

MEETING OF THE TEMPLE CITY COUNCIL

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3RD FLOOR CONFERENCE ROOM

THURSDAY, JULY 15, 2010

2:00 P.M.

WORKSHOP AGENDA

- 1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, July 15, 2010.
- 2. 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.

3. Receive briefing on preliminary FY 2010-2011 budget, including, but not limited to, discussion on the street maintenance program, Capital Improvement Program update and business plans for Sammons Golf Links and Summit Family Fitness Center.

5:00 P.M.

MUNICIPAL BUILDING

2 NORTH MAIN STREET CITY COUNCIL CHAMBERS – 2ND FLOOR

TEMPLE, TX

JOINT MEETING TEMPLE CITY COUNCIL & CITY OF TEMPLE EMPLOYEE BENEFITS TRUST REGULAR MEETING AGENDA

I. CALL TO ORDER

- Invocation
- 2. Pledge of Allegiance

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Recognition of the 2010 Junior Fire Cadet Program

III. PUBLIC HEARING

4. Conduct a public hearing to receive comments and questions concerning the 2009 Drinking Water Quality Report (Consumer Confidence Report).

IV. PUBLIC COMMENTS

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

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) July 1, 2010 Special Called and Regular Meeting

Contracts, Leases & Bids

- (B) 2010-6052-R: Consider adopting a resolution authorizing a Memorandum of Understanding with the City of Killeen and Bell County to establish the rights, duties, administration and division of funds received under the 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) program award.
- (C) 2010-6053-R: Consider adopting a resolution authorizing a construction contract with TTG Utilities, Inc., of Gatesville for the first group of the 2010 Wastewater Line Replacement Projects in the amount of \$1,092,606.20 to include replacement of wastewater lines along 31st and 33rd Streets, and 33rd and 35th Streets, from Avenue H to Avenue R.
- (D) 2010-6054-R: Consider adopting a resolution authorizing a construction contract with K&S Backhoe Services, Inc., of Gatesville for construction activities required to build the Centex Sportsman Water Line Improvements in west Temple in an amount not to exceed \$382,687.26.
- (E) 2010-6055-R: Consider adopting a resolution authorizing a construction contract with Bell Contractors of Belton for the emergency replacement of an 8" sewer line using the pipe bursting method in the area of MLK and South 10th Street in the amount of \$67,800.
- (F) 2010-6056-R: Consider adopting a resolution authorizing a construction contract Change Order #3 with Matous Construction, Ltd., of Belton for replacement and installation of non-functional EIM valves on four remaining high service pumps at the water plant in the amount of \$36,633.77.
- (G) 2010-6057-R: Consider adopting a resolution authorizing the purchase of 150 plastic 300-gallon refuse containers for the Solid Waste Division from Rotonics Colorado, Commerce City, CO, in the amount of \$37,200.

<u>Ordinances – Second and Final Reading</u>

(H) 1. 2010-4367: SECOND READING – Z-FY-10-30-A: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to Neighborhood Service District (NS) on a 1.29 ± acre tract of land in the Sarah Fitzhenry Survey, Abstract 312, Bell County, Texas, located at the southwest corner of State Highway 36 and Moffat Road.

- 2. 2010-4368: SECOND READING Z-FY-10-30-B: Consider adopting an ordinance authorizing a Conditional Use Permit for the sale of beer and wine in an existing convenience store for off-premise consumption on a tract of land being part of the Sarah Fitzhenry Survey, Abstract 312, Bell County, Texas, located at the southwest corner of State Highway 36 and Moffat Road.
- (I) 2010-4369: SECOND READING Z-FY-10-32: Consider adopting an ordinance authorizing a zoning change from General Retail District to Multiple Family Two District on 1.74 ± acres of land situated in the Maximo Moreno Survey, Abstract No. 14, City of Temple, located on the north side of Marlandwood Road, adjacent to and east of 990 Marlandwood Road.

Misc.

- (J) 2010-6058-R: Consider adopting a resolution authorizing submission of an application for funding through the U.S. Department of Transportation, National Infrastructure Investment Grant (TIGER II) in the amount of \$270,000, with \$209,250 reimbursed to the City through federal funding, to execute a transportation planning study within areas of the Temple Medical and Education District and connections to anchor destinations to the north and south.
- (K) 2010-6059-R: Consider adopting a resolution authorizing revisions to the City of Temple's Personnel Policies & Procedures Manual.
- (L) 2010-6060-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2009-2010.

VI. REGULAR AGENDA

ORDINANCES

- 6. 2010-4363: THIRD READING PUBLIC HEARING Z-FY-10-29: Reconsider the adoption of Ordinance No. 2010-4363 (adopted 6-17-10) 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.
- 7. 2010-4370: FIRST READING PUBLIC HEARING Consider adopting an ordinance establishing the prima facie speed limit on the US 190/LP363/SH36 frontage road, within the City limits.
- 8. 2010-4371: FIRST READING— PUBLIC HEARING Consider adopting an ordinance amending Section 37-108, "Parking in Residential Yards," of Chapter 37, "Traffic," of the Code of Ordinances to add several subsections to allow for enforcement by the City's Construction Safety and Services Department.

BOARD APPOINTMENTS

- 9. 2010-6061-R: Consider adopting a resolution appointing members to the following City boards and commissions:
 - (A) One member to the Parks and Leisure Services Advisory Board to fill an unexpired term through March 1, 2012
 - (B) One member to the Animal Services Advisory Board to fill an unexpired term through September 1, 2012

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

VII. AGENDA – CITY OF TEMPLE EMPLOYEE BENEFITS TRUST

- 10. Conduct a meeting of the City of Temple Employee Benefits Trust to purchase insurance policies for FY 2010-2011 from:
 - (A) MetLife for dental insurance;
 - (B) Avesis for voluntary vision insurance; and
 - (C) Blue Cross/Blue Shield of Texas for medical and prescription insurance

ADJOURN THE MEETING OF THE CITY OF TEMPLE EMPLOYEE BENEFITS TRUST MEETING.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 2:20 PM, on July 9, 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

07/15/10 Item #3 Regular Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Recognition of 2010 Junior Fire Cadet Program.

STAFF RECOMMENDATION: Present recognition as presented in item description.

<u>ITEM SUMMARY:</u> Thomas Pechal, Temple Fire and Rescue, would like to recognize the participants in the 2010 Junior Fire Cadet Program.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

07/15/10 Item #4 Regular Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Conduct a public hearing to receive comments and questions concerning the 2009 Drinking Water Quality Report (Consumer Confidence Report).

STAFF RECOMMENDATION: Conduct public hearing; no action required.

ITEM SUMMARY: The Consumer Confidence Report (CCR) is an annual water quality analysis of the City's drinking water. The Texas Commission on Environmental Quality (TCEQ), under Title 30 of the Texas Administrative Code §290.271-290.275, requires that community water systems deliver the 2009 CCR to all of their customers, making a good faith effort to reach all customers and citizens by appropriate methods. This has been done through including the CCR in all utility billing cycles, both by mail and electronically, as well as making it available on our website, at the Utility Business Office, the Public Library, and through the office of Public Works Administration.

FISCAL IMPACT: N/A

ATTACHMENTS:

2009 Drinking Water Quality Report



2009 Drinking Water Quality Report

(Consumer Confidence Report)

City of Temple



www.ci.temple.tx.us

Special Notice for the ELDERLY, INFANTS CANCER PATIENTS, people with HIV/AIDS or other immune problems:

Some people may be more vulnerable to contaminants in drinking water than the general population. Immunocompromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. EPA/Centers for Disease Control Prevention (CDC) guidelines on appropriate means to lessen the risk of infection by Cryptosporidium and other microbial contaminants are available from the Safe Drinking Water Hotline (1-800-426-4791).

Public Participation Opportunities

Date: July 15, 2010 Time: 5:00 p.m.

Location: Regular Council Meeting, Council Chambers

Municipal Building

2 North Main

Phone No: (254) 298-5700

Our Drinking Water Meets or Exceeds all Federal (EPA) Drinking Water Requirements

This report is a summary of the quality of the water we provide our customers. The analysis was made by using the data from the most recent U.S. Environmental Protection Agency (EPA) required tests and is presented in the attached pages. We hope this information helps you become more knowledgeable about what's in your drinking water.

En Español

Éste reporte incluye información importante sobre el agua potable. Para obtener una copia de ésta información traducida al Español, favor de llamar al teléfono (254) 298-5621.

WATER SOURCES: The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals, and in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity. Contaminants that may be present in source water before treatment include: microbes, inorganic contaminants, pesticides, herbicides, radioactive contaminants, and organic chemical contaminants.

Where do we get our drinking water?

Our drinking water is obtained from Surface water sources. It comes from Lake Belton by way of the Leon River.

TCEQ completed an assessment of our source water and results indicate that some of our sources are susceptible to certain contaminants. The sampling requirements for our water system are based on this susceptibility and previous sample data. Any detections of these contaminants will be found in this report. For more information on source water assessments and protection efforts at our system, please contact us.

ALL drinking water may contain contaminants.

When drinking water meets federal standards, there may not be any health-based benefits to purchasing bottled water or point of use devices.

Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the EPA's Safe Drinking Water Hotline (800-426-4791).

Secondary Constituents

Many constituents (such as calcium, sodium, or iron) which are often found in drinking water can cause taste, color, and odor problems. The taste and odor constituents are called secondary constituents and are regulated by the State of Texas, not the EPA. These constituents are not causes for health concern. Therefore, secondaries are not required to be reported in this document but they may greatly affect the appearance and taste of your water.

About The Following Pages

The pages that follow list all of the federally regulated or monitored contaminants which have been found in your drinking water. The U.S. EPA requires water systems to test up to 97 contaminants.

Maximum Contaminant Level (MCL)

The highest permissible level of a contaminant in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.

Maximum Contaminant Level Goal (MCLG)

The level of a contaminant in drinking water below which there is no known or expected health risk. MCLGs allow for a margin of safety.

Maximum Residual Disinfectant Level (MRDL)

The highest level of disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

Maximum Residual Disinfectant Level Goal (MRDLG)

The level of drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contamination.

Action Level (AL)

The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.

NTU - Nephelometric Turbidity Units

pCi/L – picocuries per liter (a measure of radioactivity)

ppm – parts per million, or milligrams per liter (mg/L)

ppb - parts per billion, or micrograms per liter (ug/L)

Inorganic Contaminants

Year	Contaminant	Average Level	Minimum Level- Maximum Level	MCL	MCLG	Unit of Measure	Source of Contaminant
2009	Fluoride	0.21	0.21-0.21	4	4	ppm	Erosion of natural deposits; water additive which promotes strong teeth; discharge from fertilizer and aluminum factories.
2009	Nitrate	0.53	0.53-0.53	10	10	ppm	Runoff from fertilizer use; leaching from septic tanks, sewage; erosion of natural deposits.
2005	Gross beta emitters	2.9	2.9 – 2.9	50	0	pCi/L	Decay of natural and man-made deposits.

Organic Contaminants:

Year	Contaminant	Average Level	Minimum Level- Maximum Level	MCL	MCLG	Unit of Measure	Source of Contaminant
2009	Altrazine	0.11	0.11-0.11	3	3	ppm	Runoff from herbicide used on row crops.

Maximum Residual Disinfectant Level

Systems must complete and submit disinfection data on the surface Water Monthly Operations Report (SWMOR). On the CCR

report, the system must provide disinfectant type, minimum, maximum and average levels.

Year	Disinfectant	Average Level	Minimum Level- Maximum Level	MRDL	MRDLG	Unit of Measure	Source of Chemical
2009	Chloramines	2.8	0.5-4.9	4.0	<4.0	ppm	Disinfectant used to control microbes.

Disinfection Byproducts

Year	Contaminant	Average Level	Minimum Level- Maximum Level	MCL	Unit of Measure	Source of Contaminant			
2009	Total Haloacetic Acids	27.9	17.9-40.0	60	ppb	By-product of drinking water disinfection			
2009	Total Trihalomethanes	58.9	43.9-69.4	80	ppb	By-product of drinking water disinfection.			

Unregulated Initial Distribution System Evaluation for Disinfection Byproducts

This evaluation is sampling required by EPA to determine the range of total trihalomethane and haloacetic acid in the system for future regulations. The samples are not used for compliance, and may have been collected under non-standard conditions. EPS also requires the data to be reported here.

Year	Contaminant	Average Level	Minimum Level- Maximum Level	MCL	Unit of Measure	Source of Contaminant
2008	Total Haloacetic Acids	29.4	11.3-42.3	N/A	ppb	By-product of drinking water disinfection
2008	Total Trihalomethanes	60.1	38-81.8	N/A	ppb	By-product of drinking water disinfection.

Unregulated Contaminants

Bromoform, chloroform, dichlorobromomethane and dibromochloromethane are disinfection byproducts. There is no maximum contaminant level for these chemicals at the entry point to distribution.

-	at this entiry h	entry point to distribution.							
	Year	Contaminant	Average Level	Minimum Level- Maximum Level	Unit of Measure	Source of Contaminant			
	2009	Chloroform	3.4	3.4-3.4	ppb	By-product of drinking water disinfection.			
	2009	Bromoform	4.3	4.3-4.3	Ppb	By-product of drinking water disinfection			
	2009	Bromodichloromethane	9	9-9	ppb	By-product of drinking water disinfection.			
	2009	Dibromochloromethane	11	11-11	ppb	By-product of dinking water disinfection.			

Unregulated Contaminant Monitoring Rule 2 (UCMR2)

Unregulated contaminants are those for which EPA has not established drinking water standards. The purpose of unregulated contaminant monitoring is to assist EPA in determining the occurrence of unregulated contaminants in drinking water and whether future regulation is warranted. Any unregulated contaminants detected are reported in the following table. For additional information and data visit http://www.epa.gov/safewater/ucmr/ucmr2/index.html, or call the Safe Drinking Water Hotline at (800)426-4791

Year	Contaminant	Average Level	Minimum Level- Maximum Level	Unit of Measure	Source of Contaminant
2009	N/A			ppb	None detected

Lead and Copper

Year	Contaminant	The 90th Percentile	Number of Sites Exceeding AL	Action Level	Unit of Measure	Source of Contaminant
2009	Lead	2.7	0	15	ppm	Corrosion of household plumbing systems; erosion of natural deposits.
2009	Copper	0.222	0	1.3	ppm	Corrosion of household plumbing systems; erosion of natural deposits; leaching from wood preservatives.

Required Additional Health Information for Lead

"If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. This water supply is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline or at http://www.epa.gov/safewater/lead."

Turbidity

Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.

Yea	r Contaminant	nant Highest Single Measurement	Lowest Monthly % of Samples Meeting Limits	Turbidity Limits	Unit of Measure	Source of Contaminant
200	9 Turbidity	ty 0.60	100.00	0.3	NTU	Soil runoff.

Total Organic Carbon

Total organic carbon (TOC) no health effects. The disinfectant can combine with TOC to form disinfection by-products. Disinfection is necessary to ensure that water does not have unacceptable levels of pathogens. By-products of disinfection include trihalomethanes (THMs) and haloacetic acids (HAA) which are reported elsewhere in this report.

Year	Contaminant	Average Level	Minimum Level- Maximum Level	Unit of Measure	Source of Contaminant			
2009	Source Water	4.02	3.46-4.33	ppm	Naturally present in environment.			
2009	Drinking Water	3.08	2.69-3.57	ppm	Naturally present in environment			
2009 Removal Ratio 23.3 15.6-32.1 % removal* N/A								
*Remova	*Removal ratio is the percent of TOC removed by the treatment process divided by the percent of TOC required by TCEQ to be removed.							

Total Coliform: REPORTED MONTHLY TESTS FOUND NO FECAL COLIFORM BACTERIA.

Fecal Coliform: REPORTED MONTHLY TESTS FOUND NO FECAL COLIFORM BACTERIA.

Secondary and Other Constituents Not Regulated (No associated adverse health effects)

Year	Constituent	Average Level	Minimum Level	Maximum Level	Secondary Limit	Unit of Measure	Source of Constituent
2009	Bicarbonate	162	162	162	NA	ppm	Corrosion of carbonate rocks such as limestone.
2009	Chloride	47	47	47	300	ppm	Abundant naturally occurring element; used in water purification; by-product of oil field activity.
2009	рН	6.9	6.9	6.9	>7.0	Units	Measure of corrosivity of water
2009	Sodium	21	21	21	NA	ppm	Erosion of natural deposits; by-product of oil field activity.
2009	Sulfate	53	53	53	300	ppm	Naturally occurring; common industrial by- product; by-product of oil field activity.
2009	Total Alkalinity as CaCO3	133	133	133	NA	ppm	Naturally occuring soluble mineral salts.
2009	Total Dissolved Solids	296	296	296	1000	ppm	Total dissolved mineral constituents in water





COUNCIL AGENDA ITEM MEMORANDUM

07/15/10 Item #5(A) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) July 1, 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:

July 1, 2010 Special Called and Regular Meeting

TEMPLE CITY COUNCIL

JULY 1, 2010

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, July 1, 2010 at 3:30 P.M., in the Third Floor Conference Room, 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, July 1, 2010.

Consent Agenda Item 4(C) - Additional expenses to S&M Vacuum and Waste: Councilmember Janczak asked why this sediment must be hauled off.

Nicole Torralva, Interim Director of Public Works, stated these sediments must be deposited in a TCEQ approved facility with approved equipment. S&M has such a facility in Nolanville, as well as the equipment to perform the work.

Consent Agenda Item 4(D) - Chapter 380 agreement with Strasburger Enterprises: Kim Foutz, Assistant City Manager, asked that this item be removed from the Consent Agenda to discuss some changes and highlight the project.

Consent Agenda Item 4(E1 and 2)- HEB alley abandonment and street use license: Mayor Jones stated HEB has requested action on these items be tabled while they work through some internal issues.

Consent Agenda Item 4(H) - FY 2010-2011 proposed budget and public hearings: Mayor Jones stated this item will be removed from the Consent Agenda for a brief presentation by Mr. Blackburn.

2. Receive an update from Jacobs Engineering Group regarding the Bird Creek Interceptor Improvement Project.

David Blackburn, City Manager, stated the City has been working on this large, multi year project for several years. We are about to begin construction on phase 1 of the project and are preparing for phases 2 and 3.

Drew Hardin, Jacobs Engineering, provided the City Council with a project update and public communication approach. The purpose of the briefing was to provide the final recommended alignment and construction methods, provide update on revised phasing, costs and schedule, and discuss the approach for public communication. Mr. Hardin began with a review of the required interceptor improvements and the project's four phases. He focused on the two critical areas in Phases 2 and 3, El Capitan and Daniels Drive, providing the Council with Jacobs' recommendations for

these areas. Next, Mr. Hardin presented the revised construction costs for each phase, for a total project construction cost of \$14.9 million. This represents an increase of \$2.5 million from previous estimates and Mr. Hardin explained the reasons for the project cost increase. He concluded with a review of the recommendations for Phase 1 and the schedule for Phases 2 - 4.

3. Receive briefing on preliminary FY 2010-2011 budget.

David Blackburn, City Manager, provided this briefing to the City Council, beginning with a review of the budget calendar and process. He also reviewed the fence posts used in the development of the preliminary budget. Next, Mr. Blackburn provided summary reviews of all funds included in the budget, focusing on the General Fund, Water and Wastewater Fund and the Capital Improvement Program. Mr. Blackburn concluded with a discussion of budget highlights, including challenges with flat or declining revenues, the proposed property tax rate, Sammons Golf Course, street maintenance, and employee related issues.

4. Receive update regarding the Temple Medical and Education District (TMED) and the associated overlay ordinance.

Kim Foutz, Assistant City Manager, presented an update on the progress within the TMED and form-based code development. She began with an overview of what is currently underway in the TMED and upcoming planning efforts, which include meeting with the Coordinating Group, branding the district and continuing the development of the form based code. The City will be applying for a Tiger II transportation planning grant to leverage existing TMED planning funds.

Mrs. Foutz explained the concept for a form based code which focues on urban form or development versus land use. It is outcome focused and emphasizes standards with predictable physical outcomes. It also promotes an interconnected street network that is pedestrian-scaled and multi-modal. Standards are tied to specific locations, referred to as transect zones. Mrs. Foutz showed some comparisons of conventional zoning versus form based code and examples of proposed transects and special districts. She also displayed photos of various formed based components, such as architecture, public and private frontages, vehicular lanes, and teaser parking. Mrs. Foutz concluded with a review of the stakeholder process and schedule for adoption of the form based code by the City Council.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, July 1, 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

Pastor Wanda Nichols, Garden of Gethsemane International Church Ministries, voiced the Invocation.

2. Pledge of Allegiance

Lonzo Wallace, Fire Chief, led the Pledge of Allegiance.

II. PUBLIC APPEARANCES

3. Receive comments from Susan Peoples and Genevieve Gregg regarding the closure of the Maxine Raye Clark Swimming Pool.

Susan Peoples, 1205 Madisen, addressed the City Council concerning the closure of Maxine Clark swimming pool. The kids of east Temple do not have the same advantages as other kids in Temple and the other pools are too far to commute to. She understood there is an operating deficit for this pool but it has only been open from 3 p.m. to 6 p.m. and that could be the reason. The children are very disappointed that the pool has been closed.

Ms. Genevieve Gregg addressed the City Council. She stated her concern was two-fold, on being with Ms. Maxine Clark herself, who did extraordinary work in Temple many years ago. When the pool was closed her legacy ended. Ms. Maxine was her mentor growing up, as well as for hundreds of kids in east Temple. Ms. Gregg's other concern is that kids should not have to walk 3 to 6 miles to a swimming pool. The splash pad is good but it does not take the place of a swimming pool which provides great exercise. She stated she had been out of town and did not know the pool would be closed. Bored and frustrated children get in trouble and their group was planning to focus on giving these kids a way to be involved during the hot summer months and get some great exercise at Clark pool. Ms. Gregg provided some background information about her childhood experiences at Clark pool. She asked the Council to reconsider opening the pool for four weeks this summer. If this happens, she promised the pool would be active and productive next year as they will work diligently to get the kids and their families involved.

Mayor Jones stated only Ms. Peoples and Ms. Gregg signed up for a public appearance but he would receive comments from those who signed up to make public comments about Clark pool at this time.

Lois Sullivan, 1704 South 41st Street, addressed the Council. She stated she was bothered about how little the east side knew of the intentions to close Clark pool. They just found out and the rest of the community only found out when the article appeared in the Temple Daily Telegram. It would be cruel for the Council to close the pool, she stated.

Philip Shuler, 3113 El Camino Drive, stated he has been in Temple only 3 years and does not know all the demographics. He is the Pastor of St. Paul Methodist Church and read the story in the newspaper. He shared his background and childhood experiences in a park program in Brownwood, Texas as he was growing up in a single parent family. Rev. Shuler stated he was disappointed that Clark pool was closed to the community because it has the ability to influence children, not only for recreational purposes, but with character

building. It can also be a real assistance to parents who are trying to do what they can to improve their quality of life.

Mayor Jones stated the Council and staff were working on a very tough budget last year about this time. A lot of work was done by staff to balance budget. Walker and Clark pools were discussed and Lions pool had already been closed because it could no longer be maintained in its current condition. Splash pads are more economical to operate and can be open a much longer period of time. Reduced operating hours were proposed for Walker pool and Clark pool was recommended to be closed in the 2009-2010 budget based on usage and in an effort to balance the budget. The decision was only for that budget year, not forever. It does not require Council action to open the pool for one month but we would need to find the funds and determine if it is feasible. The City is in the budget cycle again for 2010-11 and the recommendation is to close Clark pool again next summer. Mayor Jones stated citizen input is needed during this process and now is the time to share their plans on how the pool could be utilized.

Ken Cicora, Director of Parks and Leisure Services, stated the decision to close the pool was not a permanent one, it was just a necessary decision to balance the budget. He would probably need to hire some more lifeguards or move some from other pools if Clark pool is opened this summer. They could make it work for a month but it would take a week or two to get everything worked out. The decline in attendance is likely due to the splash pad, which is greatly used by the younger kids. He asked for input and support of the community to get better attendance at these pools.

Councilmember Schneider stated it was not the intent to close Clark pool when the new water park and pool were opened. It just came up in budget discussion as a way to cut the budget.

David Blackburn, City Manager, stated he would be happy to ask Mr. Cicora to work with the residents to develop a common plan to get the pool operational for some period of time this summer with pre-determined goals and objectives. The budget process last year was driven by constrained revenues due to the economy and we had to come up with about \$1 million to operate. All departments looked at low performing programs and low utilization as those that could be eliminated or reduced.

III. PUBLIC COMMENTS

Joe Dobb, 6615 Phillips, Houston, Texas, addressed the City Council. He stated he visits Temple occasionally and owns property here. He went to the Dew Drop Inn and got a ticket for parking in a "no parking" zone. He stated it does not make sense that a cafe would have no parking at any time. Where can you park? It is not that way in other parts of town, even in front of downtown clubs.

IV. CONSENT AGENDA

- 4. Consider adopting a resolution approving the Consent Agenda items and the appropriate resolutions for each of the following:
 - (A) June 17, 2010 Special Called and Regular Meeting

- (B) 2010-6044-R: Consider adopting a resolution authorizing a construction contract with TTG Utilities, Inc., of Gatesville for the reconstruction of Steeplechase Lift Station in the amount of \$422,773.96.
- (C) 2010-6045-R: Consider adopting a resolution authorizing additional expenses to S&M Vacuum and Waste, Ltd., of Killeen for the emergency disposal of removed sediments from the Leon River in the amount of \$31,777.
- (D) 2010-6046-R: Consider adopting a resolution authorizing a Chapter 380 "matching grant" agreement with Strasburger Enterprises for redevelopment improvements in the Temple Medical and Education District and the South 1st Street Strategic Investment Zone corridor at 1802 and 1808 South 1st Street in an amount not to exceed \$24,200 plus waiver of permits and fees.
- (E) 1. 2010-4366: SECOND READING 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 though 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.
 - 2010-6047-R: S-FY-10-09 Consider adopting a resolution authorizing a street use license to allow the encroachment of an existing two-inch water line, an existing six-inch wastewater line, a proposed fuel pump, and a portion of a proposed fuel pump canopy within a public utility easement at 1206 West Adams Avenue, near the northwest corner of the intersection of West Adams Avenue and North 23rd Street.
- (F) 2010-6048-R: Consider adopting a resolution authorizing the City Manager to submit a grant application for 6 new police officer positions through the 2010 COPS Hiring Program.
- (G) 2010-6049-R: Consider adopting a resolution authorizing the renewal of the Emergency Management Performance Grant (EMPG) for FY 2010 which funds a portion of the administration cost for Emergency Management for the City of Temple.
- (H) 2010-6050-R: Consider adopting a resolution setting the date, time and place of public hearings on the proposed FY 2010-2011 budget for August 5, 2010 and September 2, 2010 at 5:00 p.m. in the City Council Chambers.
- (I) 2010-6051-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2009-2010.

Motion by Councilmember Russell Schneider to adopt resolution approving the

Consent Agenda, with the exception of items 4(D), (E), and (H), seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

(D) 2010-6046-R: Consider adopting a resolution authorizing a Chapter 380 "matching grant" agreement with Strasburger Enterprises for redevelopment improvements in the Temple Medical and Education District and the South 1st Street Strategic Investment Zone corridor at 1802 and 1808 South 1st Street in an amount not to exceed \$24,200 plus waiver of permits and fees.

Kim Foutz, Assistant City Manager, presented this item to the City Council. This is the fifth application and grant agreement in the South 1st Corridor. She showed the location of this property. Mrs. Foutz reviewed the elements of the grant agreement, noting the estimated match amounts to be provided by the City. A change to the submitted item is the request to oversize the sidewalks on Avenue R, in the amount of \$1,200. The total estimated grant maximum would be \$25,400. Mrs. Foutz also reviewed the proposed improvements to be made by Mr. Strasburger, the owner of the property. The site plan for the property was displayed also.

Councilmember Schneider asked if there will be consistent tree grates and lighting identified for TMED.

Mrs. Foutz replied yes. The standards are not codified but have been identified and are attached to the grant agreement if the applicant installs that particular type of improvement.

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

Motion passed unanimously.

- (E) 1. 2010-4366: SECOND READING 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 though 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.
- 2. 2010-6047-R: S-FY-10-09 Consider adopting a resolution authorizing a street use license to allow the encroachment of an existing two-inch water line, an existing sixinch wastewater line, a proposed fuel pump, and a portion of a proposed fuel pump canopy within a public utility easement at 1206 West Adams Avenue, near the northwest corner of the intersection of West Adams Avenue and North 23rd Street.

Motion by Councilmember Russell Schneider to table item 4(E), seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

(H) 2010-6050-R: Consider adopting a resolution setting the date, time and place of public hearings on the proposed FY 2010-2011 budget for August 5, 2010 and September 2, 2010 at 5:00 p.m. in the City Council Chambers.

David Blackburn, City Manager, provided a brief overview of the proposed FY 2010-2011 budget. The proposed budget has been published on the City website and has been filed with the City Secretary. He reviewed the budget calendar and process, noting the upcoming public hearings on the budget and tax rate. Mr. Blackburn also reviewed the fence posts he used as policy guidelines for the development of the budget, which include maintaining fiscal soundness, maintaining the tax rate, aligning strategic, financial and tactical plans, and focus on core missions and activities. He emphasized there are no rate or tax rate increases proposed in the preliminary budget.

Mayor Jones stated this is a very open budget process and provides several opportunities for public involvement.

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

Motion passed unanimously.

V. REGULAR AGENDA

ORDINANCES

- 5. (A) 2010-4367: FIRST READING PUBLIC HEARING Z-FY-10-30-A: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to Neighborhood Service District (NS) on a 1.29 ± acre tract of land in the Sarah Fitzhenry Survey, Abstract 312, Bell County, Texas, located at the southwest corner of State Highway 36 and Moffat Road.
 - (B) 2010-4368: FIRST READING PUBLIC HEARING Z-FY-10-30-B: Consider adopting an ordinance authorizing a Conditional Use Permit for the sale of beer and wine in an existing convenience store for off-premise consumption on a tract of land being part of the Sarah Fitzhenry Survey, Abstract 312, Bell County, Texas, located at the southwest corner of State Highway 36 and Moffat Road.

Brian Mabry, Interim Director of Planning, presented both items 5(A) and (B) to the City Council. The purpose of item (A) is to establish a base zoning district that would allow a CUP for the sale of beer and wine for off premise consumption in a convenience store. The convenience store is currently in operation at this location. The property was annexed in January 2008. Mr. Mabry showed an aerial photo of the property and photos of the surrounding uses. The request complies wih the Future Land Use Plan, Thoroughfare Plan and public facilities are available to serve the site. The Planning and Zoning Commission unanimously approved the rezoning request.

Item (B) addresses the conditional use permit for the off-premise sale of beer and wine, Mr. Mabry stated. He presented the general conditional use permit conditions contained in the Zoning Ordinance. Three notices were mailed, with one being returned in approval and none in disapproval. The Planning and Zoning Commission unanimously approved the conditional use permit subject to conditions outlined by Mr. Mabry and included in the ordinance.

Mayor Jones declared the public hearing open with regard to agenda items 5(A) and (B) and asked if anyone wished to address these items. There being no comments, Mayor Jones closed the public hearing.

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinances (A) and (B), with second and final reading set for July 15, 2010, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

6. 2010-4369: FIRST READING - PUBLIC HEARING - Z-FY-10-32: Consider adopting an ordinance authorizing a zoning change from General Retail District to Multiple Family Two District on 1.74 ± acres of land situated in the Maximo Moreno Survey, Abstract No. 14, City of Temple, located on the north side of Marlandwood Road, adjacent to and east of 990 Marlandwood Road.

Brian Mabry, Interim Director of Planning, presented this item to the City Council. The purpose of the rezoning is to establish an entryway, clubhouse and leasing office for a new apartment complex. The 29.4 acre tract north of the subject property is already zoned MF-2. The site plan is not being approved with this ordinance, only the rezoning. Mr. Mabry showed photos of the surrounding properties. The request complies with the Future Land Use and Character Map, Thoroughfare Plan and public utilities serve the property. Seven notices were mailed to surrounding property owners, with three being returned in approval and none in disapproval. The Planning and Zoning Commission unanimously approved the requested rezoning.

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

Angela Hill, Development Manager for Encore Multi-Family, addressed the City Council. She stated this will be a gated, controlled access development off of Marlandwood Road.

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

Motion by Councilmember Danny Dunn to adopt ordinance, with second and final reading set for July 15, 2010, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

City Council

ATTEST:	William A. Jones, III, Mayor
	
Clydette Entzminger City Secretary	



COUNCIL AGENDA ITEM MEMORANDUM

07/15/10 Item #5(B) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Gary O. Smith, Chief of Police

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing a Memorandum of Understanding with the City of Killeen and Bell County to establish the rights, duties, administration and division of funds received under the 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) program award.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> The Department of Justice has made a grant award of \$116,209. The City of Killeen will administer the grant and will receive an administration fee of 10% of the grant award with the remaining \$104,588 to be allocated to Bell County, Killeen, and Temple as follows:

Bell County will receive \$31,376 or 30%, the City of Killeen will receive \$47,065 or 45% and the City of Temple will receive \$26,147 or 25%.

These funds are to be used to fund state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice for any or more of the following purposes: law enforcement programs; prosecution and court programs; prevention and education programs; corrections and community corrections programs; drug treatment programs; and/or planning evaluation and technology improvement programs. The Temple Police Department plans to use the funds to upgrade and/or replace the multi-room audio and video recording system for the interview rooms in the Investigations Division.

Pursuant to the terms of the grant, the parties agree to expend the \$116,209 from the 2010 Edward Byrne Memorial Justice Assistance Grant Program by a date not later than forty eight (48) months after the project start date of October 1, 2010.

FISCAL IMPACT: The Temple Police Dept will receive \$26,147. There are no City matching funds required for this grant.

ATTACHMENTS:

Resolution

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS; AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF KILLEEN AND BELL COUNTY TO ESTABLISH THE RIGHTS, DUTIES, ADMINISTRATION AND DIVISION OF FUNDS RECEIVED UNDER THE 2010 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Edward Byrne Memorial Justice Assistance Grant (JAG) provides funds for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support and information systems for criminal justice for law enforcement programs, prosecution and court programs, prevention and education programs, corrections and community corrections programs, drug treatment programs, and planning evaluation and technology improvements programs;

Whereas, the Department of Justice has made a grant award of \$116,209 to be allocated by Bell County and the cities of Killeen and Temple;

Whereas, Bell County will receive \$31,376; the City of Killeen will receive \$47,065; and the City of Temple will receive \$26,147;

Whereas, the City Council needs to authorize a Memorandum of Understanding to establish the rights, duties, administration and division of funds received under the grant; and

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

Now, Therefore, be it Resolved by the City Council of the City of Temple, Texas, That:

<u>Part 1:</u> The City Council authorizes a Memorandum of Understanding with the City of Killeen and Bell County, after approval as to form by the City Attorney, to establish the rights, duties, administration and division of funds received under the 2010 Edward Byrne Justice Assistance Grant (JAG) program award.

<u>Part 2:</u> The City Council accepts the funds (\$26,147) received under the 2010 Edward Byrne Justice Assistance Grant (JAG) program award.

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

PASSED AND APPROVED this the 15th day of July, 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

07/15/10 Item #5(C) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Interim Director of Public Works Thomas Brown, Superintendent of Distribution & Collection

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing a construction contract with TTG Utilities, Inc., of Gatesville for the first group of the 2010 Wastewater Line Replacement Projects in the amount of \$1,092,606.20 to include replacement of wastewater lines along 31st and 33rd Streets, and 33rd and 35th Streets, from Avenue H to Avenue R.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> For many years the Utility Services Division has experienced numerous wastewater system issues as a result of deteriorating infrastructure. Wastewater lines in these neighborhoods with clay tile sanitary sewer mains are nearing the end of their useful lives. These pipes must now be replaced to improve maintenance problems and ensure continued service to these areas.

In an effort to address system needs, these two projects are a part of the six projects identified in the recently updated capital improvement project list. Clark & Fuller, PLLC of Temple was retained for engineering services including design, surveying and construction administration required for the six projects. Clark & Fuller's opinion for probable cost for 31st & 33rd Street and 33rd & 35th Street was a combined total of \$1,200,000.

On June 22, 2010, two bids were received for construction of the work. Per the attached bid tabulation, TTG Utilities submitted the low bid in the combined amount of \$1,092,606.20. Total cost for the 31st and 33rd Street portion of the project was \$585,399.20. Total cost for the 33rd and 35th Street portion of the project was \$507,207.00. Public Works staff has had good experience with TTG Utilities Inc. in the past and believe they are well qualified to complete these projects. Construction time allotted for this project is 210 days.

FISCAL IMPACT: The total estimated project cost for the 31st and 33rd Street portion of this contract, which was identified in the revised FY 2010 CIP to be funded with Water & Sewer Unreserved Retained Earnings, was \$365,000. In January 2010, \$62,283 was appropriated to fund engineering services leaving a balance of \$302,717 for construction. An additional \$283,183 is needed to fund the construction contract and testing fees.

07/15/10 Item #5(C) Consent Agenda Page 1 of 2

The 33rd and 35th Street project was also included on the revised FY 2010 CIP to be funded with Water & Sewer Unreserved Retained Earnings estimated at \$365,000. The engineering services for this portion of the project were \$62,785 leaving a balance of \$302,215. An additional \$205,492 is needed to fund the construction contract and testing fees.

A budget adjustment is presented for Council's approval appropriating Water & Sewer Unreserved Retained Earnings in the amount of \$1,093,607 to account 520-5900-535-6361, projects 100595 and 100596. This includes \$604,932 of previously Council approved allocation of Water & Sewer Unreserved Retained Earnings. A total of \$488,675 of additional Water & Sewer Unreserved Retained Earnings funds will be appropriated for these projects based on the revised FY 2010 CIP. The need for additional funding will require reprioritization of projects within the CIP Plan.

ATTACHMENTS:

Bid Tabulation Engineer's Letter of Recommendation Project Map Budget Adjustment Resolution

Bild Date: June 22, 2010 Bell Contractors, Inc. TTG Utill		49			143,801.00	69					otal New Water Main Construction
Base Bid	2,475.00	69	2,475.00	8	3,100.00	59	3,100.00	69	LS	100%	ty of Temple
Blace Bid Base Bid	2,380.00	69	1,190.00	€9	2,200.00	€9	1,100.00	49	ΕA	2	⊃rovide 8* MJ Gate Valve
Base Bid Base Bid Britan Description Britan	2.960.00	69	370.00	69	2.400.00	8	300.00	69	Ę	8	orovide 8* MJ 45 Degree Bend
Base Bid Base Bid Base Flat Duan	550.00	\rightarrow	275.00	€9	520.00	69	260.00	69	E !	2	orovide 6" x 8" MJ Reducer
Base Bid Bid Date: June 22, 2019 Bell Contractors, inc. TTG Utilities; Total Cost To	760 00	_	380.00	9	680 00	A	340.00	A	T :	»	Provide 6" x 6" M.J Tee
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Base Bid Est. Quan. LOM	2,025.00	\neg	675.00	9 65	2,610.00	•	8/0.00	9 69	7 5	. ω	Provide Domestic Water Service Relocation & Meter Box
Base Bid Belt Court Cost	9,280.00	+-	580.00	₩	8,000.00	8	500.00	49	EA	16	Provide New Temporary Water Sevice Connection
Base Bid Est. Quan. UoM Unit Price Total Cost Unit Price Unit Price Total Cost Unit Price	31,500.00	+-	700.00	co	39,150.00	49	870.00	()	EA	45	Provide Domestic Water Service Connection & Meter Box
Base Bid Bolizo Long Standard Savernue H to Avenue H to Av	12,864.00	_	26.80	69	14,880.00	69	31.00	S	듀	480	Provide 6" PVC Class 150 C900 Water Main
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Base Bid	4,632.00	_	9.65	↔	3,216.00	€9	6.70	69	듀	480	Provide Temporary 2* PVC Water Main
Base Bid Base Pavement 100% LS 5,200.00 \$ 1,200.00 \$ 1,200.00 \$ 1,200.00 \$ 1,200.00 \$ 2,200.00 \$ 1,200.00 \$ 2,2	1,480.00	\rightarrow	740.00	8	2,200.00	8	1.100.00	s ·	ΕA	2	nline Connection to Existing Water Main
Base Bid	1.370.00	_	685.00	69 6	1,920.00	69 6	960.00	69 6	EA :	2	Temporary Connection to Existing Water Main
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Base Bid Base Bid Bate: June 22, 2010 Bell Contractors, Inc. Trig Utilities, I tem Description Est. Quan. UOM Unit Price Total Cost Unit Price Unit Price Total Cost Unit Pric	9,850.00	╁╾┼	9.85	€9	48,100.00	€9	48.10	ક્ક	뉴	1000	ovide Misc. 4" Sanitary Sewer Service Pipe
Base Bid	3,920.00	-	140.00	↔	1,943.20	49	69.40	↔	두	28	rovide 18" Steel Pipe Encasement
Base Bid Bell Contractors, Inc. TTG Utilities, I tem Description Est. Quan. UOM Unit Price Total Cost Unit Price Unit	13,175.00		775.00	4	28,900.00	49	1,700.00	69	Œ.	17	Provide Sanitary Sewer Service Relocations
Base Bid Bell Contractors, Inc. Trig Utilities, I	66 720 00	\neg	695.00	€	163 200 00	€	1 700 00	₩ €	FA 5	8 9	Provide 4" Sanitary Sewer Service & Service Connection
Base Bid Est. Quan. UOM Unit Price Total Cost Unit Price Unit Price Total Cost	77,430.00		795 00	9 4	130,600,00	9 6	30.10	9 6	7	67	Provide 8" HUPE UH 1/ Sanitary Sewer Main by bursting
Bid Date: June 22, 2010 Bell Contractors, Inc. Trig Utilities, Total Cost Unit Price	40,488.75		44.25	69	30,195.00	€9	33.00	69	5	915	Provide 8" PVC SDR 26 Sanitary Sewer Main
Base Bid Bid Date: June 22, 2010 Bell Contractors, Inc. Trig Utilities, I tem Description Est. Quan. UOM Unit Price Total Cost Uni	366,520.00	_	56.00	€9	373,065.00	49	57.00	49	두	6545	Provide 8" PVC SDR 26 Class 160 "Pressure Rated" Main
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Base Bid Est. Quan. UOM Unit Price Total Cost Unit Price	182,781.45	69			222,940.00	·					otal Site Preparation
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Avenue H to Avenue R Bid Date: June 22, 2010 Bell Contractors, Inc. Trig Utilities, I Bell Contractors, Inc. Total Cost Unit Price Total 100% Tota	24,007,75	-+	57.85	69	21,580.00	69	52.00	8	SY	415	sawcut, Remove & Replace Ex. Conc Flatwork
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Avenue H to Avenue R Bid Date: June 22, 2010 Bell Contractors, Inc. Est. Quan. UOM Unit Price Total Cost Un	19 200 00	-	6.00	€9	20,480.00	69 €	6.40	59 6	SY	3200	Provide New 1" HMAC Overlay Ex. HMAC Pavement
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Avenue H to Avenue R Bid Date: June 22, 2010 Beil Contractors, Inc. Est. Quan. UOM Unit Price Total Cost Uni	12,525.50	+-	26.65	69	18,330.00	69	39.00	69	YS	470	Sawcut, Remove & Replace Ex. HMAC Pavement
Avenue H to Avenue R Bid Date: June 22, 2010 Bell Contractors, Inc. Est. Quan. UOM Unit Price Total Cost Unit Price Unit Price Total Cost Unit Price Uni	25,000.00	+	25,000.00	49	27,900.00	69	ည်	69	S	100%	Mobilization, Bonds, Permits, & Insurance
Avenue H to Avenue R Bid Date: June 22, 2010 Bell Contractors, Inc. Est. Quan. UOM Unit Price Total Cost Unit Price	8,265.00		95.00	69	34,800.00	€9		€9	STA	87	Site R.O.W. Preparation & Clearing
Avenue H to Avenue R Bid Date: June 22, 2010	Inc. Ital Cost	tilities,	#	Ç	rs, Inc. otal Cost	racto T	Bell Contr	5	8 8 6 10	Est. Quan	Base Bid Item Description
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Avenue H to Avenue R		-									
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							5 0	5	†		



2010 SW HK Dodgen Loop, Suite 105 Temple, Texas 76504 (254) 899-0899 Fax (254) 899-0901 www.clark-fuller.com Firm Registration No: F-10384

June 24, 2010

City of Temple Nicole Torralva, P.E. 3210 E. Ave. H, Bldg. A Temple, Texas 76501

Re: City of Temple, 2010 Wastewater Line Replacement - 31st Street to 33rd Street; 33rd Street to 35th Street; and Avenue H to Avenue R

Dear Mrs. Torralva,

We have reviewed the bids for the above referenced project. TTG Utilities, Inc. submitted a total Bid of \$1,092,606.20. The Bid for the 31st & 33rd portion of the project was \$585,399.20 and the bid for the 33rd & 35th portion of the project was \$507,207.00. *Please see the enclosed Bid Tabulation Sheet and Bid Schedule Breakout for detailed information.*

The engineer's opinion of probable cost to construct was \$1,200,000.00.

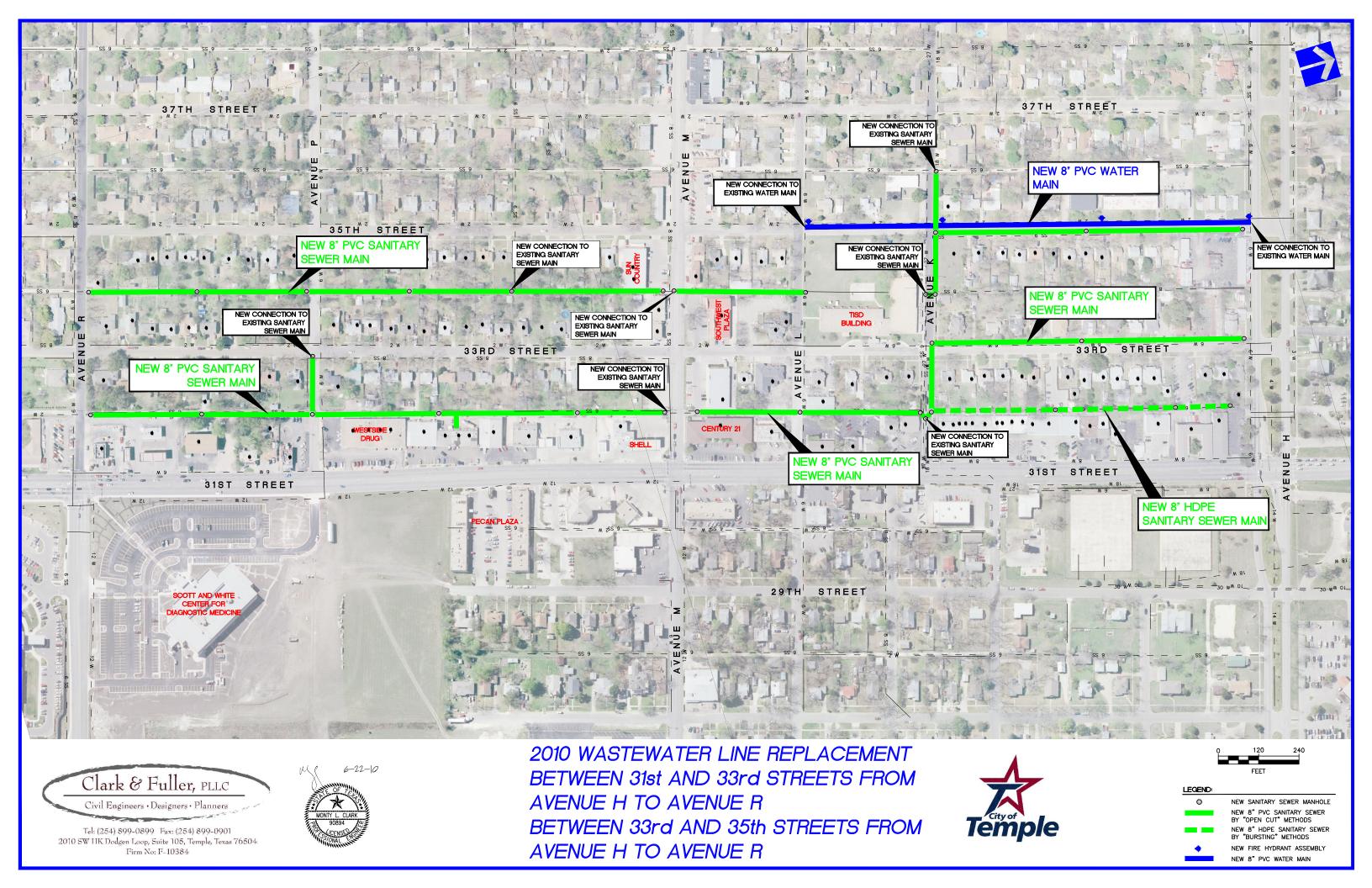
We are recommending that you award the contract to TTG Utilities, Inc. We believe, through personal experience, that TTG Utilities, Inc. is qualified and is capable of providing the new utility improvements as required in this project.

TTG Utilities, Inc. is a proven company with many successfully completed projects and we look forward to working with them on this project.

Please advise us as to which contractor you select.

Sincerely,

Monty Clark, P.E.



FY	20	1	0
	_	•	_

Disapproved

Date

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.

PROJECT ACCOUNT NUMBER # ACCOUNT DESCRIPTION INCREASE **DECREASE** 100595 520-5900-535-63-61 Sewer Line Rpl- Btwn 31st & 33rd 585,900 **100596** Sewer Line Rpl- Btwn 33rd & 35th 520-5900-535-63-61 507,707 520-0000-373-04-11 Water & Sewer Unreserved Ret Earnings 1,093,607 Do Not Post \$1.093.607 TOTAL..... \$1.093.607 EXPLANATION OF ADJUSTMENT REQUEST- Include justification for increases AND reason why funds in decreased To fund the construction contract with TTG Utilities, Inc. for the replacement of wastewater lines along 31st and 33rd, and 33rd and 35th from Avenue H to Avenue R and testing fees. These projects were approved by Council as part of the FY 2010 Capital Improvement Program as revised on November 19, 2009. Yes DOES THIS REQUEST REQUIRE COUNCIL APPROVAL? DATE OF COUNCIL MEETING July 15, 2010 WITH AGENDA ITEM? Yes No Approved Department Head/Division Director Disapproved Date Approved Date Disapproved Finance Approved

City Manager

RESOLUTION NO.	

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH TTG UTILITIES, LP, OF GATESVILLE, TEXAS, FOR THE FIRST GROUP OF THE 2010 WASTEWATER LINE REPLACEMENT PROJECTS, WHICH GROUP INCLUDES REPLACEMENT OF WASTEWATER LINES ALONG 31ST AND 33RD, AND 33RD AND 35TH STREETS FROM AVENUE H TO AVENUE R, FOR AN AMOUNT NOT TO EXCEED \$1,092,606.20; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on June 22, 2010, the City received 2 bids for construction of the first group of the 2010 Wastewater Line Replacement Projects, which group includes replacement of wastewater lines along 31st and 33rd, and 33rd and 35th Streets from Avenue

H to Avenue R:

Whereas, the Staff recommends accepting the bid (\$1,092,606.20) received from TTG Utilities, LP, of Gatesville, Texas;

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

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

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

<u>Part 1:</u> The City Council authorizes the City Manager, or his designee, to execute a construction contract, not to exceed \$1,092,606.20, with TTG Utilities, LP, of Gatesville, Texas, after approval as to form by the City Attorney, for construction of the first group of the 2010 Wastewater Line Replacement Projects, which group includes replacement of wastewater lines along 31st and 33rd, and 33rd and 35th Streets from Avenue H to Avenue R.

<u>Part 2:</u> 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.

PASSED AND APPROVED this	the 15th day of July , 2010.
	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
	· · · · ·
ATTEST:	APPROVED AS TO FORM:
Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney

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.



COUNCIL AGENDA ITEM MEMORANDUM

07/15/10 Item #5(D) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing a construction contract with K&S Backhoe Services, Inc., of Gatesville for construction activities required to build the Centex Sportsman Water Line Improvements in west Temple in an amount not to exceed \$382,687.26.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> Water mains acquired by the City in west Temple include small-diameter lines that do not meet the current development standard. Some of these older mains have sustained numerous breaks over the years. Replacement of the deteriorated mains with larger-diameter lines will provide enhanced fire protection and support continued development. Beach Sulak Partners (BSP) was retained for engineering services to design, bid, and administer the project.

The infrastructure built with this project will consist of approximately 5,400 linear feet of 8" PVC water line, 200 linear feet of bored encasement, 50 linear feet of 4" PVC water line, and 50 linear feet of 2" PVC water line along Centex Sportsman Road, FM 2305, and Buck Lane, with add alternate work identified on Woodland Point Road (see attached map). Deteriorated mains and appurtenances will be abandoned as a part of this project.

On June 22, 2010, five bids were received for construction of the work. Per the attached bid tabulation, K&S Backhoe Services submitted the low bid (including add alternate) in the amount of \$382,687.26. The engineer's OPC for this construction project was \$540,000. BSP recommends awarding a contract to the low bidder, K&S Backhoe Services. Staff recommends awarding the total bid including the add alternate. Construction time allotted for this project is 140 days.

<u>FISCAL IMPACT:</u> Funding in the amount of \$435,000 was designated for design and construction costs related to the extension of Centex Sportsman Waterline extension in the revised FY 2010 CIP approved by Council on November 19, 2009. In January 2010, \$69,700 of Water & Sewer Unreserved Retained Earnings was appropriated for engineering services. A balance of \$365,300 is available to partially fund construction. An additional \$20,388 is needed to fund this construction contract and anticipated testing fees.

07/15/10 Item #5(D) Consent Agenda Page 2 of 2

A budget adjustment is presented for Council's approval appropriating Water & Sewer Unreserved Retained Earnings in the amount of \$385,688 to account 520-5900-535-6357, project# 100601, for this construction contract and anticipated testing fees. The additional funding for this project will be reallocated from project savings realized in the Chlorine Feed Line Replacement project.

ATTACHMENTS:

Bid Tabulation
Engineer's Letter of Recommendation
Project Map
Budget Adjustment
Resolution

BID SUMMARY City of Temple

Centex Sportsman Club Road Water Main Replacement

Bid Date - June 22, 2010

B	Bidders	Base Bid	Alternate Bid "A"	Total Base BID + Alternate "A"
<u>ک</u>	K&S Backhoe Services, Inc.	\$302,206.96	\$80,480.30	\$382,687.26
=	TTG Utilities, Inc.	\$423,166.50	\$114,038.75	\$537,205.25
B	Bell Contractors, Inc.	\$425,948.00	\$128,321.00	\$554,269.00
<u> </u>	McLean Construction, Inc.	\$558,555.00	\$154,542.00	\$713,097.00
S	M.J Sheridan of Texas, Inc.	\$703,290.00	\$195,895.00	\$899,185.00

Bid Tabulation Sheet Centex Sportsman Club Road Water Main Replacement City of Temple

TOTAL BASE BID:	32 Provide Private Water Service Extension	31 Provide Hydromulch	30 Prepare SWPPP	29 Provide All Testing Required	28 Abandon Existing Waterlines	27 Remove & Replace Existing PVC Rail Fence	26 Remove & Repice Existing Livestock Fencing	25 Remove & Replace Existing Chain Link Fence	24 Remove & Replace Gravel Driveway Sections	23 Remove & Replace HMAC Driveway Section	22 Remove & Replace Concrete Driveway Sections	21 Remove & Replace Existing Roadway Pavement Section	20 Provide 1" Short Side Water Service Connection	19 Provide 1" Long Side Water Service Connection	18 Provide Fire Hydrant Assembly	17 Provide Miscellaneous MJ Fittings	16 Provide 2" MJ Gate Valve	15 Provide 3" MJ Gate Valve	14 Provide 4" MJ Gate Valve	13 Provide 6" MJ Gate Valve	12 Provide 8" MJ Gate Valve	11 Provide Trench Safety Plan	10 Provide 18" Steel Casing Under 2305 via Roadway Bore	9 Provide New 8" PVC Class 150 C900 Water Main	8 Provide Connection to Existing 8" Main	7 Provide Connection to Existing 6" Main	6 Provide Connection to Existing 4" Main	5 Provide Connection to Existing 3" Main	4 Provide Connection to Existing 2" Main	3 Locate all Existing Utilities	2 Site Clearing & Right of Way Preparation	1 Provide Mobilization, Bonds & Permits	Exhibit "A" BID Schedule-Base BID	item Description
	50	100%	45	100%	100%	110	600	95	10	1	6	3100	17	17	8	2700	_	_	1	_	14	100%	100	4605	1	2	1	1	_	100%	45	100%		ESt. Quan.
	F	LS	STA	LS	LS	F	두	ፍ	ĒĀ	Ē	EA	SY	Ē	<u>E</u>	EA	LBS	Ē	Ē	EA	Ē	Ē	LS	F	F	EA	Ē	EA	5	Ē	rs.	STA	٦		OCIN
	\$ 13.47	\$ 4,199.62	\$ 39.27 \$	\$ 1,168.08		\$ 20.00	_	\$ 9.35		305.28	423.59	25.15				\$ 1.80	\$ 532.64 \$		642.14	\$ 778.38		\$ 1,344.75	_		\$ 518.72	1,315.98		\$ 1,286.87	\$ 786.88	\$ 5,986.96	\$ 92.20	\$ 9,591.57		Office
\$ 302,206.96	\$ 673.50	\$ 4,199.62	1,767.15	\$ 1,168.08	_	_		\$ 888.25	\$ 1,985.80	305.28	2,541.54	77,965.00	\$ 7,809.80	_		4,860.00	532.64		642.14	\$ 778.38	14,662.90	\$ 1,344.75	-	\$ 87,863.40	_	2,631.96	\$ 1,557.90	\$ 1,286.87	\$ 786.88	\$ 5,986.96	\$ 4,149.00	\$ 9,591.57		Total Cost
	\$ 8.70	\$ 2,000.00	\$ 150.00	6	\$ 3,635.00	\$ 24.00	\$ 5.00	\$ 7.25	\$ 345.00				\$ 575.00	\$ 730.00	\$ 3,380.00		\$ 440.00			\$ 830.00	_		\$ 225.00	\$ 33.30	\$ 800.00	_	\$ 875.00	\$ 1,220.00	\$ 640.00	\$ 1,525.00	\$ 94.25	\$ 11,125.00		Olik Filos
\$ 423,166.50	\$ 435.00 \$	\$ 2,000.00 \$	\$ 6,750.00 \$	_	\$ 3,635.00 \$	\$ 2,640.00 \$	\$ 3,000.00 \$	\$ 688.75 \$	\$ 3,450.00 \$	\$ 360.00 \$	S	S 10	\$ 9,775.00 \$	\$ 12,410.00 \$	\$ 27,040.00 \$	\$ 9,315.00 \$	\$ 440.00 \$	575.00	\$ 660.00 \$	830.00	18,200.00	3,000.00	22,500.00	\$ 153,346.50 \$	\$ 800.00 \$	\$ 3,160.00 \$	\$ 875.00 \$	\$ 1,220.00 \$	\$ 640.00 \$	\$ 1,525.00 \$	\$ 4,241.25 \$	_		I con cost
5	5.80 \$	16,700.00 \$	190.00 \$	1,600.00	2,200.00 \$	29.00 \$	11.50 \$	17.30 \$	260.00 \$	350.00 \$	580.00 \$		480.00 \$	700.00 \$	3,200.00 \$		450.00	540.00	590.00	720.00	1,100.00	5,500.00	260.00	32.90 \$	800.00	2,000.00 \$	1,400.00 \$			8,700.00 \$		13,900.00		Omer noc
425,948.00	290.00	+	8,550.00	_					_	_		65,100.00	8,160.00	11,900.00			-	-	590.00			5,500.00			800.00	4,000.00	1,400.00				-	+	-	1000
	\$ 21.10 \$	\$ 15,452.00 \$	357.00	3,226.00	12,685.00	\$ 40.00 \$		35.00	599.00	1.	\$ 4,522.00 \$	\$ 27.00 \$	\$ 700.00 \$			5.90	549.00	639.00	673.00	//4.00	994.00	3,804.00	239.00	40.00	3,970.00	\$ 2,759.00 \$	2,197.00	1,096.00	939.00	15,226.00	692.00	20,552.00		
\$ 558,555.00	\$ 1,055.00 \$	15	16,065.00	3,226.00	12,685.00	4,400.00	6,600.00	\$ 3,325.00 \$		1,471.00	27,132.00	\$ 83,700.00 \$		16,099.00	24,432.00	15,930.00	549.00	639.00	673.00	//4.00	13,916.00	3,804.00	23,900.00	184,200.00	3,970.00	5,518.00	2,197.00	1,096.00	939.00	15,226.00	31,140.00			
	50.00	4,800.00	350.00	4,800.00	5,800.00	55.00	24.00	30.00	700.00	1,200.00	1,800.00	75.00	800.00	1,200.00	3,700.00	3.00	42	475.00	500.00	650.00		9,000.00	350.00	38.00	5,300.00	4,800.00	4,200.00	4,500.00	1,700.00	32,000.00	300.00	18,000.00		
\$ 703,290.00	\$ 2,500.00						_				_	2									13			_						Ç.				

TOTAL Base BID and BID Alternate "A"	Total BID Additive Alternate "A":	24 Provide Hydromulch	23 Prepare SWPPP	22 Provide All Testing	21 Abandon Existing Waterlines	20 Remove & Replace Gravel Driveway Sections	19 Remove & Replace Existing Concrete Driveway Section	18 Remove & Replace Existing Roadway Pavement Section	17 Provide 1" Short Side Water Service Connection	16 Provide 1" Long Side Water Service Connection	15 Provide Fire Hydrant Assembly	14 Provide Miscellaneous MJ Fittings	13 Provide 2" MJ Gate Valve	12 Provide 4" MJ Gate Valve	11 Provide 8" MJ Gate Valve	10 Prepare Trench Safety Plan	9 Provide 18" Steel Casing Under 2305 via Roadway Bore	8 Provide 2" PVC SDR 21 Class 200 Water Main	7 Provide New 4" PVC Class 150 C900 Water Main	6 Provide New 8" PVC Class 150 C900 Water Main	5 Connect to Existing 4" Main	4 Connect to Existing 2" Main	3 Locate all Existing Utilities	2 Site Clearing & Right of Way Preparation	1 Provide Mobilization, Bonds, Permits & Insurance	Bid Additive Alternate "A" - Phase 2	Item Description	
		100%	9	100%	100%	2	_	650	2	2	2	1900	2	2	_G	_	100	50	50	835	2	_	100%	9	100%		Est. Quan.	
		LS	STA	rs	LS	Ę	Ē	SY	Ę	Ę	Ę	LBS	Ē	Ę	EA	LS	F	F	F	F	F	Ē	LS	STA	STA		MOU	
		\$ 761.49	\$ 111.11	\$ 584.04	\$ 432.24	\$ 198.58	\$ 395.07		\$ 473.24	\$ 738.39	\$ 3,449.68	\$ 1.80	\$ 532.64	\$ 642.14 \$	\$ 1,047.35	\$ 243.84	\$ 166.91	\$ 12.88	\$ 20.87	\$ 19.08	\$ 743.39	\$ 786.88	\$ 598.69	\$ 34.58	\$ 2,242.67		Unit Price	K&S Backhoe
\$ 382.687.26	\$ 80,480.30	\$ 761.49	\$ 999.99	\$ 584.04	\$ 432.24	\$ 397.16	\$ 395.07	\$ 16,601.00	\$ 946.48	\$ 1,476.78	\$ 6,899.36	\$ 3,420.00	\$ 1,065.28	1,284.28	\$ 5,236.75	\$ 243.84	\$ 16,691.00	\$ 644.00	\$ 1,043.50	\$ 15,931.80	_	\$ 786.88	\$ 598.69		\$ 2,242.67		Total Cost	K&S Backhoe Services, Inc.
		\$ 880.00	\$ 150.00	\$ 1,285.00	\$ 1,800.00	\$ 345.00	\$ 620.00	\$ 35.00	\$ 575.00	\$ 730.00	\$ 3,380.00	\$ 1.95	\$ 440.00	\$ 660.00	\$ 1,300.00	\$ 1,000.00	\$ 225.00	\$ 15.85	\$ 17.35	\$ 33.30	\$ 1,200.00	\$ 640.00	\$ 760.00	\$ 94.25	\$ 5,275.00		Unit Price	TTG
\$ 537,205,25	\$ 114,038.75	\$ 880.00	\$ 1,350.00	-	\$ 1,800.00	\$ 690.00	\$ 620.00	\$ 22,750.00	\$ 1,150.00	\$ 1,460.00	\$ 6,760.00	\$ 3,705.00	\$ 880.00	\$ 1,320.00	\$ 6,500.00	\$ 1,000.00	\$ 22,500.00	\$ 792.50	\$ 867.50	\$ 27,805.50	\$ 2,400.00	\$ 640.00	\$ 760.00	\$ 848.25	\$ 5,275.00		Total Cost	TTG Utilities, LP
		\$ 14,600.00	\$ 150.00	\$ 780.00	\$ 2,200.00	\$ 260.00	\$ 46.00	\$ 25.00	\$ 480.00	\$ 700.00	\$ 3,200.00	\$ 3.20	\$ 450.00	\$ 590.00	\$ 1,100.00	\$ 935.00	\$ 260.00	\$ 21.30	\$ 26.40	\$ 33.00	\$ 580.00	\$ 300.00	\$ 2,900.00	\$ 580.00	\$ 3,700.00		Unit Price	Bell Contractors,
\$ 554.269.00	\$ 128,321.00	\$ 14,600.00	\$ 1,350.00 \$	\$ 780.00 \$	\$ 2,200.00	\$ 520.00	\$ 46.00 \$	\$ 16,250.00	\$ 960.00	\$ 1,400.00 \$	\$ 6,400.00	\$ 6,080.00	\$ 900.00 \$	\$ 1,180.00	\$ 5,500.00	\$ 935.00 \$	\$ 26,000.00	\$ 1,065.00	\$ 1,320.00	\$ 27,555.00	\$ 1,160.00	\$ 300.00	\$ 2,900.00 \$	\$ 5,220.00	\$ 3,700.00		Total Cost	tractors, Inc.
		\$ 3,831.00	S 341.00 \$		6	\$ 599.00	2,181.00	69	\$ 700.00	3 947.00 S	\$ 3,054.00	\$ 5.90	549.00	\$ 673.00	\$ 994.00	2,905.00	\$ 239.00	\$ 33.00	\$ 33.00	\$ 40.00 \$	\$ 2	\$ 939.00	11,176.00	\$ 677.00	\$ 5,699.00		Unit Price	McLean Construction, Inc.
60	s,	69	s	S	s	s	s	s	69	69	69	69	69	69	69	69	69	69	G	S	69	S	S	s	s		7.	nstruct
713.097.00	154,542.00	3,831.00 \$	3,069.00 \$	787.00 \$	6,094.00 \$	1,198.00 \$	2,181.00 \$	17,550.00 \$	1,400.00 \$	1.894.00 \$	6,108.00 \$	11,210.00 \$	1,098.00 \$	1,346.00 \$	4,970.00 \$	2,905.00 \$	23,900.00 \$	1,650.00 \$	1,650.00 \$	33,400.00 \$	4,394.00 \$	939.00 \$	11,176.00 \$	6,093.00 \$	5,699.00 \$		Total Cost	ion, Inc.
		1,700.00	800.00	2,770.00	3,000.00	700.00	1,800.00	75.00	800.00	1,200.00	3,700.00	3.00	425.00 \$		950.00	2,000.00 \$	350.00	33.00		37.00	4,200.00		16	470.00	4,000.00		Unit Price	M.J. Sheridan of Texas, Inc.
60	49	69	69	69	69	69	cs	s	S	S	S	S	S	69	69	69	69	69	69	69	69	69	69	S	69		To	n of Tex
899,185.00	195,895.00	1,700.00	7,200.00	2,770.00	3,000.00	1,400.00	1,800.00	48,750.00	1,600.00	2,400.00	7,400.00	5,700.00	850.00	950.00	4,750.00	2,000.00	35,000.00	1,650.00	1,750.00	30,895.00	8,400.00	1,700.00	16,000.00	4,230.00	4,000.00		Total Cost	tas, Inc.

15 West Central Avenue Temple, Texas 76501 Phone: 254.774.9611 Fax: 254.774.9676 www.beachengineers.com



June 22, 2010

Firm Registration: F-7587

City of Temple, Engineering Attn.: Don Bond 3210 East Ave. H, Bldg. A Temple, Texas 76501

Re: City of Temple, Sportsman Club Road Water Main Replacement

Dear Mr. Bond,

We have reviewed the bids for the above referenced project. K&S Backhoe Services, Inc. submitted a Base BID of \$302,206.96 and an Alternate BID "A" of \$80,480.30. The total bid amount received from K&S Backhoe Services, Inc., which includes Base BID and BID Alternate is \$382,687.26. Please see the enclosed Bid Tabulation Sheet for detailed information. We are recommending that you award the contract to K&S Backhoe Services, Incorporated. We believe, through personal experience, that K&S Backhoe Services, Inc. is qualified and is capable of providing the water main improvements as required in this project.

K&S Backhoe Services, Inc. is a proven company with many successfully completed projects and we look forward to working with them on this project.

Please advise us as to which contractor you select and your selection to award either Base Bid only or Base Bid and Bid Alternate "A".

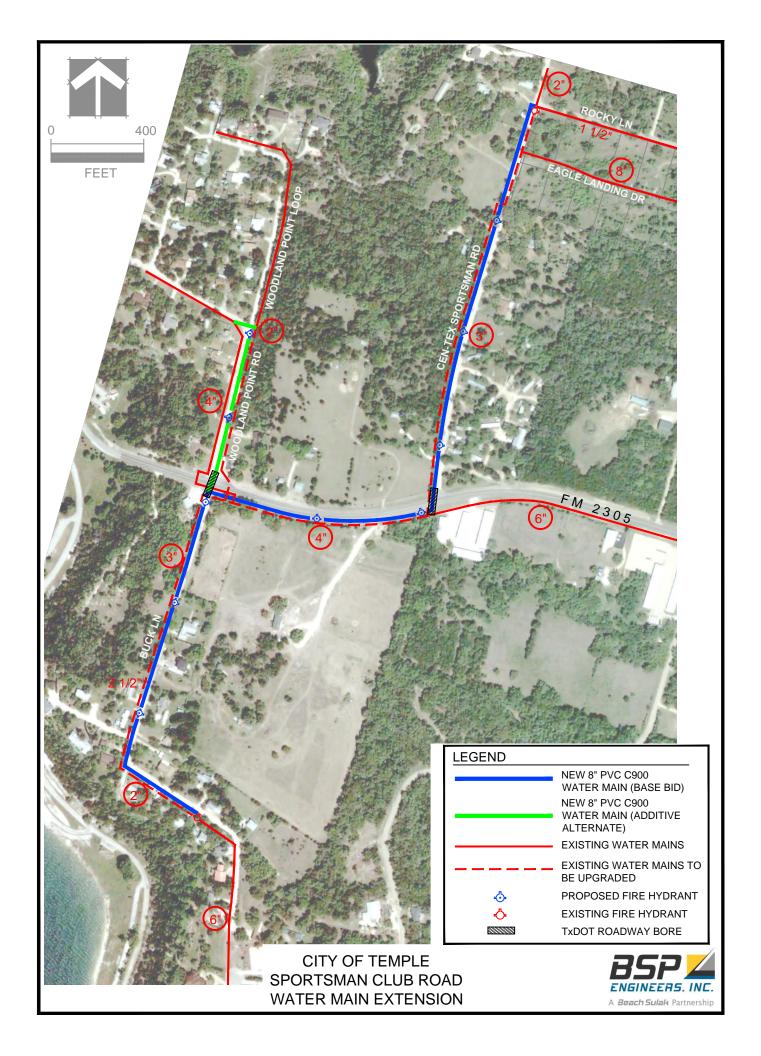
Sincerely,

Anthony D. Beach, P.E.

Anthony D. Beach

Cc: Belinda Mattke, City of Temple, Director of Purchasing





FY	2010
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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	II	ICREASE		DECREASE
520-5900-535-63-57	100601	Centex Sportsman Water Line	\$	385,688		
520-0000-373-04-11		Water & Sewer Unreserved Ret Earnings				385,688
		Do Not Post				
TOTAL			\$	385,688	\$	385,688
EVEL ANATION OF AD I	LIOTAFAL	PEOUEOT				
account are available.	USIMENI	REQUEST- Include justification for increases AN	ND r	eason why fu	nds in	decreased
Water Line Improvements in www.was reallocated from project s	vest Temple a aving realize	Backhoe Services, Inc. for construction activities reand anticipated testing fees. Additional funding for the chlorine Feed Line Replacement project. To the chlorine Feed Line Replacement project.	his p	project in the	amour	nt of \$20,388
	Improvemer	nt Program as revised on November 19, 2009.				
	Improvemer	nt Program as revised on November 19, 2009.				
DOES THIS REQUEST REQU	JIRE COUNG	CIL APPROVAL? X	Yes		No	
DOES THIS REQUEST REQUEST REQUEST REQUEST REQUEST REQUEST RECURS OF COUNCIL MEETIN	JIRE COUNG		Yes		No	
DATE OF COUNCIL MEETIN	JIRE COUNG	CIL APPROVAL? X July 15, 2010	Yes		No No	
DATE OF COUNCIL MEETIN	JIRE COUNG	CIL APPROVAL? X July 15, 2010			No	ved
DATE OF COUNCIL MEETIN	JIRE COUNG G	CIL APPROVAL? X July 15, 2010			No Appro	ved proved
DATE OF COUNCIL MEETIN WITH AGENDA ITEM?	JIRE COUNG G	CIL APPROVAL? Suly 15, 2010 X			No Appro Disap	proved
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DATE OF COUNCIL MEETIN WITH AGENDA ITEM? Department Head/Division	JIRE COUNG G	CIL APPROVAL? July 15, 2010 x Date			No Appro Disap Appro Disap Appro	proved ved proved

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH K&S BACKHOE SERVICES, INC., OF GATESVILLE, TEXAS, FOR CONSTRUCTION ACTIVITIES REQUIRED TO BUILD THE CENTEX SPORTSMAN WATER LINE IMPROVEMENTS IN WEST TEMPLE, IN AN AMOUNT NOT TO EXCEED \$387,687.26; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on June 22, 2010, the City received 5 bids for construction activities required to build the Centex Sportsman Water Line Improvements in west Temple;

Whereas, Staff recommends accepting the bid (\$387,687.26) from K&S Backhoe Services, Inc., of Gatesville, Texas;

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

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

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

- **Part 1:** The City Council authorizes the City Manager, or his designee, to execute a contract between the City of Temple and K&S Backhoe Services, Inc., of Gatesville, Texas, after approval as to form by the City Attorney, for construction activities required to build the Centex Sportsman Water Line Improvements in west Temple, in an amount not to exceed \$382,687.26.
- <u>Part 2:</u> 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.
- <u>Part 3:</u> It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 15th day of July, 2010.

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



COUNCIL AGENDA ITEM MEMORANDUM

07/15/10 Item #5(E) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva P.E., Interim Director of Public Works Thomas Brown, Superintendent of Distribution & Collection

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing a construction contract with Bell Contractors of Belton for the emergency replacement of an 8" sewer line using the pipe bursting method in the area of MLK and South 10th Street in the amount of \$67,800.

STAFF RECOMMENDATION: Adopt resolution as presented in item description

<u>ITEM SUMMARY:</u> Over the past two weeks utility maintenance crews have responded to problematic sewer stoppages in the vicinity of MLK and South 10th Street. The sewer main is located at fairly deep depth in a heavily vegetated easement crowded with an adjacent gas line, limiting rehabilitation constructability. Numerous homes are tied into the 8" line. After careful evaluation of overflows and consideration of constraints, the existing condition of this main is now deemed a health and environmental hazard, and accordingly, per the Local Government Code §252.022 is exempt from the competitive bidding process.

Due to the urgent nature of this project, emergency quotes were obtained to complete the work using pipe bursting methods. Bell Contractors submitted the low quote and has the necessary materials and equipment to respond quickly. Replacement of adjacent lines in the immediate area was already scheduled to be addressed in the coming weeks by the in-house construction crew and will be removed from service as work progresses.

Staff authorized this work as an emergency and Notice to Proceed was issued on Tuesday, July 6, 2010. This project is expected to be totally complete, to include clean up, by the end of August 2010. Sod replacement will be done by in-house crews.

FISCAL IMPACT: This project was included in the FY 2010 operating budget to be completed by the in-house sewer crew. Due to the critical nature and timing of the necessary repair of the sewer line, a portion of the work will be completed by Bell Contractors. Funding in the amount of \$67,800 was reallocated from account 520-5400-535-6359 (in-house sewer crew funding) to 520-5400-535-6361, project # 100558. An additional \$12,000 of project savings from previously completed in-house sewer crew projects was reallocated within account #520-5400-535-6359 to project #100558 to complete this project.

07/15/10 Item #5(E) Consent Agenda Page 2 of 2

ATTACHMENTS: Contractor's Proposal Project Map Resolution

June 28, 2010

Thomas Brown City of Temple

Temple, TX 76501

Bid proposal for Pipe Bursting at 10th & MLK in Temple, Texas.

Unit#	Description	Quantity	Unit		Unit Price		Amount
2 3 4	Sanitary Sewer 8" SDR 17 Polyethelene Pipe by Burst Replace Manhole Connect Service-4" Asphalt Repair Bust Through Manhole	600 1 24 60 1	Lu	\$ \$ \$ \$	44.90 2,300.00 1,500.00 36.00 400.00	\$ \$ \$ \$	26,940.00 2,300.00 36,000.00 2,160.00 400.00
	Total-Sanitary Sewer					\$	67,800.00
5	Sod Replacement	4,600	SF	\$	1.20	\$	5,520.00

All quantities are estimated. Actual quantities will be invoiced.

Thank you for the opportunity to quote this project.

Sincerely,

Michael Pilkington Bell Contractors, Inc.



RESOLUTION NO.	

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH BELL CONTRACTORS, INC., OF BELTON, TEXAS, IN THE AMOUNT OF \$67,800, FOR THE EMERGENCY REPLACEMENT OF AN 8 INCH SEWER LINE USING THE PIPE BURSTING METHOD IN THE AREA OF MARTIN LUTHER KING, JR., BOULEVARD AND SOUTH 10TH STREET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, over the past 2 weeks utility maintenance crews have responded to problematic sewer stoppages in the vicinity of MLK and South 10th Street – after careful evaluation of overflows and consideration of constraints, the existing condition of this main is now deemed a health and environmental hazard, and accordingly, per the Local Government Code §252.022, is exempt from the competitive bidding process;

Whereas, due to the urgent nature of the project, emergency quotes were obtained to complete the work using pipe bursting methods – Bell Contractors, Inc., of Belton, Texas, submitted the low quote and has the necessary materials and equipment to respond quickly;

Whereas, the cost of this project will not exceed \$67,800 and the project is expected to be totally complete to include clean-up by the end of August, 2010;

Whereas, funds are available for this project within Account 520-5400-535-6359, Project #100558; and

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

Now, Therefore, be it Resolved by the City Council of the City of Temple, Texas, That:

<u>Part 1:</u> The City Council authorizes the City Manager, or his designee, to execute a construction contract, not to exceed \$67,800, between the City of Temple, Texas, and Bell Contractors, Inc., of Belton, Texas, after approval as to form by the City Attorney, for the emergency replacement of an 8 inch sewer line using the pipe bursting method in the area of MLK and South 10th Street.

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

PASSED AND APPROVED this the 15th day of July, 2010.

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



COUNCIL AGENDA ITEM MEMORANDUM

07/15/10 Item #5(F) 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

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing a construction contract Change Order #3 with Matous Construction, Ltd., of Belton for replacement and installation of non-functional EIM valves on four remaining high service pumps at the water plant in the amount of \$36,633.77.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> On July 16, 2009, Council authorized a construction contract with Matous Construction to perform rehabilitation work at the conventional water treatment plant on the mixed media filters, lagoon #4, and high service pump station. All work is complete, except installation of four replacement valves on Pump #10, #13, #14, and #15 at the high service pump station.

During replacement of identified check valves on each of these pumps earlier this month, it was discovered that each respective EIM actuator valve on each of these pumps was leaking. Despite manual attempts to operate these valves and proceed with check valve replacement, the age and condition of the valves prohibited adequate closure. This change order will result in replacement and installation of these four remaining actuators and provide for consistent and functional operations of the high service pump station, solidifying delivery of water from the plant facility to the distribution system.

<u>FISCAL IMPACT:</u> Funding in the amount of \$2,321,337 was appropriated in 561-5100-535-6924, project #100335 from the 2006 & 2008 Utility Revenue Bond Issues for the rehabilitation of Mixed Media Filters and the replacement of Lagoon #4.

After funding engineering related services in the amount of \$264,671, testing fees in the amount of \$800, and the construction contract in the amount of \$2,055,866, there are no remaining funds for this change order. A budget adjustment in the amount of \$36,634 is presented for Council's approval reallocating project savings to fund the remaining cost of the rehabilitation work on the high service pump station.

ATTACHMENTS:

Change Order #3 Budget Adjustment Resolution

CHANGE ORDER

Lagoon #4 Replacement Project OWNER: City of Temple CONTRACTOR: Matous Construction, Ltd. ENGINEER: Carollo Engineers CHANGE ORDER #: 3	Vater Treatment Plant Mixed Media Filters and deletions (circle those that apply) to the work described in the
Contract Documents:	• • • • • • • • • • • • • • • • • • • •
Item 1. Pump Nos. 10, 13, 14, and 15. Provide r replace valves.	Butterfly Valves (BFV) located on the Pump Discharge of material, labor, equipment, and supervision to remove and Sub-Total Add \$ 36,633.77
	e Order is full, complete and final payment for all costs the
or unforeseen at this time, including without li	this change whether said costs are known, unknown, foreseen imitation, any cost for delay (for which only revised time is
	cost, or any other effect on changed or unchanged work as a
result of this Change Order.	Φ 1.674.000.00
Original Contract Amount	\$ 1,674,000.00
Previous Net Change in Contract Amount	\$ 381,866.23
Net Change in Contract Amount	\$ 36,633.77
Revised Contract Amount	\$ 2,092,500.00
Original Contract Time	220 days
Previous Net Change in Contract Time	60 days
Net Change in Contract Time	100 days
Revised Contract Time	320 days
Original Final Completion Date	May 6, 2010
Revised Final Completion Date	August 30, 2010
Recommended By Contractor:	Approved by Finance Department:
Date	By: Date
	Annuary day to Forms
Recommended By Engineer:	Approved as to Form:
	By:
Date	City Attorney's Office Date
Recommended By Project Manager:	Approved by City of Temple:
	By:
Date	David Blackburn, City Manager Date

FY	•	20	1	0

DECREASE

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 DESCRIPTION

PROJECT

ACCOUNT NUMBER

+ -

INCREASE

	100335	Rehab Conv Filters		\$	36,634			
561-5400-535-69-35	100390	Lilac Lane					36,634	
								H
								+
								\blacksquare
TOTAL				\$	36,634	\$	36,634	
		T REQUEST- Include justificat						
	priates proje	ct savings from Lilac Lane Sewe	er Project to fund the	e add	litional \$36.6	24 to f	und shangs	
	installation o	f non-functional EIM valves on fo						
plant. DOES THIS REQUEST REQ	UIRE COUN	f non-functional EIM valves on fo	our remaining high s		ce pumps at			
DOES THIS REQUEST REQUATE OF COUNCIL MEETIN	UIRE COUN	f non-functional EIM valves on fo	our remaining high s	servic	ce pumps at	the wa		
DOES THIS REQUEST REQUATE OF COUNCIL MEETIN	UIRE COUN(IG	f non-functional EIM valves on fo	our remaining high s	Yes	ce pumps at	the wa	ed	
plant. DOES THIS REQUEST REQ DATE OF COUNCIL MEETIN WITH AGENDA ITEM?	UIRE COUN(IG	f non-functional EIM valves on fo	x	Yes	ce pumps at	No No Approv	ed roved	
plant. DOES THIS REQUEST REQ DATE OF COUNCIL MEETIN WITH AGENDA ITEM?	UIRE COUN(IG	f non-functional EIM valves on fo	x	Yes	ce pumps at	No No Approv Disapp Approv Disapp	ed roved ed roved	
DOES THIS REQUEST REQU	UIRE COUN(IG	f non-functional EIM valves on fo	x Date	Yes	ce pumps at	No No Approv Disapp Approv	ed roved ed roved	

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER #3 TO CONSTRUCTION CONTRACT WITH **MATOUS** CONSTRUCTION OF TEMPLE, TEXAS, FOR REHABILITATION WORK AT THE CONVENTIONAL WATER TREATMENT **PROVIDE** PLANT, TO FOR REPLACEMENT INSTALLATION OF NON-FUNCTIONAL EIM VALVES ON 4 REMAINING HIGH **SERVICE PUMPS** AT THE CONVENTIONAL WATER TREATMENT PLANT, IN AN AMOUNT NOT TO EXCEED \$36,633.77; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 16, 2009, the City Council approved a construction contract with Matous Construction of Temple, Texas, for rehabilitation work at the conventional water treatment plant on the mixed media filters, lagoon #4, and high service pump station;

Whereas, on November 5, 2009, the City Council approved Change Order #1 (in the amount of \$112,821) to the contract to provide for replacement of the drive for Clarifier #1 and for repairs to raw water headers at the membrane treatment plant – on January 10, 2010, the City Council approved Change Order #2 to the contract (in the amount of \$269,045.23) for construction of a french drain under Lagoon #4, installation of replacement filter valves at the conventional water treatment plant, and repairs to raw water headers at the membrane treatment plant;

Whereas, the Staff recommends approving Change Order #3 to the contract, for an amount not to exceed \$36,633.77, for replacement and installation of non-functional EIM valves on 4 remaining high service pumps at the conventional water treatment plant;

Whereas, funds are available for this change order 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:

<u>Part 1:</u> The City Council authorizes the City Manager, or his designee, to execute Change Order #3, in an amount not to exceed \$36,633.77, to the construction contract with Matous Construction of Temple, Texas, after approval as to form by the City Attorney, for replacement and installation of non-functional EIM valves on 4 remaining high service pumps at the conventional water treatment plant.

<u>Part 2:</u> 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.

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

PASSED AND APPROVED this the 15th day of July, 2010.

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



COUNCIL AGENDA ITEM MEMORANDUM

07/15/10 Item #5(G) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing the purchase of 150 plastic 300-gallon refuse containers for the Solid Waste Division from Rotonics Colorado, Commerce City, CO, in the amount of \$37,200.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> On May 18, 2010, bids were solicited for 300-gallon plastic refuse containers, but no bids were received. The 300-gallon plastic refuse containers are important to the Solid Waste division operations in order to serve customers in areas of restricted access such as alleys. Accordingly, after discussion with a few vendors, on June 29, 2010, the City re-bid the 300-gallon plastic refuse containers.

As shown on the attached bid tabulation, one bidder responded to the invitation to bid, Rotonics Colorado. The price per container bid is \$248, which is 18% higher than the lower of two bids received in 2009. Based on the need for this size and type of container, staff feels that the price is reasonable and recommends award of the purchase from Rotonics.

Rotonics only took exception to the 60 day delivery time and noted 90 days on their bid. The 30-day delay will not impact operations at this time. The City has done business with Rotonics Brownwood in the past and finds them to be a responsible vendor.

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

Description	Account #	Budget	Proposed Expenditure
300 Gallon Containers	110-2330-540-2211	\$37,200	\$37,200
TOTALS		\$37,200	\$37,200

ATTACHMENTS:

Bid Tabulation Resolution

Tabulation of Bids Received on June 30, 2010 at 2:30 p.m. 300 Gallon Plastic Refuse Containers

		Ві	idders
		Rotronics Colorado Commerce Colorado	
300 Gal Plastic Containers	150	\$248.00	\$37,200.00
Replacement Lids		\$98.00 plus freight	
Delivery		No	
Exceptions		None	
Local Preference		No	
Credit Check Authorization		-	Yes

Note: Highlighted bid is recommended for Council approval.

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

Belinda Mattke

30-Jun-10

Belinda Mattke, Director of Purchasing

Date

RESOLUTION NO.	

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 150 PLASTIC 300-GALLON REFUSE CONTAINERS FOR THE SOLID WASTE DIVISION FROM ROTONICS COLORADO OF COMMERCE CITY, COLORADO, IN THE AMOUNT OF \$37,200; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on May 18, 2010, the City received bids for the purchase of plastic refuse containers for the Solid Waste Division, but no bids were received for the 300-gallon plastic refuse containers;

Whereas, the Staff re-bid the 300-gallon plastic refuse containers and received one bid on June 29, 2010, for \$37,200 from Rotonics Colorado of Commerce City, Colorado, and the Staff recommends accepting the bid;

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

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

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

<u>Part 1:</u> The City Council authorizes purchasing 150 plastic 300-gallon refuse containers for the Solid Waste Division from Rotonics Colorado of Commerce City, Colorado, in the amount of \$37,200.

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

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

PASSED AND APPROVED this the **15**th day of **July**, 2010.

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

COUNCIL AGENDA ITEM MEMORANDUM

07/15/10 Item #5(H-1) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Interim Planning Director

<u>ITEM DESCRIPTION:</u> SECOND READING – Z-FY-10-30-A: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to Neighborhood Service District (NS) on a 1.29 ± acre tract of land in the Sarah Fitzhenry Survey, Abstract 312, Bell County, Texas, located at the southwest corner of State Highway 36 and Moffat Road.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its June 21, 2010 meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation to recommend approval of a rezoning from GR to MF-2 for the following reasons:

- 1. The Comprehensive Plan recommends the NS zoning district to complement rural and urban residential areas since it is the most restrictive and least intense commercial zoning district.
- 2. The request complies with the Thoroughfare Plan.
- 3. Public and private facilities serve the property.

Commissioners Williams and Martin were absent.

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

<u>ITEM SUMMARY:</u> Please refer to the Staff Report and draft minutes of case Z-FY-10-30A, from the Planning and Zoning meeting, June 21, 2010.

The applicant requests this rezoning in order to establish a base zoning district to allow a Conditional Use Permit for the sale of beer and wine for off-premise consumption. The subject property was annexed in January 2008 and was given the default zoning district of A, Agricultural. A convenience store currently occupies the subject property and was in operation prior to annexation. The convenience store currently sells non-alcoholic beverages and the operator would like to sell beer and wine for off-premise consumption. The requested zoning district of NS, Neighborhood Service, allows such use with a Conditional Use Permit. The NS zoning district is the least intense nonresidential zoning district and the most appropriate district for this location.

07/15/10 Item #5(H-1) Consent Agenda Page 2 of 2

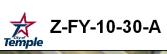
Public Notice

Six notices of the Planning and Zoning Commission public hearing were sent out. As of Wednesday, June 16 at 5 PM, one notice was returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on June 10, 2010 in accordance with state law and local ordinance

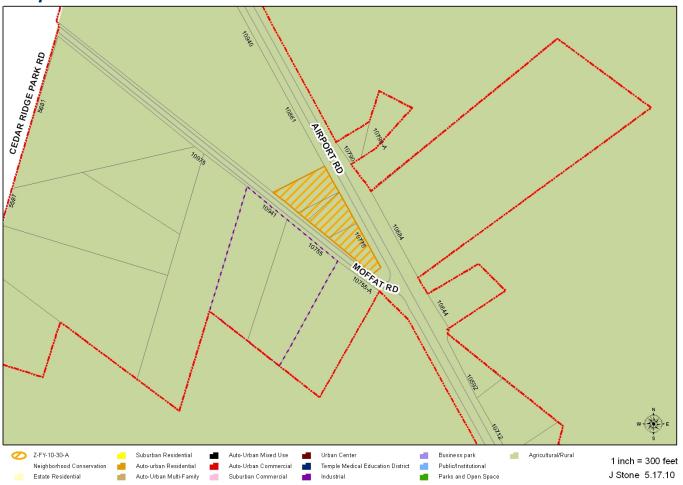
FISCAL IMPACT: NA

ATTACHMENTS:

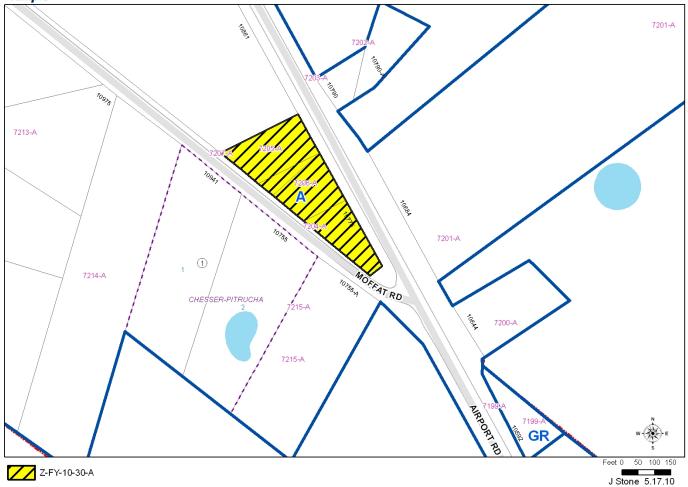
Aerial
Land Use and Character Map
Zoning Map
Notice Map
P&Z Staff Report (Z-FY-10-30A)
P&Z Minutes (06/21/10)
Ordinance



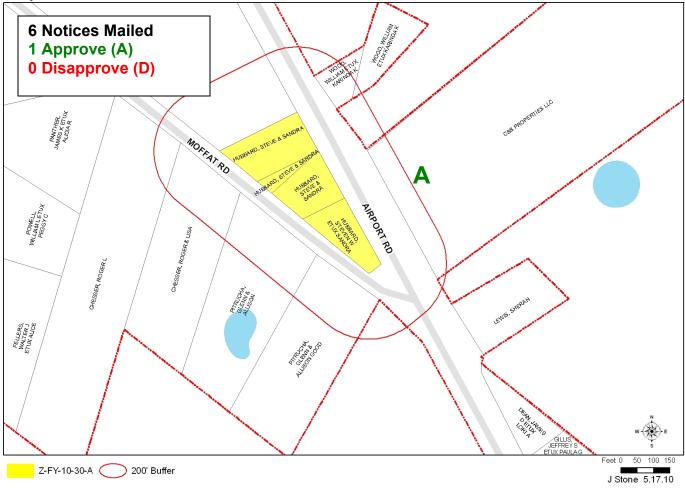














PLANNING AND ZONING COMMISSION AGENDA ITEM

06/21/10 Item #3A Regular Agenda Page 1 of 3

APPLICANT / DEVELOPMENT: Wyatt Cramer/CEFCO for RAS Investments

CASE MANAGER: Brian Mabry, AICP, Interim Planning Director

<u>ITEM DESCRIPTION:</u> Z-FY-10-30-A Hold a public hearing to consider and recommend action on a zoning district change from Agricultural District (A) to Neighborhood Service District (NS) on a 1.29 ± acre tract of land in the Sarah Fitzhenry Survey, Abstract 312, Bell County, Texas, located at the southwest corner of State Highway 36 and Moffat Road. (Applicant: Wyatt Cramer / CEFCO for RAS Investments)

BACKGROUND: The applicant requests this rezoning in order to establish a base zoning district to allow a Conditional Use Permit for the sale of beer and wine for off-premise consumption. The subject property was annexed in January 2008 and was given the default zoning district of A, Agricultural.

A convenience store currently occupies the subject property and was in operation prior to annexation. The property had other structures on it at the time of annexation but they have since been demolished. The convenience store currently sells non-alcoholic beverages and the operator would like to sell beer and wine for off-premise consumption. The requested zoning district of NS, Neighborhood Service, allows such use with a Conditional Use Permit. The NS zoning district is the least intense nonresidential zoning district and the most appropriate district for this location.

Surrounding Property and Uses

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

Direction	Zoning	Current Land Use	Photo
Subject Property	A (NS proposed)	Convenience store	

Direction	Zoning	Current Land Use	Photo
North	A	Undeveloped	
East	A	(across SH 36) Agricultural & large lot residential	
South	A	(Across Moffat Rd) Undeveloped	
West		& large lot residential	

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

Future Land Use and Character

The Future Land Use and Character Map designates the subject property as Rural. The Comprehensive Plan recommends the NS zoning district to complement rural and urban residential areas since it is the most restrictive and least intense commercial zoning district. The proposal conforms to the Future Land Use and Character Plan. Planning Staff will recommend this area be part of the semi-annual update to the Map, since this area will accommodate existing and future commercial activity near the intersection of Highway 36 and Moffat Road. The semi-annual update is projected to take place in Summer 2010.

Thoroughfare Plan

The Thoroughfare Plan designates State Highway 36 as a Major Arterial and Moffat Road as a Collector Street. The zone change request complies with the Thoroughfare Plan.

Availability of Public Facilities

Moffat Water Supply, the area's water provider, states that a 2" water line serves the property. An onsite septic facility currently exists on the property. Public and private facilities are available.

Development Regulations

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

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

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

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

Public Notice

Six notices of the Planning and Zoning Commission public hearing were sent out. As of Wednesday, June 16 at 5 PM, one notice was returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on June 10, 2010 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of the rezoning for case Z-FY-10-30A for the following reasons:

- 1. The Comprehensive Plan recommends the NS zoning district to complement rural and urban residential areas since it is the most restrictive and least intense commercial zoning district.
- 2. The request complies with the Thoroughfare Plan.
- 3. Public and private facilities serve the property.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

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

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, JUNE 21, 2010

ACTION ITEMS

Item 3: Z-FY-10-30A: Hold a public hearing to consider and recommend action on a rezoning from Agricultural District (A) to Neighborhood Service District (NS) on a 1.29 ± acre tract of land in the Sarah Fitzhenry Survey, Abstract 312, Bell County, Texas, located at the intersection of State Highway 36 and Moffat Road. (Applicant: Wyatt Cramer / CEFCO for RAS Investments)

Mr. Brian Mabry, Interim Planning Director, stated the purpose of this rezoning request was to convert the existing structure (service station) to sell beer and wine for off-premises consumption. The property was annexed in January 2008 giving the subject property an Agricultural (A) zoning. The request was for Neighborhood Services (NS) zoning district which is the least intense of the non-residential zoning districts and the most appropriate for the location.

This property was located at the split for Moffat Road and S.H. 36. Undeveloped land lay to the north, agricultural use and large lot use to the east across S.H. 36, and undeveloped land and large lot residential to the south and west across Moffat Road.

The Future Land Use and Character Map designated the subject property as rural, however, the Comprehensive Plan recommended NS zoning to compliment rural and urban residential areas since it was the most restrictive and least intensive. This request also complied with the Thoroughfare Plan.

There was a 2" water line serving the existing property and on-site septic facility existed.

Mr. Mabry stated dimensional standards for the Commission required within a NS zoning district.

Five (5) notices were mailed to surrounding property owners and one (1) was returned in favor of rezoning. No notices were returned in opposition.

Staff recommended approval of this request since the Comprehensive Plan recommended NS zoning district to compliment rural and residential areas since it was the most restrictive and least intensive commercial zoning district, it complied with the Thoroughfare Plan, and public and private facilities were available to serve the property.

Chair Pilkington opened the public hearing for the zone change request.

Mr. Clark Rudy, Vice-President of Engineering for Fikes Wholesale, 2002 Scott Blvd., approached and stated he worked with Wyatt Cramer. Mr. Rudy addressed Commissioner Hurd's question and stated the underground storage tanks were up to date and in compliance.

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

Commissioner Pope made a motion to approve the zone district change from A to NS for **Z-FY-10-30A** and Vice-Chair Talley made a second.

Motion passed: (6:0:1)
Commissioners Williams and Martin absent;
Commissioner Staats abstained

ORDINANCE NO.	

[PLANNING NO. Z-FY-10-30-A]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO NEIGHBORHOOD SERVICES DISTRICT (NS) ON AN APPROXIMATELY 1.29 ACRE TRACT OF LAND IN THE SARAH FITZHENRY SURVEY, ABSTRACT 312, BELL COUNTY, TEXAS, LOCATED AT THE SOUTHWEST CORNER OF STATE HIGHWAY 36 AND MOFFAT ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

<u>Part 1</u>: The City Council approves a zoning change from Agricultural District (A) to Neighborhood Services District (NS) on an approximately 1.29 acre tract of land located in the Sarah Fitzhenry Survey, Abstract 312, Bell County, Texas, located at the southwest corner of State Highway 36 and Moffat Road, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

- <u>Part 2:</u> The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.
- Part 3: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.
- <u>Part 4</u>: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.
- <u>Part 5</u>: It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the $\mathbf{1}^{st}$ day of **July**, 2010.

PASSED AND APPROVED on Second Reading on the 15th day of July, 2010. THE CITY OF TEMPLE, TEXAS WILLIAM A. JONES, III, Mayor ATTEST: APPROVED AS TO FORM: Clydette Entzminger Jonathan Graham

City Attorney

City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

07/15/10 Item #5(H-2) Consent Agenda Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Interim Planning Director

<u>ITEM DESCRIPTION:</u> SECOND READING — Z-FY-10-30-B: Consider adopting an ordinance authorizing a Conditional Use Permit for the sale of beer and wine in an existing convenience store for off-premise consumption on a tract of land being part of the Sarah Fitzhenry Survey, Abstract 312, Bell County, Texas, located at the southwest corner of State Highway 36 and Moffat Road.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its June 21, 2010 meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation to recommend approval of the CUP with the following conditions:

- 1. Use of the property must conform to the CUP site plan, which is an exhibit to the ordinance approving the CUP.
- 2. In the event that the preserved trees on the north property line die or are removed, one tree a minimum of five feet in height and two inches in caliper is required to be planted per 40 linear feet of the north property line.
- 3. The permittee must operate the establishment in such a manner that the use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
- 4. 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.
- 5. The City Council may deny or revoke a CUP in accordance with the revocation clause set forth in Section 7-609 of the Zoning Ordinance if it affirmatively determines that the issuance of the CUP is incompatible with the surrounding uses of property or detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
- 6. A conditional use permit issued under this section runs with the property and is not affected by a change in the owner or lessee of a permitted establishment.

Commissioners Williams and Martin were absent.

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

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-10-30B, from the Planning and Zoning meeting, June 21, 2010.

The purpose of this CUP request is to allow the sale of beer and wine for off-premise consumption for the convenience store that already exists on the subject property and that is approximately 2,750 square feet in floor area. The store currently sells only non-alcoholic beverages.

Staff does not recommend additional landscaping or screening to the subject property. Existing trees along the north property line provide a suitable screening device. The staff recommendation indicates that if those trees die or are removed, then they must be replaced with minimum five-foot, two-inch caliper trees per 40 feet of the length of the property line. This is consistent with previous recommendations for similar cases (for example, the CUP request for a convenience store at the corner of FM 2305 and Woodland Point Road earlier this year).

General CUP Criteria

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

Criteria	Proposal Meets Criteria?
The CUP 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 overall use of the property is not proposed to change.
The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property	Yes. The property is located at an intersection and does not impede future development in the area.
Adequate utilities, access roads, drainage, and other necessary support facilities have been or will be provided	Yes. Store has functioned in this location for several years.
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. Approval of the proposed CUP should not have a negative impact in this area.
Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise, and vibration	Yes.
Directional lighting will be provided so as not to disturb or adversely affect neighboring properties	Yes. Surrounding properties are large enough that light trespass would not be a problem.
There is sufficient landscaping and screening to insure harmony and compatibility with adjacent property.	Yes. Existing trees along the north property line will be preserved. In addition, the subject property and surrounding properties are large enough that extra landscaping and screening are not a problem.

07/15/10 Item #5(H-2) Consent Agenda Page 3 of 3

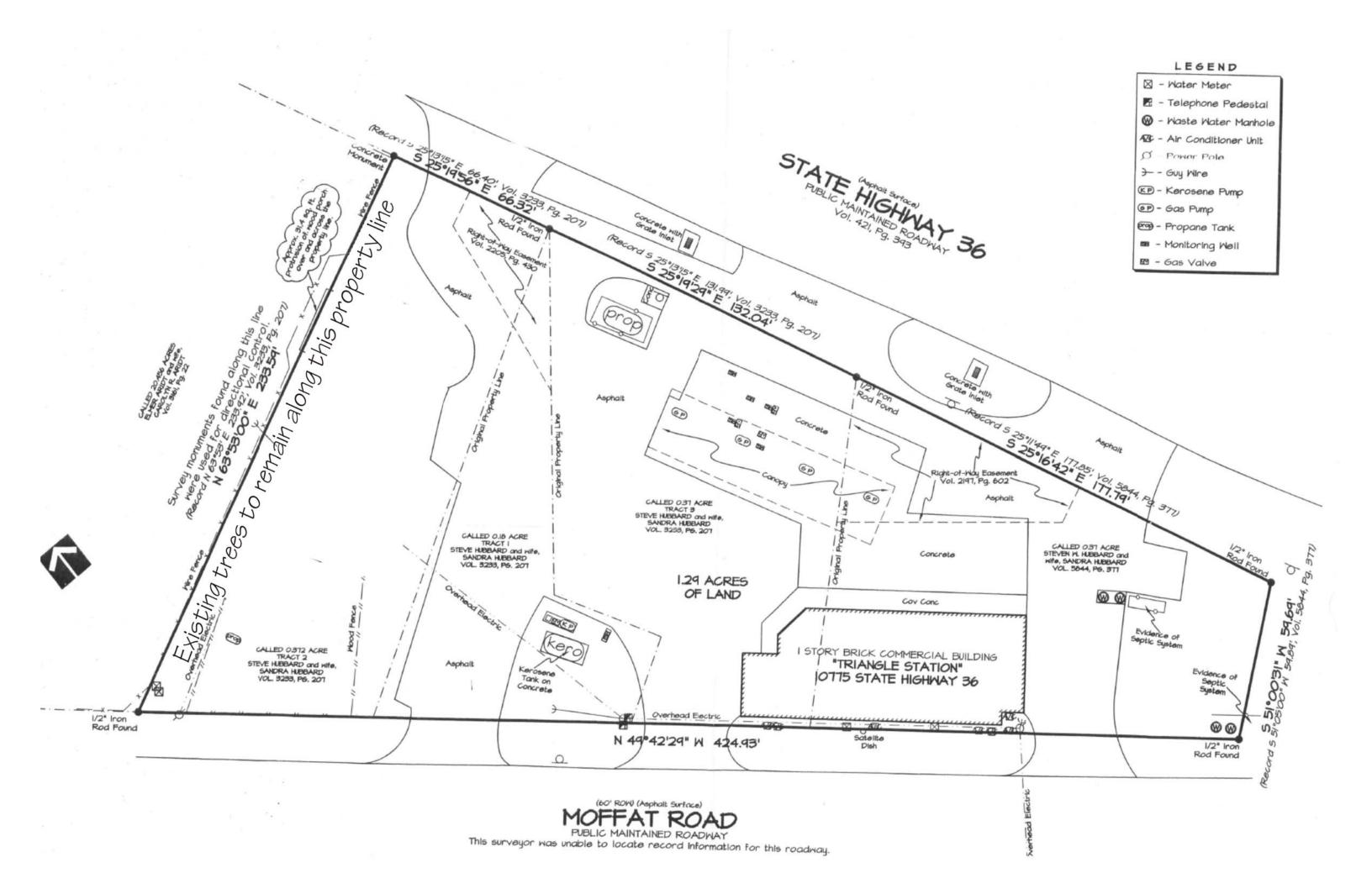
Public Notice

Three notices of the Planning and Zoning Commission public hearing were sent out. As of Wednesday, June 16 at 5 PM, one notice was returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on June 10, 2010 in accordance with state law and local ordinance

FISCAL IMPACT: NA

ATTACHMENTS:

CUP Site Plan P&Z Staff Report (Z-FY-10-30B) P&Z Minutes (06/21/10) Ordinance





PLANNING AND ZONING COMMISSION AGENDA ITEM

06/21/10 Item #3B Regular Agenda Page 1 of 2

APPLICANT / DEVELOPMENT: Wyatt Cramer/CEFCO for RAS Investments

CASE MANAGER: Brian Mabry, AICP, Interim Planning Director

<u>ITEM DESCRIPTION:</u> Z-FY-10-30-B Hold a public hearing to consider and recommend action on a Conditional Use Permit for the sale of beer and wine in an existing convenience store for off-premise consumption on a tract of land being part of the Sara Fitzhenry Survey, Abstract 312, Bell County, Texas, located at the southwest corner of State Highway 36 and Moffat Road. (Applicant: Wyatt Cramer for CEFCO/ RAS Investments)

BACKGROUND: In Item 3A on the P&Z agenda the applicant requests the NS, Neighborhood Services zoning district for the subject property. The purpose of this CUP request is to allow the sale of beer and wine for off-premise consumption for the convenience store that already exists on the subject property and that is approximately 2,750 square feet in floor area. The store currently sells only non-alcoholic beverages.

The sale of beer and wine for off-premise consumption is allowed by right in the General Retail, Commercial and Industrial zoning districts. However, the NS zoning district requires a CUP for the proposed use. As stated in the previous rezoning staff report, this zoning district is the most appropriate for the subject area since it is the least intense of the nonresidential zoning districts.

Staff does not recommend additional landscaping or screening to the subject property. Existing trees along the north property line provide a suitable screening device. The staff recommendation show that if those trees die or are removed, then they must be replaced with minimum five-foot, two-inch caliper trees per 40 feet of the length of the property line. This is consistent with previous recommendations for similar cases (for example, the CUP request for a convenience store at the corner of FM 2305 and Woodland Point Road earlier this year).

Development Regulations

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

Criteria	Proposal Meets Criteria?
The CUP 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 overall use of the property is not proposed to change.
The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property	Yes. The property is located at an intersection and does not impede future development in the area.
Adequate utilities, access roads, drainage, and other necessary support facilities have been or will be provided	Yes. Store has functioned in this location for several years.

Criteria	Proposal Meets Criteria?
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. Approval of the proposed CUP should not have a negative impact in this area.
Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise, and vibration	Yes.
Directional lighting will be provided so as not to disturb or adversely affect neighboring properties	Yes. Surrounding properties are large enough that light trespass would not be a problem.
There is sufficient landscaping and screening to insure harmony and compatibility with adjacent property.	Existing trees along the north property line will be preserved. In addition, the subject property and surrounding properties are large enough that extra landscaping and screening are not a problem.

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

Public Notice

Three notices of the Planning and Zoning Commission public hearing were sent out. As of Wednesday, June 16 at 5 PM, one notice was returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on June 10, 2010 in accordance with state law and local ordinance

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

- 1. Use of the property must conform to the CUP site plan, which is an exhibit to the ordinance approving the CUP.
- 2. In the event that the preserved trees on the north property line die or are removed, one tree a minimum of five feet in height and two inches in caliper is required to be planted per 40 linear feet of the north property line.
- 3. The permittee must operate the establishment in such a manner that the use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
- 4. 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.
- 5. The City Council may deny or revoke a CUP in accordance with the revocation clause set forth in Section 7-609 of the Zoning Ordinance if it affirmatively determines that the issuance of the CUP is incompatible with the surrounding uses of property or detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
- 6. A conditional use permit issued under this section runs with the property and is not affected by a change in the owner or lessee of a permitted establishment.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

CUP Site Plan

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, JUNE 21, 2010

ACTION ITEMS

Item 4: Z-FY-10-30B: Hold a public hearing to consider and recommend action on a Conditional Use Permit application for the sale of beer and wine in an existing convenience store for off-premise consumption on a tract of land being part of the Sara Fitzhenry Survey, Abstract 312, Bell County, Texas, located at the intersection of State Highway 36 and Moffat Road. (Applicant: Wyatt Cramer for CEFCO/ RAS Investments)

Mr. Mabry stated the CUP request was for off-premise sale of beer and wine and a site plan had been submitted. The existing store and gasoline pumps would remain in operation. There were some existing trees along the north property line which provided a measure of screening for the properties to the north and these should remain.

Seven (7) general criteria are in the Zoning Ordinance for CUPs:

1. The CUP 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.

Staff felt the overall use of the property was not proposed to change.

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

Staff felt the property was located at an intersection and would not impede future development in the area.

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

Staff felt the store had functioned in this location for several years.

4. The design, location, and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development.

Staff agreed approval of the proposed CUP should not have a negative impact in this area.

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

Staff felt this was not an issue.

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

Staff stated the surrounding properties were large enough that light trespass would not be a problem.

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

Existing trees along the north property line will be preserved. In addition, the subject property and surrounding properties are large enough that extra landscaping and screening are not a problem.

Three (3) notices were mailed out and one (1) was returned in favor of this request.

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

- 1. Use of the property must conform to the CUP site plan, which is an exhibit to the ordinance approving the CUP.
- 2. In the event that the preserved trees on the north property line die or are removed, one tree a minimum of five feet in height and two inches in caliper is required to be planted per 40 linear feet of the north property line.
- 3. The permittee must operate the establishment in such a manner that the use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
- 4. 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.
- 5. The City Council may deny or revoke a CUP in accordance with the revocation clause set forth in Section 7-609 of the Zoning Ordinance if it affirmatively determines that the issuance of the CUP is incompatible with the surrounding uses of property or detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.

6. A conditional use permit issued under this section runs with the property and is not affected by a change in the owner or lessee of a permitted establishment.

Commissioner Hurd asked if the gasoline tanks approval were up to date and Mr. Mabry stated the applicant would address that issue during the public hearing.

Chair Pilkington opened the public hearing.

Mr. Clark Rudy, Vice-President of Engineering for Fikes Wholesale, 2002 Scott Blvd., approached and stated he worked with Wyatt Cramer. Mr. Rudy addressed Commissioner Hurd's question and stated the underground storage tanks were up to date and in compliance.

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

Commissioner Hurd made a motion to approve the **Z-FY-10-30B** CUP request and Commissioner Barton made a second.

Motion passed: (6:0:1)
Commissioners Williams and Martin absent;
Commissioner Staats abstained

[PLANNING NO. Z-FY-10-30-B]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW FOR THE SALE OF BEER AND WINE IN AN EXISTING CONVENIENCE STORE FOR OFF-PREMISE CONSUMPTION ON A TRACT OF LAND BEING PART OF THE SARA FITZHENRY SURVEY, ABSTRACT 312, BELL COUNTY, TEXAS, LOCATED AT THE SOUTHWEST CORNER OF STATE HIGHWAY 36 AND MOFFAT ROAD; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

WHEREAS, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of a tract of land being part of the Sara Fitzhenry Survey, Abstract 312, Bell County, Texas, located at the southwest corner of State Highway 36 and Moffat Road, recommends that the City Council approve the application for this Conditional Use Permit to allow an existing convenience store for alcoholic beverage sales, off-premise consumption of beer and wine; and

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

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

<u>Part 1:</u> The City Council approves a Conditional Use Permit for alcoholic beverage sales, off-premise consumption of beer and wine, on a tract of land being part of the Sara Fitzhenry Survey, Abstract 312, Bell County, Texas, located at the southwest corner of State

Highway 36 and Moffat Road,, more fully shown on Exhibit A, attached hereto and made a part of for all purposes.

- <u>Part 2:</u> The owner/applicant, his employees, lessees, agents or representatives, hereinafter called "permittee" shall comply with the following developmental standards and conditions of operation;
 - (A) Use of the property must conform to the CUP site plan, which is an exhibit to the ordinance approving the CUP, attached hereto as Exhibit B.
 - (B) In the event that the preserved trees on the north property line die or are removed, one tree a minimum of five feet in height and two inches in caliper is required to be planted per 40 linear feet of the north property line.
 - (C) The permittee must operate the establishment in such a manner that the use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
 - (D) 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.
 - (E) The City Council may deny or revoke a CUP in accordance with the revocation clause set forth in Section 7-609 of the Zoning Ordinance if it affirmatively determines that the issuance of the CUP is incompatible with the surrounding uses of property or detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
 - (F) A conditional use permit issued under this section runs with the property and is not affected by a change in the owner or lessee of a permitted establishment.

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

- <u>Part 3</u>: The Director of Planning is hereby directed to make the necessary changes to the City Zoning Map accordingly.
- <u>Part 4:</u> The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.
- <u>Part 5:</u> It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not

affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the $\mathbf{1}^{st}$ day of **July**, 2010.

PASSED AND APPROVED on Second Reading on the 15th day of July, 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

07/15/10 Item #5(I) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Interim Planning Director

<u>ITEM DESCRIPTION:</u> SECOND READING – Z-FY-10-32: Consider adopting an ordinance authorizing a zoning change from General Retail District to Multiple Family Two District on 1.74 ± acres of land situated in the Maximo Moreno Survey, Abstract No. 14, City of Temple, located on the north side of Marlandwood Road, adjacent to and east of 990 Marlandwood Road.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its June 21, 2010 meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation to recommend approval of a rezoning from GR to MF-2 for the following reasons:

- 1. The request complies with the Future Land Use and Character Map;
- 2. The request complies with the Thoroughfare Plan; and
- 3. Public facilities are available to the property.

Commissioners Williams and Martin were absent.

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

<u>ITEM SUMMARY:</u> Please refer to the Staff Report and draft minutes of case Z-FY-10-32, from the Planning and Zoning meeting, June 21, 2010.

The purpose of this rezoning request is to establish an entryway to a new apartment complex. The subject property is currently zoned GR. Apartments are not allowed in this zoning district. The 29.4 acre tract to the north of the subject property, which is the majority of the land for the proposed complex, is already zoned MF-2. The applicant proposes a total of 180 units on a total of 9.7 acres, which results in a density of 18.5 units per acre. The maximum density of the MF-2 zoning district is 20 units per acre.

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

07/15/10 Item #5(I) Consent Agenda Page 2 of 2

Public Notice

Seven notices of the Planning and Zoning Commission public hearing were sent out. As of Wednesday, June 16, at 5 PM, two notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on June 10, 2010 in accordance with state law and local ordinance.

FISCAL IMPACT: NA

ATTACHMENTS:

Aerial
Land Use and Character Map
Zoning Map
Utility Map
Notice Map
P&Z Staff Report (Z-FY-10-32)
P&Z Minutes (06/21/10)
Ordinance





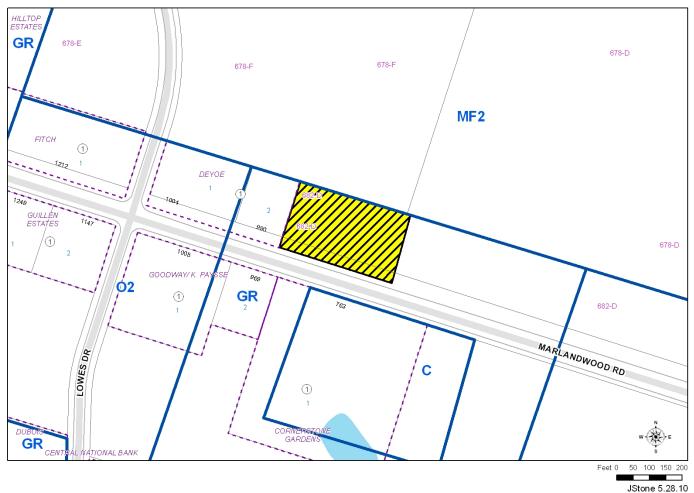
JStone 5.28.10

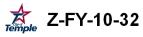
Z-FY-10-32

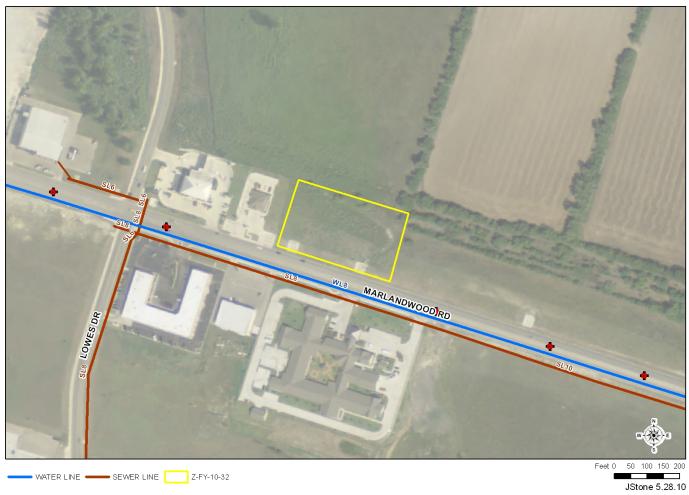




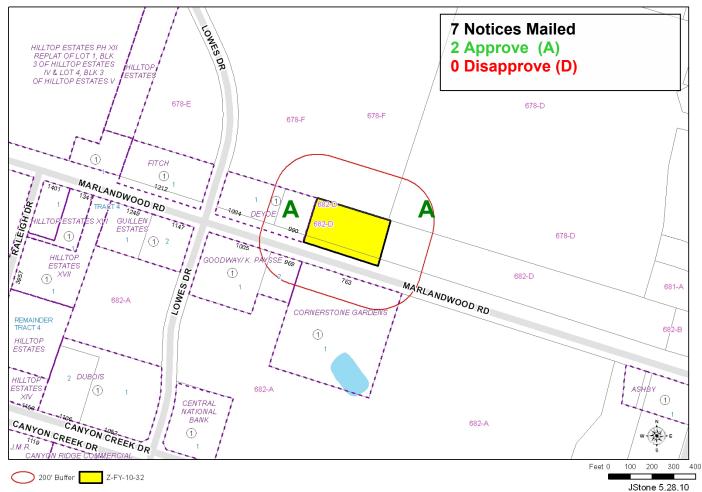














PLANNING AND ZONING COMMISSION AGENDA ITEM

06/21/10 Item #5 Regular Agenda Page 1 of 3

APPLICANT / DEVELOPMENT: Encore Multi-Family LLC for Marlandwood Road Ltd.

CASE MANAGER: Brian Mabry, AICP, Interim Planning Director

<u>ITEM DESCRIPTION:</u> Z-FY-10-32 Hold a public hearing to consider and recommend action on a rezoning from General Retail District to Multiple Family Two District on 1.74 ± acres of land situated in the Maximo Moreno Survey, Abstract No. 14, City of Temple, located on the north side of Marlandwood Road, adjacent to and east of 990 Marlandwood Road.

BACKGROUND: The purpose of this rezoning request is to establish an entryway to a new apartment complex. The subject property is currently zoned GR. Apartments are not allowed in this zoning district. The 29.4 acre tract to the north of the subject property, which is the majority of the land for the proposed complex, is already zoned MF-2.

The applicant proposes a total of 180 units on a total of 9.7 acres, which results in a density of 18.5 units per acre. The maximum density of the MF-2 zoning district is 20 units per acre. The subject property being considered for rezoning would accommodate an entryway, clubhouse, leasing office and a portion of one of the apartment buildings. Staff has reviewed conceptual designs for the complex, which indicate adequate parking, building height, exterior building materials and recreational space. The Commission should keep in mind, however, that it is only making a decision on the land use aspect of the project, not its design.

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	GR (MF-2 proposed)	Undeveloped	
North	MF-2	Undeveloped	

Direction	Zoning	Current Land Use	Photo
South	С	Assisted living center	
East	GR	Office	
West	GR	Undeveloped	

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

Future Land Use and Character Map

The Future Land Use and Character map designates the subject property as Suburban Commercial. Apartments have a residential and a commercial character due to their coordinated landscaping, signs and parking. The request complies with the Future Land Use and Character Map.

Thoroughfare Plan

The Thoroughfare Plan designates Marlandwood Road as a minor arterial. The request complies with the Thoroughfare Plan.

Availablility of Public Facilities

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

Development Regulations

The purpose of the MF-2 zoning district is: Allows more modest sized dwelling units and an increased number of units within the multifamily complex. Maximum density is 20 units per acre in buildings 3 to 4 stories. The MF-2 zoning district provides more modest sized dwelling units within the multifamily complex. This district should be designed for a higher density use of the land with the amenities and facilities, such as a major thoroughfare, parks, transit, and utilities close by and adequate for the volume of use.

The MF-2 zoning district allows most residential uses, except for manufactured homes. It also allows some residential support uses such as school and places of worship.

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

MF-2, Multiple-Family 2	
Maximum Density	20 units per acre
Min. Lot Width (ft.)	60
Min. Lot Depth (ft.)	120
Max. Height (stories)	4 stories
Min. Yard (ft)	
Front	25
Side	15
Rear	10

Public Notice

Seven notices of the Planning and Zoning Commission public hearing were sent out. As of Wednesday, June 16, at 5 PM, two notices was returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on June 10, 2010 in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of Z-FY-10-32, the zone change from the GR to the MF-2 zoning district, for the following reasons:

- 1. The request complies with the Future Land Use and Character Map;
- 2. The request complies with the Thoroughfare Plan; and
- 3. Public facilities are available to the property.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

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

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, JUNE 21, 2010

ACTION ITEMS

Item 5: Z-FY-10-32: Hold a public hearing to consider and recommend action on a rezoning from General Retail District to Multiple Family Two District on 1.74 ± acres of land situated in the Maximo Moreno Survey, Abstract No. 14, City of Temple, located on the north side of Marlandwood Road, adjacent to and east of 990 Marlandwood Road. (Applicant: Encore Multi-Family LLC for Marlandwood Road Ltd.)

Mr. Brian Mabry, Interim Planning Director, stated the applicant was Encore Multi-Family LLC and this case would go to City Council July 1st for first reading and July 15th for second reading and final action.

The purpose of this request is to establish an entryway to a new apartment complex. The applicant proposed a total of 100 units on approximately 9.7± acres, a density of 18.5 units per acre. The maximum density for a Multi-Family Two (MF2) was 20 units per acre.

The subject property would accommodate the entryway, clubhouse, leasing office and possibly a portion of one of the apartment buildings.

The surrounding properties consisted of undeveloped land to the north and east, an office to the west, and an assisted living center to the south across Marlandwood.

The Future Land Use and Character Map designated this and surrounding property as suburban/commercial and the Thoroughfare Plan showed Marlandwood as a minor arterial.

There was an 8" water line and 8" sewer line so facilities were in place to serve the property.

Mr. Mabry stated the dimensions and setback requirements for the request.

Seven (7) notices were mailed out and three (3) were returned in favor of the rezoning; zero (0) were returned in opposition.

Staff recommended approval for Z-FY-10-32, a zone change from General Retail (GR) to Multi-Family Two (MF2), since the request complied with the Future Land Use and Character Map, the Thoroughfare Plan, and public facilities were available to serve the property

Chair Pilkington opened the public hearing.

Ms. Angela Hill, Development Manager for Encore Multi-Family, 500 LBJ Freeway, 12th Floor, Dallas, Texas. Ms. Hill introduced herself and offered to answer any questions from the Commission.

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

Vice-Chair Talley made a motion to approve the rezoning request from GR to MF2 and Commissioner Barton made a second.

Motion passed: (6:0)
Commissioners Williams and Martin absent;
Commissioner Staats abstained

ORDINANCE NO.	

[PLANNING NO. Z-FY-10-32]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM GENERAL RETAIL DISTRICT (GR) TO MULTIPLE FAMILY TWO DISTRICT (MF-2) ON AN APPROXIMATELY 1.74 ACRE TRACT OF LAND SITUATED IN THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, TEMPLE, BELL COUNTY, TEXAS, LOCATED ON THE NORTH SIDE OF MARLANDWOOD ROAD, ADJACENT TO AND EAST OF 990 MARLANDWOOD ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

- <u>Part 1</u>: The City Council approves a zoning change from General Retail District (GR) to Multiple Family Two District (MF-2) on an approximately 1.74 acre tract of land located in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located on the north side of Marlandwood Road, adjacent to and east of 990 Marlandwood Road, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.
- <u>Part 2:</u> The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.
- Part 3: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.
- <u>Part 4</u>: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.
- <u>Part 5</u>: It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the $\mathbf{1}^{\text{st}}$ day of **July**, 2010.

PASSED AND APPROVED on Second Reading on the 15 th day of July, 2010.	
	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/15/10 Item #5(J) Consent Agenda Page 1of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing submission of an application for funding through the U.S. Department of Transportation, National Infrastructure Investment Grant (TIGER II) in the amount of \$270,000, with \$209,250 reimbursed to the City through federal funding, to execute a transportation planning study within areas of the Temple Medical and Education District and connections to anchor destinations to the north and south.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> The U.S. Department of Transportation, in conjunction with the Department of Housing and Urban Development, has announced a matching discretionary grant program entitled "National Infrastructure Investment Grant" (TIGER II). TIGER II is intended to provide funding to municipalities for conducting transportation planning studies in surface transportation projects, including efforts relating to individual transportation projects and transportation corridors. Distribution of funding will be allocated to public transportation and multi-modal facility projects that:

- 1. Increase access to mass transit,
- 2. Incorporate pathways for bicyclists and pedestrians,
- 3. Decrease vehicle-miles traveled,
- 4. Improve economic vitality,
- 5. Encourage livability, and
- 6. Increase access to housing and employment opportunities.

The pre-application deadline is July 26, 2010; the final application is due August 23, 2010. Applications will be evaluated by an established DOT application team. According to funding solicitation, selection will be announced no sooner than September 15, 2010.

The project scope involves a transportation planning study, with a purpose to recognize needed improvements on all facets that pertain to transit use and accessibility, including:

1. Transportation—public transit routes, increase access points, type (bus, continuous shuttle, bike, pedestrian, etc.), vehicular paths, and methods to encourage use;

- **2. Drainage and Water/Wastewater Utilities**—placement, quality of infrastructure, needed infrastructure, best management practices to ensure longevity of infrastructure;
- **3. Sidewalks and Streetscape**—pedestrian and bicycle accessibility, beautification/district definition, utilization of crosswalks, curb cuts and driveways, and methods to increase livability;
- **4. Economic Feasibility**—determine market to support, enable and secure development, define type of development;
- 5. Right-of-Way—define R-O-W to ensure alignment, and sidewalk width options; and
- **6. New Urbanism Development**—development plan, use of Form Based Codes, potential land-use.

The attached maps (exhibit 1-8) depict the locations that are impacted by each of the above.

Staff is recommending that we submit a transportation planning study for consideration that would assess the conditions and propose improvements along First Street from Avenue M to Central Avenue, along Avenue C from the Santa Fe Depot to Martin Luther King Drive, and select areas within TMED from Scott and White Boulevard to the west, Avenue M to the north, railroad to the east of Veteran's Administration, Loop 363 to the south and Friar's Creek connections to the south (see attached map). The total estimated engineering and planning fee and administration cost is \$270,000 of which \$209,250 would be funded by the program. City required matching is 20% of the project costs, totaling \$54,000. To enhance project scoring, an additional 2.5% (\$6,750) matching funds have been used, totaling \$60,750 of City matching funds.

Staff believes the proposed project achieves the following:

- Extends the TMED and Trails Master Plan vision for connectivity to the downtown areas
- Addresses the Strategic Plan areas of focus:
 - o Grow the Transportation Infrastructure:
 - offer a variety of choice in modes of transit develop new existing pedestrian and bicycle amenities throughout the city
 - offer a local transportation system that moves people through the community in a safe, efficient and convenient manner
 - Grow community enhancements: Enhanced image and identity for Temple
 - public beautification efforts along Temple's major corridors
 - Invest in parks and facilitates that enhance community wellness, qualify of place, and community amenities
 - Adequate and sustainable City facilities, infrastructure, equipment and staffing: Improve the water, wastewater, solid waste and drainage systems to meet current and future demands.

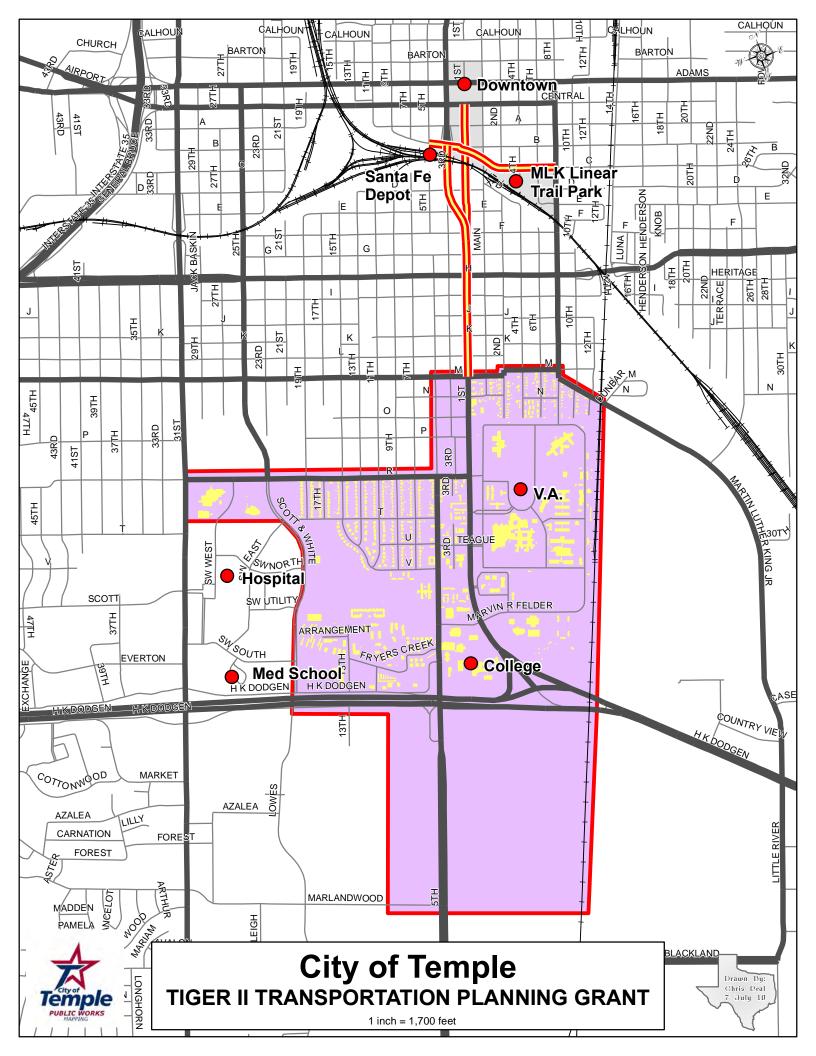
These overall efforts will create a more-inclusive and integrated community development, which centers on improved and increased transportation options that encourage livability, connect housing to jobs, build a clean energy economy, reduce transportation costs, provide safer conditions for pedestrians, bicyclists and motorists, and improve housing affordability. The transportation planning study would be used to request implementation funding from future funding opportunities.

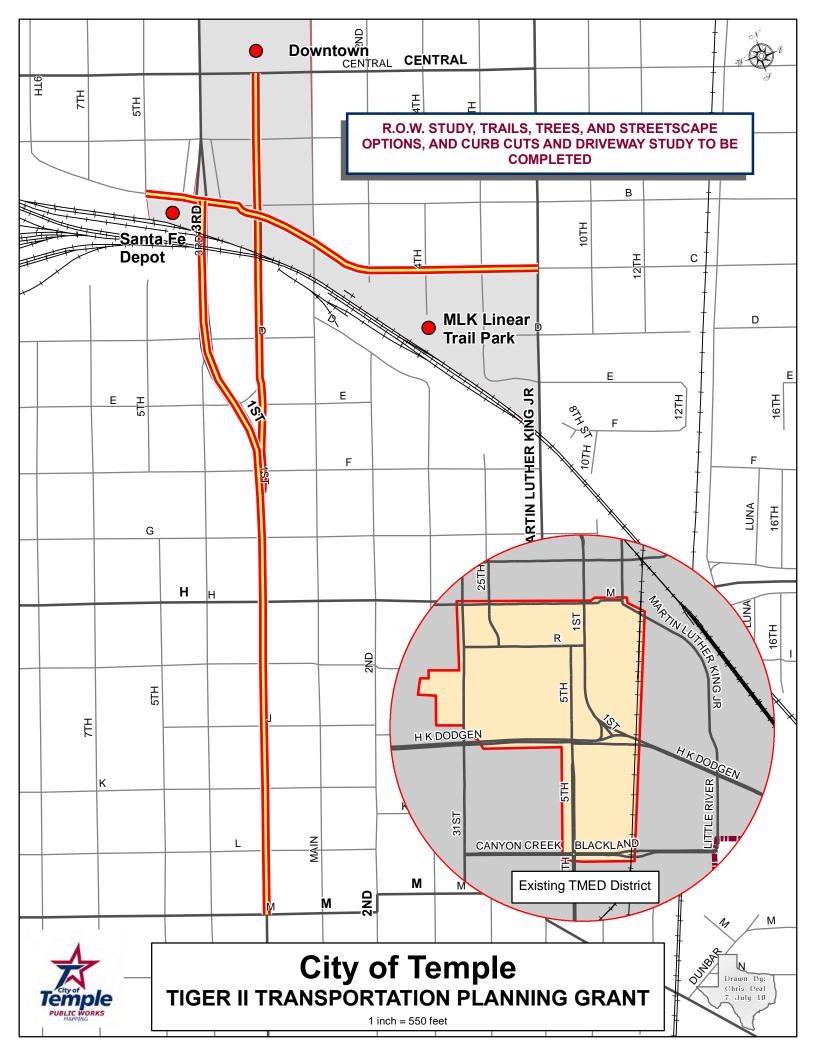
07/15/10 Item #5(J) Consent Agenda Page 3 of 3

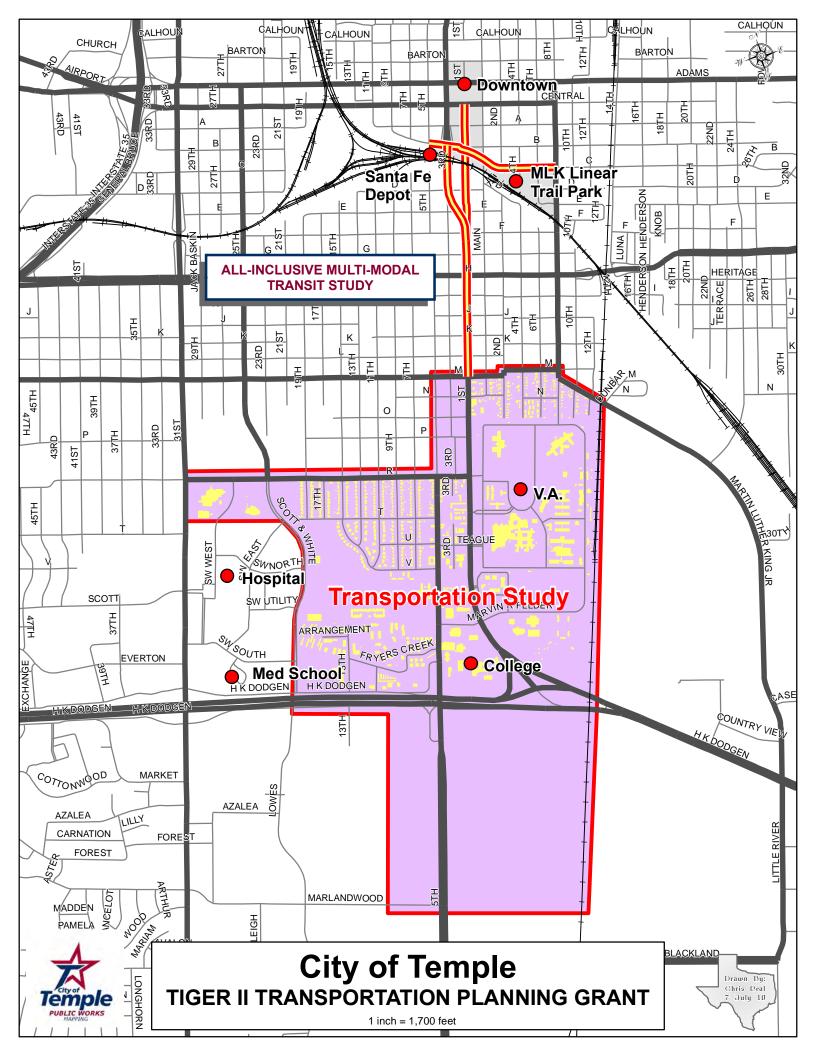
FISCAL IMPACT: Funding program guidelines provide for a maximum reimbursement of 80% with the City providing a minimum of 20% (with an additional 2.5%) cash match. It is anticipated that the City will provide a \$60,750 cash match (from Planning Professional Fund designated for engineering and planning fees, account 110-1700-519-2616). Costs incurred before DOT award and authorization are not reimbursable under the grant program but do demonstrate commitment to the project.

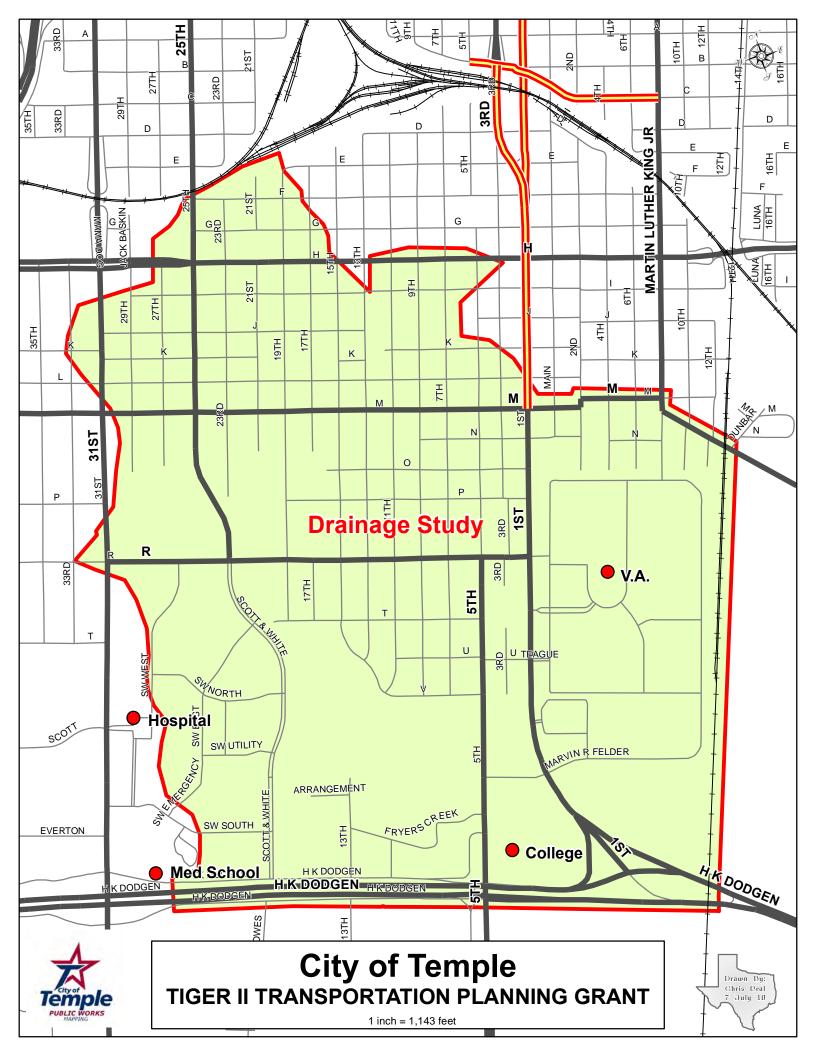
ATTACHMENTS:

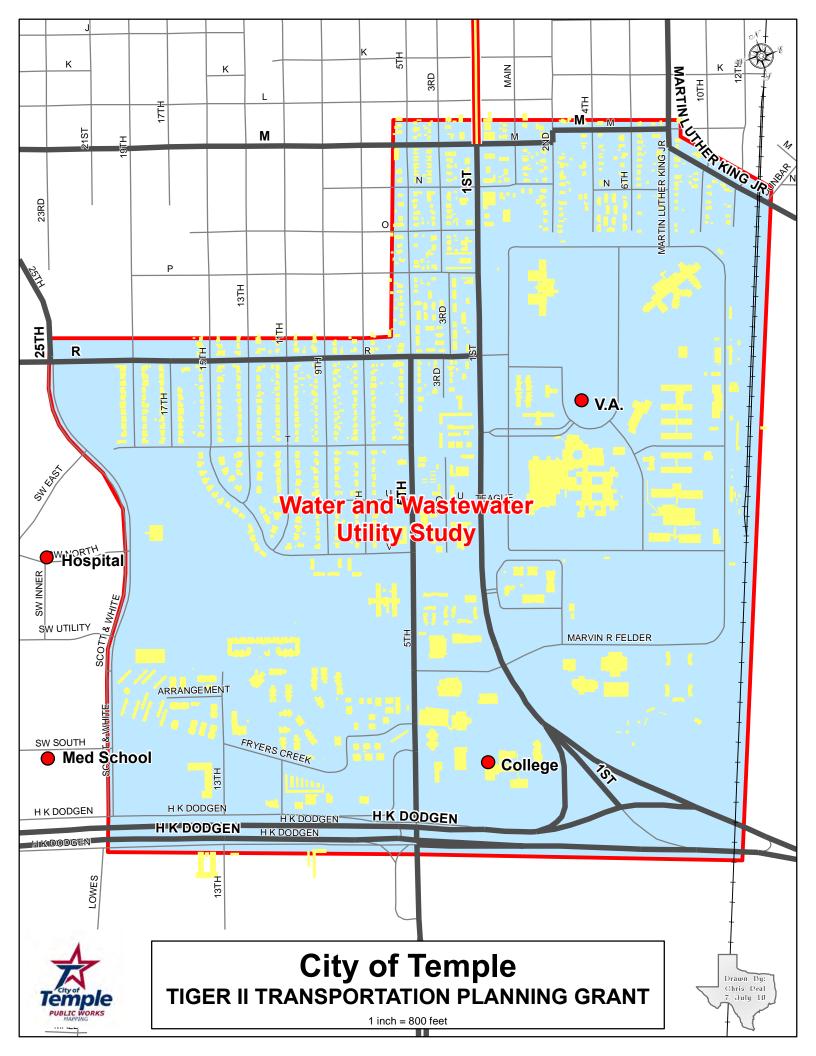
Map of planning areas Resolution

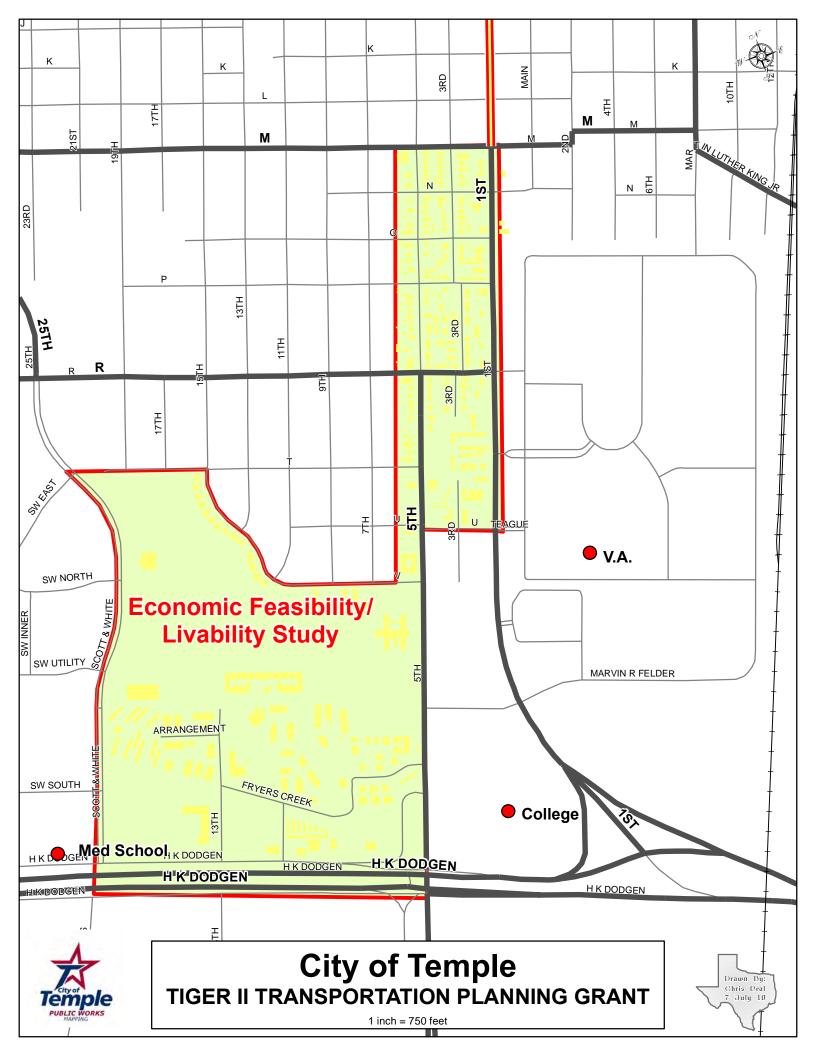


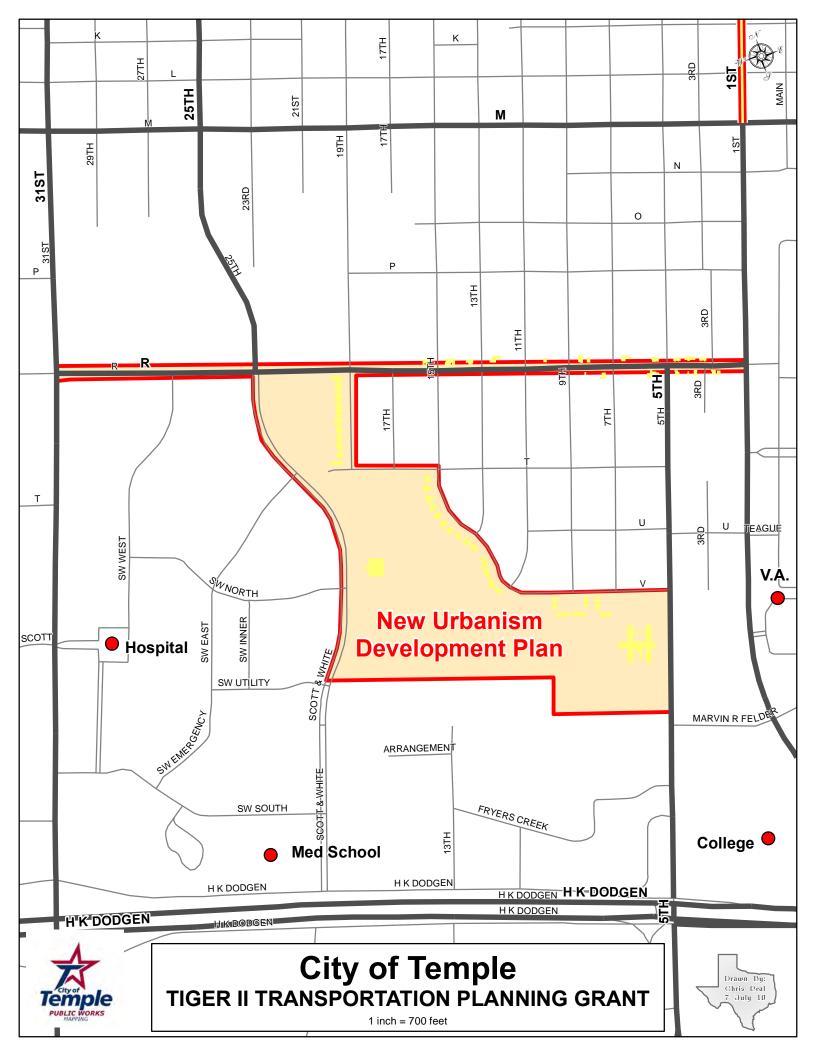


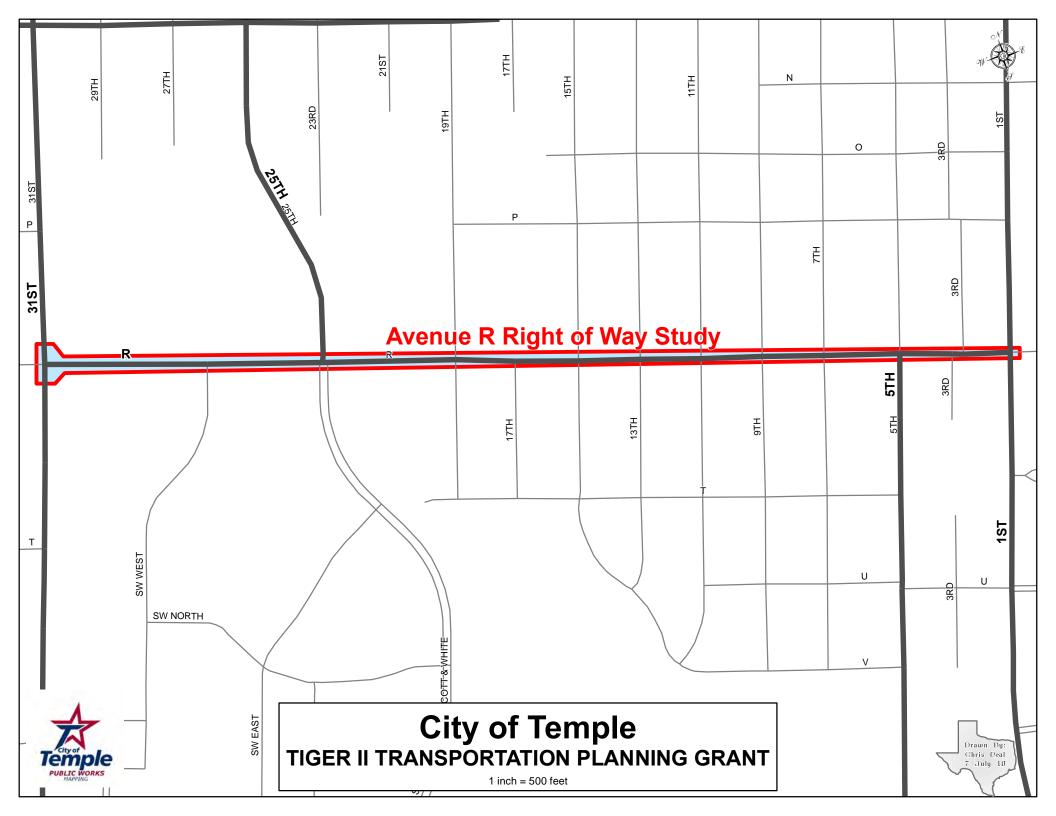












RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION FOR A TRANSPORTATION PLANNING STUDY, THROUGH THE U.S. DEPARTMENT OF TRANSPORTATION, NATIONAL INFRASTRUCTURE INVESTMENT GRANT, TIGER II DISCRETIONARY GRANT PROGRAM; ACCEPTING ANY FUNDS THAT MAY BE RECEIVED THROUGH THIS GRANT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Department of Transportation, in conjunction with the Department of Housing and Urban Development, has announced a discretionary grant program entitled, "National Infrastructure Investment Grant" (TIGER II) which is intended to provide funding to municipalities for conducting transportation planning studies in surface transportation projects that: 1) increase mass transit, 2) incorporate pathways for bicyclists and pedestrians, 3) decrease vehicle-miles traveled, 4) improve economic vitality, 5) encourage livability, and 6) increase access to housing and employment opportunities;

Whereas, the Staff recommends submitting a grant application for a transportation planning study along First Street from Avenue M to Central Avenue, along Avenue C from the Santa Fe Depot to Martin Luther King Jr. Drive, and also select areas from Scott and White Boulevard to the west, Avenue M to the north, railroad to the east of Veteran's Administration, Loop 363 to the south and Friar's Creek connections to the south (see attached map);

Whereas, an effective, efficient, and safe transportation system that includes pedestrian and bicycling facilities expands transportation options for the citizenry;

Whereas, the City's proposed planning project meets the goals and qualifying criteria of the TIGER II program;

Whereas, a pre-application is due to the Department of Transportation on July 26, 2010, requiring a general project scope, and a final application is due August 23, 2010;

Whereas, the amount of the project is \$270,000, of which at least \$209,250 will be reimbursed to the City with the award of federal funding;

Whereas, there is a local match requirement of at least 20% of the proposed project in the amount of \$54,000, the city additional matching funds of \$6,750 (2.5%) total \$60,750 of city funds; and

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

Now, Therefore, be it Resolved by the City Council of the City of Temple, Texas, That:

- <u>Part 1:</u> The City Council authorizes the City Manager, or his designee, to submit a grant application for a Transportation Planning Study, through the U.S. Department of Transportation, National Infrastructure Investment Grant, TIGER II Discretionary Grant Program.
- <u>Part 2:</u> The City Manager, or his designee, is authorized to execute any documents which may be necessary to apply for this grant, after approval as to form by the City Attorney.
 - **Part 3:** The City Council accepts any funds that may be received for this grant.
- <u>Part 4:</u> It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 15th day of **July**, 2010.

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



COUNCIL AGENDA ITEM MEMORANDUM

07/15/10 Item #5(K) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing revisions to the City of Temple's Personnel Policies & Procedures Manual.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The current version of the City's Personnel Policies and Procedures Manual was adopted by Council in 2008 and has been amended on a few occasions since that date under the authority vested in the City Manager. Currently the policy states that the City will pay 50% of retiree medical and dental insurance for retirees meeting certain conditions. Staff desires to change the percentage to a flat rate contribution that will be established each fiscal year during the budget process. This will allow the City to determine the contribution amount without having to wait for a rate to be established. Additionally, since we might be contributing a lesser amount, this change could allow a reduction in our GASB 45 liability for other post employment benefits.

Attached is an excerpt from the policy manual with proposed changes in red or strikeout.

FISCAL IMPACT: None

ATTACHMENTS:

Personnel Policies & Procedures Manual excerpt Resolution

3. Retiree Health Insurance

Opportunity to Purchase Health Insurance

An employee leaving the employment of the City, who is eligible to receive retirement benefits from a municipal retirement plan, is entitled to purchase continued health benefits for the employee and the employee's dependents (if covered by the City's plan at the time of separation) from the City unless the employee is eligible, or becomes eligible at a later date, for group health benefits through another employer. To avail himself or herself of this opportunity to purchase health benefits through the City, the employee must notify the City of his or her intent to continue to purchase health benefit coverage no later than the date on which the person leaves employment with the City. The City will make coverage available to eligible retirees under the health care coverage plan provided by the City to its employees or through a substitute Medicare Supplement Plan for over age 65 retirees. A retired employee who elects to continue health benefit coverage under this section prior to retirement, and who subsequently enters employment with another employer who offers group health benefits to its employees (regardless of whether or not the retired employee elects such coverage), is no longer eligible for coverage under this policy. A retired employee who elects to continue health benefit coverage under this section prior to retirement, and who subsequently elects to discontinue such coverage, is no longer eligible for coverage under this policy. A retired employee who elects to continue coverage for any of the retired employee's dependents, and who then subsequently elects to discontinue such coverage for any of his dependents, abandons his right to obtain future coverage for the dependent for whom coverage was discontinued.

Contribution by City Towards Cost of Health Medical and Prescription Insurance Benefits for Certain Employees

All former employees who are retired from the City of Temple as of October 1, 2010, and thereafter:

- a. The City will contribute an amount (to be established each fiscal year) toward the cost of retiree medical and prescription insurance selected from the City offered plan(s) for an employee who:
 - 1. is not eligible to receive Medicare benefits;
 - 2. had not less than 25 years of continuous service with the City at the time of his or her retirement if retired after January 31, 2002, or not less than 10 years of continuous service with the City at the time of his or her retirement if retired prior to February 1, 2002;

- 3. notifies the City of his or her intent to continue health benefit coverage with the City no later than the date on which he or she retires; and
- 4. is eligible and elects to receive a monthly retirement annuity from the Texas Municipal Retirement System (TMRS) or the Temple Firefighter's Relief and Pension Fund commencing within 60 days of his or her retirement from the City.

Employ	/ees who retire prior to May 1, 2007:
cald	city will pay 50% of the cost of the City offered actuarially culated, non-blended, standard option health insurance premium ard the City offered plan selected by a retired employee, who:
	was hired by the City prior to February 1, 2002; s not eligible to receive Medicare benefits; had not less than 10 years of continuous service with the City at the time of his or her retirement; notifies the City of his or her intent to continue health benefit coverage with the City no later than the date on which he or she retires; and
:	is eligible and elects to receive a monthly retirement annuity from the Texas Municipal Retirement System (TMRS) or the Temple Firefighter's Relief and Pension Fund commencing within 60 days of his or her retirement from the City.
cald	City will pay 50% of the cost of the City offered actuarially culated, non-blended, standard option health insurance premium ard the City offered plan selected by a retired employee, who:
——————————————————————————————————————	was hired by the City after January 31, 2002; s not eligible to receive Medicare benefits; had not less than 25 years of continuous service with the City at the time of his or her retirement;
4.	notifies the City of his or her intent to continue health benefit coverage with the City no later than the date on which he or she retires; and
;	is eligible and elects to receive a monthly retirement annuity from the Texas Municipal Retirement System (TMRS) or the Temple Firefighter's Relief and Pension Fund commencing within 60 days of his or her retirement from the City.

Employees who retire on or after May 1, 2007:

a. The City will pay 50% of the cost of the City offered actuarially calculated, non-blended, standard option health insurance premium of retired employees who:
1. had not less than 25 years of continuous service with the City of Temple at the time of his or her retirement;
2. is not eligible to receive Medicare benefits;
3. notifies the City of his or her intent to continue health benefit coverage with the City no later than the date on which he or she retires; and
4. is eligible and elects to receive a monthly retirement annuity from the Texas Municipal Retirement System (TMRS) or the Temple Firefighters' Relief and Pension Fund commencing within 60 days

Employees who retired on or after February 1, 2002:

of his or her retirement from the City.

- b. Employees who retire with less than 25 years of continuous service with the City of Temple will be required to pay 100% of the actuarially calculated, non-blended rate for retirees.
- c. Employees who leave the employment of the City with retirement eligibility, but less than 25 years of continuous service at the City of Temple, may purchase health benefit coverage for themselves or their dependents through COBRA continuation, subject to the terms contained herein, but are responsible for 100% of the cost of such coverage.

<u>Provisions Regarding Medicare for Retirees Over the Age of 65</u>

a. An individual who retirees from the City of Temple, and who informed the City not later than his or her date of retirement, upon attaining age 65 is no longer eligible for benefits under the City-sponsored plan for employees. Upon attaining age 65, such retiree is eligible to enroll in the Medicare Supplement Plan adopted by the City as a substitute for coverage under the Plan offered to employees. If a retiree attains age 65, and had coverage for a dependent that has not attained age 65, the dependent will be eligible to continue coverage, at 100% the retiree's cost, under the City Plan for employees until attaining age 65. The dependent, upon attaining age 65, will be eligible to enroll in the substitute Medicare Supplement adopted by the City at 100% the retiree's cost. The City will pay an amount (to be determined each fiscal year) toward 50% of the premium for retirees selecting one of the City adopted substitute Medicare Supplement Plans not to exceed 50% of the City adopted standard option substitute Medicare

Supplement for retirees who had at least 25 years of continuous service with the City of Temple.

- b. A retiree who retired from the City prior to 1998, is over 68 years old, and who is not eligible to receive Medicare benefits, will not be required to enroll in the City-adopted substitute Medicare Supplement program. The City will pay an amount (to be determined each fiscal year) toward 50% of the premium for retirees selecting one of the City continue to pay 50% of the actuarially calculated, non-blended, City adopted plans standard option premium for these retirees.
- c. A retiree who was hired by the City of Temple prior to April 1, 1986, and who retired on or after October 1, 2010, with 25 years of continuous service, and who upon attaining age 65 is not eligible to receive Medicare benefits, will not be required to enroll in the City-adopted substitute Medicare Supplement program. The City will pay an amount (to be determined each fiscal year) toward the cost of the retiree's health insurance on the City's active employee and under age 65 retiree plan. This amount will be equivalent to the amount contributed toward Medicare supplement insurance for other retirees with 25 years of service.
- d. The retiree will be responsible for 100% of the premium for any elected dependent coverage.
- e. To retain health insurance benefits through the City, the retiree must pay the premium for the retiree coverage and any dependent coverage within 45 days of the date on which any premium is due. The City reserves the right to withdraw the eligibility to purchase health insurance benefits through the City if a retiree fails to make a premium payment as required.

Dependents not on the employee's health insurance at the time of the employee's retirement cannot be added at a later date. Once a covered individual (including the retiree) elects to drop coverage, or coverage is dropped due to lack of payment, they are no longer eligible to be enrolled in the City's health plan or substitute Medicare Supplement plan.

5. Retiree Dental Insurance

Opportunity to Purchase Dental Insurance

An employee leaving the employment of the City who is eligible to receive retirement benefits from a municipal retirement plan is entitled to purchase

continued dental benefits for the employee and the employee's dependents from the City unless the employee is eligible, or becomes eligible at a later date, for group dental benefits through another employer. To avail himself or herself of this opportunity to purchase dental benefits through the City, the employee must notify the City of his or her intent to continue to purchase dental benefit coverage no later than the date on which the person leaves employment with the City. The City will make coverage available to eligible retirees under the dental coverage plan provided by the City to its employees. A retired employee who elects to continue dental benefit coverage under this section prior to retirement, and who subsequently enters employment with another employer who offers group dental benefits to its employees, is no longer eligible for coverage under this policy. A retired employee who elects to continue dental benefit coverage under this section prior to retirement, and who subsequently elects to discontinue such coverage, is no longer eligible for coverage under this policy. A retired employee who elects to continue coverage for any of the retired employee's dependents, and who then subsequently elects to discontinue such coverage for any of his dependents, abandons his right to obtain future coverage for the dependent for whom coverage was discontinued.

<u>Contribution by City Towards Cost of Dental Insurance Benefits for Certain Employees</u>

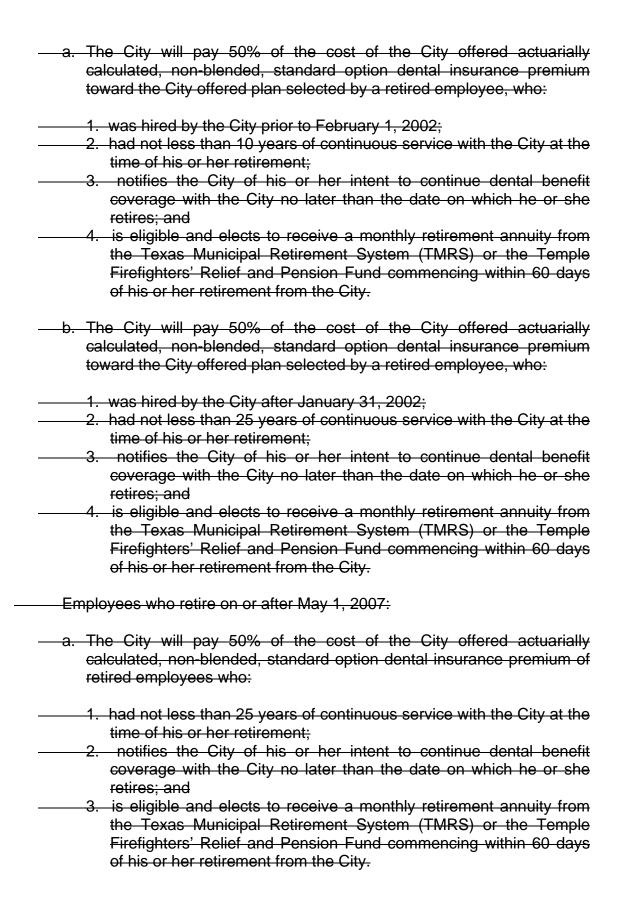
All former employees who are retired from the City of Temple as of October 1, 2010, and thereafter:

The City will contribute an amount established during the budget creation each fiscal year toward the cost of retiree dental insurance selected from the City offered plan(s) for an employee who:

- 1. had not less than 25 years of continuous service with the City at the time of his or her retirement if retired after January 31, 2002, or not less than 10 years of continuous service with the City at the time of his or her retirement if retired prior to February 1, 2002:
- 2. notifies the City of his or her intent to continue health benefit coverage with the City no later than the date on which he or she retires; and
- is eligible and elects to receive a monthly retirement annuity from the Texas Municipal Retirement System (TMRS) or the Temple Firefighter's Relief and Pension Fund commencing within 60 days of his or her retirement from the City.

Contribution by City Towards Cost of Dental Benefits for Certain Employees

Employees who retire prior to May 1, 2007:



Employees retiring on or after February 1, 2002:

- b. Employees who retire with less than 25 years of continuous service with the City of Temple will be required to pay 100% of the actuarially calculated, non-blended rate for retirees.
- c. Employees who leave the employment of the City with retirement eligibility but less than 25 years of continuous service at the City of Temple, may purchase dental benefit coverage for themselves or their dependents through COBRA continuation, subject to the terms contained herein, but are responsible for 100% of the cost of such coverage.
- d. The retiree will be responsible for 100% of the premium for any elected dependent coverage.
- e. To retain dental insurance benefits through the City, the retiree must pay the premium for the retiree coverage and any dependent coverage within 45 days of the date on which any premium is due. The City reserves the right to withdraw the eligibility to purchase dental insurance benefits through the City if a retiree fails to make a premium payment as required.

Dependents not on the employee's dental insurance at the time of the employee's retirement cannot be added at a later date. Once a covered individual (including the retiree) elects to drop coverage, or coverage is dropped due to lack of payment, they are no longer eligible to be enrolled in the City's dental plan.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMENDING TEMPLE, TEXAS, SECTION V, "EMPLOYEE BENEFITS." SUBSECTION D(3), "RETIREE HEALTH INSURANCE," OF THE CITY OF TEMPLE PERSONNEL POLICIES PROCEDURES MANUAL: **PROVIDING** AN **OPEN** MEETINGS CLAUSE.

Whereas, the City's current Personnel Policies & Procedure Manual provides that the City with pay 50% of retiree medical and dental insurance for retirees meeting certain conditions;

Whereas, the Staff recommends that the percentage be changed to a flat rate contribution that will be established each fiscal year during the budget process; and

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

Now, Therefore, be it Resolved by the City Council of the City of Temple, Texas, That:

<u>PART 1:</u> The City Council amends Section V, "Employee Benefits," subsection D(3), "Retiree Health Insurance," of the City of Temple Personnel Policies and Procedures Manual, to read as follows:

3. Retiree Health Insurance

Opportunity to Purchase Health Insurance

An employee leaving the employment of the City, who is eligible to receive retirement benefits from a municipal retirement plan, is entitled to purchase continued health benefits for the employee and the employee's dependents (if covered by the City's plan at the time of separation) from the City unless the employee is eligible, or becomes eligible at a later date, for group health benefits through another employer. To avail himself or herself of this opportunity to purchase health benefits through the City, the employee must notify the City of his or her intent to continue to purchase health benefit coverage no later than the date on which the person leaves employment with the City. The City will make coverage available to eligible retirees under the

health care coverage plan provided by the City to its employees or through a substitute Medicare Supplement Plan for over age 65 retirees. A retired employee who elects to continue health benefit coverage under this section prior to retirement, and who subsequently enters employment with another employer who offers group health benefits to its employees (regardless of whether or not the retired employee elects such coverage), is no longer eligible for coverage under this policy. A retired employee who elects to continue health benefit coverage under this section prior to retirement, and who subsequently elects to discontinue such coverage, is no longer eligible for coverage under this policy. A retired employee who elects to continue coverage for any of the retired employee's dependents, and who then subsequently elects to discontinue such coverage for any of his dependents, abandons his right to obtain future coverage for the dependent for whom coverage was discontinued.

<u>Contribution by City Towards Cost of Health Medical and Prescription</u> <u>Insurance Benefits for Certain Employees</u>

All former employees who are retired from the City of Temple as of October 1, 2010, and thereafter:

- a. The City will contribute an amount (to be established each fiscal year) toward the cost of retiree medical and prescription insurance selected from the City offered plan(s) for an employee who:
 - 1. is not eligible to receive Medicare benefits;
 - 2. had not less than 25 years of continuous service with the City at the time of his or her retirement if retired after January 31, 2002, or not less than 10 years of continuous service with the City at the time of his or her retirement if retired prior to February 1, 2002;
 - 3. notifies the City of his or her intent to continue health benefit coverage with the City no later than the date on which he or she retires; and
 - 4. is eligible and elects to receive a monthly retirement annuity from the Texas Municipal Retirement System (TMRS) or the Temple Firefighter's Relief and Pension Fund commencing within 60 days of his or her retirement from the City.

Employees who retire prior to May 1, 2007:

- a. The City will pay 50% of the cost of the City offered actuarially calculated, non-blended, standard option health insurance premium toward the City offered plan selected by a retired employee, who:
 - 1. was hired by the City prior to February 1, 2002;
 - 2. is not eligible to receive Medicare benefits;

3. had not less than 10 years of continuous service with the City at the time of his or her retirement: 4. notifies the City of his or her intent to continue health benefit coverage with the City no later than the date on which he or she retires; and 5. is eligible and elects to receive a monthly retirement annuity from the Texas Municipal Retirement System (TMRS) or the Temple Firefighter's Relief and Pension Fund commencing within 60 days of his or her retirement from the City. — b. The City will pay 50% of the cost of the City offered actuarially calculated, non-blended, standard option health insurance premium toward the City offered plan selected by a retired employee, who: 1. was hired by the City after January 31, 2002; 2. is not eligible to receive Medicare benefits; 3. had not less than 25 years of continuous service with the City at the time of his or her retirement: 4. notifies the City of his or her intent to continue health benefit coverage with the City no later than the date on which he or she retires; and 5. is eligible and elects to receive a monthly retirement annuity from the Texas Municipal Retirement System (TMRS) or the Temple Firefighter's Relief and Pension Fund commencing within 60 days of his or her retirement from the City. Employees who retire on or after May 1, 2007: a. The City will pay 50% of the cost of the City offered actuarially calculated, non-blended, standard option health insurance premium of retired employees who: 1. had not less than 25 years of continuous service with the City of Temple at the time of his or her retirement: 2. is not eligible to receive Medicare benefits; 3. notifies the City of his or her intent to continue health benefit coverage with the City no later than the date on which he or she retires; and 4. is eligible and elects to receive a monthly retirement annuity from the Texas Municipal Retirement System (TMRS) or the Temple Firefighters' Relief and Pension Fund commencing within 60 days of his

Employees who retired on or after February 1, 2002:

or her retirement from the City.

b. Employees who retire with less than 25 years of continuous service with the City of Temple will be required to pay 100% of the actuarially calculated, non-blended rate for retirees.

c. Employees who leave the employment of the City with retirement eligibility, but less than 25 years of continuous service at the City of Temple, may purchase health benefit coverage for themselves or their dependents through COBRA continuation, subject to the terms contained herein, but are responsible for 100% of the cost of such coverage.

Provisions Regarding Medicare for Retirees Over the Age of 65

- a. An individual who retirees from the City of Temple, and who informed the City not later than his or her date of retirement, upon attaining age 65 is no longer eligible for benefits under the City-sponsored plan for employees. Upon attaining age 65, such retiree is eligible to enroll in the Medicare Supplement Plan adopted by the City as a substitute for coverage under the Plan offered to employees. If a retiree attains age 65, and had coverage for a dependent that has not attained age 65, the dependent will be eligible to continue coverage, at 100% the retiree's cost, under the City Plan for employees until attaining age 65. The dependent, upon attaining age 65, will be eligible to enroll in the substitute Medicare Supplement adopted by the City at 100% the retiree's cost. The City will pay an amount (to be determined each fiscal year) toward 50% of the premium for retirees selecting one of the City adopted substitute Medicare Supplement Plans not to exceed 50% of the City adopted standard option substitute Medicare Supplement for retirees who had at least 25 years of continuous service with the City of Temple.
- b. A retiree who retired from the City prior to 1998, is over 68 years old, and who is not eligible to receive Medicare benefits, will not be required to enroll in the City-adopted substitute Medicare Supplement program. The City will pay an amount (to be determined each fiscal year) toward 50% of the premium for retirees selecting one of the City continue to pay 50% of the actuarially calculated, non-blended, City adopted plans standard option premium for these retirees.
- c. A retiree who was hired by the City of Temple prior to April 1, 1986, and who retired on or after October 1, 2010, with 25 years of continuous service, and who upon attaining age 65 is not eligible to receive Medicare benefits, will not be required to enroll in the City-adopted substitute Medicare Supplement program. The City will pay an amount (to be determined each fiscal year) toward the cost of the retiree's health insurance on the City's active employee and under age 65 retiree plan. This amount will be equivalent to the amount contributed toward Medicare supplement insurance for other retirees with 25 years of service.

- d. The retiree will be responsible for 100% of the premium for any elected dependent coverage.
- e. To retain health insurance benefits through the City, the retiree must pay the premium for the retiree coverage and any dependent coverage within 45 days of the date on which any premium is due. The City reserves the right to withdraw the eligibility to purchase health insurance benefits through the City if a retiree fails to make a premium payment as required.

Dependents not on the employee's health insurance at the time of the employee's retirement cannot be added at a later date. Once a covered individual (including the retiree) elects to drop coverage, or coverage is dropped due to lack of payment, they are no longer eligible to be enrolled in the City's health plan or substitute Medicare Supplement plan.

5. Retiree Dental Insurance

Opportunity to Purchase Dental Insurance

An employee leaving the employment of the City who is eligible to receive retirement benefits from a municipal retirement plan is entitled to purchase continued dental benefits for the employee and the employee's dependents from the City unless the employee is eligible, or becomes eligible at a later date, for group dental benefits through another employer. To avail himself or herself of this opportunity to purchase dental benefits through the City, the employee must notify the City of his or her intent to continue to purchase dental benefit coverage no later than the date on which the person leaves employment with the City. The City will make coverage available to eligible retirees under the dental coverage plan provided by the City to its employees. A retired employee who elects to continue dental benefit coverage under this section prior to retirement, and who subsequently enters employment with another employer who offers group dental benefits to its employees, is no longer eligible for coverage under this policy. A retired employee who elects to continue dental benefit coverage under this section prior to retirement, and who subsequently elects to discontinue such coverage, is no longer eligible for coverage under this policy. A retired employee who elects to continue coverage for any of the retired employee's dependents, and who then subsequently elects to discontinue such coverage for any of his dependents, abandons his right to obtain future coverage for the dependent for whom coverage was discontinued.

<u>Contribution by City Towards Cost of Dental Insurance Benefits for Certain</u> Employees All former employees who are retired from the City of Temple as of October 1, 2010, and thereafter:

The City will contribute an amount established during the budget creation each fiscal year toward the cost of retiree dental insurance selected from the City offered plan(s) for an employee who:

- 1. had not less than 25 years of continuous service with the City at the time of his or her retirement if retired after January 31, 2002, or not less than 10 years of continuous service with the City at the time of his or her retirement if retired prior to February 1, 2002;
- 2. notifies the City of his or her intent to continue health benefit coverage with the City no later than the date on which he or she retires; and
- 3. is eligible and elects to receive a monthly retirement annuity from the Texas Municipal Retirement System (TMRS) or the Temple Firefighter's Relief and Pension Fund commencing within 60 days of his or her retirement from the City.

the City.
Contribution by City Towards Cost of Dental Benefits for Certain Employees
Employees who retire prior to May 1, 2007:
a. The City will pay 50% of the cost of the City offered actuarially calculated, non-blended, standard option dental insurance premium toward the City offered plan selected by a retired employee, who:
 was hired by the City prior to February 1, 2002; had not less than 10 years of continuous service with the City at the time of his or her retirement; notifies the City of his or her intent to continue dental benefit coverage with the City no later than the date on which he or she retires; and is eligible and elects to receive a monthly retirement annuity from the Texas Municipal Retirement System (TMRS) or the Temple Firefighters' Relief and Pension Fund commencing within 60 days of his or her retirement from the City.
b. The City will pay 50% of the cost of the City offered actuarially calculated, non-blended, standard option dental insurance premium toward the City offered plan selected by a retired employee, who:

2. had not less than 25 years of continuous service with the City at the time

3. notifies the City of his or her intent to continue dental benefit coverage with the City no later than the date on which he or she retires; and

1. was hired by the City after January 31, 2002;

of his or her retirement:

4. is eligible and elects to receive a monthly retirement annuity from the Texas Municipal Retirement System (TMRS) or the Temple Firefighters' Relief and Pension Fund commencing within 60 days of his or her retirement from the City.

Employees who retire on or after May 1, 2007:

- a. The City will pay 50% of the cost of the City offered actuarially calculated, non-blended, standard option dental insurance premium of retired employees who:
- 1. had not less than 25 years of continuous service with the City at the time of his or her retirement;
 - 2. notifies the City of his or her intent to continue dental benefit coverage with the City no later than the date on which he or she retires; and
 - 3. is eligible and elects to receive a monthly retirement annuity from the Texas Municipal Retirement System (TMRS) or the Temple Firefighters' Relief and Pension Fund commencing within 60 days of his or her retirement from the City.

Employees retiring on or after February 1, 2002:

- b. Employees who retire with less than 25 years of continuous service with the City of Temple will be required to pay 100% of the actuarially calculated, non-blended rate for retirees.
- c. Employees who leave the employment of the City with retirement eligibility but less than 25 years of continuous service at the City of Temple, may purchase dental benefit coverage for themselves or their dependents through COBRA continuation, subject to the terms contained herein, but are responsible for 100% of the cost of such coverage.
- d. The retiree will be responsible for 100% of the premium for any elected dependent coverage.
- e. To retain dental insurance benefits through the City, the retiree must pay the premium for the retiree coverage and any dependent coverage within 45 days of the date on which any premium is due. The City reserves the right to withdraw the eligibility to purchase dental insurance benefits through the City if a retiree fails to make a premium payment as required.

Dependents not on the employee's dental insurance at the time of the employee's retirement cannot be added at a later date. Once a covered individual (including the retiree) elects to drop coverage, or coverage is

dropped due to lack of payment, they are no longer eligible to be enrolled in the City's dental plan.

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

PASSED AND APPROVED this the 15th day of July, 2010.

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



COUNCIL AGENDA ITEM MEMORANDUM

07/15/10 Item #5(L) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

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

FISCAL IMPACT: The total amount of budget amendments is \$118,180.

ATTACHMENTS:

Budget amendments Resolution

CITY OF TEMPLE BUDGET AMENDMENTS FOR FY 2010 BUDGET July 15, 2010

ACCOUNT # PRO	OJECT#	DESCRIPTION		<mark>APPROPR</mark> Debit	IAT	
110-2000-521-2516 110-1500-515-6531	JJECI #	Judgments & Damages (Police Dept) Contingency - Judgments & Damages	\$	634	\$	Credit 634
		Deductible reimbursement to the Texas Municipal League for settlement of a claim seeking reimbursement for damage to claimant's vehicle after it was struck by a polic vehicle on April 22, 2010, at 3711 Hopi Trail.	e			
110-2330-540-2516		Judgments & Damages (Solid Waste - Residential)	\$	1,292		
110-1500-515-6531		Contingency - Judgments & Damages			\$	1,292
		Deductible reimbursement to the Texas Municipal League for expenses related to an employee discrimination complaint filed against the City by a former employee.				
110-3200-551-6310 1 110-0000-445-1587	00627	Buildings & Grounds (Recreation) Parks Donations	\$	36,446	\$	36,446
		To appropriate funds received from the Estate of Rufus Britton, Jr. The City (specifically the Temple Senior Center) was designated to receive 25% of the net proceeds from the sale of property described as Lot 1, block 2, Eaton Addition, City of Belton, Texas (315 East 24th Street, Belton, Texas). The City received \$36,446.30 from the closing which represents 25% of the net proceeds. Since the Temple Senior Center was specifically named as the beneficiary, these funds will be spent on improvements to the Sammons Senior Center.				
110-3200-551-2513		Special Services (Recreation)	\$	21,488		
110-0000-445-1587		Donations - Parks			\$	8,988
110-0000-445-1590 110-3200-551-2112		Special Events/Classes Foot Items/Supplies			\$ \$	7,500 5,000
		Additional funds are needed in the Special Services account due to an expenditure for three Movie in the Park events and the Texas Athletic Federation Track meet. The total for movies in the park was \$8,988, which was reimbursed by the Parks Foundati Special Events/Classes needs to be increased by \$7,500 to cover the costs of officials for the previously mentioned track meet. Funds from the Food Items/Supplies accourare available because snacks for the summer camp participants are being provided from the TISD summer lunch program.	on.			
110-3600-560-2311		Buildings & Grounds (Airport)	\$	19,423		
110-0000-446-3029		Airport Hangar Rent			\$	19,423
		To appropriate additional rental revenue to be received from AMCOM for the adjusted rental rate as executed with the new lease effective 07/01/10. This additionarent to be received in FY 2010 will be used for maintenance costs related to the AMCOM hangar.	ıl			
110-3600-560-6310 1 110-0000-446-3530	00626	Buildings & Grounds (Airport) Airport Miscellaneous Revenue	\$	38,897	\$	38,897
		To appropriate funds to be received from AMCOM for the reimbursement of electric and fencing improvements as requested by tenant.	al			
		TOTAL AMENDMENTS	\$	118,180	\$	118,180
		TOTAL AMERICAN	Ψ	110,100	Ψ	110,100

CITY OF TEMPLE BUDGET AMENDMENTS FOR FY 2010 BUDGET July 15, 2010

A CCOLINE !!	DDO IECE //	A DESCRIPTION		APPROPRIATE	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit		Credit
		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		\$	(71,422)
		Net Balance of Judgments & Damages Contingency Account		\$	6,411
		D. C. C. D. LG. C.			427.000
		Beginning Fuel Contingency		\$	125,000
		Added to Fuel Contingency		\$	-
		Taken From Fuel Contingency		\$	125 000
		Net Balance of Fuel Contingency Account		\$	125,000
		Beginning Solid Waste - Future Capital Replacement Contingency		¢	49.400
		Added to Solid Waste - Future Capital Replacement Contingency		\$ \$	48,400
		Taken From Solid Waste - Future Capital Replacement Contingency		\$	_
		Net Balance of Solid Waste - Future Capital Replacement Contingency Account		\$	48,400
		Net Balance of Solid Waste - Puttile Capital Replacement Contingency Account		φ	40,400
		Net Balance Council Contingency		\$	179,811
				Φ.	
		Beginning Balance Budget Sweep Contingency		\$	-
		Added to Budget Sweep Contingency		\$	-
		Taken From Budget Sweep		\$	-
		Net Balance of Budget Sweep Contingency Account		Ф	-
		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			0.5.00
		Beginning Contingency Balance		\$	26,336
		Added to Contingency Sweep Account		\$	(06.000)
		Taken From Contingency		\$	(26,336)
		Net Balance of Contingency Account		Þ	
		DRAINAGE FUND			
		Beginning Contingency Balance		\$	_
		Added to Contingency Sweep Account		\$	_
		Taken From Contingency		\$	_
		Net Balance of Contingency Account		\$	-
		•			

CITY OF TEMPLE BUDGET AMENDMENTS FOR FY 2010 BUDGET July 15, 2010

			APPROPI	RIAT	IONS
ACCOUNT #	PROJECT #	DESCRIPTION	Debit		Credit
	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 I	Balance of Contingency Account		\$	18,003

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2009-2010 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

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

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

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

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

PASSED AND APPROVED this the 15th day of July, 2010.

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

COUNCIL AGENDA ITEM MEMORANDUM

07/15/10 Item #6 Regular Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Interim Planning Director Jonathan Graham, City Attorney

<u>ITEM DESCRIPTION</u>: THIRD READING – PUBLIC HEARING - Z-FY-10-29: Reconsider the adoption of Ordinance No. 2010-4363 (adopted 6-17-10) 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.

STAFF RECOMMENDATION: None

ITEM SUMMARY: At its June 17, 2010 meeting, the City Council voted 4-1 to approve a zoning change from C and GR to PD-C for the subject tract. The ordinance was revised during the meeting to add additional terms. Subsequent to the June 17th meeting, the property owner has requested that the City Council reconsider its action and take action to repeal Ordinance 2010-4363. The property owner feels that the ordinance extending commercial zoning to Lot 4 of the subject tract offers him no real advantages (but several disadvantages) over the previously existing zoning.

The property owner is requesting that the City Council reconsider it adoption of Ordinance No. 2010-4363, by rescinding it, which would restore the previously existing zoning (straight Commercial zoning on Lots 1-3, and GR zoning on Lot 4. The applicant understands that without PD-C zoning over Lots 1-4, he would have to confine his truck rental operation to the Lots 1-3, and that he could not use the street entrance on Lot 4, or Lot 4 itself, for his proposed truck rental operation. His operation of a truck rental business on Lots 1-3 would have to comply with all City regulations applicable to commercially-zone property.

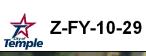
If the City Council desires to repeal Ordinance No. 2010-4363, an appropriate motion to do so, could be styled, "I moved on reconsideration that we repeal Ordinance No. 2010-4363."

FISCAL IMPACT: NA

07/15/10 Item #6 Regular Agenda Page 2 of 2

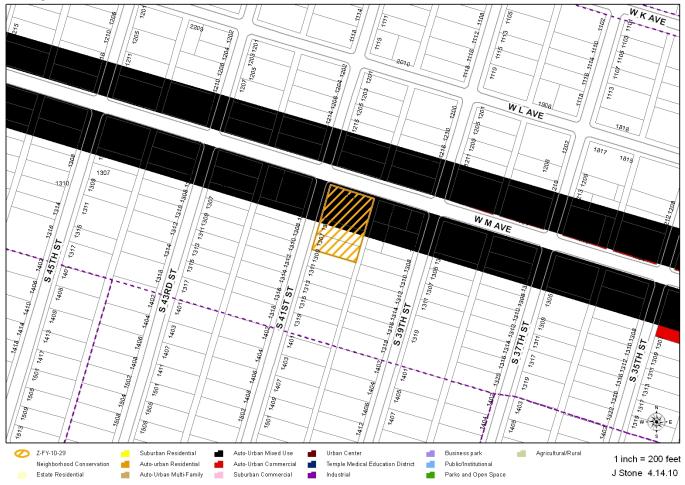
ATTACHMENTS:

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

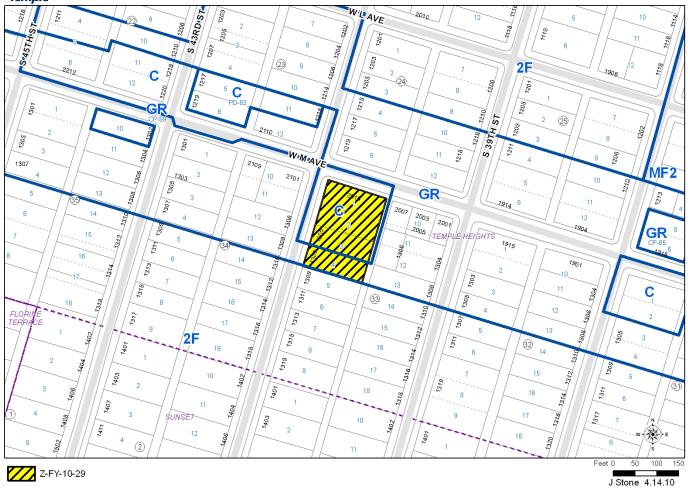


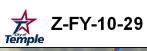




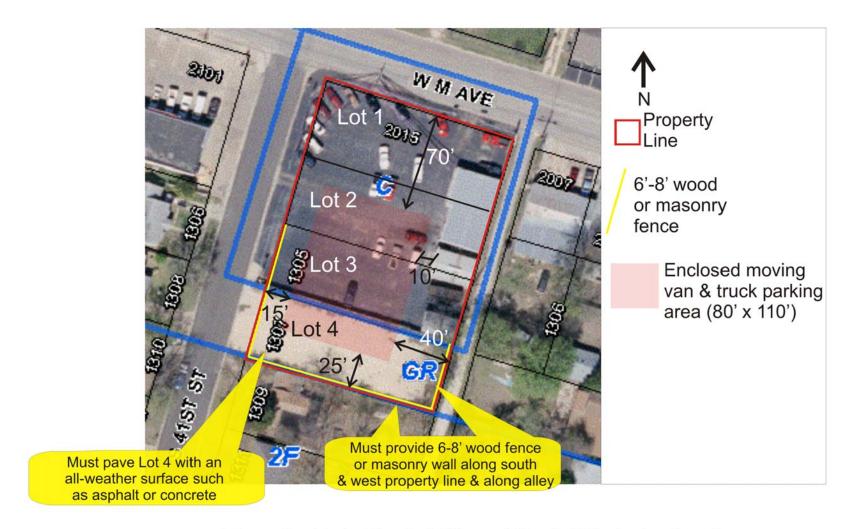










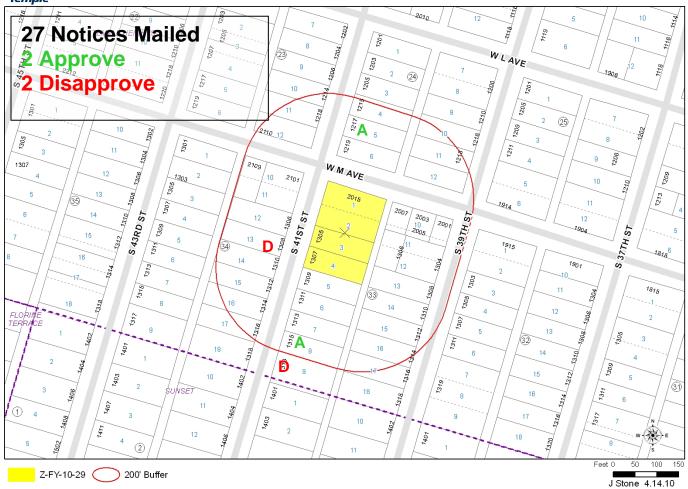


Temple Heights Addition, Block 33, Lots 1 - 4

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.







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

<u>ITEM DESCRIPTION:</u> 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 whishes 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	

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 (PDC), 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 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.

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: <u>Z-FY-10-29</u>: 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:

<u>Part 1</u>: 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.

<u>Part 2</u>: 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 and van_rental and parking;
 - 2. Minor vehicle serving; and
 - 3. Any nonresidential use permitted in the NS, Neighborhood Service, or O-1, Office One, zoning districts.
- (e) Rental van and truck parking is allowed only in the area designated on the development plan as the enclosed van and truck parking area.
- (f) Buffering between the parking area and the property line as depicted on the development plan must consist of an opaque fence that is between six feet and eight feet in height. The fence 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 van and truck parking area must be striped to accommodate all trucks available for rental.
- (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 rental vehicles 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.

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

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

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

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

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

PASSED AND APPROVED on Second Reading o	n the 17th day of June , 2010.
	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/15/10 Item #7 Regular Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

<u>ITEM DESCRIPTION:</u> FIRST READING – PUBLIC HEARING – Consider adopting an ordinance establishing the prima facie speed limit on the US 190/LP363/SH36 frontage road, within the City limits.

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.

<u>ITEM SUMMARY:</u> Based on traffic engineering studies by the State, TxDOT has requested that the City adopt an ordinance setting the prima facie speed limits on US190/LP363/SH36 frontage roads. The section of highway is described as follows.

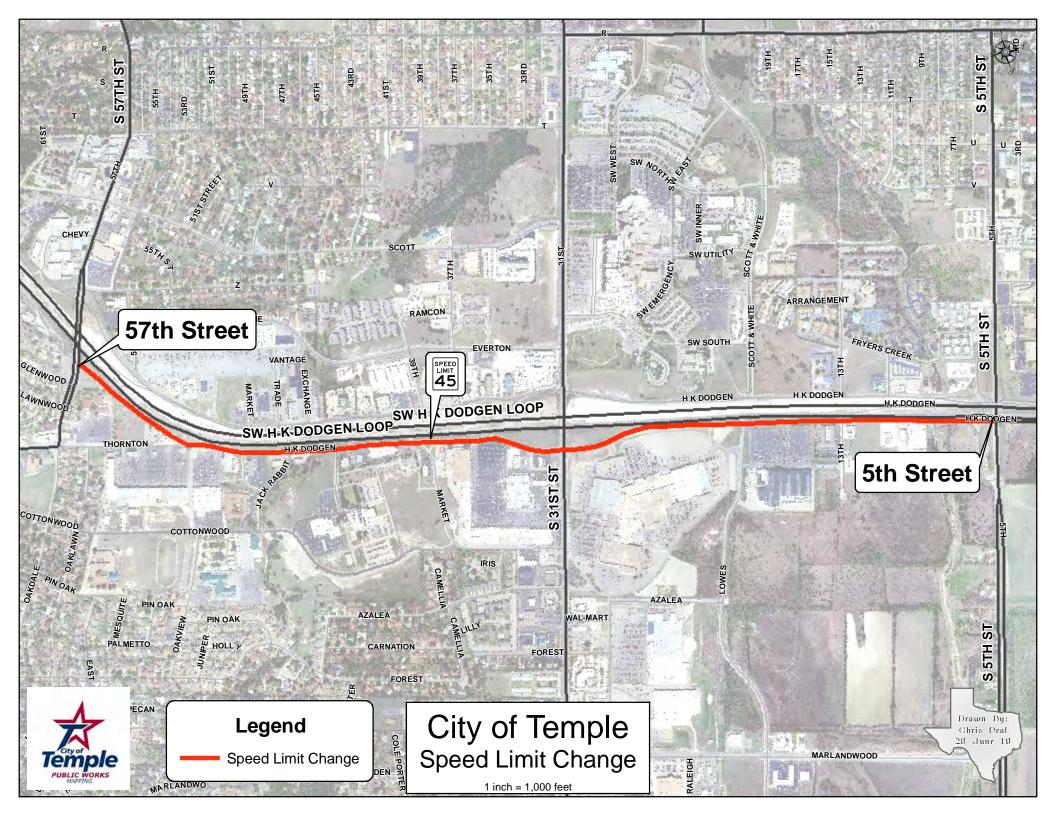
Starting at M.P. 3.194, proceeding east on the east bound frontage road of US190/LP363/SH 36, the speed limit shall be 45 MPH for a distance of 1.888 miles, ending at M.P. 5.082 & South 5th Street.

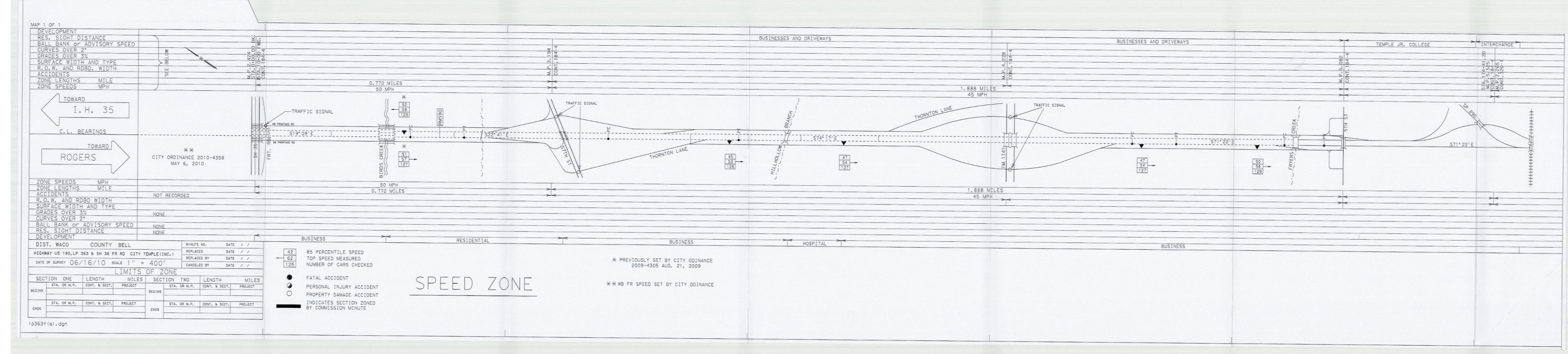
Currently this section of US190/LP363/SH36 frontage road is posted at 30 MPH. TxDOT has determined that the prima facie speed limit shall be 45 MPH.

FISCAL IMPACT: None

ATTACHMENTS:

Map Ordinance





ORDINANCE NO.	
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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, PROVIDING FOR REASONABLE AND PRUDENT PRIMA FACIE MAXIMUM SPEED LIMIT ON THE US190/LOOP 363/SH36 FRONTAGE ROAD WITHIN THE CITY LIMITS; PROVIDING A REPEALER; PROVIDING FOR A PENALTY FOR VIOLATIONS NOT TO EXCEED \$500 FOR EACH VIOLATION; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, an engineering and traffic investigation has been made to determine the reasonable and prudent prima facie maximum speed for motor vehicles on the US190/Loop 363/SH36 frontage road within the city limits;

WHEREAS, these traffic investigations and engineering studies have determined the reasonable and safe prima facie maximum speed limits, as more fully described herein; and

WHEREAS, the City Council has considered the matter and deems it in the public interest to approve these speed limits for the benefit of the citizens for the promotion of the public health, welfare, and safety.

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

<u>Part 1:</u> The City Council finds that the reasonable and prudent prima facie maximum speed limit for vehicular traffic on the US190/Loop 363/SH36 frontage road is as follows:

Starting at M.P. 3.194, proceeding east on the east bound frontage road of US190/LP36/SH36, the speed limit shall be 45 MPH for a distance of 1.888 miles, ending at M.P. 5.082 and South 5th Street.

Part 2: It shall be unlawful for any person to drive or operate a motor vehicle, bicycle, or other vehicle of any kind, whether or not motor powered, on that portion of the roadways described above under the conditions described herein, at a speed greater than is reasonable and prudent under the circumstances then existing, but any speed in excess of the reasonable and prudent prima facie maximum speed limits as set forth in Part 1 hereof shall be prima facie evidence that such speed is not reasonable or prudent and that it is unlawful.

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

<u>Part 4:</u> A person who violates a provision of this ordinance is guilty of a separate offense for each day or portion of a day which the offense is committed, continued, or permitted, and each offense is punishable by a fine not to exceed \$500.

<u>Part 5:</u> If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

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

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

PASSED AND APPROVED on First Reading on the 15th day of July, 2010.

PASSED AND APPROVED on Second Reading on the 22nd day of July, 2010.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger

Jonathan Graham

City Attorney

City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

07/06/10 Item #8 Regular Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

<u>ITEM DESCRIPTION:</u> FIRST READING— PUBLIC HEARING - Consider adopting an ordinance amending Section 37-108, "Parking in Residential Yards," of Chapter 37, "Traffic," of the Code of Ordinances to add several subsections to allow for enforcement by the City's Construction Safety and Services Department.

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.

<u>ITEM SUMMARY:</u> The recent amendments to the Traffic Code did not authorize the City's Code Enforcement Officials to write citations for violations of the Residential Parking regulations. This ordinance allows this additional authority.

FISCAL IMPACT: None

ATTACHMENTS:

Ordinance

ORDINANCE NO.	
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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE. TEXAS, AMENDING CHAPTER 37, "TRAFFIC," OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE, SECTION 37-108, "PARKING IN RESIDENTIAL YARDS," TO ADD SUBSECTIONS TO ALLOW FOR ENFORCEMENT BY THE CITY'S CONSTRUCTION & SAFETY DEPARTMENT: **PROVIDING** REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

<u>Part 1</u>: Chapter 37, "Traffic," of the Code of Ordinances of the City of Temple, Texas, is amended to amend Section 37-108, entitled, "Parking in Residential Yards," to read as follows:

Sec. 37-108. Parking in residential yards.

(a) **Purpose**

The purpose of this section is to regulate parking in the front and side yards of residential property, to preserve the property values and esthetics of neighborhoods, promote traffic safety and prevent damage to public infrastructure.

(b) **Designation of Official**

The superientendent of the department of construction safety and services or his designee is hereby designated and charged with enforcing the regulations against parking in the front and side yards of residential property under this section and shall herinafter be referred to as the "official."

(c) Administration by Code Enforcement Officer

The code enforcement officer is a regularly salaried, full-time employee of the City and is hereby authorized under the direction of the official to administer the procedures for enforcing the regulations against parking in the front and side yards of residential property under this section.

(d) **Right of Inspection**

The code enforcement officer may enter private property to inspect and investigate a vehicle or boat improperly parked in the front or side yard of a residential property, to obtain information to identify the vehicle or boat.

(e) Parking restricted

- (1) A person may not park or allow parking of a vehicle or boat in the actual front yard or actual side yard of a dwelling except on a paved surface (asphalt or concrete) that extends in a contiguous course from an allowed curb cut with a standard drive approach.
- (2) A person may not park or allow parking of a vehicle or boat on a residentially zoned vacant lot except on a paved surface that extends in a contiguous course from an allowed curb cut with a standard drive approach.
- (3) The actual front yard is the area extending from side property line to side property line, between the front façade of the dwelling and the front property line. The actual side yard is the area between the sides of the dwelling and the side property lines, from the front façade to the rear facade of the dwelling.
- (4) In this Section, the term "vehicle" includes a device that can be used to transport or draw persons or property, not only on a highway or street, but also off road, whether or not the vehicle is operable. For purposes of this Section, examples of vehicles include, but are not limited to, an automobile, truck, motorcycle, all-terrain vehicle, golf car or cart, motorhome, camper, trailer, trailer-mounted equipment, wheel-mounted machinery, mower, farm equipment and construction equipment.
 - (5) In this Section, the term "boat" includes personal watercraft.

(f) **Parking orientation**

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

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

(g) Notice to Owner or Occupant to Comply

- (1) Whenever a vehicle or boat is parked in violation of this section within the city limits, a code enforcement official shall provide ten (10) days written notice to abate the parking violation to the owner or occupant of the property or premises.
- (2) The notice to abate shall be sent by certified mail, return receipt requested to the owner or occupant of any property or premises within the city limits on which the violation exists.
 - (3) The notice shall contain:

- (i) An identification of the property, premises or location where the improperly parked vehicle or boat is located;
- (ii) A description of the parking violation that is present on the property, premises or location;
- (iii) A statement that: (I) violation of section 37-108 of the Code of Ordinances, is a Class C misdemeanor punishable by a fine of

up to \$2000.00 per day per violation for which the owner or occupant will be criminally prosecuted; and (II) if the parking violation is not abated within the ten (10) day period, the owner or occupant will be issued a citation and required to enter an appearance on a criminal complaint in the municipal court.

(iv) A statement that if the owner commits another violation of the same kind or nature, the City without further notice may issue a citation against the property owner.

(h) Citation.

(1) The code enforcement officer is authorized to issue a citation to any person who violates a provision of this article.

(2) The citation shall contain:

- (i) An identification of the property, premises or location where the improperly parked vehicle or boat is located;
- (ii) A description of the improperly parked vehicle or boat that is present on the property, premises or location;
- (iii) A statement that violation of section 37-108 of the Code of

Ordinances is a Class C misdemeanor punishable by a fine of up to \$2000.00 per day per violation and that a criminal complaint will be filed for which the person will be required to appear in the municipal court.

(3) The citation shall be delivered:

- (i) personally by hand delivery;
- (ii) by letter addressed to the post office address; or
- (iii) if personal service cannot be obtained or the post office address is unknown:
 - (A) by publication at least twice within ten (10) consecutive days:
 - (B) by posting the notice on or near the front door of each building on the property to which the violation relates;

or

(C) by posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings.

(i) Construction of paved parking surfaces

The following provisions apply to a paved parking surface constructed after June 3rd, 2010, according to a City of Temple aerial photo taken on such date:

- (1) Paved parking surfaces may cover no more than 50 percent of the actual front yard or side yard for a single-family or two-family dwelling.
- (2) Paved parking surfaces may cover no more than 70 percent of the actual front or side yard for a townhome or single-family attached dwelling.
- (3) A paved parking surface may exceed the coverage limitation if necessary to provide a two-car-wide driveway for each dwelling.
- (4) The maximum width of a driveway for a single-family dwelling is 24 feet, measured at the property line. The 24-foot maximum driveway width is increased to 30 feet for a driveway connected to a three-car (or a two-car *plus* golf cart bay) garage with a minimum lot width of 90 feet.
- (5) The minimum driveway depth is 18 feet, measured at the property line, an applicant may request an exception for a lesser depth if there is something extraordinary about the size, shape or topography of a lot..
- (6) The maximum width of each driveway for a two-family dwelling is 24 feet (plus a reasonable flare at the point where the driveway approaches the curb), measured at the property line. The driveways for a two-family dwelling must be at least 5 feet apart.
- (7) A parking surface may be located in front of the primary entrance to a single-family dwelling when:
 - (a) The lot width is 40 feet or less;
 - (b) The parking surface is a curvilinear driveway, or
- (c) The Director of Planning approves an alternative driveway or parking area that accomplishes the purposes of this chapter.
- (d) Representative diagrams showing examples of pre-approved curvilinear driveways are attached to this ordinance as Exhibit "A."

(j) Existing non-erodible parking areas

- (1) A person may park or allow parking of a vehicle or boat on a maintained non-erodible parking area that extends in a continuous course from an allowed curb cut with a standard drive approach, if the driveway or parking area existed on June 3rd, 2010. Non-erodible surfacing includes concrete, asphalt, brick and stone. Gravel, crushed stone and crushed granite are considered non-erodible if bordered by cement curbing or similar permanent border.
- (2) An unpaved driveway that existed before June 3rd, 2010, must be improved to current standards if:
 - (i) The driveway or parking area is expanded;
 - (ii) The size of the dwelling is expanded by more than 10 percent; or
 - (iii) The dwelling is destroyed by more than 60 percent of its value.

(k) Existing erodible parking areas

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

- (a) The parking area extends in a continuous course from an allowed curb cut with a standard drive approach.
- (b) The parking area existed and was in use on June 3rd, 2010.
- (c) The parking area is perpendicular to the front property line.
- (d) The parking area is a maximum of 20 feet wide.
- (e) The parking area is part of a residentially developed lot that does not have a non-erodible, two-car-wide parking area.
- (f) The parking area is not in front of the primary entrance to a single-family dwelling.
- (2) Erodible surfacing includes any material other than the materials listed in (e) (2) above.
- (3) An erodible parking area that existed before June 3rd, 2010, must be improved to current standards set forth in subsection (d) above if:
 - (i) The driveway or parking area is expanded;
 - (ii) The size of the dwelling is expanded by more than 10 percent; or
 - (iii) The dwelling is destroyed by more than 60 percent of its value.

(1) Exceptions

- (1) This Section does not apply in Agricultural Zoning Districts.
- (2) This Section does not apply to properties greater than three acres in area or to parking areas farther than 150 feet from the front property line.
- (3) Temporary vehicle parking associated with construction, landscaping, loading and unloading is exempt from this section if the vehicle is removed within 72 hours of completion of the work.
- <u>Part 2</u>: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.
- Part 3: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.
- <u>Part 4</u>: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.
- <u>Part 5</u>: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **15**th day of **July**, 2010.

PASSED AND APPROVED on Second	Reading on the 5 th day of August , 2010.
	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, MAYOR
ATTEST:	APPROVED AS TO FORM:
Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/15/10 Item #9 Regular Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution appointing members to the following City boards and commissions:

- (A) One member to the Parks and Leisure Services Advisory Board to fill an unexpired term through March 1, 2012
- (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) Danny Dunn resigned from the Parks and Leisure Services Advisory Board on April 14, 2010, when he was declared elected to the position of District 1 City Councilmember. We request the appointment of one Temple resident to fill the unexpired term.

(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.

Krissy has submitted a request to be reappointed to this board. No other names have been submitted from animal welfare organizations to serve on this board.

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

PARKS AND LEISURE SERVICES ADVISORY BOARD

TERM EXPIRATION: MARCH - 3 YEAR TERMS APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Danny Dunn dunndannydunn@aol.com Resigned 4-14-10	02/09	2012	412 West Shell Temple, TX 76501	774-7355 W 760-8320 C
David Rapp revdavidrapp@gmail.com	10/08	2012	4307 Vista Court Temple, TX 76502	254-760-4246 C 774-6999 H
Doug Smith Vice - Chair dougs@papergraphicsltd.com	09/07	2012	18 West Upshaw Temple, TX 76501	773-7391 W 771-1673 H 534-2943 C
Ron Perry Rperry1@farmersagent.com OMA	12/06	2012	3701 Redbud Rd. Temple, TX 76502	774-9976 W 774-9950 H
Charles Stout cstout@vvm.com	02/05	2011	3806 East Drive Temple, Texas 76502	773-5003 H
Paul Erchinger, Chair perchinger@yahoo.com	7/04	2011	706 Livingston Court Temple, TX 76502	780-1359 H 913-7080 C 939-6060 W
Mona Fullmer monasellshomes@aol.com OMA	03/10	2013	4722 Stagecoach Trail Temple, TX 76502	913-6500 W/C 231-3030 H 773-4505 F
David Perez-Guerra davidp@concentusmediagroup.com OMA	09/07	2013	Concentus Media Group 718 S. 17 th St. Temple, TX 76504	742-2007 W 771-1739 F 760-1908 C
Gil Hollie ghollie@hot.rr.com O/OMA	03/10	2013	2425 Hancock Drive Temple, TX 76504	721-7474 H

Created by City Charter, Section 3.28; Ordinance 2133, April 16, 1992-repealed 3-20-08; merged with Convention Center & Tourism Board and recreated under Resolution 2008-5349-R, 3-20-08

Purpose: To advise the City Council and the Director of Parks & Leisure Services Recreation on matters relating to the City's parks, recreational programs, Sammons Golf Course, Frank W. Mayborn Civic & Convention Center and tourism generally.

Membership: 9 members - all residents of the City; to be reduced from the present 13 members by attrition (forfeiture of term, resignation or end of term); Ex-officio members - City Manager, Director of Parks & Leisure Services

Term: 3 years; **Meeting Time/Place:** 2nd Tuesday each month, 11:45 a.m., Mayborn Civic and Convention Center, Parks and Recreation Conference Room.

City Staff: Ken Cicora, Parks & Leisure Services Director

REVISED 03/04/10

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

In e purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

AIRPORT ADVISORY BOARD
BUILDING & STANDARDS COMMISSION
CIVIL SERVICE COMMISSION
ELECTRICAL BOARD
ZONING BOARD OF ADJUSTMENT
LIBRARY BOARD
PLANNING & ZONING COMMISSION
REINVESTMENT ZONE NUMBER ONE
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ANIMAL SERVICES ADVISORY BOARD
BUILDING BOARD OF APPEALS
COMMUNITY SERVICES ADVISORY BOARD
TEMPLE PUBLIC SAFETY ADVISORY BOARD
DEVELOPMENT STANDARDS ADVISORY BOARD
PARKS & LEISURE SERVICES ADVISORY BOARD
TRANSIT ADVISORY COMMITTEE
CENTRAL TEXAS HOUSING CONSORTIUM
TREE BOARD

- If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.
- If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci.temple.tx.us.

Name__Jessica Andrews 1902 S 11th St Temple TX 76504 Residence Address Phone Mailing Address Number(Business) 254-534-3444 (Home) E-Mail Address jla0485@yahoo.com or _Cell Phone Number Fax Number Jessica.andrews@sprint.com_ Temple Resident: __yes____Yes No Currrent Employer/Nature of Business:_ Sprint / Implementation Project Manager 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: _Parks and Leisures_____ What experience and/or educational background do you have that could be applied to community service? I do not have a lot of experience in this field outside of doing a few community service projects, but I have 2 kids and care deeply about the way that Temple is going, and would love to have a part in improving the parks of this town.

Comments (Attach additional page if des	sired):	
Signed: Jessica Andrews	_Date:	_3/1/2010

PLEASE NOTE: All information supplied on this form is public information.

Clydette Entzminger

From: Andrews, Jessica [CK] [Jessica.Andrews@sprint.com]

Sent: Wednesday, March 03, 2010 11:42 AM

To: Clydette Entzminger

Subject: RE: City Board Application Form

Hey Clydette-

I didn't really include much info on my application as to why I think I would be a good fit for this role, so I wanted to elaborate just a bit. I do have 2 small children, so we are constantly trying to find new and exciting things to do around Temple that don't cost too much but can provide good, wholesome entertainment for my kids. It can sometimes be a challenge in Temple. A couple of years ago, I was to the point of wanting to move somewhere else, such as Austin, that constantly has things geared towards family. You can even go to the grocery store in Austin and there is a park that you can take your kids to play at right there! With the addition of the new water park off 5th St, I started to see that Temple, finally, seemed to be moving in the right direction. More activities for families that don't cost an arm and a leg to go do. I try to keep up with what plans the Parks and Leisure's department has for the town, and it seems like we are rapidly trying to increase what we have to offer, with the addition of the new handicapped park at Lion's park, and I know that I received something not too long ago that Temple was trying to improve the Scott and White park, which I think is great. I would love to be apart of the group that helps to make these things happen. I really feel Temple is a great place to live, I just want it to continue going in the right direction for providing our kids a great place to grow up in. I feel like I could bring a lot to the table if I was a part of this committee. Thank you for your time!

Thank you, Jessica Andrews Custom Network Solutions Support Specialist Desk 254.298.7829 Cell 254.534.3444

Sprint - Dedicated to Excellence!

1st in 4G & Business Customer Satisfaction

From: Clydette Entzminger [mailto:centz@ci.temple.tx.us]

Sent: Monday, March 01, 2010 12:25 PM

To: Andrews, Jessica [CK]

Subject: RE: City Board Application Form

Thank you for submitting an application for a City Board appointment. I will be in touch if additional information is required.

Best regards,

Clydette Entzminger City Secretary P O Box 207 Temple, TX 76503-0207

3/3/2010



CITY OF TEMPLE CITY BOARD APPLICATION FORM

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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
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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 Bill BOGUCK Residence Addres Phone Number(Business) Mailing Address (Home) Fax Number Cell Phone Number E-Mail Address Temple Resident: Yes Currrent Employer/Nature of Business: CTSVIACS - SUPE VISIAN What City Boards have you served on before & When? Name, in priority order, the Board of Boards on which you would prefer to serve: Tende Scanonic Dave/ What experience and/or educational background do you have that could be applied to community service? Comments (Attach additional page if desired): Signed:

PLEASE NOTE: All information supplied on this form is public information.

BILL BOGUCKI CTRS 3105 W. AVE, T. Temple, TX 76505 FAX: 743 0028

Cell: 598 9847

E mail: GOWL@clearwire.net

Education: BS U.W. Wis. La Crosse 1980

Employment: Department of Veterans Affairs - 7/17/81 to present

4/21/01 to present Supervisory Recreation Therapist, (Temple/Waco/Austin) 10/1/94 to 4/21/01 Chief of Residential Rehabilitation Therapy Programs

Dayton, Ohio VAMC

2/87 to 10/94 Chief of Recreation Therapy, Phoenix Arizona VAMC

5/86 to 2/87 Management Trainee, Phoenix Arizona VAMC
3/84 to 5/86 Recreation Therapist, Bath New York VAMC
7/81 to 3/84 Recreation Therapist, Danville Illinois VAMC

Additional Information:

OEVOIF Welcome Home Planning Committee

Project Manager, Building Renovation

Standards Development/w/JCAHO for Residential Rehab. Stds. Development

Coordinate four (4) National Chief Education Conferences

Coordinate Decision Support System (DSS) Training

Satellite Education Coordinator, Phoenix VAMC

Past Chair of Patient Education Committee

Past Chair of Space Resource Committee

Instructor, Intro to TR, Arizona State Univ.

Past President Arizona State Therapeutic Recreation Association

Past Chair, National Chapter Affiliate Council, ATRA

My apologies for hand writing application form. Would not accept electronic input on your web sight, only print option.

Sincerely,

Bill Boguck.

Temple

CITY OF TEMPLE

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the City Secretary at 254-298-5301 or centz@ctemple.tx.us.
Name Patsy Cofer Residence Address 43/4 Gazelle Tr/, Temple Tx (254) Mailing Address 43/4 Gazelle Tr/, 7654Phone Number(Business) 7/8-1859 (Home) 254-899-3165
Fax Number <u>254-899-8/65</u> Cell Phone Number <u>254-718-0366</u> E-Mail Address <u>pcofer @ h.t. rr. co</u> m
Temple Resident: Yes No Postmaster 15415 Distributor-Medical Device
Current Employer/Nature of Business: Retired USPOSTAl Service 32yrs Co-owner: The Pain Center
What City Boards have you served on before & When? None
α
Name, in priority order, the Board or Boards on which you would prefer to serve: Civil Service
Commission, Community Services Advisory Board, Parks & Leisure Sus.
Commission, Community Services Advisory Board, Parks + Leisure Svs. What experience and/or educational background do you have that could be applied to community service? As a Post master involved in Community where T served - Board FOR VED. Greenment Service 32 years 15 years 65 Manages
Commission, Community Services Advisory Board, Parks & Leisure Svs. What experience and/or educational background do you have that could be applied to community service? As a Postmaster involved in Community where T served - Board
Commission, Community Services Advisory Board, Parks + Leisure Svs. What experience and/or educational background do you have that could be applied to community service? As a Post master involved in Community where T served - Board FOR VED. Greenment Service 32 years 15 years 65 Manages

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2 PLANNING & ZONING COMMISSION REINVESTMENT ZONE NUMBER ONE 3 TEMPLE ECONOMIC DEVELOPMENT CORP.

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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 WILLIAM B Residence Address 208 SUNDANCE DR CRELIN (Home) 773 3070 Mailing Address SAME Phone Number(Business)_ E-Mail Address WEXRELING) SECOLUBAL Cell Phone Number 624-1135 Fax Number Temple Resident: Currrent Employer/Nature of Business: NUNE What City Boards have you served on before & When? Name, in priority order, the Board or Boards on which you would prefer to serve: PARKS & LEISURE -PLANNING & ZONING COMMISSION . TEMPLE ECONOMIC DEVELOPMENT CORP What experience and/or educational background do you have that could be applied to community service? THIRTY THREE YEARS SERVING AS A MUNICIPAL FINANCE DIRECTOR Comments (Attach additional page if desired): Date:

PLEASE NOTE: All information supplied on this form is public information.

JAN 2 2009

CITY OF TENEFEE, IX CITY SECRETARY

William B. Crelin

208 Sundance Drive

Temple, TX 76502

254-624-1135

RESUME

Finance Director...Chief Financial Officer

Senior manager with extensive strategic administrative and financial planning, treasury and cash flow management experience. Ability to relate to the public. Investment banking and commercial development negotations in background. Implementer of control systems involving multiple projects and locations.

Selected Accomplishments

After dissolution of the Howell Township Municipal Utilities Authority, developed strategies and managed takeover of operations affecting staff and budget reductions. Stabilized water and sewer rates.

Developed and managed Lock Box System of Collections for Water and Sewer Utility System. Reduced man hours from 8 hours to 1 hour to receive and post daily receipts.

Analyzed cash flow projections, determined future cash requirements and invested available funds in various instruments. Improved interest earnings on cash by over 300%.

Researched hardware and software to completely computerize the organization. Wrote all specifications, solicited bids and secured funding approval. Implemented and managed staff and sub-contractors during computer conversion of system.

Developed and designed a system and wrote procedures for a budgeting process for improved forecasting and control.

Negotiated the underwriting of debt securities with financial community investment banking firms.

Established credit card acceptance for Taxes, Sewer, Beach Badge Fees and Dog Licenses at Mantoloking Borough.

Developed and implemented a uniform system of accounts that enabled uniformity of reporting for all divisions.

Researched and purchased employee benefit programs, evaluated bids from major insurers and administered the programs.

Negotiated contract with three labor unions and managed employment agreements.

Managed and invested up to \$90,000,000.00 in available funds on an annual basis. Established a secured computer interface with banking institution to invest on a daily basis increasing interest earnings by 10%.

Developed and instituted a centralized purchasing system combining all departments and services for the Township of Howell and the Borough of Mantoloking,

William B. Crelin Resume Page 2

Employment History

Township of East Windsor May 2003 to March 2005

Finance Director

Mantoloking Borough March 1993 to April 2003

Chief Financial Officer

Tax Collector

Insurance Commissioner

Purchasing Agent

Howell Township June 1990 to July 1993

Chief Financial Officer

Neptune Township November 1972 to May 1990

Chief Financial Officer

Education

Monmouth College

Accounting, 1973

Rutgers University

Certified Municipal Finance Officer, 1976

Certified Tax Collector, 1996

Rutgers University, 1990 - 2005

Continuing Educations Credits Requirements 30 Credits Annually Required by State of NJ

Certified Municipal Finance Officer

Certified Tax Collector

Military

United States Army Honorable Discharge 1968 - 1971



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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CENTRAL TEXAS HOUSING CONSORTIUM
TREE 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. Residence Address 3813 76505 Phone Number(Business) 773-6777 (Home) Mailing Address -5469 Cell Phone Number Temple Resident: Current Employer/Nature of Business *J*USINESS Administration What City Boards have you served on before & Name, in priority order, the Board or Boards on which you would prefer to serve: What experience and/or educational background do you have that could be applied to community service?

 10 YEARS AS BUS Admin of local church trom IX Atm Univ emphasis Comments (Attach additional page if desired)

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Temple

CITY OF TEMPLE

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TRANSIT ADVISORY COMMETTEE
CENTRAL TEXAS HOUSING CONSORTIUM

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	Secretary's Office.	City of Ten	nple PO Box	: 207. Temple :	TX: 76503 or by	fax 254-298-	5637	

Name Dona	d Gold	Residence Address 1214 North 4th Street
Mailing Address	Temple, TX 7	6501 Phone Number (Lieme) 254-773-8346
Cell Phone Norti	er 760-2798	©-Mad Address golddonjoe@yahoo.com
Temple Resider	Y e 5	Na
Curnen: Employ	er.Nature of Busines	ss. retired-age 62-excellent health
What City Board	s have you served o	n before & When?
Little Rock	, AR City Beau	itiful Commission 1980s
Name in priority	order, the Board or	Boards on which you would prefer to serve:
Parks & Le	isure Services	-Animal Services-Library
		l background do you have that could be applied to community service ing/Advertising 1968- Master Social Worker 1991
Retail Appa	rel Chain Owne	er/Operator 1968-1988
Social Work	Counselor (A	ddictions) 1993-2005
Published A	1	f desired) nced Amateur Photographer-good computer skills copywriting & layout)
Alligical pi	aprile Al tist	W Date 6 Feb 2009



CITY OF TEMPLE



CITY BOARD APPLICATION FORM

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

AIRPORT ADVISORY BOARD **BUILDING & STANDARDS COMMISSION** CIVIL SERVICE COMMISSION **CONVENTION CENTER & TOURISM BOARD** ZONING BOARD OF ADJUSTMENT LIBRARY BOARD PLANNING & ZONING COMMISSION REINVESTMENT ZONE NUMBER ONE

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 ECONOMIC DEVELOPMENT CORP. TEMPLE PUBLIC SAFETY ADVISORY BOARD

· If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.

• If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci.temple.tx.us . (Temple)
Name Darlene Smyth, Residence Address 4500 anouhead 76502
Mailing Address Same Phone Number (Business) 50/-0800 (Horne) 54/791-4660
Fax Number Cell Phone Number 421-HO4 E-Mail Address
Currrent Employer/Nature of Business: Teacher - KISD
What City Boards have you served on before & When? Nove
Name, in priority order, the Board or Boards on which you would prefer to serve: Planning + I oning Comm.
Parks + Recreation; Library Board
What experience and/or educational background do you have that could be applied to community service?
Jeaching James Monber of altrusa and women's Club
Comments (Attach additional page if desired):
willing to inest time is development of the lity
Signed: DH Smoth Date: July 9 2008
PLEASE NOTE: All information supplied on this form is public information.

Temple

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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. Residence Address 3108 Oakridge Phone Number(Business) 493-5456 (Home) 254-771-0907 Mailing Address Cell Phone Number 254-493-5456 E-Mail Address DAWN LUXSPRAGUE @ HOTMAIL. Fax Number 254-771-0907 COM Temple Resident: home Currrent Employer/Nature of Business: What City Boards have you served on before & When? Name, in priority order, the Board or Boards on which you would prefer to serve: Development Parks + Leisure What experience and/or educational background do you have that could be applied to community service? B.S. in Advertising from UT, School parent group organizer, TISD Long Runge Planning Group, Have had remodel experience, worked as commercial Comments (Attach additional page if desired): Signed: Date:

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raising two children. I hope to contribute my shills and abilities to improving our community and making it more safe, attractive and fun for its residents and business. I am passionate about equal access, efficiency and raising the quality of life for all Temple Pesidents. Recycling, clean energy, re-use and multi-use are all activities that are important to me. Creative thinking is something I admire and pape to achieve when solving problems.

I look forward to helping Temple in any way I can.

Temple.

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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. Residence Address 300 Name Mailing Address SAME Phone Number(Business) Cell Phone Number 25 | ・ し 1 つ E-Mail Address Fax Number Currrent Employer/Nature of Business:_ What City Boards have you served on before & When? * Am Ma Name, in priority order, the Board or Boards on which you would prefer to serve What experience and/or educational background do you have that could be applied to community service? Home Economics iduant @ Education Comments (Attach additional page if desired): 2002 Date:

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TEMPLE PUBLIC SAFETY ADVISORY BOARD
DEVELOPMENT STANDARDS ADVISORY BOARD
PARKS & LEISURE SERVICES ADVISORY BOARD
TRANSIT ADVISORY COMMITTEE
CENTRAL TEXAS HOUSING CONSORTIUM

- 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 254-298-5837.
- 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.temole.tx.us. Name hochel Residence Address 11110 Inverness. Belton D. White Phone Number(Business) 773-9966 (Home) **Mailing Address** 541-5886 Fax Number 1 1 Cell Phone Number E-Mail Address (OCheleOmeoplo) Ider Temple Resident: Current Employer/Nature of Business: Salesa Marketung Coordinator What City Boards have you served on before & When? Name, in priority order, the Board or Boards on which you would prefer to serve: What experience and/or educational background do you have that could be applied to community service? Lumenty, I am the Sales and Marketung Coordintor for a local hulder as α Comments (Attach additional page if desired):

PLEASE NOTE: All information supplied on this form is public information.

Date

Clydette Entzminger

Subject: FW: Animal Services Advisory Board Meeting-April 12th

From: Krissy Whittington [mailto:KrissyW@FCTTX.com]

Sent: Tuesday, July 06, 2010 3:01 PM To: Clydette Entzminger

Subject: RE: Animal Services Advisory Board Meeting-April 12th

Good Afternoon Clydette,

I am aware that I have forfeited my position on the Animal Advisory Board due to my absence from the 3 consecutive meetings. Should you and the mayor decide to allow me to continue on the board, I would gladly serve.

- - . .

Thank you,

Krissy

7/6/2010



EMPLOYEE BENEFITS TRUST AGENDA ITEM MEMORANDUM

07/15/10 Item #10 Regular Agenda Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Amy M. House, Director of Human Resources

ITEM DESCRIPTION: Conduct a meeting of the City of Temple Employee Benefits Trust to purchase insurance policies for FY 2010-2011 from:

- (A) MetLife for dental insurance;
- (B) Avesis for voluntary vision insurance; and
- (C) Blue Cross/Blue Shield of Texas for medical and prescription insurance.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY:

Dental

The City of Temple Employee Benefits Trust currently provides dental benefits through a fully insured contract with MetLife. The current contract expires on September 30, 2010. The City, on behalf of the Trust, elected to negotiate with MetLife for an extension to the current contract. Initially, MetLife requested a higher increase, but we were able to negotiate a lower amount. Staff recommends that for plan year 2010-2011, the City continue to contribute at the same level as FY 09-10, and employees and retirees who elect to cover themselves and/or their dependents increase their contributions as shown on the rate attachment. The current benefits will remain the same. In addition, as in years past, if employees do not wish to participate in the cost of their dental insurance, they will not be required to purchase the benefit, and the City's contribution will be contributed to their Flexible Spending Account should they choose to have one. Staff recommends that the Trustees authorize a one year contract extension with MetLife for dental benefits.

Voluntary Vision

The City of Temple, on behalf of the Employee Benefits Trust, issued a Request for Proposals (RFP), for Voluntary Vision benefits to be effective October 1, 2010. The City/Trust received responses from Avesis, Block Vision, Eyetopia, Humana, Superior, UnitedHealthcare Specialty, and VSP. Staff recommends that the Trustees award the Voluntary Vision contract for FY 2010-2011 to Avesis. This award has no direct cost to the City since this is a voluntary benefit.

Medical and Prescription

The City of Temple Employee Benefits Trust currently provides medical and prescription benefits through a fully insured contract with the Scott & White Health Plan (SWHP), with employees and under age 65 retirees having three plans from which to choose. The current contract expires on September 30, 2010. The City, on behalf of the Trust, issued an RFP for medical/Rx benefits to be effective October 1, 2010. The Trust received four proposals:

Scott & White Health Plan (fully insured and self-funded)
Blue Cross and Blue Shield of Texas (fully insured and self-funded)
Aetna (fully insured)
Group Pension Administrators (self-funded)

All of the proposals presented significant increases over the current cost and rates to maintain the three (3) current benefit plans. The increases for the fully insured responses ranged from +45.90% to 102.72%. The fully insured alternates ranged from +34.67% to 63.05%.

To have success at "bending" the cost/utilization curve in a favorable manner, to be able to slow the growth of the plan cost, and to be able to maintain and provide a plan or plans that are competitive, fiscally sound, and for the benefits offered by the City to be perceived as a "benefit", Staff recommends that the Trustees accept the proposal from Blue Cross and Blue Shield of Texas to act as the City's Third Party Administrator, provide specific and aggregate-stop loss insurance, to provide all of the core administrative services, and to provide access to medical and pharmacy networks (local, statewide and nationally). Staff recommends that the City purchase specific stop-loss insurance from Blue Cross and Blue Shield of Texas at the \$125,000 per participant per plan year level. Furthermore, Staff recommends that the City purchase aggregate stop-loss insurance from Blue Cross and Blue Shield of Texas at a level of 120% of the expected medical/Rx claims for the plan year.

After consultation with the employee insurance committee, Staff recommends that the City offer two (2) Medical/Rx plans for the employees and under age 65 retirees to elect to enroll themselves and their eligible dependents. The City will contribute the same amount per month per employee under both plans with the employees and under age 65 retirees electing to enroll in the "Base Plan" or the "Buy-Up Plan" based on their specific needs.

ACTION REQUIRED: The Mayor shall recess the Council meeting and convene a meeting of the trustees of the City of Temple Employee Benefits Trust. The Trustees (all Councilmembers) will conduct the business of the Trust as shown on the Trust Agenda including awarding contracts to the various vendors. Once business has been concluded, the Mayor will adjourn the Trust meeting and reconvene the Council meeting. No action is required of the Council on this item. All action is performed by the Trustees.

<u>FISCAL IMPACT:</u> Funding of the contracts awarded by the Trust will be accomplished at a Council meeting in August or September when the budget is adopted. (NOTE: The trust was established in order to eliminate the premium tax that is passed on from the insurance companies.)

07/15/10 Item #10 Regular Agenda Page 3 of 3

Budgeted FY10-11 amount: \$ 54,885 for dental insurance for employees

\$2,292,808 for medical/prescription insurance for employees \$ 130,450 for medical/prescription and dental insurance for

retirees < age 65

ATTACHMENTS:

Tabulations of proposals
Rate sheets for dental and medical/Rx



2010-2011 Plan Year Voluntary Vision Financial/Benefit Analysis

		esis		Vision		etopia		mana		erior		Healthcare		SP
	In-Network	Non-Network	In-Network	Non-Network	In-Network	Non-Network	In-Network	Non-Network	In-Network	Non-Network	In-Network	Non-Network	In-Network	Non-Network
<u>Network</u>	Cole	Vision	Block	Vision	Еує	etopia	Еуе	eMed	Sup	erior	UHC	Vision	V	SP
Exam/Materials Copay	\$10/\$10	Up to \$35	\$10/\$25	Up to \$35	\$10/\$20	None	\$10/\$0	Up to \$30	\$10/\$10	Up to \$37	\$10/\$10	Up to \$40	\$10/\$10	Up to \$45
Frequency														-
Exam/Lens/Frames	12/12/24	12/12/24	12/12/24	12/12/24	12/12/12	None	12/12/24	12/12/24	12/12/24	12/12/24	12/12/24	12/12/24	12/12/24	12/12/24
Standard Lens (12 Mo)														
* Single	100%	Up to \$25	100%	Up to \$25	\$20 Copay	None	100%		100%	Up to \$32	100%	Up to \$40	100%	Up to \$30
* Bifocal	100%	Up to \$40	100%	Up to \$40	\$20 Copay	None	100%		100%	Up to \$46	100%	Up to \$60	100%	Up to \$50
* Trifocal	100%	Up to \$50	100%	Up to \$45	\$20 Copay	None	100%		100%	Up to \$61	100%	Up to \$80	100%	Up to \$65
* Progressive -MBR Cost Max	\$50+20%	Up to \$80	20% Retail	Up to \$80	\$20 Copay	None	Discount		100%	Up to \$84	Up to \$70	None	100%	Up to \$40
* Strach Resistant - MBR Cost M	20% Retail	Up to \$40	20% Retail	20% Retail	\$35 Copay	None	100%		20% Retail	20% Retail	100%	None	20% Retail	None
* Polycarbonate - MRB Cost Max	c20% Retail	Up to \$40	20% Retail	20% Retail	\$35 Copay	None	100%		20% Retail	20% Retail	\$25 Copay	None	20% Retail	None
Frames Allowance	\$100-\$150	Up to \$45	\$125	Up to \$70	\$120	None	\$130	Up to \$65	\$130	Up to \$68	100%	Up to \$45	\$130	Up to \$70
Contact Lenses (12 Mo)														
* Evaluation/Fitting - MRB Cost I	Inc	N/A	Inc	N/A	Inc	None	Inc	N/A	Inc	N/A	Inc	N/A	Inc	N/A
* Elective Allowance	\$130	Up to \$130	\$150	Up to \$80	\$145	None	\$130	Up to \$104	\$120	Up to \$100	\$105	Up to \$105	\$130	Up to \$105
* Medical Allowance	100%	Up to \$250	100%	Up to \$150	\$400	None	100%	Up to \$200	100%	Up to \$210	100%	Up to \$210	100%	Up to \$210
LASIK® Plan	15% Disc	Up to \$150	15% Disc	15% Disc	\$350/Eye	None	15% Disc	N/A	20% Disc	Retail	15% Disc	None	15% Disc	None
Max Allowance Option														
Rates/Cost	Rates	Monthly	Rates	Monthly	Rates	Monthly	Rates	Monthly	Rates	Monthly	Rates	Monthly	Rates	Monthly
Employee Only (393)	\$5.35	\$2,102.55	\$5.80	\$2,279.40	\$6.50	\$2,554.50	\$5.87	\$2,306.91	\$8.98	\$3,529.14	\$5.95	\$2,338.35	\$6.96	\$2,735.28
Employee+Spouse (52)	\$9.36	\$486.72	\$9.90	\$514.80	\$12.00	\$624.00	\$11.15	\$579.80	\$17.78	\$924.56	\$10.97	\$570.44	\$13.92	\$723.84
Employee+Children (93)	\$11.32	\$1,052.76	\$10.50	\$976.50	\$15.00	\$1,395.00	\$11.73	\$1,090.89	\$17.40	\$1,618.20	\$11.49	\$1,068.57	\$14.88	\$1,383.84
Employee+Family (46)	\$13.90	\$639.40	\$15.75	\$724.50	\$25.00	\$1,150.00	\$17.60	\$809.60	\$26.48	\$1,218.08	\$17.20	\$791.20	\$23.78	\$1,093.88
Total Monthly Cost		\$4,281.43		\$4,495.20		\$5,723.50		\$4,787.20		\$7,289.98		\$4,768.56		\$5,936.84



2010-2011 Plan Year Medical/Rx Plan Financial/Benefit Analysis

Fully Insured

	SWHP	SWHP	SWHP	Aetna	Blue Cross	
Active	HDHP [C]	HDHP [R]	HDHP3000	HSA-OA	HSA-Embeded	
Employee (65)	\$198.94	\$278.31	\$257.07	\$338.94	\$413.44	
Employee+Spouse (12) \$483.22	\$676.03	\$624.43	\$823.62	\$1,004.27	
Employee+Children (9)	\$349.41	\$488.82	\$451.51	\$596.53	\$726.18	
Employee+Family (3)	\$595.98	\$833.78	\$770.14	\$1,016.82	\$1,238.61	
Total Monthly	\$14,264.17	\$19,955.27	\$18,432.26	\$43,645.24	\$53,178.90	
Total Yearly	\$171,170.04	\$239,463.24	\$221,187.12	\$523,742.88	\$638,146.80	
Variance to Current		39.90%	29.22%	205.98%	272.81%	
In-Network						
Office Visit Copay	\$30 after Ded	\$30 after Ded	\$30 after Ded	Ded & Coin	Ded & Coin	
Deductible (I)	\$2,500	\$2,500	\$3,000	\$2,500	\$2,500	
Deductible (F)	\$5,000	\$5,000	\$6,000	\$5,000	\$5,000	
Coinsurance %	80%	80%	80%	80%	80%	
Out-of-Pocket (I)	\$5,000 [Incl D]	\$5,000 [Incl D]	\$5,000 [Incl D]	\$5,000	\$5,800 [Incl D]	
Out-of-Pocket (F)	\$10,000 [Inc D]	\$10,000 [Inc D]	\$10,000 [Inc D]	\$15,000	\$11,600 [Incl D]	
Emergency Room	80% after Ded	80% after Ded	80% after Ded	80% after Ded	80% after Ded	
Urgent Care	80% after Ded	80% after Ded	80% after Ded	80% after Ded	80% after Ded	
Pharmacy [R]	\$5/\$20/\$50	\$5/\$20/\$50	\$5/\$20/\$50	\$5/\$15/50%	80% after Ded	
Pharmacy (M)	\$10/\$40/\$100	\$10/\$40/\$100	\$10/\$40/\$100	\$10/\$15/50%	80% after Ded	
Out-of-Network						
Deductible (I)	None	None	None	\$5,000	\$5,000	
Deductible (F)				\$10,000	\$10,000	
Coinsurance %				50%	50%	
Out-of-Pocket (I)				\$4,000	\$10,000	
Out-of-Pocket (F)				\$12,000	\$20,000	



2010-2011 Plan Year Medical/Rx Plan Financial/Benefit Analysis

Fully Insured

	SWHP	SWHP	SWHP	Aetna	Blue Cross	
< 65 Retiree	HDHP [C]	HDHP [R]	HDHP3000	HSA-OA	HSA-Embeded	
Retiree (11)	\$338.19	\$473.12	\$437.01	\$576.18	\$702.85	
Retiree+Spouse (0)	\$483.22	\$1,149.25	\$1,061.53	\$1,400.13	\$1,707.26	
Retiree+Family (0)	\$349.21	\$831.00	\$767.58	\$1,014.08	\$1,234.51	
Spouse Only (1)	\$595.98	\$1,417.44	\$1,309.26	\$1,728.55	\$2,105.64	
Total Monthly	\$4,316.07	\$6,621.76	\$6,116.37	\$8,066.53	\$9,836.99	
Total Yearly	\$51,792.84	\$79,461.12	\$73,396.44	\$96,798.36	\$118,043.88	
Variance to Current		53.42%	41.71%	86.90%	127.92%	
In-Network						
Office Visit Copay	\$30 after Ded	\$30 after Ded	\$30 after Ded	Ded & Coin	Ded & Coin	
Deductible (I)	\$2,500	\$2,500	\$3,000	\$2,500	\$2,500	
Deductible (F)	\$5,000	\$5,000	\$6,000	\$5,000	\$5,000	
Coinsurance %	80%	80%	80%	80%	80%	
Out-of-Pocket (I)	\$5,000 [Incl D]	\$5,000 [Incl D]	\$5,000 [Incl D]	\$5,000	\$5,800 [Incl D]	
Out-of-Pocket (F)	\$10,000 [Inc D]	\$10,000 [Inc D]	\$10,000 [Inc D]	\$15,000	\$11,600 [Incl D]	
Emergency Room	80% after Ded	80% after Ded	80% after Ded	80% after Ded	80% after Ded	
Urgent Care	80% after Ded	80% after Ded	80% after Ded	80% after Ded	80% after Ded	
Pharmacy [R]	\$5/\$20/\$50	\$5/\$20/\$50	\$5/\$20/\$50	\$5/\$15/50%	80% after Ded	
Pharmacy (M)	\$10/\$40/\$100	\$10/\$40/\$100	\$10/\$40/\$100	\$10/\$15/50%	80% after Ded	
Out-of-Network						
Deductible (I)	None	None	None	\$5,000	\$5,000	
Deductible (F)				\$10,000	\$10,000	
Coinsurance %				50%	50%	
Out-of-Pocket (I)				\$4,000	\$10,000	
Out-of-Pocket (F)				\$12,000	\$20,000	



2010-2011 Plan Year Medical/Rx Financial Analysis - "Self-Funded"

Based on 594 Covered EE/Retirees	Scott & White Health Plan	Blue Cross/Blue Shield	Group Pension Administrators
Medical/Rx Fixed Cost			
Administration Fee - PEPM¹	\$35.51	\$35.21	\$36.38
Monthly Cost Annualized Cost Variance	\$21,092.94 \$253,115.28	\$20,914.74 \$250,976.88 -0.84%	\$21,609.72 \$259,316.64 2.45%
Specific Stop-Loss			
Type Level PEPM Rate	12/12 \$75,000 \$71.32	12/12 \$75,000 \$67.25	12/12 \$75,000 \$78.65
Monthly Cost Annualized Cost Variance	\$42,364.08 \$508,368.96	\$39,946.50 \$479,358.00 -5.71%	\$46,718.10 \$560,617.20 10.28%
Aggregate Stop-Loss			
Type Level PEPM	12/12 125% \$5.26	12/12 120% \$5.67	12/12 125% \$3.39
Monthly Cost Annualized Cost Variance	\$3,124.44 \$37,493.28	\$3,367.98 \$40,415.76 7.79%	\$2,013.66 \$24,163.92 -35.55%
Variable [Medical/Rx Claims] Cost			
Expected PEPM Attached PEPM	\$463.43 \$579.29	\$429.45 \$515.34	\$503.56 \$629.45
Monthly Maximum Liablity Annual Maximum Liability Variance	\$344,098.26 \$4,129,179.12	\$306,111.96 \$3,673,343.52 -11.04%	\$373,893.30 \$4,486,719.60 8.66%
Total Fixed Cost + Variable Cost			
Monthly Cost Annualized Cost Variance	\$410,679.72 \$4,928,156.64	\$370,341.18 \$4,444,094.16 -9.82%	\$444,234.78 \$5,330,817.36 8.17%



2010-2011 Plan Year Medical/Rx Financial Analysis - "Self-Funded"

Based on 594 Covered EE/Retirees	Scott & White Health Plan	Blue Cross/Blue Shield	Group Pension Administrators
Medical/Rx Fixed Cost			
Administration Fee - PEPM¹	\$35.51	\$35.21	\$36.38
Monthly Cost Annualized Cost Variance	\$21,092.94 \$253,115.28	\$20,914.74 \$250,976.88 -0.84%	\$21,609.72 \$259,316.64 2.45%
Specific Stop-Loss			
Type Level PEPM Rate	12/12 \$100,000 \$52.14	12/12 \$100,000 \$47.04	12/12 \$100,000 \$60.09
Monthly Cost Annualized Cost Variance	\$30,971.16 \$371,653.92	\$27,941.76 \$335,301.12 -9.78%	\$35,693.46 \$428,321.52 15.25%
Aggregate Stop-Loss			
Type Level PEPM	12/12 125% \$5.26	12/12 120% \$6.20	12/12 125% \$3.46
Monthly Cost Annualized Cost Variance	\$3,124.44 \$37,493.28	\$3,682.80 \$44,193.60 17.87%	\$2,055.24 \$24,662.88 -34.22%
Variable [Medical/Rx Claims] Cost			
Expected PEPM Attached PEPM	\$482.43 \$603.04	\$416.26 \$499.51	\$518.16 \$647.70
Monthly Maximum Liablity Annual Maximum Liability Variance	\$358,205.76 \$4,298,469.12	\$296,708.94 \$3,560,507.28 -17.17%	\$384,733.80 \$4,616,805.60 7.41%
Total Fixed Cost + Variable Cost			
Monthly Cost Annualized Cost Variance	\$413,394.30 \$4,960,731.60	\$349,248.24 \$4,190,978.88 -15.52%	\$444,092.22 \$5,329,106.64 7.43%



2010-2011 Plan Year Medical/Rx Financial Analysis - "Self-Funded"

Based on 594 Covered EE/Retirees	Scott & White Health Plan	Blue Cross/Blue Shield	Group Pension Administrators
Medical/Rx Fixed Cost			
Runoff Administration Fee - PEPM²	\$21.20	\$17.56	\$21.32
Total Cost	\$37,778.40	\$31,291.92	\$37,992.24
Variable [Medical/Rx Claims] Cost 2			
Runoff Claims Liability - PEPM	Did not supply	\$213.28	Did not supply
Total Cost		380,064.96	
Total Fixed + Variable Runoff Cost ²			
Total Cost - PEPM		\$230.84	
Total Cost		\$411,356.88	

<u>Notes</u>

¹ Comprehensive - Includes	Plan Administration
	Network Access
	PBM
	UR/Large Case Mgmt
	Disease/Maternity Mgmt
	COBRA/HIPAA
² Runoff Cost	Administration fee is paid either on a twelve month basis or three month basis after plan termination. Claims are processed for twelve (12) months after termination. Variable claims cost are an inclusive liablilty - this is the maximum that the City would be resonsible for.

City of Temple



Employee Benefits Trust

Dental Plan - 2010-2011 Plan Year Renewal Rate Adjustments

High Plan Actives	Current Rate	<i>Un-Blended</i> Renewal Rate	Increase
Employee Only Employee + Spouse Employee + Children Employee + Family	\$26.13 \$52.66 \$71.08 \$97.61	\$26.65 \$53.71 \$72.50 \$99.56	2.00% 2.00% 2.00% 2.00%
		Un-Blended	1
Low Plan Actives	Current Rate	Renewal Rate	Increase
Employee Only Employee + Spouse Employee + Children Employee + Family	\$11.42 \$22.59 \$28.10 \$40.67	\$11.65 \$23.04 \$28.66 \$41.48	2.00% 2.00% 2.00% 2.00%
		Un-Blended	l
High Plan Retirees	Current Rate	<i>Un-Blended</i> Renewal Rate	Increase
	Current	Renewal	
Retirees Employee Only Employee + Spouse Employee + Children	Current Rate \$26.91 \$54.24 \$73.20 \$100.53	Renewal Rate \$40.20 \$81.03 \$109.36	49.40% 49.40% 49.40% 49.40%
Retirees Employee Only Employee + Spouse Employee + Children	Current Rate \$26.91 \$54.24 \$73.20 \$100.53	Renewal Rate \$40.20 \$81.03 \$109.36 \$150.19	49.40% 49.40% 49.40% 49.40%

CCBS_Temple.MetLife_2010_2011PY_Rates

City of Temple Employee Benefit Trust



Medical/Rx Benefits

) Plan Yeai				Plan Year 2	2010-2011		
			City	Em	ployee			City		Employee	
Plan	Exposure	Rate	Monthly	Rate	Monthly	Exposure	Rate	Monthly	Rate	Monthly	
SWHP-HDHP / BCBS E											
Employee Only	65	\$215.46	\$14,004.90	\$0.00	\$0.00	112	\$333.28	\$37,327.36	\$0.00	\$0.00	
Employee+Spouse	12	\$230.46	\$2,765.52	\$252.76	\$3,033.12	20	\$348.28	\$6,965.60	\$278.04	\$5,560.72	
Employee+Children	9	\$230.46	\$2,074.14	\$118.95	\$1,070.55	12	\$348.28	\$4,179.36	\$130.85	\$1,570.14	
Emplyoyee+Family	3	\$230.46	\$691.38	\$365.52	\$1,096.56	3	\$348.28	\$1,044.84	\$402.07	\$1,206.22	
Retiree Only	11	\$169.10	\$1,860.10	\$169.09	\$1,859.99	14	\$170.00	\$2,380.00	\$186.00	\$2,603.99	
Retiree+Spouse	0	\$169.10	\$0.00	\$652.38	\$0.00	0	\$170.00	\$0.00	\$717.62	\$0.00	
Retiree+Family	0	\$169.10	\$0.00	\$844.08	\$0.00	0	\$170.00	\$0.00	\$928.49	\$0.00	
Spouse Only	1	\$0.00	\$0.00	\$338.19	\$338.19	4	\$0.00	\$0.00	\$372.01	\$1,488.04	
SWHP-CC30 / BCBS B	Buy-Up										
Employee Only	238	\$215.46	\$51,279.48	\$50.63	\$12,049.94	238	\$333.28	\$79,320.64	\$55.69	\$13,254.93	
Employee+Spouse	27	\$230.46	\$6,222.42	\$415.89	\$11,229.03	27	\$348.28	\$9,403.56	\$457.48	\$12,351.93	
Employee+Children	81	\$230.46	\$18,667.26	\$236.91	\$19,189.71	81	\$348.28	\$28,210.68	\$260.60	\$21,108.68	
Emplyoyee+Family	43	\$230.46	\$9,909.78	\$566.71	\$24,368.53	43	\$348.28	\$14,976.04	\$623.38	\$26,805.38	
Retiree Only	29	\$169.10	\$4,903.90	\$284.61	\$8,253.69	29	\$170.00	\$4,930.00	\$313.07	\$9,079.06	
Retiree+Spouse	5	\$169.10	\$845.50	\$932.95	\$4,664.75	5	\$170.00	\$850.00	\$1,026.25	\$5,131.23	
Retiree+Family	2	\$169.10	\$338.20	\$1,190.07	\$2,380.14	2	\$170.00	\$340.00	\$1,309.08	\$2,618.15	
Spouse Only	4	\$0.00	\$0.00	\$453.71	\$1,814.84	4	\$0.00	\$0.00	\$499.08	\$1,996.32	
SWHP-HMO25											
Employee Only	47	\$230.46	\$10,831.62	\$230.42	\$10,829.74						
Employee+Spouse	8	\$230.46	\$1,843.68	\$889.06	\$7,112.48						
Employee+Children	3	\$230.46	\$691.38	\$579.08	\$1,737.24						
Emplyoyee+Family	0	\$230.46	\$0.00	\$1,150.28	\$0.00						
Retiree Only	3	\$169.10	\$507.30	\$528.11	\$1,584.33						
Retiree+Spouse	0	\$169.10	\$0.00	\$1,524.47	\$0.00						
Retiree+Family	0	\$169.10	\$0.00	\$1,919.63	\$0.00						
Spouse Only	3	\$0.00	\$0.00	\$697.21	\$2,091.63						
Monthly Total	594		\$127,436.56	;	\$114,704.46	594		\$189,928.08	3	\$104,774.79	
Annual Total			\$1,529,238.72	!	\$1,376,453.52			\$2,279,136.96	3	\$1,257,297.49	
City + Employee Annua	al			\$2,905,692.2					3,536,434.45		
,				. ,					3,600,000.00		