



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3RD FLOOR CONFERENCE ROOM

THURSDAY, AUGUST 5, 2010

3:30 P.M.

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, August 5, 2010.
2. Discuss preliminary FY 2010-2011 budget.
3. Discuss the City's purchasing procedures relating to annual contract renewals.
4. Discuss upcoming appointments to various City boards and commissions.

5:00 P.M.
MUNICIPAL BUILDING
2 NORTH MAIN STREET
CITY COUNCIL CHAMBERS – 2ND FLOOR
TEMPLE, TX
REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PUBLIC COMMENTS

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

III. BUDGET ITEMS

3. [2010-6062-R](#): PUBLIC HEARING – Conduct a final public hearing and consider adopting a resolution approving the 2010-2015 Community Development Block Grant (CDBG) Five Year Consolidated Plan, and the 2010-2011 CDBG Annual Action Plan, including the funding recommendations for public service agencies from the Community Services Advisory Board.
4. (A) PUBLIC HEARING - Receive presentation by the City Manager and conduct a public hearing on the [proposed 2010-2011 operating budget](#).
(B) [2010-6063-R](#): Discuss proposed tax rate and consider adopting a resolution scheduling the adoption of the proposed tax rate for September 2, 2010.

IV. 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 15, 2010 Special Called and Regular Meeting](#)

Contracts, Leases & Bids

- (B) [2010-6064-R](#): Consider adopting a resolution authorizing a construction contract with Horseshoe Construction Inc., of La Porte for the second group of the 2010 Wastewater Line Replacement Projects in the amount not to exceed of \$1,044,660 which includes the replacement of wastewater lines along Valley View Drive and French Avenue to Adams Avenue from North 4th Street to North 12th Street and declaring an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations.
- (C) [2010-6065-R](#): Consider adopting a resolution authorizing a professional services agreement with Bury+Partners, Inc. for engineering services, including design, surveying, easement acquisition, bidding, and construction administration required to implement the Pea Ridge Lift Station Rehabilitation Project in an amount not to exceed \$142,000 and declaring an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations.
- (D) Consider adopting a resolution authorizing the following two contracts related to asbestos abatement of the Hawn Hotel:
1. [2010-6066-R](#): Construction contract with ARC of Waco for the removal of asbestos-containing materials in the amount of \$120,240, and
 2. [2010-6067-R](#): Professional services agreement for asbestos air monitoring services with Austin Environmental, Inc. of Bryan in an amount not to exceed \$35,000.
- (E) [2010-6068-R](#): Consider adopting a resolution authorizing a construction contract with Temple Heat & Air for replacement HVAC units at three locations in the amount not to exceed \$93,667.13
- (F) [2010-6069-R](#): Consider adopting a resolution authorizing the purchase of one front loading refuse truck through the BuyBoard from Rush Truck Center in the amount of \$223,428.53.
- (G) [2010-6070-R](#): Consider adopting a resolution authorizing an agreement with Norman Jolly, P.C., attorney at law to provide legal services to the City of Temple.

Ordinances – Second and Final Reading

- (H) [2010-4370](#): SECOND READING – Consider adopting an ordinance establishing the prima facie speed limit on the US 190/LP363/SH36 frontage road, within the City limits.

- (I) [2010-4371](#): SECOND READING — 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.

Misc.

- (J) [2010-6071-R](#): Consider adopting a resolution abandoning 352.50 feet of a 10 foot wide utility easement on the north side of Marlandwood Road, starting at the northeast corner of Lot 2, Block 1, Deyoe Addition (990 Marlandwood Road) and extending South 72 degrees 59 minutes 10 seconds East to the intersection of Outblocks 678-E, 682-D, and 678-D.
- (K) [2010-6072-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2009-2010.

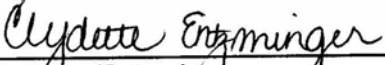
V. REGULAR AGENDA

ORDINANCES

6. [2010-4372](#): FIRST READING – PUBLIC HEARING – Consider adopting an ordinance establishing school crosswalks and setting speed limits within school zones to conform to school schedules.
7. [2010-4373](#): FIRST READING – PUBLIC HEARING - Consider adopting an ordinance authorizing an amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2010 to allocate \$134,601 of additional funds for general engineering services, to allocate \$39,205 to fund contract amendment #1 for the 2022 Master Plan Phase II, to allocate funds related to the 2009 bond refunding transaction, and for FY 2010-2022 to reduce debt service payments due to the 2009 bond refunding.

***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 11:55 AM, on July 30, 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

08/05/10
Item #3
Regular Agenda
Page 1 of 4

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: PUBLIC HEARING – Conduct a final public hearing and consider adopting a resolution approving the 2010-2015 Community Development Block Grant (CDBG) Five Year Consolidated Plan, and the 2010-2011 CDBG Annual Action Plan, including the funding recommendations for public service agencies from the Community Services Advisory Board.

STAFF RECOMMENDATION: Conduct public hearing and adopt resolution as presented in item description.

ITEM SUMMARY:

Five Year Consolidated Plan for 2010-2015

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

2010-2011 Annual Action Plan and Budget

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

FY 2010-2011 CDBG in Texas

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

Other Recent CDBG Grant Amounts

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

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

The proposed allocation of funds is as follows:

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

The presentation and first public hearing for the proposed 2010-2015 Five Year Consolidated Plan and proposed 2010-2011 Annual Action Plan was held on June 17, 2010 and was followed by a 30-day public comment period. Comments were received from three agencies regarding the public services agency allocation (See Attachment). The Community Services Advisory Board met on July 21, 2010 to address the comments received. The board's revised recommendations are included below.

Public Services - \$78,344

The Community Services Advisory Board (CSAB) spent many hours over several meetings sifting through the 9 requests (See Attachment) totaling \$204,851 while debating the merits of each agency

and the needs of the community. It is recommended the City Council allocate \$78,344 to 5 agencies as follow:

1. Bell County Human Services (Temple HELP Center) \$12,200
2. Families in Crisis, Inc. \$19,400
3. Family Promise of East Bell County Inc. \$12,900
4. Hill County Community Action Association (Meals on Wheels) \$15,000
5. Temple Independent School District \$18,844

Infrastructure Improvements - \$172,534

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

Public Facilities and Improvements - \$200,000

The following activities will be carried out within the boundaries of Ave. F to Ave. H from 7th Street to 11th Street to provide shelter and transitional facilities/housing for the homeless population:

Acquisition - \$150,000

Real property will be acquired within the boundaries of Ave. F to Ave. H from 7th Street to 11th Street in support of the shelter/facilities. It is recommended that \$150,000 be allocated from 2010 CDBG funds.

Demolition - \$50,000

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

Residential Accessibility - \$20,000

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

Administration - \$111,920

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

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

ATTACHMENTS:

2010-2015 Five Year Consolidated Plan - provided as separate file

2010-2011 Annual Action Plan - provided as separate file

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

2010-2011 CSAB meeting minutes - provided as separate file

Public Comments - provided as separate file

Analysis of Impediments to Fair Housing - provided as separate file

Resolution - provided as separate file



COUNCIL AGENDA ITEM MEMORANDUM

08/05/10
Item #4(A)-(B)
Regular Agenda
Page 1 of 4

DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager
Traci Barnard, Director of Finance

ITEM DESCRIPTION: (A) PUBLIC HEARING - Receive presentation by the City Manager and conduct a public hearing on the proposed 2010-2011 operating budget.

(B) Discuss proposed tax rate and consider adopting a resolution scheduling the adoption of the proposed tax rate for September 2, 2010.

STAFF RECOMMENDATION: (A) Receive presentation and conduct public hearing. Final action is to be taken by the Council at their September 2nd meeting; (B) Adopt resolution as presented in item description.

ITEM SUMMARY: (A) **Budget- Public Hearing** - The City Manager's recommended budget was filed in accordance with the City Charter on June 25, 2010. Council has met for budget related work sessions on July 1st and 15th.

This is the initial public hearing on the proposed 2010-2011 budget, and complies with the State and Charter requirements that must be met before the budget can be adopted by the Council. A supplemental second public hearing on the budget will be conducted at the September 2nd Council meeting, prior to budget adoption.

(B) Proposed Tax Rate – Resolution setting date for adoption - The proposed tax rate will be presented and discussed at the 5:00 pm meeting, prior to adoption of a resolution scheduling the adoption of the proposed tax rate for September 2nd.

These proposed meeting dates and publication schedules comply with the Truth-In-Taxation requirements set forth in Senate Bill 18 adopted by the 79th Legislature and the City Charter.

FISCAL IMPACT:

(A) Budget: The proposed FY 2011 budget filed on June 25, 2010, totaled \$96,996,740 for all funds (expenditures/transfers).

Expenditures/Transfers	Adopted Budget FY 2010	Proposed Budget FY 2011	% Increase/ (Decrease)
General Fund	\$ 54,717,771 ⁽¹⁾	\$ 54,861,185 ⁽²⁾	0.26%
Water & Wastewater Fund	26,369,924	26,489,243	0.45%
Debt Service Fund	8,534,733	7,914,745	-7.26%
Hotel/Motel Tax Fund	1,231,250	1,260,750	2.40%
Federal/State Grant Fund	515,539	615,438	19.38%
Drainage Fund	999,373	1,199,873	20.06%
Reinvestment Zone No. 1 Fund	3,364,783	4,655,506	38.36%
Total Expenditures/Transfers	\$ 95,733,373	\$ 96,996,740	1.32%

⁽¹⁾ Includes \$1,414,024 in Capital (\$1,362,243) and TEDC Matrix allocation (\$51,781) funded with Undesignated Fund Balance - Capital Projects

⁽²⁾ Includes \$2,003,824 in Capital (\$995,000); TEDC Matrix allocation (\$295,068); Strategic Investment Zone (\$85,000); and Self Insurance Start Up Cost (\$628,756) funded with Undesignated Fund Balance - Capital Projects

Changes from the preliminary budget filed on June 25, 2010 to the proposed budget as presented August 5, 2010, assuming a proposed tax rate of 56.79¢. Changes are as follows:

General Fund:

	Proposed Budget		Increase (Decrease)
	Filed Copy as of 6-25-10	Current as of 8-5-10	
Projected Revenues	\$ 52,857,361	\$ 52,857,911	\$ 550 ^A
Proposed Budget Expenditures	54,762,745	54,763,295	550 ^B
Excess Revenues Over (Under) Expenditures	(1,905,384)	(1,905,384)	-
Transfers In (Out):			
Less: Transfer Out To Debt Service Fund [Energy Program]	(98,440)	(98,440)	-
Total Transfer In (Out)	(98,440)	(98,440)	-
Excess Revenues Over (Under) Expenditures for FY 2011	\$ (2,003,824)	\$ (2,003,824)	\$0.00
Recommended Use of Undesignated Fund Balance-Capital Projects			
-Capital Equipment Funding	\$ 995,000	\$ 995,000	\$ -
-TEDC Matrix Funding	295,068	295,068	-
-Strategic Investment Zone Funding	85,000	85,000	-
- Self Insurance Start Up Cost	628,756	628,756	-
	\$ 2,003,824	\$ 2,003,824	\$ -

General Fund (continued):

Explanation of Changes from Filed Budget to Proposed Budget @ 8/5/2010:

^A **Revenue Changes:**

Required adjustment from preliminary to certified roll	\$ 550
Total Revenue Changes	\$ 550

^B **Expenditure Changes:**

Increased contingency for fuel (offset for property tax adjustment)	\$ 550
Increased electric utilities in Recreation - transfer from Parks	32,800
Decreased electric utilities in Parks - transfer to Recreation	(32,800)
Total Expenditures Changes	\$ 550
Net Revenue Over (Under) Expenditures	\$ -

Debt Service Fund:

Explanation of Changes from Filed Budget to Proposed Budget @ 8/5/2010:

^A **Revenue Changes:**

Required adjustment from preliminary to certified roll	\$ (2,300)
Increased line item for penalty and interest (offset for property tax adjustment)	2,300
Total Revenue Changes	\$ -

^B **Expenditure Changes:**

Total Expenditures Changes	\$ -
Net Revenue Over (Under) Expenditures	\$ -

(B) Tax Rate: The proposed tax rate for FY 2011 is 56.79¢. This rate is comprised of two components, maintenance and operations (M&O) of 33.00¢ and the interest & sinking (I&S) rate of 23.79¢. The proposed tax rate represents a 1.10% decrease below the effective tax rate of 57.42¢. The current FY 2010 tax rate is 56.46¢.

	2010	2011	+/-
I & S Rate	0.2473	0.2379	-0.0094
M & O Rate	0.3173	0.3300	0.0127
Total Rate	0.5646	0.5679	0.0033

The effective tax rate is the calculated rate that would provide the same amount of revenue received in the previous year on properties taxed in both years.

Note: The tax rate proposed in the budget document filed on June 25, 2010 was 56.46¢. The rate was developed based on estimates. Subsequent to the budget filing, staff received the Certified Roll and the Effective Tax Rate calculations.

ATTACHMENTS:

[FY 2010-2011 Budget Message](#)
[Tax Rate](#)
[Resolution](#)

June 25, 2010



Honorable Mayor and City Council,

I am pleased to present the Preliminary Fiscal Year 2010-2011 Budget for the City of Temple totaling \$96,996,740 for all funds. Of this amount, \$91,034,522 is proposed for the operations and maintenance budget which includes debt service and transfers and \$5,962,218 is proposed for routine capital for the general operating budget which includes equipment and public infrastructure projects. As in previous years, the FY 2011 Preliminary Budget is a balanced budget under the policies and parameters discussed in earlier planning sessions with the City Council.

Budget Development & Background

Budget Process- The framework for the development of this budget continued to be very similar to previous budgets. Planning and work for this budget began in late 2009 with the City Manager working on timelines and issue identification. Through late 2009 and early 2010, the Manager worked with Finance to develop the budget calendar and process for the FY 2011 Budget.

In early February, City Manager and Finance staff met with Departments to identify issues for the upcoming budget and conduct a status review of current year budget and performance indicators.

In mid February, the City Council met to review the budget calendar and parameters and receive information regarding potential budget issues identified by staff. In March, City Council met to review and, as might be needed, update the City's strategic plan, "Temple Tomorrow: Strategic Vision and Plan". This plan establishes the mission and vision of the City, identifies four major areas of focus, and establishes the City's goals and objectives. The areas of focus identified in the Plan are: Grow the Tax Base, Grow Health and Bioscience, Grow the Transportation Infrastructure, and Grow Community Enhancements. These focus areas and their associated goals and objectives guided the development of the FY 2011 Preliminary Budget.

From February through the delivery of this Preliminary FY 2011 Budget, staff has worked countless hours on preparing, reviewing, researching and responding to questions from Finance and the Manager relating to the programs and services this Preliminary Budget recommends.

Budget Approach- The FY 2011 Budget continues the 'activity-based' perspective began in FY 2010. Each Department was asked to identify each and every activity that they provide. They were also asked to identify the cost for providing each activity. This 'activity-based' approach allows for better identification of the services and service levels that we provide. While this approach serves our processes well during any budget process, I believe the approach is particularly helpful in times where resources are challenged.

Budget Challenges- The national recession continues to have an impact on our local economy and has impacted the development and content of this Preliminary FY 2011 Budget. Temple's diverse economy has proved more stable than many, but our community is not immune from the current recession and the challenges resulting from such. Sales Tax revenue, our single largest source of revenue for the General Fund, has experienced declines in both FY 2009 and FY 2010. Overall budgeted revenues in the General Fund were down 3.15% from FY 2009 to FY 2010. Accordingly, FY 2011 General Fund budget forecasts overall budgeted revenues down 0.84% as compared to FY 2010 Adopted Budget.

Property tax revenue, the second major source of revenue for the General Fund, has also been impacted. While we have seen some upward movement in our new construction activity, and our overall values have held relatively well, we have seen property tax revenues flatten somewhat. Overall budgeted revenues for property tax revenues for the past couple of fiscal years has been flat and our forecast for the FY 2011 budget is the essentially the same.

As a result of these revenue forecasts, and a directive to maintain the tax rate, Departments were asked to 'hold the line' for FY 2011. 'Hold the line' meant we were to strive to maintain current service levels within existing budgeted resources. While certainly affected by the recession, the City of Temple continues to be in a strong financial position due to conservative budgeting practices, our diverse economy, strong bond ratings, and healthy fund balances.

Budget 'Fence Posts'- This year's budget, as with every budget I have presented you, has been developed within the framework of the strategic plan priorities adopted by the City Council and the budget parameters, or 'fence posts', that were briefed to the Council at the February 18 and May 20, 2010 work sessions. Those 'fence posts' are:

1. Maintain fiscal soundness;
2. Maintain the tax rate;
3. Align strategic, financial & tactical plan;
4. Focus on core missions and activities.

Significant Budget Highlights

With this background, I would like to highlight a few areas of general priority and significant issues addressed in the FY 2011 Preliminary Budget.

Property Tax Rate- A primary 'fence post' for the development of the FY 2011 Preliminary Budget, as in past budgets, has been the maintenance of the existing tax rate. As in year's past, 'maintaining the tax rate' has meant that the tax rate proposed would be within 2.99% of the effective tax rate calculation for the upcoming fiscal year. Thus, the preliminary tax rate for FY 2011 is proposed at 56.46¢ per \$100 valuation. This rate is based on a preliminary appraisal of \$3,221,022,514 (net taxable value not adjusted for frozen values). The tax rate is comprised of two components, the Maintenance and Operations rate (M&O) and the Interest Sinking rate (I&S). This year's proposed tax rate is 32.87¢ for the M&O rate and 23.59¢ for the I&S rate.

The following chart presents the components of the total proposed tax rate for FY 2011 and the actual tax rate for the past two years.

TAX RATE BY FUND	Fiscal Year 08-09	Fiscal Year 09-10	Fiscal Year 10-11	RATE CHANGE
General (M&O)	33.22¢	31.73¢	32.87¢	1.14¢
Debt (I&S)	22.73¢	24.73¢	23.59¢	(1.14¢)
TOTAL (Per \$100 Valuation)	55.95¢	56.46¢	56.46¢	0.00¢

The certified appraisal roll for Ad Valorem taxes will not be available from the Appraisal District of Bell County until late July. Therefore, the proposed tax rate is based on assumptions and may require adjustments prior to the final adoption of the budget to reflect the current parameters set forth by Council.

Property tax is a significant source of revenue for the City. In FY 2011, property tax accounts for 20.56% of the General Fund budgeted revenues and is the second largest revenue source of the General Fund.

Sales Tax Revenue- Like property tax, sales tax revenue is a significant source of revenue for the City. In FY 2011, sales tax is projected to account for 28% of the General Fund budgeted revenues, and is the single largest revenue source of the General Fund. The City of Temple has historically, over the last five years, experienced a 4.08% average annual growth rate in sales tax revenue. The fact that sales tax revenue is closely associated with the general economy means that the slowing of the economy has also resulted in a decline in sales tax revenue. Actual sales tax revenue received by the City for the months of October 2009-May 2010 totals \$10,155,765 dollars, which represents a 1.66% decline from the same time period as prior year and is projected to be 2.05% below budgeted revenue levels. Sales Tax revenue is budgeted at \$14,800,000, a decrease of 3.27% compared to the FY 2010 adopted budget of \$15,300,000.

Sammons Golf Course- The FY 2011 Preliminary Budget proposes to invest the \$350,000 approved by voters in the General Obligation Bond election in November 2007 for golf course improvements in two primary areas: 1) re-surfacing all 18 greens and 2) upgrading the irrigation system for the golf course. These improvements are critical to our long term success in providing golf recreation to our residents.

Additionally, we are going to look at re-designing the course to add much needed length options as well as to improve the overall playing experience for our patrons. In concert with the greens re-surfacing and the irrigation system improvements, the new design and layout should present a remarkable transformation for Sammons Golf Links.

The timing and execution of these improvements is just as critical as the improvements themselves. In order to minimize impacts on play and budget, these improvements are scheduled to begin late in January and will be in concert with a public works project, Bird Creek Wastewater Line Phase 1, which will also impact the golf course.

These improvement projects will require the closure of the golf course in January for a minimum of six months. The FY 2011 Preliminary Budget reflects both the decreased revenues and expenditures associated with this closure.

Street Maintenance- Temple maintains 942 lane miles of streets and paved alleys. In FY 2010, Temple's Street Department completed a year-long comprehensive Pavement Condition Assessment ('PCA') for all city streets and alleys. (State maintained roads were not included in the assessment.) The PCA found the overall condition of our streets to be in good condition. The PCA also found significant challenges ahead for the City to maintain the overall good condition of the majority of our streets. However, among the findings in the PSA were that over 88% of streets exhibit surface cracks. Surface cracks are an 'early warning indicator' that the street is beginning to fail and that more immediate maintenance should occur. Deferred maintenance will consequently have a detrimental effect on pavement life and subsequently require increased costs to repair or reconstruct streets in order to sustain them in good condition.

The report recommends, among other things, a comprehensive street maintenance program that includes several more aggressive maintenance approaches including activities such as crack seal, seal coat, overlay, and reconstruction. Routine and preventative maintenance strategies such as crack seal and seal coat provide an extended pavement life at a cost that is far less than street rehabilitation and reconstruction. The recommended comprehensive strategy includes establishing a year round crack seal program and enhancing the annual seal coat and overlay program. The goal of the maintenance strategy is to get arterials, collectors and locals on 30, 36, 45 year overlay cycles, respectively, by implementing a systematic crack seal and seal coat program.

We have not been, and this budget does not propose, funding street maintenance at a level which will provide sustainable infrastructure. Current revenues and available resources simply do not allow for such. However, the FY 2011 Preliminary Budget does recommend a phased multi-year approach to achieve the recommended maintenance strategy. The first phase of that strategy, and included in the FY 2011 Preliminary Budget, is the establishment of a five member year-round crack sealing crew at a cost of \$211,806. This crew will be able to crack seal city streets at the frequency level recommended by the Pavement Condition Assessment Report. Under this multi-phase approach, a reduced seal coat program will also be funded this fiscal year but full funding of the seal coat program and funding for the overlay program will be deferred to upcoming years.

Our Primary Asset: Our People- You have heard me say many times that our most important asset isn't our brick and mortar, it isn't our trucks, it isn't our tools...it is our people. The City of Temple is a service based organization and our people are our number one asset. What we are and the priority we place on our people doesn't change with the economy. However, personnel-related expenditures are also our largest category of expenses and, as such, one of the most significant impacts that can be made to align our expenditures with our available resources is in this area. As a result, the strategic hiring freeze implemented during the latter part of FY 2009 is continued in the FY 2011 Preliminary Budget. Also consistent with prior year, the FY 2011 Preliminary Budget includes no compensation adjustments for general government employees, other than step increases for civil service employees in police and fire.

On a related note, I am also not recommending funding levels to outside agencies that the City funds or supports at a level that includes pay increases for the employees of those organizations. I believe it to be poor policy, and simply wrong, for the City to participate in funding pay increases for organizations we support while not providing pay increases for our own people. Accordingly, I will not support funding levels for outside agencies that provide for pay increases such as the Tax Appraisal District, Temple Economic Development Corporation, Bell County Communications, the Bell County Health District, or the HOP.

Health Insurance. The offering of group health insurance is a key and critical benefit for the organization. While fully cognizant of the national policy debate, we must also be mindful of the day to day impact health care has on our people. The City has generously provided for a group health insurance plan for many years. The plan design has been modified many times over the years, with the most recent plan offering to include a 'base plan' and 'buy up plans'. The current plans provide for co-pays and deductibles to be met, one of the cost sharing components built in to the plan designs.

As we do each year, we go through a process for competitive bidding for our health insurance business. The proposals received this year, on providing the same coverages, proposed a 42% increase in costs.

In addition, the proposal asked for a self-funded plan option. After receiving the bids, I asked Finance and the employee health insurance committee to focus on one path regarding our health insurance benefit. I asked both to begin working toward a plan that would allow the City, and the employees, to take greater ownership and management of our health insurance benefit. I asked them to look toward creating a self funded plan.

There are many things a self funded plan is not. A self funding plan approach will not eliminate future cost increase to the City or to employees... a self funding plan approach will not be without some risk...a self funding plan approach is not the answer to all our health insurance issues. A self funding plan approach is simply one of the strategies that I believe we need to employ over the next several years to gain better control and management over health costs and plan design and approach.

While I don't know what the federal government's ultimate executable plan is with regard to health care, I do believe that neither our organization nor our employee's should rely upon it. We need, to the extent our resources and the law will allow, to take better control of our own destiny with regard to our health care. One component in the equation to do this, I believe, is self funding.

The FY 2011 Budget proposes to fund the first year of start up costs for the self funded plan by using a portion of the unallocated fund balances in each of the major funds. The projected ending fund balance of the General Fund will be within the range of the end-of-year fund balance for the past 5 years. It is my intent that this funding mechanism being used only this year and that remaining years will see both a decline in funding needs as well as other revenue sources for funding it.

I look forward to the discussion and further direction on this issue. It is one of prime importance to our employees and to me. Whatever the outcome of those discussions and the course we chart, we must be cognizant of the fact that we, both the organization and the employee, must resolve to work together in order to continue to offer this significant and key benefit.

One key benefit area that is not being impacted by our constrained revenue situation is the employee retirement fund. Thanks to the work and strategies that began in the FY 2009 Budget, and the work of TMRS in this Legislative Session, funding and benefits for the third year of an eight year plan are being recommended. Substantial work still remains ahead in coming budget years to insure both benefit and funding levels are sustainable, but the presence of our City Attorney on the TML Advisory Board relative to TMRS issues should position us well to both advocate and impact the process.

Highlights by Fund

General Fund Revenues- Total revenues for the FY 2011 General Fund Budget are presented at \$52,857,361, a decrease of 0.84% compared to the FY 2010 adopted budget.

The three largest sources of revenue for the General Fund are sales tax, property tax, and solid waste charges. As mentioned above, sales tax is the single largest source of revenue for the General Fund and is projected to account for \$14,800,000 and 28% of budgeted revenues. This represents a 3.27% decline from the FY 2010 sales tax revenue adopted budget of \$15,300,000.

Property tax revenue is the second largest source of revenue for the General Fund and is projected to account for \$10,866,754 and 20.56% of budgeted revenues. This represents a 3.12% increase from the FY 2010 property tax revenue adopted budget of \$10,537,550. FY 2011 property tax revenue will be generated from a proposed tax rate of 56.46¢ per \$100 valuation.

Charges associated with solid waste services represent the third largest source of revenue for the General Fund and are projected to account for 15.43% of total General Fund revenues. \$8,154,636 in solid waste revenue is projected for FY 2011, representing a 1.92% increase from the FY 2010 solid waste revenue adopted budget of \$8,001,139. These revenues are based on rates that remain unchanged from current year.

General Fund Expenditures- Total expenditures for the FY 2011 General Fund Budget are presented at \$54,861,185, an increase of 0.26% compared to the FY 2010 adopted budget.

Several service level adjustments and cost containment strategies implemented in FY 2010 are proposed to continue in the FY 2011 Preliminary Budget including the aforementioned strategic hiring freeze and no compensation adjustments for general government employees. Additionally, parks mowing and vacant lot mowing frequency reduction, custodial services frequency reduction, suspension of legislative consulting services, closure of the Clark swimming pool, and reduction in Walker pool hours of operation. While the FY 2011 Preliminary Budget also continues a reduced service level for street maintenance, the FY 2011 Preliminary Budget does propose a shift in program expenditures and the adoption of a multi-year plan for street maintenance. These adjustments allow us to continue provision of comparable levels of services to our citizens but do so within the confines of the revenues available.

As also previously mentioned, as a result of flat or declining revenues due to the effects of the economic recession, Departments were asked to 'hold the line' for FY 2011. This resulted in no major new programs or service enhancements being proposed for FY 2011, with the exception of the year round crack sealing crew in Streets.

In addition to 'holding the line' for services provided directly by the City, the FY 2011 Proposed Budget for funding provided to Public Service Agencies ('PSAs') is also proposed to be maintained at a comparable level as compared to FY 2010. As you are aware, the PSAs provide much needed services to the community and our support to them 'leverages' their resources with ours. It is a 'win-win' situation. However, just as City departments have been impacted by constrained resource levels, the recommended funding levels for our PSAs in this Proposed Budget are also impacted. The FY 2010 adopted budget included \$571,516 in funding to twelve public service agencies. In FY 2011, twenty public service agencies requested \$909,450 in funding. The FY 2011 Proposed Budget includes \$586,862 in funding for thirteen organizations. Many of these organizations are funded through the City's General Fund. Organizations whose services are eligible for funding by hotel/motel tax revenues are funded through the City's Hotel/Motel Tax Fund.

One of the strategic focus areas identified in our Strategic Plan is to 'grow the tax base'. In order for us to continue to meet the demands for current service, and in order for us to meet the needs of projected growth and development, it is critical that this objective be met. As Council will recall, the FY 2008 Budget set historic, unprecedented levels of funding for economic development. The funding levels were increased by almost 100%, from around \$1,000,000 annually to almost \$2,000,000 annually. This increase also included funding a 'matrix incentive pool' at \$800,000. This 'matrix incentive pool' was intended to be funding for economic development incentives relating to economic development agreements with new and/or expanding businesses. The commitment made in the FY 2008 Budget was to maintain this matrix incentive pool at a level of \$800,000. The FY 2011 Preliminary Budget continues that commitment and includes a \$295,068 'placeholder' investment to maintain the matrix funding level. It is anticipated that additional discussions with TEDC will clarify the actual level of funding needed and that such discussions will occur between the filing of this Preliminary Budget and adoption of the final FY 2011 Budget in September.

Capital Improvements Program- The City of Temple is currently managing the largest capital improvement program in the history of the community. As of March 31, 2010, a total of \$107,383,182 has been allocated for various capital projects including such improvements as water and sewer infrastructure, transportation infrastructure, parks improvements, library improvements, and public safety infrastructure. Funding sources for these projects can be identified in four major areas:

- ▶ Utility Revenue Bonds
- ▶ General Obligation Bonds
- ▶ Certificates of Obligation
- ▶ General Operating Budget Funding

During FY 2010, several major capital projects are underway or have been completed such as the Lions Park Multi-Use Fields, Fully-Accessible Playground, Pepper Creek Hike & Bike Trail, Friar's Creek Hike Trail, 5th Street Hike & Bike Trail, Central Fire Station, Municipal Court & Utility Business Office Complex, Library Improvements, Airport Runway Extension, and West Temple Water System Improvements.

These improvements were funded by CO bonds, GO bonds, utility revenue bonds, grants, Reinvestment Zone funding, and general operating capital.

The FY 2011 Preliminary Budget includes \$5,962,218 for routine capital for the general operating budget which includes equipment and public infrastructure projects that are underway and/or planned for this fiscal year. Of this amount, \$1,195,500 of capital is proposed to be funded with Fund Balance Designated for Capital – Unallocated, \$995,000 from General Fund and \$200,500 from Drainage Fund.

Within the Capital Improvement Projects section of this document, the specific projects recommended are listed within three categories of funding. The categories are routine capital, multi-year non-routine capital, and projects identified for future funding.

Water and Wastewater Fund- Total revenues for the FY 2011 Water and Wastewater Fund Budget are presented at \$26,388,878, an increase of 0.07% compared to the FY 2010 adopted budget. No rate changes are proposed for water and wastewater service.

Expenses, capital improvements, and debt service for the FY 2011 Water and Wastewater Fund Budget are presented at \$26,489,243, an increase of 0.45% compared with prior year. The capital improvements include the allocation of \$1,758,082 to continue the long-term replacement program of water and sewer infrastructures and equipment needs.

Hotel and Motel Fund- Total revenues and expenditures for Hotel/Motel Fund Budget are presented at \$1,260,750, an increase of 2.40% compared to the FY 2010 adopted budget. Funding for the Mayborn Center program as well as the Tourism/Marketing program are funded through the Hotel/Motel Tax Fund. Public Service Agencies whose services are eligible for funding by hotel/motel tax revenues are also funded through the Hotel/Motel Tax Fund.

Federal and State Grant Fund- Total revenues and expenditures for Federal and State Grant Fund Budget are presented at \$615,438, an increase of 19.38% compared to the FY 2010 adopted budget. Total revenues include the award of the Community Development Block Grant (CDBG) at \$559,603. The proposed allocation of CDBG funds are as follows: public services \$78,344, housing rehabilitation \$20,000, sidewalk improvements \$149,339, public improvements \$200,000, and general administration \$111,920.

Also included in the Grant Fund are revenues and expenses related to the Energy Efficiency and Conservation Block Grant at \$55,835. These funds have been awarded for the construction of the 5th Street Hike & Bike Trail and the establishment of Sustainability and Grant Manager position.

Drainage Fund- Total revenues are presented at \$999,373, with no increase and expenditures at \$1,199,873, an increase of 20.06% compared to the FY 2010 adopted budget. The expenditures of the drainage fund represent personnel, operational, and capital cost related to maintenance of existing drainage systems.

FY 2011 is the third year of the Texas Pollutant Discharge Elimination System ('TPDES') program that is required by the Texas Commission on Environmental Quality ('TCEQ'). As I mentioned in the past, I consider this program to be an unfunded mandate from the State. The

multi-year plan required by the State, and adopted by Council in 2008, includes fee increases over several years to fund this program. In FY 2009, the first drainage fee increase was implemented. The FY 2010 Budget did not include a fee increase and the FY 2011 Preliminary Budget also proposes no increase to the drainage fee.

Conclusion

I have attempted to provide you with a brief synopsis of the Preliminary Budget for FY 2011. Developing the budget is a team effort that requires participation and input by citizens, City Council and City staff. My thanks to all of the Department and Division Heads who helped put this Preliminary Budget together. Their ability to respond, many times on short notice, to my inquiries and requests for additional information was appreciated and helpful.

I also want to extend a special word of appreciation to Director of Finance, Traci Barnard and her staff for the many hours of work and effort they put in toward the development of this Preliminary Budget. Of special note is the work done by Assistant Finance Director Melissa Przybylski, Budget Analyst Miranda Hennig, Senior Accountant Kiyoko McDonald, and Accountant Stacey Hawkins. I also need to recognize Assistant City Manager Kim Foutz, Assistant to the City Manager Brynn Reynolds for their work and input into the development of this Preliminary FY 2011 Budget. Quite simply, this document could not have been produced without them.

I look forward to the coming weeks of discussion, review, and direction by Council.

Respectfully Submitted,



David Blackburn
City Manager
City of Temple, Texas

CITY OF TEMPLE, TEXAS
ADOPTED TAX RATE VS. EFFECTIVE TAX RATE

Fiscal Year	Adopted Tax Rate			Effective Tax Rate	Adopted Rate v. Effective Tax Rate	
	I & S	M & O	Total		\$	%
2002	\$0.2445	\$0.3520	\$0.5965	\$0.5792	0.0173	2.99%
2003	0.2620	0.3273	0.5893	0.5722	0.0171	2.99%
2004	0.2537	0.3510	0.6047	0.5972	0.0075	1.26%
2005	0.2349	0.3674	0.6023	0.5731	0.0292	5.10%
2006	0.2199	0.3546	0.5745	0.5579	0.0166	2.98%
2007	0.2339	0.3395	0.5734	0.5568	0.0166	2.98%
2008	0.2289	0.3392	0.5681	0.5516	0.0165	2.99%
2009	0.2273	0.3322	0.5595	0.5433	0.0162	2.98%
2010	0.2473	0.3173	0.5646	0.5511	0.0135	2.45%
2011*	0.2379	0.3300	0.5679	0.5742	-0.0063	-1.10%

*Proposed Tax Rate

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SCHEDULING THE ADOPTION OF THE PROPOSED TAX RATE FOR SEPTEMBER 2, 2010; DECLARING FINDINGS OF FACTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Chapter 26 of the Property Tax Code requires all taxing entities to comply with truth-in-taxation laws in adopting their tax rates in an effort to make taxpayers aware of tax rate proposals and, in certain cases, to roll back or limit a tax increase;

Whereas, the proposed tax rate of \$0.5679 per \$100 of assessed property valuation represents a 1.10% decrease below the effective tax rate of \$0.5742 – the current FY 2010 tax rate is \$0.5646; and

Whereas, the City Council has determined that it is in the public interest to schedule the adoption of the proposed tax rate for September 2, 2010.

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

Part 1: The City Council sets the proposed tax rate at \$0.5679 per \$100 of assessed property valuation, and schedules the adoption of the proposed tax rate for September 2, 2010, at the regular scheduled meeting at 5:00 p.m. in the City Council Chambers on the second floor of the Municipal Building located at Main and Central in Temple, Texas.

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

PASSED AND APPROVED this the 5th day of August, 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

08/05/10
Item #5(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) July 15, 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 15, 2010 Special Called and Regular Meeting Minutes](#)

TEMPLE CITY COUNCIL

JULY 15, 2010

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, July 15, 2010 at 2:00 P.M., in the Staff Conference Room, 3rd Floor, Municipal Building, 2 North Main Street.

Present:

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

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

Regular Agenda Item #6 - Planned Development on Avenue M/41st Street: Jonathan Graham, City Attorney, stated the property owner, Kellum Pellawata, has requested the City Council consider repealing the ordinance adopted on June 17th. He has indicated he can already conduct business on Lots 1-3 and he is giving up too much with the approval of the Planned Development.

Regular Agenda Item #7 - Speed Limits on US 190/LP363/SH36: Nicole Torralva, Interim Director of Public Works, confirmed the speed limit was set on the other side of the Loop several meetings ago and this should complete the process.

Regular Agenda Item #9 - Board Appointments: Mayor Jones stated some recommendations will be made during the regular meeting.

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

Mayor Jones stated the Council would enter into executive session at approximately 2:10 p.m. to conduct the executive session.

The work session was reconvened at 3:00 p.m. with no action being taken.

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.

David Blackburn, City Manager, began with a capital improvement project overview,

by type and funding source, noting the City is currently managing the largest capital improvement program in the history of the community. The water and wastewater infrastructure 'project and funding packets' were reviewed and Mr. Blackburn recommended this approach be continued with annual assessments and modifications as necessary. Next, the general capital improvement projects were discussed which are typically funded through bonds or general operating budget. Mr. Blackburn reviewed the Certificates of Obligation issued in 2006 and 2008 and the General Obligation bonds approved for parks and fire improvements in 2008 and 2009. He explained a total of \$13,757,532 in unencumbered/unspent funds are potentially available for reallocation, with some specific restrictions on the use of these funds. Mr. Blackburn presented options and recommendations for reallocating those funds for transportation and public safety eligible projects, including the Outer Loop (Wendland Road to I-35), replacement of Fire Engine 2 and Phase 1 of the fire training drill field.

Next, Mr. Blackburn discussed the business plans for the Sammons Golf Course and Summit Family Fitness Center. These plans were directed by Council as a means to demonstrate what it would take for both facilities to be self sustaining. The history of the golf course was reviewed, as well as the challenges of the course. The voters approved a 2008 Parks GO bond that included \$350,000 for course improvements to include resurfacing of the greens, upgrading the irrigation system and redesigning the course and adding length. The City has hired a golf course architect and an irrigation architect. The course improvements will be complete in 2011 and the proposal is to increase rounds of play and adjust fees in 2012 and 2013 as an approach to becoming self sustaining.

The Council was provided with a brief history of the Summit Family Fitness Center. An expansion to the facility, totaling \$1,692,726, was completed in 2009 and membership fees were adjusted. The membership continues to increase and it needs to be determined what the capacity of the facility is and whether fees should/would influence capacity. The recommendation is to adjust the programs and membership fees for the next 3 years, 2011-2013, as part of the 3-year self sustaining business plan.

Nicole Torralva, Interim Director of Public Works, presented the proposed FY 2011 Street Maintenance Program to the Council. She provided some facts and figures relating to streets in Temple and gave an overview of the current program of work. Types of remedies for pavement distress include routine maintenance (crack sealing and patching); preventive maintenance (seal coat and chip seal); street rehabilitation (mill and overlay, zipper); and street reconstruction (demolish and new construction).

The City currently has 942 lane miles of City-maintained streets, with 50% being local streets, and 468 lane miles of State-maintained streets. Mrs. Torralva stated the first comprehensive pavement assessment has been completed in-house and that report will become a guide for future program of work, budget and CIP planning. She explained the rating system used and showed examples of each grade of street. The evaluation shows approximately 90% of City maintained streets are passing grade and overall average a solid "B" grade. However, the assessment also shows that 90% of all streets exhibit cracks, which are early warning indicators of deterioration.

Mrs. Torralva made the following recommendations, which are included in the proposed FY 2010-2011 budget: create a new 5-man crack seal crew to provide effective preventative pavement maintenance; continue to inventory and assess

alleys; include railroad and bridge infrastructure in future assessments; and continue pavement assessment to monitor pavement condition changes. Two recommendations not included in the proposed budget include unfreezing two positions to better meet performance goals in several areas and increasing the annual operating budget for seal coat and mill and overlay from \$500,000 to \$3M.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, July 15, 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

Thomas Pechal, Temple Fire and Rescue, voiced the Invocation.

2. Pledge of Allegiance

Thomas Pechal and the Junior Fire Cadets led the Pledge of Allegiance.

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Recognition of the 2010 Junior Fire Cadet Program

Thomas Pechal provided some background information about the 2010 Fire Cadet program. He showed a brief presentation of some of the activities accomplished during this year's program. The purpose of the program is to build confidence and instill leadership and teamwork qualities in the youth. Mr. Pechal thanked the City Council for their continued support of this program every year.

III. PUBLIC HEARING

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

Nicole Torralva, Interim Public Works Director, stated this annual report is required by the Texas Commission on Environmental Quality. The drinking water report has been mailed to all utility customers and is posted on the City's web site.

Mayor Jones declared the public hearing open with regard to agenda item 4. There being no comments, Mayor Jones closed the public hearing.

IV. PUBLIC COMMENTS

Dr. Weldon Cannon, 2444 Canyon Creek drive, thanked the City for sponsoring a historical marker dedication for Mr. Bernard Moore Temple on June 29th. Dr. Cannon stated he performed the research and submitted the application and he was honored to do so. He provided some background information regarding Mr. Temple. The marker is located at 3rd Street and Central Avenue at the Welcome Center.

V. CONSENT AGENDA

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

(A) July 1, 2010 Special Called and Regular Meeting

(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.

(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.

(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.

Motion by Mayor Pro Tem Patsy E. Luna to adopt resolution approving Consent Agenda, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

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.**

Jonathan Graham, City Attorney, presented this item to the City Council. He provided some background information regarding the rezoning of this property located at 1305 and 1307 South 41st Street. The property owner has requested that this ordinance be repealed at this time.

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

Ms. Mabel Taylor, 1308 South 41st Street, addressed the City Council. She stated she found no pleasure in issues dealing with Mr. Pellawata (property owner). This has been going on since last February and should be resolved. At the June 17th meeting it was stated no more tires could be stored on the property but some were moved in on July 3rd. The trailer full of tires is still there collecting water where mosquitos can breed. Ms. Taylor questioned whether the fence between lots 3 and 4 would be required if the zoning goes back to general retail. She added there has been no activity on that property until the day before Council meetings. They are parking trucks on the northeast corner of Lot 1 and this creates a blind spot. The junk semi-trailers are still on the lot and this should not be allowed.

Brian Mabry, Interim Planning Director, stated a fence would not be required between Lots 3 and 4. The property owner has applied for a permit to construct a fence between Lot 4 and the residential lot and construction is underway. Lot 4 cannot be used as an entryway to Lots 1-3 if the zoning is changed back to general retail and it could not be used for parking. The trailers could remain on the property, on Lots 1-3.

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

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance repealing Ordinance No. 2010-4363, seconded by Councilmember Danny Dunn.

Mayor Pro Tem Patsy E. Luna voted aye. The other members voted nay. The motion failed.

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.

Nicole Torralva, Interim Director of Public Works, presented this item to the City Council. This represents a request from TxDOT to re-set the speed limit to 45 mph on the east bound frontage road of US190/LP363/SH 36. The speed limit on the west bound frontage road has already been set at 45 mph.

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

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

Motion by Councilmember Marty Janczak to adopt ordinance, with second and final reading set for August 5, 2010, seconded by Councilmember Danny Dunn.

Motion passed unanimously.

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.

Jonathan Graham, City Attorney, presented this item to the Council. In June, the Council adopted an ordinance regulating parking but did include enforcement by the City Construction Safety & Services Department. It will require a 10-day written notice to the property owner or occupant to abate the violation before a citation may be issued.

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

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

Motion by Councilmember Russell Schneider to adopt ordinance, with second and final reading set for August 5, 2010, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

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

It was recommended that Sue Ellen Galvan be appointed to this board.

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

Motion passed unanimously.

(B) One member to the Animal Services Advisory Board to fill an unexpired term through September 1, 2012

Mayor Jones stated this unexpired term, filled by a representative from an animal welfare organization, was created due to forfeiture by non-attendance. However, Krissy Whittington, APAC representative who was filling that position, has requested reappointment to the board at this time.

Motion by Councilmember Danny Dunn to adopt resolution, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

Mayour Joned adjourned the Regular Meeting of the Temple City Council and convened the City of Temple 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

Amy House, Director of Human Resources, presented this item to the City of Temple Employee Benefits Trust, comprised of the City Councilmembers. She reviewed the proposals received for each of these contracts. Ms. House recommended the City remain with MetLife for dental insurance and authorize a contract with Avesis for voluntary vision insurance, at no cost to the City. She also recommended that the City establish a self funded insurance plan as the best option for the City for medical and prescription insurance. Two new plan designs will be offered. This will allow the City more control over future cost increases for the medical insurance and prescription insurance plan. Ms. House recommended the proposal provided by Blue Cross/Blue Shield of Texas, explaining the City will continue to offer to its employees the use of Scott & White facilities and doctors as part of the Blue Cross/Blue Shield network. The contract with Blue Cross/Blue Shield will also include stop loss insurances for FY 2010-2011. The City will continue to offer its wellness program to encourage employees to maintain a high level of wellness in all aspects of their lives.

David Blackburn, City Manager, stated these are challenging times for health insurance. The cost increases presented in the proposals received this year were intolerable for the City with the current plan designs. The self funding plan will provide the most flexibility in the future although it will cost as much as the proposed increases this first year. It will not eliminate cost increases in the future but it will give the City a better approach to manage those costs. Mr. Blackburn thanked the Scott & White Health Plan for the service they have provided to the City of Temple and its employees over the years they have served us, in particular with the development of the Cty's Wellness Program.

Motion by Trustee Janczak to purchase insurance policies as recommended, seconded by Trustee Luna.

Motion passed unanimously.

There being no further business the meeting of the City of Temple Employee Benefits Trust meeting was adjourned.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

08/05/10
Item #5(B)
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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Horseshoe Construction Inc., of La Porte for the second group of the 2010 Wastewater Line Replacement Projects in the amount not to exceed of \$1,044,660 which includes the replacement of wastewater lines along Valley View Drive and French Avenue to Adams Avenue from North 4th Street to North 12th Street and declaring an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: 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 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 French to Adams from North 4th to North 12th Street and Valley View was a combined total of \$1,248,573.81.

On July 20, 2010, eight bids were received for construction of the work. Per the attached bid tabulation, Horseshoe Construction Inc. submitted the low bid in the combined amount of \$1,044,066. Total cost for the French to Adams Ave from North 4th to North 12th Street portion of the project was \$827,636. Total cost for the Valley View portion of the project was \$217,024. References were checked and recommendation is made by Clark & Fuller to award the project to Horseshoe Construction Inc. Construction time allotted for the project is 210 days.

FISCAL IMPACT: Funding in the amount of \$1,200,000 is designated for the design and construction for the Wastewater Line Replacement of French Ave to Adams Avenue from North 4th Street to North 12th Street in the proposed 2010 Utility Revenue Bond Issue. The portion of the construction contract related to this project is \$827,636 which will initially be funded with funds available from the 2008 Utility Revenue Bonds in account 561-5400-535-6926, project# 100592 with an intent to reimburse the 2008 Utility Revenue Bonds from the proposed 2010 Utility Revenue Bond Issue.

The total estimated project cost for 3800 Valley to Dead End portion of this contract, which was identified in the revised FY 2010 CIP to be funded with Water & Sewer Unreserved Retained Earnings, was \$240,000. In January 2010, \$30,190 was appropriated to fund engineering services leaving a balance of \$209,810 for construction. An additional \$7,713 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 \$217,523 to account 520-5900-535-6361, project #100594, for this construction contract. The need for additional funding will require reprioritization within the CIP Plan.

ATTACHMENTS:

[Bid Tabulation](#)

[Engineer's Letter of Recommendation](#)

[Project Maps](#)

[Budget Adjustments](#)

[Resolution](#)

Bid Date: July 21, 2010

No.	Item Description	Est. Quan.	UOM	Horseshoe Construction, Inc.	KAS Section Services, Inc.	PM Construction & Rehab, L.P.	Bur R Plumbing Company, Inc.	Pain Construction, LLC	McLean Construction, Inc	TRG Utilities, LP	Baill Contractors, Inc.
				Unit Price	Unit Price	Unit Price	Unit Price	Unit Price	Unit Price	Unit Price	Unit Price
				Total Cost	Total Cost	Total Cost	Total Cost	Total Cost	Total Cost	Total Cost	Total Cost
1	Shut R.O.W. Preparation & Cleaning	101	STA	\$ 247.53	\$ 25,000.00	\$ 260.84	\$ 26,344.84	\$ 900.00	\$ 90,900.00	\$ 472.00	\$ 47,672.00
2	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 25,000.00	\$ 25,000.00	\$ 3,635.80	\$ 3,635.80	\$ 6,000.00	\$ 6,000.00	\$ 24,000.00	\$ 24,000.00
3	Shut R.O.W. Preparation & Cleaning	1875	SV	\$ 20.00	\$ 37,460.00	\$ 11.84	\$ 22,324.80	\$ 42.00	\$ 78,666.00	\$ 18.00	\$ 33,714.00
4	Shut R.O.W. Preparation & Cleaning	4175	SV	\$ 12.00	\$ 50,100.00	\$ 11.84	\$ 49,775.20	\$ 120.00	\$ 50,000.00	\$ 43,485.57	\$ 43,485.57
5	Shut R.O.W. Preparation & Cleaning	14	SV	\$ 80.00	\$ 1,120.00	\$ 75.87	\$ 1,062.18	\$ 65.00	\$ 910.00	\$ 72.00	\$ 1,008.00
6	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 5,320.12	\$ 5,320.12	\$ 6,500.00	\$ 6,500.00	\$ 1,008.00	\$ 1,008.00
7	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
8	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
9	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
10	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
11	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
12	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
13	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
14	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
15	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
16	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
17	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
18	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
19	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
20	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
21	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
22	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
23	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
24	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
25	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
26	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
27	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
28	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
29	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
30	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
31	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
32	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
33	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
34	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
35	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
36	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
37	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
38	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
39	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
40	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
41	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
42	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
43	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
44	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
45	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
46	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
47	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
48	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
49	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
50	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
51	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
52	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
53	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
54	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
55	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
56	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
57	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
58	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
59	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
60	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
61	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
62	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
63	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
64	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
65	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
66	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
67	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
68	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
69	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
70	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
71	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
72	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
73	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
74	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
75	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
76	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
77	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
78	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,118.97	\$ 4,118.97	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00
79	Shut R.O.W. Preparation & Cleaning	100%	LS	\$ 12,000.00	\$ 12,000.00	\$ 4,1					



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

July 26, 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 – 3800 Valley View to Dead End and French to Adams Ave from N. 4th to N. 12th

Dear Mrs. Torralva,

We have reviewed the bids for the above referenced project. Horseshoe Construction, Inc. submitted a total Bid of \$1,044,660.00. The Bid for the Valley View portion of the project was \$217,024.00 and the bid for the French to Adams Ave portion of the project was \$827,636.00. *Please see the enclosed Bid Tabulation Sheet and Bid Schedule Breakout for detailed information.*

The engineer's opinion of probable cost to construct was \$1,300,000.00

Our firm has no previous experience working with Horseshoe Construction, Inc. Therefore, we contacted numerous entities that have worked with Horseshoe Construction, Inc. and interviewed each as to Horseshoe Construction, Inc's ability to perform timely and quality construction required for this project. Based upon these interviews, we feel Horseshoe Construction, Inc. is a proven company with many successfully completed projects of this scope and magnitude and we look forward to working with them on this project. We are recommending that you award the contract to Horseshoe Construction, Inc..

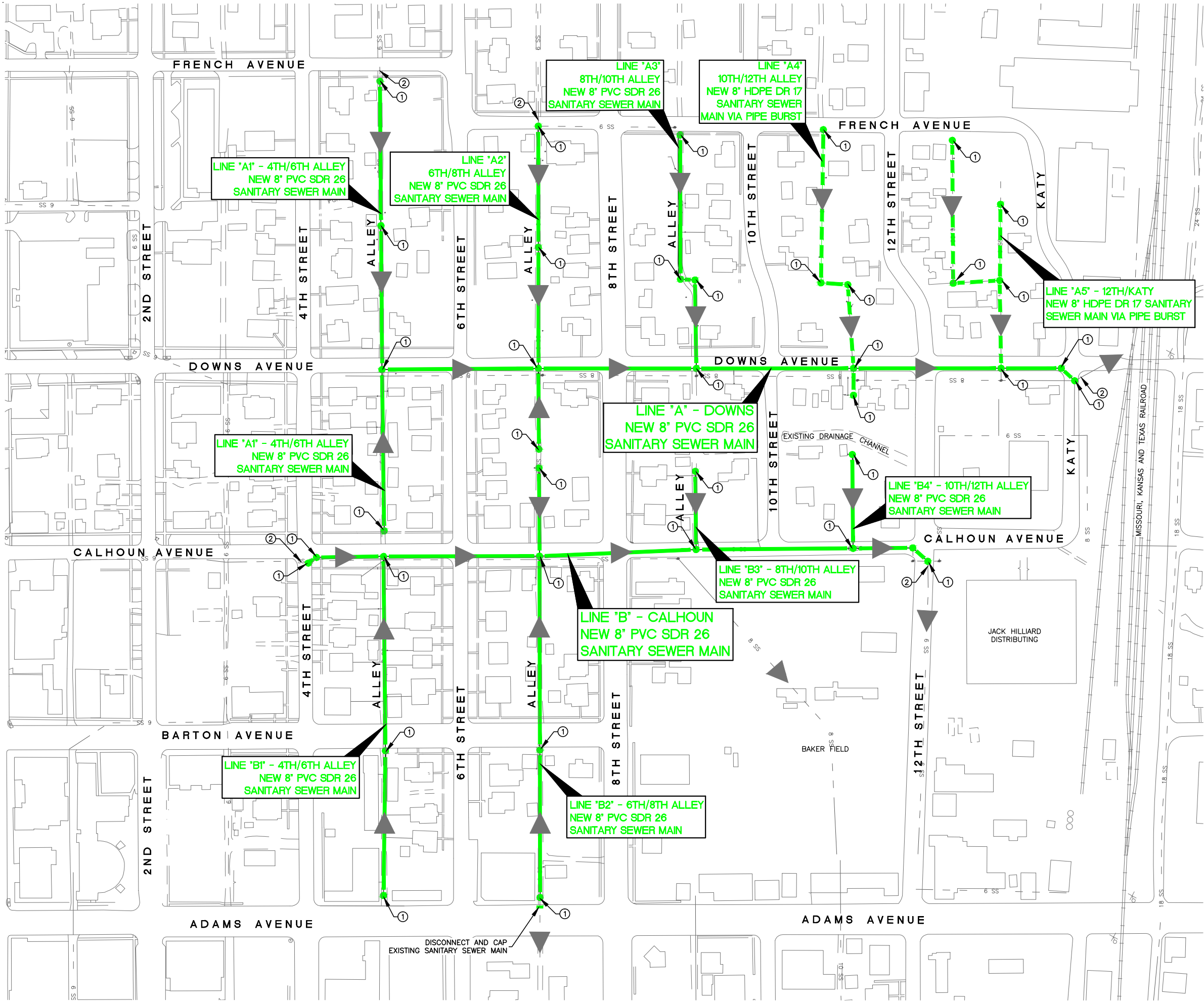
The list of references can be provided upon request.

Please advise us as to which contractor you select.

Sincerely,

A handwritten signature in dark ink, appearing to be "Monty Clark", written in a cursive style.

Monty Clark, P.E.

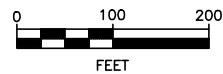


KEYED NOTES

1. NEW 4' DIAMETER ECCENTRIC MANHOLE
2. CONNECTION TO EXISTING SANITARY SEWER MAIN

LEGEND

- 8" PVC SANITARY SEWER MAIN VIA OPEN CUT
- 8" HDPE DR 17 SANITARY SEWER MAIN VIA PIPE BURSTING
- DIRECTIONAL FLOW ARROW



Date:

Revisions
Remarks:

FRENCH TO ADAMS;
OVERALL SITE PLAN

DRAWING STATUS

THESE DRAWINGS WERE PREPARED UNDER THE AUTHORITY OF
MONTY L. CLARK, P.E. 90894, CLARK & FULLER, PLLC FIRM
NO. F-10394.

☐ THIS DOCUMENT IS RELEASED FOR THE PURPOSES OF INTERIM
REVIEW ONLY AS PER DATE ON DRAWING. IT IS NOT TO BE USED
FOR CONSTRUCTION OF THE PROJECT UNLESS IT IS ISSUED FOR
CONSTRUCTION.

☒ FINAL DRAWINGS

CITY OF TEMPLE

2010 WASTEWATER LINE REPLACEMENT 3800
VALLEY VIEW TO DEAD END
FRENCH TO ADAMS AVE. FROM N. 4TH TO N. 12TH
TEMPLE, TEXAS



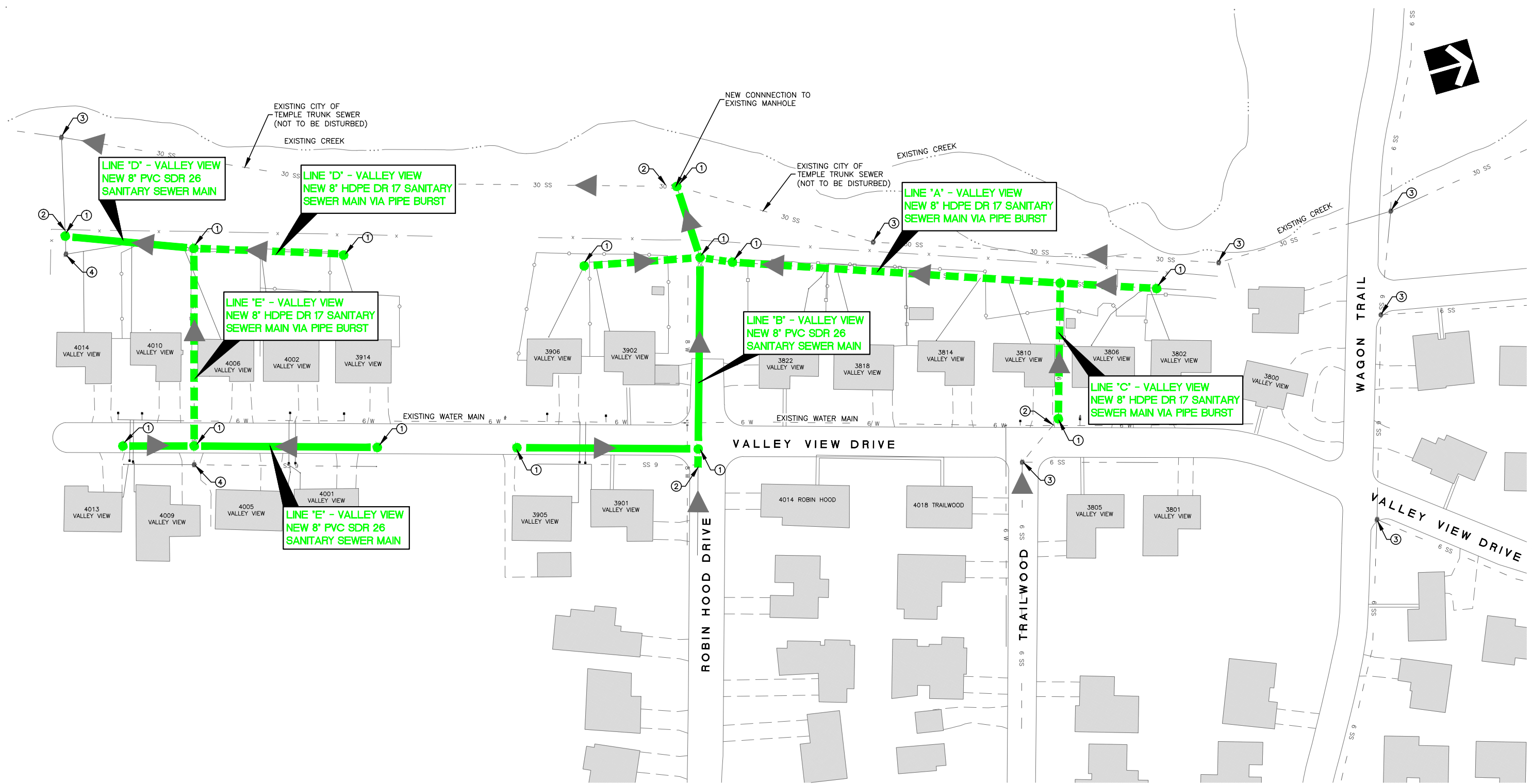
Clark & Fuller, PLLC

Civil Engineers • Designers • Planners

Tel: (254) 899-0899 Fax: (254) 899-0901
2010 SW HK Dodgen Loop, Suite 105, Temple, Texas 76504

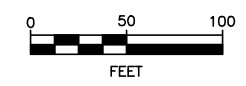
Project No:	101137.00
Plot Date:	5-28-10
Drawn By:	KRF
Designed By:	MLC

C9.1



- KEYED NOTES**
- 1. NEW 4' DIAMETER ECCENTRIC MANHOLE
 - 2. CONNECTION TO EXISTING SANITARY SEWER MAIN (NOT TO BE DISTURBED)
 - 3. EXISTING MANHOLE (NOT TO BE DISTURBED)
 - 4. EXISTING MANHOLE (TO BE REMOVED)

- LEGEND**
- 8" PVC SANITARY SEWER MAIN VIA OPEN CUT
 - 8" HDPE DR 17 SANITARY SEWER MAIN VIA PIPE BURSTING
 - DIRECTIONAL FLOW ARROW



Date: _____

Revisions
Remarks:

VALLEY VIEW:
OVERALL SITE PLAN

DRAWING STATUS

THESE DRAWINGS WERE PREPARED UNDER THE AUTHORITY OF MONTY L. CLARK P.E. 90894, CLARK & FULLER, PLLC FIRM NO. F-10394...

THIS DOCUMENT IS RELEASED FOR THE PURPOSES OF INTERIM REVIEW ONLY AS PER DATE ON DRAWING. IT IS NOT TO BE USED FOR CONSTRUCTION OF THE PROJECT UNLESS A FINAL DRAWING IS ISSUED FOR CONSTRUCTION CAN BE CONSIDERED COMPLETE.

☐ FOR CONSTRUCTION ☒ FINAL DRAWINGS

CITY OF TEMPLE

2010 WASTEWATER LINE REPLACEMENT 3800
VALLEY VIEW TO DEAD END
FRENCH TO ADAMS AVE. FROM N. 4TH TO N. 12TH

TEMPLE, TEXAS

Clark & Fuller, PLLC

Civil Engineers • Designers • Planners

Tel: (254) 899-0899 Fax: (254) 899-0901
2010 SW HK Dodgen Loop, Suite 105, Temple, Texas 76504

Project No: 101136.00
Plot Date: 5-28-10
Designed By: MLC
Drawn By: KRF

C3.1

FY 2010**BUDGET ADJUSTMENT FORM**

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

Adjustments should be rounded to the nearest \$1.

			+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
520-5900-535-63-61	100594	Sewer Line Rpl-3800 Valley View	\$ 217,523			
520-0000-373-04-11		Water & Sewer Unreserved Ret Earnings			217,523	
		Do Not Post				
TOTAL.....			\$ 217,523		\$ 217,523	

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

To fund the construction contract with Horseshoe Construction Inc., for the wastewater line replacement along Valley View Drive and testing fees. This project was approved by Council as part of the FY 2010 Capital Improvement Program as revised on November 19, 2009.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

August 5, 2010

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division DirectorDate☐

Approved

☐

Disapproved

FinanceDate☐

Approved

☐

Disapproved

City ManagerDate☐

Approved

☐

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH HORSESHOE CONSTRUCTION, INC., OF LA PORTE, TEXAS, FOR THE SECOND GROUP OF THE 2010 WASTEWATER LINE REPLACEMENT PROJECTS WHICH INCLUDES REPLACEMENT OF WASTEWATER LINES FROM FRENCH AVENUE TO ADAMS AVENUE FROM NORTH 4TH STREET TO NORTH 12TH STREET AND ALONG VALLEY VIEW DRIVE, IN THE AMOUNT OF \$1,044,660; DECLARING AN OFFICIAL INTENT TO REIMBURSE THIS EXPENDITURE MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS FOR THIS PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 20, 2010, the City received 8 bids for the second group of the 2010 Wastewater Line Replacement Projects which includes the replacement of wastewater lines from French Avenue to Adams Avenue from North 4th Street to North 12th Street and along Valley View Drive;

Whereas, the Staff recommends accepting the bid (\$1,044,660) received from Horseshoe Construction, Inc., of La Porte, Texas;

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

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

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

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

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

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a construction contract, not to exceed \$1,044,660, with Horseshoe Construction, Inc., of La Porte, Texas, after approval as to form by the City Attorney, for the second group of the 2010 Wastewater Line Replacement Projects which includes the replacement of wastewater lines from French Avenue to Adams Avenue from North 4th Street to North 12th Street and along Valley View Drive.

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

Part 3: The findings, determinations and certifications contained in the preamble hereof are incorporated herein for all purposes.

Part 4: This Resolution is a declaration of official intent under Section 1.150.2 of the Treasury Regulations by the City that it reasonably expects to reimburse the expenditures described in Part 5 with proceeds of debt to be incurred by the City, such debt to be issued on or before eighteen (18) months after the date of (i) the date the first expenditure is paid; or (ii) the date on which the property is placed in service, but in no event three years after the first expenditure is paid.

Part 5: The following is a general functional description of the Project for which the expenditures to be reimbursed are paid and a statement of the maximum principal amount of debt expected to be issued for the purpose of paying the costs of the Project.

<u>Project Description</u>	<u>Debt To Be Issued</u>
2010 Wastewater Line Replacement Project which includes the replacement of wastewater lines from French Avenue to Adams Avenue from North 4 th Street to North 12 th Street and along Valley View Drive	\$1,044,660.00

Part 6: The expenditures described in Part 4 is a capital expenditure under general Federal income tax principles or a cost of issuance.

Part 7: Except for the proceeds of the Obligations, no funds are, or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside by the City or by any member of the same controlled group to pay for the expenditures described in Part 4.

Part 8: 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 **5th** day of **August**, 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

08/05/10
Item #5(C)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Bury+Partners, Inc. for engineering services, including design, surveying, easement acquisition, bidding, and construction administration required to implement the Pea Ridge Lift Station Rehabilitation Project in an amount not to exceed \$142,000 and declaring an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Pea Ridge Lift Station is a critical element in the sewer collection system currently serving south and west Temple. The lift station, located on Poison Oak Road west of Pea Ridge Road, has performed above its intended capacity and for longer than its originally anticipated design life. Recent and ongoing development in west Temple continues to add sewer customers to the service area and push the installation toward its performance limit. This lift station (which currently pumps wastewater to the east through an inter-basin transfer) will ultimately be eliminated in the future through construction of a large diameter wastewater interceptor. In the meantime, repair and upsizing of the existing facility is essential so that the lift station can continue to maintain continuous service to the area.

Professional services authorized under this resolution include engineering design, surveying, easement acquisition, bidding, and construction administration necessary to complete the project. Infrastructure designed will consist of rehabilitation and repair of the facility and add capacity to the existing lift station, including a larger force main conveying wastewater flow from the station.

As identified in the attached proposal letter, the proposed timeline for the design phase of the project is 5 months. Per the attachment, the engineering services are broken down as follows:

Preliminary Engineering	\$ 20,000
Design	\$ 48,750
Surveying	\$ 27,000
Geotechnical	\$ 6,000
Easement Acquisition	\$ 10,000
Bidding	\$ 8,000
Construction Phase	\$ 20,750
Reimbursables	\$ 1,500
TOTAL	\$ 142,000

FISCAL IMPACT: Funding in the amount of \$1,000,000 is designated for the Pea Ridge Lift Station Rehabilitation Project in the proposed 2010 Utility Revenue Bond Issue. Initially, funding for this contract will come from funding available from the 2008 Utility Revenue Bonds in account # 561-5400-535-6905, project #100667 with an intent to reimburse the 2008 Utility Revenue Bonds from the proposed 2010 Utility Revenue Bond Issue. The professional services agreement related to this project totals \$142,000.

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

ATTACHMENTS:

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

January 15, 2010

Revised June 7, 2010

Revised July 22, 2010

Proposal No. 10-002C

Ms. Nicole M. Torralva, P.E.
Interim Director of Public Works
City of Temple
3210 East Avenue H, Building A, Suite 107
Temple, Texas 76501

Re: Proposal for Engineering Services
Pea Ridge Lift Station Expansion
Temple, Texas

Dear Ms. Torralva:

Bury+Partners, Inc. (Bury) appreciates the opportunity to submit this proposal for professional engineering services associated with the design of an expansion to the Pea Ridge Wastewater Lift Station and force main. The existing lift station appears to have reached its capacity, and future development is expected in the lift station's service area. It is assumed the new lift station will be a submersible station similar to the existing station. It is also assumed the entire $\pm 1,950$ linear foot of force main will be paralleled by a new force main and additional temporary construction and permanent wastewater easements will need to be provided. Additionally, we have concerns about the capacity of the downstream gravity sewer main. Although this gravity main is not included in this scope of work, we want to suggest that improvements to that main be evaluated in the near future.

Our proposed scope of work provided in this proposal includes preliminary and detailed design of these lift station and force main improvements in accordance to State and local rules. Based on our understanding of your needs at this time and the current status of this project, we propose to provide the following specific services:

A. Preliminary Engineering Services

We propose the following services during the preliminary engineering phase of this project:

1. Evaluate the current capacity of the Pea Ridge Lift Station based upon the pump curves of the existing pumps and the head losses expected from the existing force main.

BURY+PARTNERS, INC.
221 West Sixth Street, Suite 600
Austin, Texas 78701

TEL (512) 328-0011
FAX (512) 328-0325

The City of Temple's (City) Master Water and Wastewater Plan has been examined, however this report does not provide existing or future wastewater flow projection data at the Pea Ridge Lift Station that can be used to adequately size the improvements. The proposed analysis will provide a baseline to compare the current conditions and the future projections for the associated expansion improvements. If the Pea Ridge Lift Station is currently exceeding its design flow rates, this analysis will aid in reallocating the additional load to the expansion improvements and extending the life cycle of the current facilities.

2. Project future wastewater flow rates at the lift station site. A preliminary estimate of the projected 15-year future flows to the Pea Ridge Lift Station has been included as Attachment 1. This estimate indicates that the lift station expansion may require a pumping capacity of 4.1 MGD. The lift station capacity should be designed to provide adequate pumping capacity at the lift station until the Leon River Trunk interceptor is completed and the Pea Ridge Lift Station can be taken off line. It is our understanding that the expansion to the Pea Ridge Lift Station and force main should be able to accommodate 15-years of growth in the sewershed to the lift station. Land use maps, land use projections and densities for each land use type will be provided by the City. Available AutoCAD or GIS shape files of the land use and utility maps shall also be provided by the City. The sewershed to the lift station will be delineated using USGS topographic information and the current wastewater collection system maps of the City. From this information, we will project wastewater flows to the proposed lift station based on a 15-year planning horizon.
3. Prepare a written Lift Station and Force Main Report containing schematic layouts, conceptual design criteria and exhibits, considerations involved with the project, alternative solutions available, and our recommendations for the project.
4. We will furnish copies of the Lift Station Report to the City and the Texas Commission on Environmental Quality (TCEQ) for review and consideration.
5. The Preliminary Engineering Phase is anticipated to take two months to complete and includes a kick-off meeting and a draft Lift Station and Force Main Design Report meeting only. All interim reviews of design assumptions or calculations are assumed to be discussed via conference call only.

B. Design and Approval Services

After completion of Preliminary Engineering services and the City has selected the desired expansion alternative, Final Design services will commence. Final Design services are described as follows:

1. Prepare engineering Contract Documents for construction of the lift station and force main improvements in accordance with TCEQ and City requirements and the engineering reports approved in the Preliminary Engineering Phase.
2. Submit 60%, 90% and final plans and specifications to the City for approval.
3. Submit final plans to TCEQ for review and approval.
4. Prepare 10 sets of final plans and specifications for the purpose of receiving bids for the proposed facilities. Provide the City up to five (5) sets.
5. Provide a final opinion of probable cost for the Lift Station expansion based on final plans and quantity estimates.
6. The Final Design Phase is anticipated to take three months to complete and includes submittal review meetings at 60% and 90% for a total of two (2) meeting to address City comments and obtain approval.

C. Survey

Accurately locating the boundary points for the fieldnote descriptions to be included with the temporary construction and permanent wastewater easements, and design of the lift station expansion and parallel force main requires accurate surveys of a variety of items including boundary and topographic. The following surveying services will be performed to identify, locate, and describe items required in the easement dedication and design of this lift station and force main expansion:

1. Establish onsite horizontal and vertical survey control. Locate roadway fencing, utilities, roadway crossing, lift station facilities and fencing, driveway approaches, culverts, etc. Perform a topographic survey at 50-foot intervals along the force main alignment and at the lift station. Field locates right-of-way (ROW) and property corners for easement descriptions and to show ROW lines and properties along route.
2. Utilize information from record drawings and GIS data provided by the City in addition to utility locations identified by One Call to locate subsurface utilities and identify potential conflicts.
3. Research tax maps for ROW and property lines, draw all improvements from field work; prepare topographic survey, and provide boundary and topographic base maps of the lift station and along the force main alignment.

4. Prepare four (4) fieldnote descriptions with survey sketches to be used for one (1) acquisition of additional land and one (1) temporary construction easement at the lift station, and two (2) temporary construction easements along the force main route. It is anticipated that four (4) fieldnote descriptions with an accompanying survey sketch will be required. Additional fieldnote descriptions required for the project will be billed at \$3,000 each.

D. Geotechnical Investigation

The project will require a subsurface investigation to determine the existing soil conditions and recommendations for appropriate foundation sections, bearing values, foundation construction methods, and structural fills and materials.

1. Bury will retain a geotechnical engineering sub-consultant, who will be responsible for all aspects of their report and recommendations. We will include their report as a portion of the project specifications.

E. Easement/ROW Acquisition Services

It is anticipated that this project will require the acquisition of easements along the existing force main alignment to allow for construction and maintenance access to the proposed parallel force main.

1. Bury will retain Lone Star Right of Way Services, Inc (LSROW) as an easement/right-of-way acquisition sub-consultant, who will be responsible for coordinating the acquisition of temporary construction and permanent easements for the City. LSROW will make up to three (3) attempts to secure required easements from each parcel. This fee covers services provided by LSROW for two (2) parcels which includes title insurance for the permanent easements. Fees charged by the title company will be the responsibility of the City.

F. Public Bidding Services

The project will require a public bid for the construction of these improvements. To comply with applicable rules and regulations related to the public bid process, Bury will perform the following services:

1. Assist in advertising for bids for the project.
2. Attend the Pre-Bid Conference, interpret the Bidding Documents for prospective bidders and issue Addenda as appropriate to clarify, correct, or change the bidding documents.
3. Attend the Bid opening, prepare Bid tabulations, and assist in the evaluation of the bids.

4. Evaluate the Contractor's qualifications and prepare a Recommendation of Contract Award.

G. Construction Phase Services

Bury will provide assistance during construction to observe the general progress and quality of work completed by the Contractor. Observations are not intended to be an exhaustive check or detailed inspection of the work; they are intended to allow Bury to become familiar with the work in progress and to determine the general conformance with the contract documents. During the construction observation phase, Bury will provide the following services:

1. Attend the Pre-Construction Conference with the Owner and Contractor prior to construction.
2. Issue clarifications and interpretations to the contract documents as appropriate.
3. Process change orders as appropriate.
4. Review shop drawings and submittals.
5. Render formal written decisions on all claims of the Contractor related to the interpretation of the contract documents.
6. Review and make recommendations for progress payments for work completed during construction period in accordance with the contract document requirements.
7. Attend monthly construction meetings. A total of four (4) meetings are anticipated to be necessary.
8. Once construction has been substantially completed, conduct a final site observation visit and prepare a punch list as required. We have allowed for one substantial completion inspection, one re-inspection, and one final inspection. Once the punch list has been significantly completed, prepare a Certificate of Completion.

H. Reimbursables/Reproductions

Reproduction, courier and delivery services will be provided for this project and billed in accordance to our Standard Rate Schedule. In addition, minor out-of-pocket expenses for outside reproduction, courier and review agency fees, etc. incurred will be bill at Cost + 10%.

We request that you issue checks for fees unless otherwise agreed upon in advance. The cost for reimbursables is estimated in the Fee Schedule below. It is assumed that the cost of bid sets will be paid by the Contractor and suppliers during the bid process. Our reimbursement budget covers check sets and final sets for the City, up to four (4) sets.

FEE SCHEDULE

Bury proposes to provide the specific services described above on a lump sum fee basis as follows:

<u>Item</u>	<u>Fee Basis</u>	<u>Bury Fee</u>	<u>Bury Phase</u>
A. Preliminary Engineering Services			
1-5	Lump Sum	\$ 20,000	.20
B. Design and Approval Services			
1-6	Lump Sum	\$ 48,750	.30
C. Surveying			
1-3	Lump Sum	\$ 15,000	.90
4	Lump Sum*	\$ 12,000	.97
*Four sets of fieldnotes assumed at \$3,000 each.			
D. Geotechnical Investigation			
1	Lump Sum	\$ 6,000	.60
E. Easement/ROW Acquisition			
1	Lump Sum	\$ 10,000	.61
F. Public Bidding Services			
1-4	Lump Sum	\$ 8,000	.35
G. Construction Phase Services			
1-8	Lump Sum	\$ 20,750	.70
H. Reimbursables/Reproductions			
(preliminary budget amount)	Cost + 10%	\$ 1,500	.89
TOTAL FEES		\$ 142,000	

Please note that the above fees are based on a smooth project implementation and have assumed no major changes to the TCEQ approved documents. Work provided outside the above scope of services will be billed as an additional service at our standard hourly rates.

ASSUMPTIONS

In preparing this proposal, we have made the following assumptions:

A. Site

- The project will be developed as a single phase
- No tree survey is required

B. Owner Services

- The Owner is responsible for payment of advertisement of bid
- The Owner or bidders are responsible for paying for reproduction costs of contract sets provided to the Contractor
- The Owner will provide on-site construction observation services, for the duration of the construction contract.

C. Miscellaneous

- This project will not encounter significant opposition from County or State review agencies, neighborhood groups, environmental groups, etc

D. Sub-consultants

The following are excluded from our scope of services unless specifically included in this proposal.

- Materials testing during construction
- Archeological investigation or permitting services

E. Additional Services

The following items are excluded from this proposal but can be provided as an additional service:

- Design revisions required due to amendments/changes in regulatory criteria (i.e., design criteria, results of legislation, court decisions, etc.) adopted after the date of the proposal, which becomes effective retroactive prior to the date of the proposal, or which might benefit your project to the extent your desire to incorporate them into the project.
- Design of a traffic control plan for this project.
- Design of a trench safety plan for this project.
- Redesign after the City of Temple and TCEQ or their designated representative has approved the plans and specifications for the project.
- Preparation of environmental assessments and impact statements.

- Construction observation services.
- Providing assistance in resolving any Hazardous Environmental Condition, or cultural resource, or site uncovered after the date of this Agreement.
- Negotiating disputes between reviewing authorities.
- Analysis of impact to the City collection system and wastewater treatment plant.
- Preparing to serve or serving as a consultant or witness in behalf of the Owner, in any litigation, arbitration, or other dispute resolution process related to this project.
- Other services performed or furnished **not** otherwise provided for under this Agreement or in the Engineering Contract.

We appreciate the opportunity to submit this proposal and look forward to assisting you in the development of this project. If you agree with the above scope of services and associated fee, please sign in the space provided below and return the original signed copy to our office. If you desire any change in scope or any clarifications, please feel free to contact me. Upon acceptance of this proposal by the City, Bury will prepare a Standard Professional Engineering Services Agreement for execution.

Sincerely,



Thomas E. Caponi, P.E.
Vice President

PROPOSAL ACCEPTED BY:

City of Temple

Ms. Nicole M. Torralva, P.E.

Date

ATTACHMENT 1

Pea Ridge Lift Station 15 Year Flow Projection

Service Area for Pea Ridge Lift Station (AC)	4700
Low Density Residential Average Flowrate Per Acre (GPD)	483
Medium Density Residential Average Flowrate Per Acre (GPD)	1000
Agricultural/Rural Average Flowrate Per Acre (GPD)	0

Use	Percent of Total Area	Area (AC)	Flowrate (MGD)
Assumed Low Density	25%	1175	0.6
Assumed Medium Density	15%	705	0.7
Assumed Agricultural/Rural	60%	2820	0
Peaking Factor	3.25		
Projected Average Flow Rate	1.3	MGD	
Design Flow Rate	4.1	MGD	

Notes:

1. Low Density and Medium Density flow rates obtained from City of Temple Master Water and Wastewater Plan
2. Projected land uses in sewershed estimated from City of Temple 2030 Future Land Use and Character Map
3. Projected Average Flow Rates have been calculated by summing the area of each use multiplied by the corresponding flowrate



b Bury+Partners
 ENGINEERING SOLUTIONS
 221 West Sixth Street, Suite 600
 Austin, Texas 78701
 Tel. (512)328-0011 Fax (512)328-0325
 TBPE Registration Number F-1048
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PEA RIDGE LIFT STATION

CITY OF TEMPLE

SITE LOCATION MAP

DATE: 07/23/2010

SCALE: N.T.S.

DRAWN BY: RWM

FILE: \

PROJECT No.: XXXX-XX.XX

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND BURY + PARTNERS ENGINEERING SOLUTIONS FOR ENGINEERING SERVICES, INCLUDING DESIGN, SURVEYING, EASEMENT ACQUISITION, BIDDING, AND CONSTRUCTION ADMINISTRATION REQUIRED TO IMPLEMENT THE PEA RIDGE LIFT STATION REHABILITATION PROJECT, IN AN AMOUNT NOT TO EXCEED \$142,000; DECLARING AN OFFICIAL INTENT TO REIMBURSE THIS EXPENDITURE MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS FOR THIS PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Pea Ridge Lift Station is a critical element in the sewer collection system currently serving south and west Temple;

Whereas, the Staff has determined that repair and upsizing of the lift station is essential so that it can continue to maintain continuous service to the area;

Whereas, Bury + Partners Engineering Solutions submitted a proposal in the amount of \$142,000 for engineering services, including design, surveying, easement acquisition, bidding, and construction administration required for the project and the Staff recommends accepting it;

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

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

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

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

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

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a professional services agreement, not to exceed \$142,000, between the City of Temple, Texas, and Bury + Partners Engineering Solutions, after approval as to form by the City Attorney, for engineering services, including design, surveying, easement acquisition, bidding, and construction administration required to implement the Pea Ridge Lift Station Rehabilitation Project.

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

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

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

<u>Project Description</u>	<u>Debt To Be Issued</u>
Preliminary Engineering	\$ 20,000
Design	\$ 48,750
Surveying	\$ 27,000
Geotechnical	\$ 6,000
Easement Acquisition	\$ 10,000
Bidding	\$ 8,000
Construction Phase	\$ 20,750
Reimbursables	\$ 1,500
TOTAL	\$ 142,000

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

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

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

PASSED AND APPROVED this the **5th** day of **August**, 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

08/05/10
Item #5(D)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager

ITEM DESCRIPTION: Consider adopting resolutions authorizing the following two contracts related to asbestos abatement of the Hawn Hotel:

1. Construction contract with ARC of Waco for the removal of asbestos-containing materials in the amount of \$120,240, and
2. Professional services agreement for asbestos air monitoring services with Austin Environmental, Inc. of Bryan in an amount not to exceed \$35,000.

STAFF RECOMMENDATION: Adopt resolutions as presented in item description.

ITEM SUMMARY: Upon acquiring the Hawn Hotel building located at 114 East Central Ave, the City sought and received grant funding from the Department Housing and Urban Development, in the amount of \$137,200, to support building rehabilitation including asbestos abatement, demolition and clean-up. The City engaged Austin Environmental, Inc. to perform a survey of the asbestos-containing materials within the building. The survey indicated that the following asbestos-containing materials existed:

Hawn Hotel Tower:

Drywall and Ceiling Texture	approximately 23,393 square feet
12" x 12" Floor Tile	approximately 1,251 square feet
Black Wall Mastic	approximately 949 square feet
Linoleum	approximately 662 square feet
Lay-in Ceiling Tile	approximately 2,021 square feet
Acoustical Ceiling Texture	approximately 28,598 square feet
9" x 9" Floor Tile	approximately 8,509 square feet
Black Floor Mastic	approximately 11,739 square feet
Pipe Insulation, Fittings and Elbows	approximately 2,610 linear feet
Wall Texture	approximately 17,249 square feet

Hawn Hotel Annex:

Drywall Texture	approximately 810 square feet
12" x 12" Floor Tile	approximately 1,775 square feet
Plaster Texture	approximately 2,680 square feet

Hawn Hotel Basement:

Boiler and Tank Insulation	approximately 425 square feet
Pipe Insulation	approximately 290 linear feet

Austin Environmental's preliminary estimate of the cost to abate these materials was \$253,387, in addition to \$44,500 for air monitoring fees and \$4,700 state notification fees. Of the \$253,387 estimate for abatement, \$40,000 was to be used for remediation of asbestos in the windows. Upon discussion with consultants, staff, and the State, it has been determined that the abatement of the windows should be completed during full rehabilitation of the facility, not the current phase of asbestos abatement.

As shown on the attached bid tabulation, on July 13, 2010 six (6) bids were received for removal, demolition and disposal of the asbestos-containing materials, excluding the windows. ARC was the lowest bidder. Austin Environmental has experience working with ARC and they have found them to be a responsible contractor.

Per Texas Department of State Health Services, asbestos abatement processes are required to be monitored by an Asbestos Project Manager, holding an Asbestos Consultant License. Austin Environmental will provide asbestos air monitoring and asbestos project management for the duration of the project in an amount not to exceed \$35,000 (see attached Asbestos Air Monitoring Proposal).

Required Texas Department of State Health Services notification fees, not to exceed \$3,300, will also be funded for this project.

Staff recommends that City Council authorize a contract with both ARC of Waco, TX in the amount of \$120,240 and Austin Environmental, Inc. of Bryan, TX, in an amount not to exceed \$35,000.

FISCAL IMPACT

1. Grant funds from the HUD EDI-SP Grant will be used to fund 100% of the construction contract with ARC of Waco in the amount of \$120,240.
2. Funding for the contract with Austin Environmental in the amount of \$35,000 will be split between HUD EDI-SP Grant funds (\$16,960) and Construction Safety operational accounts (\$18,040).

Additionally, \$3,300 in Construction Safety operating funds will be used to pay the notification fees required by the Texas Department of State Health Services. A budget adjustment to transfer funds from the above referenced Construction Safety operational accounts to Other Contracted Services account 260-3300-531-26-23 is presented for Council's approval.

ATTACHMENTS:

[Bid Tabulation](#)
[Asbestos Air Monitoring Proposal](#)
[Budget Adjustment](#)
[Resolution](#)

Tabulation of Bids Received
on July 13, 2010 at 2:15 p.m.
Asbestos Abatement of Hawn Hotel Tower, Annex and Basement

	Bidders					
	ARC Abatement LTD Waco, TX	Inland Environmental LTD Kingwood, TX	CST Environmental LP dba CST Acquisition, LP Dallas, TX	Olmos Abatement Inc. Manor	AAR, Inc. Liberty Hill	Prism Response, Inc. FT. Worth
Description						
Base Bid	\$102,500.00	\$199,727.00	\$373,000.00	\$271,901.95	\$145,000.00	\$205,500.00
Alternate Bid #1	\$8,990.00	\$15,880.00	\$39,400.00	\$32,258.75	\$14,000.00	\$18,850.00
Alternate Bid #2	\$8,750.00	\$6,880.00	\$33,000.00	\$3,865.00	\$5,000.00	\$8,700.00
Acknowledged Addendum	Yes	Yes	Yes	Yes	1 addendum	Yes
Bid Bond (required at bid opening)	5%	5%	5%	5%	5%	5%
Bond Affidavit	Yes	Yes	Yes	Yes	Yes	Yes
Insurance Affidavit	Yes	Yes	Yes	Yes	Yes	Yes
Credit Check Authorization Form	Yes	Yes	Yes	Yes	Yes	Yes

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

Belinda Mattke ***13-Jul-10***
Belinda Mattke, Director of Purchasing Date

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

AUSTIN ENVIRONMENTAL, INC.
P.O. Box 3725
Bryan, Texas 77805
979-778-2699/ Phone
979-778-2730/Fax
pdehlinger@austinenv.com

Asbestos Air Monitoring Proposal

Date: July 14, 2010

Proposal No.: NA

Project Name: Old Hawn Hotel Tower, Annex and Basement

Location: 114 E. Central, Temple, Texas 76501

Project Contact: Mr. Richard Therriault

Telephone No.: 254-298-5643 rtherriault@ci.temple.tx.us

Description of Services: Perform asbestos project design for the removal of asbestos-containing building materials (ACBM) for the existing 8-story Hotel Tower, annex and basement. Project to comply with the Texas Dept. of State Health Services (DSHS) Texas Asbestos Health Protection Rules (TAC 295.34), EPA National Emissions Standards for Hazardous Air Pollutants (40 CFR Part 61, subpart M) asbestos requirements.

PROPERTY OWNER/OPERATOR IDENTIFICATION:

Name: City of Temple-Construction Safety

Address: 2 North Main, Suite 101, Temple, Texas 76501

Attention: Mr. Richard Therriault

INVOICING:

Asbestos Air Monitoring	Five hundred dollars per 9 hour work day.....	\$500.00
Over 9 hour work day	Fifty-five dollars per hour.....	\$55.00
Asbestos Project Management	Fifteen hundred dollars.....	\$1500.00
Asbestos Report	Six hundred dollars and no/100.....	\$600.00
Invoice not to exceed Thirty-five thousand dollars.....		\$35,000.00

Austin Environmental Inc./Paul B. Dehlinger fee is based on the scope of work described in the proposal. If the proposal is accepted please indicate with signature below and return proposal. Proposal is valid for a period not to exceed 60 days.

Signed _____ Date _____

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

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

Adjustments should be rounded to the nearest \$1.

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
110-3700-524-26-31		Lot Cleanup/Code Enforcement		\$ 11,000
110-3700-524-26-49		Landfill Tipping Fees		10,340
110-9100-591-81-60		Transfer Out - Grant Fund	21,340	
260-0000-490-25-82		Transfer In - General Fund	21,340	
260-3300-531-26-23		Other Contracted Services	21,340	
TOTAL.....			\$ 64,020	\$ 21,340

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

Budget Adjustment to relocate funds to cover additional cost of asbestos abatement and asbestos air monitoring for the Hawn Hotel. City received grant funds in the amount of \$137,200 from the Department of Housing and Urban Development. The proposed contract for asbestos abatement with ARC of Waco, TX is \$120,240. The proposed contract for asbestos air monitoring with Austin Environmental, Inc. is \$35,000 with an additional amount of \$3,300 required by the Texas Department of State Health Services for notification fees for a total needed of \$158,540. The additional amount required is \$21,340 which is proposed to be reallocated from Construction Safety expenditure accounts referenced above.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

5-Aug-10

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH ARC OF WACO, TEXAS, FOR THE REMOVAL OF ASBESTOS-CONTAINING MATERIALS IN THE HAWN HOTEL, IN THE AMOUNT OF \$120,240; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 13, 2010, 6 bids were received for the removal of asbestos-containing materials in the Hawn Hotel;

Whereas, the Staff recommends accepting the proposal (\$120,240) received from ARC of Waco, Texas;

Whereas, funding is 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:

Part 1: The City Council authorizes the City Manager, or his designee, to execute a construction contract, not to exceed \$120,240, with ARC of Waco, Texas, after approval as to form by the City Attorney, for the removal of asbestos-containing materials in the Hawn Hotel.

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

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

PASSED AND APPROVED this the 5th day of **August**, 2010.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH AUSTIN ENVIRONMENTAL, INC., OF BRYAN, TEXAS, FOR ASBESTOS AIR MONITORING SERVICES IN THE HAWN HOTEL, IN THE AMOUNT OF \$35,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City previously retained Austin Environmental, Inc., of Bryan, Texas, to perform a survey of the asbestos-containing materials within the Hawn Hotel building;

Whereas, the survey indicated asbestos-containing materials that need to be removed, and the City recently received bids for the removal project;

Whereas, the Staff recommends entering into a professional services agreement with Austin Environmental, Inc., of Bryan, Texas, for asbestos air monitoring services;

Whereas, funding is 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:

Part 1: The City Council authorizes the City Manager, or his designee, to execute a professional services agreement, not to exceed \$35,000, with Austin Environmental, Inc., of Bryan, Texas, after approval as to form by the City Attorney, for asbestos air monitoring services during the removal of asbestos in the Hawn Hotel building.

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

Part 3: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of

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

PASSED AND APPROVED this the **5th** day of **August**, 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

08/05/10
Item #5(E)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Parks and Leisure Services Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Temple Heat & Air for replacement HVAC units at three locations in the amount not to exceed \$93,667.13

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This project will result in the replacement of several HVAC units at City facilities as part of the 2010 Capital Improvement Program.

On July 13, 2010 the City of Temple received three bids to replace the HVAC units ranging from a high of \$147,790 to a low of \$93,667.13 with Temple Heat & Air submitting the low bid. Per the attachment, the breakdown of the construction contract is as follows:

Sammons Community Center (12 units)	\$59,662.65
Clarence Martin Recreation Center (5 units)	\$25,556.64
Blackmon Center (1 unit)	<u>\$ 8,447.84</u>
TOTAL	<u>\$93,667.13</u>

This project includes new cooling and heating units, programmable thermostats, new condensate drain pans with safety switches, new condenser pads, and new copper line sets. Services also included in this contract will be the cleaning of ducts for these units, air balancing of the new units, and instructions to the end users as how to operate the units/thermostats.

As a result of replacing these older units with new and more efficient units the City should see a reduction in the amount of electricity needed to cool and heat these three facilities.

FISCAL IMPACT: Funding for the HVAC replacements has been appropriated in the accounts listed below.

Description	Account#	Project#	Budget	Proposed Expenditure
Sammons Community Ctr	110-5924-519-6310	100517	\$ 65,000.00	\$ 59,662.65
Clarence Martin Rec Ctr	110-5924-519-6310	100518	\$ 36,000.00	\$ 25,556.64
Blackmon Center	110-5924-519-6310	100523	<u>\$ 13,000.00</u>	<u>\$ 8,447.84</u>
TOTALS			<u>\$114,000.00</u>	<u>\$ 93,667.13</u>

ATTACHMENTS:

[Bid tab](#)

[Resolution](#)

Tabulation of Bids Received
on July 13, 2010 at 2:30 p.m.
Replacement HVAC Project 2010

	Bidders		
	Rabroker Air Conditioning & Plumbing Temple	Temple Heat & Air LLC. Temple	Lone Star General Contracting LLC San Antonio
Description			
Total Bid Price for Sammons Park Recreation Center	\$69,467.00	\$59,662.65	\$93,999.00
Total Bid Price for Clarence Martin Recreation Center	\$34,584.00	\$25,556.64	\$42,040.00
Total Bid Price for Blackmon Center	\$10,075.00	\$8,447.84	\$11,751.00
Total Bid Price for all Locations	\$114,126.00	\$93,667.13	\$147,790.00
Completion within 45 days	Yes	Yes	Yes
Exceptions	None	Yes	Yes
Local Preference	No	Yes	No
Acknowledged Addendum	Yes	Yes	Yes
Bid Bond (required at bid opening)	5%	Cashier's Check	5%
Bond Affidavit	Yes	Yes	Yes
Insurance Affidavit	Yes	Yes	Yes
Credit Check Authorization Form	Yes	Yes	Yes

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

Belinda Mattke

Belinda Mattke, Director of Purchasing

13-Jul-10

Date

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH TEMPLE HEAT & AIR FOR REPLACEMENT HVAC UNITS AT 3 LOCATIONS IN THE AMOUNT NOT TO EXCEED \$93,667.13; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 13, 2010, the City received 3 bids to replace the HVAC units at Sammons Community Center, Clarence Martin Recreation Center, and the Blackmon Center;

Whereas, the Staff recommends accepting the proposal (\$93,667.13) received from Temple Heat & Air of Temple, Texas;

Whereas, funding for this project is available in Account No. 110-5924-519-6310, Project #'s 100517, 100518, and 100523; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a construction contract, not to exceed \$93,667.13, with Temple Heat & Air of Temple, Texas, after approval as to form by the City Attorney, for replacement HVAC units at 3 locations.

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

PASSED AND APPROVED this the **5th** day of **August**, 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

08/05/10
Item #5(F)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of one front loading refuse truck through the BuyBoard from Rush Truck Center in the amount of \$223,428.53.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: As part of the FY 2010 budget, Council authorized the purchase of a new frontload truck to replace an existing aging frontload truck in the Solid Waste Division of the Public Works Department. The unit to be replaced is a 1995 Peterbilt truck, to be replaced with a similar 2010 Peterbilt Truck. The BuyBoard is a joint project of the Texas Association of School Boards, Texas Municipal League and Texas Association of counties. All products and services offered on the BuyBoard have already been competitively procured. For several years, the Solid Waste Services Division has bid replacement garbage trucks on a “best value” type bid. Other trucks approved in the current fiscal year have already been bid and received using the “best value” bid process.

The purchase of this front loading refuse truck was delayed at the beginning of the fiscal year to allow for further evaluation of replacement of the truck or consideration of a decrease in the fleet by one truck. Through detailed assessment and evaluation, it has been determined that the truck needs to be replaced and that the current number of front line and backup trucks needs to be maintained to allow for efficient operations, ensuring that customers are serviced in a timely manner. The City currently operates 5 regular front line trucks on daily routes and maintains 2 backup trucks which are used during breakdowns and periods of routine maintenance.

By purchasing from the BuyBoard, a current model truck built with an engine manufactured prior to the new emission standards will be able to be acquired, resulting in a savings from the new, higher priced engines. Equipment will also be able to be delivered within 90 days, as compared to substantially longer delivery times required for a new truck to be built. This purchase through the BuyBoard and “best value” bid process will allow for good quality equipment and standardization of the fleet, which will also contribute to considerable savings in fleet maintenance.

This particular combination of a Peterbilt cab and chassis and a McNeilus packer body has been very successful in the current fleet of trucks purchased in 2004. The reputation of the machinery and the maintenance cost and down time in comparison with the rest of the fleet has been excellent. The McNeilus packer body has a higher compaction rate, resulting in fewer trips to the landfill. Peterbilt exceeds most of our standard specifications which is extremely important to this commercial section of solid waste collections.

The truck will be purchased through the BuyBoard from Rush Truck Center, Houston. Rush will be responsible for having the McNeilus packer body and all options installed and making the delivery to the City.

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

Description	Account #	Budget	Proposed Expenditure
Machinery & Equipment	110-5900-540-6222 Project #100531	\$223,429	\$223,428.53
TOTALS		\$223,429	\$223,428.53

ATTACHMENTS:

[Resolution](#)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF ONE FRONT LOADING REFUSE TRUCK THROUGH THE BUYBOARD LOCAL GOVERNMENT ONLINE PURCHASING COOPERATIVE FROM RUSH TRUCK CENTER OF HOUSTON, TEXAS, IN THE AMOUNT OF \$223,428.53; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, as part of the FY 2010 budget, the City Council authorized the purchase of a new frontload truck to replace the existing aging frontload truck in the Solid Waste Division of the Public Works Department;

Whereas, the Staff recommends purchasing the refuse truck from Rush Truck Center of Houston, Texas, through the BuyBoard local government online purchasing cooperative, for a total purchase price of \$223,428;

Whereas, funds are available for the purchase in Account No. 110-5900-540-6222, Project # 100531; and

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

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

Part 1: The City Council authorizes the purchase of one front loading refuse truck for the Solid Waste Division from Rush Truck Center of Houston, Texas, through the BuyBoard local government online purchasing cooperative, in the amount of \$223,428.53.

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

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

PASSED AND APPROVED this the **5th** day of **August**, 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

08/05/10
Item #5(G)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing an agreement with Norman Jolly, P.C., attorney at law to provide legal services to the City of Temple.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The proposed resolution ratifies the hiring of Norman Jolly, P.C., to provide legal services to the City of Temple under the direction of the City Attorney.

FISCAL IMPACT: None

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AGREEMENT WITH NORMAN JOLLY, P.C., ATTORNEY AT LAW, TO PROVIDE LEGAL SERVICES TO THE CITY OF TEMPLE UNDER THE DIRECTION OF THE CITY ATTORNEY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Staff recommends entering into an agreement with Norman Jolly, P.C., Attorney at Law, to provide legal services to the City of Temple under the direction of the City Attorney; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute an agreement with Norman Jolly, P.C., Attorney at Law, after approval as to form by the City Attorney, to provide legal services to the City of Temple under the direction of the City Attorney.

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

PASSED AND APPROVED this the 5th day of **August**, 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

08/05/10
Item #5(H)
Consent 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

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

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

ITEM SUMMARY: 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.

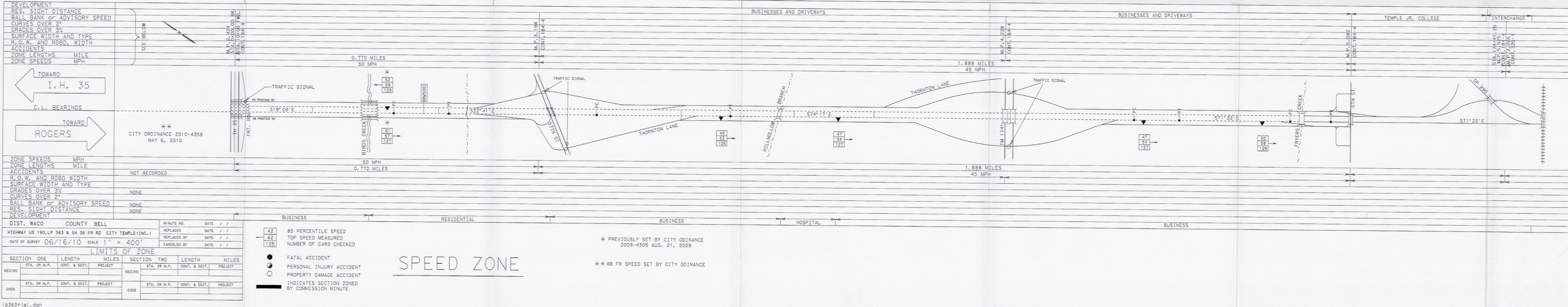
Starting at M.P. 3.194, proceeding east on the east bound frontage road of US190/LP363/SH 36, the speed limit shall be 45 MPH for a distance of 1.888 miles, ending at M.P. 5.082 & South 5th Street.

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. _____

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:

Part 1: 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.

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

Part 4: 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.

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

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

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

PASSED AND APPROVED on First Reading 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
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/05/10
Item #5(I)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

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

ITEM SUMMARY: 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. _____

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 SEVERAL SUBSECTIONS TO ALLOW FOR ENFORCEMENT BY THE CITY'S CONSTRUCTION & SAFETY DEPARTMENT; PROVIDING A 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:

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

Part 2: 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.

Part 4: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 5: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

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

PASSED AND APPROVED on Second Reading on the 5th day of **August**, 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 MEMORADUM

08/05/10
Item #5(J)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Interim Planning Director

ITEM DESCRIPTION: Consider adopting a resolution abandoning 352.50 feet of a 10 foot wide utility easement on the north side of Marlandwood Road, starting at the northeast corner of Lot 2, Block 1, Deyoe Addition (990 Marlandwood Road) and extending South 72 degrees 59 minutes 10 seconds East to the intersection of Outblocks 678-E, 682-D, and 678-D.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

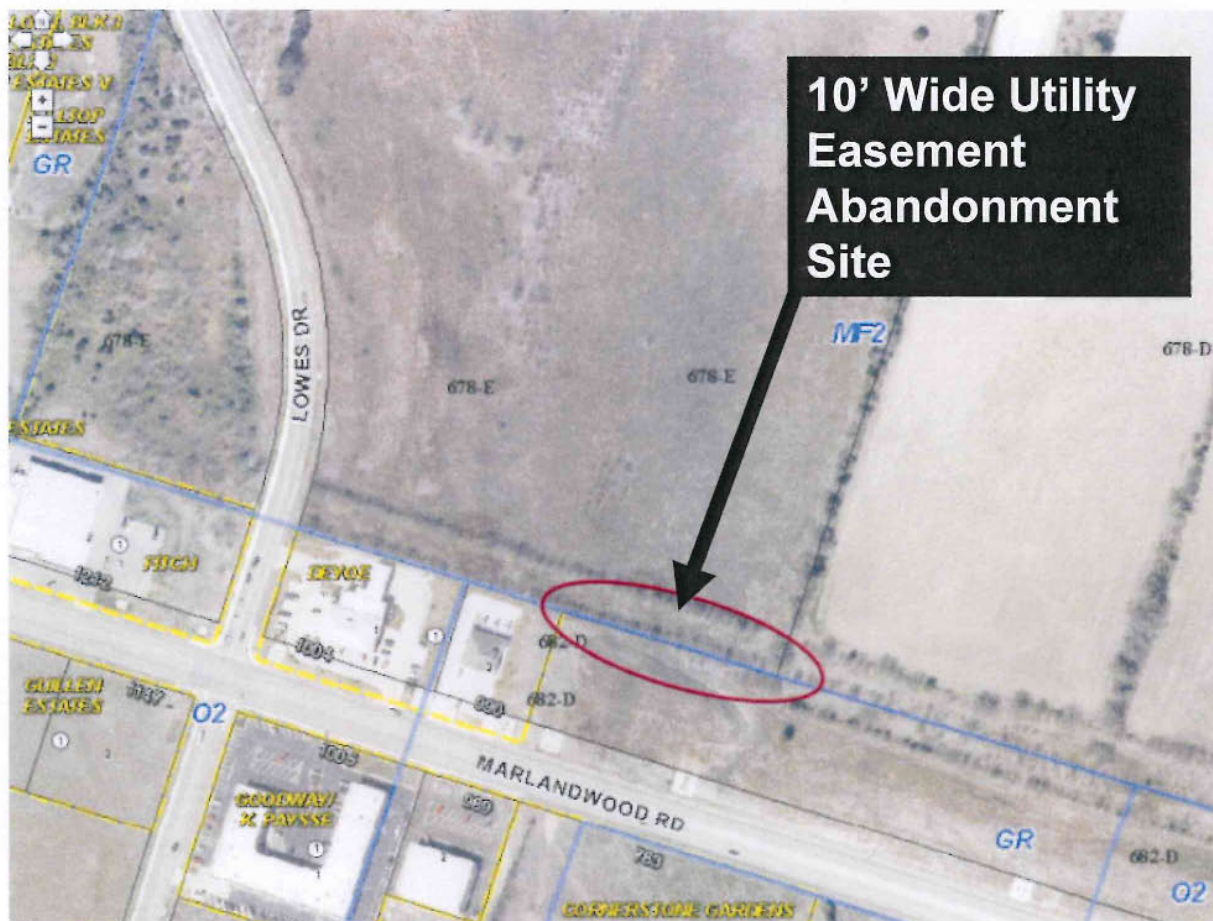
ITEM SUMMARY: The applicant, Encore Multi-Family Group, LLC, requests this easement abandonment to allow the future development of a 180-unit apartment community. The subject easement intersects one of the proposed residential buildings. The applicant will establish new utility easement locations through the platting process for the proposed development.

Planning staff contacted all utility providers, including the City Public Works Department, regarding this easement abandonment request. There are no utilities in the easement and no objections to the requested easement abandonment.

FISCAL IMPACT: By state law, the City of Temple may transfer easements at no cost to the underlying fee owner.

ATTACHMENTS:

Aerial
Exhibit
Application
Resolution



ABANDONMENT APPLICATION

Date: 6/14/2010

Property Owner: <u>Marlandwood LTD</u>	<u>100 Congress Ave, Suite 780, Austin, TX 78701</u>	<u>(512) 322-3249</u>
Name	Address	Phone #

Applicant: <u>Encore Multi-Family, LLC c/o Jay Graham or Angela Hill 5005 LBJ Freeway, Suite 1200 Dallas, TX 75244 (214)259-2747 or (214) 259-2469</u>		
Name	Address	Phone #

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

Email: jgraham@encore.bz or ahill@encore.bz **Fax Number:** 214-259-7001

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

Outblock (if not platted): See attached field notes and description for location

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

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

Abandonment Description: Please explain why the abandonment is needed.

Currently, there is an existing 10' utility easement extending in east/west direction across the northern edge of Tract 2 (Marlandwood Ltd.).

This site is one of two parcels that will be joined for use in the development of a 180 unit apartment community, Encore on Marlandwood. Upon the development of the site, new utility easements will be located in areas complementary to the new apartment community. The current easement intersects residential Building 1. The location of Building 1 on the Site Plan can not efficiently be altered given site constraints. Therefore, we we respectfully request abandonment of the noted utility easement.

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

Future multi-family development

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ABANDONING 352.50 FEET OF A 10 FOOT WIDE UTILITY EASEMENT ON THE NORTH SIDE OF MARLANDWOOD ROAD, STARTING AT THE NORTHEAST CORNER OF LOT 2, BLOCK 1, DEYOE ADDITION (990 MARLANDWOOD ROAD) AND EXTENDING SOUTH 72 DEGREES, 59 MINUTES, 10 SECONDS EAST TO THE INTERSECTION OF OUTBLOCKS 678-E, 682-D, AND 678-D; AUTHORIZING THE EXECUTION OF ANY LEGAL INSTRUMENT NECESSARY TO EVIDENCE THE ABANDONMENT OF SAID EASEMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has been requested to abandon a utility easement on the north side of Marlandwood Road to allow for the future development of a 180-unit apartment community – the subject easement intersects one of the proposed residential buildings and the applicant will establish new utility easement locations through the platting process for the proposed development;

Whereas, there are no utilities in the easement and no objections to the abandonment by the utility providers, including the City Public Works Department; and

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

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

Part 1: The City of Temple, Texas, and the general public, permanently relinquish and abandon 352.50 feet of a 10 foot wide utility easement on the north side of Marlandwood Road, starting at the northeast corner of Lot 2, Block 1, Deyoe Addition (990 Marlandwood Road) and extending south 72 degrees, 59 minutes, 10 seconds East to the intersection of Outblocks 678-E, 682-D, and 678-D, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: Upon request the City of Temple will provide a copy of this resolution and any other evidence of abandonment of the utility easement, which may be reasonably required.

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

PASSED AND APPROVED on the **5th** day of **August**, 2010.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney

STATE OF TEXAS §

COUNTY OF BELL §

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

Notary Public, State of Texas

Return Recorded Document to:

*City Attorney's Office
2 North Main Street, Suite 308
Temple, TX 76501*



COUNCIL AGENDA ITEM MEMORANDUM

08/05/10
Item #5(K)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

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

FISCAL IMPACT: The total amount of budget amendments is \$29,314.

ATTACHMENTS:

Budget amendments
Resolution

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2010 BUDGET
August 5, 2010

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-2000-521-1119		Overtime (Police Dept.)	\$ 4,245	
110-0000-452-0164		Child Safety Fees		\$ 4,245
To recognize revenue and appropriate the expenditure for the additional overtime worked at Lakewood Elementary for traffic control. The overtime is funded thru Child Safety Fees. The original amount estimated included traffic control thru January. Due to the delay of the installation of the traffic light in front of the school, additional overtime hours were incurred through the end of the school year.				
110-2000-521-1119		Overtime (Police Dept.)	\$ 5,238	
110-0000-442-0718		Police Overtime		\$ 5,238
To recognize revenue and appropriate the expenditure for the reimbursement of Police Overtime from the Chamber for the Bloomin' Festival.				
110-2100-529-2114		Animal Food & Supplies (Animal Services)	\$ 7,000	
110-0000-461-0841		Donations/Gifts		\$ 7,000
Appropriate donations received at the Animal Shelter for October 1, 2009 thru May 31, 2010.				
110-3500-552-2311		Buildings & Grounds (Parks Dept.)	\$ 8,571	
110-0000-445-1587		Parks Donations		\$ 8,571
This money is from the Parks Foundation to reimburse the general operating fund for expenditures incurred at the Rotary Playground.				
110-3700-524-2516		Judgments & Damages (Construction Safety)	\$ 238	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 238
Attorney fees for lawsuits filed against the City -- Centex Investments, Inc. v. City of Temple and Anderson v. City				
260-6100-571-2698		Code Enforcement/Clearance (CDBG)	\$ 22	
260-0000-431-0131		CDBG Federal Grant		\$ 22
To appropriate CDBG funds that were reimbursed to the grant. During a HUD financial monitoring it was discovered that a duplicate invoice was charged to the grant in fiscal year 2009. The grant has been reimbursed for the invoice amount.				
520-1300-535-6221	100668	Computer Software (Water & Sewer Purchasing Warehouse)	\$ 4,000	
520-5000-535-6532		Contingency		\$ 4,000
To appropriate funds from Water & Sewer contingency in the amount of \$4,000 to partially fund the software needed to implement a bar coding system for inventory. The total cost of the project is \$24,001. Technology funds in the amount of \$16,001 and funds from the Fleet Service's operating budget in the amount of \$4,000 will also be used for this project.				
TOTAL AMENDMENTS			\$ 29,314	\$ 29,314

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2010 BUDGET
August 5, 2010

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			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	\$	(71,660)
		Net Balance of Judgments & Damages Contingency Account	\$	6,173
		Beginning Fuel Contingency	\$	125,000
		Added to Fuel Contingency	\$	-
		Taken From Fuel Contingency	\$	-
		Net Balance of Fuel Contingency Account	\$	125,000
		Beginning Solid Waste - Future Capital Replacement Contingency	\$	48,400
		Added to Solid Waste - Future Capital Replacement Contingency	\$	-
		Taken From Solid Waste - Future Capital Replacement Contingency	\$	-
		Net Balance of Solid Waste - Future Capital Replacement Contingency Account	\$	48,400
		Net Balance Council Contingency	\$	179,573
		Beginning Balance Budget Sweep Contingency	\$	-
		Added to Budget Sweep Contingency	\$	-
		Taken From Budget Sweep	\$	-
		Net Balance of Budget Sweep Contingency Account	\$	-
WATER & SEWER FUND				
		Beginning Contingency Balance	\$	247,423
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(32,875)
		Net Balance of Contingency Account	\$	214,548
		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	\$	214,548
HOTEL/MOTEL TAX FUND				
		Beginning Contingency Balance	\$	26,336
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(26,336)
		Net Balance of Contingency Account	\$	-
DRAINAGE FUND				
		Beginning Contingency Balance	\$	-
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	-

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2010 BUDGET
August 5, 2010

			APPROPRIATIONS	
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 Balance of Contingency Account	\$	18,003

RESOLUTION NO. _____

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

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

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

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

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

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

PASSED AND APPROVED this the 5th day of **August**, 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

08/05/10
Item #6
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, Interim Director of Public Works
Kenny Henderson, Superintendent of Street Services

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Consider adopting an ordinance establishing school crosswalks and setting speed limits within school zones to conform to school schedules.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance presented in item description, on first reading, and schedule second reading and final adoption for August 19, 2010.

ITEM SUMMARY: In August 2009 the City adopted an ordinance establishing school crosswalks and setting limits within school zones as agreed upon by the City, TISD and BISD. BISD has requested that the City extend the school zone time on Tarver Road and Cedar Lane at Lake Belton Middle School from 4:00 pm to 4:30 pm. The original times were set when students were released at 3:00 pm. Students are now being released at 3:45 pm causing a need to extend school times at these locations.

FISCAL IMPACT: None

ATTACHMENTS:

[List of school crossings](#)
[Ordinance](#)

**City of Temple
School Zones**

Schools	Cones	Flags	Zone Times
Bethune Elementary 510 E Ave J A. Crossing guard works crosswalk on MLK Blvd and Ave J B. School Zone is on E Ave J and S 10th St. The front and westside of school C. One Way on S 10th St from E Ave I to E Ave J	Yes	Yes	One Way Time as Posted 7:00 to 8:30 14:00 to 15:30
Cater Elementary 4111 Lark Trail A. Crossing guard works Crosswalk in school parking area B. School Zone is on Lark Trail in front of School	Yes	Yes	
Emerson Elementary 1400 E Ave B A. Crossing Guard works Crosswalk Works E Ave B and S 24th ST	Yes	Yes	
Hector P. Garcia Elementary 2525 Lavendusky Dr A. No Crosswalk	No	No	
Jefferson Elementary 400 W. Walker Ave A. Crossing Guards (2) Works Crosswalk At N 3rd St and W. Walker Ave B. Crossing Guard works Crosswalk at N 3rd ST and Industrial Blvd this is a controlled signal light. C. Flashing lights on N 3rd St are North of W. Walker Ave and North of W Shell Ave.	Yes	Yes	Flashing Lights 06:30 to 08:30 14:45 to 16:30
Kennedy-Powell Elementary 3707 W. Nugent Ave A. Crossing Guard will work Crosswalks W. Nugent Ave and Cearley Rd. B. Flashing lights on W. Nugent Ave west and east of Cearley Rd	Yes	Yes	Flashing Lights 06:30 to 08:30 14:45 to 16:30
Dickson Elementary 1100 S 33rd St A. One way south from W Ave K to W Ave L			One Way Time as Posted 7:00 to 8:30 14:00 to 15:00
Meridith-Dunbar 1717 E Ave J A. Crossing Guard will work Crosswalks at S 30th St and E. Ave J B. Flashing lights on S 30th St C. One Way on E Ave J from S 30th St to S 34th St at posted times	Yes	Yes	Flashing Lights 06:30 to 08:30 14:45 to 16:30 One Way Time as Posted 7:00 to 8:30 14:00 to 15:00

**City of Temple
School Zones**

Schools	Cones	Flags	Zone Times
Raye Allen Elementary 5015 S 5th St A. Crossing Guards will work Crosswalks on S 5th St B. Flashing lights on S 5th St north and south of school	Yes	Yes	Flashing Lights 06:30 to 08:30 14:45 to 16:30
Scott Elementary 2301 W Ave P A. Crossing Guard will work Crosswalk on W Ave P B. Crossing Guard will work Crosswalk on W Ave M @ S 45th St. C. Flashing lights on W Ave P east of S 49th St and west of S 39th St.	Yes	Yes	Flashing Lights 06:30 to 08:30 14:45 to 16:30
Thornton Elementary 2900 Pin Oak Dr A. Crossing Guard will work Crosswalk on Pin Oak @ East Dr. B. One way on Pin Oak from East Dr. to Mesquite at posted times	Yes	Yes	School Zone Signs 07:30 to 8:30 14:30 to 16:00 One Way Time as Posted 7:30 to 8:30 14:30 to 16:00
Western Hills Elementary 600 Arapaho A. Crossing Guard will work Crosswalk on Apache @ Deer Tr B. Crossing Guard will work Crosswalk on Apache @ Gila C. Flashing lights on Apache North of Deer Tr. South of Gila.	Yes	Yes	Flashing Lights 06:30 to 08:30 14:45 to 16:30
Bonham Middle School 4600 Midway Dr A. Flashing Lights on Midway Dr. east and west of school.			Flashing Lights 07:00 to 08:30 15:00 to 16:30
Lamar Middle School 2120 N 1st St A. Flashing lights on N 3rd St are North of W. Walker Ave and North of W Shell Ave. B. One way on N 1st St from W Park Ave to W. Virginia Ave at posted times			Flashing Lights 06:30 to 08:30 14:45 to 16:30 One Way Time as Posted 7:30 to 8:30 15:00 to 16:00

**City of Temple
School Zones**

Schools	Cones	Flags	Zone Times
Travis Middle School 1500 S 19th St A. Crossing Guard will work Crosswalk on W Ave M @ S 19th St B. One way on S 19th St from W Ave R to W Ave M			One Way Time as Posted 7:30 to 8:30 14:30 to 16:00
Temple High School 415 N 31st St A. Flashing Lights on N 31st St north of W Barton Ave and North of W Houston Ave			Flashing Lights 07:00 to 16:00
Temple High School Campus 1414 W Barton Ave A. School Zone on Barton from N 31st St to North 27th St			School Zone Signs 07:00 to 16:30
<u>B.I.S.D</u> Lakewood Elementary 11200 FM 2305 A. Flashing lights on FM 2305 in front of school			Flashing Lights 7:15 to 8:00 14:15 to 15:00
Joe M. Pirtle Elementary 714 South Pea Ridge Rd A. Flashing lights on South Pea Ridge in from of school			Flashing Lights 7:15 to 8:00 14:15 to 15:00
Tarver Elementary 7949 Shone Hollow Dr A. School Zone on Stone Hollow Dr in front of school. B. School Zone on Prairie Lark on northside of school B. School Zone on on Westfield on southside of school			School Zone Signs 7:00 to 8:30 14:30 to 16:00
Lake Belton Middle School 8815 Tarver A. Flashing lights on Tarver in front of school. B. School zone on Cedar Ln from Tarver to just north of school			Flashing Lights 7:00 to 8:30 14:30 to 16:30
			School Zone Signs 7:00 to 8:30 14:30 to 16:30

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ESTABLISHING SCHOOL CROSSWALKS IN THE CITY OF TEMPLE; PROVIDING FOR REASONABLE AND PRUDENT PRIMA FACIE MAXIMUM SPEED LIMITS IN THE SCHOOL ZONES; DECLARING FINDINGS OF FACT; PROVIDING FOR A PENALTY FOR VIOLATIONS NOT TO EXCEED \$500 FOR EACH VIOLATION; PROVIDING AN EFFECTIVE DATE; PROVIDING A REPEALER; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City Staff and the Temple Independent School District worked together to establish recommended school crosswalk locations in the City of Temple and entered into an interlocal agreement in 1997 regarding the designation and equipping of school zones within the City;

Whereas, the Temple Independent School District and the City of Temple desire to update the crosswalk and school zone time schedule;

Whereas, an engineering and traffic investigation has been made to determine the reasonable and prudent prima facie maximum speed for motor vehicles within the school zones;

Whereas, it has been determined by these traffic and engineering investigations that the reasonable and safe prima facie maximum speed limit shall be 20 miles per hour; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve the school crosswalks, including the speed limits within the school zones, for the benefit of the citizens for the promotion of the public welfare and safety.

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

Part 1: The City of Temple hereby establishes the school crosswalk locations, which are more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The Director of Public Works is authorized to proceed with installation of flashing lights and school crossing painting and signage, as needed, for the locations described in Exhibit A.

Part 3: The reasonable and prudent prima facie maximum speed limit for vehicular traffic within the school zones described in Exhibit A, shall be established at 20 miles per hour on the days when school is in session.

Part 4: 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 3 hereof shall be prima facie evidence that such speed is not reasonable or prudent and that it is unlawful.

Part 5: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

Part 6: 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.

Part 7: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 8: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 9: 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 **5th** day of **August**, 2010.

PASSED AND APPROVED on Second Reading on the **19th** day of **August**, 2010.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney

**City of Temple
School Zones**

Schools	Cones	Flags	Zone Times
Bethune Elementary 510 E Ave J A. Crossing guard works crosswalk on MLK Blvd and Ave J B. School Zone is on E Ave J and S 10th St. The front and westside of school C. One Way on S 10th St from E Ave I to E Ave J	Yes	Yes	One Way Time as Posted 7:00 to 8:30 14:00 to 15:30
Cater Elementary 4111 Lark Trail A. Crossing guard works Crosswalk in school parking area B. School Zone is on Lark Trail in front of School	Yes	Yes	
Emerson Elementary 1400 E Ave B A. Crossing Guard works Crosswalk Works E Ave B and S 24th ST	Yes	Yes	
Hector P. Garcia Elementary 2525 Lavendusky Dr A. No Crosswalk	No	No	
Jefferson Elementary 400 W. Walker Ave A. Crossing Guards (2) Works Crosswalk At N 3rd St and W. Walker Ave B. Crossing Guard works Crosswalk at N 3rd ST and Industrial Blvd this is a controlled signal light. C. Flashing lights on N 3rd St are North of W. Walker Ave and North of W Shell Ave.	Yes	Yes	Flashing Lights 06:30 to 08:30 14:45 to 16:30
Kennedy-Powell Elementary 3707 W. Nugent Ave A. Crossing Guard will work Crosswalks W. Nugent Ave and Cearley Rd. B. Flashing lights on W. Nugent Ave west and east of Cearley Rd	Yes	Yes	Flashing Lights 06:30 to 08:30 14:45 to 16:30
Dickson Elementary 1100 S 33rd St A. One way south from W Ave K to W Ave L			One Way Time as Posted 7:00 to 8:30 14:00 to 15:00
Meridith-Dunbar 1717 E Ave J A. Crossing Guard will work Crosswalks at S 30th St and E. Ave J B. Flashing lights on S 30th St C. One Way on E Ave J from S 30th St to S 34th St at posted times	Yes	Yes	Flashing Lights 06:30 to 08:30 14:45 to 16:30 One Way Time as Posted 7:00 to 8:30 14:00 to 15:00

**City of Temple
School Zones**

Schools	Cones	Flags	Zone Times
Raye Allen Elementary 5015 S 5th St A. Crossing Guards will work Crosswalks on S 5th St B. Flashing lights on S 5th St north and south of school	Yes	Yes	Flashing Lights 06:30 to 08:30 14:45 to 16:30
Scott Elementary 2301 W Ave P A. Crossing Guard will work Crosswalk on W Ave P B. Crossing Guard will work Crosswalk on W Ave M @ S 45th St. C. Flashing lights on W Ave P east of S 49th St and west of S 39th St.	Yes	Yes	Flashing Lights 06:30 to 08:30 14:45 to 16:30
Thornton Elementary 2900 Pin Oak Dr A. Crossing Guard will work Crosswalk on Pin Oak @ East Dr. B. One way on Pin Oak from East Dr. to Mesquite at posted times	Yes	Yes	School Zone Signs 07:30 to 8:30 14:30 to 16:00 One Way Time as Posted 7:30 to 8:30 14:30 to 16:00
Western Hills Elementary 600 Arapaho A. Crossing Guard will work Crosswalk on Apache @ Deer Tr B. Crossing Guard will work Crosswalk on Apache @ Gila C. Flashing lights on Apache North of Deer Tr. South of Gila.	Yes	Yes	Flashing Lights 06:30 to 08:30 14:45 to 16:30
Bonham Middle School 4600 Midway Dr A. Flashing Lights on Midway Dr. east and west of school.			Flashing Lights 07:00 to 08:30 15:00 to 16:30
Lamar Middle School 2120 N 1st St A. Flashing lights on N 3rd St are North of W. Walker Ave and North of W Shell Ave. B. One way on N 1st St from W Park Ave to W. Virginia Ave at posted times			Flashing Lights 06:30 to 08:30 14:45 to 16:30 One Way Time as Posted 7:30 to 8:30 15:00 to 16:00

**City of Temple
School Zones**

Schools	Cones	Flags	Zone Times
Travis Middle School 1500 S 19th St A. Crossing Guard will work Crosswalk on W Ave M @ S 19th St B. One way on S 19th St from W Ave R to W Ave M			One Way Time as Posted 7:30 to 8:30 14:30 to 16:00
Temple High School 415 N 31st St A. Flashing Lights on N 31st St north of W Barton Ave and North of W Houston Ave			Flashing Lights 07:00 to 16:00
Temple High School Campus 1414 W Barton Ave A. School Zone on Barton from N 31st St to North 27th St			School Zone Signs 07:00 to 16:30
<u>B.I.S.D</u> Lakewood Elementary 11200 FM 2305 A. Flashing lights on FM 2305 in front of school			Flashing Lights 7:15 to 8:00 14:15 to 15:00
Joe M. Pirtle Elementary 714 South Pea Ridge Rd A. Flashing lights on South Pea Ridge in from of school			Flashing Lights 7:15 to 8:00 14:15 to 15:00
Tarver Elementary 7949 Shone Hollow Dr A. School Zone on Stone Hollow Dr in front of school. B. School Zone on Prairie Lark on northside of school B. School Zone on on Westfield on southside of school			School Zone Signs 7:00 to 8:30 14:30 to 16:00
Lake Belton Middle School 8815 Tarver A. Flashing lights on Tarver in front of school. B. School zone on Cedar Ln from Tarver to just north of school			Flashing Lights 7:00 to 8:30 14:30 to 16:30
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COUNCIL AGENDA ITEM MEMORANDUM

08/05/10
Item #7(A)-(B)
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Consider adopting an ordinance authorizing an amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2010 to allocate \$134,601 of additional funds for general engineering services, to allocate \$39,205 to fund contract amendment #1 for the 2022 Master Plan Phase II, to allocate funds related to the 2009 bond refunding transaction, and for FY 2010-2022 to reduce debt service payments due to the 2009 bond refunding.

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 19, 2010.

ITEM SUMMARY: Amendments to the Financing Plan are outlined below. The Reinvestment Zone No. 1 Board approved the recommendation to amend the Financing Plan at is July 28, 2010, board meeting.

The proposed amendments adjust the following line items on the Project/Financing Plan for FY 2010:

Line 50 - Professional Services: Increased professional services by \$173,806 for the following: to fund a contract amendment with Kasberg, Patrick and Associates for the 2022 Master Plan Phase II in the amount of \$39,205; to fund general engineering services currently expended in the amount of \$9,601; to fund future general engineering services in the amount of \$125,000. Funding in the amount of \$37,770 from the bond refunding and debt service payment savings was used to partially fund the increase, line 626. The remaining amount needed of \$136,036 is from general public improvements, line 500.

Line 628 - Issuance Costs: Increased by \$57,331 to cover the issuance costs related to the refunding. Proceeds from refunding covered the issuance costs, Line 629.

Line 629 – Refunding Bond Proceeds/Payment to Refunding Bond Agent: Increased to reflect transaction related to partial refunding of 2008 Bond issue. Zone received \$10,877,950 in refunding bond proceeds and paid \$10,810,887 to partially refund the 2008 Bond issue.

The proposed amendments adjust the following line items on the Project/Financing Plan for FY 2010-2022:

Line 626 – Debt Service 2008 Issue: Reduced the amount of debt service payments due to the 2009 bond refunding issue to partially refund the 2008 bonds. The savings over the life of the bonds (through FY 2022) is \$845,987 ranging from a savings of \$62,831 to \$112,011 per year.

Line 626 A – Debt Service 2009 Refunding Issue: Added the debt service payments due to the 2009 bond refunding issue.

FISCAL IMPACT: In FY 2010, there is no change to ending fund balance. Funding has been reallocated between bond refinancing savings and public improvements. In FY 2011-2022, the savings from the refunding has increased ending fund balance. Total savings due to the refunding is \$845,987, with \$37,770 of that amount being appropriated in FY 2010.

ATTACHMENTS:

[Financing Plan](#)

[Summary Financing Plan with Detailed Project Plan](#)

[Ordinance](#)

DESCRIPTION		Y/E 9/30/10 Year 28	Y/E 9/30/11 Year 29	Y/E 9/30/12 Year 30	Y/E 9/30/13 Year 31	Y/E 9/30/14 Year 32	Y/E 9/30/15 Year 33	Y/E 9/30/16 Year 34	Y/E 9/30/17 Year 35	Y/E 9/30/18 Year 36	Y/E 9/30/19 Year 37	Y/E 9/30/20 Year 38	Y/E 9/30/21 Year 39	Y/E 9/30/22 Year 40
1	Appraised Value	\$ 140,238,368	\$ 144,626,499	\$ 212,822,764	\$ 233,450,991	\$ 235,785,501	\$ 238,143,356	\$ 240,524,790	\$ 242,930,038	\$ 245,359,338	\$ 314,562,931	\$ 336,208,561	\$ 339,570,646	\$ 342,966,353
5	FUND BALANCE, Begin	\$ 7,946,615	\$ 3,730,514	\$ 3,752,916	\$ 3,004,305	\$ 3,044,080	\$ 3,538,900	\$ 3,578,807	\$ 3,673,796	\$ 3,331,080	\$ 3,273,128	\$ 3,617,647	\$ 3,858,993	\$ 4,173,814
SOURCES OF CASH:														
10	Tax Revenues	4,592,298	4,679,594	6,271,181	6,789,596	6,857,023	6,925,124	6,993,906	7,063,376	7,133,540	8,749,666	9,249,246	9,341,269	9,434,212
15	Allowance for Uncoll. Taxes	(112,341)	(114,517)	(115,655)	(116,801)	(117,961)	(119,132)	(120,314)	(121,509)	(122,715)	(123,934)	(125,165)	(126,408)	(127,663)
20	Interest Income-Bonds	-	-	-	-	-	-	-	-	-	-	-	-	-
25	Interest Income-Other	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	40,000	40,000	30,000	10,000
30	Other-Bond Proceeds	-	-	-	-	-	-	-	-	-	-	-	-	-
33	Miscellaneous Reimbursements {GST}	-	-	-	-	-	-	-	-	-	-	-	-	-
34	Sale of Land	-	-	-	-	-	-	-	-	-	-	-	-	-
35	Grant Funds	-	-	-	-	-	-	-	-	-	-	-	-	-
35	Miscellaneous Income	-	-	-	-	-	-	-	-	-	-	-	-	-
40	TOTAL SOURCES	4,529,957	4,615,077	6,205,526	6,722,795	6,789,062	6,855,992	6,923,592	6,991,867	7,060,825	8,665,732	9,164,081	9,244,861	9,316,549
USES OF CASH:														
Operating Expenses														
50	Prof Svcs/Proj Mgmt	333,463	93,847	95,724	97,638	99,591	101,583	103,615	105,687	107,801	109,957	112,156	114,399	116,687
51	Legal/Audit	1,100	1,100	1,200	1,200	1,200	1,200	1,200	1,300	1,300	1,300	1,300	1,300	1,400
55	Zone Mtc	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
60	TEDC	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
62	Other Contracted Services	-	-	-	-	-	-	-	-	-	-	-	-	-
65	TISD-Joint Use facilities	152,132	22,647	22,873	23,102	23,333	23,567	23,802	24,040	24,281	24,523	24,769	25,016	25,267
90	Subtotal-Operating Expenses	761,695	392,594	394,797	396,940	399,124	401,350	403,617	406,027	408,382	410,780	413,225	415,715	418,354
Projects (2)														
199	North Zone (3)	1,338,183	-	-	800,000	-	-	-	-	2,700,000	-	-	-	-
299	Western Aviation Zone (3)	101,662	1,225,150	2,175,850	1,100,000	-	-	-	-	-	-	-	-	-
399	Western Bio-Science & Medical Zone (3)	909,164	-	-	-	-	-	-	-	-	-	-	-	-
400	Southeast Industrial Park Zone (3)	1,246,000	-	-	-	-	-	-	-	-	-	-	-	-
405	General Roadway Improvements	250,111	-	-	-	-	-	-	-	-	-	-	-	-
410	Major Gateway Entrances	400,000	400,000	-	-	-	-	-	-	-	-	-	-	-
415	Downtown Improvements	388,769	195,747	197,691	199,655	201,639	203,643	205,667	207,710	209,775	211,860	213,966	216,093	218,241
420	Loop 363 Improvements	905,410	-	-	-	-	-	-	-	-	-	-	-	-
500	Zone Projects - Bond Contingency	176,730	-	-	-	-	-	-	-	-	-	-	-	-
500	Zone Projects - Public Improvements	263,964	400,000	400,000	400,000	1,900,000	2,400,000	2,400,000	2,900,000	-	3,900,000	4,400,000	4,400,000	6,788,783
600	Subtotal-Projects	5,979,993	2,220,897	2,773,541	2,499,655	2,101,639	2,603,643	2,605,667	3,107,710	2,909,775	4,111,860	4,613,966	4,616,093	7,007,024
Debt Service														
625	2003 Bond Issue	868,545	868,420	867,035	869,055	869,855	868,930	866,530	867,440	866,753	869,240	869,640	868,070	870,070
626	2008 Bond Issue-Nontaxable {\$16.010 mil}	201,960	201,960	201,960	201,960	201,960	201,960	201,960	201,960	201,960	201,960	1,786,960	1,787,292	1,784,972
626A	2009 Bond Refunding-Nontaxable	405,462	370,669	1,473,669	1,474,569	1,479,969	1,499,769	1,508,775	1,510,150	1,488,750	1,485,000	-	-	-
627	2008 Bond Issue-Taxable {\$10.365 mil}	536,935	536,935	1,241,935	1,239,641	1,240,495	1,239,233	1,240,854	1,240,096	1,241,957	1,241,173	1,237,744	1,241,670	1,242,422
628	Issuance Costs	57,331	-	-	-	-	-	-	-	-	-	-	-	-
629	Refunding Bonds Proceeds	(10,877,950)	-	-	-	-	-	-	-	-	-	-	-	-
629	Payment to Refunding Bond Agent	10,810,887	-	-	-	-	-	-	-	-	-	-	-	-
630	Paying Agent Services	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
635	Subtotal-Debt Service	2,004,370	1,979,184	3,785,799	3,786,425	3,793,479	3,811,092	3,819,319	3,820,846	3,800,620	3,798,573	3,895,544	3,898,232	3,898,664
650	TOTAL USES	8,746,058	4,592,675	6,954,137	6,683,020	6,294,242	6,816,085	6,828,603	7,334,583	7,118,777	8,321,213	8,922,735	8,930,040	11,324,042
660	FUND BALANCE, End	3,730,514	3,752,916	3,004,305	3,044,080	3,538,900	3,578,807	3,673,796	3,331,080	3,273,128	3,617,647	3,858,993	4,173,814	2,166,321
670	Required Debt Reserve	(880,371)	(880,371)	(880,371)	(880,371)	(880,371)	(880,371)	(880,371)	(880,371)	(880,371)	(880,371)	(880,371)	(880,371)	-
700	AVAILABLE FUND BALANCE	\$ 2,850,143	\$ 2,872,545	\$ 2,123,934	\$ 2,163,709	\$ 2,658,529	\$ 2,698,436	\$ 2,793,425	\$ 2,450,709	\$ 2,392,757	\$ 2,737,276	\$ 2,978,622	\$ 3,293,443	\$ 2,166,321
800	FUND BALANCE, Begin	7,946,615	3,730,514	3,752,916	3,004,305	3,044,080	3,538,900	3,578,807	3,673,796	3,331,080	3,273,128	3,617,647	3,858,993	4,173,814
805	Revenue over(under)expense	(4,216,101)	22,402	(748,611)	39,775	494,820	39,907	94,989	(342,716)	(57,952)	344,519	241,346	314,821	(2,007,493)
810	FUND BALANCE, End	\$ 3,730,514	\$ 3,752,916	\$ 3,004,305	\$ 3,044,080	\$ 3,538,900	\$ 3,578,807	\$ 3,673,796	\$ 3,331,080	\$ 3,273,128	\$ 3,617,647	\$ 3,858,993	\$ 4,173,814	\$ 2,166,321
T:\RZ # 1 (TIF)\Financing Plan\Financing Plan 07-28-10.xls														

SUMMARY FINANCING PLAN						
	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
5 Beginning Available Fund Balance, Oct 1	7,946,615	3,730,514	3,752,916	3,004,305	3,044,080	3,538,900
40 Total Sources (Revenue & Bonds)	4,529,957	4,615,077	6,205,526	6,722,795	6,789,062	6,855,992
45 Less Required Debt Reserve		-	-	-	-	-
49 Net Available for Appropriation	12,476,572	8,345,591	9,958,442	9,727,100	9,833,142	10,394,892
50 General Administrative Expenditures	334,563	94,947	96,924	98,838	100,791	102,783
55 Zone Maintenance	175,000	175,000	175,000	175,000	175,000	175,000
60 Contractual Payments (TEDC)	100,000	100,000	100,000	100,000	100,000	100,000
62 Other Contracted Services	-	-	-	-	-	-
65 TISD - Joint Use Facilities	152,132	22,647	22,873	23,102	23,333	23,567
70 Debt Service - 2003 Issue	869,745	869,620	868,235	870,255	871,055	870,130
71 Debt Service - 2008 Issue (\$16.010 mil)	201,960	201,960	201,960	201,960	201,960	201,960
71A Debt Service - 2009 Issue (Refunding)	405,462	370,669	1,473,669	1,474,569	1,479,969	1,499,769
72 Debt Service - 2008 Taxable Issue (\$10.365 mil)	536,935	536,935	1,241,935	1,239,641	1,240,495	1,239,233
73 Issuance Costs	57,331	-	-	-	-	-
74 Refunding Bond Proceeds	(10,877,950)	-	-	-	-	-
74 Payment to Refunding Bond Agent	10,810,887	-	-	-	-	-
75 Total Operating & Committed Expenditures	2,766,065	2,371,778	4,180,596	4,183,365	4,192,603	4,212,442
99 Net Available for Projects	\$ 9,710,507	\$ 5,973,813	\$ 5,777,846	\$ 5,543,735	\$ 5,640,539	\$ 6,182,450

PROJECT PLAN						
	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
<u>NORTH ZONE (including Enterprise Park):</u>						
100 Railroad Spur Improvements	667,166	-	-	-	-	-
105 Elm Creek Detention Pond	98,227	-	-	-	-	-
110 Railroad Improvements Engineering Analysis	-	-	-	-	-	-
115 Railroad Repairs/Maintenance based on Analysis	254,893	-	-	-	-	-
120 Enterprise Park Water Tank	-	-	-	800,000	-	-
121 ROW Acquisition - Public Improvements	3,661	-	-	-	-	-
122 Land Acq-Wendland property {approx 355 acres}	-	-	-	-	-	-
125 Wendland Road Improvements	192,686	-	-	-	-	-
130 Extension of Rail Service	121,550	-	-	-	-	-
199 Total North Zone (including Enterprise Park)	1,338,183	-	-	800,000	-	-
<u>WESTERN AVIATION ZONE:</u>						
200 Detention Pond #2 including W 1-A	-	-	-	-	-	-
205 Old Howard Road from Ind Blvd to SH36	-	-	-	-	-	-
210 Old Howard Road Gateway Entrance Project	-	-	-	-	-	-
215 WWI--Waste Water Ext SH36 to Ind Blvd	-	-	-	-	-	-
220 R I-B, W I-B--Industrial Blvd Extension	-	-	-	-	-	-
221 Airport Park Infrastructure Construction	101,662	-	-	-	-	-
225 Airport Study	-	-	-	-	-	-
230 Airport Trail Roadway-Ind Blvd to Pepper Crk (RIII)	-	115,500	654,500	-	-	-
235 Airport Trail Utilities (W-V, W II, W III)	-	109,650	621,350	-	-	-
240 Old Howard North (R II)	-	1,000,000	700,000	-	-	-
245 Airport Trail Roadway-Pepper Crk to Mouser (R V)	-	-	200,000	1,100,000	-	-
299 Total Western Aviation Zone	101,662	1,225,150	2,175,850	1,100,000	-	-

<u>WESTERN BIO-SCIENCE & MEDICAL ZONE:</u>						
300 Greenbelt Development along Pepper Creek	321,723	-	-	-	-	-
305 Outer Loop Phase 2	245,320	-	-	-	-	-
306 Bio-Science Park Phase 1	42,121	-	-	-	-	-
307 Outer Loop	300,000	-	-	-	-	-
310 Bio-Science Institute	-	-	-	-	-	-
399 Total Western Bio-Science & Medical Zone	909,164	-	-	-	-	-

<u>OTHER PROJECTS:</u>						
400 Southeast Ind Park (Lorraine Drive)	1,246,000	-	-	-	-	-
405 Roadway Maintenance/Improvements	250,111	-	-	-	-	-
410 Gateway Entrance Projects (after Old Howard)	400,000	400,000	-	-	-	-
415 Downtown Improvements	388,769	195,747	197,691	199,655	201,639	203,643
420 Loop 363 Improvements (TxDOT commitment)	905,410	-	-	-	-	-
430 Reserve for Acer facility	-	-	-	-	-	-
499 Total Other Projects	3,190,290	595,747	197,691	199,655	201,639	203,643

500 Undesignated Funding-Public Impr-nontaxable bonds	176,730	-	-	-	-	-
500 Undesignated Funding-Public Impr	263,964	400,000	400,000	400,000	1,900,000	2,400,000

600 Total Planned Project Expenditures	5,979,993	2,220,897	2,773,541	2,499,655	2,101,639	2,603,643
660 Fund Balance at Year End	\$ 3,730,514	\$ 3,752,916	\$ 3,004,305	\$ 3,044,080	\$ 3,538,900	\$ 3,578,807
670 Required Debt Reserve	(880,371)	(880,371)	(880,371)	(880,371)	(880,371)	(880,371)
700 AVAILABLE FUND BALANCE	\$ 2,850,143	\$ 2,872,545	\$ 2,123,934	\$ 2,163,709	\$ 2,658,529	\$ 2,698,436

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE TAX INCREMENT FINANCING REINVESTMENT ZONE NO. 1 FINANCING PLAN FOR FY 2010 TO ALLOCATE \$134,601 OF ADDITIONAL FUNDS FOR GENERAL ENGINEERING SERVICES, TO ALLOCATE \$39,205 TO FUND CONTRACT AMENDMENT #1 FOR THE 2022 MASTER PLAN PHASE II, TO ALLOCATE FUNDS RELATED TO THE 2009 BOND REFUNDING TRANSACTION, AND FOR FY 2010-2022 TO REDUCE DEBT SERVICE PAYMENTS DUE TO THE 2009 BOND REFUNDING; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; DECLARING FINDINGS OF FACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City Council (the "Council") of the City of Temple, Texas, (the "City") created Reinvestment Zone Number One, City of Temple, Texas (the "Zone") by Ordinance No. 1457 adopted on September 16, 1982;

Whereas, the Council adopted a Project Plan and Reinvestment Zone Financing Plan for the Zone by Ordinance No. 1525 adopted on December 22, 1983, and thereafter amended such plans by Ordinance No. 1664 adopted on June 20, 1985, Ordinance No. 1719 adopted on November 21, 1985, Ordinance No. 1888 adopted on December 21, 1987, Ordinance No. 1945 adopted on October 20, 1988; Ordinance No. 1961 adopted on December 1, 1988; Ordinance No. 2039 adopted on April 19, 1990; Ordinance No. 91-2119 adopted on December 5, 1991; Ordinance No. 92-2138 adopted on April 7, 1992; Ordinance No. 94-2260 adopted on March 3, 1994; Ordinance No. 95-2351 adopted on June 15, 1995; Ordinance No. 98-2542 adopted on February 5, 1998; Ordinance No. 98-2582 adopted on November 19, 1998; Ordinance No. 99-2619 adopted on March 18, 1999; Ordinance No. 99-2629 adopted on May 6, 1999; Ordinance No. 99-2631 adopted on May 20, 1999; Ordinance No. 99-2647 adopted on August 19, 1999; Ordinance No. 99-2678 adopted on December 16, 1999; Ordinance No. 2000-2682 adopted on January 6, 2000; Ordinance No. 2000-2729 adopted on October 19, 2000; Ordinance No. 2001-2772 adopted on June 7, 2001; Ordinance No. 2001-2782 adopted on July 19, 2001; Ordinance No. 2001-2793 adopted on September 20, 2001; Ordinance No. 2001-2807 on November 15, 2001; Ordinance No. 2001-2813 on December 20, 2001; Ordinance No. 2002-2833 on March 21, 2002; Ordinance No. 2002-2838 on April 18, 2002; Ordinance No. 2002-3847 on June 20, 2002; Ordinance No. 2002-3848 on June 20, 2002; Ordinance No. 2002-3868 on October 17, 2002; Ordinance No. 2003- 3888 on February 20, 2003; Ordinance No. 2003-3894 on April 17, 2003; Ordinance No. 2003-3926 on September 18, 2003; Ordinance No. 2004-3695 on July 1, 2004; Ordinance No. 2004-3975 on August 19, 2004; Ordinance No. 2004-3981 on September 16, 2004; Ordinance No. 2005-4001 on May 5, 2005; Ordinance No. 2005-4038 on September 15, 2005; Ordinance No. 2006-4051 on January 5, 2006; Ordinance No. 2006-4076 on the 18th day of May, 2006; Ordinance No. 2006-4118; Ordinance No. 2007-4141 on the 19th day of April, 2007; Ordinance No. 2007-4155 on July 19, 2007; Ordinance No. 2007-4172 on the 20th day of

September, 2007; Ordinance No. 2007-4173 on October 25, 2007; Ordinance No. 2008-4201 on the 21st day of February, 2008; and Ordinance No. 2008-4217 the 15th day of May, 2008; Ordinance No. 2008-4242 the 21st day of August, 2009; Ordinance No. 2009-4290 on the 16th day of April, 2009; Ordinance No. 2009-4294 on the 21st day of May, 2009; Ordinance No. 2009-4316 on the 17th day of September, 2009; Ordinance No. 2009-4320 on the 15th day of October, 2009; and Ordinance No. 2010-4338 on the 18th day of February, 2010;

Whereas, the Board of Directors of the Zone has adopted an additional amendment to the Reinvestment Zone Financing Plan for the Zone and forwarded such amendment to the Council for appropriate action;

Whereas, the Council finds it necessary to amend the Reinvestment Zone Financing Plan for the Zone to include financial information as hereinafter set forth;

Whereas, the Council finds that it is necessary and convenient to the implementation of the Reinvestment Zone Financing Plan, including the additional amendment, to establish and provide for an economic development program within the meaning of Article III, Section 52-a of the Texas Constitution ("Article III, Section 52-a"), Section 311.010(h) of the Texas Tax Code and Chapter 380 of the Texas Local Government Code to develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone and develop or expand transportation, business and commercial activity in the Zone including programs to make grants and loans of Zone assets or from the tax increment fund of the Zone in an aggregate amount not to exceed the amount of the tax increment produced by the City and paid into the tax increment fund for the Zone for activities that benefit the Zone and stimulate business and commercial activity in the Zone as further determined by the City;

Whereas, the Council further finds that the acquisition of the land and real property assembly costs as described in the additional amendment to the Reinvestment Zone Financing Plan is necessary and convenient to the implementation of the Reinvestment Zone Financing Plan and will help develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone and develop or expand transportation, business and commercial activity in the Zone by providing land for development of future business and commercial activity, attracting additional jobs within the City and attracting additional sales and other taxes within the City; and

Whereas, the Council finds that such amendment to the Reinvestment Zone Financing Plan is feasible and conforms to the Comprehensive Plan of the City, and that this action will promote economic development within the City of Temple.

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

Part 1: Findings. The statements contained in the preamble of this ordinance are true and correct and are adopted as findings of fact hereby.

Part 2: Reinvestment Zone Financing Plan. The amendment to the Tax Increment Financing Reinvestment Zone No. One Financing Plan, heretofore adopted by the Board of Directors of the Zone and referred to in the preamble of this ordinance, is hereby approved and adopted, as set forth in the Amendment to Reinvestment Zone Number One, City of Temple, Texas, attached hereto as Exhibit A. This expenditure requires an amendment to the 2009-2010 budget, a copy of which is attached as Exhibit B.

Part 3: Plans Effective. The Financing Plan for the Zone heretofore in effect shall remain in full force and effect according to the terms and provisions thereof, except as specifically amended hereby.

Part 4: Copies to Taxing Units. The City Secretary shall provide a copy of the amendment to the Reinvestment Zone Financing Plan to each taxing unit that taxes real property located in the Zone.

Part 5: Economic Development Program. The Council hereby establishes an economic development program for the Zone in accordance with Article III, Section 52-a of the Texas Constitution, Section 311.010(h) of the Texas Tax Code and Chapter 380 of the Texas Local Government Code to develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone and develop or expand transportation, business and commercial activity in the Zone including a program to make grants and loans of Zone assets or from the tax increment fund of the Zone in accordance with the provisions of Article III, Section 52-a, Chapter 311 of the Texas Tax Code and Chapter 380 of the Texas Local Government Code as directed and authorized by the Council. The Council hereby further directs and authorizes the Board of Directors of the Zone to utilize tax increment reinvestment zone bond proceeds to acquire the land and pay other real property assembly costs as set forth in the additional amendment attached hereto to help develop and diversify the economy of the Zone and develop or expand business and commercial activity in the Zone in accordance with Article III, Section 52-a, Chapter 311 of the Texas Tax Code and Chapter 380 of the Texas Local Government Code.

Part 6: Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

Part 7: Effective Date. This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 8: Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **5th** day of **August**, 2010.

PASSED AND APPROVED on Second Reading on the **19th** day of **August**, 2010.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney