



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3RD FLOOR CONFERENCE ROOM

THURSDAY, OCTOBER 7, 2010

3:30 P.M.

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, October 7, 2010.
2. Executive Session: Chapter 551, Government Code, §551.074 – Personnel Matter – The City Council will meet in executive session to discuss the employment, evaluation, duties and work plan of the City Attorney. No final action will be taken.

5:00 P.M.

MUNICIPAL BUILDING

**2 NORTH MAIN STREET
CITY COUNCIL CHAMBERS – 2ND FLOOR**

TEMPLE, TX

REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

- | | | | |
|----|-----|---|----------------------------------|
| 3. | (A) | Fire Prevention Week | October 3 – 9, 2010 |
| | (B) | Love Cures Month | October 2010 |
| | (C) | Lawsuit Abuse Awareness Week | October 4 – 8, 2010 |
| | (D) | Temple Lions Service Month
& White Cane Safety Day | October 2010
October 15, 2010 |
| | (E) | Local Life Chain Day | October 3, 2010 |

III. PUBLIC APPEARANCE

4. Receive comments from [Amy Ponce](#) regarding the daybreak homes on Stonehaven Drive, McCullough Loop, and McFadden.

IV. PUBLIC COMMENTS

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

V. PRESENTATIONS & REPORTS

5. Receive presentation from Dr. Glenda Barron regarding the upcoming [Temple College bond](#) election.

VI. 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.

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

Minutes:

- (A) [September 16, 2010 Special Called and Regular Meeting](#)

Contracts, Leases & Bids

- (B) [2010-6133-R](#): Consider adopting a resolution authorizing an annual contract for electric motor and pump repair services needed at the Water Treatment Plant for FY 2011 with Austin Armature Works, LP of Buda in the estimated annual amount of \$120,000.
- (C) [2010-6134-R](#): Consider adopting a resolution authorizing the purchase of an annual maintenance contract for FY2011 with Sungard Public Sector, Inc. in the amount of \$142,749.
- (D) [2010-6135-R](#): Consider adopting a resolution authorizing the purchase of an annual maintenance contract for FY2011 with Intergraph Corporation in the amount of \$42,528.
- (E) (1) [2010-6136-R](#): Consider adopting a resolution authorizing the City Manager to execute a Letter of Understanding with Texas Department of Transportation (TxDOT) to provide reimbursement to the City by TxDOT, in the amount of \$191,000, for utility engineering relocation services in association with IH-35 improvements from North Loop 363 to the northern Temple City limits.

(2) [2010-6137-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates LP of Temple in an amount not to exceed \$193,240 for utility relocation engineering services in association with IH-35 Improvements from North Loop 363 to northern Temple city limits.
- (F) [2010-6138-R](#): Consider adopting a resolution authorizing a professional services agreement with Bucher, Willis & Ratliff Corporation in an amount not to exceed \$5,122,579 for professional services related to the Pass-Through Financing Project along NW Loop 363 from FM 2305/West Adams north up to the BNSF main line.

- (G) [2010-6139-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP of Temple for engineering and surveying services required to produce an Integration Plan of all partner master plans in the Temple Medical and Education District (TMED) in an amount not to exceed \$49,800.
- (H) [2010-6140-R](#): Consider adopting a resolution authorizing a professional services agreement with Architectural Edge, Inc., of Temple to provide architectural and engineering services related to renovations of the Police Headquarters facility and declaring an official intent to reimburse associated expenditures made prior to the issuance of tax-exempt obligations for this project.
- (I) [2010-6141-R](#): Consider adopting a resolution authorizing an interlocal agreement with the Temple Health and Bioscience Economic Development District to provide financial administration services.
- (J) [2010-6142-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
- (K) [2010-6143-R](#): Consider adopting a resolution authorizing a construction contract with Temple Lawn Landscape for 5th Street Beautification Project Phase III irrigation installation in the amount not to exceed \$62,490.
- (L) [2010-6144-R](#): Consider adopting a resolution authorizing a contract with the Department of Veterans Affairs, Veterans Industries/Compensated Work Therapy for the provision of temporary workers for the Parks and Leisure Services Department in the amount of \$ 73,478.
- (M) [2010-6145-R](#): Consider adopting a resolution authorizing change order #4 to the new Central Fire Station construction contract with EMJ Corporation of Irving for road reconstruction work on Calhoun Avenue and 5th Street.

Ordinances – Second and Final Reading

- (N) [2010-4394](#): SECOND READING – Z-FY-10-47: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to Single Family Two District (SF2) on 35.49 ± acres of land being out of the Maximo Moreno Survey, A-14, Bell County, Texas, located along the east side of South 5th Street, across from Wyndham Hill Parkway.

Ordinances – Second Reading

- (O) [2010-4391](#): SECOND READING – Consider adopting an ordinance granting Richard Curtis, dba Good Times Carriage Rides, a non-exclusive franchise for five years to operate horse-drawn carriages upon the public streets and highways of the City of Temple.

- (P) [2010-4392](#): SECOND READING – Consider adopting an ordinance granting Temple Transportation, Inc., dba Yellow Cab, a non-exclusive franchise for five years to provide taxicab service in the City of Temple.

Misc.

- (Q) [2010-6128-R](#): Consider adopting a resolution authorizing acceptance of grant funding in the estimated amount of \$3,549,000 from the Texas Department of Transportation, Aviation Division, Airport Project Participation Grant Fund, for rehabilitation and overlay of Runway 02/20 at the Draughon-Miller Central Texas Regional Airport, with an estimated City match of 10% or \$354,900.
- (R) [2010-6146-R](#): Consider adopting a resolution authorizing acceptance of grant funding from Communities of Texas Mini-Grant Program in the amount of \$10,000.
- (S) [2010-6147-R](#): Consider adopting a resolution designating the *Temple Daily Telegram* as the official newspaper for the City for fiscal year 2010-2011, in accordance with Section 4.20 of the Charter of the City of Temple.
- (T) [2010-6148-R](#): Consider adopting a resolution authorizing the City Manager to provide Solid Waste services to various entities at the City's cost.
- (U) [2010-6149-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2009-2010.

VII. REGULAR AGENDA

ORDINANCES

7. [2010-4396](#): FIRST READING – PUBLIC HEARING - Consider adopting an ordinance re-naming a portion of North and South 34th Street, beginning at East Adams Avenue and ending at East Avenue H, to Myrtle Captain Street.
8. [2010-4397](#): FIRST READING – PUBLIC HEARING - Z-FY-10-49: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to Single Family One District (SF1), on a 0.23 ± acre tract of land in the John Cummings Survey, Abstract No. 178, located at 8566 Little Mexico Road.
9. [2010-4398](#): FIRST READING – PUBLIC HEARING - Z-FY-10-50: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to Single Family One District (SF1) on a 10.00 ± acre tract of land in the Maximo Moreno Survey, Abstract No. 14, in the City of Temple, Bell County, Texas, located on the north side of West FM 93, adjacent to and west of Ridgewood Estates.
10. [2010-4399](#): FIRST READING – PUBLIC HEARING - Z-FY-10-52: Consider adopting an ordinance authorizing a zoning change from Planned Development -Single Family One District (PD-SF1) to Planned Development -Two Family District (PD-2F) on Lots 20 – 24, Block 1, Stonegate III, located on the north side of H K Allen Parkway, west of Ledgestone Trail, across from Quartz Court.

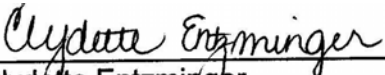
11. [2010-4400](#): FIRST READING – PUBLIC HEARING – Z-FY-10-51: Consider adopting an ordinance authorizing an amendment to Section 7-564, Applicability, in the Zoning Ordinance, related to the I-35 Corridor Overlay.
12. [2010-4401](#): FIRST READING – PUBLIC HEARING - Consider adopting an ordinance amending Chapter 20, "Police," of the Code of Ordinances, Article III, "Burglar Alarm Systems."

RESOLUTIONS

13. [2010-6150-R](#): Consider adopting a resolution authorizing a Chapter 380 grant agreement with Temple G2K Development Partners LLC for redevelopment improvements at 1510 South First Street in the Temple Medical and Education District and the 1st Street Strategic Investment Zone corridor in an amount not to exceed \$65,250, plus waiver of permit fees.
14. [2010-6151-R](#): P-FY-10-16: Consider adopting a resolution authorizing the final plat of Hartrick Addition, a 3 ± acre, two-lot residential subdivision on the west side of Hartrick Bluff Road, south of FM 93 in Temple's southeastern ETJ, with developer requested exceptions to Sec. 33-98 (Sidewalks), Sec. 33-93 (Perimeter Street Fees), Sec. 33-80 (Fire Hydrants) of the Subdivision Ordinance.

***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 8:55 AM, on October 4, 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

10/07/10
Item #3(A)-(E)
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamation:

- | | | |
|-----|---|----------------------------------|
| (A) | Fire Prevention Week | October 3 – 9, 2010 |
| (B) | Love Cures Month | October, 2010 |
| (C) | Lawsuit Abuse Awareness Week | October 4 – 8, 2010 |
| (D) | Temple Lions Service Month
& White Cane Safety Day | October 2010
October 15, 2010 |
| (E) | Local Life Chain Day | October 3, 2010 |

STAFF RECOMMENDATION: Present proclamation as presented in item description.

ITEM SUMMARY:

- (A) This proclamation was requested by Thomas Pechal, Temple Fire & Rescue. Thomas and the Junior Fire Cadets will receive the proclamation and ask the Councilmembers some questions to test their knowledge of fire prevention.
- (B) This proclamation was requested by Chuck Lucko on behalf of the Robert S. Love Foundation. The Foundation works to raise funds for Scott & White's Cancer Research Institute. Chuck Lucko will receive the proclamation.
- (C) This proclamation was requested by Stephanie Gibson, the Executive Director of the Citizens Against Lawsuit Abuse of Central Texas. Ms. Gibson will receive the proclamation.
- (D) This proclamation was requested by the Temple Lions Club and the Visually Impaired Persons Support Group. Members from both organizations will be present to receive the proclamation.
- (E) This proclamation was requested by Molly White, Founder and Co-Director of Women for Life International, Inc. Members of this organization will be present to receive the proclamation.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

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

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Receive comments from Amy Ponce regarding the daybreak homes on Stonehaven Drive, McCullough Loop, and McFadden.

STAFF RECOMMENDATION: Receive comments as presented in item description.

ITEM SUMMARY: Amy Ponce has filed a Request for Placement on the City Council Agenda to discuss the issue presented in the attached form.

FISCAL IMPACT: None

ATTACHMENTS:

[Request for placement on agenda](#)



CITY OF TEMPLE, TEXAS

CITY COUNCIL MEETINGS

REQUEST FOR PLACEMENT ON AGENDA

__Priority

NAME OF PRESENTER: Amy Ponce
ADDRESS: 4716 Stonehaven Dr Temple
TELEPHONE NO. 8251-228-3746

DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note - The City Council meets the first and third Thursdays of each month.) 04-17-2010

SUBJECT TO BE PRESENTED: (Your description must identify the subject matter of your appearance in sufficient detail to alert the public what topic you will discuss and what action you are requesting by the Council.)

Daybreak homes (homes for mentally
challenged w/ home health workers)
located on Stonehaven Dr, McCullough
loop, and McFadden in Temple

Note: Separate requests must be completed for each subject presented.

I, the above identified presenter, have read the procedures for public appearances before the City Council of the City of Temple, Texas, and will abide by these procedures.

Amy Ponce
SIGNATURE OF PRESENTER

9-30-10
DATE

For Office Use:



COUNCIL AGENDA ITEM MEMORANDUM

10/07/10
Item #5
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Receive presentation from Dr. Glenda Barron regarding the upcoming Temple College bond election.

STAFF RECOMMENDATION: Receive presentation as presented in item description.

ITEM SUMMARY: Dr. Glenda Barron, President of Temple College, will give the presentation for the upcoming bond election.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

10/07/10
Item #6(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydetta Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) September 16, 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:

[September 16, 2010 Special Called and Regular Meeting](#)

TEMPLE CITY COUNCIL

SEPTEMBER 16, 2010

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, September 16, 2010 at 3:30 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, September 16, 2010.

Consent Agenda Items (C) and (D) - Bird Creek Interceptor Project: Nicole Torralva, Director of Public Works, reviewed the schedule for this project. The Notice to Proceed should be issued in mid-November.

Consent Agenda Item (M) - Airport Grant: David Blackburn, City Manager, asked that Council table action on this item at the regular meeting to allow staff more time to clarify the City's obligations for phasing this project.

2. Receive video presentation produced by the Parks and Leisure Services Department as a finalist in the National Recreation and Parks Association Gold Medal competition.

Ken Cicora, Parks and Leisure Services Director, presented a short video to the City Council, produced by Concentus Media, for finalist competition in the National Recreation and Parks Association Gold Medal competition.

3. Discuss the pass through financing agreement with the Texas Department of Transportation for Northwest Loop 363.

David Blackburn, City Manager, provided the City Council with background information on the Northwest Loop 363 improvement project and pass through financing agreement. The most recent application was submitted this year, with the assistance of Bucher, Willis & Ratliff (BWR). The project scope is to upgrade 4 miles of existing two-lane undivided rural roadway from IH 35 North to FM 2305 to a four-lane divided highway. This work would include two main lane grade separation interchanges at Wendland Road and SH 36/53. Mr. Blackburn showed drawings depicting these proposed improvements.

The City was notified in July 2010 that it was on the 'standby' list for pass through financing. In August, Temple was moved to the 'primary' list. Since that time the City and TxDOT have successfully negotiated a pass through financing agreement for this project and the Texas Transportation Commission is scheduled to approve the agreement on September 30th.

Mr. Blackburn explained this project will take multiple funding strategies and will impact current projects and priorities, as well as future projects. The total project estimate is \$45,097,877, with \$35,037,877 eligible for reimbursement through TxDOT. The timing for reimbursement payments is between 10 and 20 years, with no less than \$750,000 and no more than \$1,500,000 in any given year. Construction should be underway within 12 months of contract execution, with an approximate construction time of 3 years.

Two projects being done outside the scope of our project will enhance the Northwest Loop 363 improvement project, Mr. Blackburn stated. TxDOT has awarded a contract for the BNSF railroad crossing at Northwest Loop 363 in the amount of \$7.9 million. TxDOT has also been given funding to bid the segment of I-35 from north of Troy to Northwest Loop 363. This project, estimated at \$135.5 million, will bid next summer and provide a direct connector from I-35 to the Loop.

4. Discuss process for approving ordinances requiring a super majority vote of the City Council for approval.

Jonathan Graham, City Attorney, stated this discussion relates to item 6 on the regular agenda. Mr. Graham asked for clear direction from the Council as to whether they desire to always require four affirmative votes on first reading of an ordinance when a super majority is required. When this situation has occurred in year's past, the Council has occasionally decided to waive that requirement on first reading and only apply it on second reading of the ordinance. This occurred when public hearings were conducted on the second reading of the ordinance, not on first reading as they are today.

It was the consensus of the Councilmembers to always require four affirmative votes to approve an ordinance on first reading when a super majority vote is required.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, September 16, 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

Sylvia Marrs, Regent, Betty Martin Chapter, Daughters of the American Revolution, voiced the invocation.

2. Pledge of Allegiance

Members of the Betty Martin Chapter, Daughters of the American Revolution,

led the Pledge of Allegiance.

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Constitution Week September 17 - 23, 2010

Mayor Jones presented this proclamation to the Betty Martin Chapter, Daughters of the America Revolution, in recognition of Constitution Week.

III. REPORTS

4. Receive a report from Keep Temple Beautiful, Inc. regarding their annual Litter Survey.

Zoe Rascoe, member of the Keep Temple Beautiful, Inc. Board of Directors, presented this report to the City Council. The survey is conducted by members of Keep Temple Beautiful, using the litter index developed by Keep America Beautiful. The results were presented by City Council District, in each of five areas - parks, schools, residential, commercial/industrial, and thoroughfares. There was a slight increase in litter this past year in all areas, except parks, but overall the City is doing very well and decreases are expected when some of the major road construction projects are complete.

Mrs. Rascoe noted Keep Temple Beautiful will continue to work with the Solid Waste Division to promote litter free events, conduct neighborhood and school clean-ups, cigarette litter prevention campaigns and other educational events. A new community improvement index will be implemented next year which will look at other metrics in addition to litter, such as graffiti, illegal signs, junk vehicles and outside storage.

Mayor Jones also reported on the Household Hazardous Waste event conducted in Temple this past weekend which was a huge success. This event is very beneficial to the citizens in our community and helps keep these objects out of our landfill. Mayor Jones recognized all the partners in this event.

IV. PUBLIC COMMENTS

Jennifer Kilgore addressed the City Council. She stated she placed herself at Martha's Kitchen about three months ago. Ms. Kilgore described the undesirable conditions there, including fighting, horrible food, prostitution, drugs, lack of air conditioning, stealing, and abuse. She stated there needs to be a huge change in that establishment. Ms. Kilgore added she is aware of a church group that is willing to help with this situation.

Mayor Jones noted the others signing up for public comments will make their remarks during the public hearing on agenda item 6.

V. CONSENT AGENDA

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

(A) August 30, 2010 Special Called Meeting

(B) September 2, 2010 Special Called and Regular Meeting

(C) 2010-6110-R: Consider adopting a resolution authorizing a construction contract with Joe Bland Construction, LP, of Austin for construction of Phase 1 of the Bird Creek Interceptor Project in the amount not to exceed \$1,878,712.90.

(D) 2010-6111-R: Consider adopting a resolution authorizing an amendment to a professional services agreement with Carter Burgess, Inc., now Jacobs Engineering Group, Inc. (Jacobs) in an amount not to exceed \$321,032 for Phases 3A and 3B of the Bird Creek Interceptor Project.

(E) 2010-6112-R: Consider adopting a resolution authorizing an extension to the annual contract with Perry Office Plus for the purchase of office supplies with estimated annual expenditures in the amount of \$200,000.

(F) Consider adopting resolutions authorizing annual contracts for the following:

- 1. 2010-6113-R: Work Boots/Shoes - Cochran, Blair & Potts of Belton in the estimated annual amount of \$26,000**
- 2. 2010-6114-R: Plumbing Services - C.A.P's Mechanical of Moody, on an as needed basis in the estimated annual amount of \$25,000**
- 3. 2010-6115-R: Concrete Repair and Construction Services - Alpha Constructors, Inc. of Temple in the estimated annual amount of \$57,175**
- 4. 2010-6116-R: Aggregate Base - Lhoist North America of Belton in the estimated annual amount of \$43,000**
- 5. 2010-6117-R: Hot Mix Asphalt - APAC Texas, Inc. of Belton at \$46 per ton in the estimated annual amount of \$46,000**
- 6. 2010-6118-R: Automotive Repair Parts -UniSelect USA Inc. dba Main Auto Parts/Auto Plus of Temple in the estimated amount of \$52,418.77**
- 7. 2010-6119-R: Tires, Tubes and Retreads - Southern Tire Mart of Dallas in the estimated annual amount of \$159,841.80**
- 8. 2010-6120-R: Traffic Signal Equipment - various vendors in an estimated annual amount of \$117,033.40**
- 9. 2010-6121-R: Sign and Traffic Control Supplies - various vendors in the estimated annual amount of \$41,808**
- 10. 2010-6122-R: Water Meters - various vendors in the estimated**

annual amount of \$123,580.74

11. 2010-6123-R: Utility Supplies - various vendors in the estimated annual amount of \$456,493.01
12. 2010-6124-R: Plumbing Supplies - Temple Winnelson Company of Temple in the estimated annual amount of \$30,000
13. 2010-6125-R: Building Materials - Lengefeld Lumber Company of Temple in the estimated annual amount of \$28,000
14. 2010-6126-R: Herbicides and Insecticides - various vendors in the estimated annual amount of \$57,763.12

(G) 2010-4388: SECOND READING - A-FY-10-14: Consider adopting an ordinance abandoning 150 feet of the 15-foot wide alley in Block 7, Eugenia Terrace Addition, retaining a 15' wide utility easement in its place, and abandoning 100 feet of the 50-foot wide right-of-way of South 3rd Street in Block 7, Eugenia Terrace Addition, both being adjacent to the south right-of-way of West Avenue P.

(H) 2010-4389: SECOND READING - Z-FY-10-44: Consider adopting an ordinance authorizing a Conditional Use Permit for the sale of alcoholic beverages, more than 50% and less than 75% revenue from alcohol sales, for on-premise consumption in a restaurant on the South 100 feet of Lot 2, Block 3, W S Chapman Addition, located at 715 South 1st Street.

(I) 2010-4390: SECOND READING - Z-FY-10-45: Consider adopting an ordinance authorizing a zoning change from Urban Estate District to General Retail District on Lot 2, Block 1, Simpson Addition Phase Two, located at 11720 West Adams Avenue.

(J) 2010-4391: FIRST READING - SET PUBLIC HEARING - Consider adopting an ordinance granting Richard Curtis, dba Good Times Carriage Rides, a non-exclusive franchise for five years to operate horse-drawn carriages upon the public streets and highways of the City of Temple.

(K) 2010-4392: FIRST READING - SET PUBLIC HEARING - Consider adopting an ordinance granting Temple Transportation, Inc., dba Yellow Cab, a non-exclusive franchise for five years to provide taxicab service in the City of Temple.

(L) 2010-6127-R: Consider adopting a resolution authorizing the submission of a grant application for the Staffing for Adequate Fire and Emergency Response (SAFER) grant, through the Federal Emergency Management Agency's (FEMA) Assistance to Firefighters Grants (AFG) Program Office.

(M) 2010-6128-R: Consider adopting a resolution authorizing acceptance of grant funding from the Texas Department of Transportation, Aviation Division, Airport Project Participation Grant Fund, for rehabilitation and overlay of runways, taxiways, and aircraft parking apron, lighting, and

related Airport improvements at the Draughon-Miller Central Texas Regional Airport, in the estimated amount of \$7,663,450.

(N) 2010-6129-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2009-2010.

Motion by Councilmember Danny Dunn to adopt resolution approving Consent Agenda, with exception of item (M), seconded by Councilmember Marty Janczak.

Motion passed unanimously.

(M) 2010-6128-R: Consider adopting a resolution authorizing acceptance of grant funding from the Texas Department of Transportation, Aviation Division, Airport Project Participation Grant Fund, for rehabilitation and overlay of runways, taxiways, and aircraft parking apron, lighting, and related Airport improvements at the Draughon-Miller Central Texas Regional Airport, in the estimated amount of \$7,663,450.

Motion by Councilmember Marty Janczak to table Consent Agenda Item (M), seconded by Councilmember Danny Dunn.

Motion passed unanimously.

VI. REGULAR AGENDA

ORDINANCES

- 6. 2010-4393: FIRST READING - PUBLIC HEARING - Z-FY-10-46: Consider adopting an ordinance authorizing a Conditional Use Permit allowing the sale of alcoholic beverages for on-premise consumption, more than 50% and less than 75% of the gross revenue, for a proposed lounge, in a 4939 square feet lease area located on Lots 2 and 3, Block 22, Skyline Section I at 2327 South 57th Street. (This case was denied by the Planning and Zoning Commission and will require four affirmative votes of the City Council for approval.)**

Brian Mabry, Planning Director, presented this case to the City Council. Robert Flores, the applicant, is requesting a conditional use permit to sell all alcoholic beverages in a lounge with more than 50% and less than 75% of total gross revenue from alcohol sales. The property is zoned General Retail and fronts South 57th Street, South 55th Street, and Avenue Z. Due to the denial by the Planning and Zoning Commission, approval of the request will require a super majority affirmative vote by the City Council.

Mr. Mabry displayed an aerial photo of the property, noting the nearest protected use (church). He also showed photos of surrounding uses and zoning, explaining the request does comply with the Future Land Use and Character Map and Thoroughfare Plan and adequate utilities are present to serve the tract. A site plan is required for a conditional use permit. Mr. Mabry reviewed the general criteria in the Zoning

Ordinance for conditional use permits, noting those that present issues to this location.

Six notices were mailed to surrounding property owners, with four returned in disapproval and none in approval. The Church is out of the notification area but submitted a comment in disapproval. The Planning and Zoning Commission recommended denial of the conditional use permit by a vote of 6-0. The Staff recommendation, if the conditional use permit is approved, is to include the general conditional use permit requirements for alcohol consumption; the site plan; closure of the driveways along South 55th Street with a curb identical to the existing curb; 10-foot landscaped strip at the property's frontage along South 55th Street, to include irrigation and living groundcover and either a wood fence with ten trees or a solid screen of 116 evergreen shrubs.

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

Robert Flores, 419 Big Timber, the applicant in this request, addressed the City Council. He stated he was a Temple native trying to open an upscale lounge with different entertainment for Temple. Since the Planning Commission meeting he has received favorable comments from people within the community and has a petition with over 100 signatures, obtained over the past weekend, in support of the request. Mr. Flores stated the Temple Daily Telegram article from last week stereotyped the type of business even before opening. The front door of the property faces the church and the houses face the side of the building. He is proposing to be open from 7 pm to 2 am.

Lila McGuire, 2325 South 55th Street, stated she lives across the street from the proposed night club and she protested this bar being located 120 feet from her bedroom window. The issue has nothing to do with race, she stated, she is just fighting to keep the bar out of their neighborhood. It would be an unethical decision to put a bar in a neighborhood. Mr. Flores only wants to be in this location for a year or so but the conditional use permit would remain with the building forever.

Donnie Yanez, who resides between Temple and Troy, agreed that citizens should know what is opening in their neighborhood. He stated Mr. Flores is a good, successful businessman and there are laws that will govern his operations. He will protect the neighborhood. There is a bar already in the neighborhood. This will be an upscale club with well dressed, successful people that like to have a good time. It will not be what it is being made out to be. Mr. Yanez continued by refuting some of the comments made by Ms. McGuire in the telegram article relating to the Mexican race, litter, and graffiti.

Lila McGuire addressed the Council again. She stated she is not prejudiced and felt there was some miscommunication during her interview with the telegram reporter. She added she just does not want any kind of bar that close to her house.

Judy Calloway, 2325 South 55th Street, sister of Ms. McGuire, stated many senior citizens could not come to the meeting to oppose this request but they have signed the petition so their wishes can be heard. It is 93 steps from their front door to the front door of the bar. She asked for Council to disapprove this request.

Jennifer Harris stated she known Mr. Flores for years. She asked if the community

would not like to have a situation that can be controlled.

Isabelle Flores, sister of Robert Flores, stated she attended the Planning and Zoning Commission meeting and heard both sides. There is another bar close to this location. Mr. Flores will have security inside and outside the building and it will be a much safer community. Their family has been here their entire life. Different types of music will be played to keep people in Temple. It will be a nice, respectable establishment that will provide great entertainment. She asked people to keep an open mind.

Mary Ann Aguillon, 2722 West Avenue Z, stated the other bar and other stores are on 57th Street, not 55th Street. If she wanted to live next to a bar she would have moved somewhere with a lower property value. This bar will lower her property value but her taxes will not decrease. Who will this benefit? All elderly people live in this neighborhood and their grandchildren play in this area. All of the residents spend a lot of time working in their yards to keep their neighborhood nice.

Donnie Yanez addressed the Council once again, quoting again from the telegram article. These comments should be corrected if they are not true. He asked if the bar, The Green Room, got a conditional use permit.

Mr. Mabry replied yes, a conditional use permit was issued for that location. The rear of that building is adjacent to 55th Street, with entry on 57th Street.

Mr. Yanez asked how the neighborhood deals with that establishment, the noise, traffic, etc. He added that Mr. Flores has soundproofed the building.

Jennifer Flores, 419 Big Timber, wife of Robert Flores, explained the type of lounge they are proposing, addressing the security aspects. There have not been that many issues with other places in Temple. She asked for a chance to show the neighbors that this will be a nice place. A dress code will be enforced and they will have adequate staff to monitor the operation.

Mr. Kirk Fischer, 4905 Ascot Parkway, addressed the Council, representing Grace Presbyterian Church. He stated the Church is very pro capitalism but respectfully opposes the location of the lounge based on safety. The Church has been quiet over the summer but activities are picking up. Mr. Fischer cited some statistics regarding the direct cause and effect between alcohol sales and neighborhood crime. Safety is about beating the odds therefore the presence of people having 'one too many' improve the odds of having problems, he stated. If this was a school it would not be allowed because of the distance requirement. He asked the Council to view the Church as a school as many people come and go from their site.

A lady present (name not given) stated she has known Mr. Flores all of her life. She does not live in such a nice area but uses taxpayers' dollars wisely and calls the police when necessary. She felt the improvements to the site, bringing more money into the City, and employing people are all good. She asked the Council to give them a chance to make this work.

Mr. Yanez asked if there was any documentation of property values near bars going down. The facts given by Mr. Fischer are probably right, he stated, but seem to apply to the entire City, not to this club specifically.

Mr. Fischer stated the studies he cited were neighborhood studies in closely confined areas.

Cynthia Hernandez stated the City of Temple has been very progressive in the downtown area and this will just continue these efforts. The lounge will draw people to the area and add to the momentum of what the City is already doing.

Judy Burnett, 3313 Canyon Creek Drive, member of Grace Presbyterian Church, stated she has no problem with opening the establishment, the only problem is the proposed location. If it faced 57th Street there would not be so much concern and she asked the applicant to consider another location.

Ms. McGuire stated she can appreciate that Mr. Flores has a lot of friends and family but no one else seems to support his proposal. The other bar faces 57th Street and that is where the traffic comes and goes from. There is a space available in the building adjacent to 57th Street and that would be okay. Ms. McGuire read a letter from Helen Overton who could not attend the meeting. In that letter, Ms. Overton stated she has a lot of pride in her home and neighborhood. The bar will make difference in her staying in her home or going to a nursing home.

Ms. Hernandez, 911 Patriot Court, stated there are quite a few bars and stores that are located close to churches, residential areas and near schools.

John, 1511 North Main, stated he was a bartender for Taqueria, and a lot of signatures on the petition in support of Mr. Flores are from the neighborhood.

Mr. Flores addressed the Council again. Temple is one of the best and quietest cities. There is a low crime rate and the police do a good job throughout the City. Working with the Texas Alcoholic Beverage Commission, the Council can revoke the permit at any time if conditions not complied with. The lounge will not be open when Church is open. He will have a full staff and security inside and outside of building.

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

Councilmember Schneider stated the conditional use permit is for the building and if it is sold it will remain.

Jonathan Graham, City Attorney, stated yes, but the conditional use permit only applies to the lease space, unless revoked.

Councilmember Schneider asked about the possibility of the applicant leasing space on the other side of the building, as suggested, to find some common ground.

Councilmember Dunn stated he is a licensed Texas real estate broker but it is not appropriate for him to address property values during this discussion. The location of the lounge does raise concerns for him. He indicated his appreciation that Mr. Flores desires to invest in the City but felt the location was not appropriate for that use.

Mayor Jones echoed Councilmember Dunn's comments. He hoped such a lounge could be opened in the community but he would always err on the side of preserving a neighborhood. The character of a neighborhood can be changed with an accumulation of this use. Mayor Jones added he was not opposed to the lounge

concept and hoped Mr. Flores would bring one to our community.

Councilmember Schneider stated it is a tough decision for the Council and neighborhood because it greatly affects those close to the proposed use. He has in his own mind where these establishments should be located. He added he does not believe the City should affect neighborhoods in this manner and will, as the Mayor said, err on the side of protecting the neighborhood.

Motion by Councilmember Marty Janczak to deny ordinance on first reading, seconded by Councilmember Danny Dunn.

Motion passed unanimously.

7. 2010-4394: FIRST READING - PUBLIC HEARING - Z-FY-10-47: Consider adopting an ordinance authorizing a zoning from Agricultural District (A) to Single Family Two District (SF2) on 35.49 ± acres of land being out of the Maximo Moreno Survey, A-14, Bell County, Texas, located along the east side of South 5th Street, across from Wyndham Hill Parkway.

Brian Mabry, Planning Director, presented this case to the City Council. The purpose of the rezoning is to establish a single family subdivision. Some platting issues are mentioned in the presentation but this action is limited to rezoning. Mr. Mabry showed the subject property on an aerial photo and also displayed the existing subdivisions and surrounding property uses. The request complies with the Future Land Use and Character Map and Thoroughfare Plan. Public utilities are present to serve the tract. The Citywide Sidewalk and Trails Master Plan calls for a local connector trail, 6 to 8 feet in width, at the rear of the property meeting up with South 5th Street. Mr. Mabry explained the applicant wishes to provide such trail dedication and construction through the platting process and this approach was approved by the Planning and Zoning Commission through the preliminary plat. Eight notices were mailed to surrounding property owners, with two being returned in approval and one in disapproval. The Planning and Zoning Commission approved the requested rezoning 6-0.

Councilmember Schneider asked if there are fencing requirements along South 5th Street that are more stringent to be consistent with the other developments in the area.

Mr. Mabry replied that fencing standards would have been approved in a planned development. Fencing is not required around subdivisions and this development has no direct access to South 5th Street.

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

The applicant addressed the Council, stating it would be his intention to construct a fence with the additional requirements consistent with neighboring developments. He asked for the Council's support of this rezoning and indicated he would continue working with the Parks Department to come to mutual agreement on the park needs for the development.

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

Motion by Councilmember Russell Schneider to adopt ordinance, with second and final reading set for October 7, 2010, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

- 8. 2010-4395: FIRST AND FINAL READING - PUBLIC HEARING: Consider adopting an ordinance approving a negotiation settlement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding Atmos Mid-Tex's third Rate Review Mechanism ("RRM") filing, to be considered on an emergency basis.**

Jonathan Graham, City Attorney, presented this item to the City Council. He explained the current request by Atmos, as well as the settlement ordinance, which will result in an average increase of \$1.40 per month for residential customers. As a result of negotiations, the Atmos Cities Steering Committee was able to reduce Atmos' requested \$70.2 million increase to \$27 million.

Mr. Graham explained the ordinance also provides a mechanism for Atmos to recover direct costs, excluding overhead, of the steel service line replacement program. Current year recovery factors will be \$0.15 for residential customers and \$0.41 for commercial customers per month. These rates are to be adjusted annually but will be capped at \$0.44 for residential customers and \$1.22 for commercial customers.

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

Mr. Milton Hensley, 301 Mitchell Drive, asked what the lines will be replaced with and what the cost will be to a residential customer.

Doug Hill, Atmos Energy, 1500 West Loop 340, Waco, stated the steel lines will be replaced with polyethylene. He explained the increases associated with both the rate increase and the steel line replacement program, which will be re-analyzed after two years.

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

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance on first and final reading, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

RESOLUTIONS

- 9. 2010-6130-R: P-FY-10-31: Consider adopting a resolution authorizing the final plat of Temple Dollar General, an 11.86± acre, two-lot non residential subdivision located on the south side of State Highway 36, west of Cedar Ridge Park Road, in Temple's western ETJ with developer requested exceptions to sidewalks, water lines, and fire hydrants of the Subdivision Ordinance.**

Brian Mabry, Planning Director, presented this case to the City Council. He displayed the vicinity map for this property, which is located in Temple's ETJ, and showed an aerial photo of the property. Park fees are not required for non-residential plats. The applicant is requesting exceptions to the 6-foot wide sidewalk along SH 36, a 6-inch waterline, and fire hydrant requirements. The Planning and Zoning Commission recommended approval of the final plat with the requested exceptions.

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

Motion passed unanimously.

10. 2010-6131-R: P-FY-10-15: Consider adopting a resolution authorizing the preliminary plat of Residences at D'Antoni's Crossing Phase III, a six-lot residential and one-lot non-residential subdivision on the east side of South 31st Street, north of Residences at D'Antoni's Crossing #2 with developer requested exceptions to the Subdivision Ordinance requiring that a plat conform to adopted City plans.

Brian Mabry, Planning Director, presented this case to the City Council. He showed an aerial of the subject property and the submitted plat. In lieu of park fees the Parks and Leisure Services Department has requested a 20-foot wide trail easement along the north plat boundary in compliance with the Citywide Trails Master Plan. The applicant has requested an exception to this requirement for the trail easement. Mr. Mabry showed the effect to the trails master plan if the easement is required and if it is not. He presented the Planning and Zoning Commission recommendation, which would grant the exception to the north and east trail connectors and the acceptance of park fees. The staff recommendation was to require the 20-foot trail easement along the north plat boundary.

Bobby Arnold, 5297 South 31st Street, owner of the property and the applicant, addressed the Council. He explained he purchased the property without any easements and paid a premium for that. There are two lots that cross the creek with no public access. Other portions of the proposed trail run through developed subdivisions (Misty Creek and Springwood) and will be abandoned. There is a wooden fence along the boundary with Deerfield Estates. The proposed easement would be along that fence line on his property, placing the trail between the two fences.

Councilmember Schneider stated that would create area that could promote crime. He felt it would be a poor choice to take an easement there and would prefer to use the railroad alignment or another route without taking the 20-foot easement from property owners.

Mayor Pro Tem Luna agreed with Councilmember Schneider's comments. If you have a creek in a back yard that is a real selling point. However, it would not be appropriate to have people walking back there.

Councilmember Janczak expressed his concern with preventing the trail from being constructed if this easement is not required.

Councilmember Schneider stated he felt the trail does not need to be constructed in this location because it will not enhance the property on the creek.

Motion by Mayor Pro Tem Patsy E. Luna to adopt resolution, requiring the payment of park fees with no additional easements required from the property, seconded by Councilmember Danny Dunn.

Motion passed unanimously.

11. 2010-6132-R: Consider adopting a resolution authorizing a pass through financing agreement with the Texas Department of Transportation for improvements to Northwest Loop 363.

David Blackburn, City Manager, presented this item to the City Council. This project has been under has been under consideration for at least two decades and has involved many people throughout the years. The Council is being asked to approve a pass through financing agreement with TxDOT to upgrade approximately 4 miles of existing 2-lane Northwest Loop 363 from just west to the BNSF railroad crossing to FM 2305. These improvements will create a continuous divided 4-lane highway from NW Loop 363 and I-35 to SW Loop 363 and I-35. The improvements include construction of main lanes, two grade separations at Wendland Road and SH 36/53, ramps, frontage road, drainage, grading, signage, signals, pavement markings and landscaping.

Mr. Blackburn stated the estimated project cost if \$45,097,877. Of this amount \$35,037,877 will come from TxDOT and will include \$20,000,000 in Category 12 funds and \$15,037,877 in pass through financing funds. The City will contribute \$10,060,000 from various funding sources. Mr. Blackburn explained these are only estimates at this time.

Two other significant TxDOT projects that are related to the NW Loop 363 project include the I-35 'Troy' segment which will include a NW Loop 363 interchange and direct connector to the NW Loop in Troy. This project is funded in the amount of \$135.5 million and will let in 2011. The other project is the BNSF railroad crossing on NW Loop 363. This is a \$7.9 million project that has been let by TxDOT and construction is set to commence.

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

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger

City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

10/07/10
Item #6(B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Director of Public Works
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an annual contract for electric motor and pump repair services needed at the Water Treatment Plant for FY 2011 with Austin Armature Works, LP of Buda in the estimated annual amount of \$120,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On August 17, 2010, the City received two (2) bids for electric motor and pump repair services on as as-needed basis for the Water Treatment Plant. The bids are shown on the attached bid tabulation sheet. As allowed by Chapter 252 of the Local Government Code, the bid was advertised to be awarded to the bidder that provided the best value to the City taking into consideration purchase price, reputation and quality of the bidder and the bidder's services, and the extent to which the bidder's services meet the City's needs.

A bid evaluation committee was formed to evaluate the two bids. Austin Armature Works offered the lowest pricing; however, the City did not have any experience of working with Austin Armature Works. Accordingly, staff checked several references and visited the Austin Armature Works facility and came to the conclusion that they believed Austin Armature Works offered the best value to the City based on pricing, quality of work, and timeliness of performing the work. Thus, it is the committee's unanimous recommendation to award the electric motor and pump repair services contract to Austin Armature Works, LP of Buda.

The proposed contract is for a one (1) year period commencing immediately, and is renewable for four (4) additional one-year periods commencing on October 1st of each year, if agreed to by the City and Austin Armature Works.

FISCAL IMPACT: Budgeted amount: \$120,000 in account 520-5100-535-6310

ATTACHMENTS:

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

Tabulation of Bids Received
on August 17, 2010 at 2:15 p.m.
Electric Motor and Pump Repair Service (WTP)

	Bidders		Memo 2009-2010 Contracted Prices
	Smith Pump Company Waco, TX	Austin Armature Works, LP Buda, TX	
Description			
Motor Repair - Material (Cost plus %) \$0-\$100.99	20%	15%	20%
Motor Repair - Material (Cost plus %) \$101-\$500.99	20%	15%	20%
Motor Repair - Material (Cost plus %) \$501-\$1000.99	20%	15%	20%
Motor Repair - Material (Cost plus %) \$1001-\$5000.99	20%	15%	20%
Motor Repair - Material (Cost plus %) \$5001-and up	20%	15%	20%
Motor Repair - Rental Equipment (Cost plus %)	20%	15%	20%
Motor Repair - Labor Shop (Straight Time)	\$66.00	\$60.00	\$60.00
Motor Repair - Labor Shop (Overtime)	\$99.00	\$72.50	\$90.00
Motor Repair - Labor Field (Straight Time)	\$78.00	\$65.00	\$70.00
Motor Repair - Labor Field (Overtime)	\$117.00	\$97.50	\$105.00
Motor Repair - Truck Mileage	\$1.90	\$0.80	\$0.90
Motor Repair - truck and trailer mileage	\$2.15	\$1.50	\$2.15
Motor Repair - semi-truck mileage	Rental	\$2.00	Rental
Pump Repair - Material (Cost plus %) \$0-\$100.99	20%	15%	20%
Pump Repair - Material (Cost plus %) \$101-\$500.99	20%	15%	20%
Pump Repair - Material (Cost plus %) \$501-\$1000.99	20%	15%	20%
Pump Repair - Material (Cost plus %) \$1001-\$5000.99	20%	15%	20%
Pump Repair - Material (Cost plus %) \$5001-and up	20%	15%	20%
Pump Repair - Rental Equipment (Cost plus %)	20%	15%	20%
Pump Repair - Labor Shop (Straight Time)	\$66.00	\$60.00	\$60.00
Pump Repair - Labor Shop (Overtime)	\$99.00	\$72.50	\$90.00
Pump Repair - Labor Field (Straight Time)	\$78.00	\$65.00	\$70.00
Pump Repair - Labor Field (Overtime)	\$117.00	\$97.50	\$105.00
Pump Repair - truck mileage	\$1.90	\$0.80	\$0.90
Pump Repair - truck and trailer mileage	\$2.15	\$1.50	\$2.15
Pump Repair - semi-truck mileage	Rental	\$2.00	Rental
Exceptions	None	Motor Rewinds-Use Vaughen's	
Local Preference	No	No	
Insurance Affidavit	Yes	Yes	
Credit Check Authorization	Yes	Yes	

Planholders
Austin Armature Works
Prime Vendor
Smith Pump Company

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

Belinda Mattke

Belinda Mattke, Director of Purchasing

17-Aug-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 AN ANNUAL CONTRACT FOR ELECTRIC MOTOR AND PUMP REPAIR SERVICES NEEDED AT THE WATER TREATMENT PLANT FOR FISCAL YEAR 2011 WITH AUSTIN ARMATURE WORKS, LP, OF BUDA, TEXAS, IN THE ESTIMATED ANNUAL AMOUNT OF \$120,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 17, 2010, the City received one bid for electric motor and pump repair services on an as-needed basis for the Water Treatment Plant;

Whereas, the Staff recommends accepting the bid from Austin Armature Works, LP, of Buda, Texas, for an estimated annual expenditure of \$120,000;

Whereas, funds are budgeted in Account No. 520-5100-535-2331, for these services; 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 an annual contract for electric motor and pump repair services on an as-needed basis for the Water Treatment Plant for Fiscal Year 2011 with Austin Armature Works, LP, of Buda, Texas, in accordance with the Staff recommendations on the bid tabulation sheet, attached as Exhibit A, for an estimated annual expenditure of \$120,000.

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

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

PASSED AND APPROVED this the 7th day of **October**, 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

10/07/10
Item #6(C)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of an annual maintenance contract for FY2011 with Sungard Public Sector, Inc. in the amount of \$142,749.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City currently uses Enterprise Software from Sungard HTE for the following business applications in helping the City to conduct financial transactions:

General Ledger	Accounts Payable	Accounts Receivables
Fixed Assets	Inventory	Purchasing
Cash Receipts	Budgeting	Fleet Management
Work Orders	Payroll	Human Resources
Utility Billing	Permitting	Code Enforcement
Inspections	Zoning	Business Licenses
Municipal Court	Project Accounting	QREP
Looking Glass	HELP Card	

Sungard HTE is the sole provider of maintenance for HTE application software. This is currently the 7th year of support for the current software.

FISCAL IMPACT: The Information Technology Department currently has funds budgeted in account 110-1900-519-23-38 in the amount of \$142,749 for continued annual support of these applications.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF AN ANNUAL MAINTENANCE CONTRACT FOR FY2011 WITH SUNGARD PUBLIC SECTOR, INC., IN THE AMOUNT OF \$142,749; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City currently uses Enterprise Software from Sungard HTE for certain business applications in helping the City to conduct financial transactions – Sungard HTE is the sole source provider for the HTE application software;

Whereas, the Staff recommends purchasing a yearly maintenance contract for a cost not to exceed \$142,749;

Whereas, this will be the City's 7th year of support for the current software – funds are budgeted in Account No. 110-1900-519-2338 for this purchase; 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 an annual maintenance contract for FY2011 with Sungard Public Sector, Inc., for business application software to help the City conduct financial transactions, for an amount not to exceed \$142,749.

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 7th day of **October**, 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

10/07/10
Item #6(D)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of an annual maintenance contract for FY2011 with Intergraph Corporation in the amount of \$42,528.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Police and Fire Departments currently use Records Management Software from Intergraph Public Safety for the following public safety applications in helping the City to conduct management of Public Safety records and analysis:

SunPro Fire RMS

I-LEADS RMS (Arrests, warrants, citations, evidence, calls for service, etc...)

CAD Interface Software

Oracle Software

Intergraph Public Safety is the sole provider of maintenance for HTE application software. This is currently the 12th year of support for the current software.

FISCAL IMPACT: The Information Technology Department currently has funds budgeted in account 110-1900-519-23-38 in the amount of \$42,528 for continued annual support of these applications.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF AN ANNUAL MAINTENANCE CONTRACT FOR FY2011 WITH INTERGRAPH CORPORATION FOR PUBLIC SAFETY SOFTWARE APPLICATIONS, IN THE AMOUNT OF \$42,528; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City currently uses public safety software from Intergraph Corporation for police and fire software applications – Intergraph Corporation is the sole source provider for the public safety software;

Whereas, the Staff recommends purchasing an annual maintenance contract for a cost not to exceed \$42,528;

Whereas, this will be the City's 12th year of support for the current software – funds are budgeted in Account No. 110-1900-519-2338 for this purchase; 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 an annual maintenance contract with Intergraph Corporation for public safety software applications, for an amount not to exceed \$42,528.

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 7th day of **October**, 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

10/07/10
Item #6(E)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

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

ITEM DESCRIPTION: (1) Consider adopting a resolution authorizing the City Manager to execute a Letter of Understanding with Texas Department of Transportation (TxDOT) to provide reimbursement to the City by TxDOT, in the amount of \$191,000, for utility engineering relocation services in association with IH-35 improvements from North Loop 363 to the northern Temple City limits.

(2) Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates LP of Temple in an amount not to exceed \$193,240 for utility relocation engineering services in association with IH-35 Improvements from North Loop 363 to northern Temple city limits.

STAFF RECOMMENDATION: Adopt resolutions as presented in item description.

ITEM SUMMARY: Earlier this year, TxDOT began discussions with the City related to work required for IH-35 improvements through Temple. TxDOT has retained the services of three separate engineering firms for professional design services for highway expansion through Temple, including two between South Loop 363 and North Loop 363 (divided at Nugent Avenue). The third professional engineering contract includes highway design work from North Loop 363 to the northern City limits and into and through Troy. This third contract (from North Loop 363 to the northern City limits and beyond) is the only interstate project in Temple currently funded for construction.

Expansion of IH-35 through Temple will require relocation of existing City owned water and wastewater utilities. TxDOT has bundled design of specific utility relocations impacted by highway improvements into each individual engineering contract to consolidate and minimize utility disruptions during roadway construction. In recognition and acknowledgement that City utility planning and operations are integral to the highway expansion, TxDOT has solicited input and feedback from City staff related to relocation of City owned utilities. Since this project will require substantial coordinated efforts between the City and the State related to design improvements, plan review, site observation, and construction administration, a professional consultant is needed to act on behalf of the City through this complex expansion effort.

The resolution proposed in item (1) will authorize the City Manager to execute a letter of understanding with Texas Department of Transportation (TxDOT) for reimbursement of eligible engineering services and for city staff time incurred for relocating publicly operated utilities (water and wastewater) in conjunction with the IH-35 roadway improvements project. According to information received from TxDOT staff, this portion of the interstate is adequately funded with plans to let the construction contract in the summer of 2011. Prior to initiating IH-35 roadway improvement construction, it is anticipated that a reimbursement agreement between TxDOT and the City will be executed. However, until the agreement is executed, the City will be responsible to make interim payments to KPA. Such interim payments will be reimbursed after the reimbursement agreement is executed, per the terms of the agreement. According to TxDOT staff, an executed reimbursement agreement may be expected to be finalized in the spring of 2011.

Engineering phase services to be performed by KPA, proposed in item (2), related to the northern most portion of the project (North Loop 363 to the northern City Limits) include preliminary plan review, construction plan review, bid document review, and construction phase services such as on-site representation during construction. In addition, KPA will review proposed utility relocation plans with respect to Temple's 2008 Water and Sewer Master Plan and current RZ Master Plan in order to recommend utility line betterments. KPA will also review proposed improvements for potential utility conflicts and recommend solutions to TxDOT design consultants. KPA will represent the City's interests in protecting existing public water and wastewater infrastructure and related public utility easements or properties while assessing and planning for future needs as identified in existing planning documents. KPA's scope of services also includes preparing reimbursement standard utility agreements on behalf of the City. All costs are eligible for reimbursement by TxDOT with the exception \$2,240 of services, which the city will be 100% responsible.

FISCAL IMPACT: The total cost for professional services related to the IH-35 Improvements from North Loop 363 to northern Temple city limits is \$193,240. TxDOT will reimburse the City for all costs, with the exception of \$2,240 of which the city will be 100% responsible. Total reimbursement to be received from TxDOT is \$191,000.

A budget adjustment is presented for Council's approval appropriating the City's share of \$2,240 from Water & Sewer Unreserved Retained Earnings to account 520-5900-535-6618, project #100682. The budget adjustment also appropriates to the same account \$191,000 which the City will be reimbursed by TxDOT.

ATTACHMENTS:

TxDOT & City Letter of Understanding - to be provided

[Proposal](#)

[KPA Scope of Services](#)

[Project Map](#)

[Budget Adjustment](#)

[Resolution](#)



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS

Texas Firm F-510

RICK N. KASBERG, P.E.

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

THOMAS D. VALLE, P.E.

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

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

September 17, 2010

Mr. Michael Newman, P.E., C.F.M.
City of Temple
3210 East Avenue H, Building A
Temple, Texas 76501

Re: City of Temple, Texas
Coordination and Review of Utility Relocations associated with TxDOT Widening of IH-35
from the North Loop 363 to North of Troy

Dear Mr. Newman:

This letter proposal is in response to your request for engineering services required for the coordination and review of relocation plans and subsequent construction of City owned utilities (water and sewer) along IH-35 in conjunction with the highway reconstruction by the Texas Department of Transportation (TxDOT).

The Texas Department of Transportation (TxDOT) is currently in the design phase for widening IH-35 from the intersection with South Loop 363 to north of Troy. TxDOT has divided this segment of IH-35 widening into three (3) separate contracts as follows:

1. South Loop 363 to Nugent Avenue
2. Nugent Avenue to North Loop 363
3. North Loop 363 to North of Troy - (Project 3A1)

TxDOT has included the relocation of City of Temple water and wastewater utilities in these contracts. The design of the utility relocations will be prepared by TxDOT's consultant. TxDOT has indicated that the northernmost portion of the project (North Loop 363 to North of Troy, Project 3A1) will be the first construction project of these three to be bid. The general proposed schedule consists of 30% Review Plans complete in August 2010, 90% Review Plans complete in February 2011 and letting of the project in Summer 2011. With the accelerated schedule, KPA will act as an extension of the City of Temple's Public Works / Engineering Department during the preliminary design, final design, bidding and construction phases of these three projects. A detailed scope of services for KPA's participation in the North Loop 363 to North of Troy (Project 3A1) portion of the TxDOT widening is included as Attachment A.

Mr. Michael Newman, P.E.

September 17, 2010

Page Two

Kasberg, Patrick & Associates, LP services will include preliminary coordination and review services (30%), preparation of TxDOT agreement, plan review at 60%, 90% and 100%, review of addendum items pertaining to City utilities during bidding process, construction administration, on-site representation and preparation of TxDOT reimbursement requests. The following is a summary of lump sum costs for these services, a detailed breakdown is included as Attachment B:

Basic Services

• Preliminary Review / Coordination	\$	35,830
• Plan Review	\$	25,400
• Bidding	\$	1,160
• Construction Administration	\$	53,000
Sub-Total Basic Services	\$	115,390

Special Services

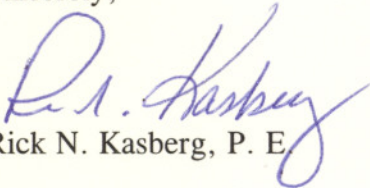
• On-Site Representation	\$	77,850
Sub-Total Special Services	\$	77,850

TOTAL \$ 193,240

KPA will begin work once written authorization is received in our office. We will not exceed this amount without your authorization. All work will be billed on a monthly basis. We are available to address any questions or comments that you may have about this proposal.

Thank you for allowing us to serve the City of Temple in this capacity.

Sincerely,



Rick N. Kasberg, P. E.

TDV/
2010-130

Approved and Accepted on this _____ day of _____, 2010.

Authorized Signature

Attachment A

KPA SCOPE OF SERVICES

City of Temple, Texas Coordination and Review of Utility Relocations associated with TxDOT Widening of IH-35 from the North Loop 363 to North of Troy

September 17, 2010

Background

The Texas Department of Transportation (TxDOT) is currently in the design phase for widening IH-35 from the intersection with South Loop 363 to north of Troy. TxDOT has divided this segment of IH-35 widening into three (3) separate contracts as follows:

1. South Loop 363 to Nugent Avenue
2. Nugent Avenue to North Loop 363
3. North Loop 363 to North of Troy - (Project 3A1)

TxDOT has included the relocation of City of Temple water and wastewater utilities in these contracts. The design of the utility relocations will be prepared by TxDOT's consultant. TxDOT has indicated that the northernmost portion of the project (North Loop 363 to North of Troy, Project 3A1) will be the first construction project of these three to be bid. The general proposed schedule consists of 30% Review Plans complete in August 2010, 90% Review Plans complete in February 2011 and letting of the project in Summer 2011. With the accelerated schedule, KPA will act as an extension of the City of Temple's Public Works / Engineering Department during the preliminary design, final design, bidding and construction phases of these three projects. This proposal is to provide the following services for the first project (Project 3A1):

I. Preliminary

- A. Meet with TxDOT Utility Coordinator to review proposed schedule, contact persons and information and confirm project eligibility / reimbursable procedures.
- B. Review Subsurface Utility Engineering (SUE) sheets included in 30% Review Plan Sets.
 - a. Conduct meeting with City of Temple staff to verify size and general location of existing City of Temple utilities.
 - b. Conduct field reconnaissance to observe location of existing City of Temple utilities.
 - c. Prepare a summary letter identifying errors and/or omissions as determined from review of as-builts and discussions with Operations Staff.
 - d. Determine existing utilities that are in conflict with the proposed IH-35 widening alignment from the City of Temple's future operations and maintenance perspective.

- e. Review City of Temple Master Plans and Tax Incremental Refinance Zone #1 (TRZ) plans to determine possible conflicts with proposed expansion. Prepare written summary of potential conflicts to be forwarded to TxDOT's sub-consultant for inclusion in subsequent and final plans.
 - f. Review existing utilities determined to be in conflict and determine if improvements should be investigated (ie; abandon force main and install gravity sewer, upsize existing lines, etc.).
 - g. Prepare a preliminary assessment of "Betterment" to be reviewed by City Staff.
 - h. Prepare preliminary alignment of utilities to be relocated based on City of Temple's current standards, Staff input and City of Temple best interests. This general alignment and sizing will be reviewed against TxDOT's consultant alignment once it has been prepared and will serve as a basis for discussion on final alignments.
- C. Perform technical review of hydrologic and hydraulic analysis for Little Elm Creek Drainage Basin.
- D. Prepare TxDOT Reimbursable Agreement including preparation of the following forms and documentation to be executed by City of Temple and TxDOT:
- a. Standard Utility Agreement (Form ROW-U-35)
 - b. Attachment A – Plans, Specifications and Estimated Costs
 - i. Preparation of Plans and Specifications for the relocation of City of Temple Utilities are not included in KPA's scope. However, KPA will prepare a summary of Project Costs (not including actual construction/relocation costs) detailing direct City of Temple costs including consultant fees.
 - c. Attachment B – Utility's Accounting Method
 - i. KPA will meet with City of Temple Finance Department Staff to determine acceptable method and recommend steps during the design phase to facilitate reimbursement.

- d. Attachment C – Utility Schedule of Work and Estimated Date of Completion
 - i. Coordinate with TxDOT and their consultant to determine schedule for inclusion in this attachment.
- e. Attachment D – Statement Covering Work
 - i. Form ROW-U-48
- f. Attachment E – Utility Joint Use Acknowledgement
 - i. Form ROW-U-JUAA
- g. Attachment F – Eligibility Ratio Calculation
 - i. Prepare statement concerning eligibility ratio calculations as they relate to Texas Transportation Code section 203.092 and Interstate Highways when Federal Participation is 100%.
- h. Attachment G – Betterment Calculation and Estimates
 - i. Obtain Opinion of Probable Cost for utility relocations from TxDOT consultant.
 - ii. Using TxDOT consultant's unit costs, prepare OPC with "Betterment".
 - iii. Detail any City of Temple Standards and/or Design Calculations that show the design does not constitute "betterment", if applicable.
- i. Attachment H – Proof of Property
 - i. Obtain and document City of Temple "Real Property Interests" for known easements and/or real property such as Lift Station tracts, etc. This item consists of obtaining a copy of the recorded document from the Bell County Clerk's office and incorporating the documents into the final agreement.
- j. Attachment I – Inclusion in Highway Construction Contract
- E. Meet with TxDOT's Utility Coordination director to review preliminary draft of TxDOT Reimbursable Agreement prior to submission. Incorporate comments.
- F. Meet with City of Temple Staff to review TxDOT Reimbursable Agreement prior to submitting City Council Agenda Item.
- G. Prepare and mail three (3) copies of executed document on behalf of the City.
- H. Address TxDOT review comments.

II. Plan Review

- A. Review 60% Utility Plans for:
 - a. Accuracy with respect to size, material and alignment as determined in preliminary phase.
 - b. Compliance with City of Temple standards and standard practices.
 - c. Potential operation and/or maintenance conflicts in future.
- B. Prepare written review comments for submission to TxDOT Consultant.
- C. Prepare 60% Construction Sequence to allow operation of system during construction including documenting necessary temporary facilities.
- D. Meet with TxDOT Consultant and City of Temple Staff to discuss review comments and construction sequencing.
- E. Review 90% Utility Plans for:
 - a. Accuracy with respect to size, material and alignment as determined in preliminary phase.
 - b. Compliance with City of Temple standards and standard practices.
 - c. Potential operation and/or maintenance conflicts in future.
 - d. Traffic Control Plan.
- F. Prepare 90% Construction Sequence to allow operation of system during construction including documenting necessary temporary facilities.
- G. Review 100% Utility Plans for:
 - a. Accuracy with respect to size, material and alignment as determined in preliminary phase.
 - b. Compliance with City of Temple standards and standard practices.
 - c. Potential operation and/or maintenance conflicts in future.
 - d. Traffic Control Plan.
- H. Prepare 100% Construction Sequence to allow operation of system during construction including documenting necessary temporary facilities.
- I. Attend coordination meetings conducted by TxDOT including preparation of minutes as discussion pertains to City of Temple Utilities.

III. Bidding

- A. Review TxDOT Consultant's addendum items pertaining to City of Temple Utilities for compliance with City of Temple standards and design requirements.

IV. Construction Phase Services

- A. Provide On-Site Representation Services on behalf of the City of Temple to observe that the relocation of the City's utilities are accomplished in compliance with the plans and specifications.
- B. Provide periodic site visits by engineer to observe materials and construction.
- C. Attend monthly construction meetings on behalf of the City of Temple.
- D. Review TxDOT Consultant's RFI responses pertaining to City of Temple Utilities and provide comments as necessary.
- E. Act as City's point of contact for construction related documentation and discussions.
- F. Coordinate with TxDOT consultant, TxDOT contractor and City Staff as required to facilitate construction.
- G. Prepare reimbursable pay request on behalf of City of Temple.

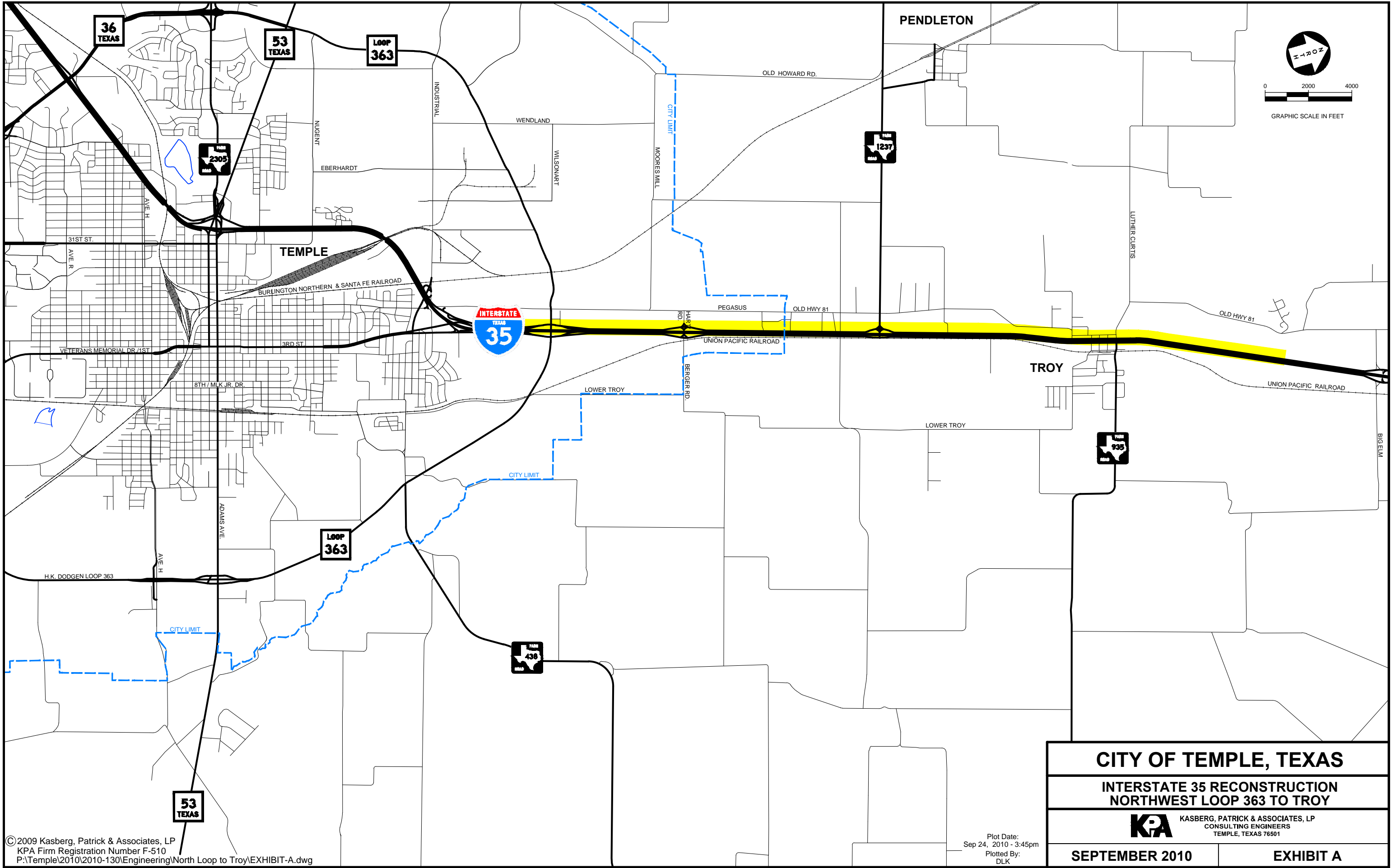
Attachment B -- KPA Cost Breakdown


City of Temple, Texas
 Coordination and Review of Utility Relocations associated with TxDOT Widening of IH-35 from North Loop 363 to North of Troy
 September 17, 2010

Scope Items	Total	Summary of Hours					
		Principal	PE	Grad Eng	CAD	OSR	Clerical
		\$160.00	\$140.00	\$100.00	\$90.00	\$75.00	\$70.00
I. Preliminary							
A. Meet/Coordinate with TxDOT Utility Coordinator	\$ 1,760	4	8				
B. Review SUE sheets included in 30% Review Plan Sets.	\$ -						
a. Conduct meeting with COT staff to verify existing City of Temple utilities.	\$ 1,600	2	4		8		
b. Conduct field reconnaissance to observe existing City of Temple utilities.	\$ 4,160		8	16	16		
c. Prepare a summary letter identifying errors and/or omissions in SUE.	\$ 1,660	1	4	8			2
d. Determine ex. utilities in conflict with proposed IH-35 widening alignment.	\$ 4,240	2	4	12	24		
e. Review COTemple Master Plans and TRZ plans to determine possible conflicts.	\$ 720	1	4				
i. Prepare written summary of potential conflicts.	\$ 720	1	4				
f. Review ex. utilities in conflict and determine if betterment should be investigated.	\$ 1,520	1	4	8			
g. Prepare a preliminary assessment of "Betterment" to be reviewed by City Staff.	\$ 1,520	1	4	8			
h. Prepare prelim. alignment of relocated utilities for COT interests.	\$ 5,200	2	8	16	24		
i. Reviewed vs. TxDOT's consultant alignment and forward comments.	\$ 1,520	1	4	8			
C. Perform tech. review of hydrologic/hydraulic analysis for Little Elm Creek Basin.	\$ 2,240	1	12	4			
D. Review Lift Station relocation and site layout:	\$ 2,220	2	4	8	6		
E. Prepare TxDOT Reimbursable Agreement:	\$ -						
a. Standard Utility Agreement (Form ROW-U-35)	\$ -						
b. Attachment A - Plans, Specifications and Estimated Costs	\$ -						
i. Prepare Project Costs detailing City of Temple costs and consultant fees.	\$ 660		4	1			
c. Attachment B - Utility's Accounting Method	\$ -						
i. Meet with City of Temple Finance Department Staff.	\$ 380		2	1			
d. Attachment C - Utility Schedule of Work and Estimated Date of Completion	\$ -						
i. Coordinate with TxDOT and their consultant to determine schedule.	\$ 240		1	1			
e. Attachment D - Statement Covering Work	\$ -						
i. Form ROW-U-48	\$ 140		1				
f. Attachment E - Utility Joint Use Acknowledgement	\$ -						
i. Form ROW-U-JUAA	\$ 140		1				
g. Attachment F - Eligibility Ratio Calculation	\$ -						
i. Prepare statement concerning eligibility ratio calculations.	\$ 760		4	2			
h. Attachment G - Betterment Calculation and Estimates	\$ -						
i. Obtain Opinion of Probable Cost for utility relocations from TxDOT consultant.	\$ 140		1				
ii. Using TxDOT consultant's unit costs, prepare OPC with "Betterment".	\$ 340		1	2			
iii. Detail COT Standards and/or Design Calculations to determine "Betterment".	\$ 760		4	2			
i. Attachment H - Proof of Property	\$ -						
i. Obtain and document City of Temple "Real Property Interests".	\$ 540		1	4			
j. Attachment I - Inclusion in Highway Construction Contract	\$ 140		1				
F. Meet with TxDOT's Utility director to review draft and incorporate comments.	\$ 760		4	2			
G. Meet with City of Temple Staff to review TxDOT Reimbursable Agreement.	\$ 280		2				
H. Prepare and mail three (3) copies of executed document on behalf of the City.	\$ 280		1				2
I. Address TxDOT review comments.	\$ 1,190	1	4	4			1

Scope Items	Total	Summary of Hours					
		Principal	PE	Grad Eng	CAD	OSR	Clerical
		\$160.00	\$140.00	\$100.00	\$90.00	\$75.00	\$70.00
II. Plan Review							
A. Review 60% Utility Plans for:	\$ -						
a. Accuracy with respect to size, material and alignment as determined in preliminary phase.	\$ 1,680	2	4	8			
b. Compliance with City of Temple standards and standard practices.	\$ 840	1	2	4			
c. Potential operation and/or maintenance conflicts in future.	\$ 720	1	4				
B. Prepare written review comments for submission to TxDOT Consultant.	\$ 980	1	2	4			2
C. Prepare 60% Construction Sequence.	\$ 1,440	2	8				
D. Meet with TxDOT and COT Staff to discuss review comments and construction sequencing.	\$ 1,600	4	4	4			
E. Review 90% Utility Plans for:	\$ 2,360	2	6	12			
a. Accuracy with respect to size, material and alignment as determined in preliminary phase.	\$ 1,240	1	2	8			
b. Compliance with City of Temple standards and standard practices.	\$ 680		2	4			
c. Potential operation and/or maintenance conflicts in future.	\$ 840	1	2	4			
d. Traffic Control Plan.	\$ 1,280	1	8				
F. Prepare 90% Construction Sequence.	\$ 840	1	2	4			
G. Review 100% Utility Plans for:	\$ -						
a. Accuracy with respect to size, material and alignment as determined in preliminary phase.	\$ 340		1	2			
b. Compliance with City of Temple standards and standard practices.	\$ 340		1	2			
c. Potential operation and/or maintenance conflicts in future.	\$ 500	1	1	2			
d. Traffic Control Plan.	\$ 680		2	4			
H. Prepare 100% Construction Sequence.	\$ 720	1	4				
I. Attend coordination meetings conducted by TxDOT.	\$ 8,320	16	24	24			
III. Bidding							
A. Review TxDOT Consultant's addenda items.	\$ 1,160	2	6				
IV. Construction Phase Services							
A. Provide full time On-Site Representation Services for Utility Relocations.	\$ 77,850					1038	
B. Provide periodic site visits by engineer to observe materials and construction.	\$ 29,200		180	40			
C. Attend monthly construction meetings on behalf of the City of Temple.	\$ 8,840	8	54				
D. Review TxDOT Consultant's RFI responses pertaining to City of Temple Utilities.	\$ 2,480		12	8			
E. Act as City's point of contact for construction related documentation and discussions.	\$ 6,880	8	40				
F. Coordinate with TxDOT consultant and contractor and City Staff as required.	\$ 5,600		40				
TOTAL HOURS	1,952	73	515	241	78	1,038	7
Task I -- Preliminary	314	20	104	107	78	0	5
Task II -- Plan Review	202	35	79	86	0	0	2
Task III -- Bidding	8	2	6	0	0	0	0
Task IV -- Construction Phase Services	1,428	16	326	48	0	1,038	0
TOTAL LABOR COSTS	\$ 193,240	\$11,680	\$72,100	\$24,100	\$ 7,020	\$77,850	\$ 490
Task I -- Preliminary	\$ 35,830	\$ 3,200	\$14,560	\$10,700	\$ 7,020	\$ -	\$ 350
Task II -- Plan Review	\$ 25,400	\$ 5,600	\$11,060	\$ 8,600	\$ -	\$ -	\$ 140
Task III -- Bidding	\$ 1,160	\$ 320	\$ 840	\$ -	\$ -	\$ -	\$ -
Task IV -- Construction Phase Services	\$ 130,850	\$ 2,560	\$45,640	\$ 4,800	\$ -	\$77,850	\$ -

TOTAL FEE ESTIMATE \$ 193,240



CITY OF TEMPLE, TEXAS	
INTERSTATE 35 RECONSTRUCTION NORTHWEST LOOP 363 TO TROY	
 KASBERG, PATRICK & ASSOCIATES, LP CONSULTING ENGINEERS TEMPLE, TEXAS 76501	
SEPTEMBER 2010	EXHIBIT A

FY 2011**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	
520-5900-535-66-18	100682	Special Projects-NW Loop	\$ 193,240			
520-0000-461-08-65		Miscellaneous Reimbursements	191,000			
520-0000-373-04-11		Water & Sewer Unreserved Ret Earnings			2,240	
		DO NOT POST				
TOTAL.....			\$ 384,240		\$ 2,240	

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

To appropriate funding for Kasberg, Patrick & Associates to perform professionals services in an amount not to exceed \$193,240 for utility relocation engineering services in association with IH-35 Improvements from North Loop 363 to northern Temple city limits. The City's portion is \$2,240 and is funded with Water & Sewer Unreserved Retained Earnings. TxDot will reimburse the City the remaining \$191,000.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

October 7, 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 THE CITY MANAGER TO EXECUTE A LETTER OF UNDERSTANDING WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) TO PROVIDE REIMBURSEMENT TO THE CITY BY TxDOT, IN THE AMOUNT OF \$191,000, FOR UTILITY ENGINEERING RELOCATION SERVICES IN ASSOCIATION WITH THE IH-35 IMPROVEMENTS FROM NORTH LOOP 363 TO THE NORTHERN TEMPLE CITY LIMITS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the State's expansion of IH-35 through Temple will require relocation of existing City owned water and wastewater utilities – since this project will require substantial coordinated efforts between the City and the State related to design improvements, plan review, site observation, and construction administration, a professional consultant is needed to act on behalf of the City through this complex expansion effort;

Whereas, TxDOT has requested the City to sign a Letter of Understanding for reimbursement of the engineering services and for City staff time incurred for relocating publicly operated utilities in conjunction with the IH-35 roadway improvements project;

Whereas, the total reimbursement to be received by the City from TxDOT is \$191,000; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a Letter of Understanding with the Texas Department of Transportation (TxDOT), after approval as to form by the City Attorney, to provide reimbursement to the City by TxDOT in the amount of \$191,000 for utility engineering relocation services in association with the IH-35 improvements from North Loop 363 to the northern City limits.

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 7th day of **October**, 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 BETWEEN THE CITY OF TEMPLE, TEXAS, AND KASBERG, PATRICK & ASSOCIATES, L.P., FOR UTILITY RELOCATION ENGINEERING SERVICES IN ASSOCIATION WITH IH-35 IMPROVEMENTS FROM NORTH LOOP 363 TO THE NORTHERN TEMPLE CITY LIMITS, IN AN AMOUNT NOT TO EXCEED \$193,240; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the State's expansion of IH-35 through Temple will require relocation of existing City owned water and wastewater utilities – since this project will require substantial coordinated efforts between the City and the State related to design improvements, plan review, site observation, and construction administration, a professional consultant is needed to act on behalf of the City through this complex expansion effort;

Whereas, Kasberg, Patrick & Associates, L.P., submitted a proposal for utility relocation engineering services for this project in the amount of \$193,240, and the Staff recommends accepting it;

Whereas, funds are available for this project but an amendment to the FY 2011 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 \$193,240, between the City of Temple, Texas, and Kasberg, Patrick & Associates, L.P., after approval as to form by the City Attorney, for utility engineering relocation services in association with IH-35 improvements from North Loop 363 to the northern Temple city limits.

Part 2: The City Council approves an amendment to the FY 2011 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 7th day of **October**, 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

10/07/10
Item #6(F)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

David A. Blackburn, City Manager
Nicole Torralva, P.E., Director of Public Works

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Bucher, Willis & Ratliff Corporation in an amount not to exceed 5,122,579 for professional services related to the Pass-Through Financing Project along NW Loop 363 from FM 2305/West Adams north up to the BNSF main line.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In April, 2010 Council approved a resolution to engage the services of Bucher, Willis & Ratliff Corporation (BWR) to assist the City in preparing a Pass-Through Financing Project Proposal for TxDOT's FY 2010 Category 12 Program Call submission. The services provided included preparing a proposal for improvement to NW Loop 363 and to address any and all questions from TxDOT during proposal review. BWR assisted in the preparation of the application at no cost, with the City agreeing to consider their firm for project design and management of the Project if the application were to be selected and approved by TxDOT.

The Pass-Through Financing program was established as a means to benefit local areas by accelerating improvements in mobility and safety on the state highway system. Under the "pass through financing" concept, cities or counties enter into an agreement with TxDOT in which the parties agree that an addition to the State highway system will be constructed within the boundaries of the city/county, and that the city/county will finance the cost of those improvements upfront. In return TxDOT will reimburse the city or county that financed the improvements based on future usage of that road improvement by the public. With the future expansion of IH-35 through Temple nearing, the NW Loop 363 will serve as a reliever route for traffic on IH 35.

During the month of September, the City and TxDOT negotiated an agreement under the Pass-Through Financing Program for construction of the project. On September 16, 2010, Council authorized a pass through financing agreement with TxDOT for improvements to NW Loop 363. On September 30, 2010, TxDOT authorized approval of the agreement. General terms and conditions of the agreement were presented to Council on September 16, 2010.

The project scope is an expansion of Loop 363 to include adding two frontage roads on NW Loop 363 from FM 2305/West Adams north up to the BNSF main line, building a grade separated interchange at SH36/Airport Road, and constructing a grade separation at Wendland Road. This proposed upgrade of approximately 4 miles will create a four lane divided, continuous roadway from the northern Loop 363 interchange with IH-35 to the southern Loop 363 interchange with IH-35 through the western side of the City.

Professional services to be performed by BWR include Project Development (Engineering, Environmental, Utilities, and Pre-Construction), Project Construction (Quality Assurance and Quality Control), and Project Management. BWR will engage the services of various sub-consultants through design and construction to provide a complete bid package acceptable for dedication to TxDOT upon project completion, meeting the terms, conditions and obligations of the Pass-Through Program. Kasberg, Patrick and Associates will be a sub-consultant for utility engineering services.

Design of this project is anticipated to take approximately 12 months, allowing for bidding and award of the construction work to occur during the fall and winter of 2011. Construction is expected to last approximately 36 months with total project completion by 2014. In consideration of various factors surrounding transportation issues within the City (including current, pending, and future TxDOT projects occurring along NW Loop 363 and I-35), implementation and completion of the NW Loop 363 Pass-Through Project is a high priority within the overall Capital Improvement Program.

FISCAL IMPACT: Funding in the amount of \$4,648,589 is available in account 361-3400-531-2588, project #100681. The attached budget adjustment reallocates unencumbered/uncommitted funds from the 2006 and 2008 Certificate of Obligation bond issues.

Funding in the amount \$473,990 is available to fund the professional services related to the utility design/relocation in account 561-5200-535-6940, project #100681.

ATTACHMENTS:

[BWR Scope of Services](#)
[Proposal \(Schedule of Fees\)](#)
[Project Map](#)
[Budget Adjustment](#)
[Resolution](#)

EXHIBIT A

Scope of Services

1. Program Management

- 1.1. Act as City's Program Manager as defined in the Pass Through Finance (PTF) Agreement. Perform all specified aspects of the project development and implementation therein.
- 1.2. Manage subconsultants; coordinate with TxDOT, FHWA, Corps, etc; Coordinate with City staff on project status, and assist City to provide public relations as required.
- 1.3. Provide program organizational and management documents, including Program Management Plan and Quality Control/Quality Assurance Plan for all work products and assist City in delivery of these documents to the State.
- 1.4. Provide a transition plan for project from City to State at the time of or before completion of project.

2. Environmental Permits and Mitigation

- 2.1. Prepare required US Army Corps of Engineers permit applications and associated drawings for impacts to jurisdictional waters, including mitigation requirements. Submit permit applications to State for submittal to USCOE. Develop and manage mitigation plan.
- 2.2. Determine and manage all Project-related environmental permits, issues, and commitments, including any mitigation or remediation that may be required under any law or regulation. Costs associated with all required environmental mitigation will be the responsibility of City.
- 2.3. Prepare and submit documentation to the State showing that all environmental permits, issues, and commitments have been or will be completed as defined in the PTF agreement. Maintain regular communication with State regarding environmental status.

3. Right of Way Acquisition (confirm Lone Star info with TxDOT)

- 3.1. Provide title services, appraisals, appraisal review, negotiations and closing services of all real property needed for the Project, including easements, as defined in the Pass Through Finance (PTF) Agreement, including Attachment H "Programmatic Procedures for ROW Oversight of Pass Through Projects". Services related to eminent domain proceedings are not included and will be considered as additional

services. Costs associated with relocations, purchase of property, and title insurance will be the responsibility of City.

4. Right of Way Mapping and Property Descriptions

- 4.1.** Prepare right of way maps, property descriptions (field notes and parcel plats), and other data as needed to describe the right of way and access rights necessary for the Project.
- 4.2.** Provide boundary surveys and required monuments associated with proposed right of way.

5. Utility Coordination

- 5.1.** Provide utility coordination, determine impacts to known existing utilities based on information provided by utility owners, review designs for relocations, manage utility relocations and prepare utility agreements for submittal to the State for all non-City owned utilities.
- 5.2.** Coordinate with subconsultant on City-owned utility relocations, provide review of utility design submittals and incorporate City-owned utility designs into construction package. Prepare utility agreements for submittal to the State for all City owned utilities.

6. Utility Engineering Services (City of Temple Utilities Only)

- 6.1.** Provide engineering services for the relocations of existing water and sewer utilities impacted by project construction, including plans, specifications and estimates for inclusion into overall construction documents.
- 6.2.** Provide design surveying associated with location of existing utility facilities. City shall assist in location of existing facilities by exposing lines as needed for surveys.
- 6.3.** Provide construction administration and inspection services associated with the construction of water and sewer relocations.

7. Engineering Services

- 7.1. Preliminary Engineering** - Provide services associated with Preliminary Engineering for the project. These services include: Project Design Conference with State, development of final project schematic consistent with PTF agreement, prepare construction sequence design and plots, project kick-off meetings with subconsultants, review geotechnical report, review environmental assessment report and determine commitments and issues associated with roadway design, further define utility conflicts, confirm ROW limits necessary for construction.

- 7.2. Design Geotechnical Services** - Provide geotechnical services and reports necessary for design of project bridges and retaining walls.
- 7.3. Design Surveying Services** – Provide topographic surveys required for roadway and hydraulic design services. Provide vertical and horizontal control for project construction. Services do not include construction staking.
- 7.4. Roadway Engineering and PS&E Services** – Provide services as defined in PTF Agreement and further detailed below.
 - 7.4.1.** Provide engineering services associated with roadway design including: development of horizontal and vertical alignments, typical sections, determination of earthwork and paving quantities, plan sheets, development of quantities, details, and selection of standards.
 - 7.4.2.** Provide engineering services associated with hydraulic design including: drainage area determinations, hydraulic analysis and design, cross drainage and storm drain design, plan sheets, development of quantities, details, and selection of standards. Preparation of SWPPP designs and environmental commitment documentation.
 - 7.4.3.** Provide engineering services associated with bridge and retaining wall design including: bridge and retaining wall layouts, structural design calculations and details, foundation designs, plan sheets, development of quantities, details, and selection of standards.
 - 7.4.4.** Provide engineering services associated with miscellaneous items including: traffic control phase design and plan sheets, signing, pavement markings, traffic signals, illumination, and landscaping.
 - 7.4.5.** Provide engineering services associated with supporting documents including: general notes, specifications, estimates, and bid package.

8. Construction Administration

- 8.1.** Provide administration of construction contract including: bid advertisement; issue bid proposals; receive, tabulate and certify bids; award and administer contract; conduct preconstruction meeting.
- 8.2.** Provide review and approval of change orders, supplemental agreements, contractor labor payrolls, subcontractor contracts, and pay requests. Respond to RFIs and provide construction engineering as required.

- 8.3.** Provide coordination and management of construction inspection, testing, private utility relocations, and public notification of construction activities.
- 8.4.** Maintain project files of all project records.
- 8.5.** Conduct regularly scheduled construction status meetings as defined in the PTF Agreement.
- 8.6.** Monitor all environmental commitments and permits for compliance.
- 8.7.** Provide review of contractor shop drawings as required.
- 8.8.** Prepare and provide project Notification of Completion and complete records of construction process, contracts and permits to State as defined in the PTF Agreement.

9. Construction Inspection

- 9.1.** Supervise and inspect all work performed during construction and provide engineering inspection as may be required to ensure that the Project is accomplished in accordance with the approved plans and specifications.
- 9.2.** Review and approve Construction Testing results and/or certificates of compliance.
- 9.3.** Prepare and submit progress reports, weekly statement of working days, SWPPP records, and test report records. Maintain project diaries and logs of construction activities.
- 9.4.** Measure and compute all materials incorporated in the work.
- 9.5.** Observe and document compliance of traffic control measures to plans and specifications.

10. Construction Testing

- 10.1.** Provide testing services as may be required to ensure that the Project is accomplished in accordance with the approved plans and specifications. All work will be performed, unless otherwise specifically stated in the contract documents for the Project, in accordance with the latest edition of the Department's Guide Schedule for Sampling and Testing, the Quality Assurance Program Manual, the Construction Contract Administration Manual, and the Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges or special specifications or provisions approved by the Department.

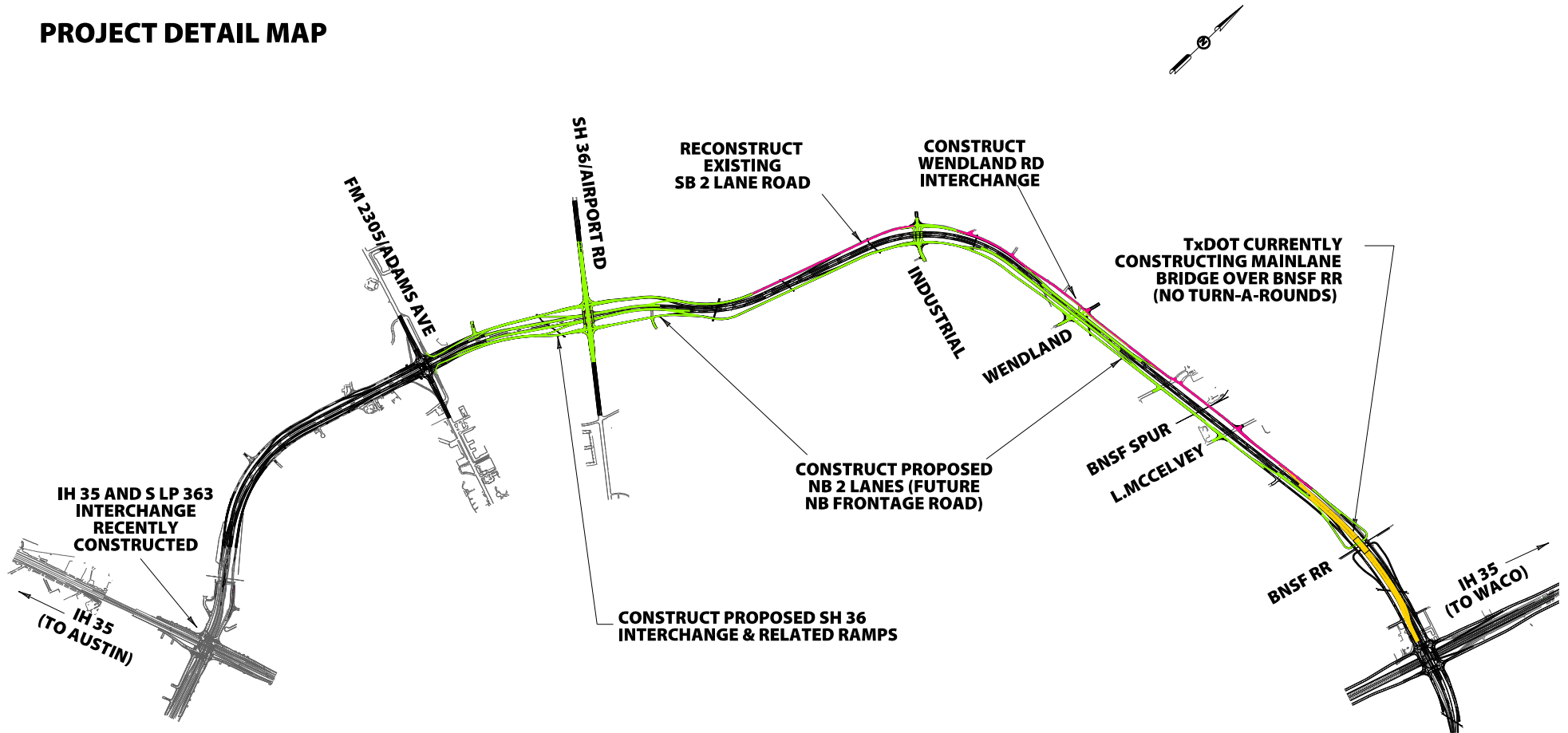
EXHIBIT B




Schedule of Fees

1. Program Management.....	\$241,140
2. Environmental Permits and Mitigation	\$34,302
<i>(Does not include costs associated with environmental mitigation)</i>	
3. Right of Way Acquisition (LS)	\$500,000
<i>(Does not include costs for property, relocation asst and title ins.)</i>	
4. Right of Way Mapping and Property Descriptions	\$141,227
5. Utility Coordination	\$85,220
6. Utility Engineering Services (COT Utilities Only) (KPA).....	\$473,990
7. Engineering Services	
7.1 Preliminary Engineering.....	\$98,544
7.2 Design Geotechnical Services (ETTL).....	\$43,780
7.3 Design Surveying Services.....	\$32,168
7.4 Roadway Engineering and PS&E Services	\$1,334,898
8. Construction Administration.....	\$750,900
9. Construction Inspection	\$1,170,410
10. Construction Testing (ETTL).....	\$716,000
TOTAL FEES FOR PROFESSIONAL SERVICES.....	\$5,622,579

NW LOOP 363 TEMPLE, TEXAS

PROJECT DETAIL MAP



-  CURRENTLY UNDER CONSTRUCTION BY TxDOT (2010)
-  PTF CONSTRUCTION
-  PTF RECONSTRUCTION OF EXISTING ROADWAY



FY 2011**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	
361-3400-531-25-88	100681	Northwest Loop 363 Impr	\$4,648,589			
361-3400-531-68-48	100393	Hwy 93/Hartrick Bluff Connector			500,000	
361-3400-531-68-13	100089	Outer Loop			3,177,267	
361-3400-534-68-47	100392	Tarver Road Extension to Old Waco			971,322	
561-5200-535-69-40	100681	Utility Reloc-NW LP 363 FM 2305/Adams	912,500			
561-5200-535-69-30	100089	Waterline Relocation-Outer Loop			912,500	
TOTAL.....			\$5,561,089		\$5,561,089	

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

Reallocate funds for Pass through Financing NW Loop 363 from FM 2305/West Adams north up to the BNSF main line.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

October 7, 2010

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH BUCHER, WILLIS & RATLIFF CORPORATION FOR PROFESSIONAL SERVICES RELATED TO THE PASS THROUGH FINANCING PROJECT ALONG NW LOOP 363 FROM FM 2305/WEST ADAMS NORTH UP TO THE BNSF MAIN LINE, IN AN AMOUNT NOT TO EXCEED \$5,122,579; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on April 1, 2010, the City Council approved a resolution to engage the services of Bucher, Willis & Ratliff Corporation to assist the City in preparing a Pass Through Financing Project Proposal for TxDOT's FY 2010 Category 12 Program Call submission – the services provided included preparing a proposal for improvements to Northwest Loop 363, addressed any questions from TxDOT during proposal review and act as a technical advisor during negotiations if the proposal is selected for funding;

Whereas, the City will enter into a Pass Through Financing agreement with TxDOT for this project – the project scope under consideration is an expansion of Loop 363 to include the following: 1) adding two frontage roads to NW Loop 363 from FM 2305/West Adams north up to the BNSF main line; 2) a grade separated interchange at SH36/Airport Road; 3) and a grade separation at Wendland Road;

Whereas, the Staff recommends entering into a professional services agreement, in an amount not to exceed \$5,122,579, with Bucher, Willis & Ratliff to provide professional services which will include project development (engineering, environmental, right of way, utilities, and pre-construction; project construction (quality assurance and quality control); and project management;

Whereas, funding is available for this project, but an amendment to the FY 2011 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, in an amount not to exceed \$5,122,579, with Bucher, Willis & Ratliff Corporation, after approval as to form by the City Attorney, for

professional services related to the Pass Through Financing Project along NW Loop 363 from FM 2305/West Adams up to the BNSF main line.

Part 2: The City Council approves an amendment to the FY 2011 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 7th day of **October**, 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

10/07/10
Item #6(G)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP for engineering and surveying services required to produce an Integration Plan of all partner master plans in the Temple Medical and Education District (TMED) in an amount not to exceed \$49,800.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Over the past year, Temple College, the Veterans Administration, Scott and White Hospital, and the Temple Independent School District have been developing their own campus master plans. This proposal is to create an Integration Plan by reviewing each of the campus plans and coordinating them with the City's own master plans and concepts for the Temple Medical and Education District, along with the 2022 RZ Master Plan.

KPA will meet with all of the TMED entities and their design professionals to educate them on the plans of the Reinvestment Zone, TMED design concepts and standards, and receive input on their individual master plans. Once all master plan documents are received, a coordination of efforts will be conducted. KPA will review and establish the connectivity and flow of vehicular traffic, pedestrian traffic and access nodes, alignment of streets, integration of specifications and standards, campus to campus connectivity, and common use design nodes.

The Reinvestment Zone No. 1 Board recommended approval of this agreement to Council at the September 22, 2010, board meeting.

This plan will be incorporated into the current TMED design concepts and the 2022 RZ Master Plan. Below is the cost of services breakdown:

Survey Services

Survey of VA r-o-w

\$ 3,700

Total Survey Services

\$ 3,700

Integration Plan

Coordination meetings

\$ 5,300

Review of vehicular traffic

\$ 4,800

Review of pedestrian traffic

\$ 4,300

Develop adjustments traffic

\$ 6,300

Develop adjustments pedestrian

\$ 5,800

Integration of Master Plans

\$ 12,400

Production of Integration Plan Exhibits

\$ 3,800

Review Meetings

\$ 3,400

Total Integration Plan

\$ 46,100

Total Project Services

\$ 49,800

FISCAL IMPACT: The cost of this professional services agreement is \$49,800. Funding in the amount of \$49,800 is available in Reinvestment Zone No. 1 Financing Plan in account #795-9500-531-2616.

ATTACHMENTS:

Proposal
Resolution



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS

Texas Firm F-510

RICK N. KASBERG, P.E.

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

THOMAS D. VALLE, P.E.

Temple

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

Georgetown

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

September 13, 2010

Mr. Don Bond, P.E.
City of Temple
3210 East Avenue H, Building A
Temple, Texas 76501

Re: City of Temple, Texas
TMED Integration Plan for the 2022 Master Plan

Dear Mr. Bond:

At the request of the City of Temple Reinvestment Zone, we are submitting this proposal for the above referenced project. This project will incorporate into a single document the proposed plans of the major entities within TMED as a supplement to the 2022 Master Plan. These include the City of Temple Reinvestment Zone (TRZ), the Veteran's Administration, Scott and White, Temple College and the Temple Independent School District.

This area of Temple is currently undergoing major master planning from all of the entities described above. In total an excess of a billion dollars in infrastructure is being planned. Without a coordination of these plans, a homogenous existence of the TMED can not be achieved. For this reason the TRZ has requested we submit a proposal to gather all of the master plan documentation for the partners of the TMED. We will meet with all of the TMED entities and their design professionals to educate them on the plans of the TRZ and receive input on their master plans. Once we receive all of the documents a coordination of efforts can be conducted. Specifically we will review and establish the connectivity and flow of vehicular traffic, pedestrian traffic, integration of specifications and standards, campus to campus connectivity and common use design nodes.

This plan will be incorporated into the current TMED design concepts and adapted to achieve the goals set out within TMED. This proposal does not contain any structural design, geotechnical, environmental or archaeological investigations. The project can be completed in design within sixty calendar days after the notice to proceed.

The scope of services for this project will include the following:

Final Design and Project Documents

- Survey of the existing rights-of-way located along the Veteran's Administration property
- Survey of 13th Street ROW
- Review and coordination meetings with Scott & White, Temple College, Veteran's Administration, Temple Independent School District, Temple Reinvestment Zone and the City of Temple.
- Review and coordination meetings with the design professionals for Scott & White, Temple College, Temple Independent School District and the Veteran's Administration.
- Integration of the master plans from Scott & White, Temple Independent School District, Temple College and the Veteran's Administration.
- Review of vehicular traffic flow for the TMED in coordination with all master plans.
- Review of pedestrian flow for the TMED in coordination with all master plans.
- Development of a fully integrated plan utilizing all master plans in coordination with the City of Temple TMED initiative.
- Meetings with all entities to review the integration plan.
- Development of adjustments to 1st Street, 5th Street, Avenue R, 13th Street, 17th Street.
- Development of adjustments to the pedestrian access and design nodes for TMED.
- Production of final TMED Integration Plan Exhibits.

Survey Services

Survey of VA ROW	\$	3,700
Total Survey Services	\$	3,700

Integration Plan

Coordination Meetings	\$	5,300
Review of Vehicular Traffic	\$	4,800
Review of Pedestrian Traffic	\$	4,300
Develop adjustments Traffic	\$	6,300
Develop adjustments Pedestrian	\$	5,800
Intregation of Master Plans	\$	12,400
Production of Intrgation Plan Exhibits	\$	3,800
Review Meetings	\$	3,400
Total Integration Plan Services	\$	46,100

Total Project Services	\$	49,800
-------------------------------	-----------	---------------

We can complete all the tasks represented for the lump sum cost of \$49,800. We are available to discuss the scope of the project at your convenience. As always, we look forward to working with you on the project and to the enhancement that it will bring to the City of Temple.

Sincerely,

A handwritten signature in black ink, appearing to read "R. David Patrick", written in a cursive style.

R. David Patrick, P.E., C.F.M.

RDP/crc

xc: Mr. Bob Browder, TRZ

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 KASBERG, PATRICK & ASSOCIATES, L.P., FOR ENGINEERING AND SURVEYING SERVICES REQUIRED TO PRODUCE AN INTEGRATION PLAN OF ALL PARTNER MASTER PLANS IN THE TEMPLE MEDICAL EDUCATION DISTRICT (TMED), IN AN AMOUNT NOT TO EXCEED \$49,800; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, over the past year, Temple College, the Veterans Administration, Scott and White Hospital, the Temple Independent School District have been developing their own campus master plans – the Staff recommends a project to create an Integration Plan by reviewing each of the campus plans and coordinating them with the City’s own master plans and concepts for the Temple Medical Education District, along with the 2022 RZ Master Plan;

Whereas, Kasberg, Patrick & Associates, L.P., submitted a proposal for this project in the amount of \$49,800, and the Staff recommends accepting it;

Whereas, funds are available for this project in Account No. 795-9500-531-2616; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a professional services agreement, not to exceed \$49,800, between the City of Temple, Texas, and Kasberg, Patrick & Associates, L.P., after approval as to form by the City Attorney, for engineering and surveying services required to produce an Integration Plan of all partner master plans in the Temple Medical Education District (TMED).

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 7th day of **October**, 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

10/07/10
Item #6(H)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Architectural Edge, Inc., of Temple to provide architectural and engineering services related to renovations of the Police Headquarters facility and declaring an official intent to reimburse associated expenditures made prior to the issuance of tax-exempt obligations for this project.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In November 2009, what appeared to be mold was found in the Police Headquarters facility at 209 E. Avenue A, which was originally constructed in 2004-05. Mold testing was performed and it was confirmed that multiple strains of mold were present in the building, but they did not pose any significant health risks. As a result, staff worked with the original architect and general contractor who constructed the facility beginning in December 2009 through April 2010 to develop a remediation plan. Unfortunately, the negotiations with the architect and contractor ultimately failed, at which time the City engaged a construction litigation attorney who in turn engaged a team of experts to do a causation and remediation report. The causation and remediation report recommended, in part, that the City proceed with repairs to the Police Headquarters facility that have allowed mold to develop..

The scope of the repairs recommended in the causation and remediation report for the Police Headquarters facility requires both architectural and engineering services in order to develop a set of plans that can be competitively bid. The staff selected Architectural Edge, Inc., from our pre-approved list of design firms to perform this work. The team assembled by Architectural Edge for this project includes both a mechanical, electrical and plumbing (MEP) engineering firm and a structural engineering firm. The Staff is finalizing the terms of an agreement with Architectural Edge, and will present additional information to the City Council prior to next week's meeting. The Staff recommends that the City Council authorize the execution of a professional services agreement with Architectural Edge.

Architectural Edge is prepared to begin design work immediately. It is anticipated that the construction documents will be complete and the project will be ready for construction bids in **December 2010.**

FISCAL IMPACT: It is anticipated that Limited Tax Notes will be issued to fund the design and construction costs related to remediation.. Initial funding for this project will be allocated from General Fund Balance Designated for Capital Projects-Unallocated. Once total project costs are determined, the proceeds from the Limited Tax Notes will reimburse General Fund Balance Designated for Capital Projects-Unallocated. Intent to reimburse language is included with this resolution.

The maximum term of Limited Tax Notes cannot exceed seven (7) years.

ATTACHMENTS:

[Proposal](#)
[Resolution](#)



October 7, 2010

Belinda Mattke
City of Temple
Director of Purchasing
Temple, Texas

**RE: Design Services - Mold Remediation and Renovation of
Temple Police Building**

Dear Belinda,

Architecture

Design Services

Consultation

ARCHITECTURAL EDGE INC. is pleased to submit a proposal to perform the following design services for the renovation of the Central Police Station on Central Avenue, Temple, Texas. Services included in this proposal are as follows:

ARCHITECTURAL

- Prepare Construction Documents for the removal and reapplication of all exterior materials, including but not limited to metal panels, brick veneer, stone veneer, and windows as required.
- Prepare Construction Documents for the interior selective reconstruction of the building.
- Coordinate all disciplines during the design and construction phases of this project.
- Attend meetings with staff, City Council and Design teams as necessary to deliver a healthy building upon completion.

PME (Plumbing Mechanical Electrical)

- Site investigation for verification of existing PME condition (rooftop and possibly 3rd floor).
- Preparations of Plans and Specifications for the HVAC systems to address deficiencies related to the existing humidity issues in the building (Replacement of rooftop equipment).
- Preparations of Plans and Specifications for the HVAC duct replacement (limited to one for one replacement, no verification of correct sizing, airflows, or zoning). The existing VAV boxes and air devices shall be cleaned then reused.
- Preparations of Plans and Specifications for Plumbing, Electrical, and Fire Protection work required to accommodate the HVAC system modifications.

3010 Scott Blvd.
Suite 102
Temple, TX 76504

P 254.771.2054
F 254.773.2144

email@
archedge.com

ENVIRONMENTAL

Conduct on site inspection to determine current site conditions and remediation requirements

- Provide Mold Remediation Protocol
- Review Contractor's Mold remediation Plan
- Provide clearance visual inspection and final air/surface clearance sampling per containment
- Provide close-out documentation with Passed Clearance Reports as required by the Texas Mold Assessment and remediation Rules.
- Conduct Visual and Air/Surface Clearance Sampling (per visit)
- Estimated Site Visits during construction = 20

STRUCTURAL

- Design and document Roof Top Mechanical Platform as required for new RTUs.
- Design and Document Elevator Structural renovations

TOTAL FEES: Not to Exceed \$312,755.00

Included in this proposal is construction administration services and on-site representation for all disciplines as required. In addition, ARCH EDGE and all consultants will provide CAD files of Record Drawings at project completion.

Also included are all testing, inspections, and submittals necessary to prepare Construction Documents and submit for a building permit, including plan review for TDLR.

The timeline for this project is as follows:

Commence Design immediately.

Architectural and Elevator Structural Design and Documentation of materials and methods should be complete and ready for bidding in 4-6 weeks.

Mechanical Design shall begin immediately, but will have a longer design time due to the complexity of total system redesign and field verification of existing systems and operations thereof. Maximum design time for systems is 4 months.

The construction phasing is as follows:

- Exterior demolition and replacement, including installation of moisture barrier.
- Elevator repair.
- HVAC repair.

- Mold remediation.
- Interior finishes.

The completion of the interior of the building will be the last repairs to make, it is pertinent that the building be healthy prior to the application of final materials. To install new finish materials on the interior of the building with an HVAC system that was still introducing humidity would hinder the process.

Should additional services be required outside the scope of this proposal, they will be authorized in writing. Billing will occur monthly based on the percentage of completion.

We look forward to working with the City staff on a successful project. Please do not hesitate to contact Randy Stumberg or myself with any questions you may have regarding this project.

Sincerely,

ARCHITECTURAL EDGE INC.



Tanya Mikeska-Reed, AIA
Owner/Architect

RESOLUTION NO. 2010-6140-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ARCHITECTURAL EDGE, INC., OF TEMPLE, TEXAS TO PROVIDE ARCHITECTURAL AND ENGINEERING SERVICES RELATED TO RENOVATIONS OF THE POLICE HEADQUARTERS FACILITY, IN AN AMOUNT NOT TO EXCEED \$312,755; DECLARING OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS FOR THIS PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Staff recommends entering into an professional services agreement with Architectural Edge, Inc., of Temple, Texas, to provide architectural and engineering services related to renovations of the Police Headquarters facility;

Whereas, Architectural Edge, Inc., submitted a proposal (\$312,755) 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 \$312,755, between the City of Temple, Texas, and Architectural Edge, Inc., after approval as to form by the City Attorney, for architectural and engineering services related to renovations of the Police Headquarters facility.

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>
Architectural and engineering services related to renovations of the Police Headquarters facility	\$132,755

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

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

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

PASSED AND APPROVED on this the **7th** day of **October**, 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

10/07/10
Item #6(I)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing an interlocal agreement with the Temple Health and Bioscience Economic Development District to provide financial administration services.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Finance department has been in discussions with the District's Chairman and Treasurer regarding the City providing financial services for the District. The City would be responsible for: maintaining the general ledger, budget monitoring, procurement, vendor payments, bank reconciliations, cash management, preparing various reports, and grant administration. The financial services would not include services related to payroll or other Internal Revenue Service reporting. The agreement would be for a period of one year beginning October 1, 2010 and ending September 30, 2011.

FISCAL IMPACT: The fee for providing the services will be \$12,000 per year payable in quarterly installments.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE TEMPLE HEALTH AND BIOSCIENCE ECONOMIC DEVELOPMENT DISTRICT TO PROVIDE FINANCIAL ADMINISTRATION SERVICES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Staff recommends entering into an interlocal agreement with the Temple Health and Bioscience Economic Development District to provide financial administration services;

Whereas, the City would be responsible for: maintaining the general ledger, budget monitoring, procurement, vendor payments, bank reconciliations, cash management, preparing various reports, and grant administration;

Whereas, the financial services would not include services related to payroll or other Internal Revenue Service reporting – the City's fee for providing the services will be \$12,000 per year payable in quarterly installments; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute an interlocal agreement between the City of Temple and the Temple Health and Bioscience Economic Development District, after approval as to form by the City Attorney, to provide financial administration services.

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

PASSED AND APPROVED this the 7th day of **October**, 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

10/07/10
Item #6(J)
Consent Agenda
Page 1 of 2

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 at the following locations:

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>
--------------	---------------------------

Bids ranged from a high of \$147,790 to a low of \$93,667 with Temple Heat & Air submitting the low bid.

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 on 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 in FY 2010. These funds will be carried forward to FY 2011 to fund this contract

Description	Account#	Project#	Budget	Proposed Expenditure
Sammons Community Ctr	110-5924-519-6310	100517	\$ 65,000	\$ 59,662.65
Clarence Martin Rec Ctr	110-5924-519-6310	100518	\$ 29,300	\$ 25,556.64
Blackmon Center	110-5924-519-6310	100523	<u>\$ 13,000</u>	<u>\$ 8,447.84</u>
TOTALS			<u>\$107,300</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 7th day of **October**, 2010.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/07/10
Item #6(K)
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 Lawn Landscape for 5th Street Beautification Project Phase III irrigation installation in the amount not to exceed \$62,490.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This project will result in the installation of irrigation systems on 5 traffic islands on South 5th Street beginning at Loop 363 and continuing south to Waters Dairy Road.

On September 23, 2010 the City of Temple received three bids to install irrigation systems on these 5 traffic islands as a continuation of the Beautification Project scheduled for South 5th Street, Canyon Creek, and Blackland Road. Bids ranged from a high of \$86,592 to a low of \$62,490 with Temple Lawn Landscape providing the low bid. There was a deductive alternate which allowed the use of Class 200 PVC pipe in place of the Schedule 40 PVC pipe in the base bid. We prefer to use the thicker Schedule 40 PVC pipe and therefore must reject the deductive alternate and award the base bid.

This project includes installing irrigation systems on these 5 islands which will water all of the turf area and will also include bubbler heads for trees that will be installed at a later date. The trees will match the landscaping on the islands that have been completed. These irrigation systems will be controlled by solar powered controllers so there will be no need for electrical service or a monthly electric bill for these systems.

As a result this project will put into place the irrigation system for Phase III of a six phase project to beautify the traffic islands in this area.

FISCAL IMPACT: Initially, funding in the amount of \$62,518 was appropriated in account \$110-5935-552-6318, project # 100540 for phase III of the beautification project in the FY 2010 operating budget. These funds will be carried forward to the FY 2011 operating budget to fund this project.

ATTACHMENTS:

[Bid Tab](#)
[Resolution](#)

Tabulation of Bids Received
on September 21, 2010 at 2:00 p.m.
5th Street Beautification Project - Phase III (Island Irrigation Only) (Re-bid)

	Bidders		
	Temple Lawn Landscape Temple, TX	Chick Landscaping Inc. Salado	Heart of Texas Landscape & Irrigation Belton
Description			
Total Bid Price	\$62,490.00	\$86,592.00	\$85,400.00
Total Deductive Alternate	\$2,750.00	\$5,310.00	\$6,700.00
Bid Bond (required at bid opening)	5% not on our form	Cashiers Check	Cashiers Check
Bond Affidavit	Yes	Yes	No
Insurance Affidavit	Yes	Yes	Insurance Certificate
Credit Check Authorization Form	Yes	Yes	Yes

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

Belinda Mattke

21-Sep-10

Belinda Mattke, Director of Purchasing

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 LAWN LANDSCAPE FOR THE 5TH STREET BEAUTIFICATION PROJECT PHASE III IRRIGATION INSTALLATION, IN THE AMOUNT OF \$62,490; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 23, 2010, the City of Temple received 3 bids to install irrigation systems on 5 traffic islands as a continuation of the Beautification Project scheduled for South 5th Street, Canyon Creek, and Blackland Road;

Whereas, the Staff recommends accepting the bid (\$62,490) received from Temple Lawn Landscape of Temple, Texas;

Whereas, funding for this project is available in Account No. 110-5935-552-6318, project # 100540; 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 \$62,490, with Temple Lawn Landscape of Temple, Texas, after approval as to form by the City Attorney, for the installation of irrigation systems on 5 traffic islands as a continuation of the Beautification Project scheduled for South 5th Street, Canyon Creek, and Blackland Road.

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 7th day of **October**, 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

10/07/10
Item #6(L)
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 contract with the Department of Veterans Affairs, Veterans Industries/Compensated Work Therapy for the provision of temporary workers for the Parks and Leisure Services Department in the amount of \$ 73,478.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Since 2001, the Parks and Leisure Services Department has utilized the services of the Temple Veterans Affairs (VA) Hospital to provide contract day laborer services to help maintain the park system. The VA has provided temporary workers to conduct a number of duties including: mowing/edging/trimming, restroom cleaning, litter removal, planter bed maintenance, ball field maintenance, painting and carpentry work.

The program has been very successful. We have found that almost every one of the workers the VA assigns to the Parks and Leisure Services Department has worked diligently to do a good job for us and as a result we have chosen to hire a number of them as full-time employees when job opportunities have arisen. We believe this is an excellent program and provides a win-win opportunity for the VA and the Department.

FISCAL IMPACT: \$ 73,478 – Funds are budgeted in account 110-3500-552-26-23

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH THE DEPARTMENT OF VETERANS AFFAIRS, VETERANS INDUSTRIES/COMPENSATED WORK THERAPY FOR THE PROVISION OF TEMPORARY WORKERS FOR THE PARKS AND LEISURE SERVICES DEPARTMENT, IN AN ANNUAL AMOUNT NOT TO EXCEED \$73,478; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, since 2001, the Parks and Leisure Services Department has utilized the services of the Temple Veterans Affairs (VA) Hospital to provide contract day laborer services to help maintain the park system;

Whereas, the program has been very successful and the Staff recommends authorizing a contract with the Department of Veterans Affairs to continue the compensated work therapy program for the Parks and Leisure Services Department in the approximate amount not to exceed \$73,478;

Whereas, funds are budgeted in Account Nos. 110-3500-552-2623 for this expenditure; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a contract for an amount not to exceed \$73,478, with the Department of Veterans Affairs, Veterans Industries/Compensated Work Therapy, after approval as to form by the City Attorney, for the provision of workers for the Parks and Leisure Services Department.

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 7th day of **October**, 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

10/07/10
Item #6(M)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing change order #4 to the new Central Fire Station construction contract with EMJ Corporation of Irving for road reconstruction work on Calhoun Avenue and 5th Street.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: EMJ Corporation commenced construction of the new Central Fire Station on December 11, 2009. Early on in the project, waterline issues arose on 5th Street and later on Calhoun Avenue. The utility work related to the utility line issues that have arisen is substantially complete, but this has left the roads in poor condition and has heightened staff's concern regarding the viability of the roads when fire trucks start using these roads to return to the fire station.

Accordingly, staff engaged Clark & Fuller to design the reconstruction of 5th Street from Barton to Calhoun Avenue, including the intersections, and Calhoun Avenue from 3rd Street to 5th Street. The construction documents related to this reconstruction were completed on October 1st. It is staff's desire to incorporate this road reconstruction into the Central Fire Station construction project due to the tie-in of the new curbs, etc into the roadways. Based on the stage of the fire station construction project, staff believes that it would be more cost effective to execute this change order the week of October 4th based on the re-mobilization that could be required by delaying it. As a result, staff is finalizing the terms of the change order with EMJ Corporation, and will present additional information to the City Council prior to next week's meeting.

FISCAL IMPACT: Clark & Fuller's estimate of probable cost for this reconstruction project using concrete is \$187,085. A contract was previously issued to Clark & Fuller in the amount of \$14,047, including design services, surveying services, and daily onsite construction inspection services. Funding has been identified for the reconstruction from the 2008 Certificate of Obligation bond issue.

ATTACHMENTS:

[Budget Adjustment](#)
[Change Order #4](#)
[Site Plan](#)
[Resolution](#)

FY **2011****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
361-3400-531-68-54	100678	Recons-5th/Barton to Calhoun	\$ 287,499	
361-2200-522-68-05	100120	Fire Station #1		162,009
361-2200-522-68-06	100141	Emergency Operations		65,855
361-3400-531-68-47	100392	Tarver Road Extension		57,898
361-1900-519-68-02	100407	Project Savings		1,737
TOTAL.....			\$ 287,499	\$ 287,499

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

This budget adjustment appropriates funding for removal & replacement of Calhoun from 3rd to 5th Street, including the intersection of 5th & Calhoun plus 5th Street from Calhoun southward to the southern property line of the New Central Fire Station in the amount of \$182,868 & alternate one, which is the reconstruction of 5th Street southward from the New Central Fire Station southern property line, including the intersection of Barton & 5th in the amount of \$89,631. It also appropriates an additional \$15,000 for testing fees.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

October 7, 2010

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

Proj: Central Fire Station
Loc: Temple, Texas
Owner: City of Temple
Arch: Wiginton Hooker Jeffry
Date: October 6, 2010



Removal & Replacement of Existing Calhoun Street & 5th street			ALTERNATE 1
DESCRIPTION	SUB/VEN NAME	TOTAL	Extend Street
General Conditions		10,475	
Subguard		1,614	\$286
Project Insurance		860	\$421
Permits	City of Temple	0	
Impact Fees/Utility Charges	City of Temple	0	
Site Demolition/Excavation/Utilities		75,980	\$51,480
Striping/Site Signage		na	na
Landscaping		na	na
Concrete Paving	WOLFF	63,092	\$22,785
Caulking & Sealants	CAPROCK	4,000	\$1,500
FEE	15.00%	\$23,403	\$11,471
SUBTOTAL		\$179,424	\$87,943
P & P Bond		\$2,995	\$1,468
P & P Bond OH&P	15.00%	\$449	\$220
Add for P & P Bond		\$182,868	\$89,631

Qualifications:

- Excludes removal, replacement, and/or relocation of existing utilites unless otherwise noted on Civil Drawings dated September 30, 2010
- Excludes cost for permits and fee's from TxDOT or the City of Temple
- All earthwork is considered to be classified excavation.
- Landscape repair to be handled as an additional cost where applicable
- General Conditions consists of supervision, and street cleaning at end of project

Supervision	\$	7,143
T&I on Supervision	\$	2,132
Street Cleaning	\$	1,200
TOTAL	\$	10,475

RESOLUTION NO. **2010-6145-R**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER #4 TO THE NEW CENTRAL FIRE STATION CONSTRUCTION CONTRACT WITH EMJ CORPORATION OF IRVING, TEXAS, IN THE AMOUNT OF \$272,499, FOR ROAD RECONSTRUCTION WORK ON CALHOUN AVENUE AND 5TH STREET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Whereas, to date, three change orders have been authorized for this project;

Whereas, Change Order #4 in the amount of \$272,499 is being recommended by Staff for road reconstruction work on Calhoun Avenue and 5th Street; and

Whereas, funds are available for this change order but an amendment to the FY2010-11 budget needs to be approved to transfer the funds to the appropriate expenditure accounts; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute Change Order #4, after approval as to form by the City Attorney, to the new Central Fire Station construction contract with EMJ Corporation, of Irving, Texas, in the amount of \$272,499 for road reconstruction work on Calhoun Avenue and 5th Street.

Part 2: The City Council approves an amendment to the FY2010-2011 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 7th day of **October**, 2010.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

APPROVED AS TO FORM:

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/07/10
Item #6(N)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: SECOND READING — Z-FY-10-47: Consider adopting an ordinance authorizing a zoning from Agricultural District (A) to Single Family Two District (SF2) on 35.49 ± acres of land being out of the Maximo Moreno Survey, A-14, Bell County, Texas, located along the east side of South 5th Street, across from Wyndham Hill Parkway.

P&Z COMMISSION RECOMMENDATION: At its September 7, 2010 meeting, the Planning and Zoning Commission voted 6/0 in accordance with staff recommendation to recommend approval of a zone change from A to SF-2 for the following reasons:

1. The request complies with the Future Land Use and Character Map;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public facilities will serve the property.

Commissioners Williams, Hurd and Pope were absent.

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

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-10-47, from the Planning and Zoning meeting, September 7, 2010. The applicant requests this rezoning in order to build the south portion of Echo Vista III, Phase 1 subdivision. The central and north portion of the proposed subdivision is already zoned SF-2. The Preliminary Plat for the subdivision proposes 171 single-family residential lots on 37.2 acres.

No one spoke in favor of or against the rezoning at the P&Z public hearing.

COMPREHENSIVE PLAN COMPLIANCE:

The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan:

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character	Y
CP	Map 5.2 - Thoroughfare Plan	Y
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Y
STP	Map F4- Local connector trail at rear of property	N

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

Future Land Use and Character (CP Map 3.1)

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

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates South 5th Street as an Arterial. The request complies with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

The preliminary plat shows that 8" and 6" water lines and 8" sewer lines will serve the subdivision. Public facilities will be available to the property prior to issuance of the first building permit for the subdivision.

Citywide Sidewalk and Trails Master Plan (Map F4)

The Citywide Sidewalk and Trails Master Plan calls for a Local Connector Trail (6'-8') at the rear of the property in this phase only. **The applicant wishes to provide such trail dedication and construction through the platting process and this approach was approved by the Planning and Zoning Commission via the plat.**

Parks Master Plan

In the plat review process, the Parks Department weighed both the recommendations of the Trails Master Plan and the Parks Master Plan. The Parks Department preferred that the applicant pay park fees in lieu of trail dedication. This phase is 177 lots, with full build-out of the subdivision being over 700 lots. Due to the size of the subdivision, a trail is not considered sufficient to serve as a park. The calculated park fee for this phase is \$39,825.

PUBLIC NOTICE:

Eight notices of the Planning and Zoning Commission public hearing were sent out. As of Wednesday, September 1, at 5 PM, two notices (from the same owner of two different properties) were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on August 27, 2010 in accordance with state law and local ordinance.

FISCAL IMPACT: NA

ATTACHMENTS:

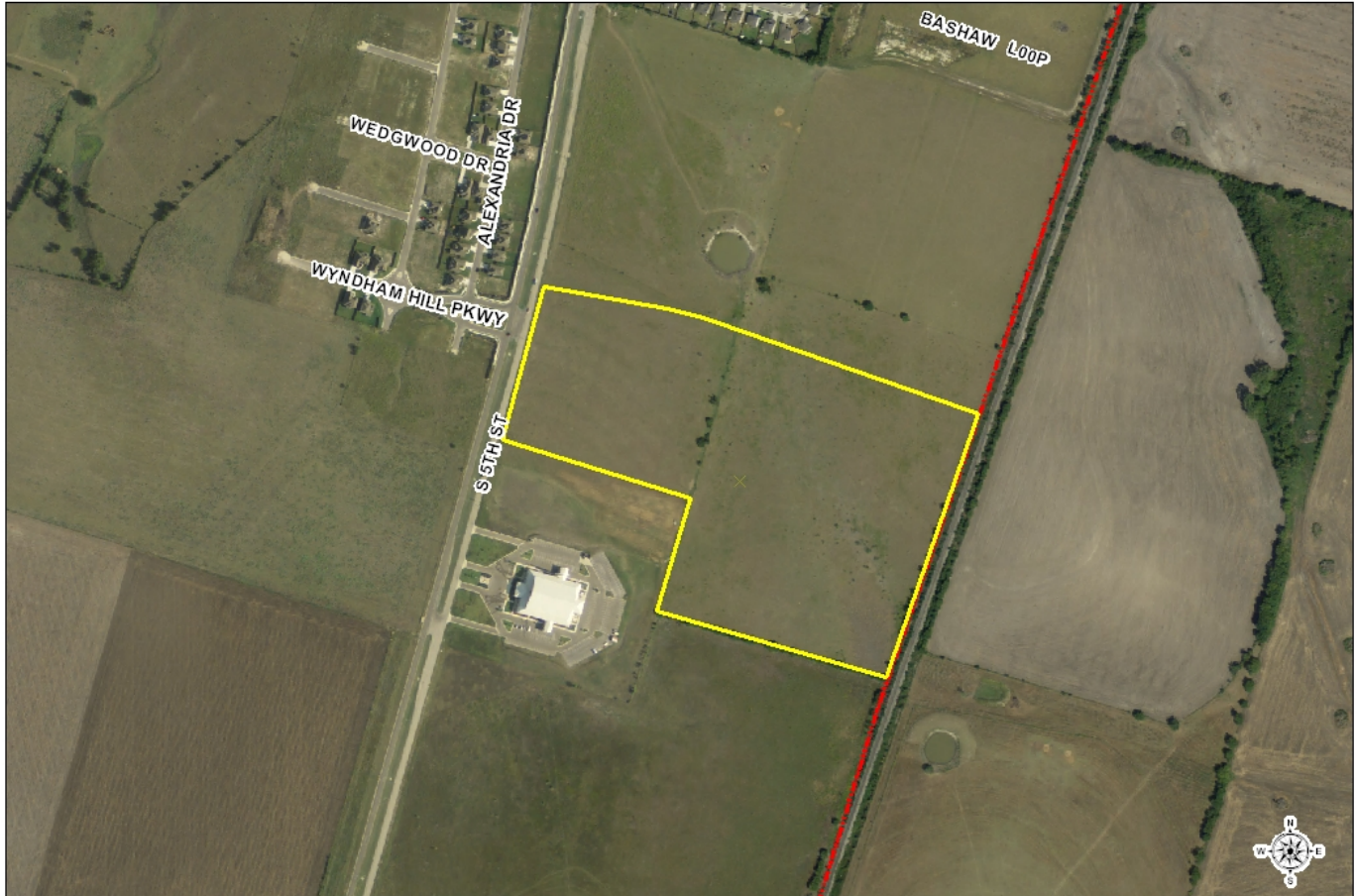
Aerial
Land Use and Character Map
Thoroughfare Plan Map
Zoning Map
Utility Map
Notice Map
Response Letters (if applicable)
P&Z Staff Report (Z-FY-10-47)
P&Z Minutes (September 7, 2010)
Ordinance



Z-FY-10-47

35.49 acres for Residential Development

5900 Blk South 5th St



 ZFY1047

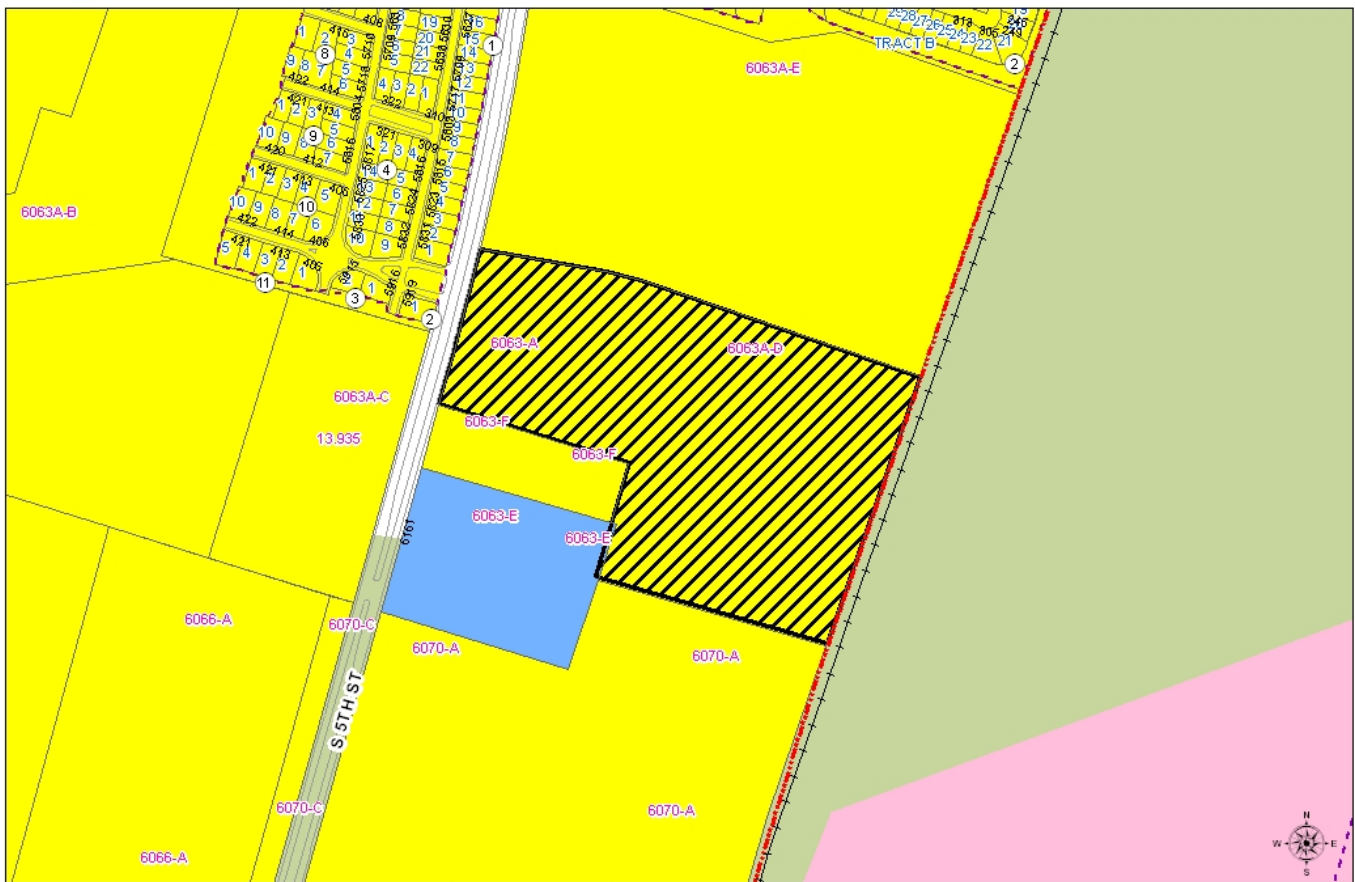
Feet 0 100 200 300 400
J Stone 7.27.10



Z-FY-10-47

35.49 acres for Residential Development

5900 Blk South 5th St



- | | | | | | |
|---------------------------|-------------------------|-----------------------|-----------------------------------|----------------------|---------|
| Neighborhood Conservation | Auto-urban Residential | Auto-Urban Commercial | Temple Medical Education District | Public/Institutional | ZFY1047 |
| Estate Residential | Auto-Urban Multi-Family | Suburban Commercial | Industrial | Parks and Open Space | |
| Suburban Residential | Auto-Urban Mixed Use | Urban Center | Business park | Agricultural/Rural | |

1 inch = 500 feet

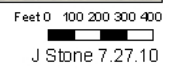
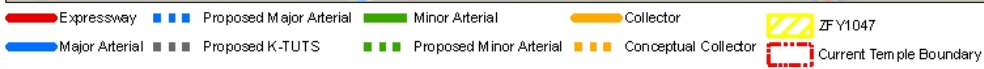
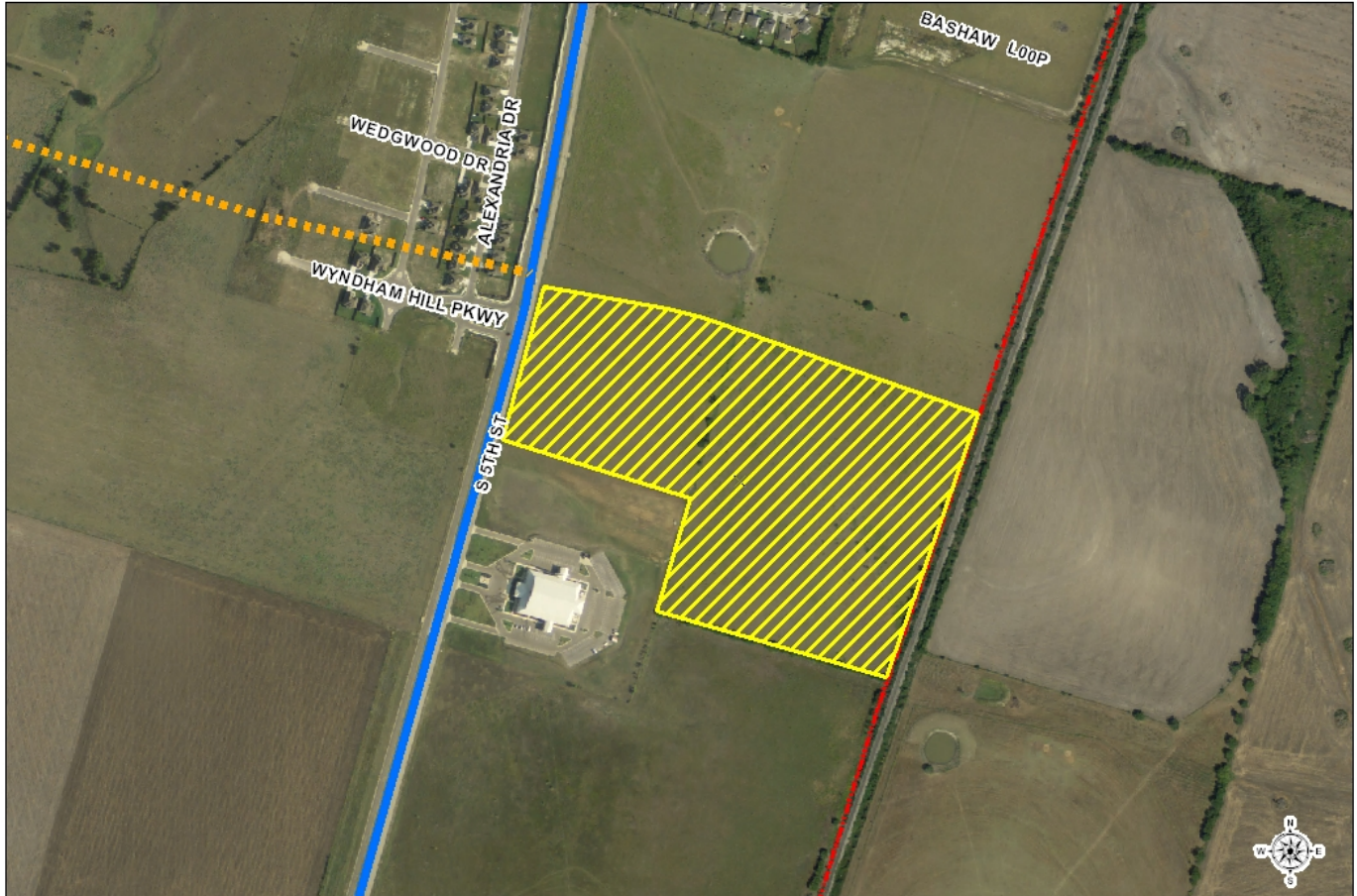
J Stone 7.28.10



Z-FY-10-47

35.49 acres for Residential Development

5900 Blk South 5th St

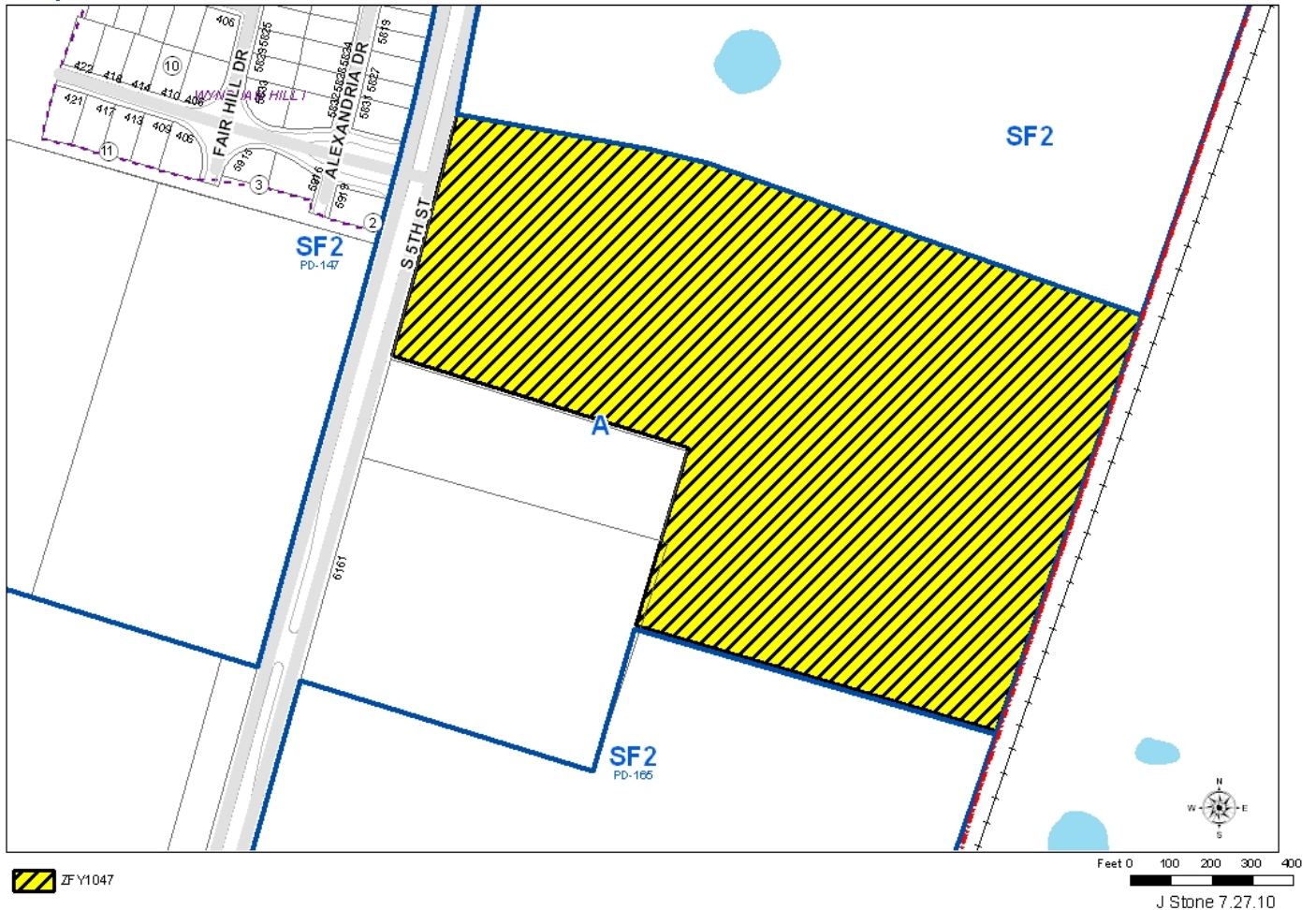




Z-FY-10-47

35.49 acres for Residential Development

5900 Blk South 5th St



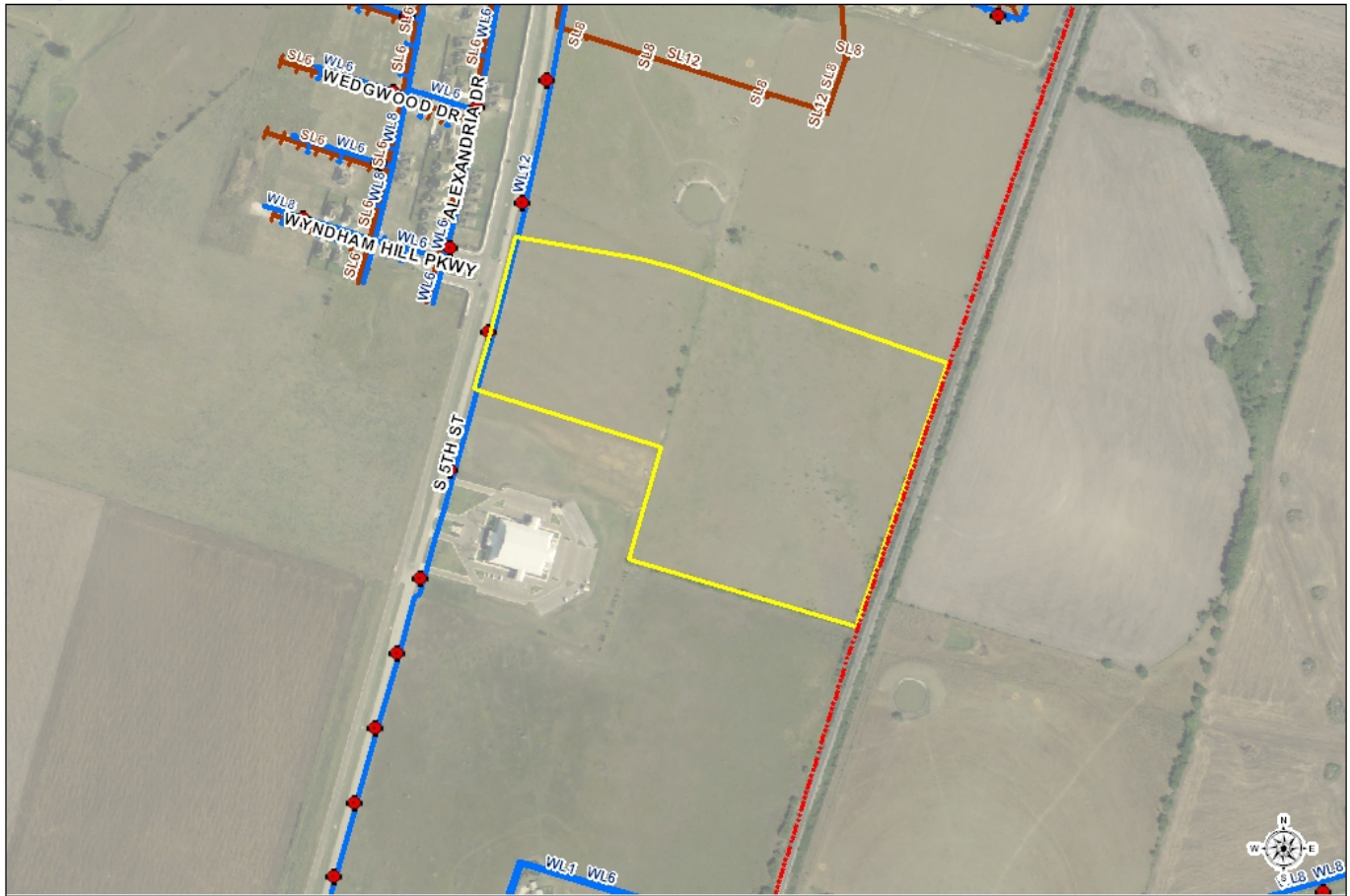
J Stone 7.27.10






Z-FY-10-47

35.49 acres for Residential Development

5900 Blk South 5th St



 ZFY1047  WATER LINE  SEWER LINE

Feet 0 100 200 300 400

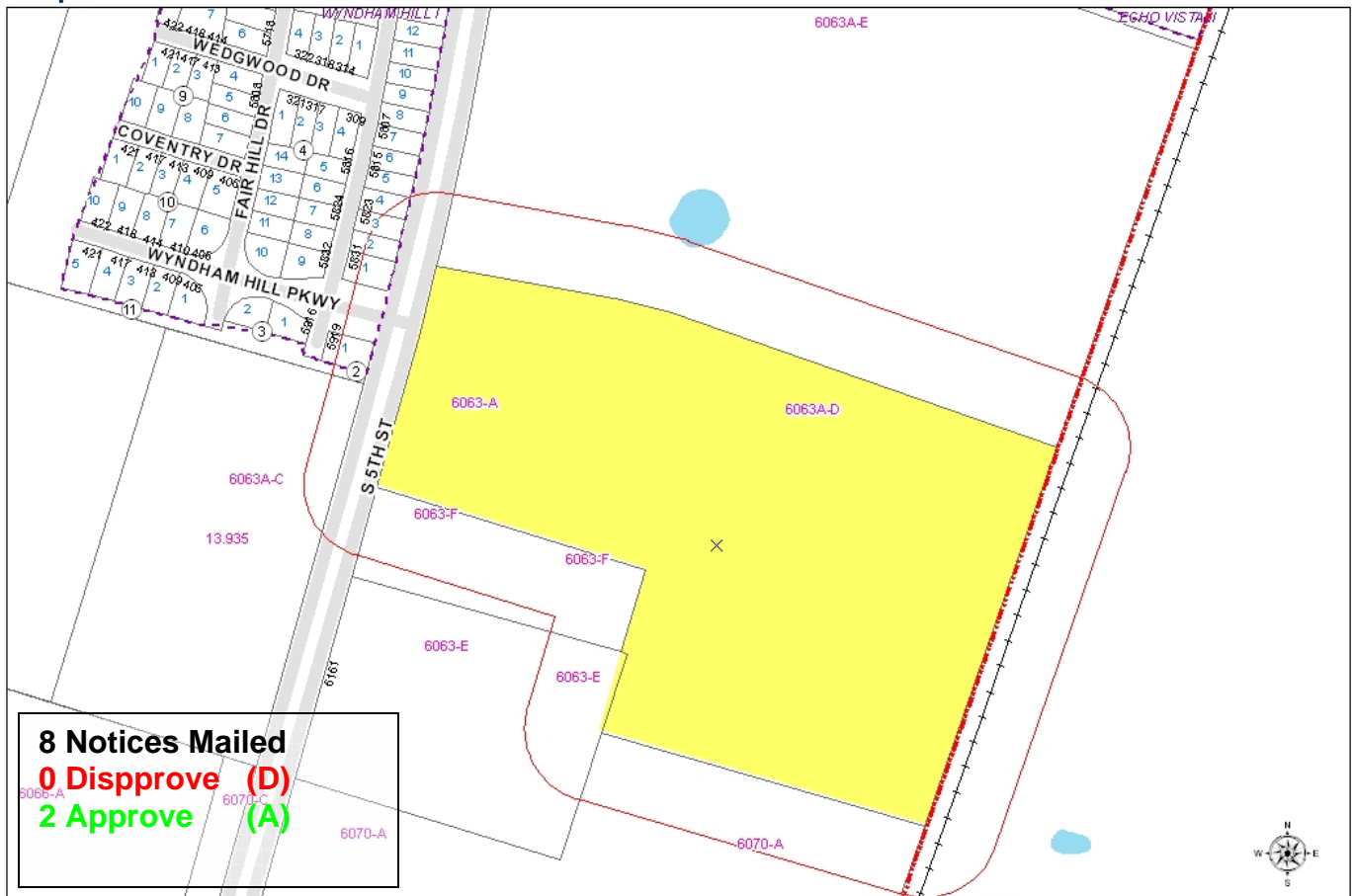
J Stone 7.27.10



Z-FY-10-47

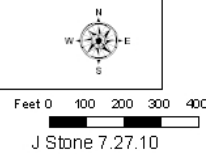
35.49 acres for Residential Development

5900 Blk South 5th St



8 Notices Mailed
0 Disapprove (D)
2 Approve (A)

200' Buffer ZF Y1047





RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

RECEIVED
AUG 30 2010

BY: _____

RECEIVED

SEP 02 2010

City of Temple
Planning & Development

Omega Community Builders
7353 West Adams Avenue
Temple, Texas 76502

Zoning Application Number: Z-FY-10-47

Project Manager: Brian Mabry

The proposed rezoning will allow a residential development which is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend ☒ approval () denial of this request.

Comments:

Signature

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than September 7, 2010.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

Number of Notices Mailed: 8

Date Mailed: August 27, 2010



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

RECEIVED
AUG 30 2010

BY:

RECEIVED

SEP 02 2010

City of Temple
Planning & Development

J & B Holdings Ltd
7353 West Adams Avenue
Temple, Texas 76502

Zoning Application Number: Z-FY-10-47

Project Manager: Brian Mabry

The proposed rezoning will allow a residential development which is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend ☒ approval () denial of this request.

Comments:


Signature


Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than September 7, 2010.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

Number of Notices Mailed: 8

Date Mailed: August 27, 2010



PLANNING AND ZONING COMMISSION AGENDA ITEM

09/07/10
Item #2
Regular Agenda
Page 1 of 4

APPLICANT: W&B Development



CASE MANAGER: Brian Mabry, AICP, Interim Planning Director

ITEM DESCRIPTION: Z-FY-10-47 Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (A) to Single Family Two District (SF2) on 35.49 ± acres of land being out of the Maximo Moreno Survey, A-14, Bell County, Texas, located along the east side of South 5th Street, across from Wyndham Hill Parkway. Zoned Agricultural



BACKGROUND: The applicant requests this rezoning in order to build the south portion of Echo Vista III, Phase 1 subdivision. The central and north portion of the proposed subdivision is already zoned SF-2. The plat for the proposed subdivision is item #3 on the Planning and Zoning Commission's agenda. The plat proposes 171 single-family residential lots on 37.2 acres.

SURROUNDING PROPERTY AND USES:

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

Direction	Zoning	Current Land Use	Photo
Subject Property	A (SF-2 proposed)	Undeveloped	
East	A	Railroad tracks and undeveloped	
North	SF-2	Undeveloped with single-family residential subdivision in distance	

Double Sided

Direction	Zoning	Current Land Use	Photo
South	PD-SF-2	Undeveloped	
	A	Church	
West	PD-SF-2	Single-family residential subdivision	

COMPREHENSIVE PLAN COMPLIANCE:

The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan:

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character	Y
CP	Map 5.2 - Thoroughfare Plan	Y
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Y
STP	Map F4- Local connector trail at rear of property	N

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

Future Land Use and Character (CP Map 3.1)

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

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates S. 5th Street as an Arterial. The request complies with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

The preliminary plat shows that 8" and 6" water lines and 8" sewer lines will serve the subdivision. Public facilities will be available to the property prior to issuance of the first building permit for the subdivision.

Citywide Sidewalk and Trails Master Plan (Map F4)

The Citywide Sidewalk and Trails Master Plan calls for a Local Connector Trail at the rear of the property. In the plat review process, the Parks Department preferred that the applicant pay park fees in lieu of trail dedication. As the Citywide Sidewalk and Trails Master Plan is affected by development review approvals, Staff will periodically request that the P&Z and City Council amend the Plan to reflect viable trail locations.

DEVELOPMENT REGULATIONS:

The purpose of the SF-2 is to provide for smaller single-family lots than allowed in the SF-1, Single-Family 1 zoning district which allows lot sizes a minimum of 7,500 square feet. This district may also be used as a zone of transition from the more restrictive single family district to lesser restrictive or denser residential districts.

Typical permitted uses include but are not limited to single-family homes and nonresidential support uses such as schools and places of worship.

The following table shows the dimensional requirements for the SF-2 zoning district for a residential use.

SF-2, Single-Family 2	
Min. Lot Area (sq. ft.)	5,000
Min. Lot Width (ft.)	50
Min. Lot Depth (ft.)	100
Max. Height (stories)	2 ½
Min. Yard (ft)	
Front	25
Side	5
Side (street)	15
Rear	10

All of the lots on the corresponding Preliminary Plat for Echo Village Phase III are in compliance with the dimensional requirements for SF-2.

PUBLIC NOTICE:

Eight notices of the Planning and Zoning Commission public hearing were sent out. As of Wednesday, September 1, at 5 PM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on August 27, 2010 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of Z-FY-10-47 for the following reasons:

1. The request complies with the Future Land Use and Character Map;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public facilities will serve the property.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial
Land Use and Character Map
Thoroughfare Plan Map
Zoning Map
Utility Map
Notice Map
Response Letters (if applicable)

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING**

TUESDAY, SEPTEMBER 7, 2010

ACTION ITEMS

Item 2: Z-FY-10-47: Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (A) to Single Family Two District (SF2) on 35.49 ± acres of land being out of the Maximo Moreno Survey, A-14, Bell County, Texas, located along the east side of S. 5th Street, across from Wyndham Hill Parkway. Zoned Agricultural (Applicant: W&B Development)

Mr. Brian Mabry, Interim Planning Director, stated all related zoning cases would go to City Council for first reading on September 16th and final action on October 7th. Applicant was WB Land Investments and the purpose of the rezoning was to establish a Single Family subdivision known as Echo Vista III. The preliminary plat would be the next item presented.

The subject property fronts S. 5th Street with a railroad line in the rear. The surrounding property uses were single family subdivision to the west, undeveloped land to the north and east across the railroad tracks, and a church and undeveloped land lay to the south.

The Future Land Use and Character Map showed the area to be designated as suburban/residential and S. 5th Street was designated as a major arterial on the Thoroughfare Plan and the request complied with both.

The preliminary plat showed that 8" and 6" water lines and 8" sewer lines would serve the subdivision. Public facilities would be available to the property prior to issuance of the first building permit for the subdivision.

Mr. Mabry gave dimensional standards for Single Family Two zoning district.

Eight (8) notices were mailed out: two (2) were returned in favor and one (1) recommended denial.

Staff recommended approval of **Z-FY-10-47** since the request complied with the Future Land Use and Character Map, the Thoroughfare Plan, and adequate public facilities would serve the property.

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

Commissioner Staats made a motion to approve **Z-FY-10-47** and Vice-Chair Talley made a second.

Motion passed: (6:0)

Commissioners Williams, Pope and Hurd absent

ORDINANCE NO. _____

[PLANNING NO. Z-FY-10-47]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO SINGLE FAMILY TWO DISTRICT (SF2) ON APPROXIMATELY 35.49 ACRES OF LAND BEING OUT OF THE MAXIMO MORENO SURVEY, A-14, BELL COUNTY, TEXAS, LOCATED ALONG THE EAST SIDE OF SOUTH 5TH STREET, ACROSS FROM WYNDHAM HILL PARKWAY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Agricultural District (A) to Single Family Two District (SF2) on approximately 35.49 acres of land being out of the Maximo Moreno survey, A-14, Bell County, Texas, located along the east side of South 5th Street, across from Wyndham Hill Parkway, Temple, Bell County, Texas, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

Part 3: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

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 **16th** day of **September**, 2010.

PASSED AND APPROVED on Second Reading on the **7th** day of **October**, 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

10/07/10
Item #6(O)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: SECOND READING – Consider adopting an ordinance granting Richard Curtis, dba Good Times Carriage Rides, a non-exclusive franchise for five years to operate horse-drawn carriages upon the public streets and highways of the City of Temple.

STAFF RECOMMENDATION: Adopt ordinance as presented in item description on second reading, with third and final reading and public hearing scheduled for October 21st.

ITEM SUMMARY: Richard Curtis, dba Good Times Carriage Rides, has requested a renewal of the non-exclusive franchise which will expire October 1, 2010, authorizing a horse-drawn vehicle service in the City of Temple. Mr. Curtis was first granted the five-year non-exclusive franchise in 1995 and it has been renewed for five-year terms since that time.

The current vehicle permit fee is \$150 per year for the first horse-drawn carriage of a business operator. If additional carriages are brought into service those vehicles would be assessed an additional vehicle permit fee of \$25 each per year. All requirements contained in the public transportation ordinance concerning horse-drawn carriage operations are included in the franchise agreement by reference. This allows requirements in the ordinance to address general conditions regarding public transportation, and also includes more specific requirements concerning horse-drawn carriage operations within the City.

FISCAL IMPACT: Annual franchise fee is \$150 for one carriage and \$25 for each additional.

ATTACHMENTS:

[Request for Franchise Renewal Ordinance](#)

September 2, 2010

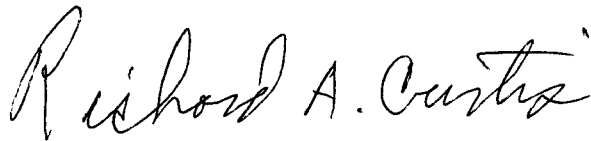
City Attorney
City of Temple
Municipal Building
Main St.
Temple, Tx 76501

Attention:City Attorney:

I am writing to inform you that we would like to renew our franchise for the city of Temple. If you need any further information, please contact me at 3888 Middle Rd., Temple, Tx 76501, or 254-771-2839, or email ce22curtis@gmail.com. Thank you.

Sincerely,

Richard Curtis
Good Time Carriage Rides, Inc.

A handwritten signature in cursive script that reads "Richard A. Curtis".

GOOD TIME CARRIAGE RIDES, INC.
3888 MIDDLE RD.
TEMPLE, TX 76501

RECEIVED
SEP 10 2010
CITY OF TEMPLE, TX
CITY SECRETARY

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING RICHARD CURTIS, D/B/A GOOD TIME CARRIAGE RIDES, A NON-EXCLUSIVE FRANCHISE FOR FIVE YEARS TO OPERATE HORSE-DRAWN CARRIAGES UPON THE PUBLIC STREETS AND HIGHWAYS OF THE CITY OF TEMPLE PURSUANT TO THE PROVISIONS OF THE CONSTITUTION AND LAWS OF THE STATE OF TEXAS AND THE CHARTER AND ORDINANCES OF THE CITY OF TEMPLE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Ordinance No. 95-2363 requires that a person desiring to operate horse-drawn carriages on the streets of the City of Temple obtain a franchise under conditions set out in the City Charter and the Code of Ordinances;

Whereas, Richard Curtis, d/b/a Good Times Carriage Rides (hereinafter "Richard Curtis"), seeks a non-exclusive franchise for a horse-drawn carriage business within the City of Temple; and

Whereas, Richard Curtis has established to the satisfaction of the City Council by clear, cogent and convincing evidence that public convenience and necessity will be served by the granting of said franchise.

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

PART 1: Grant and term.

The City hereby grants to Richard Curtis, d/b/a Good Times Carriage Rides, a non-exclusive franchise to operate horse-drawn carriages upon the public streets and highways of the City of Temple, Texas, for a term of five (5) years, beginning with the effective date of this ordinance.

PART 2: Conditions of Franchise.

The rights, powers and authority herein granted are granted subject to the Constitution and laws of the State of Texas, the Charter of the City of Temple, and where not provided herein, the ordinances and codes of the City of Temple as same now exist or may hereafter be amended so as to constitute reasonable regulations protecting the health, safety and welfare to insure safe, efficient and continuous horse-drawn carriage service, all of which enumerated provisions are incorporated herein by reference and made a part hereof as fully as though the same had been copied herein verbatim

PART 3: Standards and Requirements for Personnel, Vehicles, Equipment and Service.

Richard Curtis shall comply with all of the standards and requirements for personnel, vehicles, equipment and service that are set out in Ordinance No. 95-2363.

PART 4: Payment to the City Required; Vehicle Permit Fees.

Richard Curtis shall, during the life of this franchise, pay to the City of Temple at the office of the franchise administrator, an annual vehicle permit fee, in the amount established by resolution of the city council, for each carriage operated in the City of Temple. A vehicle permit shall be valid for the duration of the calendar year during which the permit was issued. Vehicle permits are issued for particular vehicles, and are not transferable to other vehicles or operators.

PART 5: Rates.

(a) The City Council expressly reserves the right, power, and authority to fully regulate and fix, by resolution, the rates and charges for horse-drawn carriage services provided by Richard Curtis under this franchise, fully reserving to the city council all the rights, powers, privileges, and immunities, subject to the duties, limitations and responsibilities which the Constitution, the laws of the State and the City Charter confer upon the City.

(b) Notice of a proposed rate increase shall be filed in writing with the franchise administrator at least ninety (90) days prior to the effective date of the proposed increase. A proposed rate increase shall be deemed approved if not acted upon by the city council within ninety (90) days from receipt of the notice.

PART 6: Indemnity.

Richard Curtis shall agree and be bound to hold the city whole and harmless against any and all claims for damages, costs, and expenses, to persons or property that may arise out of or be occasioned by the operation of the franchise, or from any act or omission of any representative, agent, customer, or employee of the franchise holder, and such indemnity provision shall also cover any personal injury or damage suffered to city property, city employees, agents or officers. The franchisee shall agree and be bound to defend any and all suits, claims, or causes of action brought against the city on account of same, and discharge any judgment or judgments that may be rendered against the city in connection with the operation of the franchise.

PART 7: Liability Insurance Required.

(1) Richard Curtis shall, at his own expense, purchase, maintain and keep in force for the duration of a public transportation franchise, public liability insurance in the following amounts:

Commercial general liabilityC\$250,000 for each person and \$300,000 for each single occurrence for bodily injury or death and \$100,000 for each single occurrence for injury to or destruction of property or \$300,000 combined single limit.

Richard Curtis shall not commence operations under the franchise until it has obtained all the insurance required for the franchise and such insurance has been approved by the city attorney. All insurance policies provided under the franchise shall be written on an "occurrence" basis and cover every vehicle operated under the franchise.

(2) *Additional insured; waiver of subrogation.* The city shall be named as an additional insured on the commercial general liability policy. The insurance policy shall contain the appropriate additional insured endorsement signed by a person authorized by that

insurer to bind coverage on its behalf, and provide a waiver of subrogation in favor of the city.

(3) *Notice of cancellation.* Each insurance policy required by this section shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits, except after thirty (30) days prior written notice has been provided to the city.

(4) *Authorized carriers.* Insurance is to be placed with insurers with a Best's rating of no less than A:VII. The company must also be duly authorized to transact business in the State of Texas.

(5) In the event that any insurance policy is canceled upon the request of the surety or insurer, and no insurance policy is filed by the franchise holder before the cancellation the franchise to operate horse-drawn carriages granted to such person shall be automatically revoked.

PART 8: Manner of Giving Notice.

Notice to Richard Curtis may be given by mailing or delivering a written copy thereof to Good Time Carriage Rides at 3888 Middle Road, Temple, Texas 76501, during ordinary business hours. Notice to the City may be given by leaving a written copy thereof at the office of the franchise administrator during ordinary business hours.

PART 9: Public Convenience and Necessity.

Richard Curtis has established by clear, cogent and convincing evidence, and the City Council has so found and determined that the present and future convenience and necessity require the operations here authorized to be performed by Richard Curtis and that the public convenience and necessity will be served by the granting of this franchise.

PART 10: This franchise shall become effective thirty (30) days after the final passage and approval of this ordinance, provided that Richard Curtis has filed with the City his written acceptance of the terms and conditions of this franchise.

PART 11: 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 12: 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 13: 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 First Reading on the 16th day of **September**, 2010.

PASSED AND APPROVED on Second Reading on the 7th day of **October**, 2010.

PASSED AND APPROVED on Third and Final Reading on the **21st** day of **October**,
2010.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

APPROVED AS TO FORM:

Jonathan Graham
City Attorney

Agreement of Franchisee

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS:

The franchisee, Richard Curtis, d/b/a/ Good Times Carriage Rides, acting by and through its duly authorized and empowered officer, hereby accepts the terms and conditions of Ordinance No. _____, granting a non-exclusive franchise to operate horse-drawn carriages upon the public streets and highways of the City of Temple.

SIGNED this _____ day of _____, 2010.

GOOD TIME CARRIAGE RIDES

RICHARD CURTIS



COUNCIL AGENDA ITEM MEMORANDUM

10/07/10
Item #6(P)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: SECOND READING – Consider adopting an ordinance granting Temple Transportation, Inc., dba Yellow Cab, a non-exclusive franchise for five years to provide taxicab service in the City of Temple.

STAFF RECOMMENDATION: Adopt ordinance as presented in item description on second reading, with third and final reading and public hearing scheduled for October 21st.

ITEM SUMMARY: Mr. Bill Kemp, President of Temple Transportation, Inc., dba Yellow Cab, has requested a renewal of the non-exclusive franchise which will expire on October 1, 2010 authorizing a taxicab service in the City of Temple.

The current vehicle permit fee is \$450 per year for each taxicab in service, plus \$10 for each taxicab driver. The City's Police Department performs the investigation of an applicant's driving record, criminal history and completes the permit that is issued to an applicant for driving a taxicab. The City Secretary's Office issues the vehicle permits, after inspection by the City's Fleet Services Division.

All requirements contained in the public transportation ordinance concerning taxicab operations are included in the franchise agreement by reference. This allows requirements in the ordinance to address general conditions regarding public transportation, and also includes the more specific requirements concerning taxicab operation within the City.

FISCAL IMPACT: Annual vehicle permit fee of \$450 per vehicle and \$10 annual driver permit fee. Annual franchise revenue is estimated at \$3,000.

ATTACHMENTS:

[Request for Franchise Renewal Ordinance](#)

08-31-10

Temple Transportation

705 W Ave G

Temple, Tx. 76504

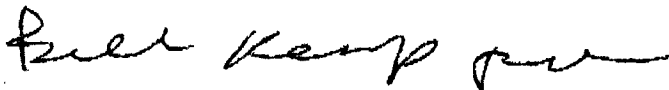
Temple City Council

Temple, Tx.

To whom it may concern;

We respectfully request that the franchise for Temple Transportation, a taxi cab service in Temple, Tx., be renewed. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Kemp", followed by a horizontal flourish.

Bill Kemp, pres.

Temple Transportation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING TEMPLE TRANSPORTATION COMPANY, D/B/A YELLOW CAB, A NON-EXCLUSIVE FRANCHISE FOR FIVE YEARS TO OPERATE TAXICABS UPON THE PUBLIC STREETS AND HIGHWAYS OF THE CITY OF TEMPLE PURSUANT TO THE PROVISIONS OF THE CONSTITUTION AND LAWS OF THE STATE OF TEXAS AND THE CHARTER AND ORDINANCES OF THE CITY OF TEMPLE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Ordinance No. 95-2363 requires that a person desiring to operate taxicabs on the streets of the City of Temple obtain a franchise under conditions set out in the City Charter and the Code of Ordinances;

Whereas, Temple Transportation Company, d/b/a Yellow Cab ("Temple Transportation"), seeks a non-exclusive franchise for taxicab service within the City of Temple; and

Whereas, Temple Transportation has established to the satisfaction of the City Council by clear, cogent and convincing evidence that public convenience and necessity will be served by the granting of said franchise.

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

PART 1: *Grant and term.*

The City hereby grants to Temple Transportation a non-exclusive franchise to operate taxicabs upon the public streets and highways of the City of Temple, Texas, for a term of five (5) years.

PART 2: *Conditions of Franchise.*

The rights, powers and authority herein granted are granted subject to the Constitution and laws of the State of Texas, the Charter of the City of Temple, and where not provided herein, the ordinances and codes of the City of Temple as same now exist or may hereafter be amended so as to constitute reasonable regulations protecting the health, safety and welfare to insure safe, efficient and continuous taxicab service, all of which enumerated provisions are incorporated herein by reference and made a part hereof as fully as though the same had been copied herein verbatim

PART 3: *Standards and Requirements for Personnel, Vehicles, Equipment and Service.*

Temple Transportation shall comply with all of the standards and requirements for personnel, vehicles, equipment and service that are set out in Ordinance No. 95-2363.

PART 4: *Payment to the City Required; Vehicle and Driver Permit Fees.*

(a) Temple Transportation shall, during the life of this franchise, pay to the City of Temple at the office of the franchise administrator, an annual vehicle permit fee, in the amount established by resolution of the city council, for each taxicab operated in the City of Temple. A vehicle permit shall be valid for the duration of the calendar year during which the permit was issued. Vehicle permits are issued for particular vehicles, and are not transferable to other vehicles or operators.

(b) Temple Transportation shall, during the life of this franchise, pay to the City of Temple at the office of the franchise administrator, an annual taxicab driver's permit fee, in the amount established by resolution of the city council, for each driver operating a taxicab under this franchise. A driver's permit shall be valid for the duration of the calendar year during which the permit was issued. Drivers' permits are issued for particular drivers, and are not transferable to other drivers.

PART 5: *Rates.*

(a) The City Council expressly reserves the right, power, and authority to fully regulate and fix, by resolution, the rates and charges for taxicab services provided by Temple Transportation under this franchise, fully reserving to the city council all the rights, powers, privileges, and immunities, subject to the duties, limitations and responsibilities which the Constitution, the laws of the State and the City Charter confer upon the City.

(b) Notice of a proposed rate increase shall be filed in writing with the franchise administrator at least ninety (90) days prior to the effective date of the proposed increase. A proposed rate increase shall be deemed approved if not acted upon by the city council within ninety (90) days from receipt of the notice.

PART 6: *Indemnity.*

Temple Transportation shall agree and be bound to hold the city whole and harmless against any and all claims for damages, costs, and expenses, to persons or property that may arise out of or be occasioned by the operation of the franchise, or from any act or omission of any representative, agent, customer, or employee of the franchise holder, and such indemnity provision shall also cover any personal injury or damage suffered to city property, city employees, agents or officers. The franchisee shall agree and be bound to defend any and all suits, claims, or causes of action brought against the city on account of same, and discharge any judgment or judgments that may be rendered against the city in connection with the operation of the franchise.

PART 7: *Liability Insurance Required.*

(1) Temple Transportation shall, at its own expense, purchase, maintain and keep in force for the duration of a public transportation franchise, public liability insurance in the following amounts:

Commercial general liabilityC\$250,000 for each person and \$500,000 for each single occurrence for bodily injury or death and \$100,000 for each single occurrence for injury to or destruction of property or \$500,000 combined single limit.

Automobile liability-\$20,000 for each person and \$40,000 for each single occurrence for bodily injury or death and \$15,000 for each single occurrence for injury to or destruction of property.

Temple Transportation shall not commence operations under the franchise until it has obtained all the insurance required for the franchise and such insurance has been approved by the city attorney. All insurance policies provided under the franchise shall be written on an "occurrence" basis and cover every vehicle operated under the franchise.

(2) *Additional insured; waiver of subrogation.* The city shall be named as an additional insured on the commercial general liability policy. The insurance policy shall contain the appropriate additional insured endorsement signed by a person authorized by that insurer to bind coverage on its behalf, and provide a waiver of subrogation in favor of the city.

(3) *Notice of cancellation.* Each insurance policy required by this section shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits, except after thirty (30) days prior written notice has been provided to the city.

(4) *Authorized carriers.* Insurance is to be placed with insurers with a Best's rating of no less than A:VII. The company must also be duly authorized to transact business in the State of Texas.

(5) In the event that any insurance policy is canceled upon the request of the surety or insurer, and no insurance policy is filed by the franchise holder before the cancellation the franchise to operate taxicabs granted to such person shall be automatically revoked.

PART 8: *Manner of Giving Notice.*

Notice to Temple Transportation may be given by leaving a written copy thereof at the principal office of Temple Transportation in Temple, Texas, during ordinary business hours. Notice to the City may be given by leaving a written copy thereof at the office of the franchise administrator during ordinary business hours.

PART 9: *Public Convenience and Necessity.*

Temple Transportation has established by clear, cogent and convincing evidence, and the City Council has so found and determined that the present and future convenience and necessity require the operations here authorized to be performed Temple Transportation and that the public convenience and necessity will be served by the granting of this franchise.

PART 10: This franchise shall become effective thirty (30) days after the final passage and approval of this ordinance, provided that Temple Transportation has filed with the City its written acceptance of the terms and conditions of this franchise.

PART 11: 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 12: 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 13: 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 First Reading on the **16th** day of **September**, 2010.

PASSED AND APPROVED on Second Reading on the **7th** day of **October**, 2010.

PASSED AND APPROVED on Third and Final Reading on the **21st** day of **October**, 2010.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

APPROVED AS TO FORM:

Jonathan Graham
City Attorney

Agreement of Franchisee

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS:

The franchisee, Temple Transportation Company, d/b/a Yellow Cab, acting by and through its duly authorized and empowered officer, hereby accepts the terms and conditions of Ordinance No. _____, granting a non-exclusive franchise to operate taxicabs upon the public streets and highways of the City of Temple.

SIGNED this _____ day of _____, 2010.

TEMPLE TRANSPORTATION COMPANY



COUNCIL AGENDA ITEM MEMORANDUM

10/07/10
Item #6(Q)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Sharon Rostovich, Airport Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing acceptance of grant funding in the estimated amount of \$3,549,000 from the Texas Department of Transportation, Aviation Division, Airport Project Participation Grant Fund, for rehabilitation and overlay of Runway 02/20 at the Draughon-Miller Central Texas Regional Airport, with an estimated City match of 10% or \$354,900.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Due to surface and drainage issues, the City requested consideration for a runway overlay project for the crosswind Runway 02/20 in 2003. The last overlay for Runway 02/20 was 33 years ago and the last slurry seal project was over 12 years ago. TxDOT added our project request to the State's CIP program in FY13 at an estimated amount of \$2.8; however, because of surface and drainage issues noted during several past airfield inspections, the project was moved up. In addition, after TxDOT Engineering analysis was complete, it was determined the runway and taxiways needed reconstruction increasing the grant amount to approximately \$7.6 million. Due to the size of the project and funding level required from the City, the project will be completed under two separate grants; however, the City is only committing to the engineering and runway reconstruction grant at this time. The project timeline is as follows: Engineering for the runway, taxiways and ramp in FY11; Runway Re-Construction in FY12; and if approved by the City Taxiway and Parking Apron Re-Construction in FY13. The City must appropriate 10% match of engineering costs and runway reconstruction in FY11 for approximately \$354,900; however, only the 10% of engineering cost estimated at \$64,500 will be due in 2011.

Before TxDOT Aviation will apply for the grant funds from the Texas Transportation Commission on December 16, 2010, a Resolution from the City must be forwarded to TxDOT no later than October 22, 2010.

FISCAL IMPACT: The City's share of the estimated grant project is 10% or an estimated \$354,900. The breakdown is as follows: Design cost is estimated at \$645,000 with the City's estimated 10% share being \$ 64,500 due in April 2011 and Runway Re-Construction cost is estimated at \$ 2,904,000 with the City's estimated 10% share being \$290,400 due in 2012 prior to advertising project. The next phase of taxiways and ramp construction is estimated at \$4,114,450 with the City's estimated 10% share being \$411,445; however, the City will have the opportunity to decide if funding is available to proceed in 2013 under a separate grant from TxDOT.

A budget adjustment is presented for Council's approval designating the funds from the General Fund's Designated for Capital Projects-Unallocated for the design phase and runway reconstruction phase of the project in the amount of \$354,900 which represents the City's 10% match requirement.

Future year's funding requirements for the next phase of taxiways and ramp construction will be addressed during the budget cycle.

ATTACHMENTS:

Budget Adjustment
Resolution

FY 2011

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.

+

•

[illegible]

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

To designate funds for the City's 10% match for the engineering portion of the Rehabilitation and Overlay of Runway 02/20, Taxiways A, B, C, D and E and the Aircraft Parking Apron, upgrade of Taxiways A & D lighting, and related Airport Improvements and runway construction. Total engineering cost is estimated to be \$645,000. Runway reconstruction cost is estimated to be \$2,904,000. Total match for this phase is \$354,900. Taxiway and Apron Reconstruction cost is estimated to be \$4,114,450 with the City's estimated 10% share being \$411,445 due in FY 2013. Future year's funding requirements will be addressed during the budget cycle of the respective years.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

10/7/2010

WITH AGENDA ITEM?

☒ Yes

☐ No

Department Head/Division Director

Date _____

	Approved
	Disapproved

Finance

Date _____

	Approved
	Disapproved

City Manager

Date _____

<input type="checkbox"/>	Approved
<input type="checkbox"/>	Disapproved

RESOLUTION NO. 2010-6128-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ACCEPTANCE OF A TEXAS DEPARTMENT OF TRANSPORTATION, AVIATION DIVISION, AIRPORT PROJECT PARTICIPATION GRANT IN THE ESTIMATED AMOUNT OF \$3,549,000 FOR CERTAIN IMPROVEMENTS AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT, WITH THE CITY'S ESTIMATED MATCH IN THE AMOUNT OF \$354,900; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple, Texas, intends to make certain improvements to the Draughon-Miller Central Texas Regional Airport;

Whereas, the general description of the project is described as: rehabilitation and overlay of Runway 02/20, Taxiways A, B, C, D and E, and the aircraft parking apron; upgrade Taxiways A and D lighting; and related airport improvements (the "Project");

Whereas, the City of Temple requested financial assistance from the Texas Department of Transportation for the Project, with an estimated \$7,663,450 cost for the Project;

Whereas, due to the size of the project and funding level required from the City, the project will be completed under two separate grants, with the City only committing to the engineering and runway reconstruction grant at this time – the City will have the opportunity to decide if funding is available to proceed in 2013 under a separate grant from TxDOT

Whereas, the City of Temple will be responsible for 10% of the engineering and runway reconstruction grant which is currently estimated to be \$354,900 – an amendment to the FY2010-11 budget needs to be approved to transfer funds to the appropriate expenditure account;

Whereas, the City of Temple names the Texas Department of Transportation as its agent for the purposes of applying for, receiving and disbursing all funds for these improvements and for the administration of contracts necessary for the implementation of these improvements.

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

Part 1: The City Council accepts the grant funds in the estimated amount of \$3,549,000 from the Texas Department of Transportation, Aviation Division, Airport Project Participation Grant for rehabilitation and overlay of Runway 02/20 at the

Draughton-Miller Central Texas Regional Airport, and approves the City's 10% share (\$354,900) of the funds.

Part 2: The City Council hereby directs the City Manager to execute on behalf of the City of Temple and with the appropriate authorizations of the City of Temple, all contracts and agreements with the Texas Department of Transportation, and such other parties as shall be necessary and appropriate for the implementation of the improvements to the Draughton-Miller Central Texas Regional Airport.

Part 3: The City Council approves an amendment to the FY2010-11 budget, substantially in the form of the copy attached as Exhibit A, for this project.

Part 4: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 7th day of **October**, 2010.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/07/10
Item #6(R)
Consent Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director, Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing acceptance of grant funding from Communities of Texas Mini-Grant Program in the amount of \$10,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Communities of Texas, Cancer, Activity, Research, Education & Support (CTxCARES) was formed in October 2009 as a collaboration between the Texas A&M Health Science Center School of Rural Public Health, Texas AgriLife Extension, and Scott & White Health Care. The organization was created to work collaboratively with communities and other partners to translate, evaluate, and disseminate effective individual, organizational, community and regional strategies for addressing critical public health and public related issues in rural and underserved populations. CTxCARES is funded by the Centers for Disease Control & Prevention and the National Cancer Institute.

The Community Strategies for Promoting Physical Activity Mini-Grant Program is a one time opportunity to receive funding and technical assistance to successfully implement recommended community strategies that promote physical activity. These strategies are recommended by the Centers for Disease Control and Prevention (CDC). The CDC recommended strategy that will be utilized for this project is Enhanced Infrastructure Supporting Walking.

The City of Temple Parks and Leisure Services Department applied for and was approved for funding in the amount of \$10,000. There are no matching funds required for this grant. The funds are to be used to increase awareness and usage of Friar's Creek Trail.

The Proposed project includes:

- 1) Two (2) environmental education signs that inform visitors about the natural resources along the trail.
 - a. A water quality sign along the trail adjacent to Friar's Creek. Friar's Creek is a natural creek bed that naturally cleanses water that enters the Leon River. This sign will provide information regarding water quality and plant life found along the creek.
 - b. A wildlife education sign that provides information about different species of birds and other animals found along the trail.
- 2) Two (2) educational signs that explain the benefits of walking and biking.

- 3) One (1) ADA and pet accessible water fountain.
- 4) One (1) pet waste disposal system.
- 5) Trail marker signs installed every ¼ mile along the trail. These will be installed by an Eagle Scout candidate.
- 6) Approximately 50 trees will be planted along the trail. These trees will come from the City tree farm.
- 7) The development of a tri-fold brochure that will market the trail, its amenities and the benefits of walking.

FISCAL IMPACT: The City will receive \$10,000 in grant funds. The 2010 CTxCARES Mini-Grant Program is not a reimbursement grant, nor does it require matching funds. A budget adjustment is presented for Council's approval appropriating the grant expenditures and grant revenue in the appropriate accounts.

ATTACHMENTS:
[Budget Adjustment
Resolution](#)

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	
260-3210-551-11-18		Extra Help / Seasonal	\$ 1,000			
260-3210-551-21-12		Food Items / Supplies	600			
260-3210-551-21-28		Postage	250			
260-3210-551-25-11		Printing/Publications	1,350			
260-3210-551-22-14		Capital < \$5,000 / Buildings & Grounds	6,800			
260-0000-431-01-63		Federal Grants	10,000			
TOTAL.....			\$ 20,000		\$ -	

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

Appropriate grant funds received from the Communities of Texas, Cancer, Activity, Research, Education & Support's (CTxCARES) Community Strategies for Promoting Physical Activity Mini-grants Program. The City was awarded funds to be used to increase awareness and usage of Friar's Creek Trail. Grant Funds will be used for educational and trail marker signage along the trail, ADA and pet accessible water fountain, pet waste disposal system, planting of trees and the development of a tri-fold brochure to market the trail.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

10/7/2010

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS;
AUTHORIZING ACCEPTANCE OF GRANT FUNDING FROM COMMUNITIES OF
TEXAS MINI GRANT PROGRAM, IN THE AMOUNT OF \$10,000; AND PROVIDING
AN OPEN MEETINGS CLAUSE.

Whereas, the City's Park and Leisure Services Department applied for a grant through the Communities of Texas, Cancer, Activity, Research, Education & Support's (CTxCARES) Community Strategies for Promoting Physical Activity Mini-Grants Program and has been awarded \$10,000 to be used to increase awareness and usage of Friar's Creek Trail;

Whereas, grant funds will be used for educational and trail marker signage along the trail, ADA and pet accessible water fountain, pet waste disposal system, planting of trees and the development of a tri-fold brochure to market the trail;

Whereas, the CTxCARES Mini-grant program is not a reimbursement grant, nor does it require matching funds;

Whereas, the grant funds need to be accepted by the City and an amendment to the FY2010-11 budget needs to be approved to appropriate the funds; and

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

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

Part 1: The City Council authorizes acceptance of grant funding in the amount of \$10,000 from the Communities of Texas, Cancer, Activity, Research, Education & Support's (CTxCARES) Community Strategies for Promoting Physical Activity Mini-Grant Program, and 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 the grant.

Part 2: The City Council approves an amendment to the FY2010-11 budget, substantially in the form of the copy attached as Exhibit A, to appropriate the funds for this grant.

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 7th day of **October**, 2010.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger

Jonathan Graham



COUNCIL AGENDA ITEM MEMORANDUM

10/07/10
Item #6(S)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution designating the *Temple Daily Telegram* as the official newspaper for the City for fiscal year 2010-2011, in accordance with Section 4.20 of the Charter of the City of Temple.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Section 4.20 of the City Charter requires the City to designate an official newspaper for the publication of City ordinances, legal descriptions, and notices for each fiscal year, and enter into a contract with the designated paper. The proposed resolution will accomplish this Charter requirement.

Reference: City Charter

Section 4.20 OFFICIAL CONTRACT FOR PUBLISHING: The City Council shall, as soon as practicable after the commencement of each fiscal year, enter into a contract with a public newspaper in the City as the official paper thereof, and to continue as such until another is selected, and shall cause to be published therein all ordinances, notices and other matters required by this Charter or by the ordinances of the City to be published

FISCAL IMPACT: N/A

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DESIGNATING THE *TEMPLE DAILY TELEGRAM* AS THE OFFICIAL NEWSPAPER FOR THE CITY OF TEMPLE FOR FISCAL YEAR 2010-2011, AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE *TEMPLE DAILY TELEGRAM*; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Section 4.20 of the Charter requires the City to designate an official newspaper for the publication of City ordinances, legal descriptions, and notices for each fiscal year and to enter into a contract with the designated paper; and

Whereas, the City Council has considered the matter and deems the *Temple Daily Telegram* as the newspaper of most general circulation in Temple.

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

Part 1: The City Council designates the *Temple Daily Telegram* as the official newspaper for the City of Temple for fiscal year 2010-2011.

Part 2: The City Manager, or his designee, is authorized to execute a contract with the *Temple Daily Telegram*, after approval as to form by the City Attorney, affirming the designation of the *Temple Daily Telegram* as the City's official newspaper.

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 7th day of **October**, 2010.

TEMPLE DAILY TELEGRAM

THE CITY OF TEMPLE, TEXAS

ANYSE SUE MAYBORN

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/07/10
Item #6(T)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing the City Manager to provide Solid Waste services to various entities at the City's cost.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In 2008 the City of Temple entered into an interlocal agreement with Bell County to provide tree and brush removal from County right-of-way and right-of-way owned by the Village of Salado as the result of a storm event. Recent flooding rains in Central Texas have caused much damage to the area leaving behind brush and debris. Bell County has once again requested the assistance of the City to provide brush clearing services for the Village of Salado,

We are recommending the City Council authorize the City Manager to execute agreements with various entities, from time to time and upon request, for the provision of Solid Waste services. This would allow the City to contract with any entity to provide brush and tree clearing and removal, without the need to bring each contract to the City Council for approval. These services are most often requested due to a major storm event and the necessity to provide the services very quickly may be important. The services would be provided on a cost basis and only if City personnel and equipment is available to fulfill the request.

FISCAL IMPACT: To be determined for each contract, on a cost recovery basis. The current request for services to the Village of Salado will be performed at the cost of \$5,400 per 10-hour work day.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO PROVIDE SOLID WASTE SERVICES TO VARIOUS ENTITIES AT THE CITY'S COST; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Bell County has requested the assistance of the City to provide brush clearing services to the Village of Salado which are needed because of the recent flooding rains that left a large amount of brush and debris in the area;

Whereas, the Staff recommends authorizing the City Manager to provide solid waste services to various entities which are most often requested after a major storm event – since the services are often needed very quickly, it is recommended that the City Manager be authorized to execute agreements as the need arises;

Whereas, the services will be provided on a cost basis and only if City personnel and equipment are available to fulfill the request;

Whereas, the current request for services to the Village of Salado will be performed at the cost of \$5,400 per 10-hour work day; 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 to provide Solid Waste services to various entities at the City's cost.

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 to provide these services.

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 7th day of **October**, 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

10/07/10
Item #6(U)
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 \$31,116.

ATTACHMENTS:

Budget amendments
Resolution

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2010 BUDGET
October 7, 2010

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-2000-521-2333		Auto & Equipment Repairs (Police Dept)	\$ 5,428	
110-0000-461-0554		Insurance Claims		\$ 5,428
Check received for damage to Police Officer's vehicle on 7/22/10. Repairs are being made and will be charged to FY 2010.				
110-3700-524-2516		Judgments & Damages (Construction Safety)	\$ 1,188	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 1,188
Attorney fees for lawsuit filed against the City -- Centex Investments, Inc. v. City of Temple				
520-5900-535-6357	100486	Bellaire Waterline Relocation	\$ 24,500	
520-0000-373-0411		Water & Sewer Unreserved Retained Earnings		\$ 24,500
This budget adjustment appropriates additional funds for change order #1 in the amount of \$21,694.31 and appropriates funds for testing fees related to the Bellaire waterline relocation project.				
TOTAL AMENDMENTS			\$ 31,116	\$ 31,116

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	\$ 8,000
Taken From Judgments & Damages	\$ (84,939)
Net Balance of Judgments & Damages Contingency Account	\$ 894
Beginning Fuel Contingency	\$ 125,000
Added to Fuel Contingency	\$ -
Taken From Fuel Contingency	\$ (125,000)
Net Balance of Fuel Contingency Account	\$ -
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	\$ 49,294
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	\$ (37,522)
Net Balance of Contingency Account	\$ 209,901

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2010 BUDGET
October 7, 2010

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
		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	\$	209,901
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance	\$	26,336
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(26,336)
		Net Balance of Contingency Account	\$	-
		DRAINAGE FUND		
		Beginning Contingency Balance	\$	-
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	-
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$	15,243
		Carry forward from Prior Year	\$	51,505
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(49,241)
		Net Balance of Contingency Account	\$	17,507

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 7th day of **October**, 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

10/07/10
Item #7
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Brian Mabry, AICP, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Consider adopting an ordinance re-naming a portion of North and South 34th Street, beginning at East Adams Avenue and ending at East Avenue H, to Myrtle Captain Street.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on the first reading, and schedule second reading and final adoption for October 21, 2010.

ITEM SUMMARY: On August 23rd, 2010, the City Secretary received a petition signed by 44 people requesting that a portion of North and South 34th Street be renamed Myrtle Captain Street. Ms. Captain (very recently deceased) was involved in a variety of local organizations such as the National Association for the Advancement of Colored People and the Ebony Cultural Society. In addition, she was instrumental in establishing Wilson and Miller Community Parks.

The street name change will affect three citizens at the following addresses: 4 North 34th Street and 506 & 508 South 34th Street. Other addresses are currently unoccupied or belong to the City. Staff has sent letters to the affected property owners notifying them of this proposed change.

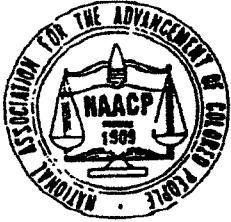
The proposed street name does not conflict with other names in Temple. Applicable City departments reviewed the request. The ordinance will take affect 30 days after the second reading to allow time for the installation of new street signs and update maps.

While the roadway name changes, the address numbers remain the same.

FISCAL IMPACT: Change in street signs along North and South 34th Street. Estimate cost of \$150.

ATTACHMENTS:

[Petition](#)
[Map](#)
[Ordinance](#)



National Association For The Advancement Of Colored People
Temple Branch
P.O. Box 157
Temple, Texas 76503

PETITION TO RENAME A SECTION OF 34TH STREET

August 23, 2010

Mayor William A. Jones, III & Members of the City Council

Second North Main Street

Temple, Texas 76501

We the citizens of Temple, Texas support the renaming of 34th Street, beginning at Avenue H and ending at Adams, to Myrtle Captain Street:

Signature	Address	Telephone Number
<i>George E. English</i>	<i>2109 E. Ave I</i>	<i>254-778-4115</i>
<i>Dontine English</i>	<i>2109 E. Ave I</i>	<i>254-778-4115</i>
<i>Mrs. + Mrs. Melvin Fowler</i>	<i>508 So. 34th</i>	<i>254-778-8634</i>
<i>William P. J. Long</i>	<i>173006 Vanfelt</i>	<i>Temple 773-1446</i>
<i>Carrie J. Milligan</i>	<i>3906 Brumie Tr.</i>	<i>254-774-9303</i>
<i>Laura L. Alcorn</i>	<i>2015 So 7th</i>	<i>771-2357</i>
<i>Virginia Leak</i>	<i>5120 Waterford Dr.</i>	<i>254-778-2909</i>
<i>William Leak</i>	<i>5120 Waterford Dr.</i>	<i>254-778-2909</i>
<i>Dr. & Gary Smith</i>	<i>709 N 2 ST</i>	<i>254-778-7556</i>
<i>Rose A</i>	<i>107 Twelve Oaks Dr</i>	<i>254-624-7111</i>
<i>Samantha</i>	<i>101 Twelve Oaks</i>	<i>254-624-7133</i>
<i>Mrs. + Mrs. L.C. Bailey</i>	<i>1310 S. 4th St.</i>	<i>254-778-8017</i>

Petition to rename 34th Street (continued)

Rev. Charles E. Mays 409 South 13th St. (254) 778-3494

Susan White NeMato 906 So. 38 223-0586

Rufus M. White

Vurdell Canady 910 So. 38th St. 254-773-5120

Lorena Canady 910 So. 38th St. 254-773-5120

Carol Rishy - 412 E. Lamar Ave

Willie Mae Mott 1216 N. 17th (254) 7734936

Bobbie Scott 810 West Point Temple, TX

Union L. Blocker 9 Welton Temple, Texas 76501

Mary Robertson 2421-D Valley Forge, Temple

Louise Williams 1000 S. Milk Tr. Drive 76504

Jacqueline Townsend 917 Crockett St 76501

James Clark 1906 E Ave G Temple 76501

Maurice Y. Storum 1010 South 22nd Temple, Tx 76501

Ellen M. Jenkins 517 So. 21st Temple, Tx. 76504

My Coleman 906 So. 20th St Temple TX 76503

Hattie Stewart 946 Lick Elm, Temple, TX 76501

Anne M. Slides Ave M. Temple 76501

Naomi Milligan 802 Yorktown, Temple, TX 76504

His Ray 8601 Hogan Rd Temple, TX 76502

Rochelle Ray 8601 Hogan Rd Temple, TX 76502

Lanay Francy 813 E Houston Temple TX 76501

Willie Roberts 113 Sundance Drive " " 76502

Robert A. Clayb 1516 S 35th St Temple 76504

Louis H. Hamilton 1901 South 15th St Temple 77891, 976504

Phyllis Stevenson 406 South 13th St Temple, 254-771-5447

Ellen M. Carter, 810 South 45th St Temple, TX - 254 773-2382

Jura M. White, 2908 Durango Dr. Temple, TX '04 254 774 8812

Jimmy Noble 309 Duwatts Temple TX 254-220-2261

Ernest Soden 1611 E. Calhoun Ave Temple TX 254-742-0948

Arnette Felton 1611 E. Calhoun Ave Temple TX 254-742-0948

Juene Jenkins 1081 Martin Luther King Jr Temple TX 254-774-9546



Prewitt Park

Ferguson Park

Wilson Park
Recreation
Center

Wilson Park

Draughton Park



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RENAMING A PORTION OF NORTH AND SOUTH 34TH STREET, BEGINNING AT EAST ADAMS AVENUE AND ENDING AT EAST AVENUE H, TO *MYRTLE CAPTAIN STREET*; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 23, 2010, the City Secretary received a petition signed by 44 people requesting that a portion of North and South 34th Street be renamed Myrtle Captain Street in honor of Ms. Captain (recently deceased) who was involved in a variety of local organizations and who was instrumental in establishing Wilson and Miller Community Parks; and

Whereas, the proposed street name does not conflict with other street names in the City of Temple; and

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

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

Part 1: The City Council approves renaming a portion of North and South 34th Street, beginning at East Adams Avenue and ending at East Avenue H, to *Myrtle Captain Street*, more fully shown on a map attached hereto as Exhibit A.

Part 2: The City Council directs the Street Department of the City of Temple, Texas, to make and place the appropriate signs on said street.

Part 3: 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 4: This ordinance shall take effect 30 days after the second reading to allow time for the installation of new street signs and updating of maps.

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 **7th** day of **October**, 2010.

PASSED AND APPROVED on Second Reading on the **21st** day of **October**, 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

10/07/10
Item #8
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, AICP, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-10-49: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to Single Family One District (SF1), on a 0.23 ± acre tract of land in the John Cummings Survey, Abstract No. 178, located at 8566 Little Mexico Road.

P&Z COMMISSION RECOMMENDATION: At its September 20, 2010 meeting, the Planning and Zoning Commission voted 8/0 to recommend approval of a rezoning from A to SF-1. Commissioner Pope was absent.

STAFF RECOMMENDATION: Staff recommends **denial** of Z-FY-10-49, a rezoning from A to SF-1, for the following reasons:

1. The request does not comply with the Future Land Use and Character Map; and
2. The request does not comply with Land Use Policy #17 related to incompatible uses near the Airport.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-10-49, from the Planning and Zoning meeting, September 20, 2010. The applicants request this rezoning in order to build a single-family residence on the subject property, which is .23 acres or just over 10,000 square feet in area, and approximately 200 feet from the Draughton-Miller Central Texas Regional Airport.

This lot size is too small to build a house on in the Agricultural zoning district. However, a foundation has already been poured for the house without applying for a building permit. If the City Council approves the SF-1 rezoning, the placement of the dwelling would comply with the SF-1 setbacks.

The area in the vicinity of the subject property is developed with single-family dwellings that were constructed prior to annexation. This is the first new dwelling proposed for the area since annexation in January 2008.

As reflected in the attached minutes, during the Planning and Zoning Commission public hearing, one of the applicants acknowledged that the proposed house would be close to the Airport. He stated that he grew up 25 feet from the subject property and personally did not mind the potential noise.

COMPREHENSIVE PLAN COMPLIANCE:

The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan, Trails Master Plan and other adopted plans:

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character	N
CP	Map 5.2 - Thoroughfare Plan	Y
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	NA
CP	Land Use Policy #17 - The area around the Regional Airport should be reserved for appropriate uses that are less affected by aircraft noise, including office and/or industrial development.	N
CTMP	NA	NA

CP = Comprehensive Plan CTMP = Citywide Trails Master Plan

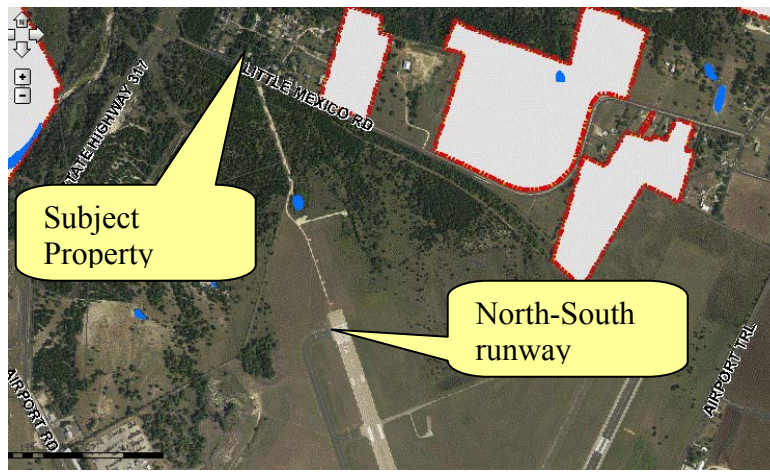
Future Land Use and Character (CP Map 3.1)

The future land use and character map designates the property as Agricultural. The rezoning request does not comply with the map. The proximity to airport property plays a large role in why this area is not shown for future residential development.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates Little Mexico Road as a Local Street. The paved width of Little Mexico road is approximately 22 feet. In a recent survey of all of the roads in the City, the Public Works department assigned Little Mexico Road a C rating, with A being the best and F being the worst. However, with that being said, the rezoning request complies with the Thoroughfare Plan since it is appropriate for single-family residential uses to front on a Local Street.

Notes from the Comprehensive Plan rewrite project in 2008 show that Little Mexico Road was consciously chosen not to be upgraded to a future Collector Street on the Thoroughfare Plan map in order to avoid encouraging residential growth immediately north of the North-South Airport runway.



Availability of Public Facilities (CP Goal 4.1)

The Pendleton Water Supply Corporation maintains a 2½ -inch water line adjacent to the property. Bell County has approved a septic system permit for the property. The City has no public utilities in the vicinity of the subject property.

Land Use Policy #17

The Comprehensive Plan states that the area around the Airport should be reserved for appropriate uses that are less affected by aircraft noise, including office and/or industrial development. The rezoning request does not comply with this policy statement.

PUBLIC NOTICE:

Nine notices of the Planning and Zoning Commission public hearing were sent out. As of Wednesday, September 15 at 5 PM, three notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on September 9, 2010 in accordance with state law and local ordinance

FISCAL IMPACT: NA

ATTACHMENTS:

Aerial
Land Use and Character Map
Building Footprints Map
Zoning Map
Utility Map
Notice Map
Response Letters
P&Z Staff Report (Z-FY-10-49)
P&Z Minutes (September 20, 2010)
Ordinance



Z-FY-10-49

0.253 acres of OB# 7171-A

8566 Little Mexico Rd



Feet 0 50 100 150 200

 ZF Y1049

J Stone 8.25.10



Z-FY-10-49

0.253 acres of OB# 7171-A

8566 Little Mexico Rd



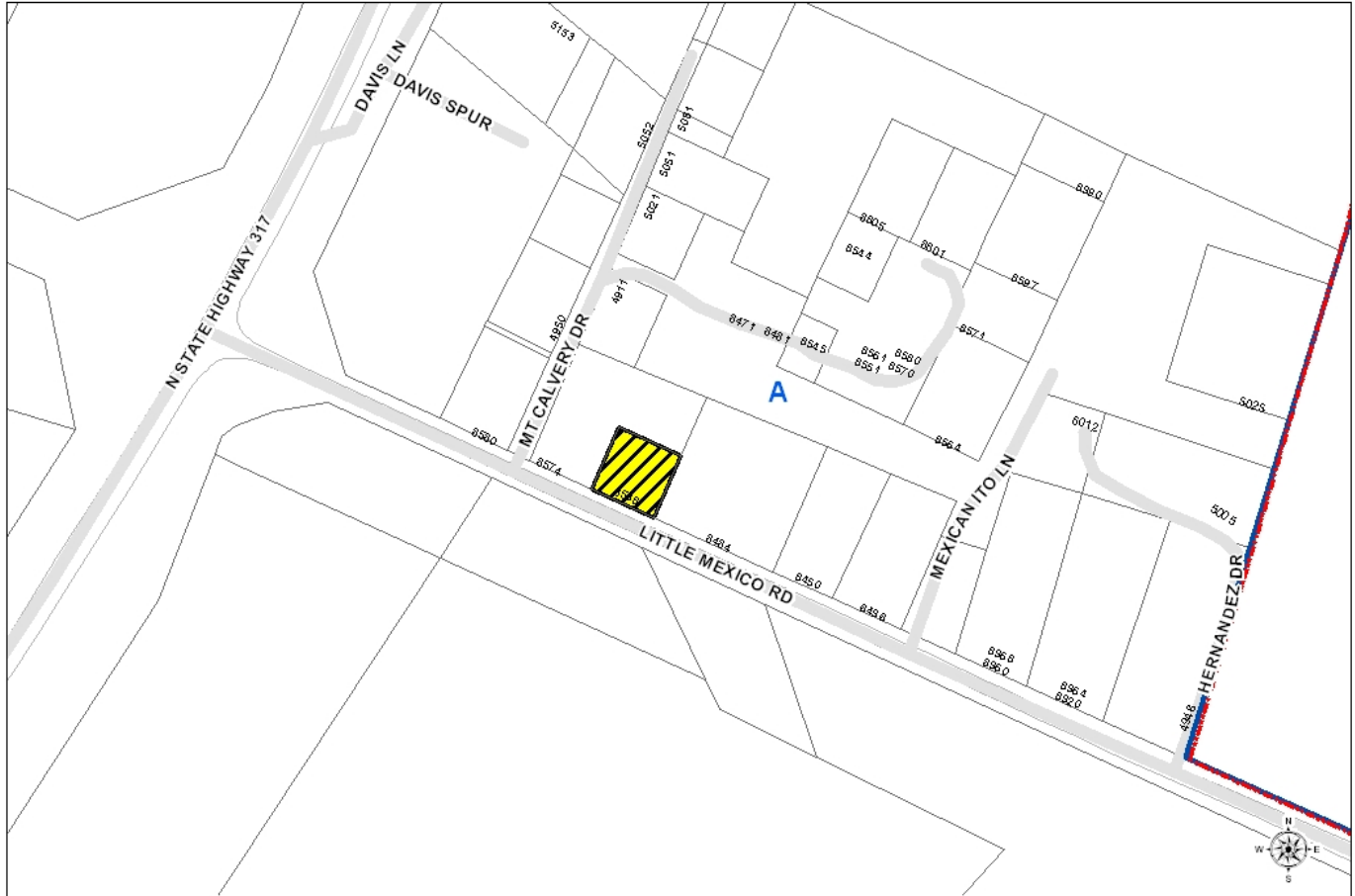
(Note: Map is from 1997 but still accurate. However, subject property currently has no structures on it)



Z-FY-10-49

0.253 acres of OB# 7171-A

8566 Little Mexico Rd



 ZFY1049

Feet 0 50 100 150 200

J Stone 8.25.10



Z-FY-10-49

0.253 acres of OB# 7171-A

8566 Little Mexico Rd



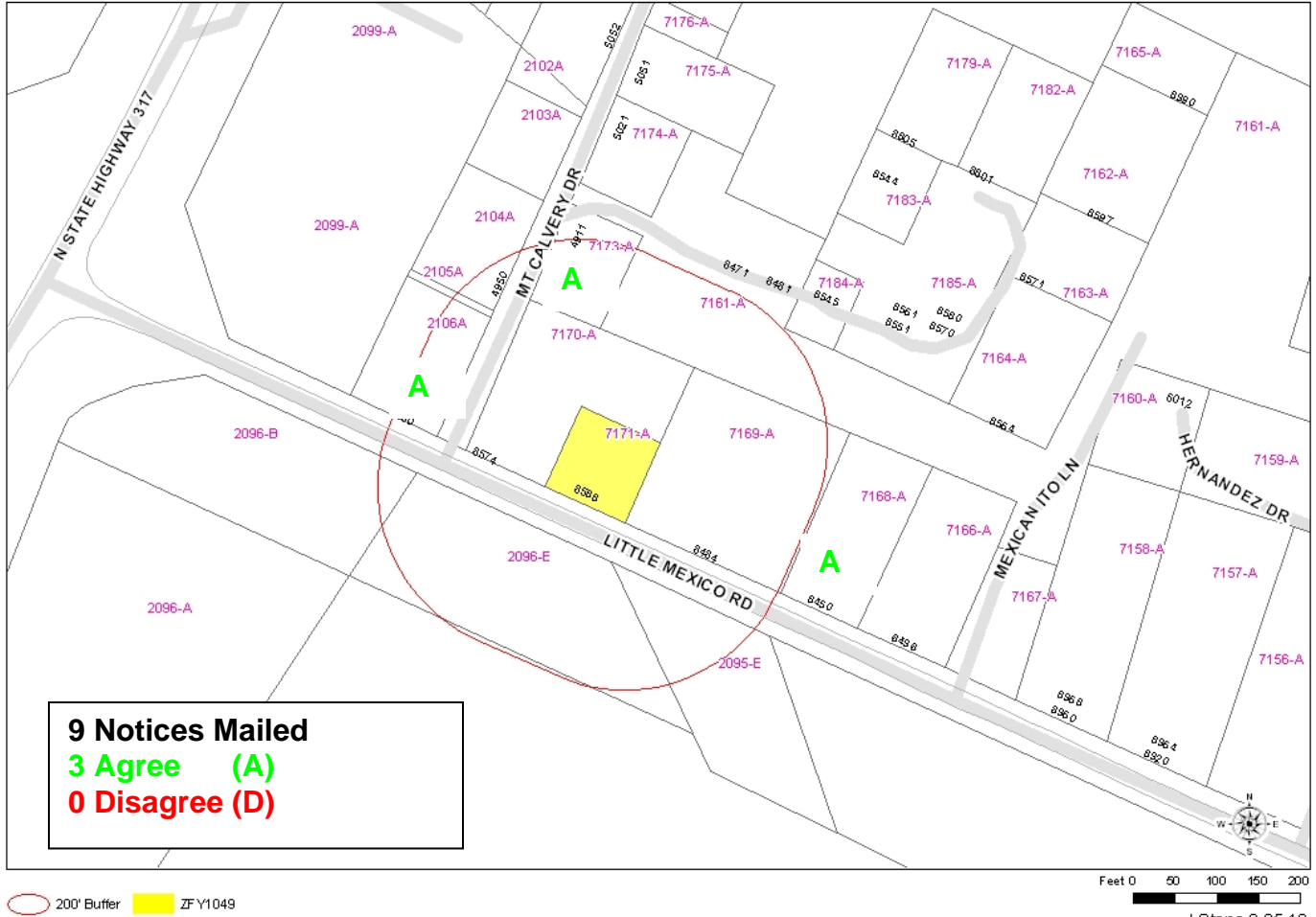
No City utilities in the area



Z-FY-10-49

0.253 acres of OB# 7171-A

8566 Little Mexico Rd





RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

RECEIVED

SEP 15 2010

City of Temple
Planning & Development

Juanita Davila
8580 Little Mexico Road
Temple, Texas 76504

Zoning Application Number: Z-FY-10-49

Project Manager: Brian Mabry

The proposed rezoning will allow construction of a single family residential home which is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend ☒ approval () denial of this request.

Comments:

Juanita Davila
Signature

Juanita Davila
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than September 20, 2010.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

SEP 17 2010

City of Temple
Planning & Development

Number of Notices Mailed: 9

Date Mailed: September 10, 2010



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Martina Davila
8450 Little Mexico Road
Temple, Texas 76504

Zoning Application Number: Z-FY-10-49

Project Manager: Brian Mabry

The proposed rezoning will allow construction of a single family residential home which is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend ☒ approval () denial of this request.

Comments:

Thank you for allowing this
young couple the opportunity to
build their first home! 😊

Martina Davila
Signature

Martina Davila
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than September 20, 2010.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED
SEP 15 2010
City of Temple
Planning & Development

Number of Notices Mailed: 9

Date Mailed: September 10, 2010



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Robert Etux Martha Leija
4971 Mc Calvary Drive
Temple, Texas 76504

Zoning Application Number: Z-FY-10-49

Project Manager: Brian Mabry

The proposed rezoning will allow construction of a single family residential home which is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend ☒ approval ☐ denial of this request.

Comments:

Martha Leija
Signature

Martha Leija
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than September 20, 2010.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

SEP 16 2010

City of Temple
Planning & Development

Number of Notices Mailed: 9

Date Mailed: September 10, 2010



PLANNING AND ZONING COMMISSION AGENDA ITEM

09/20/10
Item #3
Regular Agenda
Page 1 of 5

APPLICANT / DEVELOPMENT: David & Christina Davila

CASE MANAGER: Brian Mabry, AICP, Planning Director


ITEM DESCRIPTION: Z-FY-10-49 Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (A) to Single Family One District (SF1), on a 0.23 ± acre tract of land in the John Cummings Survey, Abstract No. 178, located at 8566 Little Mexico Road.





BACKGROUND: The applicants request this rezoning in order to build a single-family residence on the subject property, which is .23 acres or just over 10,000 square feet in area, and approximately 200 feet from the Draughton-Miller Central Texas Regional Airport. The property and its surroundings were annexed in January 2008 with the default Agricultural zoning district designation. This lot size is too small to build a house on in the Agricultural zoning district. However, a foundation has already been poured for the house without applying for a building permit. The foundation is setback approximately 34 feet from the front property line and approximately 13 feet and 33 feet from the side property lines. If the SF-1 rezoning were approved, the placement of the dwelling would comply with the SF-1 setbacks. In addition, if the rezoning is approved, and if the Commission believes it is appropriate to allow further residential development in this area, then the Future Land Use and Character Map should be considered for amendment to recommend residential uses for the area.

The attached aerial and building footprint map show that the area is somewhat heavily developed with single-family dwellings that were constructed prior to annexation. This is the first new dwelling proposed for the area since annexation.

SURROUNDING PROPERTY AND USES:

The following table shows the existing zoning and current land uses for the subject property and its general vicinity:

Direction	Zoning	Current Land Use	Photo
Subject Property	A (SF-1 proposed)	Newly poured house foundation	

Direction	Zoning	Current Land Use	Photo
North	A	Undeveloped	
South	A	Undeveloped (across Little Mexico Road)	
East	A	Single-family dwelling	
West	A	Manufactured home	

COMPREHENSIVE PLAN COMPLIANCE:

The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan, Trails Master Plan and other adopted plans:

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character	N
CP	Map 5.2 - Thoroughfare Plan	Y
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	NA

Document	Policy, Goal, Objective or Map	Compliance?
CP	Land Use Policy #17 - The area around the Regional Airport should be reserved for appropriate uses that are less affected by aircraft noise, including office and/or industrial development.	N
CTMP	NA	NA

CP = Comprehensive Plan CTMP = Citywide Trails Master Plan

Future Land Use and Character (CP Map 3.1)

The future land use and character map designates the property as Agricultural. The rezoning request does not comply with the map. The proximity to airport property plays a large role in why this area is known shown for future residential development.

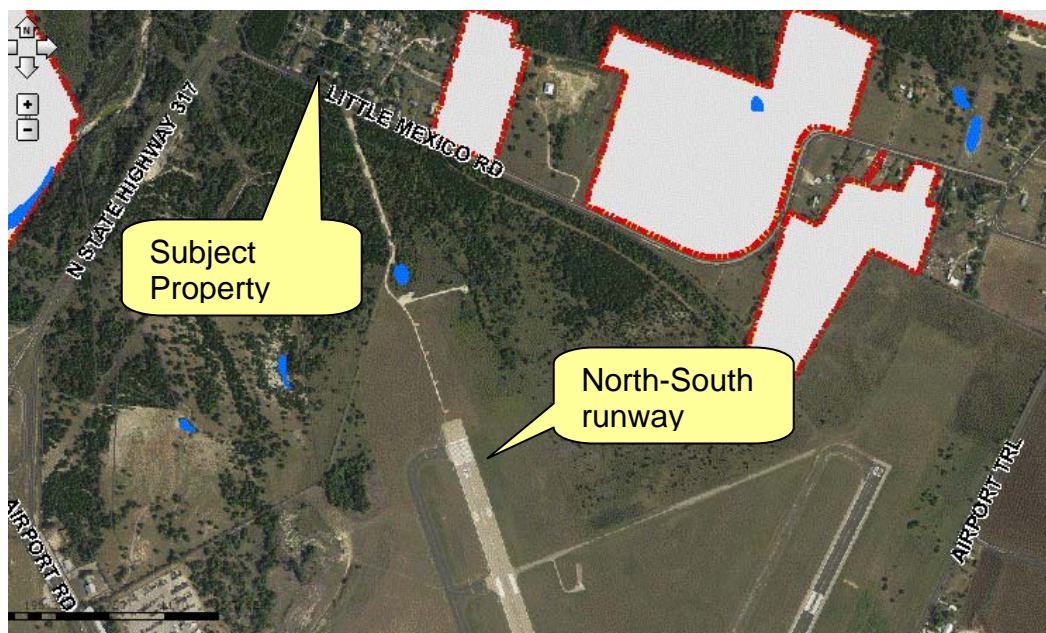
Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates Little Mexico Road as a Local Street. A newly built Local Street in a platted subdivision must have a paved width of 31 feet. A paved width of 22 feet is allowed if the road serves a subdivision with a maximum of two dwelling units per acre. The paved width of Little Mexico road is approximately 22 feet. The residential density of the vicinity of the subject property is approximately one dwelling unit per 1.2 acres, which is less dense than the previously mentioned two dwelling units per one-acre requirement for a 22-foot wide road in a new subdivision. In a recent survey of all of the roads in the City, the Public Works department assigned Little Mexico Road a C rating, with A being the best and F being the worst. However, with that being said, the rezoning request complies with the Thoroughfare Plan.



Little Mexico Road Looking West

Although it is appropriate for a residential use to front on a Local Street, notes from the Comprehensive Plan rewrite project in 2008 show that Little Mexico Road was consciously chosen not to be upgraded to a future Collector Street on the Thoroughfare Plan map in order to avoid encouraging residential growth immediately north of the North-South airport runway.



Availability of Public Facilities (CP Goal 4.1)

The Pendleton Water Supply Corporation maintains a 2½ -inch water line adjacent to the property. Bell County has approved a septic system permit for the property. The City has no public utilities in the vicinity of the subject property.

Land Use Policy #17

The Comprehensive Plan states that the area around the airport should be reserved for appropriate uses that are less affected by aircraft noise, including office and/or industrial development. The rezoning request does not comply with this policy statement.

DEVELOPMENT REGULATIONS:

The purpose of the SF-1 zoning district is to be developed with average or standard single-family lots which serve as a transition between larger and smaller lot single-family districts.

The minimum lot area and setback requirements for a single-family dwelling in the SF-1 zoning district are as follows.

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

PUBLIC NOTICE:

Nine notices of the Planning and Zoning Commission public hearing were sent out. As of Wednesday, September 15 at 5 PM, three notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on September 9, 2010 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends denial of rezoning request Z-FY-10-49 for the following reasons:

1. The request does not comply with the Future Land Use and Character Map; and
2. The request does not comply with Land Use Policy #17 related to incompatible uses near the airport.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial
Land Use and Character Map
Building Footprints Map
Zoning Map
Utility Map
Notice Map
Response Letters (if applicable)

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING**

MONDAY, SEPTEMBER 20, 2010

ACTION ITEMS

Item 3: Z-FY-10-49: Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (A) to Single Family One District (SF1), on a 0.23 ± acre tract of land in the John Cummings Survey, Abstract No. 178, located at 8566 Little Mexico Road. (Applicant: David & Christina Davila)

Mr. Brian Mabry, Planning Director, stated this case would go to City Council for first reading on October 7, 2010, and second reading on October 21, 2010.

This request was to establish a Single Family (SF) dwelling on one lot that was .23± acre, approximately 10,000 square feet. The lot was currently zoned Agricultural (A) which required a one acre minimum lot size. Under the current Zoning Ordinance, this lot was too small to build a house on. Beginnings of a foundation were already on the property. If this request were approved for Single Family One (SF1), the foundation and framed up area would meet the setback standards of SF1.

The property and surrounding area were annexed in 2008 and approximately 200 feet from the nearest airport property line. The Figure Ground Map showed development of several single family dwellings already in the area.

Surrounding properties to the north and south were undeveloped, a single family dwelling lay to the east, and a manufactured home lay to the west.

The Future Land Use and Character Map designated the property as A so the request did not comply with it, nor did it comply with Land Use Policy No. 17 in the Comprehensive Plan that stated area around the airport should be reserved for uses that are less effected for airport noise, such as office and industrial development. The rezoning request did not comply with that policy statement.

The whole area was zoned A and this was the first attempt at a rezoning in this area. The Thoroughfare Plan for the area showed Little Mexico Road designated as a local street. During the drafting of the Comprehensive Plan, proposals of making Little Mexico Road as a collector street were noted, but a conscientious effort was made not to upgrade the status in order to discourage further growth this close to the airport.

Pendleton Water Supply would serve the site with a 2-1/2 inch water line. An on-site septic facility was proposed and approved by Bell County for the property. No City utilities were in the area.

Mr. Mabry gave dimensional standards for single family zoned property. The existing partial foundation met all requirements.

Nine (9) notices were mailed to surrounding property owners; three (3) were returned in favor and zero (0) notices were returned in opposition.

Staff recommended denial of this request since it did not comply with the Future Land Use and Character Map and Land Use Policy No. 17 related to compatible uses.

Commissioner Barton asked if the structures surrounding the property were built prior to annexation and Mr. Mabry stated yes, annexation occurred in 2008 and those predated annexation. Commissioner Barton asked if the applicant got a permit for the foundation and Mr. Mabry stated no, a permit was not issued for the work already done. Chair Talley asked if the permit was obtained by a construction company or the owner and Mr. Mabry stated they were "usually" done by the contractor of the property.

Chair Talley opened the public hearing.

Mr. David Davila Jr. of 5000 Mt. Calvary Dr., Temple, stated he was the owner of the land and asked why their request would not pass when other houses were there and he had lived in the same area for 25 years. The airplanes were not a problem. Mr. Davila stated he did not know a permit was needed.

Mr. Mabry stated the Comprehensive Plan had a recommendation that in the future, residential development should not occur near the airport. The possible rationale was that the noise could possibly lead to other issues even though the airport was located in the area first.

Mr. Davila stated he lived in the area for 25 years and airplanes did not bother him. He did not see what difference it made to live 4 or 5 houses down from where he was currently living.

Commissioner Barton asked Mr. Davila when he purchased the land and Mr. Davila stated "about a year and a half ago." Vice-Chair Martin asked when the community was annexed and Mr. Mabry stated "January '08."

Vice-Chair Martin stated it would be nice to uphold the Comprehensive Plan and everything that had been put into it, but at the same time, Mr. Davila had lived there for 25 years and all he wanted to do was build his house in the same community a couple of lots over. Vice-Chair Martin did not see how the Board could deny him that.

Commissioner Barton asked Mr. Mabry when someone bought a piece of property like this, was there any kind of deed restrictions and Mr. Mabry stated realtors might notify a person when they are buying property, and provide the buyer with the zoning of the property, and whether what the person wanted to do

would be allowed or not. Commissioner Barton specifically asked about Future Land Use and Character Maps and Land Use Policy No. 17. Mr. Mabry stated he had occasionally received calls from realtors asking what the Future Land Use designations were for various properties. Commissioner Pilkington stated it was easy to purchase property and not know that information. Commissioner Barton asked about a deed restriction and Mr. Mabry stated a deed restriction was usually part of a newer platted subdivision were privately enforced rules that the City did not get involved with while zoning is public rules that the City enforced. Commissioner Barton commented that Mr. Davila would not know this when he bought the property and Mr. Mabry stated there were no deed restrictions on that set of homes. As far as zoning, if the seller did not tell or the buyer did not ask, they would not have known. Mr. Davila stated he did not know about any of this. Chair Talley stated Mr. Davila tried to clear as much as he knew through his attorney.

Commissioner Sears asked about the water situation and Mr. Davila stated it would be through Pendleton Water.

Commissioner Pilkington asked Mr. Davila if he understood if this request were approved and the house were built and possibly sold someday; it would be Mr. Davila's responsibility to tell the buyer the house was built knowing the airport was there. Mr. Davila said he would not sell it.

Commissioner Staats stated the airport just went under complete runway expansion and there may be grander plans for the airport. Commissioner Martin stated he asked the City Manager about the runway expansion and part of the reason was due to, in the summertime, small aircraft needed the expanded runway in order to land and Mr. Blackburn stated there were no speculations for commercial aircraft anytime in the foreseeable future. There being no further speakers, Chair Talley closed the public hearing.

Commissioner Staats made a motion for approval of the rezoning request for Z-FY-10-49 and Commissioner Barton made a second.

Motion passed: (8:0)

Commissioner Pope absent

ORDINANCE NO. _____

[PLANNING NO. Z-FY-10-49]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO SINGLE FAMILY ONE DISTRICT (SF1) ON AN APPROXIMATELY 0.23 ACRE TRACT OF LAND IN THE JOHN CUMMINGS SURVEY, ABSTRACT NO. 178, IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, LOCATED AT 8566 LITTLE MEXICO ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Agricultural District (A) to Single Family One District (SF1) on an approximately 0.23 acre tract of land in the John Cummings Survey, Abstract No. 178, located at 8566 Little Mexico Road, Temple, Bell County, Texas, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

Part 3: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

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 7th day of October, 2010.

PASSED AND APPROVED on Second Reading on the **21st** day of **October**, 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

10/07/10
Item #9
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, AICP, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-10-50: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to Single Family One District (SF1) on a 10.00 ± acre tract of land in the Maximo Moreno Survey, Abstract No. 14, in the City of Temple, Bell County, Texas, located on the north side of West FM 93, adjacent to and west of Ridgewood Estates.

P&Z COMMISSION RECOMMENDATION: At its September 20, 2010 meeting, the Planning and Zoning Commission voted 7/1 to recommend approval of a rezoning from A to SF-1.

Commissioner Hurd voted against the recommendation for approval and Commissioner Pope was absent.

STAFF RECOMMENDATION: Staff recommends **denial** of Z-FY-10-50, a rezoning from A to SF-1, for the following reasons:

1. The request does not comply with the Future Land Use and Character Map;
2. The request does not comply with the Thoroughfare Plan; and
3. Public sewer lines are not currently available to serve the property and the applicant does not anticipate septic system usage.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-10-50, from the Planning and Zoning meeting, September 20, 2010. The applicant requests the SF-1 zoning district in order to establish a single-family residential subdivision. The only access the subject property has to a public road is Lakeview Lane, which is part of the existing Ridgewood Estates subdivision. The streets in this subdivision are 22 feet in width from edge of pavement to edge of pavement and have no curb and gutter or ribbon curb. Ridgewood Estates has 74 lots and is approximately 36 acres in area, or 2.1 dwelling units per acre.

The subject property, being 10 acres in area, could accommodate approximately 46 single-family dwellings if zoned SF-1. That equates to 4.6 units per acre, over twice as dense as the subdivision its traffic would be feeding into. The applicant contends that he plans to develop the property less dense than indicated above and that he will preserve existing trees and topography. A Planned Development that sets the density of the development and indicates what natural elements of the site are to be preserved would provide some certainty to the public as to how the property will be developed, but at this time the applicant is only seeking a “straight” rezoning.

The applicant owns more property in the area and wants to work with Staff in the near future to produce a Planned Development for the remainder that will integrate the subject property.

COMPREHENSIVE PLAN COMPLIANCE:

The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan, Trails Master Plan and other adopted plans:

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character	N
CP	Map 5.2 - Thoroughfare Plan	N
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	N
CTMP	NA	NA

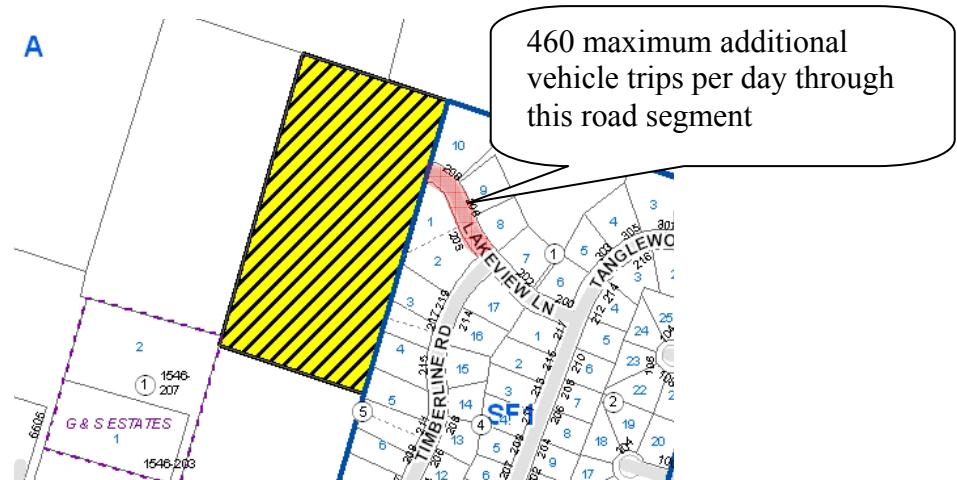
CP = Comprehensive Plan CTMP = Citywide Trails Master Plan

Future Land Use and Character (CP Map 3.1)

The future land use and character map designates the property as Estate Residential. The rezoning request does not comply with the map. However, there are other subdivisions in the area (Las Colinas, Deerfield Estates and Ridgewood Estates) with the same Future Land Use and Character map designations that have SF-1 zoning.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates Lakeview Lane as a Local Street. All other streets in the adjacent Ridgewood Estates subdivision that traffic from the subject property would feed into are Local Streets as well. If the 10 acres were developed at maximum capacity with 46 lots that are 7,500 square feet in area, then according to the Institute of Transportation Engineers, 460 vehicle trips per day would be added to the existing street network of Ridgewood Estates. These additional trips would be forced through the road segment highlighted in red below, before vehicles would have an opportunity to use other streets in Ridgewood Estates.



Lakeview Lane would be functioning as a collector street within the subject property and for the segment highlighted on the map above. Lakeview Lane is not designated as a Collector Street on the Thoroughfare Plan Map, nor is it built to such standard (60' right-of-way and 36' paved width, with curb and gutter). The request does not comply with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

The property is served by a 2 ½ -inch water line and the closest sewer line is approximately 600 feet to the south. The applicant does not anticipate septic system usage. As stated above, the applicant plans on tying into an existing sewer line approximately 1,800 feet to the north. Public facilities are not currently available for the property.

PUBLIC NOTICE:

Sixteen notices of the Planning and Zoning Commission public hearing were sent out. As of Monday, September 20, at 5 PM, one notice was returned in favor of and two notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on September 9, 2010 in accordance with state law and local ordinance

FISCAL IMPACT: NA

ATTACHMENTS:

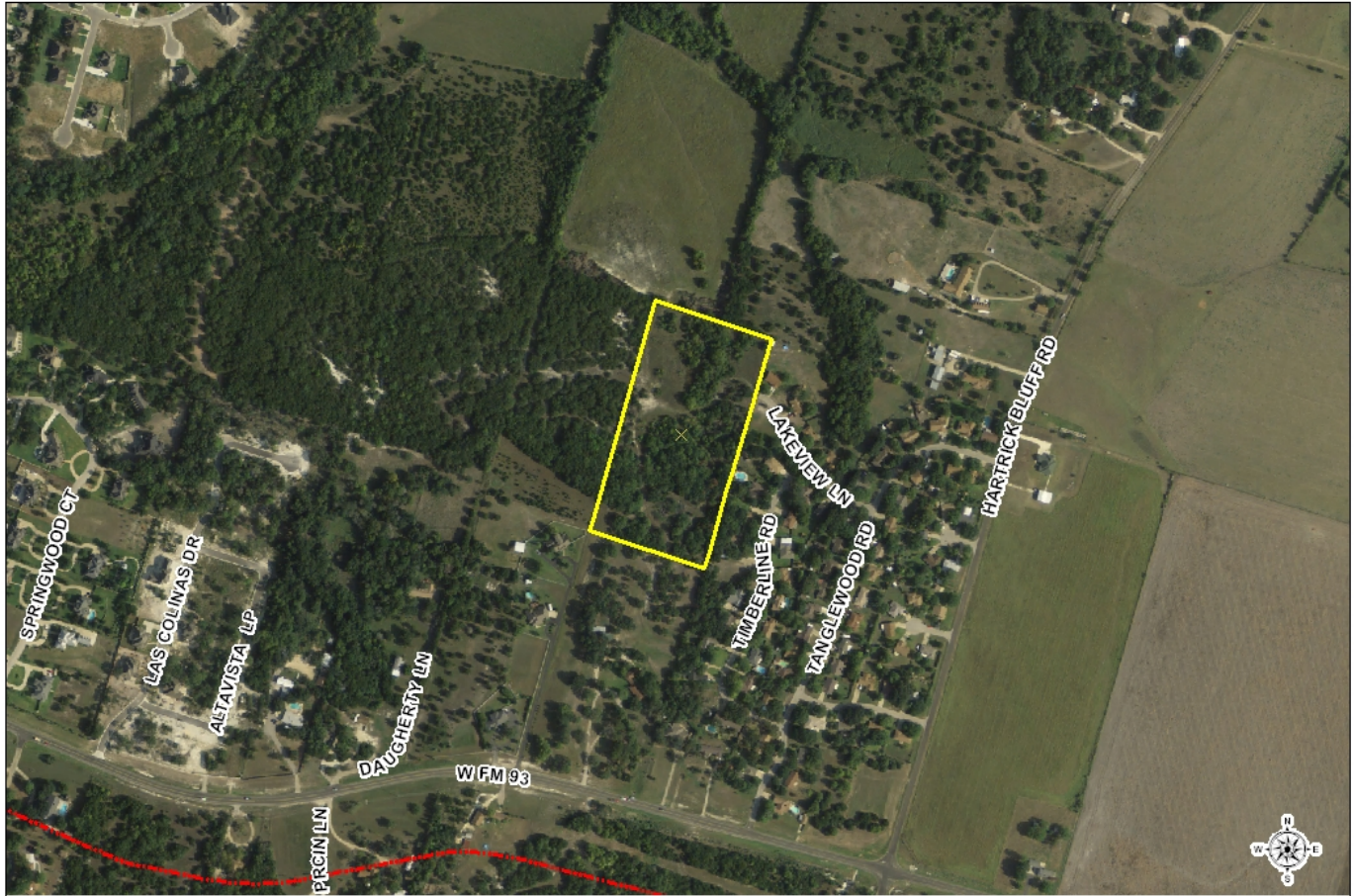
Aerial
Land Use and Character Map
Thoroughfare Plan Map
Zoning Map
Utility Map
Notice Map
Response Letters
P&Z Staff Report (Z-FY-10-50)
P&Z Minutes (September 20, 2010)
Ordinance



Z-FY-10-50

10.00 acres

OB#6054-A



Feet 0 200 400 600

 ZF Y1050

J Stone 8.27.10

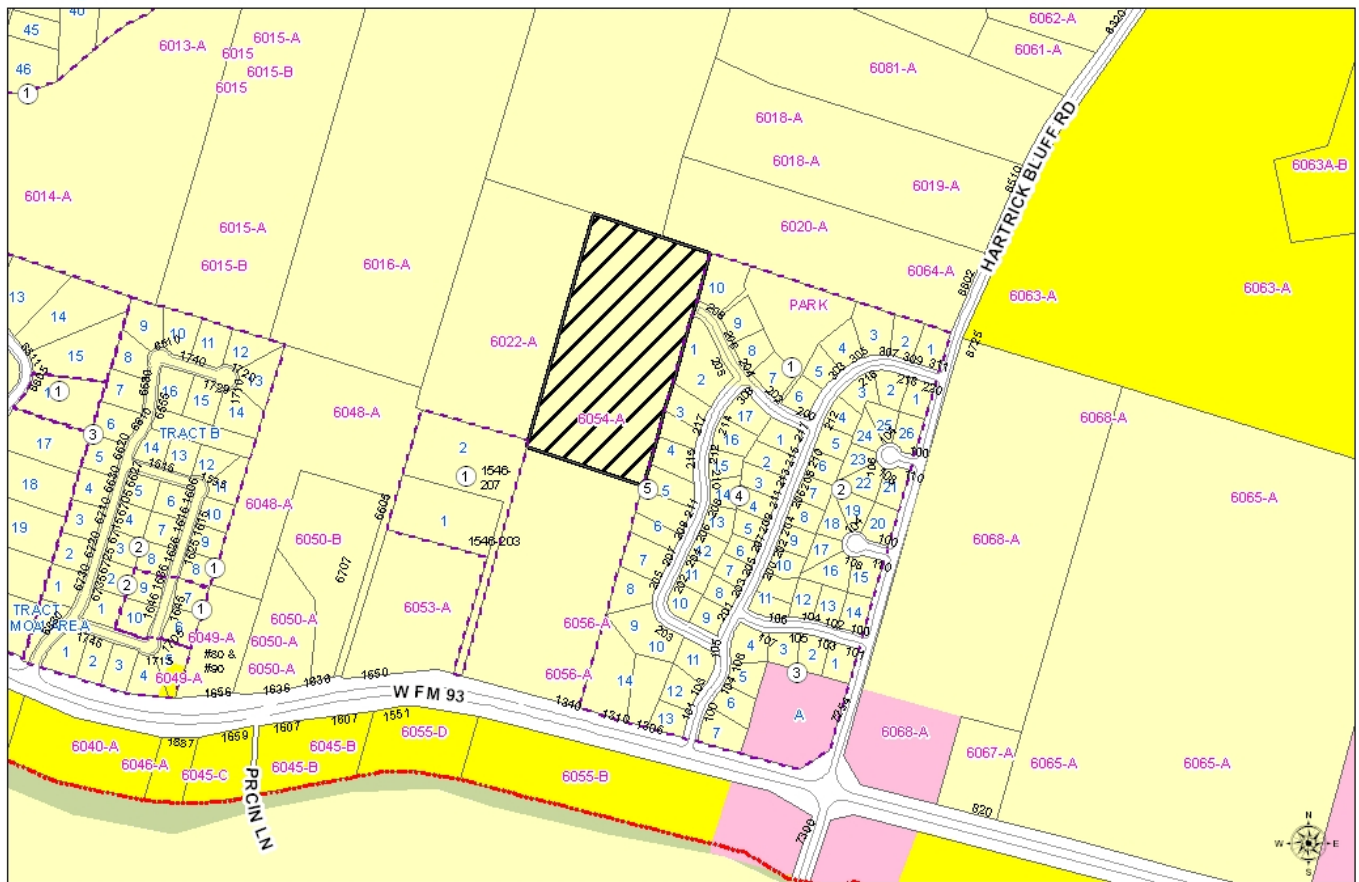


Z-FY-10-50

10.00 acres

Proposed Residential Development

OB#6054-A



- | | | | | |
|-----------------------|-------------------------|---------------------------|----------------------|-----------------------------------|
| Agricultural/Rural | Auto-Urban Multi-Family | Estate Residential | Parks & Open Space | Suburban Residential |
| Auto-Urban Commercial | Auto-Urban Residential | Industrial | Public Institutional | Temple Medical Education District |
| Auto-Urban Mixed Use | Business Park | Neighborhood Conservation | Suburban Commercial | Urban Center |

ZFY1050

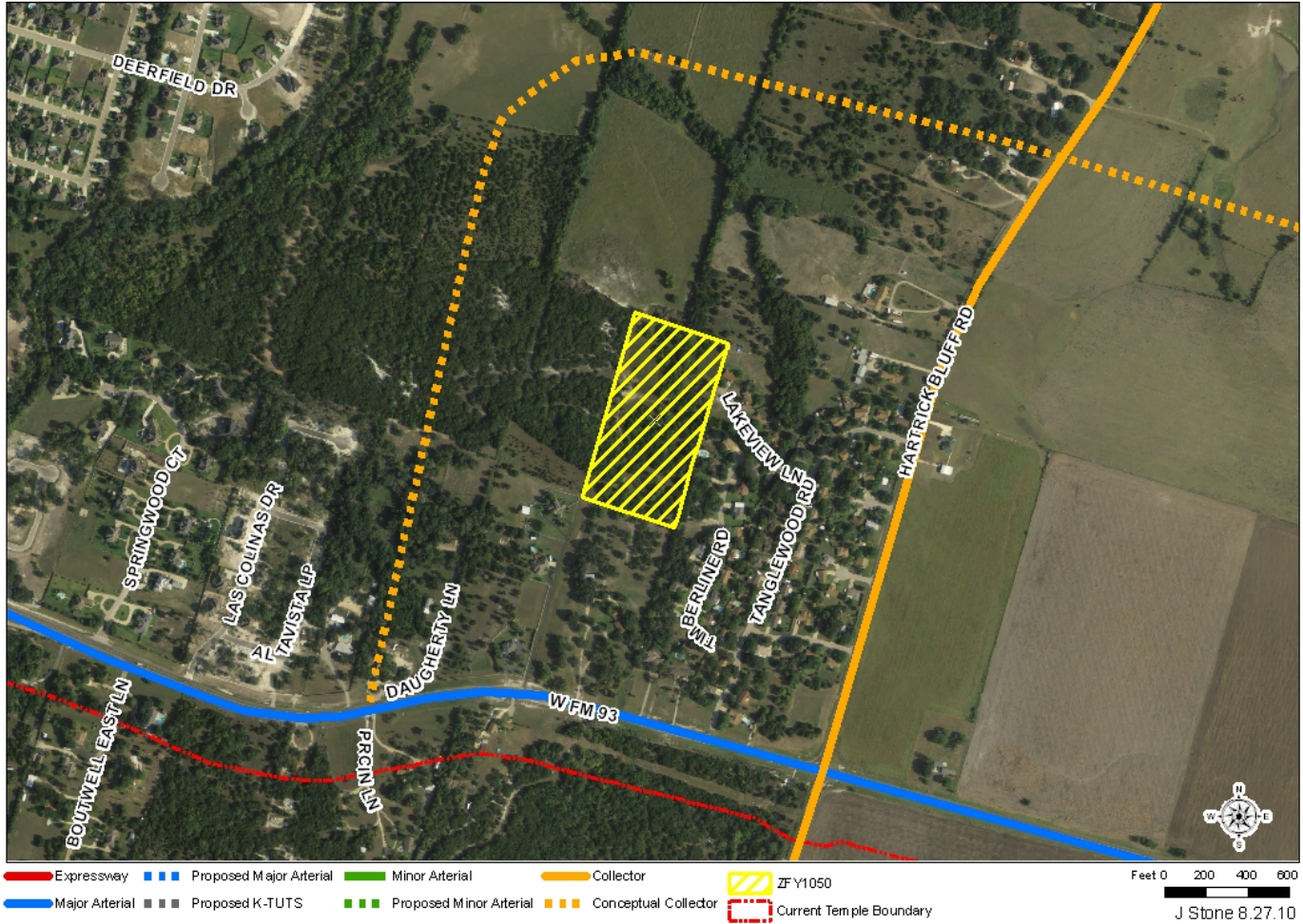
1 inch = 500 feet
J Stone 9.14.10



Z-FY-10-50

10.00 acres

OB#6054-A

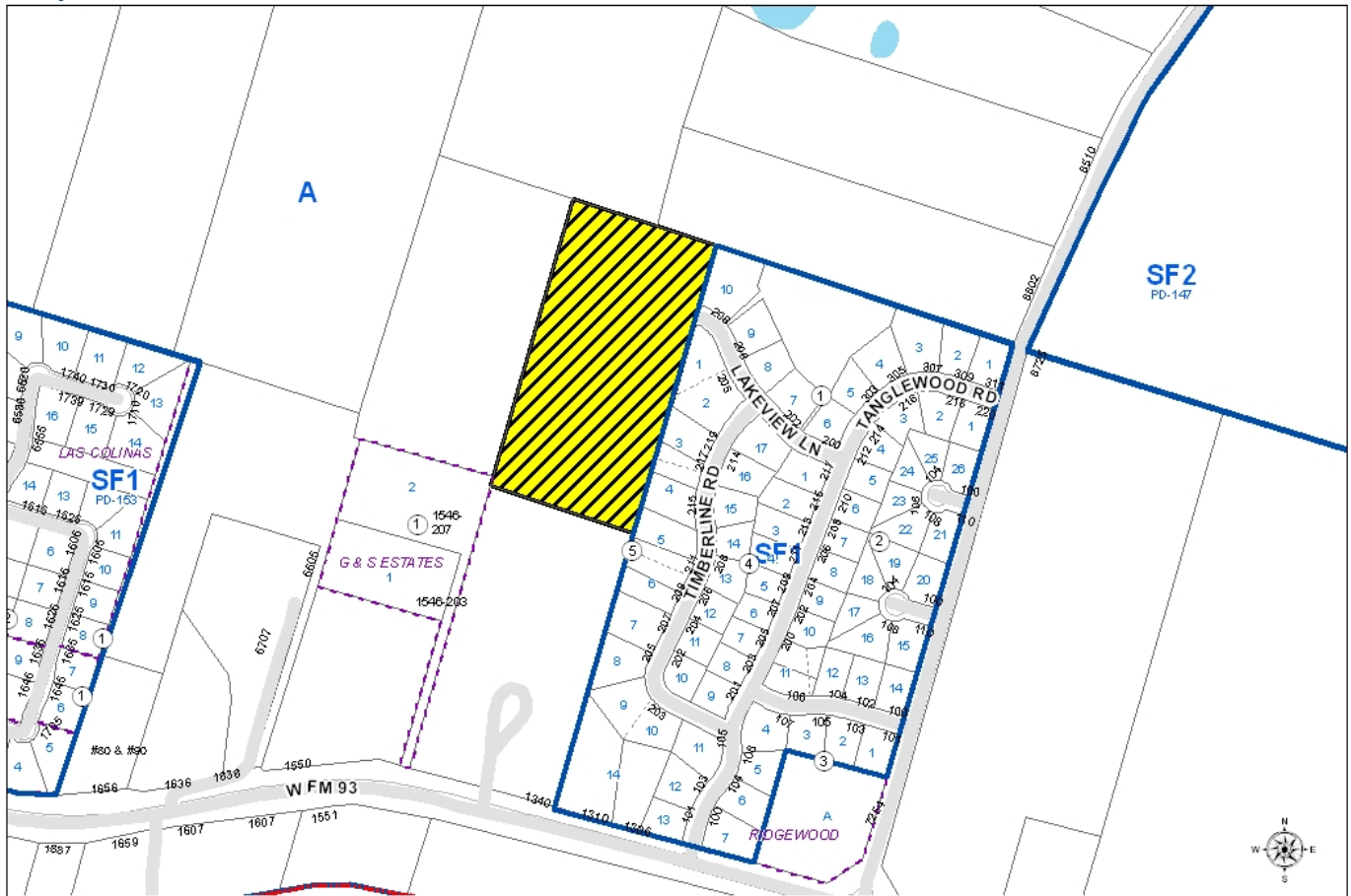




Z-FY-10-50

10.00 acres

OB#6054-A



 ZFY1050

Feet 0 100 200 300 400

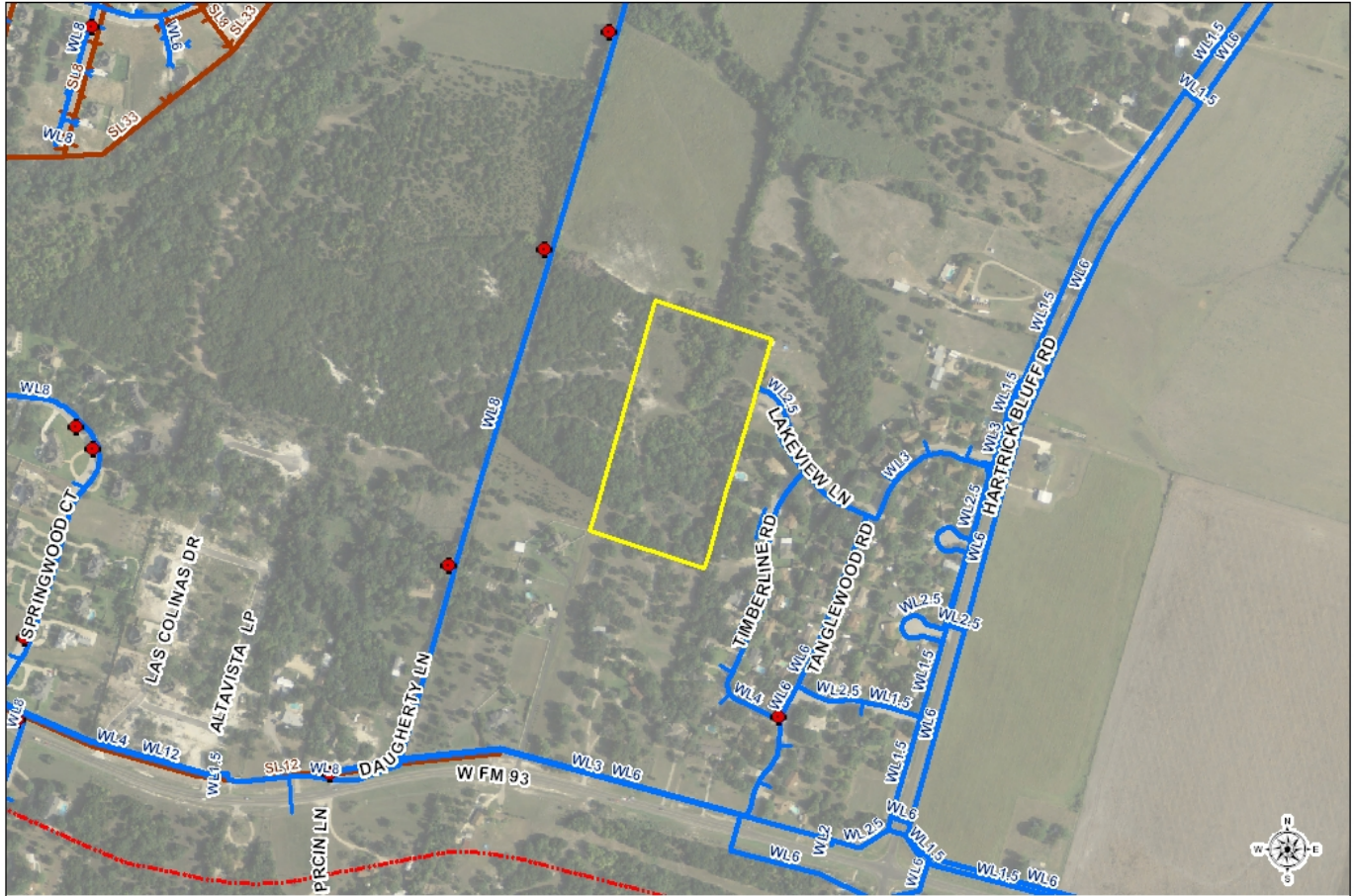
J Stone 8.27.10



Z-FY-10-50

10.00 acres

OB#6054-A



ZFY1050 WATER LINE SEWER LINE

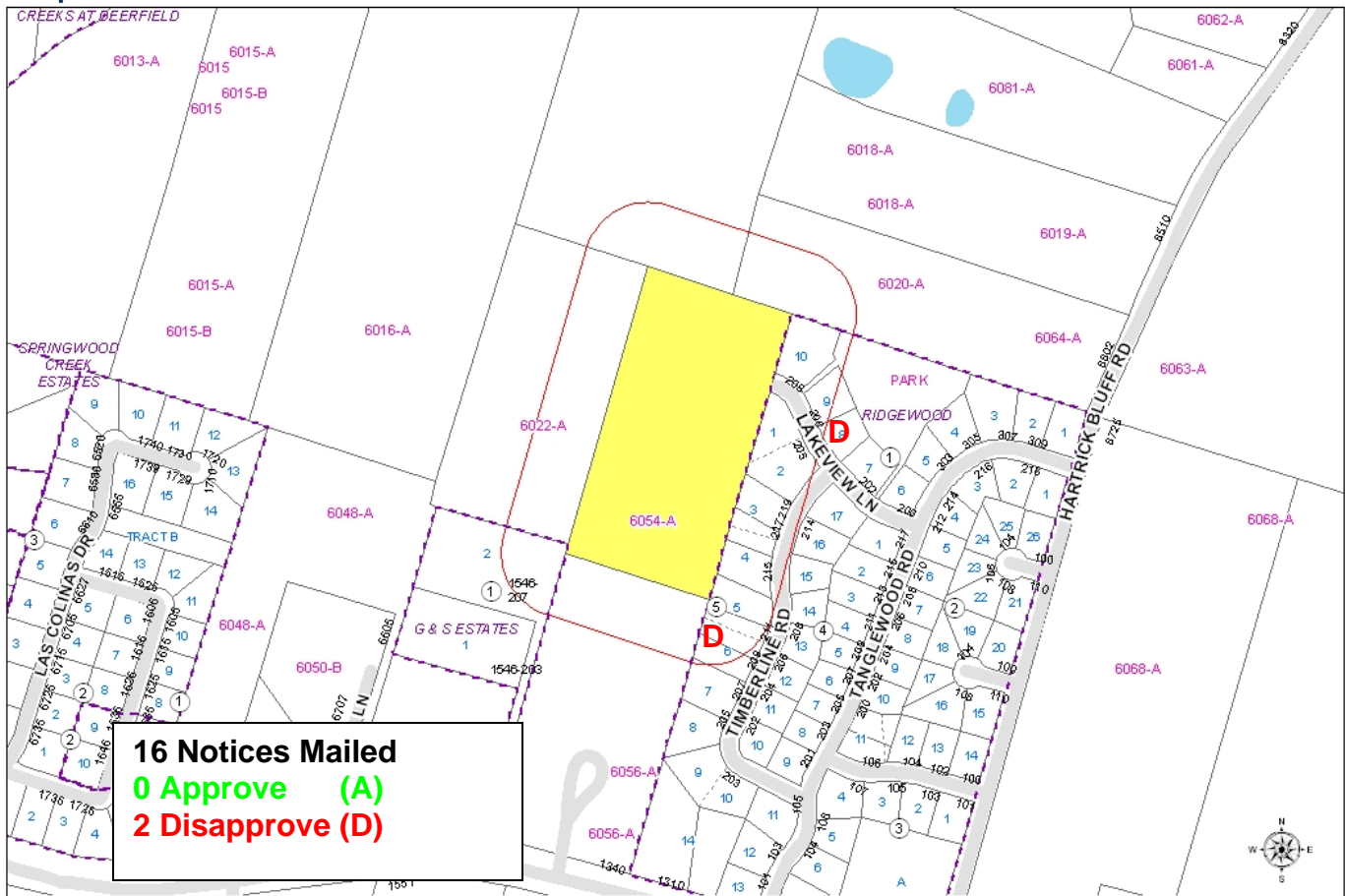
Feet 0 100 200 300
J Stone 8.27.10



Z-FY-10-50

10.00 acres

OB#6054-A



ZF Y1050 ZF Y1050

Feet 0 100 200 300

J Stone 8.27.10

Gary Valentine
209 Timberline Road
Temple, Texas 76502-3532
254-773-4643
[*garylee1031@yahoo.com*](mailto:garylee1031@yahoo.com)

RECEIVED

SEP 15 2010

City of Temple
Planning & Development

September 15, 2010

Brian Mabry, Project Manager
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

SUBJECT: Rezoning Application Number: Z-FY-10-50

I recommend denial of this request.

I am submitting the following comments for your consideration:

1. We've enjoyed the peace and tranquility of the proposed area for many years and would like to continue this enjoyment. While I realize that this comment may not bear much weight, I have taken the liberty to include it.
2. From the attached map it appears that the only residential access to the proposed area will be Lakeview Lane. Not only will safety to our residents during construction of new residences be a concern, but the streets are in poor condition to handle construction traffic. Tanglewood Road, in particular, has sections with uneven surfaces due to subsidence.
3. The water lines in our distribution system are quite old, and I'm not sure of their capacity. If my memory is correct, a water main that conveyed water to the former Taylor's Valley WSC plant was installed south from 31st Street and lies on the west side of the proposed area. If this proposed change is accepted, and residences are constructed, their water should be provided from the main on the west side.

4. Our water pressure is normally excellent. However, during times of extended dry spells, the pressure drops quite low in the early morning while lawns are being watered and people are preparing to leave for work or school. Additional residences will only aggravate this problem regardless of being connected to our distribution system or the west water main.

5. New residences in the proposed area will rely on septic systems. I trust that the city will control both the number of residences and installation of the septic systems to insure that those of us southeast and east of the area will not suffer septic odors when the winds blow from the north or northwest.

6. The attached map shows an unnumbered area in the north of our neighborhood with an "SF1" inside the delineation. As I recall, this is the area reserved by the developer of Ridgewood Estates (initially, our neighborhood's name) to be developed into a park. The park project was never undertaken, and eventually we were annexed by Temple. I understood that the city was going to develop a neighborhood park as part of annexation. The area remains undeveloped.

I would hazard a guess that the eight neighbors who border this area would prefer that it remain as is. Further, I imagine that those of us that border the area proposed for rezoning feel the same. If the city council approves the zoning request, they should also authorize development of a neighborhood park for the enjoyment of their citizens in our neighborhood.

A handwritten signature in cursive script that reads "Gary Valentine". The signature is written in dark ink and is positioned above the printed name.

Gary Valentine



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

RECEIVED

SEP 14 2010

City of Temple
Planning & Development

Kenneth Etux Mary Rheay
204 Lakeview Lane
Temple, Texas 76502

Zoning Application Number: Z-FY-10-50

Project Manager: Brian Mabry

The proposed rezoning will allow a residential development which is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend () approval

(☒) denial of this request.

Comments:

Developer needs to gain easement so development
can enter/exit on FM93 - perhaps via G&S Estates
Already too much traffic in Ridgewood Estates

Kenneth Rheay
Mary Alice Rheay
Signature

Kenneth Rheay
Mary Alice Rheay
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than September 20, 2010.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

Number of Notices Mailed: 16

Date Mailed:

September 10, 2010



PLANNING AND ZONING COMMISSION AGENDA ITEM

09/20/10
Item #4
Regular Agenda
Page 1 of 4

APPLICANT / DEVELOPMENT: Mark Rendon for Sterling Trust Company

CASE MANAGER: Brian Mabry, AICP, Planning Director

ITEM DESCRIPTION: Z-FY-10-50 Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (A) to Single Family One District (SF1) on a 10.00 ± acre tract of land in the Maximo Moreno Survey, Abstract No. 14, in the City of Temple, Bell County, Texas, located on the north side of West FM 93, adjacent to and west of Ridgewood Estates.

BACKGROUND: The applicant requests the SF-1 zoning district in order to establish a single-family residential subdivision. The only access the subject property has to a public road is Lakeview Lane, which is part of the existing Ridgewood Estates subdivision, platted in 1969 and annexed in 1995. The streets in this subdivision are 22 feet in width from edge of pavement to edge of pavement and have no curb and gutter or ribbon curb. Ridgewood Estates has 74 lots and is approximately 36 acres in area, or 2.1 dwelling units per acre.


The subject property, being 10 acres in area, could accommodate approximately 46 single-family dwellings if zoned SF-1. That equates to 4.6 units per acre, over twice as dense as the subdivision its traffic would be feeding into.

Staff asked the applicant about the feasibility of requesting the Urban Estate zoning district instead of SF-1 and using septic systems instead. However, the applicant replied that he is working with an engineer to connect to an existing 24" sewer line north of the property near Friars Creek, approximately 1800 feet to the northwest and wants to sustain his SF-1 request. This sewer connection would be established through the platting process.

SURROUNDING PROPERTY AND USES:

The following table shows the existing zoning and current land uses for the subject property and its general vicinity:

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

Direction	Zoning	Current Land Use	Photo
North	A	Undeveloped	
South	A	Undeveloped	
East	SF-1	Single-family subdivision	

COMPREHENSIVE PLAN COMPLIANCE:

The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan, Trails Master Plan and other adopted plans:

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character	N
CP	Map 5.2 - Thoroughfare Plan	N
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	N
CTMP	NA	NA

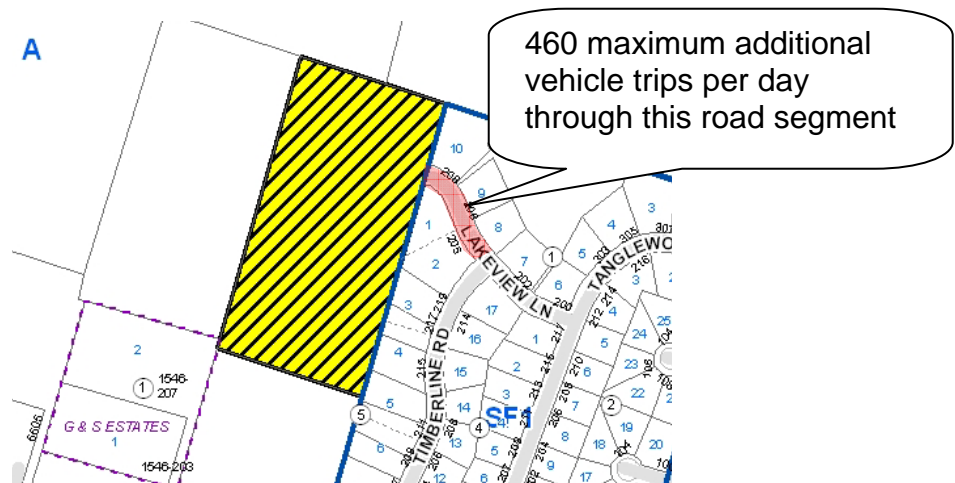
CP = Comprehensive Plan AMP = Airport Master Plan CTMP = Citywide Trails Master Plan

Future Land Use and Character (CP Map 3.1)

The future land use and character map designates the property as Estate Residential. The rezoning request does not comply with the map. However, there are other subdivisions in the area (Las Colinas, Deerfield Estates and Ridgewood Estates) with the same Future Land Use and Character map designations that have SF-1 zoning.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates Lakeview Lane as a Local Street. All other streets in the adjacent Ridgewood Estates subdivision that traffic from the subject property would feed into are Local Streets as well. If the 10 acres were developed at maximum capacity with 46 lots that are 7,500 square feet in area, then according to the Institute of Transportation Engineers, 460 vehicle trips per day would be added to the existing street network of Ridgewood Estates. These additional trips would be forced through the road segment highlighted in red below, before vehicles would have an opportunity to use other streets in Ridgewood Estates.



Lakeview Lane would be functioning as a collector street within the subject property and for the segment highlighted on the map above. Lakeview Lane is not designated as a Collector Street on the Thoroughfare Plan Map, nor is it built to such standard (60' right-of-way and 36' paved width, with curb and gutter). The request does not comply with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

The property is served by a 2 ½ -inch water line and the closest sewer line is approximately 600 feet to the south. The applicant does not anticipate septic system usage. As stated above, the applicant plans on tying into an existing sewer line approximately 1,800 feet to the north. Public facilities are not currently available for the property.

DEVELOPMENT REGULATIONS:

The purpose of the SF-1 zoning district is to be developed with average or standard single-family lots which serve as a transition between larger and smaller lot single-family districts.

The minimum lot area and setback requirements for a single-family dwelling in the SF-1 zoning district are as follows.

SF-1, Single-Family 1	
Min. Lot Area (sq. ft.)	7,500
Min. Lot Width (ft.)	60

Min. Lot Depth (ft.)	100
Max. Height (stories)	
Min. Yard (ft)	
Front	25
Side	10% width of lot - 6 min & 7.5 max
Rear	10

PUBLIC NOTICE:

Sixteen notices of the Planning and Zoning Commission public hearing were sent out. As of Friday, September 17, at 5 PM, no notices were returned in favor of and two notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on September 9, 2010 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends denial of Z-FY-10-50 for the following reasons:

1. The request does not comply with the Future Land Use and Character Map;
2. The request does not comply with the Thoroughfare Plan; and
3. Public sewer lines are not currently available to serve the property and the applicant does not anticipate septic system usage.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

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

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING**

MONDAY, SEPTEMBER 20, 2010

ACTION ITEMS

Item 4: Z-FY-10-50: Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (A) to Single Family One District (SF1) on a 10.00 ± acre tract of land in the Maximo Moreno Survey, Abstract No. 14, in the City of Temple, Bell County, Texas, located on the north side of West FM 93, adjacent to and west of Ridgewood Estates. (Applicant: Mark Rendon for Sterling Trust Company)

Commissioner Staats stated he needed to abstain from this Item.

Mr. Mabry stated the purpose of this rezoning was to establish a single family subdivision on 10± acres, located adjacent to Ridgewood Estates Subdivision and the property was annexed in 1995. Under Single Family (SF) zoning, the subject property would yield approximately 46 lots, which amounted to approximately 4.6 dwelling units per acre. Ridgewood Estates had streets 22 feet in width with no ribbon curb or standard curb and gutter. Surrounding areas to the west, north, and south were undeveloped land and to the east was Lakeview Road, which dead ended at the property line for the subject property.

The Future Land Use and Character Map designated the property as Estate-Residential and the zoning request did not comply with the Future Land Use and Character Map. However, there are three subdivisions in the area of the subject property that are SF1 even though designated as Estate-Residential: Creeks of Deerfield, Las Colinas, and Ridgewood Estates. The Thoroughfare Plan designated Lakeview Lane as a local street and all other streets in Ridgewood are local streets. Hartrick Bluff was a collector street and FM 93 was a major arterial.

If the property were subdivided at maximum capacity under SF1, it would yield 46 lots which, according to the Institute of Transportation Engineers, would statistically amount to 460 vehicle trips per day that would be fed onto a portion of Lakeview Lane from the subject property. Lakeview Lane at that point would function as a collector street and would not comply with the Thoroughfare Plan.

Utilities for surrounding properties were served by a 2-1/2 inch water line along Lakeview Lane and dead ended at the subject property. Approximately 600 feet to the south lay a sewer line along FM 93 and outside the boundaries of the aerial was another sewer line the applicant would have the potential to tie onto to serve the subject property and potentially the existing subdivision.

Mr. Mabry gave the dimensional standards.

16 notices were mailed: three (3) were returned in favor and two (2) in opposition.

Staff recommended denial of this rezoning because the request did not comply with the Future Land Use and Character Map or the Thoroughfare Plan and public sewer lines are not currently available to serve the property and applicant did not anticipate septic system usage.

Mr. Mabry clarified the Thoroughfare Plan information for Commissioner Pilkington.

Chair Talley asked about the sewer line being so far away and the property owner not anticipating using septic tanks. He asked who would pay for the sewer to be brought onto the property if rezoning were approved. Mr. Mabry stated no application had been submitted yet, however, there is usually a cost sharing agreement between the City and developer with an agreed upon percentage to be paid by each party. Mr. Mabry was not certain of the percentage.

Chair Talley opened the public hearing.

Ms. Connie Koenig of 205 Lakeview Lane in Ridgewood Estates, stated when the property was annexed in January of '95, within a certain amount of time sewer was suppose to be delivered but never was. Ms. Koenig stated that was why several people in the area were for the rezoning—in order to receive sewer since septic was still being used. Mr. Mabry stated the applicant's plans for the extension was the sewer line that may be built would be adjacent to her subdivision and would allow tying in. The applicant could explain in more detail during his presentation. Commissioner Barton stated it was out of their hands at that point. Ms. Koenig stated she was in favor of approval.

Mr. Ron Robbins, 202 Tanglewood Road, stated Tanglewood Road ran from Hartrick Bluff to FM 93 and would be one of the main roads people would use. Mr. Robbins asked why only 16 notices were sent since this would affect everyone in the neighborhood. Mr. Mabry stated whenever there was a rezoning, state statutes required the City to notify all property owners within 200 feet of the property and based on the tax rolls and ownerships, send out the notifications. Mr. Robbins felt everyone should have been notified since it was a small area.

Mr. Gary Valentine, 209 Timberline Road, stated he submitted comments to Mr. Mabry for consideration. However, after hearing previous testimony, he was interested in the sewer system and asked if the proposed homes would be allowed to be built on septic systems. Mr. Valentine's questions were: 1) what would be the route of the sewer lines and 2) it was his understanding a certain percentage (50% or more) of the residents in the neighborhood would need to vote for the sewer lines, and if approved, then the individual resident would pay to hook up to the lines. Mr. Valentine stated many residents were satisfied with

the septic systems. Mr. Mabry stated he would have to research the annexation agreement before answering. Mr. Mabry also stated any sewer lines installed would have to meet the Subdivision Regulations.

Ms. Trudi Dill stated Mr. Valentine may be referring to a policy in the Ordinance for cost sharing. There was a section for new development with the cost sharing agreement and a subchapter for extension of water and wastewater mains within existing subdivisions. Ms. Dill stated she would get a copy of this information to Mr. Valentine.

Mr. Valentine asked in order for the sewer line to come through the subdivision would more than half of the 74 residents have to vote for the sewer line. Ms. Dill stated there was a provision for 50% and another for 25% and was more complicated than appeared.

Mr. Valentine stated he was concerned with the routing of the sewer line and also Tanglewood Road was not in very good condition to handle the additional traffic and would need significant work done on it.

Mr. Mark Rendon, Stellar Development Company, 413 Downing Street in Belton, stated the purpose of the development was the creation of a high quality residential community that had a uniformed plan of development and preservation of property values and amenities in the community.

Mr. Rendon stated they did not intend to put in the maximum number of lots as suggested. Mr. Rendon described the proposed restrictions to protect the owners of the lots against improper use of surrounding lots that may decrease property value:

- Preserve, as practicable, the natural beauty of the property itself;
- Prohibit the erection of poorly designed or proportion structures and structures built of improper or unsuitable materials;
- Obtain harmonious color schemes;
- Encourage and secure proper location and erection of attractive homes on lots;
- Prevent haphazard and inharmonious improvements on lots; and
- Secure and maintain building setback lines.

Mr. Rendon stated the proposed restrictions were intended to make the area a very nice community. A similar community was located in Little River Academy called The Arbors. There was another community built near this location called Las Colinas.

Stellar Development's vision for the subject property was to target homes in the \$300,000 range and approximately 2200 square feet. They did not want to crowd the area and would not build 4.6 lots per acre as previously discussed. They are looking more at 3 lots per acre although there was no final plan. Mr.

Rendon stated they did not want to overcrowd with a lot of homes and a lot of traffic.

Mr. Rendon stated another vision was to preserve trees. They would like to work with Ridgewood residents for a possible green zone or park area. Stellar would like to work with the City of Temple Planning Department on a new sewer and water supply.

Mr. Rendon showed various examples of Stellar homes and stated Stellar would not build little rental homes and decrease property values. They would like larger than normal lots, to save trees, were high on beautification, intended to do curb and gutter, have lighted streets, etc., a restricted community similar to The Arbors and intended to have all homes tied to city sewer. The chance for Ridgewood to finally get wastewater service is one of their concerns and Stellar would like to see them get that.

Mr. Rendon stated their marketing research showed a need for high end homes in that community and the area shown by Mr. Mabry as UE (Urban Estates) is really not UE anymore. Mr. Rendon would challenge the land use as being urban estate. Adjacent tracts of land are SF1, as well as Deerfield, Las Colinas, and Ridgewood. City services are definitely available nearby. Mr. Rendon used the presentation map to explain several ideas Stellar was proposing.

Mr. Rendon stated Stellar wanted to work with the City on a sensible plan for the area and for the Thoroughfare Plan. Lakeview Lane would have to be used but many things are in the future.

Chair Talley asked Mr. Rendon if the word "ownership" and "control" meant the same to him and he responded yes.

Commissioner Barton asked if the development would have a gated entrance into the area and Mr. Rendon stated no, it would not be a gated community; it was not their plan.

Commissioner Sears stated it was his assumption there was no sketch or plan and Mr. Rendon stated there was nothing finalized at this moment. Commissioner Sears asked if there were any plans to have a construction entrance since there was so much access around the area to avoid the city streets. Mr. Rendon stated it was a good idea but could not answer the question.

Mr. Rendon stated market research showed smaller roads made people go slower so they should be safer.

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

Commissioner Hurd stated he objected to the one way in, one way out, with 40 houses approximately. Mr. Rendon stated his assessment was much less than 40 and Mr. Mabry had to use calculations based on SF1. Mr. Mabry stated 46

lots was the densest scenario that could happen and Mr. Rendon was free to have larger lots than that.

Commissioner Martin made a motion to deny Z-FY-10-50 but died for lack of a second.

Commissioner Sears made a motion to approve the rezoning request of **Z-FY-10-50** and Vice-Chair Martin made a second.

Motion passed: (6:1)

(Commissioner Hurd voted Nay);

Commissioner Staats abstained; Commissioner Pope absent

ORDINANCE NO. _____

[PLANNING NO. Z-FY-10-50]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO SINGLE FAMILY ONE DISTRICT (SF1) ON AN APPROXIMATELY 10 ACRE TRACT OF LAND IN THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, LOCATED ON THE NORTH SIDE OF WEST FM 93, ADJACENT TO AND WEST OF RIDGEWOOD ESTATES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Agricultural District (A) to Single Family One District (SF1) on an approximately 10 acre tract of land in the Maximo Moreno Survey, Abstract No. 14, in the City of Temple, Bell County, Texas, located on the north side of West FM 93, adjacent to and west of Ridgewood Estates, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

Part 3: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

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 7th day of **October**, 2010.

PASSED AND APPROVED on Second Reading on the **21st** day of **October**, 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

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

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, AICP, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-10-52: Consider adopting an ordinance authorizing a zoning change from Planned Development Single Family One District (PD-SF1) to Planned Development Two Family District (PD-2F) on Lots 20 – 24, Block 1, Stonegate III, located on the north side of H K Allen Parkway, west of Ledgestone Trail, across from Quartz Court.

P&Z COMMISSION RECOMMENDATION: At its September 20, 2010 meeting, the Planning and Zoning Commission voted 5/3 in accordance with staff recommendation to recommend approval of a rezoning from PD-SF-1 to PD-2F for the following reasons:

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

Vice-Chair Martin made a motion for denial. Chair Talley, Vice-Chair Martin and Commissioner Williams voted in favor of the denial. The five remaining Commissioners voted against the denial, and therefore voted to recommend approval. Commissioner Pope was absent.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for October 21, 2010.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-10-52, from the Planning and Zoning meeting, September 20, 2010. The applicant requests the rezoning in order to extend a strip of 2F zoning along HK Allen Parkway. Eighteen lots are currently zoned 2F along the eastbound side of this unbuilt portion of the Parkway in the Stonegate III subdivision. The applicant proposes to rezone five more lots that are currently zoned PD-SF-1 to PD-2F, up to Ledgestone Drive, which is also unbuilt.

The property is part of a Planned Development that was approved in August 2006. The only effect of the Planned Development for the 2F zoning districts in the subdivision was to allow a 20-foot front yard setback instead of the normally required 25-foot setback and a 10-foot street side setback instead of the normally required 15 foot setback.

COMPREHENSIVE PLAN COMPLIANCE:

The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan, Trails Master Plan and other adopted plans:

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character	Y
CP	Map 5.2 - Thoroughfare Plan	Y
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Y
CP	Land Use Policy #6 - Neighborhoods should provide for a variety of housing types, thereby encouraging affordable living options in all areas	Y
CTMP	NA	

CP = Comprehensive Plan CTMP = Citywide Trails Master Plan

Future Land Use and Character (CP Map 3.1)

The Future Land Use and Character Map designates the property as Suburban Residential. The rezoning request complies with the Future Land Use and Character Map.

Thoroughfare Plan (CP Map 5.2)

Although HK Allen Parkway functions as a collector street in that several other streets feed into it, the Thoroughfare Plan Map shows it as a Local Street. The request complies with the Thoroughfare Plan Map.

Availability of Public Facilities (CP Goal 4.1)

The property is served by an eight-inch water line and an eight-inch sewer line. Public facilities are available for the property.

Land Use Policy #6

Land Use Policy #6 in the Comprehensive Plan states that subdivisions should provide a variety of housing types to encourage affordable living options. Stonegate III has single-family residential units as well as two-family units. In addition, an apartment complex is in the immediate vicinity. The proposal does not conflict with this policy statement.

PUBLIC NOTICE:

Five notices of the Planning and Zoning Commission public hearing were sent out. As of Monday, September 20 at 5 PM, no notices were returned in favor of and four notices were returned in opposition to the request. Eight notices were returned in opposition to the request from property owners outside of the notification radius. The newspaper printed notice of the Planning and Zoning Commission public hearing on September 9, 2010 in accordance with state law and local ordinance

FISCAL IMPACT: NA

ATTACHMENTS:

Aerial
Land Use and Character Map
Thoroughfare Plan Map
Zoning Map
Utility Map
Notice Map
Response Letters
P&Z Staff Report (Z-FY-10-52)
P&Z Minutes (September 20, 2010)
Ordinance



Z-FY-10-52

Lots 20-24, Block 1, Stonegate III

1104, 1108, 1112, 1116 & 1120 H.K. Allen Pkwy



2008 Aerial Shown (newer image unavailable)

 ZFY1052

Feet 0 100 200 300 400

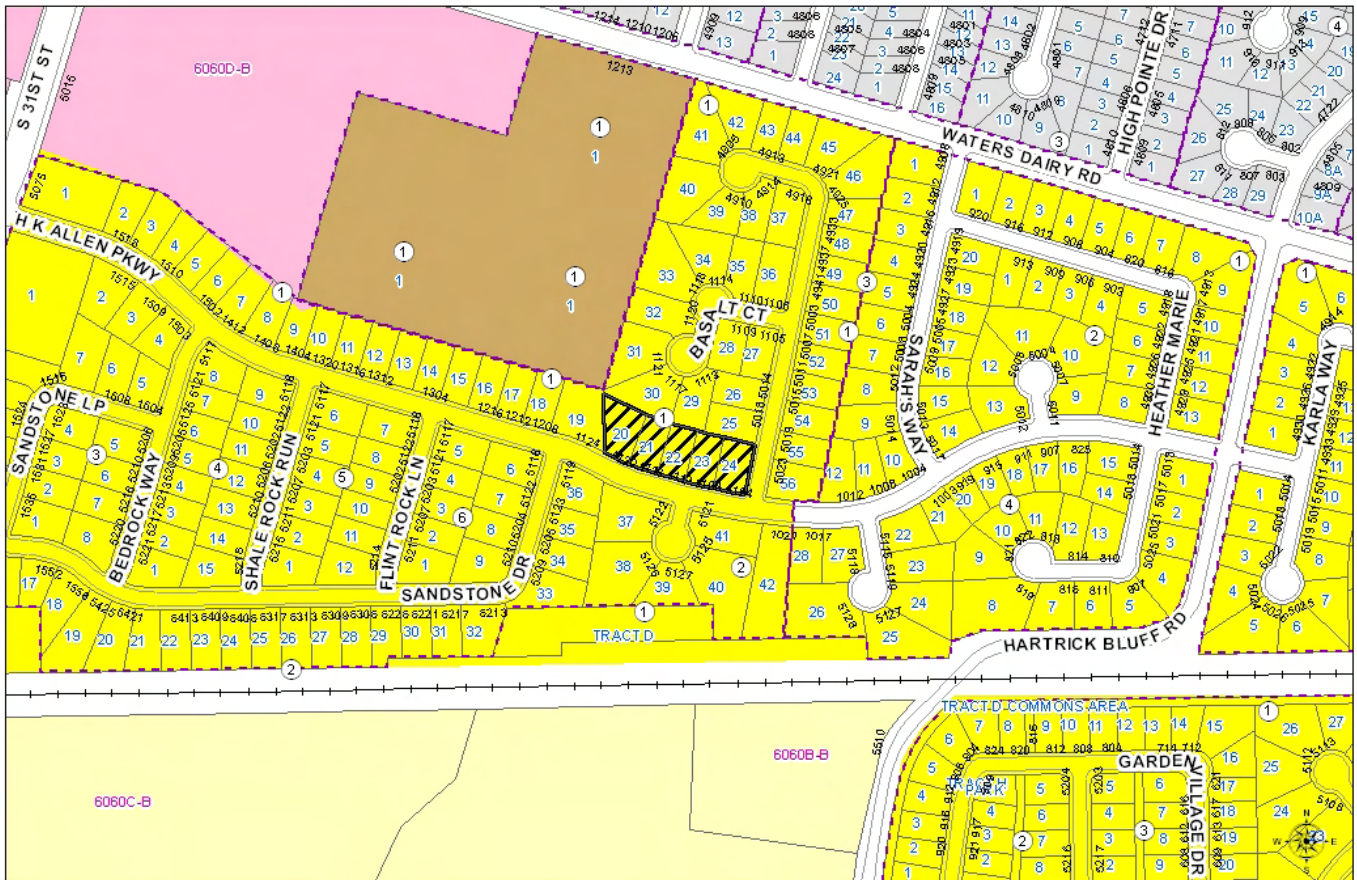
J Stone 8.27.10



Z-FY-10-52

Lots 20-24, Block 1, Stonegate III

1104, 1108, 1112, 1116 & 1120 H.K. Allen Pkwy



- | | | | | |
|-----------------------|-------------------------|---------------------------|----------------------|-----------------------------------|
| Agricultural/Rural | Auto-Urban Multi-Family | Estate Residential | Parks & Open Space | Suburban Residential |
| Auto-Urban Commercial | Auto-Urban Residential | Industrial | Public Institutional | Temple Medical Education District |
| Auto-Urban Mixed Use | Business Park | Neighborhood Conservation | Suburban Commercial | Urban Center |

ZFY1052

1 inch = 300 feet
J Stone 9.14.10



Z-FY-10-52

Lots 20-24, Block 1, Stonegate III

1104, 1108, 1112, 1116 & 1120 H.K. Allen Pkwy

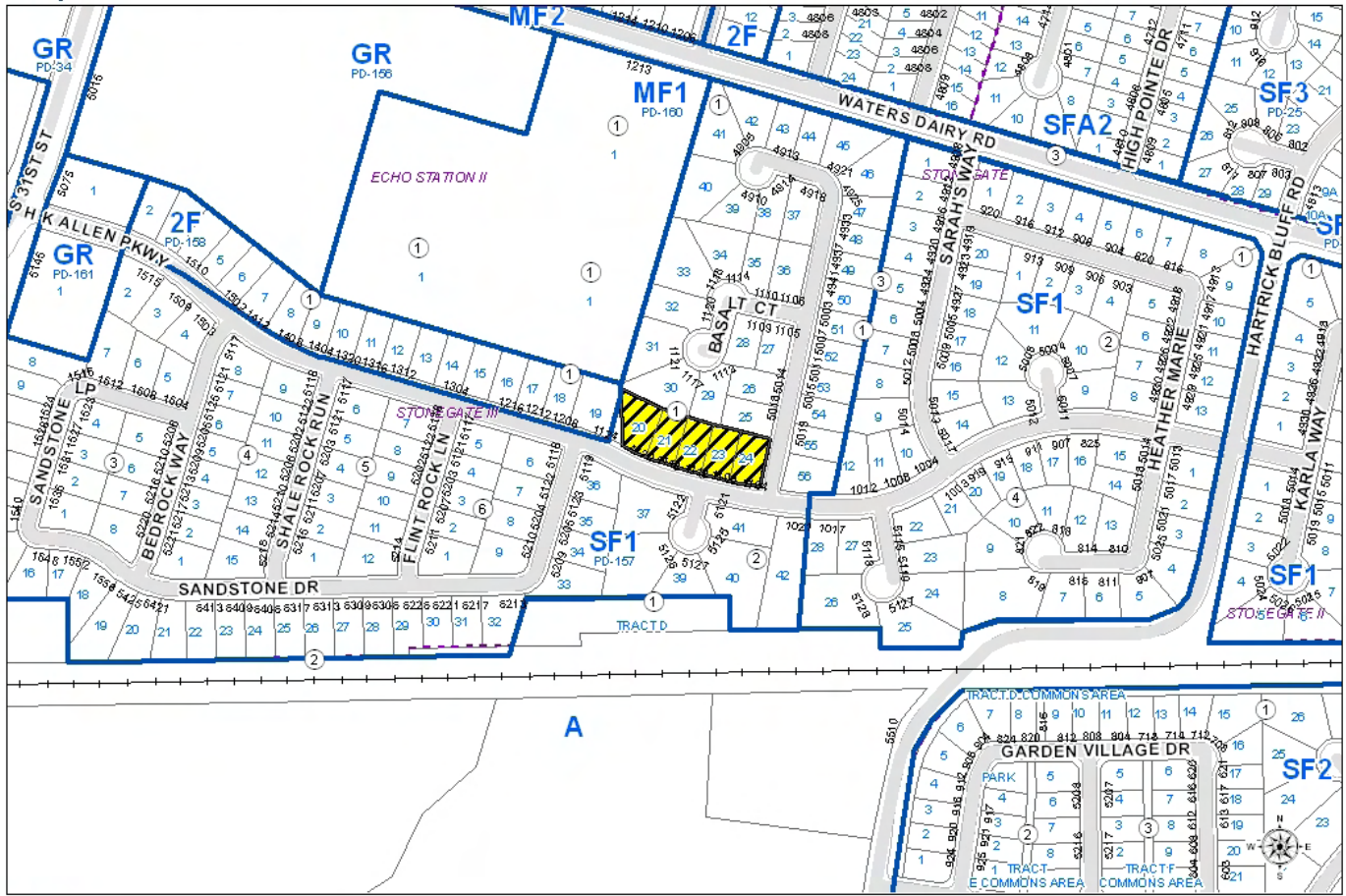




Z-FY-10-52

Lots 20-24, Block 1, Stonegate III

1104, 1108, 1112, 1116 & 1120 H.K. Allen Pkwy



2F Y1052

Feet 0 100 200 300 400

J Stone 8.27.10

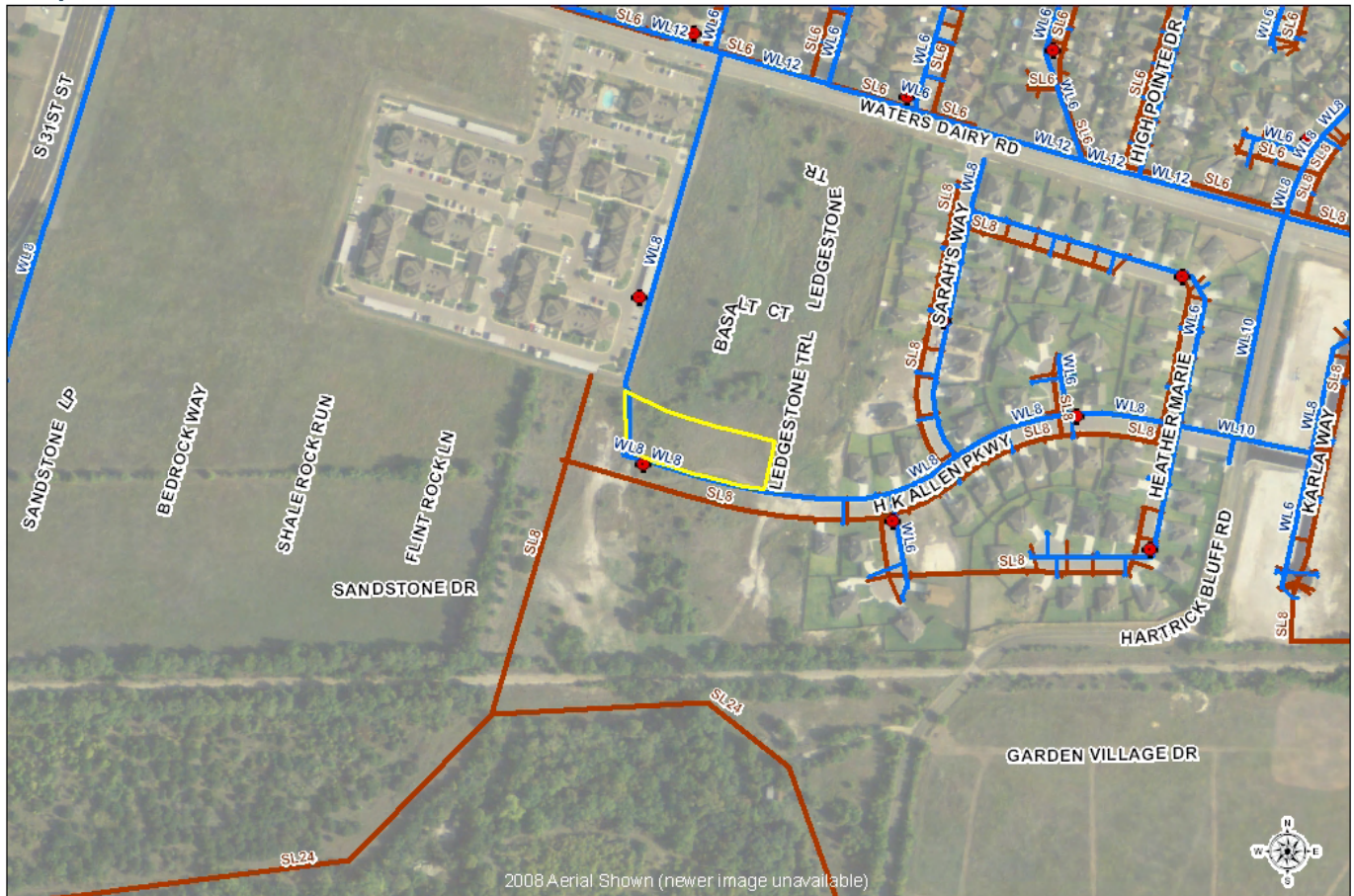
Existing 2F Zoning



Z-FY-10-52

Lots 20-24, Block 1, Stonegate III

1104, 1108, 1112, 1116 & 1120 H.K. Allen Pkwy



ZFY1052 WATER LINE SEWER LINE

Feet 0 100 200 300 400

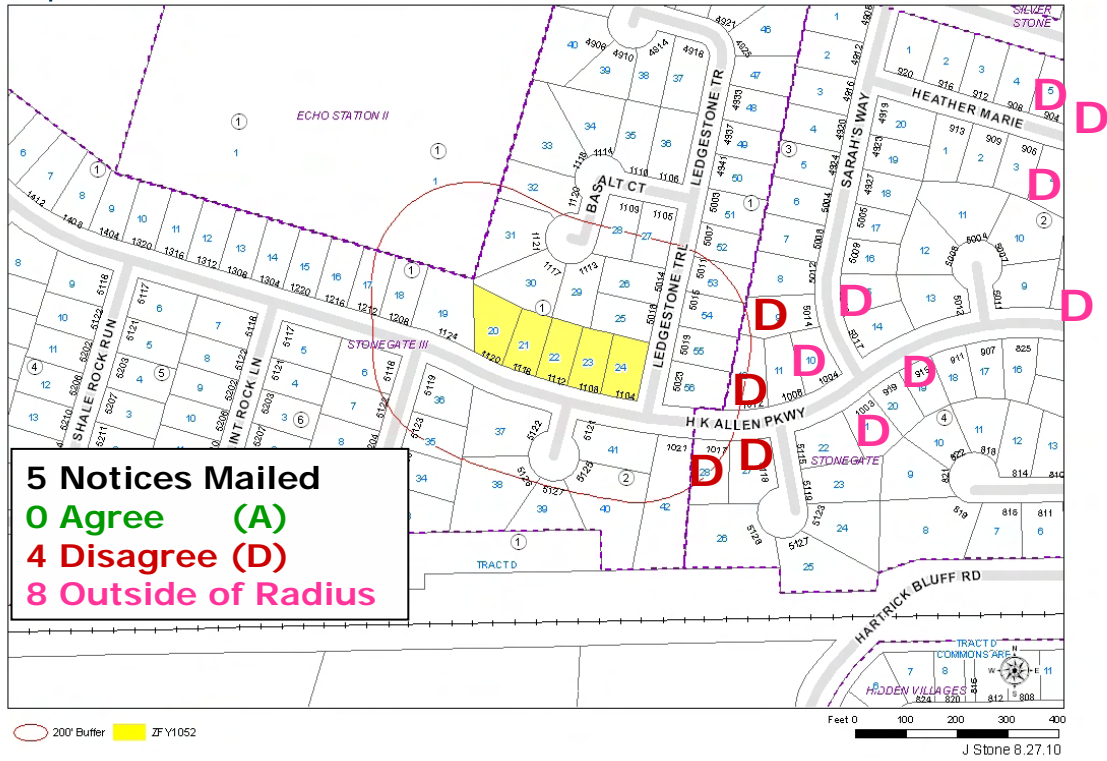
J Stone 8.27.10



Z-FY-10-52

Lots 20-24, Block 1, Stonegate III

1104, 1108, 1112, 1116 & 1120 H.K. Allen Pkwy





RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Gagan Prakash
1012 H K Allen Parkway
Temple, Texas 76502

Zoning Application Number: Z-FY-10-52

Project Manager: Brian Mabry

The proposed rezoning will allow a duplex development which is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend () approval (X) denial of this request.

Comments:

- 1) THE PRESENT CONSTRUCTION IS MAKING THE ROAD
VERY DIRTY, WHICH THEY DO NOT CLEAN UP
- 2) I HAVE REQUESTED THEM TO CLEAR THE LANDSCAPING
ON THE RIGHT SIDE OF MY HOUSE, BUT THEY HAVE
NOT DONE IT. PLEASE REQUEST THEM TO DO SO,
AS IT IS MAKING MY HOUSE LOOK VERY UGLY
THANK YOU SO MUCH
- 3) I PREFER RESIDENT HOMES RATHER THAN DUPLEX


Signature

GAGAN PRAKASH
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than September 20, 2010.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

SEP 14 2010

City of Temple
Planning & Development

Number of Notices Mailed: 5

Date Mailed: September 10, 2010



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Jeffrey Etux Melissa Leach
5118 April Dawn
Temple, Texas 76502

Zoning Application Number: Z-FY-10-52

Project Manager: Brian Mabry

The proposed rezoning will allow a duplex development which is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend () approval

☒ denial of this request.

Comments:

my husband and I adamantly oppose the building of duplexes in our neighborhood. We have great concern over our property value. We would NOT have bought a home in a neighborhood that included duplexes in any part of the sub. If these duplexes have potential to be rental properties, those people will be less likely to keep up the exterior of the property. Duplexes have no business near the houses of mine and my husband's value. We do not want them built.

Melissa Leach
Signature

Melissa Leach
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than September 20, 2010.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

SEP 15 2010

City of Temple
Planning & Development

Number of Notices Mailed: 5

Date Mailed: September 10, 2010



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Zhaoxu Etux Zhi Zhao Yuan
1017 H K Allen Parkway
Temple, Texas 76502

Zoning Application Number: Z-FY-10-52

Project Manager: Brian Mabry

The proposed rezoning will allow a duplex development which is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend () approval

(☒) denial of this request.

Comments:

When I bought my house, the salesman showed me the map of the whole community and nowhere indicated a duplex would be built. People bought duplex not majorly for to rent, and definitely I do not want to live close with neighbors who ~~always are strangers~~. And I have a toddler, more strangers in my house increase the unsafe factors for my kids.

And also building duplex will decrease my house value as well. ~~Who can~~

I definitely do not agree to build this duplex.

Signature

Zhaoxu Etux Zhi Zhao Yuan

Print Name

Joyce Zhi Zhao

Please mail or hand-deliver this comment form to the address shown below, no later than September 20, 2010.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

SEP 13 2010

City of Temple
Planning & Development

Number of Notices Mailed: 5

Date Mailed: September 10, 2010



**RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE**

Nicholas J. Vahalik
5014 Sarah's Way
Temple, Texas 76502

Zoning Application Number: Z-FY-10-52

Project Manager: Brian Mabry

The proposed rezoning will allow a duplex development which is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend () approval

☒ denial of this request.

Comments:

Nick Vahalik
Signature

Nicholas Vahalik
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than September 20, 2010.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

SEP 20 2010

City of Temple
Planning & Development

Number of Notices Mailed: 5

Date Mailed: September 10, 2010

Outside Notification Radius

Stephen K. Sinclear
1004 H K Allen Parkway
Temple, TX 76502

September 15, 2010

City of Temple
Planning Department
Room 201
Municipal Building
Temple, TX 76501

Attn: Mr. Brian Mabry, Project Manager

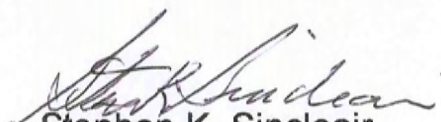
Ref: Rezoning Application #Z-FY-10-52

Gentlemen:

It has come to my attention that a request by Carothers Homes through Victor Turley has been made to the Temple Planning and Zoning Commission for a change in zoning on the north side of H K Allen Parkway from single family development to two family (duplex) development. I strongly object to this change in zoning. When I purchased my home on H K Allen Parkway it was with the understanding that this was to be a single family development. To change this housing area to include two family (duplex) housing would not only change the complexion of the neighborhood, but could also lower the value of other properties in the neighborhood.

I respectfully request that you deny this proposal to change the zoning on H K Allen Parkway.

Sincerely yours,


Stephen K. Sinclear

RECEIVED

SEP 15 2010

City of Temple
Planning & Development

Outside Notification Rading

Roger & Patricia Ivins
903 Heather Marie
Temple, TX 76502

September 14, 2010

City of Temple
Planning Department
Room 201
Municipal Building
Temple, TX 76501

Subject: Reference Rezoning Application #: Z-FY-10-52

To whom it may concern:

This letter is in protest of the planned rezoning from a single family to a two family district (rezoning application number Z-FY-10-52).

When we invested in our property at 903 Heather Marie, we did not expect our neighborhood to be rezoned.

We are asking that you reconsider this rezoning proposal. We strongly believe that the passage of this application will de-value our property.

Sincerely,

Roger Ivins
Patricia Ivins

Roger & Patricia Ivins

RECEIVED

SEP 15 2010

City of Temple
Planning & Development

Not in Notification Radius

SEPT. 18TH, 2010

CITY OF TEMPLE PLANNING DEPT.

Room 201

MUNICIPAL BUILDING

TEMPLE, TX

RE: REZONING APPLICATION #: Z-FY-10-52

PROJECT MANAGER: BRIAN MABRY

WE AS RESIDENTS OF THE STONEGATE I SUBDIVISION ARE STRONGLY OPPOSED TO THE REZONING OF STONEGATE III NEAR THE STREET, APRIL DAWN. WE DO NOT WANT TO HAVE CAROTHERS HOMES BUILD DUPLEXES IN THIS AREA BECAUSE OF THE DEPRECIATING EFFECT IT WILL HAVE ON OUR PROPERTY VALUES. WE WANT THE CITY PLANNING DEPARTMENT TO LISTEN TO THE RESIDENTS OF STONEGATE I AND DENY THE REZONING REQUEST OF CAROTHERS HOMES. DURING A RECENT PHONE CALL TO THE PLANNING DEPARTMENT WE WERE TOLD THE DUPLEXES WERE TO BE BUILT DIRECTLY BEHIND THE FCHO STATION APARTMENTS. WE AS TAX-PAYING CITIZENS OF THE CITY OF TEMPLE WANT TO HAVE A SAY IN THIS MATTER.

JOHN: DENISE DAVIS

1003 H.K. ALLEN PARKWAY

TEMPLE, TEXAS 76502

RECEIVED

SEP 20 2010

City of Temple
Planning & Development

Not a Notification Radio

Frank P. Spera, Jr
4926 Heather Marie
Temple, Texas 76502

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

Subject: Proposed Rezoning

Mr. Mabry:

NO DUPLEX DEVELOPEMENT TO BE BUILT IN STONEGATE III !!!! Stonegate I and II are very model subdivisions with professional people, upper middle and middle class people as well as some retired folks. Both subdivisions are quiet, friendly, and safe with loads of very friendly people. That could very well change with the type of people that usually live in duplex homes. Not to mention the fact that our property value will surely decrease if duplex housing were allowed.

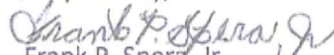
I was born and grew up in New Orleans and I saw first hand what can happen when certain elements are brought into nice and safe subdivisions, and I certainly don't want that to happen not only in Stonegate, but Temple as well.

My lovely wife was from Temple and ever since we were married in 1963, I've always enjoyed visiting the City of Temple if only for short periods of time. It was a place I would have loved to live in during the later years of my life. That came to pass when I was flooded from Hurricane Katrina and decided to relocate to Temple since I had such fond memories of the city and its' people.

I would hope and pray that The Planning Commission as well as the City Council do not allow duplex housing in any Stonegate Subdivision.

Thank you.

Respectfully,


Frank P. Spera, Jr.

RECEIVED

SEP 20 2010

City of Temple
Planning & Development

Not in Notification Radius

Roger & Patsy Perry
915 HK Allen Parkway
Temple, TX 76502
September 20, 2010

City of Temple
Planning Department
Room 201
Municipal Building
Temple, TX 76501

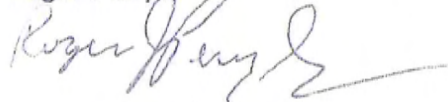
Zoning Application No: Z-FY-10-52
Located on the north side of HK Allen Parkway
on Lots 20-24, Blk 1, Stonegate III

The five lots in Stonegate III, the proposed sites for duplexes are only one block from the original Stonegate subdivision. Traditionally, rental properties are occupied by persons who are less than conscientious about the care and curb appeal of their rental than homeowners.

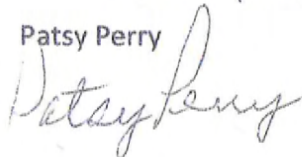
The mere presence of multi-housing units within eyesight of a single family dwelling will decrease the value of the existing property. The residents already have the stigma of increasing the traffic in their neighborhood from the existing 73 homes by sharing two entrances with the new 180 lot subdivision that has only one entrance off 31st Street, which will have a negative impact on the property values. If every home only had 2 driver (and the national average today is about 4 per family) the number of automobiles that will be trafficking the new subdivision would be 360. Likely at least 50% of those will use alternate routes out of the subdivision; namely through the original Stonegate subdivision. By allowing multifamily dwellings on even 5 lots, would increase the those numbers and cause greater harm to the current neighborhood.

Please deny this request for rezoning and allow only single family dwellings in the Stonegate III subdivision.

Roger Perry



Patsy Perry



Not in Notification Radius

Reference Rezoning application #

Z-FY-10-52

Project Manager
BRIAN MABRY

Concerning Rezoning of Stonegate Subdivision

We have recently purchased a home in the Stonegate Subdivision and would like for it to remain a (Single family one) District. We chose this area because of it being a (Single family one) area, with well kept yards and no heavy traffic and a quiet neighborhood. We would like to keep it as it is.

No rezoning.

Thanks

HERBERT & PAULINE
SCHWERTFEGER

STONEGATE RESIDENTS

Outside Notification Radius

September 20, 2010

Mr. Mabry:

This letter concerns the rezoning application #Z-FY-10-52 which is a proposal to rezone an addition from Single-family Dwelling to Multi-family Dwelling. This is not a positive move for our area nor for the city of Temple. The southeast area of Temple is new enough in developing that we can make choices as to how this area can best benefit our community.

As far as taxes, the tax base for the community can increase if residential homes are developed instead of duplexes. In a time when our city is becoming more and more landlocked, we need to develop these potential areas so as to increase the tax base thereby increasing city and school district funds. Single-family homes with higher appraisals in any newly developed areas will help in this matter.

STONEGATE is a stable family neighborhood. Duplexes will create a transient atmosphere that will take away from what makes STONEGATE charming. This appealing environment is why I chose to live here.

I hope you will listen to the residents of STONEGATE before a decision is made that will blemish our neighborhood. We did not expect to be dealt a situation such as this when we purchased our homes in a Single-family Dwelling Zone.

Sincerely,

Alana Wood

254-722-3185

P-FY-10-52

Charles & Deborah Furze
5013 Sarah's Way
Temple Tx. 76502

Outside ~~RRS~~ Notification
Radius

Dear Members of the Temple Tx. Zoning Board,

My wife and I have recently relocated to Temple Tx. from Ma. and we chose to purchase a home in the Stonegate neighborhood because of it's relative quiet and close proximity to local businesses.

We are writing this letter in response, and opposition to the proposed zoning changes to Stonegate III.

Neither of us are opposed to "Controlled" urban growth, but are concerned as to who really benefits from the proposed duplex housing. Greed has been known to take on a life of it's own and we cannot understand as to how this proposed change could benefit the existing community.

The term "Popular Sovereignty" comes to mind and at first glance that seems to be overlooked.

This letter was written in haste because of time constraints. We were not aware of these proposed changes until the last minute.

How these changes will impact neighborhood traffic is just one concern, and could this be setting a precedent for future development?

Respectfully,

Mr. & Mrs. Charles Furze

Charles & Deborah Furze

RECEIVED

SEP 20 2010

City of Temple
Planning & Development



PLANNING AND ZONING COMMISSION AGENDA ITEM

09/20/10
Item #5
Regular Agenda
Page 1 of 4

APPLICANT / DEVELOPMENT: Victor Turley for Carothers Homes, LLC

CASE MANAGER: Brian Mabry, AICP, Planning Director


ITEM DESCRIPTION: Z-FY-10-52 Hold a public hearing to consider and recommend action on a rezoning from Planned Development (Single Family One) District (PD-SF1) to Planned Development (Two Family) District (PD-2F) on Lots 20 – 24, Block 1, Stonegate III, located on the north side of H K Allen Parkway, west of Ledgestone Trail, across from Quartz Court.




BACKGROUND: The applicant requests the rezoning in order to extend a strip of 2F zoning along HK Allen Parkway. Currently, along the eastbound side of this unbuilt portion of the Parkway in the Stonegate III subdivision, 18 lots are zoned 2F. The applicant proposes to rezone five more lots that are currently zoned SF-1 to 2F, up to Ledgestone Drive, which is also unbuilt.

The property is part of a Planned Development that was approved in August 2006. The only effect of the Planned Development for the 2F zoning districts in the subdivision was to allow a 20-foot front yard setback instead of the normally required 25-foot setback and a 10-foot street side setback instead of the normally required 15-foot setback.

SURROUNDING PROPERTY AND USES:

The following table shows the existing zoning and current land uses for the subject property and its general vicinity:

Direction	Zoning	Current Land Use	Photo
Subject Property	PD-SF1 (PD-SF2 proposed)	Vacant	
North	PD-SF1	Vacant	

Direction	Zoning	Current Land Use	Photo
Northwest	PD-MF1	Apartments (view from Waters Dairy Road)	
West	PD-2F	Vacant	
South	PD-SF1	Vacant	
East	PD-SF1	Vacant with single-family subdivision in distance	

COMPREHENSIVE PLAN COMPLIANCE:

The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan, Trails Master Plan and other adopted plans:

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character	Y*
CP	Map 5.2 - Thoroughfare Plan	Y*
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Y*
CP	Land Use Policy #6 - Neighborhoods should provide for a variety of housing types, thereby encouraging affordable living options in all areas	Y
CTMP	NA	

CP = Comprehensive Plan CTMP = Citywide Trails Master Plan * = See explanation below

Future Land Use and Character (CP Map 3.1)

The future land use and character map designates the property as Suburban Residential. The rezoning request complies with the map.

Thoroughfare Plan (CP Map 5.2)

Although HK Allen Parkway functions as a collector street in that several other streets feed into it, the Thoroughfare Plan shows it as a Local Street. The request complies with the map.

Availability of Public Facilities (CP Goal 4.1)

The property is served by an eight-inch water line and an eight-inch sewer line. Public facilities are available for the property.

DEVELOPMENT REGULATIONS:

The purpose statement of the 2F zoning district is:

The 2F, two-family dwelling district is designed to accommodate single family and duplex dwellings as an intermediate classification allowing an orderly transition from single-family neighborhoods to higher densities of residential use.

Considering the single-family and two-family development to the west and assuming that the properties fronting on HK Dodgen Loop 363 to the east will develop as business parks or some other nonresidential use, then the application of the 2F zoning district to the subject property is in agreement with the purpose of the district.

Typical permitted uses in the 2F zoning district include, but are not limited to: single-family detached dwellings two-family dwellings and various supporting nonresidential uses such as churches and schools. Some uses allowed in the existing GR zoning district that are not allowed in the requested 2F district include many auto-service related uses and most retail uses.

The following table shows the dimensional requirements for the 2F zoning district for a two-family dwelling, as modified by the Planned Development overlay zoning district approved in August 2006.

2F, Two-Family	
Min. Lot Area (sq. ft.)	4,000
Min. Lot Width (ft.)	60
Min. Lot Depth (ft.)	
Max. Height (stories)	2 ½
Min. Yard (ft)	
Front	20
Side	5
Side (street)	10
Rear	10

PUBLIC NOTICE:

Five notices of the Planning and Zoning Commission public hearing were sent out. As of Wednesday, September 15 at 5 PM, no notices were returned in favor of and three notices were returned in opposition to the request. Two notices were returned in opposition to the request from property owners outside of the notification radius. The newspaper printed notice of the Planning and Zoning Commission public hearing on September 9, 2010 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of rezoning request Z-FY-10-52 for the following reasons:

1. The request complies with the Future Land Use and Character Map.
2. The request complies with the Thoroughfare Plan.
3. Public facilities are available to the property.
4. The request complies with Land Use Policy #6 of the Comprehensive Plan that encourages a variety of housing types and affordable living options in all areas.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

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

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING**

MONDAY, SEPTEMBER 20, 2010

ACTION ITEMS

Item 5: Z-FY-10-52: Hold a public hearing to discuss and recommend action on a rezoning from Planned Development (Single Family One) District (PD-SF1) to Planned Development (Two Family) District (PD-2F) on Lots 20 – 24, Block 1, Stonegate III, located on the north side of H K Allen Parkway, west of Ledgestone Trail, across from Quartz Court. (Applicant: Victor Turley for Carothers Homes)

Mr. Mabry stated the rezoning was requested in order to extend a strip of 2F zoning along HK Allen Parkway. Currently along the eastbound side of this unbuilt portion of the Parkway in the Stonegate III subdivision, 18 lots are zoned 2F. The applicant proposed to rezone five (5) more lots that were currently zoned SF1 to 2F, up to Ledgestone Drive, which was also unbuilt.

The property was part of a Planned Development that was approved in August 2006. The only effect of the Planned Development tweaked the setback requirements that would normally apply to SF1 to 2F and made them a little smaller than what is required.

Undeveloped property lay to the north, west, and south of the subject property, and to the east lay Stonegate I and II.

The Future Land Use and Character Map designated the area as Suburban-Residential and the zoning request complied with it. It was not contrary to Land Use Policy No. 6 in the Comprehensive Plan which stated neighborhoods should provide for a variety of housing types encouraging affordable living options in all areas.

Although HK Allen Parkway is not designated as a collector, it was built to collector standards and functions as a collector street in that several other streets feed into it. The request complied with the Thoroughfare Plan. The public facilities in the area, an 8 inch water line and 8 inch sewer line would serve the property.

Mr. Mabry gave the dimensional standards for the subject property.

Five (5) notices were mailed: zero (0) notices were returned in favor of the request; four (4) within the notification radius were returned in opposition. Seven (7) notices were received from outside the 200 foot notification radius and all of them were in opposition. Their input could be taken into consideration for the Board's motion.

Staff recommended approval of this request since it complied with the Future Land Use and Character Map, the Thoroughfare Plan, and public facilities would serve the property

Chair Talley opened the public hearing.

Mr. Victor Turley, representative for Carothers Homes, stated the PD showed the whole area which goes from Waters Dairy over to 31st Street. The lots fronted on HK Allen Parkway and Mr. Turley asked for approval to have them rezoned in the PD from PD-SF to PD-2F. They were currently in the process of grading all of the properties and roads and the sewer lines had been started.

Commissioner Barton asked about the zoning of lots 1 through 18 and Mr. Turley stated they were zoned Two Family (2F). Commissioner Barton asked if they had been zoned previously for 2F and Mr. Turley confirmed. Commissioner Barton also asked if HK Allen Parkway would go all the way through to 31st and Mr. Turley confirmed. Commissioner Barton asked if the property was zoned 2F when the residents opposing the request bought their property and Mr. Turley stated it was in '05 when it was done.

Chair Talley asked about the lots across the street, if they would be high end homes and was the property also owned by Mr. Carothers. Mr. Turley stated yes.

Commissioner Sears asked about lots 2 through 19 and what the construction plans were, would they be duplexes?. Mr. Turley stated yes. Commissioner Sears also asked if lots 20-24 would be duplexes as well and Mr. Turley stated yes.

Ms. Alana Wood of 1008 HK Allen, purchased a Carothers home. She chose not to buy at Westridge because it was too close to duplexes. She wanted a single family home. When she moved in the row of duplexes were mentioned by Mr. Carothers and he showed her the layout. Her question to the Commission was "why has it inched over a little bit closer to where we are?" Ms. Wood stated the residents knew about the previous 2F zoning but not these new lots. Ms. Wood asked "to whose benefit was this as far as the community goes?"

Mr. Turley stated that was their (Carothers) desire and what they wanted to do. Of 146 lots, it was 5 or 6 lots. Ms. Wood stated it was her desire they did not do it; it's getting too close to the SF. The property values will decrease from the 2F zoning.

Mr. Steven Sinclair, 1004 HK Allen, stated he was opposed to this proposal.

Mr. Wally Kuhahn of April Dawn (cul-de-sac to the south) stated he had only lived there a year. He was told it was SF and had no idea about the 2F already in place and if he had his choice would have been different. Mr. Kuhahn stated five (5) notices were mailed to mostly undeveloped areas which gave a false idea of

what the residents wanted. The denials indicated on the map were the closest residences to the subject property. Mr. Kuhahn was against this proposal and did not want it to go through. He would not have bought there if he knew this was coming.

Ms. Mary Sinclair, 1004 HK Allen, asked about the five (5) lots being proposed as 2F and would they be rental properties. Mr. Turley stated "I assume so." Ms. Sinclair stated a concern about the construction going on. HK Allen to Sarah's Way and HK Allen to 31st Street would be the only means of access to all of the new homes being built. The traffic had already increased from construction and once the homes were opened, how much traffic would be placed on H.K. Allen. It was a residential area and she did not want to see it become a shortcut for traffic. Ms. Sinclair asked if any plans were in place to do something like speed bumps to slow traffic, or something similar. Mr. Mabry stated he was not aware of any plan to install speed bumps on HK Allen. HK Allen was designed, in accordance with the Subdivision Regulations, to function as a collector street to carry traffic from the smaller local streets in Stonegate III, II and I and to carry cars to 31st Street. This rezoning would add more vehicle trips to the road.

Ms. Sinclair asked how many homes were anticipated in the entire Stonegate III and Mr. Mabry stated there were 17 2F lots existing and this would add 5 additional 2F lots. Ms. Sinclair asked if the only means of entering and leaving would be HK Allen and Sarah's Way and Mr. Turley stated "and over to Hartrick Bluff." Ms. Sinclair asked if the majority of traffic would be on HK Allen and Mr. Turley stated it depended on where one was located and where one went to access a collector. Ms. Sinclair asked if there were any plans for another street to go through to Waters Dairy and Mr. Turley stated no. Ms. Sinclair asked if Mr. Turley knew the rationale for asking for just the five (5) lots and Mr. Turley stated he had answered what he knew. Ms. Sinclair stated this seemed to infringe on the one family neighborhood and objected to the request.

Commissioner Sears asked Mr. Turley what the depth was on lots 20-24 and Mr. Turley stated probably 120 feet and by the apartments, 125 feet. Commissioner Sears asked the width of 21, 22 and 23 and Mr. Turley stated those would be replatted but currently should be approximately 60 feet.

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

Commissioner Martin made a motion to deny **Z-FY-10-52** and Commissioner Williams made a second.

Motion failed: (3:5) Therefore, zoning was recommended for approval.
(Commissioner Williams, Vice-Chair Martin and Chair Talley voted Aye);
(Commissioners Staats, Pilkington, Barton, Sears and Hurd voted Nay);
Commissioner Pope absent

ORDINANCE NO. _____

[PLANNING NO. Z-FY-10-52]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM PLANNED DEVELOPMENT (SINGLE FAMILY ONE) DISTRICT (PD-SF1) TO PLANNED DEVELOPMENT (TWO FAMILY) DISTRICT (PD-2F) ON LOTS 20—24, BLOCK 1, STONEGATE III, LOCATED ON THE NORTH SIDE OF H K ALLEN PARKWAY, WEST OF LEDGESTONE TRAIL, ACROSS FROM QUARTZ COURT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Planned Development (Single Family One) District (PD-SF1) to Planned Development (Two Family) District (PD-2F) on Lots 20—24, Block 1, Stonegate III, located on the north side of H K Allen Parkway, west of Ledgestone Trail, across from Quartz Court, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

Part 3: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

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 7th day of **October**, 2010.

PASSED AND APPROVED on Second Reading on the **21st** day of **October**, 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

10/07/10
Item #11
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, AICP, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Z-FY-10-51: Consider adopting an ordinance authorizing an amendment to Section 7-564, Applicability, in the Zoning Ordinance, related to the I-35 Corridor Overlay.

P&Z COMMISSION RECOMMENDATION: At its September 20, 2010 meeting, the Planning and Zoning Commission voted 8/0 in accordance with staff recommendation to amend Sec. 7-564 of the Zoning Ordinance in the following manner with “strike-through” text being proposed for deletion and underlined text being proposed to be added:

7-564 APPLICABILITY

The provisions of I-35 Corridor Overlay District apply to development types in the table below. Improvements to existing buildings are cumulative within a 15-year period when determining which of the following provisions apply. A development type not shown in the table below is not subject to the requirements of the I-35 Corridor Overlay District.

Development Type	Site Plan Review	Tree Preservation	Parking	Screening and Wall Standards	Architectural Design	Landscape	Signage	Lighting	Utilities
New construction	✓	✓	✓	✓	✓	✓	✓	✓	✓
Increase in gross floor area of 50% or more or improvement resulting in 50% or more increase in value per tax role modifications with a cost equal to or greater than 50% of the assessed value of improvements per the current tax roll	✓	✓	✓	✓	✓	✓	✓	✓	✓
Increase in gross floor area of 25%-49% or improvement resulting in 25%-49% increase in value per tax role modifications with a cost equal to 25%-49% of the assessed value of improvements per the current tax roll	✓	✓	✓	✓		✓		✓	
Increase in gross floor area of 10%-24% or improvement resulting in 10%-24% increase in value per tax role modifications with a cost equal to 10%-24% of the assessed value of improvements per the current tax roll	✓	✓		✓		✓			

Commissioner Pope was absent.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in the item description, on first reading, and schedule second reading and final adoption for October 21, 2010.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-10-51, from the Planning and Zoning Commission meeting, September 20, 2010. The I-35 Corridor Overlay standards were adopted in July 2009. Since that time, there has been minimal new development or redevelopment to trigger the I-35 standards. A recent proposal to redevelop the vacant Albertson's into a package store and bingo hall brought to light a deficiency in the Applicability provisions of the I-35 Standards. It is not uncommon for deficiencies in newer standards to come to light once applied to real development proposals.

Under the existing Applicability Section, improvement work that results in an increase in assessed value of the property on Bell County tax rolls is supposed to trigger compliance with the I-35 standards. A greater degree of compliance with the standards is required in proportion to the amount of work being done on the property and the resulting increase in assessed value. There is not necessarily a one-to-one correspondence between the dollar amount of an improvement made to a property and its resulting increase in assessed value. For example, \$100,000 worth of interior remodeling to a building may not result in a \$100,000 increase in assessed value.

In addition, updates to the tax rolls are made, at best, once a year. A building permit showing improvements to a property could be submitted, approved and built before an increase in the assessed value of the property would show up on the tax rolls.

The Planning and Zoning Commission and Staff propose this amendment which relates the cost of the improvements to the current assessed value of the property, rather than the extent to which an improvement might increase the value of the property the next time the property is assessed. Building permit applications require a cost estimate from the contractor, so that would be Staff's method for tracking the improvement costs.

FISCAL IMPACT: NA

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 91-2101, THE ZONING ORDINANCE OF THE CITY OF TEMPLE, TEXAS, AMENDING SECTION 7-564, "APPLICABILITY," RELATED TO THE I-35 CORRIDOR OVERLAY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS 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: The City Council approves an amendment to Ordinance No. 91-2101, the Zoning Ordinance of the City of Temple, by amending Section 7-564, entitled, "Applicability," to read as follows:

7-564 APPLICABILITY

The provisions of I-35 Corridor Overlay District apply to development types in the table below. Improvements to existing buildings are cumulative within a 15-year period when determining which of the following provisions apply. A development type not shown in the table below is not subject to the requirements of the I-35 Corridor Overlay District.

Development Type	Site Plan Review	Tree Preservation	Parking	Screening and Wall Standards	Architectural Design	Landscape	Signage	Lighting	Utilities
New construction	✓	✓	✓	✓	✓	✓	✓	✓	✓
Increase in gross floor area of 50% or more or improvement resulting in 50% or more increase in value per tax role modifications with a cost equal to or greater than 50% of the assessed value of improvements per the current tax roll	✓	✓	✓	✓	✓	✓	✓	✓	✓
Increase in gross floor area of 25%-49% or improvement resulting in 25%-49% increase in value per tax role modifications with a cost equal to 25%-49% of the assessed value of improvements per the current tax roll	✓	✓	✓	✓		✓		✓	
Increase in gross floor area of 10%-24% or improvement resulting in 10%-24% increase in value per tax role modifications with a cost equal to 10%-24% of the assessed value of improvements per the current tax roll	✓	✓		✓		✓			

Part 2: 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 3: Ordinance No. 91-2101, the Zoning Ordinance of the City of Temple, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

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 **7th** day of **October**, 2010.

PASSED AND APPROVED on Second Reading and Public Hearing on the **21st** day of **October**, 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

10/07/10
Item #12
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Gary Smith, Chief of Police

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Consider adopting an ordinance amending Chapter 20, “Police,” of the Code of Ordinances, Article III, “Burglar Alarm Systems.”

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for October 21, 2010.

ITEM SUMMARY: On May 3, 2001, the City Council adopted an ordinance that established requirements for burglar alarm systems that are operated within the City. The ordinance amended Chapter 28, “Police” by adding Article III, “Burglar Alarm Systems”.

Since the passage of this ordinance, the Texas Local Government Code sections relating to false alarm responses were renumbered. One of the proposed revisions is to properly identify the correct statute. In this case, the reference to Chapter 218 and Section 218.006 of the Texas Local Government Code should be replaced by Chapter 214, Section 214.196 of that code.

The other requested amendment to the ordinance is to modify Section 28-50 “False Alarm Service Fees”. This section currently provides that a person operating an alarm system must pay a service fee when false alarms exceed 5 in a 12 month period. Staff recommends this threshold be changed to require service fees be paid when false alarm notifications exceed three in a 12 month period.

Upon favorable consideration of these changes, the Police Department plans to bring forward a Resolution requesting the City Council adopt an amended structure for alarm system permits and false alarm fines and fees.

FISCAL IMPACT: None

ATTACHMENTS:
[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 28, ENTITLED, "POLICE," OF THE TEMPLE CODE OF ORDINANCES, BY AMENDING ARTICLE III, ENTITLED "BURGLAR ALARM SYSTEMS," TO UPDATE REQUIREMENTS FOR BURGLAR ALARM SYSTEMS, REQUIRING PERMITS AND ALARM COMPANY REGISTRATION; PROVIDING FOR PENALTIES, DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on May 3, 2001, the City Council adopted an ordinance to establish requirements for burglar alarm systems by amending Chapter 28, "Police," of the Code of Ordinances to add Article III, "Burglar Alarm Systems,"

Whereas, the ordinance needs to be updated in accordance with certain revisions that have been made to the Texas Local Government Code governing burglar alarm systems;

Whereas, in order to continue to protect the health and safety of the general public and the citizens of Temple, the City Council finds it necessary to update Chapter 28, Article III of the Code of Ordinances which provides for the regulation, control, and monitoring of the number of false burglar alarms generated by alarm systems within the limits of the City of Temple.

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

Part 1: Chapter 28 of the Code of Ordinances of the City of Temple entitled "Police," Article III, "Burglar Alarm Systems," is amended to read as follows:

ARTICLE III. BURGLAR ALARM SYSTEMS

Sec. 28-41. General Provisions.

For the purpose of this article, the following terms shall be defined as follows:

Alarm Company means any person who sells, installs, converts, services, or monitors an alarm system.

Alarm notification means a notification from or activation of an alarm system that is intended to summon the police and designed either to be initiated purposely by a person or automatically by a response to stimulus characteristic of unauthorized intrusion.

Alarm site means a single premise or location (one street address including apartment number, suite number, etc.) served by an alarm system or systems under the control of one

person. Each tenant unit in a multi unit structure or complex shall be considered a separate alarm system if served by a separate alarm system.

Alarm system means a device or system that emits, transmits, or relays a signal intended to summon, or that would reasonably be expected to summon, police services of the city, including, but not limited to, local alarms. Alarm system does not include:

(1) an alarm installed on a vehicle unless the vehicle is permanently located at a site; nor

(2) an alarm system designed to alert only the occupants or inhabitants of the premises where the alarm system is installed, but only if such alarm notification cannot be heard outside the premises where the alarm system is installed or which does not have a local alarm.

Applicant means the person, individual, corporation, partnership, association, organization or similar entity, who is applying to be permit holder.

Burglary means the acts described at Texas Penal Code §§ 30.02 and 30.03.

Chief means the Chief of Police of the City of Temple or an authorized representative.

False Alarm Notification means an alarm notification to the police department, when the responding officer, on reasonable investigation, as required by Section ~~218.006~~ 214.196, "On-Site Inspection Required," of Chapter ~~218~~ 214 of the Texas Local Government Code, finds no evidence of unauthorized intrusion, attempted unauthorized intrusion, robbery, attempted robbery or other illegal activity.

Local Alarm means any Alarm System that annunciates an alarm only by an internal or external audio device.

Monitoring means the process by which an alarm company receives signals from an alarm system and relays an alarm notification to the city.

Permit means a certificate of authorization to operate an alarm system, issued by the police department to the owner or person in control of the premises where a permitted alarm system is located;

Permit Holder means any individual, partnership, corporation, or other legal entity to whom an alarm system permit is issued or the person so designated in the application as required in this ordinance who is responsible for responding to alarms and giving access to the site and who is also responsible for proper maintenance and operation of the alarm system and payment of fees assessed under this ordinance.

Person means an individual, partnership, corporation, association, or other legal entity.

Person in control means the permit holder, owner or operator of an alarm system.

Responds means the act of sending a police officer to an alarm site after the police department receives a report of an alarm at such alarm site.

Unauthorized entry means entry of any type, whether intentional or accidental, not authorized by the owner.

Sec. 28-42. Permit Required.

No person shall operate or cause to be operated an alarm system in the City of Temple without a valid alarm permit issued by the Chief. A separate alarm permit is required for each alarm system on each alarm site.

Sec. 28-43. Alarm Permit Fee.

(1) The fee for a permit, permit renewal or permit reinstatement shall be due when the application is submitted. No refund of a permit, permit renewal, or permit reinstatement fee will be made. The City Council of the City of Temple shall set the amount of the fee by resolution.

(2) Local, state, or federal government, or any of their bona fide agencies shall be exempt from any permit application, renewal or reinstatement fee under this section.

Sec. 28-44. Permit Application.

(1) Upon receipt of a completed application form and the required fee, the Chief shall issue an alarm permit to an applicant unless the applicant has failed to pay a service fee assessed under this ordinance, has had an alarm site revoked at this or any other alarm site, and the violation causing the revocation has not been corrected, or has made a false statement of a material matter for the purpose of obtaining an alarm permit.

(2) An application for an alarm permit must be made on a form provided by the Chief and include the following information:

(A) The name, address (including apt/suite #), and telephones of the person who will be the permit holder and be responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this article;

(B) The name, address and telephone numbers of at least two individuals who are able and have agreed to receive notification of an alarm activation at any time; respond to the alarm site within 30 minutes after receiving a request from the police department to do so; and who can grant access to the alarm site and deactivate the alarm system if such becomes necessary;

(C) The classification of the alarm site as either residential or commercial;

(D) Any business name, if used for the premises on which the alarm system is to be installed and operated;

(E) The name, address, and phone number of the person or alarm company who will sell, install, convert, service or monitor the alarm system and/or be responsible for selling, installing, converting, servicing or monitoring the alarm system;

(F) The phone number of the alarm company monitoring the alarm system if different from the installing alarm company;

(G) Other information required by the Chief as necessary for the enforcement of this ordinance.

(3) If the applicant is an individual, the application shall be signed and verified by the applicant. If the applicant is a partnership, the application shall be signed and verified by least one of its general partners. If the applicant is a corporation or other entity, the application shall be signed and verified by the president of such corporation or entity or other agent authorized on behalf of the corporation.

(4) Information contained in the records maintained by the City pursuant to this Article and that concerns the location of an alarm system, the name of the occupant of an alarm system site, or the type of alarm system used is confidential and may be disclosed only as permitted by law. Nothing in this article shall prohibit the use of such information for legitimate law enforcement purposes and for enforcement of this ordinance.

(5) Persons operating a newly activated or reactivated alarm system must notify the police department alarm unit (or after normal business hours, the police dispatcher's office) within twelve (12) hours after commencing operation of the address of the alarm site, the name and the address of the operator, and of any contact persons. Persons who give such notification are exempt from the permit requirement for a period not to exceed five (5) calendar days.

(6) Persons operating a newly activated alarm system must immediately submit the signed and completed *Installer False Alarm Prevention Program Checklist* (Appendix A) and *Customer False Alarm Prevention Program Checklist* (Appendix B) to the Chief.

(7) An alarm permit cannot be transferred to another person or another alarm site and shall be valid only for the alarm site designated in the permit. A permit holder shall inform the Chief of Police of any change that alters any information listed on the permit application within five business days. No fee shall be assessed for such changes.

Sec. 28-45. Alarm Permit Duration, Renewal and Inspection.

(1) An alarm permit is issued for two (2) years and must be renewed every two years upon submission of an updated application and permit renewal fee. It is the responsibility of the permit holder to submit an application prior to the permit expiration date. The Chief shall determine the first expiration date of a permit.

(2) An alarm permit will be terminated for non-renewal, however, before terminating a permit for non-renewal, the Chief shall provide 30 days period written notice to the permit holder of the need to renew the permit and file an updated permit application. A permit shall not be renewed if the applicant owes outstanding service fees at other alarm sites for which he is the permit holder.

(3) The permit holder for an alarm system shall keep such permit at the alarm site and shall produce such permit or evidence thereof for inspection upon request of any member of the police department or its designated representative. It shall be unlawful for any person to counterfeit, forge, change, deface, or in any manner alter a permit issued pursuant to this article.

Sec.28-46. Alarm systems in apartment complexes.

(1) A tenant of an apartment complex shall obtain an alarm permit from the Chief before operating or causing the operation of an alarm system in the tenant's residential unit.

(2) If an alarm system installed by an individual tenant in an apartment complex unit is monitored, the tenant must provide the name of a representative of the apartment owner or property manager who can grant access to the apartment to the alarm company.

(3) For purposes of enforcing this article against an individual residential unit, the tenant is responsible for false alarms emitted from the alarm system in the tenant's residential unit.

(4) The owner or property manager of an apartment complex shall obtain a separate alarm permit for any alarm systems operated in a nonresidential area of the apartment complex, including, but not limited to, offices, common areas, storage and equipment areas. The permit fee for the alarm permit or the renewal permit shall be the same as the fee for a residential alarm site.

(5) The owner or property manager of an apartment complex in which an alarm system is installed in one or more individual residential units shall obtain a master alarm permit from the Chief. The permit fee for the alarm permit or the renewal permit shall be the same as the fee for a residential alarm site.

(6) For purposes of assessing service fees and enforcing this article against an individual residential unit of an apartment complex:

(A) The tenant is responsible for payment of all service fees for any false alarm notification emitted from the alarm system in the tenant's residential unit; and

(B) The master alarm permit holder is responsible for payment of all service fees for any false alarm notification emitted from the alarm system in any unoccupied residential unit in the apartment complex.

(7) Each apartment unit shall be considered a separate alarm site.

Sec.28-47. Duties of Permit Holder.

(1) A permit holder or person in control of an alarm system shall:

(A) Maintain the premises containing an alarm system in a manner that ensures proper operation of the alarm system;

(B) Maintain the alarm system in a manner that will minimize false alarm notifications;

(C) Respond or cause a representative to respond within a reasonable period of time when notified by the city to repair or inactivate a malfunctioning alarm system, to provide access to the premises, or to provide security for the premises;

(D) Not intentionally activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.

(2) A permit holder or person in control of a local alarm shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of the alarm site will sound for no longer than 30 minutes after being activated.

(3) Whenever a person listed on the application or listed on an amendment to the application is unable or unwilling to perform the duties set out in this ordinance, the permit holder shall within two (2) business days file an amendment to the permit application listing a person who is able and will perform those duties so that at all times the application on file with the police department designates at least two (2) persons who are able and willing to perform such duties.

(4) No person or permit holder shall operate or cause to be operated any Automatic Voice Dialers which when activated, uses a telephone device or attachment to automatically select a telephone line leading into the police department or other office of the City of Temple and then transmits any prerecorded message or signal.

(5) A permit holder or person in control of an alarm system shall not allow alarm signals to be reported through a relaying intermediary that does not comply with the requirements of this article and any rules and regulations promulgated by the Chief or that is not licensed by the Texas Board of Private Investigators and Private Security Agencies.

(6) No alarm system permitted and regulated by this article shall be tested by activating the alarm notification function, without the permit holder or his agent first notifying the security services contractor monitoring a third party central alarm station or police department before such testing.

(7) All alarm systems permitted and regulated by this article shall be designed and function so as to shut off any alarm notification signals after twenty (20) consecutive minutes of transmitting. All such systems shall be designed and function to require that such systems be manually reset before transmitting any subsequent alarm notification signal.

Sec.28-48. Duties of an Alarm Company.

(1) Any person or his agent who sells, installs, or converts, an alarm system in the City of Temple shall:

(A) Inform permit holder or person in control of alarm system of the city ordinance requiring permits for alarm systems;

(B) Provide proper operating instructions for alarm system to include guidelines for how to avoid false alarms, and

(C) Leave a signed and completed *Installer False Alarm Prevention Program Checklist* (Appendix A) and *Customer False Alarm Prevention Program Checklist* (Appendix B) with the applicant to submit to the Chief.

Sec. 28-49. Monitoring Procedures

(1) Any alarm company engaged in the business of monitoring alarm systems in the city shall:

(A) Report alarm signals by using telephone numbers designated by the Chief;

(B) Before requesting police response to an alarm system signal, attempt to verify every alarm signal, except a duress, holdup, or panic alarm activation, by telephone call to the alarm site;

(2) When reporting an alarm notification to the city, provide:

(A) The alarm permit number and the address of the alarm site from which the alarm notification originated;

(B) All available information (north, south, front, back, floor, etc.) about the location of the alarm;

(C) Type of alarm activation (silent or audible, interior or perimeter);

(D) Contact the permit holder or any of the individuals listed in the permit application as persons able and agreeing to receive notification of an alarm activation at any time of the alarm activation.

(3) Any alarm company must maintain for a period of at least two (2) years, records relating to alarm dispatch requests for inspection by the city.

Sec. 28-50. False Alarm Service Fees.

The holder of an alarm permit or person in control of an alarm system shall pay a service fee for each false alarm notification in excess of ~~five~~ **three** that is emitted from an alarm site, or in the case of an apartment complex from each individual residential unit, within a 12 month period. The City Council of the City of Temple shall set the amount of the service fees by resolution.

Sec. 28-51. False Alarm Inspection and Notification.

(1) The Chief shall notify the permit holder in writing after each false alarm.

(2) The Chief shall not consider a false alarm to have occurred unless the police department responds within thirty minutes of the alarm notification and the department determines from an inspection of the interior or exterior of the premises that the alarm was false.

Sec. 28-52. Revocation and Reinstatement of Permit.

The Chief shall revoke an alarm permit if he determines that:

(A) There is a false statement in the application for a permit;

(B) The permit holder has violated the provisions of this ordinance;

(C) The permit holder has failed to make timely payment of a false alarm (service) fee assessed under this ordinance.

Sec. 28-53. Reinstatement of Permit.

A person whose alarm permit has been revoked may have the permit reinstated if the person:

(A) Submits an updated application and pays a permit reinstatement fee in accordance with this ordinance;

(B) Pays all outstanding false alarm (service) fees assessed under this ordinance for which a bill has been issued;

(C) A reinstated permit expires the same date on which the original permit would have expired had it not been revoked.

Sec. 28-54. Violations; Penalties; Corporations, Partnerships and Other Legal Entities.

(1) A person commits an offense if he operates or causes to be operated an alarm system in the City of Temple without a valid permit issued under this article.

(2) A person commits an offense if he operates an alarm system during the period in which the alarm system is revoked.

(3) An alarm company, an alarm permit holder, or a person in control of an alarm system, commits an offense if he violates any provision of this ordinance by either commission of an act that is forbidden or omission of a duty or responsibility imposed upon him by this ordinance.

(4) A person who violates a provision of this ordinance is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued, permitted. Each offense is a Class C misdemeanor which is punishable by a fine of not more than \$200 for each conviction.

(5) In addition to prohibiting or requiring certain conduct of individuals, it is the intent of this ordinance to hold a corporation, partnership, or other association criminally responsible for acts or omissions performed by an agent acting in behalf of the corporation, partnership, or other association, and within the scope of employment.

Sec. 28-55. Government Immunity and Disclaimer.

(1) Registration of an alarm system is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained.

(2) By registering an alarm system, the permit holder acknowledges that police response may be based on factor's such as: availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions staffing levels.

Part 2: 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 3: This ordinance shall take effect upon its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 4: 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 7th day of **October**, 2010.

PASSED AND APPROVED on Second Reading and Public Hearing on the 21st day of **October**, 2010.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney

Appendix A

INSTALLER FALSE ALARM PREVENTION PROGRAM CHECKLIST

Yes	No	(Check One)
_____	_____	1. If a duress feature was installed, I thoroughly explained it and I did not use "+" keypad coding.
_____	_____	2. I confirmed that the control panel has been programmed so that:
_____	_____	a. it will not transmit more than - alarm signals from the same zone until manually restored at the premises. (Recommend no more than two.)
_____	_____	b. it will delay at least fifteen seconds before initiating dialing on intrusion alarm signals.
_____	_____	c. it has adequate delay time on entry/exit doors (delay of 45 seconds or more is recommended).
_____	_____	d. a cancel code can be entered by the customer to cancel accidental alarms.
_____	_____	3. I verified that police and fire panic buttons cause a siren or speaker to sound and that medical panic buttons cause an audible signal.
_____	_____	4. I verified that the keypad(s) emit sufficient sound to inform occupants when an entry/exit door sensor has been triggered.
_____	_____	5. I installed and tested standby/backup power.
_____	_____	6. I reviewed the "Customer False Alarm Prevention Checklist" with the customer.
_____	_____	7. I determined whether the customer had special telephone features, such as call waiting, and took appropriate steps to allow proper control panel dialing and monitoring center verification.
_____	_____	8. I made sure the control panel was properly grounded.
_____	_____	9. I made sure that all door and window contacts were properly selected, installed and tested. I considered loose fitting doors and windows, whether wide gap contacts were needed, and steel doors and windows. I followed the manufacturer's installation instructions.

INSTALLER FALSE ALARM PREVENTION PROGRAM CHECKLIST (cont.)

Yes	No	(Check One)
_____	_____	10. I made sure all glass breakage sensors were properly selected, installed and tested. I gave consideration to pets, on site noises and the general environment I followed the manufacturer's installation instructions.
_____	_____	11. All motion type detectors were properly selected, properly installed and tested. I gave consideration to pets, sunlight other heat sources, and harsh environments.I followed the manufacturer's installation instructions.

Please explain if you answered "No" to any of the above items:

Installation
Technician: _____

Printed Name:

Signature: _____

Site Installed: _____

Date: _____

Appendix B

CUSTOMER FALSE ALARM PREVENTION CHECKLIST

Yes	No	(Check One)
_____	_____	I have been trained in the proper operation of the system.
_____	_____	I have been given a summary operating sheet.
_____	_____	I have been given the security system operating manual.
_____	_____	I know how to cancel an accidental alarm activation.
=====	=====	I have the cancellation code.
_____	_____	I know how to turn off motion detectors while leaving other sensors on.
_____	_____	I know how to test the system including the communication link with the monitoring center.
_____	_____	I understand the length of the delay time on designated entry/exit doors and I believe this will provide sufficient time to get in and out of the premises. My entry time is _____. My exit time is _____.
_____	_____	I have the alarm, company phone number to request repair service or to ask questions about the alarm system.
_____	_____	I have been offered the option of a training/no dispatch period.
=====	=====	I understand that indoor pets can cause false alarms and I will contact my alarm company to adjust the system if I acquire any additional indoor pets.
=====	=====	I know where the main control panel and transformer are located.
_____	_____	I have received an alarm sheet which describes how the alarm company will communicate with me in the event of various alarm signals.
_____	_____	I understand the importance of keeping my emergency contact information updated and I know how to do this.

CUSTOMER FALSE ALARM PREVENTION CHECKLIST (cont.)

Yes	No	(Check One)
_____	_____	I understand the importance of immediately advising the alarm company if my phone number changes including area code changes.
_____	_____	I understand the importance of any other changes to my telephone service such as call waiting or a fax line.
_____	_____	I have been made aware of the alarm ordinance, if any, that governs the operation of system and I will comply with applicable requirements (permits, fees, etc.)
_____	_____	I will advise the alarm company if I do any remodeling (such as extensive painting, moving walls, doors or windows).
_____	_____	I understand that certain building defects (such as loose fitting doors or windows, rodents, inadequate power, and roof leaks) can cause false alarms. I will correct these defects as I become aware of them.
_____	_____	The alarm company has given me written false alarm prevention techniques to help me prevent false alarms.

I understand it is my responsibility to prevent false alarms and I understand it is critical and my responsibility to assure that all users of the system (such as residents, employees, guests, cleaning people, and repair people) are trained on the proper use of the system.

Comments: _____

ALARM
COMPANY: _____ CUSTOMER: _____
Print Name(s): _____

By: _____

Signature(s): _____

Site Installed: _____

Date: _____



COUNCIL AGENDA ITEM MEMORANDUM

10/07/10
Item #13
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager
Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Chapter 380 grant agreement with Temple G2K Development Partners LLC for redevelopment improvements at 1510 South First Street in the Temple Medical and Education District and the 1st Street Strategic Investment Zone corridor in an amount not to exceed \$65,250, plus waiver of permit fees.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This agreement outlines the obligations and representations of G2K and also defines the City's incentive package. 1510 South First Street (corner of Avenue P, South First Street, and Third Street) is situated within TMED and the South 1st Street Strategic Investment Zone. The site is currently known as used as Lamar Hotel.

The agreement and resolution will allow G2K, on behalf of Family Dollar, to receive a Chapter 380 grant of up to \$15,000 for façade improvements; up to \$8,000 for sidewalk improvements; up to \$9,000 for landscaping and irrigation; up to \$3,250 for tree grates (specific to TMED) or \$1,000 for landscape strip on First Street (two alternatives pending TXDOT discussion); and up to \$2,000 for waiver of permits and fees. In addition, the grant agreement provides for the City to perform demolition services of two deteriorated buildings on the site at an estimated cost of \$30,000. G2K's total estimated project investment is \$825,000 in building, site, and infrastructure improvements with the City's total cash match being up to \$35,250 plus waiver of permits/fees and demolition costs. These improvements exceed the City's ordinance requirements and meet many of the TMED site/landscape plan goals. Improvements must be completed by December 31, 2011. In return G2K has agreed to:

- Construct a new 8,000 s.f. building
 - Constructed of 100% masonry including natural stone
 - Constructed in accordance with the attached building elevation (canopies, faux

windows, tall building height)

- Construct public sidewalks on three sides of the site (1st Street, Avenue P, and 3rd Street)
- Install landscaping
 - Installed as per TMED design and attached Site and Landscape Plan
 - Installed in accordance with attached site plan (subject to TXDOT revisions)
 - Install irrigation
- Install monument sign in lieu of pole sign
- Develop site in accordance with attached site plan

FISCAL IMPACT: The total maximum grant by the City is \$65,250, plus waiver of permit fees. In the FY '10 budget, there is \$11,807 in SIZ funds remaining which will be carried forward to the FY '11 budget. In the FY '11 budget, \$85,000 was appropriated for Strategic Investment Zone matching grant incentives bringing the total funds available for FY '11 of \$96,807 in account 110-1500-515-2695 to fund this grant. Grant funds will be charged as follows: \$35,250 to account #110-1500-515-2695 SIZ funds in the General Fund, and \$30,000 to accounts #110-3700-524-2649 tipping fees and #110-3700-524-2631 demolition costs in the Construction Safety budget.

Payment of the grant funds will not be made until work and inspections are completed, and receipts are received by the City.

ATTACHMENTS:

[Grant Agreement \(including elevation and site plans\)](#)
[Location map and picture](#)
[Resolution](#)

South 1st Street Strategic Investment Zone Chapter 380 Development Agreement



This Agreement is executed by and between the City of Temple, a home rule city in Bell County, Texas (hereinafter “the City”) and Temple G2K Development Partners LLC, a Limited Liability Corporation, (hereinafter “Owner”).

City and Owner agree as follows:

Section 1. Purpose. Pursuant to authority granted to home rule cities under Chapter 380 of the Local Government Code and pursuant to a program established for the South 1st Street Strategic Investment Zone under City Ordinance Number 2009-4285, the City and the Owner enter into this Agreement to promote economic development within the South 1st Street Strategic Investment Zone. As an inducement to Owner to make certain specified improvements to the property located at 1510 South 1st Street (hereinafter the “Property”), City and Owner agree to assume the responsibilities set forth below.

Section 2. Obligations of Owner. Owner proposes to make certain improvements to the Property, which are described generally below and as attached, and to use the Property as a retail store, as per and in compliance with a Planned Development approved by the City Council, after the Improvements are completed. Owner is seeking matching grants for and agrees to complete all of the improvements described herein and in Section 3. The estimated total capital investment is \$825,000. Owner understands that all matching grant and grant funds are made on a reimbursement basis only.

Owner will construct a new, 8000 square foot building as per **Attachment “A” – Planned Development Building Elevations and Materials** and install landscaping and other site improvements as per **Attachment “B”- Planned Development Site and Landscape Plan**, hereinafter collectively referred to as “the Improvements.

Owner agrees to complete said Improvements on or before December 31, 2011. As a condition to receiving the grant matching funds from the City described in Section 3, Owner further agrees to complete the improvements described in Section 2 and each subpart of Section 3.

Section 3. Matching Grants by the City. The City agrees to provide grants and matching grants to the Owner as described below if Owner satisfactorily

completes and maintains the additional improvements described in each subpart below and herein:

- (a) **Façade Improvement Grant.** The City will make a grant of up to \$15,000 for upgrade of the façades of the new building with natural stone, soapstone, and CMU block covered with tan colored plaster and canopies as per **Attachment “A”**. Other façade improvement costs eligible for reimbursement with a façade improvement grant include construction (including labor) costs .
- (b) **Landscaping Improvement Grant.** The City will make a grant of up to \$9,000 for the installation of a new landscaping and irrigation system on the Property. To be eligible, the landscaping must meet or exceed the landscaping depicted in **Attachment “B”**, including a continuous hedge row along First Street, and trees on First Street, Avenue P and Third Street. No less than fifty percent of the continuous hedge row will be evergreen shrubs. Landscaping improvement costs eligible for reimbursement with a landscaping improvement grant include ground preparation costs (including labor), materials (trees, irrigation, shrubs, live ground cover, soil and amendments thereto and other decorative hardscape such as arbors, art, and walls or fences) and material and construction (including labor) costs, but specifically exclude design costs. Trees, hedge, and tree grates are to be located on the site as per **Attachment “B”**.

Alternatives: The City is currently working with the Texas Department of Transportation to finalize landscaping and streetscape that will be allowed on First Street, a TXDOT roadway. Based on this dialogue, there are two or more alternatives requiring grant fund contribution:

Alternative 1: Site Plan with Tree grates. Based upon the property’s location in the TMED District, the City will make an additional landscape grant of up to \$3,250 with no matching requirements for five, 4’-5’ wide tree grates to be installed in intervals of 25’ on center along the frontage of South First Street. Owner is responsible for purchasing and installing the grates. See **Attachment “C”- Tree Grate Design; or**

Alternative 2: Site Plan with planting strip-no grates. Based upon the property’s location in the TMED District, the City will make an additional landscape grant of up to \$1,000 for the installation of asian jasmine to fill the planting strip on First Street.

Final dialogue and approval by TXDOT will determine the final landscape and streetscape design along South First Street and the corresponding grant alternative.

- (c) **Sidewalk Improvement Grant/Oversize Participation.** The City will make a grant of up to \$8,000 for oversize participation (expanding the sidewalk from 6' to 10' wide) for a new sidewalk on First Street and sidewalks on Avenue P (6' wide) and Third Street (6' wide). Sidewalks, curb and gutter, and ADA ramp Improvements are to be completed by Owner and are to be located on the site as per **Attachment "B"** and for South First Street, as agreed to with TXDOT. Sidewalk improvement costs eligible for reimbursement include demolition costs (where applicable) (including labor), landfill costs, and material and construction (including labor) costs and equipment rental, but specifically exclude design costs.
- (d) **Monument Sign.** One monument sign, and no other freestanding sign type is allowed on the property. If built, the monument sign must have a maximum area of 50 square feet and a height not greater than 4'.
- (e) **Demolition Grant.** The City will demolish and dispose of two existing buildings on site utilizing City personnel and equipment. All asbestos surveys and abatements must be completed by Owner prior to work commencement. Demolition value is estimated at \$30,000.
- (f) **Waiver of Platting, Zoning and Permit Fees.** The City will waive platting, zoning, water and wastewater tap fees, and building permit fees related to the Improvements on the Property. Permits and fees are estimated at \$2,000.

Section 4. Acceptance of Improvements and Payment of Matching Grants.

The City's obligation to provide the matching grants described in Sections 2 and 3 is conditioned upon the Owner completing the Improvements described in Section 2 and the specific additional improvements described in Section 3. After the Improvements described in Section 2 and 3 are inspected and accepted by the City, the City will make payment to the Owner within 30 days of such acceptance and upon evidence of receipts for expenses.

Section 5. Maintenance of Improvements. Owner, or its successors and assigns, agree to maintain the Improvements described in Section 2 and the subparts of Section 3 for a period of not less than ten (10) years from the date matching grants are received from the City.

Section 6. Assignment. Owner shall have the right to assign this Agreement as collateral for the financing of the construction of the Improvements, and in the event that Owner is unable to complete the project for any reason, its assignee shall have the right, but not the obligation to finish the project, and receive a contribution from the City in the amounts specified in this Agreement upon final inspection and acceptance of the Improvements by the City.

Section 7. Availability of Records. Owner agrees to make its books and other records related to the construction of the Improvements available for inspection by the City during reasonable business hours.

Executed on this the ____ day of _____, 2010.

City of Temple, Texas

Owner

David A. Blackburn
City Manager

Jim Gunn for
G2K Development Partners, LLC

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 _____, 2010 by David A. Blackburn, City Manager, for the City of Temple, a Texas home rule City.

Notary Public

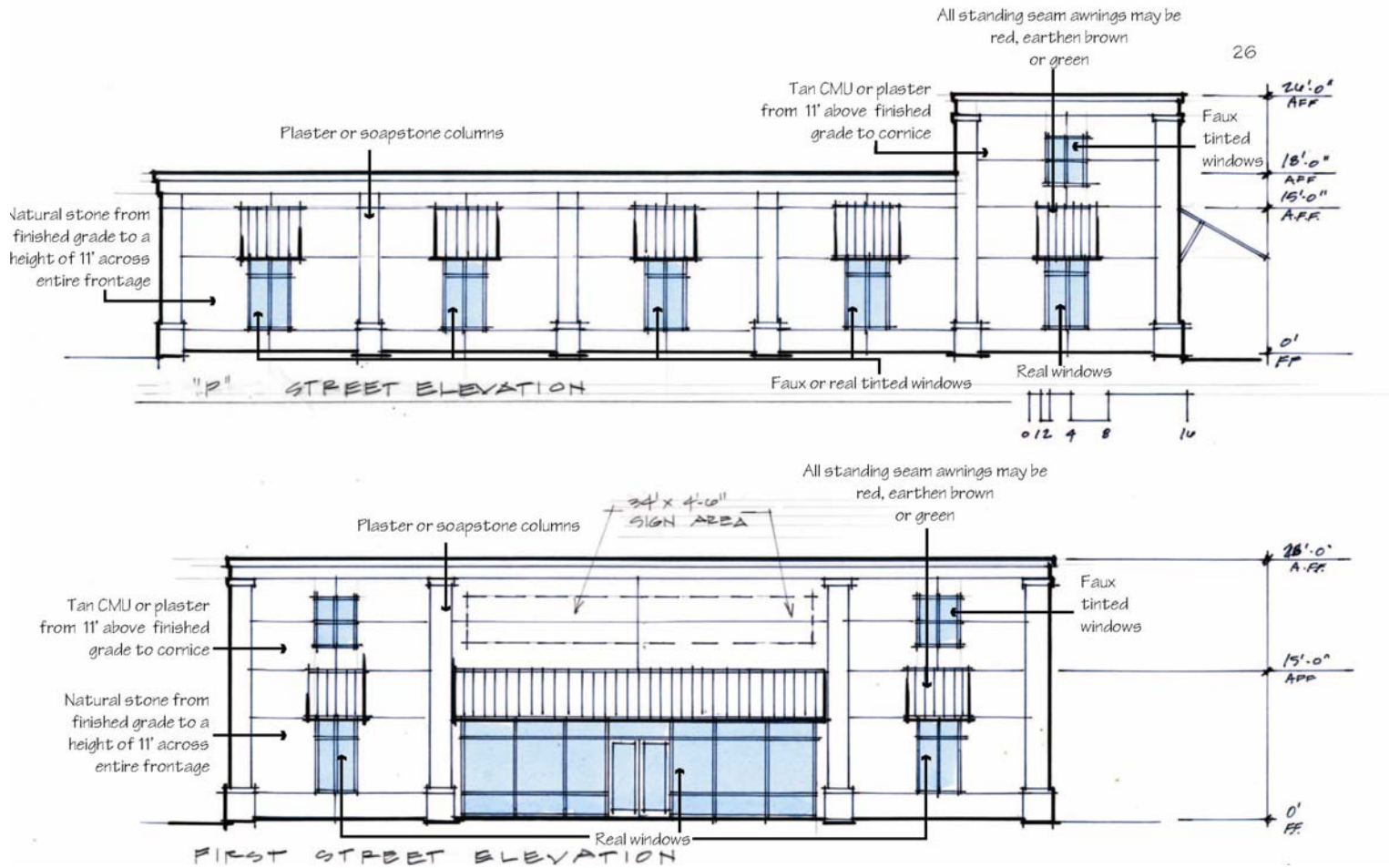
State of Texas §

County of Bell §

This instrument was acknowledged before me on the ____ day of _____,
2009 by _____.

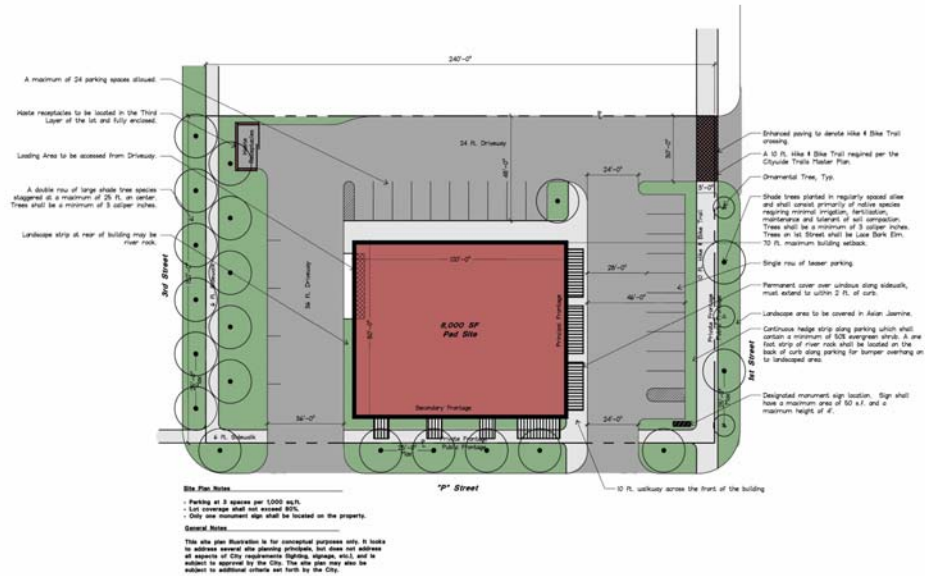
Notary Public

Attachment “A”
Planned Development Building Elevations and Materials



Attachment "B"

Planned Development – Site and Landscape Plan



Family Dollar - Temple, Texas
Conceptual Site Plan

**Attachment “C”
Tree Grate Design**



SPECIFICATIONS

- Bronze in color
- Design as depicted
- 4'x4' or 5'x5'

Note: If TXDOT approves an alternative design that does not include grates, these specifications do not apply.

[www.fairweathersf.com/tree](http://www.fairweathersf.com/tree%20grates%20pages/sp%20tree%20grates.html) grates pages/sp tree grates.html

Project Site and Location Map



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 “MATCHING GRANT” AGREEMENT BETWEEN THE CITY OF TEMPLE AND TEMPLE G2K DEVELOPMENT PARTNERS LLC, FOR REDEVELOPMENT IMPROVEMENTS AT 1510 SOUTH 1ST STREET IN THE TEMPLE MEDICAL EDUCATION DISTRICT AND THE 1ST STREET STRATEGIC INVESTMENT ZONE CORRIDOR, IN AN AMOUNT NOT TO EXCEED \$65,250 PLUS WAIVER OF PERMITS AND FEES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, property owned by Temple G2K Development Partners, LLC, located at 1510 South 1st Street is situated within the Temple Medical Education District and the South 1st Street Strategic Investment Zone which makes it eligible to receive a matching grant incentive from the City which is authorized by Ordinance No. 2008-4218 passed by the Temple City Council on June 5, 2008, and amending Ordinance No. 2009-4285 passed on March 5, 2009;

Whereas, the Staff recommends entering into a Chapter 380 “matching grant” agreement which will outline the obligations and representations of Temple G2K Development Partners, LLC, and define the City’s incentive package;

Whereas, the total project investment by Temple G2K Development Partners, LLC, is \$825,000, and the City’s total match may not exceed \$65,250;

Whereas, funds are available for this grant in Account Nos. 110-1500-515-2695, 110-3700-524-2649, and 110-3700-524-2631; 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 Chapter 380 “matching grant” agreement, between the City of Temple and James Fertsch, after approval as to form by the City Attorney, for redevelopment

improvements in the South 1st Street Strategic Investment Zone corridor, for a cost not to exceed \$28,500 plus waiver of permits and fees.

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 7th day of **October**, 2010.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/07/10
Item #14
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, AICP, Interim Planning Director

ITEM DESCRIPTION: P-FY-10-16: Consider adopting a resolution authorizing the final plat of Hartrick Addition, a 3 ± acre, two-lot residential subdivision on the west side of Hartrick Bluff Road, south of FM 93 in Temple's southeastern ETJ, with developer requested exceptions to Sec. 33-98 (Sidewalks), Sec. 33-93 (Perimeter Street Fees), Sec. 33-80 (Fire Hydrants) of the Subdivision Ordinance.

P&Z COMMISSION AND STAFF RECOMMENDATION: At its September 20th, meeting, the Planning and Zoning Commission voted 8/0 to recommend approval of the final plat of Hartrick Addition, subject to the following exceptions to the Subdivision Ordinance:

1. Section 33-98: waiving the required 4-foot wide sidewalk along Hartrick Bluff Road, a collector on the City of Temple Thoroughfare Plan;
2. Section 33-93: waiving required perimeter street fees for widening Hartrick Bluff Road; and
3. Section 33-80: waiving fire hydrant requirements

Commissioner Pope was absent.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case P-FY-10-16, from the Planning and Zoning Commission meeting, September 20, 2010. This plat is for two residential lots approximately ½ mile south of FM 93 and the City limits in Temple's ETJ.

The Development Review Committee reviewed the final Plat on May 11, 2010 and June 2, 2010 and deemed it administratively complete on September 13, 2010.

The applicant requests an exception to Subdivision Ordinance Section 33-98 requiring a 4-foot wide sidewalk along Hartrick Bluff Road, a collector on the City of Temple Thoroughfare Plan. The applicant also requests an exception to Section 33-93 requiring perimeter street fees for widening Hartrick Bluff Road to collector width standards. Since this portion of Hartrick Bluff Road is in the ETJ and is a county maintained road with no City plans to widen it at this time, the Development Review Committee supports the requested exceptions.

The Development Review Committee also supports the applicant's requested exception to Section 33-80 to waive the fire hydrant requirement. The nearest fire hydrant is located approximately 1476 feet south of the property, and an installed hydrant would not meet the Fire Code's 600-foot distance requirement.

FISCAL IMPACT: Park fees in the sum of \$450 (\$225 per residential lot created) are required for this plat.

ATTACHMENTS:

Plat
Letter of Requested Exceptions
P&Z Staff Report
Resolution

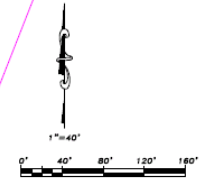
Colored 6.15 Acres
Stone Oaks
882-185 OFFSET
(Date: 10-19-2010)

Colored 1.51 Acres
Stone Oaks
882-185 OFFSET
(Date: 10-19-2010)

Colored 3.53 Acres
Stone Oaks
882-185 OFFSET
(Date: 10-19-2010)

Colored 0.88 Acres
Stone Oaks
882-185 OFFSET
(Date: 10-19-2010)

Colored 20.61 Acres
Stone Oaks
882-185 OFFSET
(Date: 10-19-2010)



Deputy
Stone Oaks
882-185 Buff Road
Temple, Texas 76702
Lot - Two (2)
Block - One (1)
Area - 6.15 Acres
No part of the subject tract lies within the special
tax district area (STNA) as created from L.A.S.S.
Final 488108 0345 L, dated September 26, 2008.
No variance not on the ground.

Recordation Information:
Plat recorded in Capital _____ 55th _____
Plat recorded in Ball County, Texas _____
Subdivision recorded in Volume _____ Page _____ Official Public Records of Real Property, Ball
County, Texas
Filed this the _____ day of _____ 2010.

I hereby certify this plat was approved this _____ day of _____, 2010, by the Ball
County Commissioners' Court, and may be filed for record in the Ball County
Public Records.
County Judge _____
Whereas my hand this _____ day of _____, 2010.
Notary Public _____

STATE OF TEXAS
COUNTY OF BALL
Stone Oaks, owner of the tract of land shown herein, and designated as HARTWICK ADDITION, within the
extrajurisdictional jurisdiction of the City of Temple, Ball County, Texas, and whose name is subscribed
herein, hereby declares in the use of the public for all streets, alleys, paths, easements, drains,
sewerage, and public places shown herein within the plat boundaries of this subdivision.

Stone Oaks
882-185 Buff Road
Temple, Texas 76702

STATE OF TEXAS
COUNTY OF BALL
Before me, the undersigned authority, on this day personally appeared, Stone Oaks, known to me to be
the person whose name is subscribed in the foregoing instrument, and acknowledged to me that she
executed the same for the purposes and consideration therein stated.

Given under my hand and seal of office this _____ day of _____, 2010.

Notary Public, State of Texas
My Commission Expires _____

This plat has been submitted to and considered by the Planning & Zoning Commission of the City of
Temple, Texas, and is hereby approved by such Commission.

Chair, Planning & Zoning Commission _____ Attest: Secretary to the Planning & Zoning Commission
This plat has been submitted to and considered by the City Council of the City of Temple, Texas, and is
hereby approved by such Council.

City Secretary _____

I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, hereby certify that this subdivision,
and its watercourse utility system, has been reviewed for compliance with applicable state and other
regulations governing such systems and is hereby approved for installation as indicated.

Approved _____ Date _____
This _____ B.C.A.S.

ATTEST:
The Tax Appraiser of Ball County, the taxing authority for all taxing entities in Ball County, Texas,
does hereby certify that there are currently no delinquent taxes due or owing on the property described
by this plat.
Dated this the _____ day of _____, 2010 A.D.

By _____
Ball County Tax Appraiser



STATE OF TEXAS
COUNTY OF BALL
I, the undersigned, a Registered Professional Land Surveyor in the State
of Texas, hereby certify, to the best of my knowledge and belief, that
this plat is true and correct, that I was prepared from an actual survey
of the property made under my supervision on the ground, and that of
necessary survey monuments are correctly shown hereon.
Date Surveyed March 28, 2010
Notary Alexander Taylor
Registration No. 8178

FINAL PLAT
HARTWICK ADDITION
Lots 1 and 2, Block 1 within the extrajurisdictional jurisdiction of
the City of Temple, Ball County, Texas (2010) part of the
Map of Stone Oaks, Block Number 1, and being all of
that certain 3.53 Acres or less described in a deed to Stone
Oaks, recorded in Volume 488108 Page 188 of the Official Public
Records of Real Property of Ball County, Texas.

Approved _____
Notary Public
Date _____
PREPARED FOR:
Stone Oaks

Vannoy & Assoc., Inc.
Surveyors/Planners
Ball County, Texas
1000 West 10th Street, Suite 100
Temple, Texas 76702
Phone: 817-251-1111
Fax: 817-251-1112
www.vannoyandassoc.com

Vannoy & Assoc., Inc.
Surveyors – Planners

Ray L. Vannoy
Registered Professional Land Surveyor
Licensed State Land Surveyor

September 13, 2010

City of Temple
Attn: Tammy Lyerly
Planning Department
Municipal Building
2 North Main Street
Temple, Texas 76501

Re.: "Hartrick Addition Requested Exceptions"

Dear Tammy:

Vannoy & Assoc., Inc is requesting the following exceptions for the proposed Hartrick Addition, which is located on the West side of Hartrick Bluff Road, approximately ½ mile South of F. M. Highway 93 in the extraterritorial jurisdiction of the City of Temple.

- 1) An exception is requested for the sidewalk requirement for collector streets (Subdivision Ordinance Section 33-98(a,c)). Hartrick Bluff Road provides no benefit for pedestrian traffic, and has no existing sidewalks either North to F. M. Highway 93 or South to F. M. Highway 436.
- 2) An exception is requested for the perimeter street costs for Hartrick Bluff Road, a designated collector on the City of Temple's Thoroughfare Plan (Subdivision Ordinance Section 33-93(p)(1b.)). Hartrick Bluff Road has a paved asphalt width of approximately 23' extending North to F. M. Highway 93 and South to F. M. Highway 436. It does not appear that any significant vehicular advantage is to be gained by widening the pavement of Hartrick Bluff Road for the 272' of frontage that this proposed addition requires.
- 3) An exception is requested for the requirement for a fire hydrant (Subdivision Ordinance Section 33-80(g)(3)). The 6" water line along Hartrick Bluff Road is on the opposite side of the road, and the installation of an additional fire hydrant would either have to be located on the adjoining property across the road, or require the hardship of boring a 6" line under the road. There is an existing fire hydrant approximately 1476 feet south of the property.

Please contact me if you have any questions or comments concerning this subdivision.

Sincerely,
Vannoy & Assoc., Inc.


Harold A. Taylor, R.P.L.S.





PLANNING AND ZONING COMMISSION AGENDA ITEM

09/20/10
Item #2
Regular Agenda
Page 1 of 2

APPLICANT / DEVELOPMENT: Vannoy Associates for Diane Gunn

CASE MANAGER: Tammy Lyerly, Planner

ITEM DESCRIPTION: P-FY-10-16 Discuss and take action on the final plat for Hartrick Addition, a 3 ± acre, two-lot residential subdivision on the west side of Hartrick Bluff Road, south of West Hwy 93 in Temple's southeastern ETJ. (Applicant: Vannoy Associates for Diane Gunn)

STAFF RECOMMENDATION: Staff recommends approval of the Final Plat, subject to the following exceptions:

1. Section 33-98: waiving the required 4-foot wide sidewalk along Hartrick Bluff Road, a collector on the City of Temple Thoroughfare Plan;
2. Section 33-93: waiving required perimeter street fees for widening Hartrick Bluff Road; and
3. Section 33-80 and Fire Code Section 12-16: waiving fire hydrant requirements

BACKGROUND: This property is within Temple's ETJ. The property owner wants to divide the property into two residential lots. The Design Review Committee reviewed the Final Plat on May 11, 2010 and June 2, 2010 and deemed the Final Plat administratively complete on September 13, 2010.

City Council is the final plat authority since the applicant requests exceptions to the Subdivision Ordinance and Fire Code. Please see the applicant's letter of requested exceptions.

The property fronts Hartrick Bluff Road, a designated collector on the City of Temple Thoroughfare Plan. Since the property is in the City of Temple ETJ, the applicant requests exceptions to required perimeter street fees for widening Hartrick Bluff Road and to the 4-foot wide sidewalk required along the designated collector road. The pavement width for Hartrick Bluff Road is approximately 23 feet in this area. The Subdivision requires a pavement width of 36 feet for collectors and a pavement width of 26 feet for rural collectors. Because this portion of Hartrick Bluff Road is in the ETJ and is a county maintained road, the City has no plans to widen Hartrick Bluff Road at this time. Therefore, the City might potentially have to refund the perimeter street fee collected for this plat.

The applicant also requests an exception to the fire hydrant requirement for this property. The nearest fire hydrant is located approximately 1476 feet south of the property and does not meet the Fire Code's fire hydrant distance requirement, shown in the following paragraph.

Sec. 12-16. Fire Hydrants

(a) *Authority to determine location.* The fire chief shall determine the location of fire hydrants in conformity with the provisions of this section.

(b) *Fire hydrants; location.*

(1) As residential zoned property is developed, fire hydrants shall be located at a maximum spacing of six hundred (600) feet as measured along the length of the roadway and no part of any structure shall be farther than five hundred (500) feet from the fire hydrant as measured by the route that a fire hose would be laid.

Park fees in the sum of \$450 (\$225 per residential lot created) are required for this proposed subdivision.

ATTACHMENTS:

Letter of Requested Exceptions
Plat

RESOLUTION NO. _____

(PLANNING NO. P-FY-10-16)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE FINAL PLAT OF HARTRICK ADDITION, AN APPROXIMATELY 3 ACRE, TWO-LOT RESIDENTIAL SUBDIVISION ON THE WEST SIDE OF HARTRICK BLUFF ROAD, SOUTH OF WEST HIGHWAY 93 IN TEMPLE'S SOUTHEASTERN ETJ, SUBJECT TO THE DEVELOPER'S REQUESTED EXCEPTIONS TO THE SUBDIVISION ORDINANCE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 20, 2010, the Planning and Zoning Commission approved the Final Plat of Hartrick Addition, an approximately 3 acre, two-lot residential subdivision on the west side of Hartrick Bluff Road, south of West Highway 93 in Temple's southeastern ETJ, subject to the developer's requested exceptions to the Subdivision Ordinance; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve the Final Plat of Hartrick Addition.

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

Part 1: The City Council approves the Final Plat of Hartrick Addition, an approximately 3 acre, two-lot residential subdivision on the west side of Hartrick Bluff Road, south of West Highway 93 in Temple's southeastern ETJ, which is on file in the City's Planning Department, incorporated herein and referred to by reference, and including the following conditions and exceptions to the Subdivision Ordinance:

- (1) Section 33-98: waiving the required 4-foot wide sidewalk along Hartrick Bluff Road, a collector on the City of Temple Thoroughfare Plan;
- (2) Section 33-93: waiving the required perimeter street fees for widening Hartrick Bluff Road; and
- (3) Section 33-80: waiving the fire hydrant requirement.

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 7th day of **October**, 2010.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, MAYOR

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney