that lot is owned by the City and used for downtown parking. It would be available for use by anyone, including package store patrons. However, the package store requires separate parking, therefore the need for the off-site parking agreement.

Councilmember Janczak asked if there is a loading dock for the building.

Mr. Mabry replied it appears there is, in the alley to the rear, with a large overhead door.

Mayor Jones declared the public hearing open with regard to agenda item 5 and asked if anyone wished to address this item.

Jon Mark Johnson, owner of the duplex next to the proposed package store, expressed his concerns with the building being either vacant or a package store. He stated the off-site parking lot will need some work to make it safe. He asked if there was any liability to the City with patrons crossing the alley. Mr. Johnson stated he is concerned with people parking in front of the duplex and blocking the residents. Vehicles are too long to park along Central Avenue without sticking out in the road.

Mr. Mabry stated the parking spaces are 18x9, the standard requirement. Most of the space is in the untraveled portion of public right of way.

Kim Foutz, Assistant City Manager, stated the Central Avenue parking spaces exist today so they would be allowed. If it were new construction, curb cuts and setbacks would be required under current ordinances.

Allen Talley, 5004 Wildflower Lane, member of the Planning & Zoning Commission, addressed the City Council. He stated he is pro-business but cannot see locating this liquor store next to a residence and within 4 blocks of several churches.

Rodney Haynes stated he has lived in this neighborhood for 34 years and he is okay with the existing businesses and bars, as well as this liquor store being located near his neighborhood.

Mike Grisham, Grisham & Associates, the real estate broker handling this property, addressed the City Council. This is the only prospective buyer they have had for the property. The property across the alley, where the off-site parking is located, has been bought and is occupied by Audio Power. The Central Avenue angle parking was introduced but was not discussed at the Planning & Zoning Commission meeting. The Central Avenue parking is preferred by the applicant, with the off-site parking agreement in place. The angle parking on the block along the City parking lot extends much farther into the right of way than the proposed angle parking at the proposed location. The parking for the duplex is owned by the City and is not part of the duplex property. There is room to park behind the duplexes. Putting the door on Central Avenue would keep people from parking in front of the duplex. The duplex, as well as the entire block, has Central Area zoning.

Mayor Jones asked if site work is planned on the off-site parking area.

Mr. Grisham stated he has not discussed this with the prospective owner. It would help the parking situation if the fence were removed. People do already park in this area although not much is utilized since the work that the existing business does is primarily off-site. The buyer should have no objection to improving the off-site parking area.

Mayor Jones stated the City might also require lighting enhancements at the back of the package store along the alley.

Mr. Grisham stated video monitors are also being proposed by the applicant.

Richard Lewis, the prospective buyer of the property, stated he has owned a liquor store for 25 years and there are only three or four customers at a time so there is not a great need for parking. Small trucks will be making the deliveries. He added he will take care of any lighting enhancements needed. Mr. Lewis asked the Council for their support.

Gary White, 17 South 36th Street, stated he grew up in this area. He felt the business owner would make the improvements to the off-site parking and the lighting enhancements. The proximity to the police station will also provide additional security. There are limited numbers of people that will be at the liquor store at one time and Mr. White also felt there was adequate parking in the area. It will be more convenient to the residents in this area to make purchases in their neighborhood so they wouldn't have to travel across town. He supported the request for the proposed package store.

Mayor Pro Tem Luna noted the duplex is completely screened from activity because it is set back on the property, especially if the entrance is moved to Central Avenue from North 6th Street.

Mrs. Carmella Thomas, owner of the building, addressed the Council. Richard Lewis is an excellent business man and he will generate sales tax money for the City, she stated. She respectfully asked the Council to approve the CUP.

Allan Talley stated he hoped the Council has been to this location and driven in the alley. What about the walking traffic, he asked. Will they be drinking on their way home?

Richard Lewis, 6914 Old Waco Lane, stated he would rather hear from the people that live in that neighborhood than those that live in Wildflower.

Jon Johnson stated he was concerned that people will walk between his duplex to get to the entrance on Central. If his parking is moved to the rear of the duplex, he would have to put up a fence to keep people from walking through.

Mr. Grisham stated the area between the building and the duplex is only 5-6 feet wide. A fence between the two would eliminate that.

Councilmember Janczak asked if beer and wine are sold across the street in the existing convenience store.

Mr. Mabry replied yes.

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

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance on first reading, and set the second reading and final adoption for June 17, 2010, Motion failed due to lack of second.

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.**

Tammy Lyerly, Planner, presented this case to the City Council. The request is for alcohol sales, less than 50% of gross revenue, in a restaurant. The Planning & Zoning Commission expressed concern with the landscaping adjacent to I-35 so this property would be subject to the I-35 corridor regulations. The property is zoned General Retail and conforms to the Thoroughfare Plan and infrastructure requirements. This establishment is proposed for a Mongolian Grill, Mad Mongo's. Ms. Lyerly displayed the proposed site plan and floor plan of the restaurant. The proposal does meet the CUP requirements in the Zoning Ordinance. Six notices were mailed to surrounding property owners, with one being returned in approval and none in disapproval. The Planning & Zoning Commission recommended approval of the request.

Councilmember Janczak asked if any of the other restaurants previously at this location, Shoney's, Jim's, Pancho's, the Asian Buffet, had a CUP.

Ms. Lyerly replied no.

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

Scot Motsinger, representing the buyer, addressed the Council, requesting support for the proposed CUP.

Mayor Jones asked if this will be a true Mongolian grill.

Mr. Motsinger replied yes. Alcohol sales will only be about 15-20% of the gross revenue.

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

Motion by Councilmember Marty Janczak to adopt ordinance on first reading, and set second reading and final adoption for June 17, 2010, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

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

Mayor Jones recommended this item be tabled until the next Council meeting. No recommendations for the Animal Services Advisory Board have been received at this time. The next Public Safety Advisory Board meeting is scheduled for next Tuesday and he would like to meet with both Chief Smith and Chief Wallace before these appointments are made.

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

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

06/17/10
Item #5(C)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution authorizing an interlocal agreement with Bell County for use of the County's software and fiber optic network to process and maintain records regarding early voting, in the amount of \$1200.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In 2002, an agreement was entered into with Bell County for the City to use the County's early voting system. This system includes computer software developed by the County to process and maintain records regarding early voting, as well as the County's fiber optic network to access the computer programs and voter registration data throughout the year.

This system has been used in all City elections since 2002 and is the same system used in all elections conducted by Bell County. The County continues to provide staff training and modifications to the programs and reports to meet our needs for each specific election. Utilization of this automated system saves time for both employees and voters by streamlining the early voting process. It also allows us to maintain an electronic database of voters for each election.

We recommend approval of this interlocal agreement with Bell County for a period of one year, at a cost of \$1,200.

FISCAL IMPACT: Funds are available in 110-1400-511-2517 for this contract in the amount of \$1,200.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN INTERLOCAL AGREEMENT WITH BELL COUNTY FOR USE OF THE COUNTY'S SOFTWARE AND FIBER OPTIC NETWORK TO PROCESS AND MAINTAIN RECORDS REGARDING EARLY VOTING, IN THE AMOUNT OF \$1,200; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in 2002, the City entered into an interlocal agreement with Bell County for the City to use the County's early voting system;

Whereas, the system includes computer software developed by the County to process and maintain records regarding early voting, as well as the County's fiber optic network to access the computer programs and data;

Whereas, the Staff recommends approving an interlocal agreement with Bell County for this purpose for \$1,200 per year for a one year period;

Whereas, funds are available in Account No.110-1400-511-2517; 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 an interlocal agreement between the City of Temple and the Bell County, after approval as to form by the City Attorney, for use of the County's software and fiber optic network to process and maintain records regarding early voting, in the amount of \$1,200 for a one year period.

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 17th day of **June**, 2010.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, MAYOR

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/17/10
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Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Lonzo Wallace, Fire Chief
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing change order #3 to the new Central Fire Station construction contract with EMJ Corporation of Irving in the amount of \$31,482.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On December 3, 2009, Council authorized a contract for the construction of a new Central Fire Station with EMJ Corporation in the amount of \$3,406,125. Construction of this facility commenced on December 11, 2009. To date, two change orders have been authorized in the amount of \$76,994 for adding approximately two feet of stone beneath the building pad and the encasement of the 102 piers due to unforeseen subsurface water.

Change order #3 in the amount of \$31,482 is being recommended for Council approval includes the following:

- Adding a diamond polish finish to the apparatus bay floors versus a standard broom finish (add of \$21,664.76);
- Changing the finished floor areas in the first floor station living quarters from stained concrete to 18-inch ceramic tile with a crack isolation membrane (net add of \$11,970.84) ;
- Replacing specified quartz countertops and stainless steel side countertops with granite (net deduct of \$178.60); and
- Reducing the millwork grade in the laundry room and other storage-type rooms from a red oak veneer to a plastic laminate (net deduct of \$1,975).

The changes being recommended are the result of more information gathered by Fire Department personnel after the construction drawings were completed. All of these changes being recommended will enable ease of maintenance and anticipated improved finish longevity to the station.

The proposed change order has been reviewed for reasonableness by the architect, Wiginton Hooker Jeffry PC, and Bert Pope, the City's contracted construction consultant.

FISCAL IMPACT: Funding in the amount of \$7,361,311 was appropriated in account 363-2200-522-6850, project #100120, for the construction of the new Central Fire Station from the General Obligation bonds issued in the fall of 2009.. After funding architectural services, the construction contract, change orders #1 and #2, consulting services, miscellaneous costs related to the project, and the designation of grant matching funds and associated site preparation, a balance of \$2,838,175 is available to fund change order #3 in the amount of \$31,482.

ATTACHMENTS:

[Change Order #3
Resolution](#)

CHANGE ORDER

PROJECT:	Construction of New Central Fire Station
OWNER:	City of Temple
CONTRACTOR:	EMJ Corporation
ARCHITECT/ENGINEER:	Wiginton Hooker Jeffry
CHANGE ORDER #:	Three (3)

Make the following additions, modifications or deletions to the work described in the Contract Documents:

- Add Luxcrete Ultra Diamond Polished Finish to apparatus bays with 70% & 90% aggregate exposure on bays and sides, respectively (add of \$21,664.76);
- Replace stained concrete areas in north end fire station first floor areas with 18"x18" Dal Tile-Veranda Series with Dal Seal TS Crack Isolation Membrane throughout the facility where tile is laid (net add of \$11,970.84);
- Replace specified quartz countertops throughout facility and stainless steel side countertops in the kitchen with 3-cm Stella Borealis granite (net deduct of \$178.60); and
- Change millwork grade in laundry room (119), pantry rooms (108-110), EMS closet (134), public info storage (229), investigator's equipment storage (225), and interior of work/copy room (203) from red oak veneer to plastic laminate (Wilsonart Morro Zephyr-4846-60); change counter edge detail in all of these rooms except room 203 from wood banding to 3mm PVC (net deduct of \$1,975).

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

Original Contract Amount	\$ 3,406,125
Previous Net Change in Contract Amount	\$ 76,994
Net Change in Contract Amount	\$ 31,482
Percentage Change in Contract Amount	0.92%
Revised Contract Amount	\$ 3,514,601
Original Final Completion Date	November 5, 2010
Previous Net Change in Contract Time	__-__ days
Net Change in Contract Time	__-__ days
Revised Final Completion Date:	November 5, 2010

Recommended by:

Larry Davis, EMJ Corporation

Recommended by:

Dan Duffy, Wiginton Hooker Jeffry

Recommended by:

Belinda Mattke, Project Coordinator

Approved by Finance Department:

Finance Department

Approved as to form:

City Attorney's Office

Approved by City of Temple:

David Blackburn, City Manager

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER #3 TO THE NEW CENTRAL FIRE STATION CONSTRUCTION CONTRACT WITH EMJ CORPORATION OF IRVING, TEXAS, IN THE AMOUNT OF \$31,482; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, construction of the new Central Fire Station commenced in December, 2009, by EMJ Corporation of Irving, Texas;

Whereas, to date, two change orders have been authorized by the City Manager in the amount of \$76,994 for adding approximately 2 feet of stone beneath the building pad due to unforeseen subsurface water and the encasement of the 102 piers due to unforeseen subsurface water;

Whereas, Change Order #3 in the amount of \$31,482 is being recommended by Staff as a result of more information gathered by the Fire Department personnel after the construction drawings were completed – these changes will enable ease of maintenance and anticipated improved finish longevity to the station; and

Whereas, funds are available for this change order in Account No. 363-2200-522-6850, Project #100120; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute Change Order #3, after approval as to form by the City Attorney, to the new Central Fire Station construction contract with EMJ Corporation, of Irving, Texas, in the amount of \$31,482.

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 17th day of **June**, 2010.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

APPROVED AS TO FORM:

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/17/10
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Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Cunningham Constructors & Associates, Inc. of Georgetown for the construction and installation of improvements necessary to address the solids removal process at the Membrane Water Treatment Plant in the amount of \$2,596,720.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In October, 2007, the City entered into an agreement with KPA to determine the cause of and offer solutions to current solids handling problems associated with the Membrane Water Treatment Plant (MWTP). Since the MWTP was placed into operation in 2004, raw water changes in the Leon River have adversely affected the MWTP's ability to produce the plant's rated capacity of 11.6 MGD. The changes in raw water quality have altered the type and increased the amount of sediment removed during the treatment process.

The first phase of the project, completed in the spring of 2009, expanded the capacity of existing bulk chemical tanks, allowing for proper implementation of modified cleaning regimens. Since installation, fouling membranes have substantially recovered, resulting in a restored plant capacity of nearly 11 MGD.

This second phase of the project will address the backwash water sedimentation process. An equalization and flocculation basin will be constructed in advance of the proposed plate settler units which will remove solids from the recycling stream. Installation of these units in this manner will thereby remove the sludge lagoons from the operation and increase the quality of return water back to the front of the plant.

On June 8, 2010, four bids were received for the second phase of the project. Per the attached bid tabulation, Cunningham Constructors & Associates submitted the low bid in the amount of \$2,596,720. KPA's opinion of probable construction cost for the project was approximately \$2,500,000.

Staff recommends awarding a contract to the low bidder, Cunningham Constructors & Associates. Construction time allotted for this project is 300 days.

FISCAL IMPACT: Funding in the amount of \$3,665,000 was appropriated in account 561-5100-535-6921, project #100229 for this project from the 2006 & 2008 Utility Revenue Bond Issues. After funding engineering related services in the amount of \$684,266, miscellaneous costs including the purchase of module units in the amount of \$10,693, and construction contract services for the chemical bulk tanks in the amount of \$590,524, a balance of \$2,379,517 remains available to partially fund this construction contract. A budget adjustment is presented for Council's approval in the amount of \$227,203 reallocating project savings from completed projects to fund the remaining cost of the improvements to include testing fees.

ATTACHMENTS:

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

June 8, 2010

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

Re: City of Temple
Membrane WTP Solids Handling & Capacity Improvements

Dear Mrs. Torralva:

On June 8, 2010, the City of Temple received competitive bids from four contractors for the referenced project. A Mandatory Pre-Bid Conference was held on May 26, 2010 with five contractors in attendance. This project included an Alternate Bid A, either additive or deductive, for the substitution of an alternate plate settler manufacturer. A Bid Tabulation is provided for your reference.

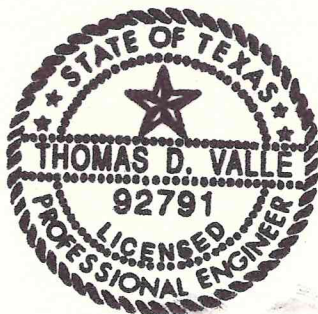
The attached Bid Tabulation shows Cunningham Constructors & Associates, Inc. (CCA) of Georgetown, Texas as the low bidder with a Base Bid of \$2,596,720.00. CCA did not include a price for Bid Alternate A. The third-low bidder was the only contractor to include the Bid Alternate A, an increase of \$30,000 for substituting WesTech Plate Settlers. The bids ranged from the low bid of \$2,596,720 to \$2,882,220. Our Final Opinion of Probable Cost (OPC) for this project was \$2,500,000.

We have spoken with the contractors and manufacturers and reviewed the bid prices versus the Final OPC. The difference in the OPC and low bid (\$96,720 or 3.87%) are mainly attributable to an increase in the specialized equipment cost versus the budget numbers received during design and the addition of the Compressor Room HVAC improvements (that were not included in the Final OPC). We have reviewed Cunningham Constructors & Associates, Inc.'s bid, similar projects and reference information. Additionally, CCA has successfully completed several treatment plant projects for us the past. Therefore, we recommend that a contract be awarded to Cunningham Constructors & Associates, Inc. for the Base Bid amount of \$2,596,720.00.

Sincerely,

Thomas D. Valle, P.E.

TDV/
2007-135-32



BID TABULATION

Membrane WTP Backwash Sedimentation Improvements

June 8, 2010; 10 AM; 3210 E Ave H, Bldg C; Temple, TX 76501

BIDDER INFORMATION												
Cunningham Constructors & Assoc Inc PO Box 2237 Georgetown TX 78627			JR Sheldon Co Inc PO Box 2069 Pilot Point TX 76258			Matous Construction 8602 North Highway 317 Belton TX 76513			Bryan Construction Company Box 4087 Bryan TX 77805			
Item No.	Estimated Quantity	Unit	Bid Data Description		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		\$ 80,000.00	\$ 80,000.00	\$ 100,010.00	\$ 100,010.00	\$ 135,000.00	\$ 135,000.00	\$ 130,000.00	\$ 130,000.00
2	100%	LS	Submit Trench Safety Plan prepared & signed by P.E., in Conformance with State Law & OSHA		2,000.00	2,000.00	2,500.00	2,500.00	1,000.00	1,000.00	1,000.00	1,000.00
3	1110	LF	Implement & Follow Trench Safety Plan (Pipe)		2.00	2,220.00	9.00	9,990.00	3.00	3,330.00	2.00	2,220.00
4	10,000	SF	Implement & Follow Trench Safety Plan (Manholes & Structures)		1.00	10,000.00	0.50	5,000.00	1.00	10,000.00	0.50	5,000.00
5	100%	LF	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
6	100%	LF	For furnishing all labor, materials, tools & equipment & constructing the Backwash Sedimentation Improvements, complete in all details (including MRI Plate Settlers), complete in place & satisfactorily full operating as detailed & specified		2,500,000.00	2,500,000.00	2,550,000.00	2,550,000.00	2,595,170.00	2,595,170.00	2,741,500.00	2,741,500.00
BID AMOUNT (ITEMS 1 -6)					\$	2,596,720.00		\$ 2,670,000.00		\$ 2,747,000.00		\$ 2,882,220.00

BID 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
A-1	100%	LF	For furnishing and installing Plate Settlers as manufactured by Parkson or Westech as detailed in Specification 11300. Including the necessary design modifications to the existing basin design to accommodate the substituted manufacturer's footprint to be submitted to the engineer of record for review during the submittal process and the necessary coordination with the instrumentation and sludge removal equipment.	No Bid Alternate	0.00	No Bid Alternate	0.00 *	30,000.00	30,000.00	No Bid Alternate	0.00
BID AMOUNT - ADD ALTERNATE					\$ 0.00		\$ 0.00		\$ 30,000.00		\$ 0.00

BID SUMMARY

BID AMOUNT (ITEMS 1 - 6)	\$ 2,596,720.00	\$ 2,670,000.00	\$ 2,747,000.00	\$ 2,882,220.00
BID AMOUNT (ITEMS 1-6 & BID ALTERNATE)	\$ 2,596,720.00	\$ 2,670,000.00	\$ 2,777,000.00	\$ 2,882,220.00

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


*Bid Alternate (Additive) was for the installation of Westech Plate Settlers.

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



Thomas D. Valle, P.E.

Kasberg, Patrick & Associates, LP



 June 8, 2010
 Date

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

Use this form to make adjustments to your budget. All adjustments must balance within a Department.
Adjustments should be rounded to the nearest \$1.

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
561-5100-535-69-21	100229	WTP Sludge Disposal System	\$ 227,203	
561-5200-535-69-28	100172	West Temple Utilities North FM 2305		94,863
561-5200-535-69-11	100171	Waterline-Somerville Drive		34,194
561-5200-535-69-34	100388	Waterline- Ave G to 25th		48,905
561-5400-535-69-35	100390	Lilac Lane		49,241
TOTAL.....			\$ 227,203	\$ 227,203

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

This budget adjustment reallocates project savings from completed projects to fund the additional \$227,203 for the construction contract with Cunningham Constructors & Associates, Inc. for the installation of improvements necessary to address the solids removal and disposal process at the Membrane Water Treatment Plant and anticipated testing fees related to the project.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

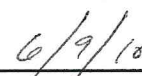
DATE OF COUNCIL MEETING

June 17, 2010

WITH AGENDA ITEM?

☒ Yes☐ No


Department Head/Division Director


 Date

☒ Approved
☐ Disapproved

Finance

Date

☐ Approved
☐ Disapproved

City Manager

Date

☐ Approved
☐ Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH CUNNINGHAM CONSTRUCTORS & ASSOCIATES, INC. (CCC) OF GATESVILLE, TEXAS, FOR THE CONSTRUCTION AND INSTALLATION OF IMPROVEMENTS NECESSARY TO ADDRESS THE SOLIDS REMOVAL PROCESS AS THE MEMBRANE WATER TREATMENT PLANT, IN THE AMOUNT OF \$2,596,720; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on June 8, 2010, the City received 4 bids for the construction and installation of improvements necessary to address the solids removal process at the Membrane Water Treatment Plant;

Whereas, the Staff recommends accepting the bid (\$2,596,720) received from Cunningham Constructors & Associates, Inc. (CCA) of Georgetown, Texas;

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

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a construction contract, not to exceed \$2,596,720, with Cunningham Constructors & Associates, Inc. (CCA) of Georgetown, Texas, after approval as to form by the City Attorney, for the construction and installation of improvements necessary to address the solids removal process at the Membrane Water Treatment Plant.

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

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

PASSED AND APPROVED this the 17th day of **June**, 2010.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a 3-year rental agreement with G&K Services of Coppell off the BuyBoard, for the rental of uniforms and floor mats in the estimated annual amount of \$61,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In order for the public to identify City of Temple employees, several departments utilize a uniform rental service. Departments that currently utilize a uniform rental service are Parks & Leisure Services, Construction Safety, Library, Airport, and all Public Works divisions. Twelve facilities with high traffic throughout the City also lease floor mats.

On May 17, 2007, the City Council authorized a 3-year rental contract that expires on July 14, 2010, with G&K Services through the BuyBoard for the rental of uniforms. Prior to recommending award of a contract with G&K Services, competitive sealed bids were solicited in which five (5) vendors responded. Staff evaluated the bids against the available BuyBoard contract with G&K Services and determined that the best value was available through the G&K BuyBoard contract.

The BuyBoard recently solicited new proposals for the rental of uniforms and floor mats. The new BuyBoard contracted pricing is considerably less per item than the previous contract. Staff is estimating that the new contracted pricing will save the City approximately \$9,000 per year over the previous contracted prices. Since the City currently uses G&K Services, G&K has agreed to waive all initial set-up fees as defined in the BuyBoard contract. However, the contract does specify a 2% increase on June 1st of each year.

Based on the favorable pricing available through the BuyBoard again this year, it is staff's recommendation to award the rental contract to G&K Services. Contracts with other vendors are available through the BuyBoard, but based on staff's analysis of the offered pricing, G&K offers the best value to the City.

Even though this is a three (3) year agreement, either party may cancel this proposed contract at any time by giving the other party at least a 30 day written notice of cancellation.

The BuyBoard is a joint project of the Texas Association of School Boards, Texas Municipal League and the Texas Association of Counties. All products and services offered on the Buyboard have already been competitively procured.

FISCAL IMPACT: Budgeted Amount: Various amounts in departmental 2618 accounts
Estimated Annual Expenditure: \$61,000

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A 3-YEAR RENTAL AGREEMENT FOR THE RENTAL OF UNIFORMS AND FLOOR MATS WITH G&K SERVICES OF COPPELL, TEXAS, IN THE ESTIMATED ANNUAL AMOUNT OF \$61,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City recently received 5 bids for uniform and floor mat rental services;

Whereas, in conjunction with the bid, Staff identified uniform services off the Buy Board from G&K Services of Coppell, Texas, with a lower price than what was received from the bids;

Whereas, the Staff recommends entering into a 3-year rental agreement with G&K Services for this purpose;

Whereas, the estimated annual expenditure is \$61,000, and funds are available in the 2009-2010 budget in various departmental budgets; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a contract in the estimated annual amount of \$61,000 with G&K Services of Coppell, Texas, after approval as to form by the City Attorney, for uniform and floor mat rental services.

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 17th 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

06/17/10
Item #5(G)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

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

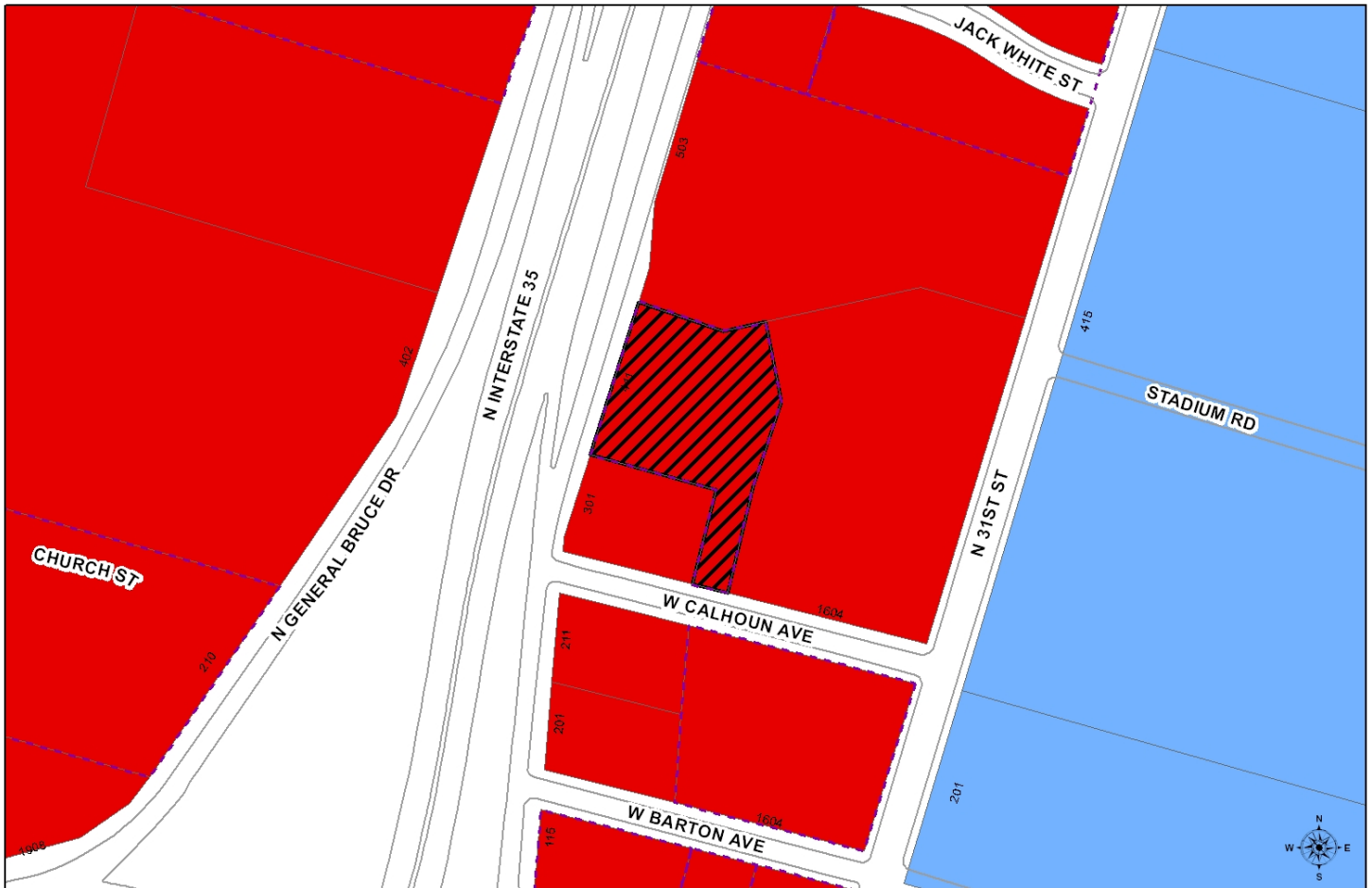
J Stone 4.14.10



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



Feet 0 50 100 150

J Stone 4.14.10

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

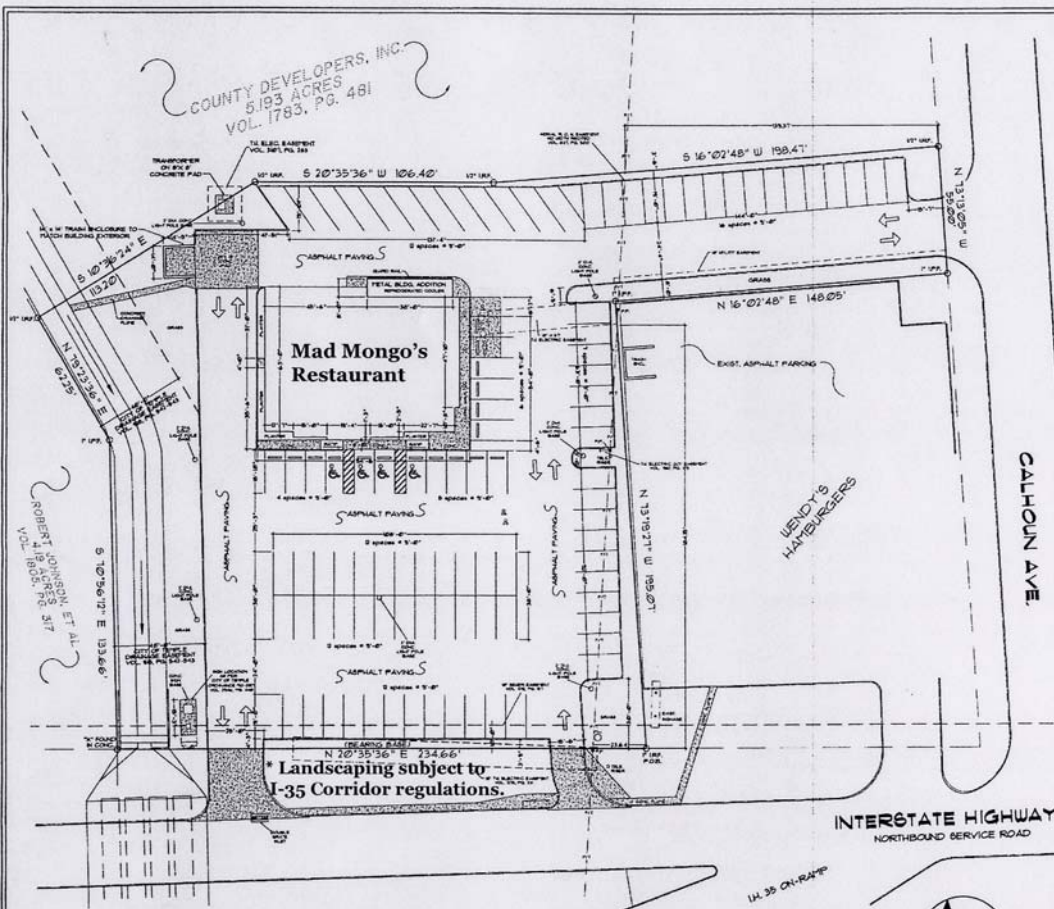
Width of internal and adjacent streets and alleys: see site plan

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]

The undersigned hereby certifies to the undersigned Corporation, Inc., a Texas corporation, Subsidiary of [Name], a Texas limited partnership, Shareholder's Inc., a Tennessee Corporation, The National Bank, a national banking association and Chicago Title Insurance Company, (The Corporations), as well:

(1) This survey is true and correct and made on the ground under his supervision or that the field notes show clearly and correctly show the boundary lines and dimensions and area of the surveyed parcel and each subdivided portion thereof;

(2) The survey correctly shows the location of all buildings, structures and other improvements and makes note on the same plot property;

(3) The survey correctly shows the location and dimensions of all streets, private roads, rights-of-way, easements, utility locations and other matters of record of which the undersigned has knowledge and information; and that upon the basis of the foregoing facts he has made such calculations and other matters from which said map and page number indicated).


- 10) except as shown there are no:
- (1) encroachments, rights-of-way, party walls, visible uses of easements;
 - (2) visible encroachments or existing structures or signs for any of said buildings, structures or other improvements;
 - (3) visible encroachments on the subject property by buildings, structures or other improvements situated on adjoining premises; or
 - (4) encroachments on any easement, building setback line or other restricted area of said buildings, structures or other improvements situated on the subject property.
- 11) the distance from the nearest intersecting street or road to as shown herein.

[illegible]

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

ALTA/ACSM LAND TITLE SURVEY
SHONEY'S COMMERCIAL SUBDIVISION
SCALE: 1"=20'
LOT 1, BLOCK 1
1.477 ACRE
64,348.787 SQ. FT.

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



ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT

TURLEY ASSOCIATES, INC.

301 N. 34th St.
P.O. Box 1000
Temple, Texas 76788-1000

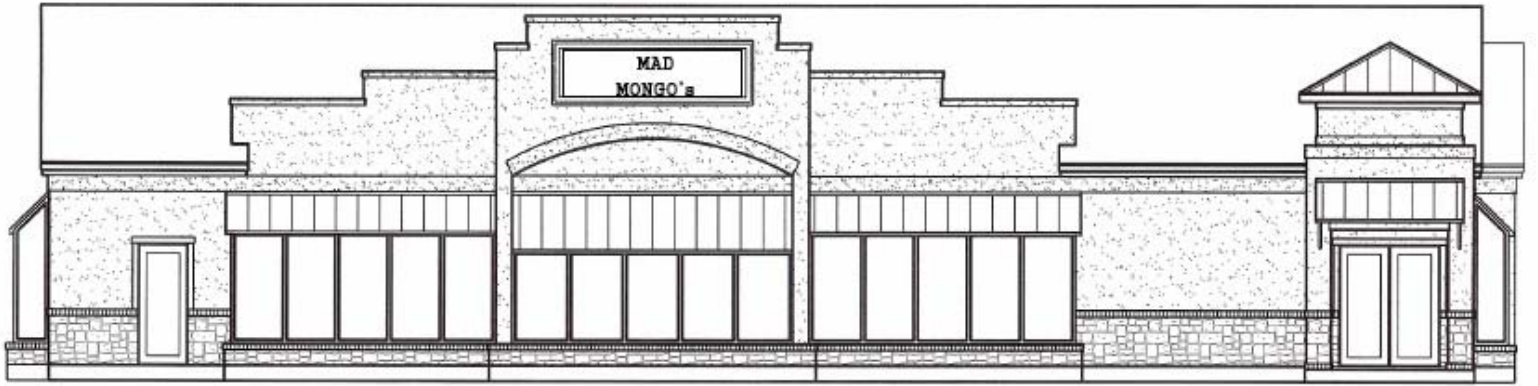
TEL: 817/373-1400
FAX: 817/373-1998
E-MAIL: info@turley.com

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

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

REVIEWS		
1	NAD MORRIS-B	2310

DATE: NOV. 5, 1998
 DRN BY: JSL
 REF: 9159-D
 FOI/B 60316
 480/70
 JOB NO. 92551
 SHEET 1 OF 1
 COMPUTER
 PAGE NO. 3853145
10266-D
 FILE NO.

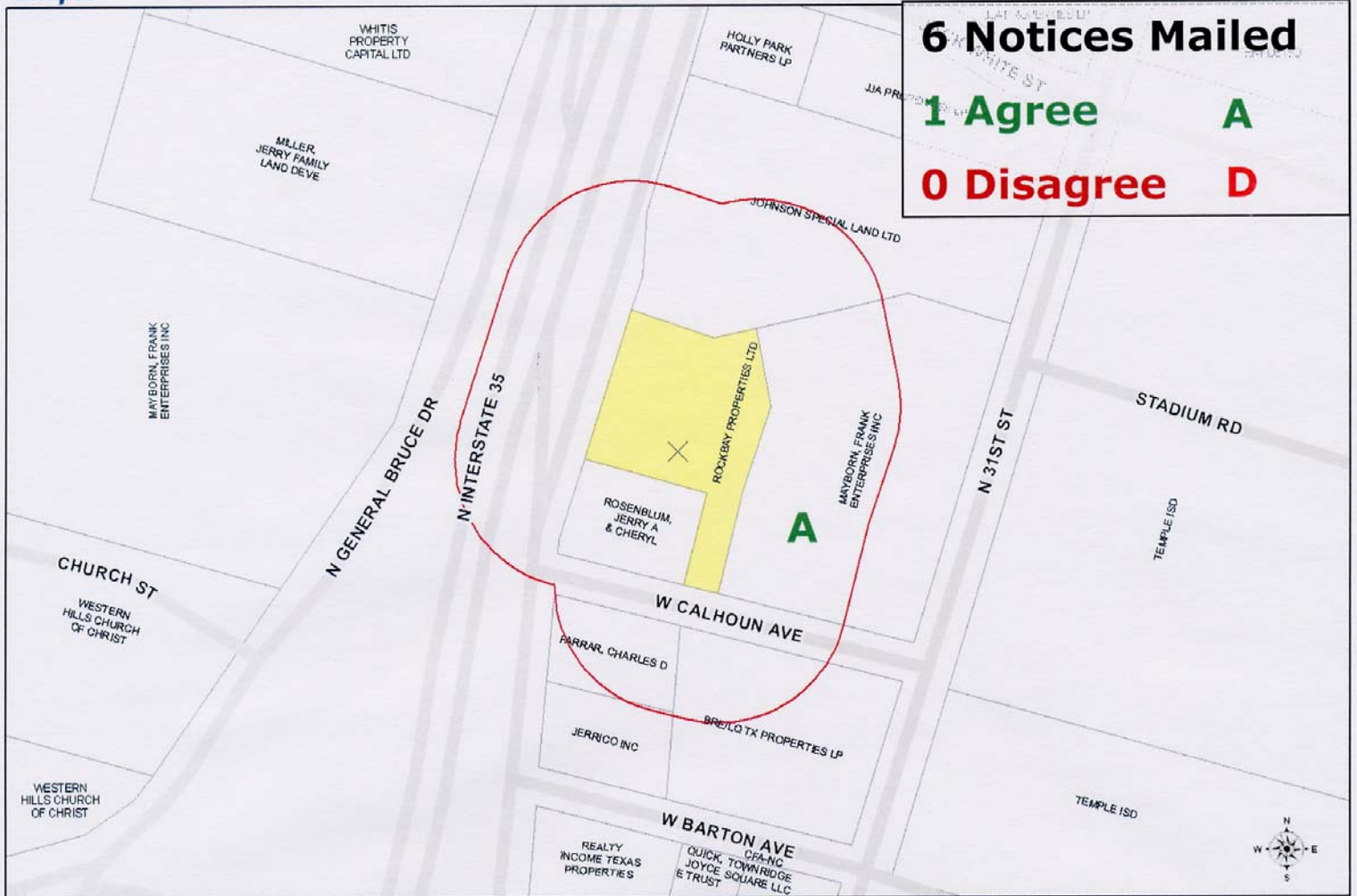




Z-FY-10-27

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.

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 3rd day of **June**, 2010.

PASSED AND APPROVED on Second Reading on the 17th 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

06/17/10
Item #5(H)
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 \$15,044.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2010 BUDGET
June 17, 2010

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-2000-521-2516		Judgments & Damages (Police Dept.)	\$ 7,552	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 7,552
<p>(1) Deductible reimbursement to the Texas Municipal League for settlement of a claim seeking reimbursement for alleged damage sustained by a claimant as a result of a vehicle accident on April 11, 2010, involving a vehicle driven by a police officer (\$4,321.62); and (2) Deductible reimbursement to the Texas Municipal League for settlement of a claim seeking reimbursement for alleged damage sustained by a claimant as a result of a detention order on February 5, 2009 (\$3,229.57).</p>				
110-2000-521-1119		Overtime (Police Dept.)	\$ 2,419	
110-0000-452-0465		Warrant Fees		\$ 2,419
<p>Reimburse Police overtime for 7 officers that worked the Warrant Round-up on March 6, 2010.</p>				
260-6000-515-2616		Professional (CDBG)	\$ 5,073	
260-6000-515-2110		Office Supplies		\$ 73
260-6000-515-6532		Contingency		\$ 5,000
<p>To allocate additional funds to the Professional account. The Traylor & Associates invoice for the partial year under the old contract was more than estimated due to the delay in executing the new contract. Funds are available from contingency and office supplies.</p>				
TOTAL AMENDMENTS			\$ 15,044	\$ 15,044

GENERAL FUND	
Beginning Contingency Balance	\$ -
Added to Contingency Sweep Account	\$ -
Carry forward from Prior Year	\$ -
Taken From Contingency	\$ -
Net Balance of Contingency Account	\$ -
Beginning Judgments & Damages Contingency	\$ 77,833
Added to Contingency Judgments & Damages from Council Contingency	\$ -
Taken From Judgments & Damages	\$ (68,467)
Net Balance of Judgments & Damages Contingency Account	\$ 9,366
Beginning Fuel Contingency	\$ 125,000
Added to Fuel Contingency	\$ -
Taken From Fuel Contingency	\$ -
Net Balance of Fuel Contingency Account	\$ 125,000
Beginning Solid Waste - Future Capital Replacement Contingency	\$ 48,400
Added to Solid Waste - Future Capital Replacement Contingency	\$ -
Taken From Solid Waste - Future Capital Replacement Contingency	\$ -
Net Balance of Solid Waste - Future Capital Replacement Contingency Account	\$ 48,400
Net Balance Council Contingency	\$ 182,766
Beginning Balance Budget Sweep Contingency	\$ -
Added to Budget Sweep Contingency	\$ -
Taken From Budget Sweep	\$ -
Net Balance of Budget Sweep Contingency Account	\$ -

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2010 BUDGET
June 17, 2010

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		WATER & SEWER FUND		
		Beginning Contingency Balance	\$	247,423
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(28,875)
		Net Balance of Contingency Account	\$	218,548
		Beginning Approach Mains Contingency	\$	-
		Added to Approach Mains Contingency	\$	488,270
		Taken From Approach Mains Contingency	\$	(488,270)
		Net Balance of Approach Mains Contingency Account	\$	-
		Net Balance Water & Sewer Fund Contingency	\$	218,548
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance	\$	26,336
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(26,336)
		Net Balance of Contingency Account	\$	-
		DRAINAGE FUND		
		Beginning Contingency Balance	\$	-
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	-
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$	15,243
		Carry forward from Prior Year	\$	51,505
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(48,745)
		Net Balance of Contingency Account	\$	18,003

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.

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

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

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

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

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

PASSED AND APPROVED this the 17th 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

06/17/10
Item #6
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, AICP, Interim Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – A-FY-10-08: Consider adopting an ordinance to abandon two alleys with one alley being approximately 21 feet in width by 343 feet in length, located between Lots 6 through 8, Block 8, Moore-Cole Addition and Block 1, Lang Addition and with the other alley being approximately 48 feet in width and 60 feet in length, located between Block 255, Original City of Temple Addition and Lot 5, Block 8, Moore-Cole Addition near the northwest corner of West Adams Avenue and North 23rd Street.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for August 5, 2010.

ITEM SUMMARY: HEB Grocery Company requests this abandonment of approximately .23 acres of alley right-of-way to replat the property and incorporate the alley into a planned gas station and car wash. A blanket easement will remain in place to accommodate existing utilities. The applicant has also applied for a street use license to allow a gas pump and canopy encroachment into the blanket easement. That case will be on the July 1, 2010, City Council agenda.

Staff contacted all utility providers, including all divisions of the Public Works Department, regarding the proposed alley abandonment. There are no objections to the request.

HEB Grocery Company is the owner of all but one lot adjacent to the proposed abandonment. Planning staff notified the property owner adjacent to the alley (who is currently under contract with HEB to sell his lot to them) regarding this alley abandonment request. As of the date of this report, the owner had no issues with the alley abandonment request. It is projected that by second reading of the ordinance to grant the abandonment, HEB will have closed on the contract.

FISCAL IMPACT: If approved, HEB may purchase the abandoned alley, which has a fair market value of \$7,825.

ATTACHMENTS:

Application
Abandonment Exhibit
Ordinance

ABANDONMENT APPLICATION

Date: _____

Property Owner: HEB Grocery Company 646 S. Main Avenue San Antonio, TX 78204 (210) 412-2121
Name Address Phone #

Applicant: Jonathan R. Neslund 221 West Sixth Street, Suite 600 Austin, TX 78701 (512) 328-0011
Name Address Phone #

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

Email: ineslund@burypartners.com **Fax Number:** (512) 328-0325
West Adams Avenue

Address of Property: and 23rd Street **Lot:** N/A **Block:** N/A **Subdivision:** N/A

Outblock (if not platted): _____

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

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

Abandonment Description: Please explain why the abandonment is needed.

The abandonment is required to finalize the proposed HEB Temple Subdivision Plat. The majority of existing alley right-of-way in the area was previously abandoned.

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

We propose to use the abandoned alley area for drive aisles, parking, and a fuel pump/canopy.
A Street Use License Application will accompany this Abandonment Application for the proposed fuel pump/canopy.

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

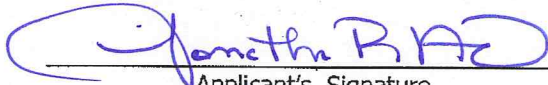
RECEIVED

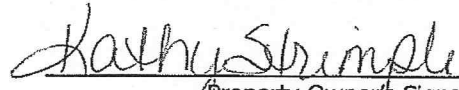
APR 23 2010

City of Temple
Planning & Development

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

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


Applicant's Signature


Property Owner's Signature

For Office Use Only

☒ Completed Application

Fee Received By: Mary

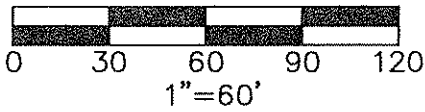
Case #: A-FY-10-08 Zoning Map Page: _____ Project Manager: Brian Mabey

Tentative City Council Date: _____

WEST BARTON AVENUE (R.O.W. WIDTH VARIES)

LEGEND

- 1/2" IRON ROD FOUND (UNLESS NOTED)
- ⊙ IRON PIPE FOUND
- ▲ 60D NAIL FOUND
- △ CALCULATED POINT
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT



BLOCK 255
ORIGINAL CITY
OF TEMPLE

H E BUTT GROCERY COMPANY
(PER APPRAISAL DISTRICT)

0.234 ACRE
(10,183 SQ. FT.)

ORDINANCE NO. 95-2322
VOL. 3291, PG. 741

ORDINANCE NO. 95-2322
VOL. 3291, PG. 741

LOT 5

ORIGINAL LOT LINE & DEED LINE

LOT 4
HEB GROCERY COMPANY
VOL. 806, PG. 272

ORIGINAL LOT LINE & DEED LINE

LOT 3
BLOCK 1
LANG ADDITION
(UNRECORDED SUBDIVISION)

HEB GROCERY COMPANY, LP.
VOL. 6204, PG. 147
LOT 2

P.O.C.

LOT 1

P.O.B.

N73°38'06"W 360.02'
TO 1/2" IRON ROD FOUND
AT NORTH 27TH STREET

S73°38'06"E 140.00'

N73°38'06"W
21.31'

WEST ADAMS AVENUE
(80' R.O.W.)

ALLEY

BLOCK 4

FREEMAN HEIGHTS BLOCK 4

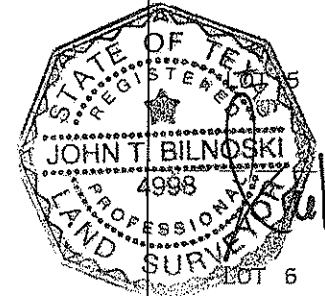
BLOCK 5

Bury+Partners
ENGINEERING SOLUTIONS
221 West Sixth Street, Suite 600
Austin, Texas 78701
Tel. (512)326-0011 Fax (512)326-0325
Bury+Partners, Inc. ©Copyright 2010

SKETCH TO ACCOMPANY DESCRIPTION
OF A 0.234 ACRE TRACT OF LAND, OUT OF THE G.W. FARRIS SURVEY, ABSTRACT NO. 304, SITUATED IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, BEING A PORTION OF LOT 5 AND LOT 6, BLOCK 8 OF THE MOORE-COLE ADDITION, A SUBDIVISION OF RECORD IN VOLUME 77, PAGE 423 OF THE DEED RECORDS OF BELL COUNTY, TEXAS, TOGETHER WITH THE REMAINING PORTION OF AN ALLEY LOCATED BETWEEN LANG ADDITION, AN UNRECORDED SUBDIVISION IN THE CITY OF TEMPLE AND SAID MOORE-COLE SUBDIVISION.

HEB GROCERY COMPANY

LINE TABLE		
LINE	BEARING	LENGTH
L1	S73°38'06"E	21.31
L2	S16°49'01"W	45.47
L3	S73°11'28"E	60.00
L4	N73°50'48"W	60.00



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ABANDONING TWO ALLEYS WITH ONE ALLEY BEING APPROXIMATELY 21 FEET IN WIDTH BY 343 FEET IN LENGTH, LOCATED BETWEEN LOTS 6 THROUGH 8, BLOCK 8, MOORE-COLE ADDITION AND BLOCK 1, LANG ADDITION AND WITH THE OTHER ALLEY BEING APPROXIMATELY 48 FEET IN WIDTH AND 60 FEET IN LENGTH, LOCATED BETWEEN BLOCK 255, ORIGINAL CITY OF TEMPLE ADDITION AND LOT 5, BLOCK 8, MOORE-COLE ADDITION, NEAR THE NORTHWEST CORNER OF WEST ADAMS AVENUE AND NORTH 23RD STREET; MAINTAINING A BLANKET EASEMENT TO ACCOMMODATE EXISTING UTILITIES; AUTHORIZING CONVEYANCE OF SUCH PROPERTY BY A DEED WITHOUT WARRANTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has a request to abandon 2 alleys located near the northwest corner of West Adams Avenue and North 23rd Street, approximately .23 acres of alley right of way to replat the property and incorporate the alley into a planned gas station and car wash by HEB Grocery Company;

Whereas, the land is not necessary for the purpose of serving the general public or landowners adjacent thereto for any public purposes;

Whereas, the Staff recommends that the property be abandoned in exchange for the fair market value of the property; and

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

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

Part 1: The City Council abandons two alleys with one alley being approximately 21 feet in width by 343 feet in length, located between Lots 6 through 8, Block 8, Moore-Cole Addition and Block 1, Lang Addition and with the other alley being approximately 48 feet in width and 60 feet in length, located between Block 255, Original City of Temple Addition and Lot 5, Block 8, Moore-Cole Addition, near the northwest corner of West Adams Avenue and North 23rd Street, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The City Council authorizes the Mayor of the City of Temple, Texas, for the consideration set out in Part 3, to execute a Deed Without Warranty conveying the rights and interests of the City of Temple, Texas, to the abutting property owners, which when done,

shall be and become a binding act and deed of the City of Temple, maintaining a blanket easement to accommodate the existing utilities.

Part 3: As consideration for the conveyance described in Part 2 hereof, the abutting property owner shall each pay to the City of Temple the fair market value amount of \$7,825.

Part 4: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 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 **17th** day of **June**, 2010.

PASSED AND APPROVED on Second Reading the **1st** day of **July**, 2010.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

ATTEST:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney

STATE OF TEXAS §

COUNTY OF BELL §

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

Notary Public, State of Texas



COUNCIL AGENDA ITEM MEMORANDUM

06/17/10
Item #7
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: SECOND READING – 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.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its May 3, 2010 meeting, the Planning and Zoning Commission voted 3/2 in accordance with staff recommendation to recommend approval of a zone change from C and GR to PD-C with the following conditions:

1. Except as modified by the binding site development plan and the ordinance granting the Planned Development designation, the use and development standards of the property must conform to the requirements of the Commercial zoning district.
2. In the event of a conflict between the site development plan and the text of the ordinance granting the Planned Development designation, the stricter standard applies.
3. All standards of the Zoning Ordinance apply unless the site development plan or the text of the ordinance granting the Planned Development specifically modifies such standards.
4. The following uses, and no other uses, are permitted on the subject property:
 - a) Truck rental and parking;
 - b) Parking lot, trucks or trailers;
 - c) Minor vehicle serving; and
 - d) Any nonresidential use permitted in the NS, Neighborhood Service, or O-1, Office One, zoning districts.
5. Truck and trailer parking is allowed only in the area designated on the development plan as the enclosed truck and trailer parking area.
6. Buffering between the enclosed truck parking area and the property line on the development plan must consist of a fence or wall constructed of wood, masonry, stone, or pre-cast concrete, with integrated color, texture and pattern that is between six feet and eight feet in height. The fence or wall must not contain openings constituting more than 20 square inches in each square foot of wall or fence surface. Gates must be equal in height and screening characteristics to the fence or wall.
7. The enclosed truck and trailer parking area must be striped to accommodate all trucks available for rental and trailers.

8. Any new buildings or additions require a building permit and must meet all City Code requirements.
9. The standards in Section 7-631, Minor Vehicle Servicing, of the Zoning Ordinance applies to any minor vehicle servicing to take place on the property.
10. Portable buildings, if any are erected, require a building permit and must be located in the rear half of lots 3 and 4. Such buildings must meet all City Code requirements including but not limited to the masonry requirements in Sec. 13-300 of the Zoning Ordinance.
11. The following activities or conditions are prohibited:
 - a) Outdoor junk and debris;
 - b) Storage of commodities in a street or alley;
 - c) Dilapidated signs;
 - d) Stagnant water in tires;
 - e) Indoor display of high combustible materials within five feet of doorways; and
 - f) Sign in r-o-w.
12. Any trucks or trailers parked on the property must be maintained in good mechanical condition so that they would pass vehicle inspection and be usable on a public road. **(See modification of this condition shown in the Staff Recommendation below)**
13. On-street parking of trucks and trailers is prohibited. All drop-off parking and storage of trucks and trailers must take place on-site.

Commissioners Pope and Hurd voted against the recommendation. Chair Pilkington and Commissioners Secrest, Barton and Martin were absent.

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

12. After the completion of the property owner's vehicle repair facility at 1402 S. 1st Street, semi-trailers, shipping containers or any other moveable accessory storage structures are prohibited on the subject property.
14. Lot 4 on the attached binding development plan must be paved with asphalt or concrete.

ITEM SUMMARY: During the first reading and public hearing, members of the public and the Council requested additional staff attention on this proposal, resulting in the modification of recommendation 12 shown in the Staff Recommendation section above. The purpose of recommendation 14 in the Staff Recommendation section is to clarify a question from the Council as to whether Lot 4 was proposed to be paved. Finally, the binding development plan attached to this report shows that the proposed fence along S. 41st Street no longer extends all the way to the property line between Lot 1 and Lot 2. Instead, it stops at the property line between Lot 2 and Lot 3. This affords the property owner one point of access along S. 41st Street, while providing the residents across the streets with a modest amount of screening.

Please refer to the Staff Report and draft minutes of case Z-FY-10-29, from the Planning and Zoning meeting, May 3, 2010. The property owner is transferring his minor vehicle repair establishment and moving truck rental and parking business from S. 1st Street in the TMED area to the subject property. He can conduct these businesses on Lots 1 through 3 under the current zoning of the property. He

wants to expand the parking of his trucks into Lot 4. Staff recommended a Planned Development to him so that the parking of his vehicles and the use of the property could be better controlled than it would be under base zoning requirements.

The binding site development plan for the PD controls the area in which the property owner can park his vehicles to an area of 80 feet by 110 feet. The PD requires screening in the form of a masonry wall or wood fence six to eight feet in height along the property line. As listed in the recommendations above, it also abates potential nuisances such as junked semi-trailers, parking of commercial vehicles on the street and limits future nonresidential uses to those that are allowed in the Neighborhood Service and Office-1 zoning districts, the least intense districts in the Zoning Ordinance.

Public Notice

Twenty seven notices of the Planning and Zoning Commission public hearing were sent out. As of Tuesday, May 11 at noon, four notices were returned in favor of and three 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](#)
[Binding Site Development Plan](#)
[Notice Map](#)
[P&Z Staff Report \(Z-FY-10-29\)](#)
[P&Z Minutes \(05/03/10\)](#)
[Ordinance](#)




Z-FY-10-29

Temple Heights Addition, Block 33, Lots 1-4

2015 W Ave M



 Z-FY-10-29

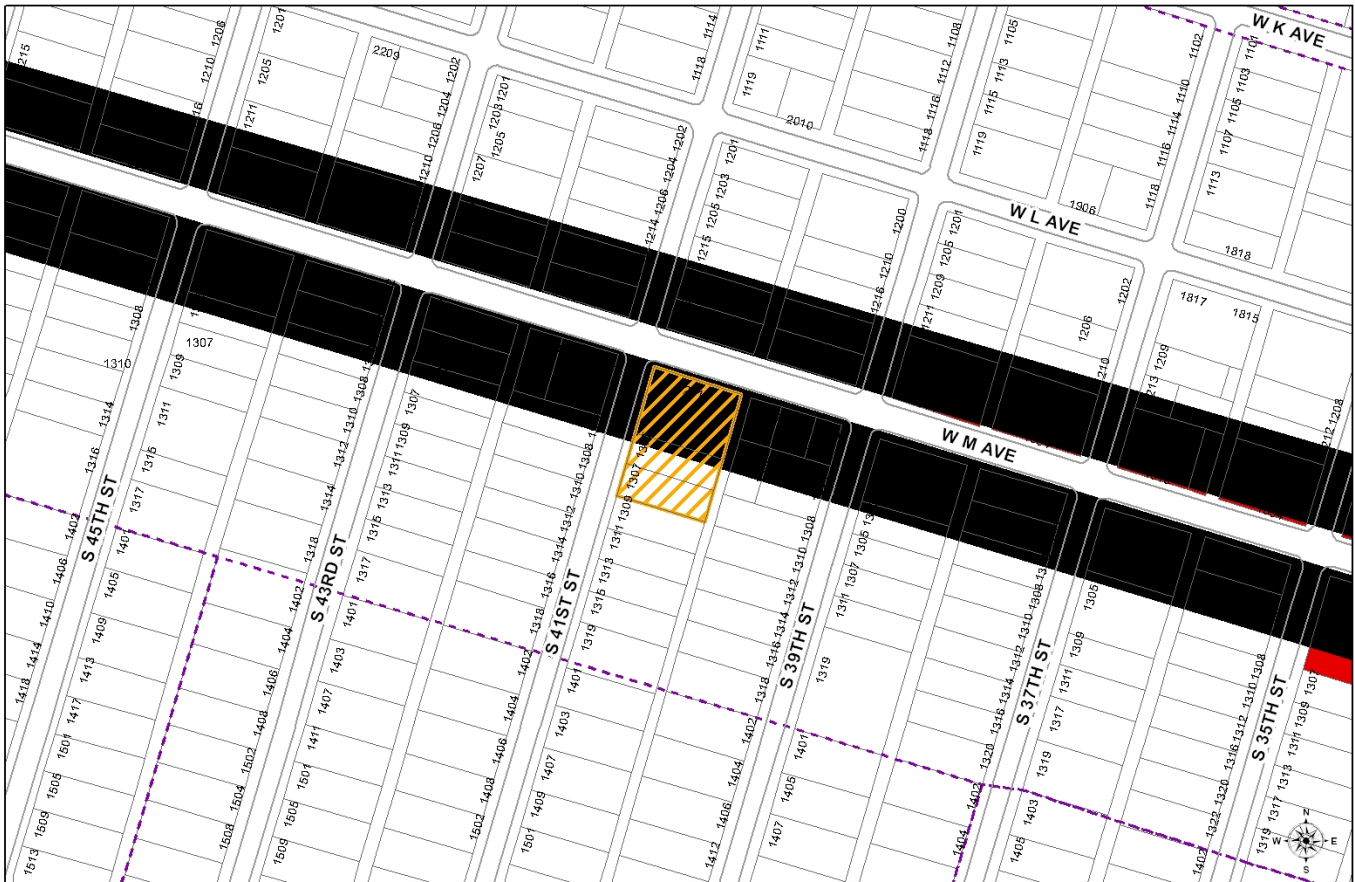
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J Stone 4.14.10



Z-FY-10-29

Temple Heights Addition, Block 33, Lots 1-4

2015 W Ave M



- | | | | | | |
|---------------------------|-------------------------|-----------------------|-----------------------------------|----------------------|--------------------|
| Z-FY-10-29 | 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 | |

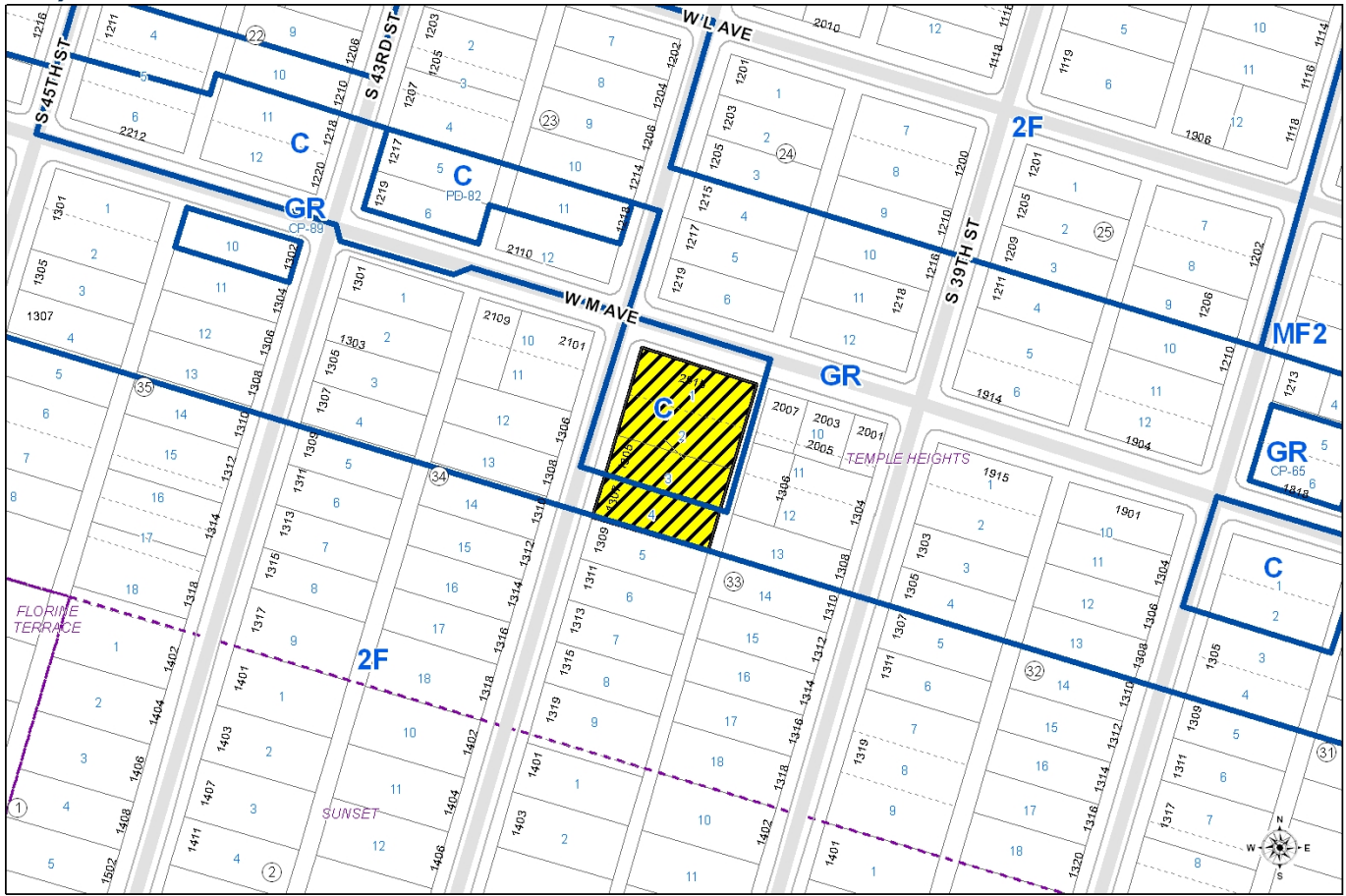
1 inch = 200 feet
J Stone 4.14.10



Z-FY-10-29

Temple Heights Addition, Block 33, Lots 1-4

2015 W Ave M



Z-FY-10-29

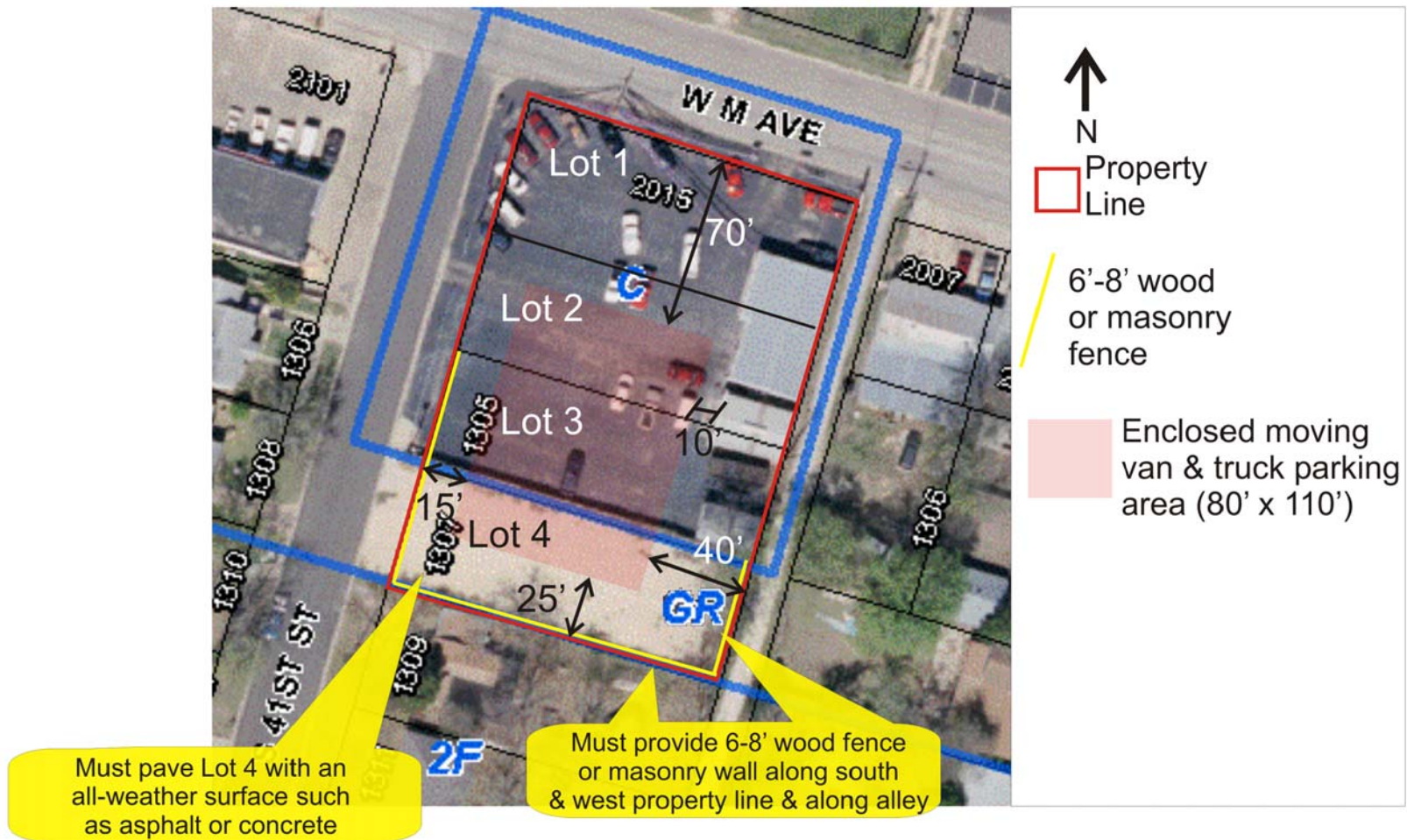
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J Stone 4.14.10



□ Z-FY-10-29 — WATER LINE — SEWER LINE

Feet 0 50 100 150
J Stone 4.14.10



Temple Heights Addition, Block 33, Lots 1 - 4

In the event of a conflict between this development plan and the text of the PD ordinance for this project, the stricter standard applies.

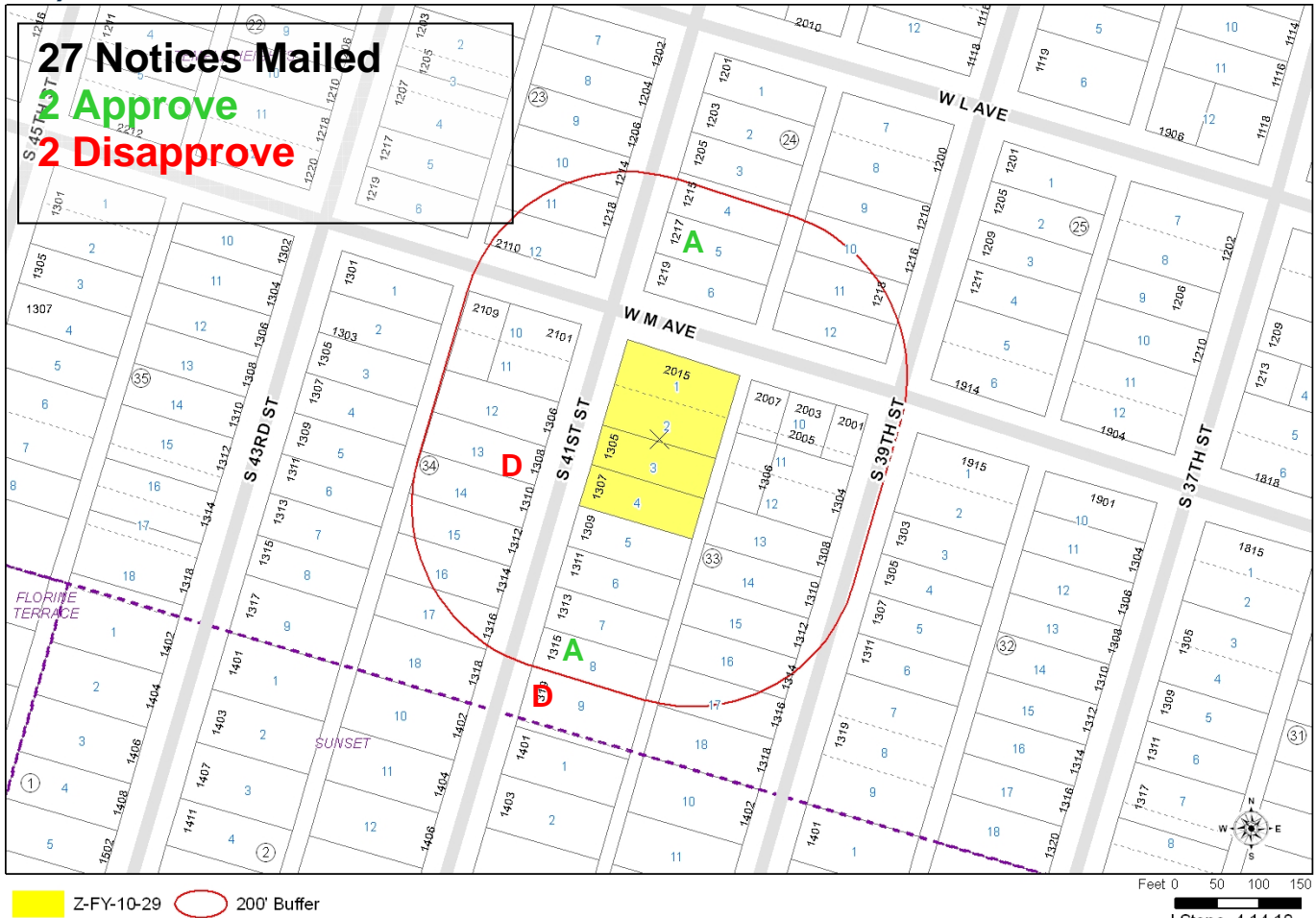
All standards of the Zoning Ordinance apply unless this development plan or the text of the PD ordinance for this project specifically modifies such standards.



Z-FY-10-29

Temple Heights Addition, Block 33, Lots 1-4

2015 W Ave M





PLANNING AND ZONING COMMISSION AGENDA ITEM

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

APPLICANT / DEVELOPMENT: City of Temple for Kellum Pelawatta

CASE MANAGER: Brian Mabry, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-10-29 Public Hearing to discuss and recommend action on 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, at 2015 West Avenue M and 1305 and 1307 South 41st Street. (Applicant: City of Temple for Kelum Pelawatta)


BACKGROUND: The property owner wishes to establish a moving van or truck rental and parking; parking area for trucks or trailers; minor vehicle serving; and any nonresidential use permitted in the NS, Neighborhood Service, or O-1, Office One, zoning districts.

The attached PD development plan shows that the area available for truck, trailer and van parking is limited to 80 feet by 110 feet. It must be setback from West Avenue M right-of-way (ROW) by 70 feet, from S. 41st Street ROW by 15 feet and from the residence to the south by 25 feet. In addition, a wood or masonry fence six to eight feet in height must surround the truck, trailer and van parking area on the south property line, along S. 41st Street and along the alley. Other requirements of this PD are not applicable to the PD site plan, but are listed in the Staff Recommendation below.







The applicant agrees with the PD development plan and Staff Recommendation.


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 and GR (PD-C proposed)	Vacant and car parking	

Double Sided

Direction	Zoning	Current Land Use	Photo
Subject Property (cont.)	C and GR (PD-C proposed)	Vacant and car parking	
North	GR	Single-family dwelling (across W. Ave. M)	
South	2F	Single-family dwelling	
East	GR	Minor vehicle serving (across alley)	
		Two-family dwelling (across alley)	
West	GR	Plumbing contractor	

Direction	Zoning	Current Land Use	Photo
West (cont.)	GR	Single-family dwelling	

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 Mixed Use. The proposal complies with the Future Land Use and Character Map.

Thoroughfare Plan

The Thoroughfare Plan designates W. Avenue M as a Minor Arterial and S. 41st Street as a Local Street. The proposal complies with the Thoroughfare Plan.

Adequacy of Public Facilities

A two-inch water line and an eight-inch sewer line serve the subject property. Public facilities are available.

Development Regulations

The purpose of the C, Commercial zoning district is, in part, "...to serve citywide or regional service areas. This district should be located along major highways and should provide total on-site traffic maneuvering such that traffic entering and exiting the facility should have room to turn, queue for parking areas, and park within the confines of the facility...This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses." However, as a PD, the only uses proposed to be permitted on the site are a moving van or truck rental and parking; parking area for trucks or trailers; minor vehicle serving; and any nonresidential use permitted in the NS, Neighborhood Service, or O-1, Office One, zoning districts. Typical uses in these zoning districts include, but are not limited to convenience store without fuel sales, bank, barber or beauty shop, dry cleaner or office. Typical prohibited uses include a drive-in restaurant or car wash.

Public Notice

Twenty seven notices of the Planning and Zoning Commission public hearing were sent out. As of Tuesday, April 27 at 5 PM, two notices were returned in favor of and two 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-10-29, a zoning change from Commercial District and General Retail District to Planned Development – Commercial District (PD-C), subject to the following conditions:

1. Except as modified by the binding site development plan and the ordinance granting the Planned Development designation, the use and development standards of the property must conform to the requirements of the Commercial zoning district.

2. In the event of a conflict between the site development plan and the text of the ordinance granting the Planned Development designation, the stricter standard applies.
3. All standards of the Zoning Ordinance apply unless the site development plan or the text of the ordinance granting the Planned Development specifically modifies such standards.
4. The following uses, and no other uses, are permitted on the subject property:
 - a) Truck rental and parking;
 - b) Parking lot, trucks or trailers;
 - c) Minor vehicle servicing; and
 - d) Any nonresidential use permitted in the NS, Neighborhood Service, or O-1, Office One, zoning districts.
5. Truck and enclosed storage trailer parking is allowed only in the area designated on the development plan as the enclosed truck parking area.
6. Buffering between the enclosed truck parking area and the property line on the development plan must consist of a fence or wall constructed of wood, masonry, stone, or pre-cast concrete, with integrated color, texture and pattern that is between six feet and eight feet in height. The fence or wall must not contain openings constituting more than 20 square inches in each square foot of wall or fence surface. Gates must be equal in height and screening characteristics to the fence or wall.
7. The enclosed truck and trailer parking area must be striped to accommodate all trucks available for rental.
8. Any new buildings or additions require a building permit and must meet all City Code requirements.
9. The standards in Section 7-631, Minor Vehicle Servicing, of the Zoning Ordinance applies to any minor vehicle servicing to take place on the property.
10. Portable buildings, if any are erected, require a building permit and must be located in the rear half of lots 3 and 4. Such buildings must meet all City Code requirements including but not limited to the masonry requirements in Sec. 13-300 of the Zoning Ordinance.
11. The following activities or conditions are prohibited:
 - a) Outdoor junk and debris;
 - b) Storage of commodities in a street or alley;
 - c) Dilapidated signs;
 - d) Stagnant water in tires;
 - e) Indoor display of high combustible materials within five feet of doorways; and
 - f) Sign in r-o-w.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

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

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

ACTION ITEMS

Item 3: Z-FY-10-29: Public Hearing to discuss and recommend action on 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, at 2015 West Avenue M and 1305 and 1307 South 41st Street. (Applicant: City of Temple for Kelum Pelawatta).

Mr. Brian Mabry, Senior Planner, presented the case to the Commission and stated the applicant for this project was the City of Temple on behalf of Mr. Kelum Pelawatta who operated a business on the subject property.

The purpose of this case was to allow moving truck rental and parking, as well as parking for trucks and trailers, and non-residential uses which are allowed in the Neighborhood Services (NS) and Office One (O1) zoning districts, the least intensive zoning districts. Another purpose was to protect the surrounding residential uses and minimize the impact of the proposed use on the Avenue M corridor.

Currently trucks are being parked there and Staff was working to make the area legal and conforming activities for the property. A small lot lays to the south to 1307 S. 41st Street where truck parking was not occurring but cars have been parking there during various times of the day.

Mr. Mabry gave the description of the surrounding area and stated there was a single family dwelling to the north across from Avenue M from the subject property, a single family dwelling lies to the south, a two family dwelling to the east across the alley and a single family dwelling to the west across S. 41st Street. A minor vehicle servicing facility (garage/mechanic shop) was across the alley and a plumbing contractor fronted along Avenue M to the west. The site plan tried to minimize the impact to the area, especially to the single family dwelling to the south.

This proposal complied with the Future Land Use and Character Map. Avenue M was a minor arterial and South 41st was a local street and both complied with the Thoroughfare Plan. Existing water and sewer serve the property and public facilities were available.

Three of the lots on the subject property are zoned Commercial (C) and Lot 4 (further south) was zoned General Retail (GR). A large Two Family (2F) zoned area was just to the south of the subject property.

Mr. Mabry stated the designated area for the trucks and storage containers on the site was approximately 110 feet x 80 feet in dimension. The various setbacks for property lines and main building were a 25 foot setback to the south, a 15 foot setback from the right-of-way line for South 41st Street, and if adding approximately the same distance

(another 15 feet = 30 feet total) from the actual curb of South 41st Street. There was a 70 foot separation of designated parking area for trucks, vans, and trailers from the right-of-way line of West Avenue M and approximately 5 feet to the curb. There was a 10 foot separation between designated parking area and the main building. There was also a 40 foot separation from parking area to the alley.

A 6 to 8 foot wood fence or masonry wall was required to be along the south and west property lines and the alley that connected to part of one of the buildings currently on the property, circled around and stopped where the parking area ended on the property.

Mr. Mabry stated 27 notices were mailed for this case to surrounding property owners and 4 were returned in approval and 3 were returned in opposition. Additional notices were received after packet delivery occurred and each Commissioner was provided with copies of those as well.

Staff recommended approval of this case to rezone the property from Commercial (C) and General Retail (GR) to Planned Development Commercial (PD-C) with the following conditions:

1. Except as modified by the binding site development plan and the ordinance granting the Planned Development designation, the use and development standards of the property must conform to the requirements of the Commercial zoning district.
2. In the event of a conflict between the site development plan and the text of the ordinance granting the Planned Development designation, the stricter standard applies.
3. All standards of the Zoning Ordinance apply unless the site development plan or the text of the ordinance granting the Planned Development specifically modifies such standards.
4. The following uses, and no other uses, are permitted on the subject property:
 - a) Truck rental and parking;
 - b) Parking lot, trucks or trailers;
 - c) Minor vehicle serving; and
 - d) Any nonresidential use permitted in the NS, Neighborhood Service, or O-1, Office One, zoning districts.
5. Truck and enclosed storage trailer parking is allowed only in the area designated on the development plan as the enclosed truck parking area.
6. Buffering between the enclosed truck parking area and the property line on the development plan must consist of a fence or wall constructed of wood, masonry, stone, or pre-cast concrete, with integrated color, texture and pattern that is between six feet and eight feet in height. The fence or wall must not contain openings constituting more than 20 square inches in each square foot of

wall or fence surface. Gates must be equal in height and screening characteristics to the fence or wall.

7. The enclosed truck and trailer parking area must be striped to accommodate all trucks available for rental.

8. Any new buildings or additions require a building permit and must meet all City Code requirements.

9. The standards in Section 7-631, Minor Vehicle Servicing, of the Zoning Ordinance applies to any minor vehicle servicing to take place on the property.

10. Portable buildings, if any are erected, require a building permit and must be located in the rear half of lots 3 and 4. Such buildings must meet all City Code requirements including but not limited to the masonry requirements in Sec. 13-300 of the Zoning Ordinance.

11. The following activities or conditions are prohibited:

- a) Outdoor junk and debris;
- b) Storage of commodities in a street or alley;
- c) Dilapidated signs;
- d) Stagnant water in tires;
- e) Indoor display of high combustible materials within five feet of doorways; and
- f) Sign in r-o-w.

Commissioner Pope asked if trailers shown on the photos presented were parked there when the aerial shot was taken and Mr. Mabry stated yes and believed the aerial was taken in 2006 or 2007. Currently, the number of things parked there vary during the day from tree clipping trucks, moving trucks, semi-trucks and other parked vehicles but there is always activity going on there.

Commissioner Pope asked if the trucks being parked there are located in the area designated to be enclosed truck parking area and Mr. Mabry stated he thought the trucks met the distance requirements requested but was unsure.

Commissioner Pope asked about the "truck enclosed storage trailer parking allowed only in the area designated" and wanted clarification of where this was located on the map. Commissioner Pope also asked about the striped area to accommodate all truck parking and if it would have another fence. Mr. Mabry stated it would be painted. Commissioner Pope then asked who would monitor that and Mr. Mabry stated in order to have a Certificate of Occupancy to continue the business, Planning Staff would go out and verify the striping had been painted which would allow the issuance of the Certificate of Occupancy.

Commissioner Pope was curious that the area was approximately 110 feet and would be able to accommodate 10 or 11 trucks in that area and also asked about entry to the property. Mr. Mabry stated Avenue M had an entry and 41st Street had a main point of ingress and egress. Vice-Chair Talley stated he noticed two entrances (gates) off of

41st Street. Mr. Mabry stated a chain link fence was located around the majority of the property.

Commissioner Staats asked if there were any restrictions regarding the trucks to be legally parked on the street for any amount of time and Mr. Mabry stated he was not sure but felt if safety concerns were involved, Code Enforcement could cite them. Commissioner Staats stated his concern being they would have more trucks than parking spaces and would park on the street. Mr. Mabry stated the recommendations Staff previously included should be clear and precise to the applicant about what is expected with the property. Mr. Mabry also suggested that in addition the Commission could make a motion to prohibit any parking in the right-of-way of the moving trucks, vans, etc.

Vice-Chair Talley opened the public hearing.

Ms. Mabel Taylor, 1308 S. 41st Street, Temple, Texas approached the Commission and stated she owned the property right across from the subject property. Ms. Taylor stated 41st Street was a well traveled street and had a lot of traffic. The moving trucks have been parked on the street which caused one-way traffic and people need to stop to let others go by.

Ms. Taylor did not want to look at a 'bunch of trucks.' The trailers mentioned earlier have already been parked there for several years. One is so old and rusty the back doors do not shut and bang in the wind. The third section of the fence that had been there since it was a car lot, fell about three years ago and no attempt has been made to fix it; the broken timbers are laying on the ground. The second section was just hanging by one post and Ms. Taylor has to look at that every day.

Ms. Taylor stated the weeds are not mowed, the lot (1307) is not paved, and she does not want to make 1307 Commercial. She has lived there for 38 years and when the land was purchased were told the north half was zoned General Retail and the south half of that lot was residential because you could not put a business right next to a residence so only half of the lot was allowed. Ms. Taylor assumed 1307 was the same zoning as 1308.

Ms. Taylor asked that the zoning stay as is. She also stated the moving trucks and the tree business trucks all left last week. However, some employees that were parking at 1307 for the tree trimming service are still parking at 1307. They park their vehicles, leave for the day, return in the evening to get their vehicle and then leave.

Ms. Taylor stated currently the first thing closest to Avenue M was a double wide storage unit. Next to it was an old truck, a commercial type truck but not an 18-wheeler, and next to that was a very long old 18-wheeler trailer which had the banging doors. On the other side of that trailer is another smaller 18-wheeler trailer and tires are stored in there.

Ms. Taylor asked the Commission not to pass this request.

Vice-Chair Talley asked Mr. Mabry about 1307 being residential when Ms. Taylor moved there but could have changed over the years. Mr. Mabry stated 1307 was zoned

General Retail (GR) and houses were allowed in the GR district, and there were several in the area (Mr. Mabry indicated on the map) that were zoned GR but have houses on the ground, such as Ms. Taylor's at 1308.

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

Commissioner Staats asked about the fence request being maintained and Mr. Mabry stated if a fence were required as screening, it had to be maintained.

Commissioner Staats asked what would prohibit the applicant from using this area for storing unusable vehicles, such as the trailer mentioned by Ms. Taylor, and turn it into a junk storage lot. Mr. Mabry stated inoperable vehicles and machinery would constitute a junk or salvage yard and would not be permitted in GR and/or C zoning district.

Commissioner Staats asked about the current Noise Ordinance and whether it covered the banging doors previously mentioned. Mr. Mabry stated under certain hours noise standards are applicable; they are part of the City Code and address noise protection during normal sleeping hours. Beyond that, Mr. Mabry was uncertain if noise protection standards were included in the laws.

Commissioner Pope asked about the existing fence and whether it was required as a screening fence as presently zoned. Mr. Mabry stated a chain link fence would not be considered as a screen. Commissioner Pope stated it sounded like this was a case of 'someone not trying to be a very good neighbor' which was not wise when adjacent to residential areas. The way the area looks in general would have to change for Commissioner Pope to vote in favor of this case. The exceptions did not have enough 'teeth' to prevent the residents living there to not be affected. Mr. Mabry stated No. 11 tried to handle these concerns, but not all.

Vice-Chair Talley asked if the item did not pass, was there something in the Ordinance which stated the present owner needed to maintain the fence that had fallen down and fix banging doors on the truck, etc. This was a concern to him if nothing were currently in the ordinance to prevent the applicant was maintaining the property.

Ms. Trudi Dill, Deputy City Attorney, stated the City does have a property maintenance ordinance which is probably enforced more against larger structures than smaller items because larger structures are more dangerous, however, this could be referred to Code Enforcement to look at the fence complaint. Ms. Dill was unsure about the banging doors but should not be difficult for the owner to remedy.

Vice-Chair Talley stated he felt it was important to make sure Ms. Taylor had options in case this item did not pass.

Commissioner Pope asked if the property was properly being used for the way it was presently zoned and Mr. Mabry stated this case came about since the owner wanted to expand storage of the trailers, etc., into Lot 4. Planned Developments are negotiable so Staff worked with the applicant to allow expansion into Lot 4 in exchange for limiting on Lots 1, 2 and 3 where the trucks and trailers could be parked, and to make sure a fence was placed on the property lines where they were most needed. A fence would not be required along the alley or 41st Street.

Commissioner Pope stated Lot 4 was zoned GR which would not be changed and Mr. Mabry agreed. Commissioner Pope also stated additional exceptions, such as nuisance and parking, etc., could be included in the proposal.

Vice-Chair Talley asked if the owner were in attendance and Mr. Mabry stated no.

Commissioner Staats asked if there were any requirement currently in place for the vehicles parked on the lot, or could be added, to all be 'road-ready' (operable). Mr. Mabry stated that item was not currently part of the conditions of this PD and was unaware if any City-wide requirements were in place. Commissioner Pope asked 'at what point does a vehicle become junk?' Commissioner Staats stated TxDOT had standards for vehicles and wondered if some of those conditions could be incorporated with the current case. Commissioner Staats had a big concern that the subject property did not become storage for old trailers, trucks, etc.

Mr. Mabry stated these items could be worked into the addition of Staff recommendations, including not parking in right-of-way, if the Commission desired.

Commissioner Staats made a motion that in addition with the Staff recommendations, any trailers and/or trucks parked there be in such mechanical condition that they would pass vehicle inspection and be usable on the roads with the City or TxDOT, and the parking of such vehicles be entirely restricted from being parked on the side street or on Avenue M and 41st Street and Commissioner Vice-Chair Talley made a second.

Motion passed: (3:2)

Commissioners Pope and Hurd voted Nay;

Commissioners Secrest, Barton, Martin and Chair Pilkington absent.

Vice-Chair Talley asked for a motion on the zoning of **Z-FY-10-29** and Commissioner Staats made a motion to approve **Z-FY-10-29** in its present form including all of the stipulations in addition to the sound mechanical condition and prohibited parking on the street.

Vice-Chair Talley and Commissioner Staats explained the first motion was only for the additional amendments to be added and the second motion was for the zoning of **Z-FY-10-29**, including the two additional amendments just approved. Commissioner Williams (Dusek) made a second.

Motion passed: (3:2)

Commissioners Pope and Hurd voted Nay;

Commissioners Secrest, Barton, Martin and Chair Pilkington absent.

ORDINANCE NO. 2010-4363

[PLANNING NO. Z-FY-10-29]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING 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, IN ACCORDANCE WITH SECTIONS 7-500 THROUGH 7-509 OF THE COMPREHENSIVE ZONING ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the owner of the property on Lots 1—4, Block 33, Temple Heights Addition, located at 2015 West Avenue M, 1305 and 1307 South 41st Street, has requested that the property be rezoned from Commercial District and General Retail District to Planned Development – Commercial District (PD-C); and

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

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

Part 1: The City Council approves a zoning change from Commercial District and General Retail District to Planned Development – Commercial (PD-C) on Lots 1—4, Block 33, Temple Heights Addition, located at 2015 West Avenue M, 1305 and 1307 South 41st Street, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

- (a) Except as modified by the binding site development plan and the ordinance granting the Planned Development designation, the use and development standards of the property shall conform to the requirements of the Commercial zoning district.
- (b) In the event of a conflict between the development plan, attached hereto as Exhibit B, and the text of this ordinance, the stricter standard applies.
- (c) All standards of the Zoning Ordinance apply unless the development plan or the text of this ordinance specifically modifies such standards.
- (d) The following uses, and no other uses, are permitted on the subject property:
 - 1. Truck rental and parking;
 - 2. Parking lot, trucks or trailers;
 - 3. Minor vehicle servicing; and
 - 4. Any nonresidential use permitted in the NS, Neighborhood Service, or O-1, Office One, zoning districts.
- (e) Truck and trailer parking is allowed only in the area designated on the development plan as the enclosed truck and trailer parking area.
- (f) Buffering between the enclosed truck parking area and the property line on the development plan must consist of a fence or wall constructed of wood, masonry, stone, or pre-cast concrete, with integrated color, texture and pattern that is between six feet and eight feet in height. The fence or wall must not contain openings constituting more than 20 square inches in each square foot of wall or fence surface. Gates must be equal in height and screening characteristics to the fence or wall.
- (g) The enclosed truck and trailer parking area must be striped to accommodate all trucks available for rental and trailers.
- (h) Any new buildings or additions require a building permit and must meet all City Code requirements.
- (i) The standards in Section 7-631, Minor Vehicle Servicing, of the Zoning Ordinance applies to any minor vehicle servicing to take place on the property.
- (j) Portable buildings, if any are erected, require a building permit and must be located in the rear half of lots 3 and 4. Such buildings must meet all City Code requirements including but not limited to the masonry requirements in Sec. 13-300 of the Zoning Ordinance.
- (k) The following activities or conditions are prohibited:
 - 1. Outdoor junk and debris;

2. Storage of commodities in a street or alley;
 3. Dilapidated signs;
 4. Stagnant water in tires;
 5. Indoor display of high combustible materials within five feet of doorways; and
 6. Sign in r-o-w.
- (l) After the completion of the property owner's vehicle repair facility at 1402 South 1st Street, semi-trailers, shipping containers or any other moveable accessory storage structures are prohibited on the subject property.
- (m) On-street parking of trucks and trailers is prohibited. All drop-off, parking and storage of trucks and trailers must take place on-site.
- (n) Lot 4 on the attached binding development plan must be paved with asphalt or concrete.

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

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 20th day of May, 2010.

PASSED AND APPROVED on Second Reading on the **17th** 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

06/17/10
Item #8
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing
Lonzo Wallace, Fire Chief

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Chaney-Cox Construction, Inc. of Temple for the construction of Fire Station No. 8 with Training Center/Emergency Operations Center in the amount of \$2,885,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On May 10, 2008, the citizens of Temple authorized the issuance of General Obligation Bonds in the amount of \$13,995,000 for public safety facilities and projects. The bond election proposition included \$4,775,000 for the construction of Fire Station No. 8 with Training Center/Emergency Operations Center (EOC). On March 5, 2009, Council authorized a professional services agreement with Architectural Edge, Inc. for the design of the facility. On February 4, 2010, Council authorized the use of the competitive sealed proposal delivery method for the acquisition of the construction services related to the facility.

As shown on the attached summary of proposals, on May 11, 2010, thirteen (13) proposals were received for the 15,845 square foot facility with proposed base prices ranging from \$2,885,000 to \$3,768,000. As specified in the request for proposals (RFP), the proposal evaluation criteria were defined as follows:

- 50% Proposed pricing
- 20% Contractor experience & qualifications in constructing like-kind facilities, including primary subcontractors, and accessibility of the contractor and subcontractors in responding to issues after the job is completed
- 10% Experience of contractor's key personnel
- 10% Contractor current work schedule/record and proposed timeline for this project
- 5% Contractor Safety Record and Quality Control Program
- 5% Contractor Financial Resources

A diversified seven-member proposal evaluation committee was formed to evaluate the 13 proposals. Based on the pre-defined evaluation criteria, the committee unanimously recommends award of the construction contract to Chaney-Cox Construction, Inc. of Temple. In addition to offering the lowest base pricing by \$128,000 under any other proposer, the City has had good experience in working with Chaney-Cox on three of the recently constructed Parks projects. Chaney-Cox's proposed time to complete the construction project is approximately 1 year from the notice to proceed.

The 3-apparatus bay facility will be constructed on the southeast corner of the Airport grounds with direct access to SH 36. FAA approval for the construction of the facility on the Airport grounds was received in February 2010. It is the intent of the facility to have the capability to provide ARFF services to the Airport in the future. However, the immediate need fulfilled by the Station will be to provide emergency response services to the northwest quadrant of the City. The facility will also house a training center that will also serve as an EOC.

The recommended contract award consists of a base price for the 15,845 square foot 1-story, three apparatus bay facility of \$2,885,000. Alternate pricing was received for downgrading the fence to chain link versus iron, to have stained concrete floors in lieu of tile, and to delete the utility extensions to the north side of the property. Based on the pricing received, it is staff's recommendation that all alternates be rejected and the contract be awarded at the proposed base price of \$2,885,000. Any proposed changes to the construction contract will be handled through formally executed change orders versus using the contingency method.

FISCAL IMPACT: Funding in the amount of \$4,905,589 is designated in the 2009 General Obligation Bond in account 363-2200-522-6851, project # 100411, for the design and construction of Station No. 8 with Training Center/EOC. After funding architectural services, consulting services, bond issuance costs and other miscellaneous costs, \$4,577,104 is available for construction.

With respect to the cost of this facility, along with the new Central Fire Station, coming in lower than budgeted, staff is currently evaluating the investment of these savings into the new Fire Training Drill Grounds, which is currently being master planned with the vision of positioning it behind the proposed new Station 8/EOC/Training Center on the southeast corner of the Airport, along with the possibility of upgrading another fire engine.

ATTACHMENTS:

[Summary of Proposals Received
Resolution](#)

City of Temple
CONSTRUCTION OF FIRE STATION #8 WITH TRAINING CTR/EOC
Summary of Proposals Received on May 11, 2010

Vendor	City	Proposed Base Price	Alt 1 (a)	Alt 2 (b)	Alt 3 (c)
Stewart Builders, Inc.	Georgetown, TX	\$ 3,525,000	\$ (11,000)	\$ (25,000)	\$ (22,000)
Vanguard Contractors, LP	Temple, TX	\$ 3,349,000	\$ (9,500)	\$ (32,300)	\$ (20,000)
CME Builders & Engineers, Inc.	Cleburne, TX	\$ 3,768,000	\$ (15,000)	\$ (12,000)	\$ (38,000)
Tri-North Builders, Inc.	Fitchburg, WI	\$ 3,139,210	\$ (9,197)	\$ (8,277)	\$ (28,000)
STR Constructors, Ltd	Liberty Hill, TX	\$ 3,117,000	\$ (9,200)	\$ (13,000)	\$ (10,000)
Workman Commercial Const Services, Ltd.	Austin, TX	\$ 3,118,000	\$ (14,000)	\$ (17,100)	\$ (17,500)
Roth Construction, Inc.	Victoria, TX	\$ 3,196,842	\$ (3,167)	\$ (15,108)	\$ (19,349)
C.R. Reynolds, Inc.	Sherman, TX	\$ 3,349,977	\$ (21,000)	\$ (16,000)	\$ (20,000)
Rudick Construction of Texas, LLC	Cedar Park, TX	\$ 3,114,000	\$ (9,700)	\$ (32,000)	\$ (53,300)
Chaney-Cox Construction, Inc.	Temple, TX	\$ 2,885,000	\$ (8,000)	\$ (19,000)	\$ (28,000)
EMJ Corporation	Irving, TX	\$ 3,013,000	\$ (9,320)	\$ (19,200)	\$ (28,300)
CWA Construction, Inc.	Waco, TX	\$ 3,077,596	\$ (18,474)	\$ (7,741)	\$ (17,575)
Brath, Inc.	Round Rock, TX	\$ 3,103,000	\$ (16,600)	\$ (14,500)	\$ (19,000)

- (a) Install 8' chain link fence and rolling gate in lieu of iron fence
(b) Install stained concrete and vinyl base in lieu of tile and tile base
(c) Delete water and sewer line extensions to future drill field

Recommended for Council Approval

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH CHANEY-COX CONSTRUCTION, INC., OF TEMPLE, TEXAS, FOR THE CONSTRUCTION OF FIRE STATION NO. 8 WITH A TRAINING CENTER/EMERGENCY OPERATIONS CENTER, IN THE AMOUNT OF \$2,885,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on May 11, 2010, the City received 13 proposals for construction of Fire Station No. 8 with training center/emergency operations center;

Whereas, the Staff recommends accepting the proposal (\$2,885,000) received from Chaney-Cox Construction, Inc., of Temple, Texas;

Whereas, funding for this project is available in Account No. 363-2200-552-6851, project # 100411; 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 \$2,885,000, with Chaney-Cox Construction, Inc., of Temple, Texas, after approval as to form by the City Attorney, for construction of Fire Station No. 8 with a training center/emergency operations center.

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

PASSED AND APPROVED this the **17th** day of **June**, 2010.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/17/10
Item #9
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydetta 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 John.Mayo@hotmail.com	773-9966 W 541-6816 C
Warren R. Smith O/OMA	03/10	2010	4409 Sunflower Lane 76502 Warrensmith1953@yahoo.com	207-2727 W 228-7472 C
John Bush	09/09	2010	1302 North 13 th , 76501 Jbush83498@sbcglobal.net	774-8899 W 773-1416 H 760-9313 C
Donald W. Nelson	09/09	2012	3105 Hemlock Blvd., 76502 Dnelson8@hotmail.com	778-1803 H/F
Justice M. Bigbie	07/09	2010	108 Sundance, 76502 jnavyman@hotmail.com	742-2171 H 421-0849 C
Patricia A. Smith, Ph.D.	11/02	2010	3334 Red Cliff Cr., 76502 pat-smith@earthlink.net	778-4425 H
Corey Richardson, Chair	09/07	2010	100 Ottoway Drive, 76501 cdrich@excite.com	760-8330 W
Temikia Brown (O/OMA)	09/09	2012	8228 Starview, 76502 brownchrist@aol.com	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 cymartinez@templejc.edu	298-8358 W 778-4180 H 231-6004 C
Karl J. Kolbe	04/07	2011	4802 S. 31 st Street, #Apt 515 kkolbe@hotmail.com	512-771-4132 C 254-231-3445 H
Gerald Richmond	09/05	2011	3210 Glenwood Drive 76502 n5zxj@n5zxj.us	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 Stephen.centraltexasems@gmail.com	771-1136 W 534-1834 C
Arben "Benny" Ismaili	09/07	2011	1810 Marlandwood Rd. #8107 76502 arben1976@hotmail.com	771-0169 W 421-1249 C
John Barina	09/08	2011	2109 Stagecoach Trl 76502 johnbarina@hotmail.com	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 amc@vvm.com	778-5246 W 913-8450 M 778-6327 F
Twila Coley	09/04	2010	714 S. 13 th Street Temple, TX 76504 tcoley@strasburger.net	774-8142 H 778-3547 W ext.424
Barbara Brown, Chair	10/07	2011	4402 Lonestar Trail Temple, TX 76502 hbbrown76502@sbcglobal.net	771-2832 H
Patsy Luna, Mayor Pro Tem/Councilmember District 2	01/03	2011	216 South 26 th Street Temple, TX 76501 pluna@ci.temple.tx.us	773-5870 H
Amy Strunk, Animal Shelter Operator	09/09	2012	Animal Shelter 620 Mama Dog Circle Temple, TX 76504 astrunk@ci.temple.tx.us	298-5732 W
Gene Moeller OMA	09/08	2012	8715 Trailridge Temple, TX 76502 Bodiddle36@aol.com	780-2948 H 541-1733 M
Krissy Whittington, APAC Forfeit position-non attendance	03/08	2012	P O Box 2351 Temple, TX 76503 krissyw@fcttx.com	773-7750 W 931-0840 M
Walter Hetzel, Animal Services Director	Ex-Officio		Animal Shelter 620 Mama Dog Circle Temple, TX 76504 whetzel@ci.temple.tx.us	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:** 2nd 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.

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

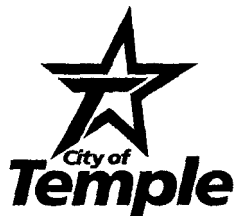
What experience and/or educational background do you have that could be applied to community service?
Licensed Private Pilot, Bachelor of Science degree in Marketing

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

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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
TREE BOARD

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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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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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• 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.

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.

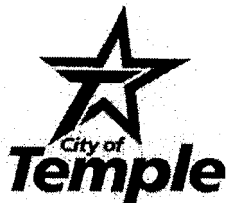
I feel that I have benefited from the services of the city and would like to be a benefit to my community.

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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AIRPORT ADVISORY BOARD
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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• 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. (Temple)

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

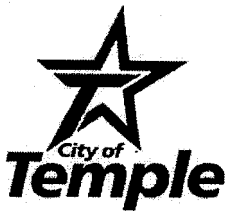
minor: Economic Geography

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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- 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.

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.