

TEMPLE CITY COUNCIL

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd FLOOR – CONFERENCE ROOM

THURSDAY, AUGUST 18, 2011

3:30 P.M.

WORKSHOP AGENDA

- 1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, August 18, 2011.
- 2. Receive report regarding FY 2011-2012 Temple Housing Authority activity and request for down payment assistance funding.
- 3. Discuss proposed Donation Drop Box ordinance.
- 4. Discuss proposed FY 2011-2012 budget and related issues.
- 5. Discuss third quarter financial results for fiscal year 2011.
- 6. Discuss upcoming appointments to various City boards and commissions.

5:00 P.M.

MUNICIPAL BUILDING

2 NORTH MAIN STREET CITY COUNCIL CHAMBERS – 2^{ND} FLOOR

TEMPLE, TX

TEMPLE CITY COUNCIL

REGULAR MEETING AGENDA

I. CALL TO ORDER

- 1. Invocation
- 2. Pledge of Allegiance

II. PUBLIC COMMENTS

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

III. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Recognize the Texas Vietnam War Bronze Maquette

IV. BUDGET ITEMS

4. PUBLIC HEARING – Conduct the second of two public hearings to receive comments on the proposed tax rate of 56.79 cents per \$100 valuation for fiscal year 2012 (2011 tax year), and announce meeting to adopt the proposed tax rate on September 1, 2011.

V. CONSENT AGENDA

All items listed under this section, Consent Agenda, are considered to be routine by the City Council and may be enacted by one motion. If discussion is desired by the Council, any item may be removed from the Consent Agenda at the request of any Councilmember and will be considered separately. 5. Consider adopting a resolution approving the Consent Agenda items and the appropriate resolutions for each of the following:

<u>Minutes</u>

 (A) May 5, 2011 Special Called and Regular Meeting May 17, 2011 Special Called Meeting May 19, 2011 Special Called and Regular Meeting August 4, 2011 Special Called Meeting

Contracts, Leases & Bid

(B) 2011-6370-R: 1. Consider adopting a resolution authorizing a Chapter 380 cost sharing agreement between the City and Scott and White for the extension of Pepper Creek Trail from the trail near Research Boulevard to an existing trail at the Scott & White Health Plan Facility.

2011-6371-R: 2. Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for design services associated with the Pepper Creek Trail Extension from the trail near Research Boulevard to an existing trail at the Scott & White Health Plan Facility in an amount not to exceed \$93,500.

- (C) 2011-6372-R: Consider adopting a resolution ratifying an emergency construction contract with Bell Contractors of Belton for repair of approximately 35 water leaks in various locations throughout the City in the amount of \$70,072.
- (D) 2011-6373-R: Consider adopting a resolution authorizing a professional services agreement between the City of Belton, the City of Temple and Kasberg, Patrick & Associates, LP, (KPA) for engineering services required for preliminary design of the Temple-Belton Wastewater Treatment Plant (T-B WWTP) in an amount not to exceed \$1,194,265, of which the City of Temple's portion is not to exceed \$895,698.75.
- (E) 2011-6374-R: Consider adopting a resolution authorizing an Interlocal Cooperation Contract with the Texas Department of Public Safety for the purchase of alcohol and drug testing supplies by the Temple Police Department.
- (F) 2011-6375-R: Consider adopting a resolution authorizing a flooring project scope change order to the Police Headquarters construction contract with American Constructors, Inc. (ACI) of Austin in an estimated amount of \$35,000.
- (G) 2011-6376-R: Consider adopting a resolution authorizing the extension of the professional services agreement with Traylor and Associates of Tyler for administration and management of the CDBG grant program through December 31, 2011 with a monthly amount of \$7,350.

Ordinances – Second & Final Reading

(H) 2011-4461: SECOND READING – Consider adopting an ordinance approving rate tariffs that reflect the negotiated rate change between the City and Atmos Mid-Tex pursuant to the Rate Review Mechanism (RRM) process.

- (I) 2011-4463: SECOND READING Z-FY-11-32: Consider adopting an ordinance authorizing a zoning change from Agricultural District (AG) to General Retail District (GR) on Outblock 2064-A and from Agricultural District (AG) to Single Family Two (SF2) on Outblock 2065-A, Baldwin Robertson Survey, Abstract 17, on 15.922 acres, located southeast corner of North Pea Ridge Road and Stonehollow Drive.
- (J) 2011-4464: SECOND READING Z-FY-11-34: Consider adopting an ordinance authorizing a zoning change from Agriculture District (AG) to Commercial District (C) on 4.699 acres located on the south side of SM 2305, west of Arrowhead Point Road, more commonly known as 13721 West Adams Avenue. (Note: Approval of this item on consent agenda will rezone the subject property to PD-NS with the Storage Warehouse use permitted in addition to the uses permitted in the base NS zoning district, as approved on first reading by the City Council and with concurrence of applicant.)

Ordinance – First Reading

(K). 2011-4465: FIRST READING - Consider adopting an ordinance granting a franchise to AM Construction to provide for construction job site cleaning, rental and setting of fifteen(15) yard dumpsters, and hauling and disposing of construction site waste within the City of Temple.

<u>Misc.</u>

- (L) 2011-6377-R: Consider adopting a resolution dedicating right-of-way consisting of 2.77 acres for the construction of Panda Drive and 0.701 acre for extension of Lorraine Avenue.
- (M) 2011-6378-R: Consider adopting a resolution authorizing conveyance of two tracts of land from the City of Temple to the State of Texas for construction of the Pass-Through Financing Project along NW Loop 363 from FM 2305/West Adams north up to the BNSF main line.
- (N) 2011-6379-R: Consider adopting a resolution approving third quarter financial results for Fiscal Year 2011.
- (O) 2011-6380-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2010-2011.

VI. REGULAR AGENDA

ORDINANCES

2011-4462: FIRST READING – PUBLIC HEARING – A-FY-11-06: Consider adopting an ordinance abandoning 245.70 feet of West Irvin Avenue with an 80-foot right-of-way, between North 33rd Street and North 31st Street, located between the north portions of Lots 1 and 2, Block 1 and the south portions of Lots 1 and 2, Block 3 of Keaton Addition; and reserving a public drainage and utility easement in the entire abandoned right-of-way.

- 2011-4466: FIRST READING PUBLIC HEARING Z-FY-11-36: Consider adopting an ordinance authorizing a zoning change from General Retail District (GR) to Multiple Family Three (MF-3) on 12.15 ± acres of land, located on the west side of Hilliard Road, 1,095 ± feet from the intersection of West Adams Avenue and Hilliard Road.
- 8. 2011-4467: FIRST READING PUBLIC HEARING Z-FY-11-38: Consider adopting an ordinance authorizing a Conditional Use Permit for the sale of alcoholic beverages for onpremise consumption with more than 50% and less than 75% revenue from alcohol sales in a proposed pool hall located at 102 South General Bruce Drive.
- 2011-4468: FIRST READING PUBLIC HEARING Z-FY-11-39: Consider adopting an ordinance authorizing an amendment to Ordinance No. 2010-4398, originally approved October 21, 2010, Planned Development Single Family One (PD-SF1), to allow a change in the lot layout on a 10-acre tract of land in the Maximo Moreno Survey, Abstract No. 14, City of Temple, Bell County Texas, located on the north side of West FM 93, adjacent to and west of Ridgewood Estates.
- 2011-4469: FIRST READING PUBLIC HEARING Z-FY-11-40: Consider adopting an ordinance authorizing a zoning change from General Retail District (GR) to Commercial District (C) on Lots 1 & 2, Block 1, Garden Estates of Temple Texas Addition, being 7.22-acres located on the northwest corner of 205 Loop and 5400 block of West Adams Avenue, east of North Kegley Road.
- 2011-4470: FIRST READING PUBLIC HEARING Z-FY-11-41: Consider adopting an ordinance authorizing a zoning change from Agricultural District (AG) to Commercial District (C) on 29.548 acres in Nancy Chase Survey, Abstract No. 5, located at the southwest corner of Kegley Road and the 5600 block of West Adams Avenue.

RESOLUTIONS

- 12. 2011-6381-R: P-FY-11-33: Consider adopting a resolution authoring the Final Plat of Carroll Estes Industrial Subdivision, a 61.50-acre, 3-lot nonresidential subdivision located on the east side of I-35 at the northern City Limits, including a portion of the Temple ETJ, with developer's requested exception to Section 8.2.7.E of the Unified Development Code requiring fire hydrants to comply with the City's Fire Code.
- 13. 2011-6382-R: P-FY-11-35: Consider adopting a resolution authorizing the Preliminary Plat and Final Plat of Alta Vista II, a 46.56±-acre, 245-lot residential subdivision located on the east side of South 5th Street, south of Echo Village Subdivision and across from Wyndham Hill Parkway, with developer requested exception to Section 8.3.2:Cash Instead of Land Dedication.

BOARD APPOINTMENTS

- 14. 2011-6383-R: Consider adopting a resolution appointing members to the following City boards and commissions:
- (A) Airport Advisory Board two members to fill expiring terms through September 1, 2014
- (B) Animal Services Advisory Board one member to fill expiring term through September 1, 2014 and appoint Chair for the period of September 1, 2011 through August 31, 2012
- (C) Civil Service Commission one member to fill expiring term through September 1, 2014
- (D) Community Services Advisory Board three members to fill expiring terms through September 1, 2014
- (E) Library Board three members to fill expiring terms through September 1, 2014
- (F) Planning & Zoning Commission three members to fill expiring terms through September 1, 2014
- (G) Reinvestment Zone No. 1 Board of Directors five members to fill expiring terms through September 1, 2013
- (H) Temple Economic Development Corporation three members to fill expiring terms through September 1, 2014
- (I) Temple Public Safety Advisory Board four members to fill expiring terms through September 1, 2014
- (J) Transit Advisory Committee three members to fill expiring terms through September 1, 2013

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 10:45 AM, on August 12, 2011.

Motto, Entaminaer

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 ______on the _______



COUNCIL AGENDA ITEM MEMORANDUM

08/18/11 Item #3 Regular Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamation:

Recognize the Texas Vietnam War Bronze Maquette

STAFF RECOMMENDATION: Present proclamation as presented in item description.

ITEM SUMMARY: This proclamation was requested by, and will be received by U.S. Marine Corps Retired Patrick M. Reilly who is currently exhibiting the Texas Vietnam War Bronze Maquette throughout the State in an effort to support construction of the Capitol of Texas Vietnam War Monument on the Capitol grounds.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

08/18/11 Item #4 Regular Agenda Page 1 of 4

DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: PUBLIC HEARING – Conduct the second of two public hearings to receive comments on the proposed tax rate of 56.79 cents per \$100 valuation for fiscal year 2012 (2011 tax year), and announce meeting to adopt the proposed tax rate on September 1, 2011.

STAFF RECOMMENDATION: Conduct public hearing; no action required.

ITEM SUMMARY: At the August 4, 2011 regular meeting, Council discussed the proposed tax rate of 56.79 cents per \$100 valuation and adopted a resolution scheduling the adoption of the proposed tax rate for September 1, 2011, and setting public hearings for August 12, 2011 and August 18, 2011 on the proposed tax rate for FY 2011-2012. Following this action, the publication of a "Notice of Public Hearing on Tax Increase" occurred on August 5th and the "Notice of Tax Revenue Increase" occurred on August 19th. The proposed meeting dates and publication schedules comply with the Truth-In-Taxation requirements set forth by State Law and the City Charter.

The FY 2011-2012 budget was prepared with a preliminary total tax rate of 56.79 cents per \$100 valuation and a preliminary tax base of \$3,339,664,110 (estimated 4.30% increase from prior year). The preliminary tax rate was based on the FY 2011 rate of 56.79 cents.

On July 18, 2011, the Chief Appraiser certified the tax roll of \$3,311,259,863 (a 3.41% increase from prior year). On July 18, 2011, the Chief Appraiser calculated a final effective tax rate of 55.71 cents. Changes in the tax rate components as compared to the preliminary budget filed June 24, 2011 are as follows:

Comparing proposed tax rate of 56.79 cents to the <i>preliminary</i> rate of 56.79 cents as proposed in the budget filed on June 24, 2011:						
	PRELIMINARY FY 2012	PROPOSED FY 2012	Increase (Decrease)	Effective Tax Rate	% FY 2012 > ETR	
Proposed Tax Rate						
M&O (Maintenance & Operation) I&S (Interest & Sinking - Debt)	\$ 0.3262 0.2417	\$ 0.3240 0.2439	\$ (0.0022) 0.0022			
	\$ 0.5679	\$ 0.5679	\$ 0.0000	\$ 0.5571	1.94%	

No change in the proposed tax rate; an adjustment of the certified taxable value (\$3,311,259,863) from the preliminary taxable value (\$3,339,664,110); and a decrease in the frozen tax levy to \$1,686,806 from a preliminary levy of \$1,692,169 will result in a net decrease to the M&O revenue by \$158,270 as compared to the preliminary budget filed on June 24, 2011.

Comparing the proposed tax rate of 56.79 cents to the <i>current FY 2011 adopted</i> tax rate of 56.79 cents:
PROPOSED

		PROPOSED	
	FY	FY	Increase
	2011	2012	(Decrease)
Proposed Tax Rate			
M&O (Maintenance & Operation)	\$ 0.3300	\$ 0.3240	\$ (0.0060)
I&S (Interest & Sinking - Debt)	0.2379	0.2439	0.0060
	\$ 0.5679	\$ 0.5679	\$ -

Example 1 – Annual Property Tax - \$100,000 Taxable Value:

With the proposed tax rate of 56.79 cents per \$100 valuation, the cost to a homeowner with a taxable value of \$100,000 would not change if there was no change in taxable value from the prior year. If a homeowner with a taxable value of \$100,000 in 2011 experienced an increase in taxable value of .81% (average increase in appraised value), the annual property tax would <u>increase</u> by \$4.60.

Example 2 – Annual Property Tax - Average Taxable Value for City of Temple:

The preceding tax year's average taxable value of a residence homestead in Temple was \$94,590. In the current tax year, the average taxable value a residence homestead in Temple is \$95,535. With the proposed tax rate of 56.79 cents per \$100 valuation, there would be an annual <u>increase</u> of \$5.36 in taxes.

FISCAL IMPACT:

Changes from the preliminary tax rate and base used to calculate the filed budget on June 24, 2011 to the proposed rate with the certified tax roll as presented August 12, 2011 are as follows:

	Filed Budget	Proposed Budget	Increase/
	6/24/11	8/12/11	(Decrease)
Tax Base*	\$3,339,664,110	\$3,311,259,863	(\$28,404,247)
Tax Rate:			
M&O	32.62¢	32.40¢	(0.22¢)
I&S	24.17¢	24.39¢	0.22¢
Total Tax Rate	56.79¢	56.79¢	0.00¢
Tax Levy:			
M&O	\$9,795,845	\$9,641,339	(\$154,506)
Frozen Taxes	1,692,169	1,686,806	(5,363)
I&S	7,258,295	7,257,786	(509)
Total Tax Levy*	\$18,746,309	\$18,585,931	(\$160,378)
Budget w/M&O at 99% Collection	\$18,631,429	\$18,472,650	(\$158,779)

*Excludes Reinvestment Zone No. 1

General Fund:

Explanation of Changes from Filed Budget to Proposed Budget @ 8/18/2011:

Α	Revenue Changes:	
	Required adjustment from preliminary to certified roll	\$ (158,270)
	Total Revenue Changes	\$ (158,270)
в	Expenditure Changes:	
	Police budget changes for operational items - correction	\$ (17,835)
	Operational expenses related to new Fire Fighter positions - correction	25,293
	Increase to Compensation Contingency to include Regular Part-Time	
	positions with benefits	23,600
	City Secretary position	(28,747)
	Net change to Council Contingency	(56,859)
	Decrease Seal Coating Program	 (103,722)
	Total Expenditures Changes	\$ (158,270)
	Net Revenue Over (Under) Expenditures	\$ -

Debt Service Fund:

Explanation of Changes from Filed Budget to Proposed Budget @ 8/18/2011:

Revenue Changes:	
Required adjustment from preliminary to certified roll	\$ (509)
Increased line item for penalty and interest (offset for property tax adjustment)	509
Total Revenue Changes	\$ -
Total Revenue Changes Expenditure Changes:	\$ -
	\$ -

ATTACHMENTS: Historical Tax Rate Information

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

Fiscal	Α	dopted Tax Rate		Effective	Adopted Rate v. Effective Tax Rate	
Year	I & S	M & O	Total	Tax Rate	\$	%
2002	\$0.2445	\$0.3520	\$0.5965	\$0.5792	0.0173	2.99%
2003	0.2620	0.3273	0.5893	0.5722	0.0171	2.99%
2004	0.2537	0.3510	0.6047	0.5972	0.0075	1.26%
2005	0.2349	0.3674	0.6023	0.5731	0.0292	5.10%
2006	0.2199	0.3546	0.5745	0.5579	0.0166	2.98%
2007	0.2339	0.3395	0.5734	0.5568	0.0166	2.98%
2008	0.2289	0.3392	0.5681	0.5516	0.0165	2.99%
2009	0.2273	0.3322	0.5595	0.5433	0.0162	2.98%
2010	0.2473	0.3173	0.5646	0.5511	0.0135	2.45%
2011	0.2379	0.3300	0.5679	0.5742	-0.0063	-1.10%
2012 ¹	0.2439	0.3240	0.5679	0.5571	0.0108	1.94%

' - PROPOSED Tax Rate



COUNCIL AGENDA ITEM MEMORANDUM

08/18/11 Item #5(A) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

 (A) May 5, 2011 Special Called and Regular Meeting May 17, 2011 Special Called Meeting May 19, 2011 Special Called and Regular Meeting August 4, 2011 Special Called Meeting

STAFF RECOMMENDATION: Approve minutes as presented in item description.

ITEM SUMMARY: Copies of minutes are enclosed for Council review.

FISCAL IMPACT: N/A

ATTACHMENTS:

May 5, 2011 Special Called and Regular Meeting May 17, 2011 Special Called Meeting May 19, 2011 Special Called and Regular Meeting August 4, 2011 Special Called and Regular Meeting

TEMPLE CITY COUNCIL

MAY 5, 2011

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, May 5, 2011, at 4:00 P.M., in the 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 Schenider Mayor William A. Jones, III

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, May 5, 2011.

Consent Agenda Item 4(B) and Regular Agenda Item 6 - Panda Agreements: David Blackburn, City Manager, stated there are two items on this agenda relating to Panda Temple Power, a tax abatement agreement and an economic development agreement, and five items relating to TMED.

Jonathan Graham, City Attorney, stated the tax abatement with Panda is for a 10 year term, with 50% abatement on real property improvements.

Richard Evans, Panda Temple Power, stated construction is anticipated to begin in September 2011. The gas line is critical to the construction and easements are underway. The time period for construction is 31 months.

Consent Agenda Item #4(E) - 18" water transmission main: Councilmember Schneider questioned the dollar amount for this design contract, \$945,000. Nicole Torralva, Director of Public Works, stated this contract also include quite a few additional services.

Consent Agenda Item 4(J) - Z-FY-11-23: The site plan for this development will come back to the City Council for approval.

2. Receive an update on the Strategic Investment Zone (SIZ) grants.

Kim Foutz, Assistant City Manager, provided this report to the City Council regarding the three strategic investment zones (SIZ) with incentive ordinances, South 1st Street, Avenues G and H, and North 3rd Street. She provided some background information regard the SIZ and the purpose and objectives of this program. Maps were displayed showing the three SIZ districts and the locations of the grant recipients. Mrs. Foutz reviewed the program results to date, noting that the 16 projects provided an estimated total capital investment of \$3,100,000 with a \$350,000 total City investment. Seven of the sixteen properties are still in progress. Before and after photos of the projects were shown, along with the objectives met for each of those properties.

David Blackburn, City Manager, stated \$85,000 per year has been budgeted for the SIZ program and all funds are obligated. There has been very limited promotion of the program and the funds are allocated on a first-come, first served basis if the project meets the criteria of the program. Additional funds in the amount of \$10,000 were added one year only. Mr. Blackburn asked the Council if they would like to consider additional mid-year funding if all funds are allocated. The City Council discussed performance measures for the program, such as job creation and increased tax value, and the need to establish a method for determining the return on investment. They also discussed whether to establish a maximum percentage for each particular program.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, May 5, 2011 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

Police Chief Gary Smith voiced the Invocation.

2. Pledge of Allegiance

Nicole Torralva, Director of Public Works, led the Pledge of Allegiance.

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. (A) Nurses' Week 2011 May 6-12, 2011

Mayor Jones presented this proclamation to Kristy France, Texas Nurses Association, District 7 President, and others from the District.

III. PUBLIC COMMENTS

Mayor Jones presented a proclamation to Willie Capps in the recognition of Youth Week, May 1 - 7, 2011.

Ron Stewart and other employees from Temple Fire & Rescue, thanked Councilmember Marty Janczak for his service to the City of Temple and its citizens. They also recognized Mayor Pro Tem Patsy Luna and presented her with a vase of flowers and a plaque for her service to the City of Temple.

Betty Elliott, 305 East Xavier, addressed the City Council. She thanked Mayor Pro Tem Patsy Luna for her service to the City. She thanked the Council for installing the bus shelters throughout the City.

IV. CONSENT AGENDA

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

(A) 2011-6286-R: Consider adopting a resolution authorizing a one-year extension to the contract for BlackTopper Technology, Inc. of Blanco, Texas for the FY 2011 Seal Coat Program in the estimated amount of \$260,204.

(B) 2011-6287-R: Consider adopting a resolution authorizing the execution of an economic development agreement between Panda Temple Power, LLC, Temple Economic Development Corporation and the City of Temple regarding a proposed 500 megawatt natural gas fueled power plant in the Southeast Industrial Park, south of Lorraine Drive.

(C) 2011-6288-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP (KPA), for data collection and design services associated with Avenue U and 13th to 17th Connector, in an amount not to exceed \$347,450.

(D) 2011-6289-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP (KPA), for survey and design services associated with intersections for Avenue R at Scott & White Boulevard and 19th Street, in an amount not to exceed \$50,000.

(E) 1. 2011-6290-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) for engineering services required to replace the 18" water transmission main (from WTP to Loop 363) and construct additional water distribution mains in the 720 pressure zone in an amount not to exceed \$945,000.

2. 2011-6291-R: Consider adopting a resolution authorizing a professional services agreement with Lone Star Right of Way Services, Inc., for easement acquisition required to replace the 18" water transmission main (from WTP to Loop 363) and construct additional water distribution mains in the 720 pressure zone in an amount not to exceed \$342,500.

(F) 2011-6292-R: Consider adopting a resolution authorizing a grant application to the Bureau of Justice Assistance Bulletproof Vest Partnership Program of 2011 to purchase ballistic vests and replacement vests for the Police Department in the amount of \$3,750.

(G) 2011-4438: SECOND READING -- Z-FY-11-20: Consider adopting an ordinance authorizing an amendment to Unified Development Code (UDC) Article 6.3 TMED, Temple Medical and Education District, including additions to the use table concerning nursing home/assisted living, amending parking and garage requirements for special districts,

designating specific trees for street tree application and addressing residential applicability.

(H) 2011-4439: SECOND READING -- Z-FY-11-21: Consider adopting an ordinance authorizing a zoning change from TMED (T4) to TMED (T5-c) on the south 31.31 feet of Lot 9 and Lots 10, 11 and 12, Block 6, Hollywood Addition located at 2114 South 5th Street.

(I) 2011-4440: SECOND READING -- Z-FY-11-22: Consider adopting an ordinance authorizing an amendment to Unified Development Code (UDC) Section 3.14, Sign Permit, related to the re-facing of signs.

(J) 2011-4441: SECOND READING -- Z-FY-11-23: Consider adopting an ordinance authorizing a zoning change from Single Family Two District (SF2) to Two Family District (2F) on $30.9 \pm$ acres of land being out of the Maximo Moreno Survey, Abstract 14, City of Temple, Bell County, Texas, located along the west of South 5th Street, between Canyon Creek Drive and Silver Stone Drive.

(K) 2011-4442: SECOND READING - Z-FY-11-24: Consider adopting an ordinance authorizing a zoning change from Neighborhood Services District (NS) to General Retail District (GR) on Lot 1-A, Block 1, Canyon Creek Place II Addition, located at 1710 Canyon Creek Drive. (Approval of this item on Consent Agenda will rezone the subject property to Planned Development Neighborhood Services plus beer and wine sales for off-premise consumption as approved on first reading by the City Council.)

(L) 2011-6293-R: Consider adopting a resolution authorizing the conveyance of a 3.205 acre tract to the Texas Department of Transportation (TxDOT) for the IH35 widening project from North Loop 363 to the north city limits of Troy.

(M) 2011-6294-R: Consider adopting a resolution appointing the presiding and alternate judges for the May 14, 2011 City of Temple - Temple ISD Joint Election.

(N) 2011-6295-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2010-2011.

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

Motion passed unanimously.

VI. REGULAR AGENDA

ORDINANCES

5. 2011-4444: FIRST READING - PUBLIC HEARING - Z-FY-11-08: Consider adopting an ordinance authorizing a zoning change from multiple zoning district classifications to Temple Medical and Education District (TMED) zones being T4, T5-e, and T5-c, for the remaining 165 residential properties identified in the original zoning change request.

Autumn Speer, Director of Community Services, presented this case to the City Council. This item will conclude the rezoning of the TMED. Ms. Speer provided some background information regarding the TMED and displayed a map showing the location of the residential properties, as well as the existing zoning detail. There will be no effect on any current residential uses with this rezoning.

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

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

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance, with second reading and final adoption set for May 19, 2011, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

RESOLUTIONS

6. 2011-6284-R: Consider adopting a resolution authorizing a tax abatement agreement with Panda Temple Power, LLC, for a portion of a 238.55 acre tract of land in the Southeast Industrial Park, south of Lorraine Drive.

Jonathan Graham, City Attorney, presented this item to the City Council. The Council created Reinvestment Zone Number 20 at its last meeting, allowing a tax abatement agreement to be approved by the City council. This is one more step in the process of bringing Panda Energy to Temple. Mr. Graham provided a brief description of the project to be constructed in the Southeast Industrial Park. The tax abatement agreement is 50% for a 10 year term on the increased taxable value of real property improvements. This project exceeds all the criteria for authorizing a tax abatement agreement. All taxing entities have been notified of this proposal and have the opportunity to offer tax abatement under the same terms within a 90 day period. Mr. Graham displayed photos of the proposed plant. The City has also approved an economic development agreement with Panda, as well as an agreement for the use of effluent from the Doshier Farm Wastewater Treatment Plant. The project will create a minimum of 20 new jobs.

David Blackburn, City Manager, thanked Panda for their willingness to come to Temple. This is just one in a number of many steps to bring this project to fruition. The actual value of improvements is dependent on the Appraisal District's appraisal of property and when the project actually becomes operational. Richard Evans, Panda Energy, was present to answer questions from the City Council.

Mayor Pro Tem Luna asked how many employees will be hired during the construction phase.

Mr. Evans stated the estimated construction period is 31 months and as many as 400 people will be working on the project at peak. The estimated total employment in phase 1 is 20 and if phase 2 is constructed that would increase to 35.

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

SPECIAL MEETING OF THE TEMPLE CITY COUNCIL

MAY 17, 2011

The City Council of the City of Temple, Texas conducted a Special Meeting on Tuesday, May 17, 2011, at 5:00 PM at Municipal Building, 2 North Main Street, City Council Chambers, Temple, TX 76501.

Present:

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

I. CALL TO ORDER

1. Invocation

Kathleen Person, Muncipal Court Judge, voiced the Invocation.

2. Pledge of Allegiance

Mayor Jones led the Pledge of Allegiance.

II. ELECTION ITEMS

3. Consider adopting a resolution canvassing the returns of the May 14, 2011 City of Temple general election.

Mayor Jones presented this item to the City Council. He stated the election for the District 2 Councilmember was conducted on May 14, 2011. There were 345 total votes cast. Judy Morales received a total of 276 votes and Bennie Trevino received 69. Mayor Jones declared Judy Morales elected to the position of District 2 Councilmember for a 3-year term.

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

Motion passed unanimously.

4. Administer Oaths of Office to newly elected Councilmembers.

Kathleen Person, Municipal Court Judge, administered the Oaths of Office to Councilmembers Judy Morales and Perry Cloud and Mayor Jones.

Mayor Jones expressed appreciation to Mayor Pro Tem Patsy Luna and Councilmember Janczak for their service to the City and presented each with their nameplates from the dais. At this time, Judy Morales and Perry Cloud were seated as new Councilmembers. Mayor Jones presented each with name plates, City of Temple lapel pins, and Certificates of Election.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger City Secretary

TEMPLE CITY COUNCIL

MAY 19, 2011

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, May 19, 2011, at 3:00 P.M., in the Conference Room, 3rd Floor, Municipal Building, 2 North Main Street.

Present:

Councilmember Perry Cloud Councilmember Danny Dunn Councilmember Judy Morales Councilmember Russell Schneider Mayor William A. Jones, III

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, May 19, 2011.

Councilmember Morales asked that Consent Agenda Items 6(F), (K) and (L) be removed as she would abstain from voting on these items.

Regular Agenda Items #9 and #10 - Chapter 380 Agreements: David Blackburn, City Manager, stated these agreements relate to Strategic Investment Zone (SIZ) projects. They are considered on a case by case basis, with the funding mechanism noted in the fiscal impact and budget amendments. These agreements are above and beyond the \$85,000 funded in the current budget.

The Councilmembers discussed the return on investment for these grant funds and how that can be measured. They also discussed their long term vision for these corridors.

2. Executive Session - Pursuant to Chapter 551, Government Code, §551.072 -Real Property - The City Council may enter into executive session to discuss the purchase, exchange, lease or value of real property relating to City projects, the public discussion of which would have a detrimental effect on negotiations with a third party.

This item was considered following item 3.

Mayor Jones announced the City Council would enter into executive session at approximately 4:42 p.m.

The regular work session was reconvened at approximately 5:00 p.m. with no action being taken.

3. Discuss the proposed FY 2011-2012 budget and related issues.

This item was considered before item 2.

David Blackburn, City Manager, presented this budget briefing to the City Council. He discussed the City's mission, vision and strategic focus areas, the 2012 budget calendar, and the fence posts he used in the development of the proposed budget. Next, Mr. Blackburn discussed some of the budget issues, including curbside recycling, police and fire staffing, Sammons Golf Course, Summit Family Fitness Center, fuel costs, health insurance, TMRS retirement system, employee compensation, street maintenance, new programs, full time Municipal Court Judge, Solid Waste fleet, CDBG administration and public service agency funding.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, May 19, 2011 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

Councilmember Perry Cloud Councilmember Danny Dunn Councilmember Judy Morales Councilmember Russell Schneider Mayor William A. Jones, III

I. CALL TO ORDER

1. Invocation

Pastor Hubert Austin, First United Methodist Church, voiced the Invocation.

2. Pledge of Allegiance

Kennedy-Powell Elementary Student Council led the Pledge of Allegiance.

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. (A) Recognition of Rotary Club Study Exchange Team from France

Jonathan Graham, City Attorney, introduced the members of the Rotary Group Study Exchange Team from France. He presented each with Honorary Citizenship Certificates. A short video was shown introducing the members.

(B) Recognition of "Tourism Stars"

Ken Cicora, Director of Parks & Leisure Services, recognized the Tourism Stars, three hotels that have helped bring tourism to Temple. Awards were presented to representatives from Candlewood Suites, Fairfield Inn and The Hilton Garden Inn.

(C) National Public Works Week May 15 - 21, 2011/ Recognition of Sam Weed, Superintendent of Fleet Services Superintendent, for attaining life time membership in the American Public Works Association

Mayor Jones recognized Nicole Torralva, Director of Public Works, and Staff members from the Public Works Division. Ms. Torralva introduced employees present at the meeting.

(D) National EMS Week May 15-21, 2011

Mayor Jones presented EMS Personnel from Scott and White and the City of Temple with this proclamation.

(E) National Police Week May 15-21, 2011

Mayor Jones presented Deputy Chief John Scharf and members of the Temple Police Department with this proclamation.

III. PUBLIC COMMENTS

Allen Einboden, Temple Parks Foundation, addressed the City Council regarding the Talasek family's Bend O' the River property that is being proposed to be donated to the City of Temple. He shared the vision and mission of the Temple Parks Foundation for this property. Mr. Einboden also shared the Foundation's commitment to fundraising and support for the development of the Bend O' the River property. He showed aerial photos of the property which is known as the gateway to Temple. Some of the possibilities for the property include a rose garden, river nature trail, botanical garden, and special events for arts.

Bernice Talasek introduced her family members present. She stated they have been searching for the appropriate memorial for her late husband, Reuben Talasek, and donating this property to the City of Temple for development as proposed will honor his memory.

IV. REPORTS

4. Receive an update regarding the City's Water Conservation Plan.

Nicole Torralva, Director of Public Works, presented this report to the City Council. The Water Conservation Plan is mandated by the State and contains 5 stages. The City Manager determines when conditions merit moving through the warrants. Information is being provided to our residents regarding water conversation. Stage 1 of the plan is implemented on June 1st, and Ms. Torralva explained the components of this stage. She also reviewed the other 4 stages in the Water Conservation Plan and when these might be implemented.

Mr. Blackburn indicated the City's water supply and infrastructure is very good right now. He urged citizens to be good stewards of the water.

V. ELECTION ITEMS

5. 2011-6285-R: Consider adopting a resolution electing a Mayor Pro Tem for the City of Temple.

Mayor Jones stated the City Charter requires the selection of a Mayor Pro Tem following each Councilmember election.

Motion by Councilmember Danny Dunn to adopt resolution appointing Councilmember Russell Schneider as Mayor Pro Tem, seconded by Councilmember Judy Morales.

Motion passed unanimously.

VI. CONSENT AGENDA

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

(A) 2011-6286: Consider adopting a resolution authorizing the use of \$35,036.02 in Child Safety Fees to upgrade the school zone on North 31st Street at Temple High School to mast arm type flashing beacons and install new mast arm type flashing beacons at Holy Trinity Catholic High School on FM 2305.

(B) 2011-6287-R: Consider adopting a resolution authorizing the purchase of metal refuse containers for the Solid Waste Division as follows:

- 1. Front Loading containers from Wastequip, Statesville, NC, in the amount of \$45,736; and,
- 2. Side Loading containers from Roll-Offs USA, Durant, OK, in the amount of \$2,125.

(C) 2011-6288-R: Consider adopting a resolution authorizing the purchase of 1,900 plastic 95-gallon refuse containers for the Solid Waste Division from Toter, Inc., Statesville, NC, in the amount of \$88,673.

(D) 2011-6289-R: Consider adopting a resolution authorizing the purchase of furniture for the Station 8 / Training Center / EOC from Perry Office Plus of Temple utilizing Texas State Contracts (TXMAS) in an amount not to exceed \$66,500.

(E) 2011-6290-R: Consider adopting a resolution authorizing a construction contract with Roof USA, LLC of Richardson for remedial waterproofing of the Parks and Leisure Services Office in Wilson Park in the amount of \$27,135.71.

(F) 2011-6291-R: Consider adopting a resolution authorizing an agreement with GovDeals, Inc. ("GovDeals") of Montgomery, Alabama, to provide online auction services to the City for a fee of 12.5% of the winning bid values.

(G) 2011-6292-R: Consider adopting a resolution authorizing an amendment to the Fiscal Year 2010-2011 CDBG Annual Action Plan to fund \$200,000 for the Avenue H Resurface infrastructure project.

(H) 2011-6293-R: Consider adopting a resolution authorizing an amendment to the Fiscal Year 2008-2009 CDBG Annual Action Plan to reallocate \$19,684 of Recovery Act of 2009 Program funds to the 1st Street Sidewalk infrastructure project.

(I) 2011-6294-R: Consider adopting a resolution authorizing the resubmission of a grant application, to the Department of Justice for 6 new police officer positions through the COPS Hiring Program.

(J) 2011-6295-R: Consider adopting a resolution authorizing the submission of a grant application to the Department of Justice for COPS Secure Our Schools Program.

(K) 2011-6296-R: Consider adopting a resolution authorizing a one year lease agreement with the Texas Forest Service for lease of space in the Public Services Building.

(L) 2011-6297-R: Consider adopting a resolution authorizing an amendment to the lease agreement with the Bell County HELP Center for lease of space in the Public Services Building.

(M) 2011-6298-R: Consider adopting a resolution authorizing an amendment to the 2007 Funding and Operating Agreement between the City of Temple and Temple Economic Development Corporation and approving an amendment of the Bylaws of Temple Economic Development Corporation

(N) 1. 2011-6299-R: Consider adopting a resolution granting a petition to institute voluntary annexation proceedings, known as the Lawson Voluntary Annexation, for a 3+ acre tract of land located on the east side of State Highway 36, north of Moffat Road, part of Outblock 10790-A, more commonly known as 10740 West State Highway 36.

2. 2011-6300-R: Consider adopting a resolution directing the Staff to develop a municipal services plan and calling public hearings to consider the petition.

(O) 2011-4444: SECOND READING - Z-FY-11-08: Consider adopting an ordinance authorizing a zoning change from multiple zoning district classifications to Temple Medical and Education District (TMED) zones being T4, T5-e, and T5-c, for the remaining 165 residential properties identified in the original zoning change request.

(P) 2011-6301-R: Consider adopting a resolution approving second quarter financial results for Fiscal Year 2011.

(Q) 2011-6302-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2010-2011.

Motion by Councilmember Danny Dunn to adopt resolution approving Consent Agenda, with exception of items (F), (K), (L), and (P), seconded by Councilmember Russell Schneider.

Motion passed unanimously.

(F) 2011-6291-R: Consider adopting a resolution authorizing an agreement with GovDeals, Inc. ("GovDeals") of Montgomery, Alabama, to provide online auction services to the City for a fee of 12.5% of the

winning bid values.

Mayor Pro Tem Schneider stated the City has a local auctioneer that performs these services and he would not want the contract to go out of state. He asked the rate being charged by the current auctioneer.

Belinda Mattke, Purchasing Director, stated she thought it was 10% but would need to verify. The City has previously used live auctions and she explained the benefits of going to an on-line auction process. The proposed agreement would be for one year, then Staff would evaluate the savings and bring a recommendation back to the Council.

Motion by Councilmember Danny Dunn to adopt resolution presented in item 6 (F), seconded by Councilmember Judy Morales.

Councilmember Russell Schneider voted no and Councilmember Judy Morales abstained. The other Councilmembers voted aye. The motion passed.

(K) 2011-6296-R: Consider adopting a resolution authorizing a one year lease agreement with the Texas Forest Service for lease of space in the Public Services Building.

(L) 2011-6297-R: Consider adopting a resolution authorizing an amendment to the lease agreement with the Bell County HELP Center for lease of space in the Public Services Building.

Motion by Councilmember Danny Dunn to adopt resolution approving items (K) and (L), seconded by Councilmember Russell Schneider.

Councilmember Judy Morales abstained. The other Councilmembers voted aye. The motion passed.

(P) 2011-6301-R: Consider adopting a resolution approving second quarter financial results for Fiscal Year 2011.

Traci Barnard, Director of Finance, presented a brief summary of the second quarter financial report. She highlighted the major revenue sources, including sales tax and ad valorem taxes. General Fund expenditures are at 48% of budget and one focus area, fuel costs, was reviewed. Mrs. Barnard provided the General Fund forecast at year end and noted the revenue sources that contribute to coming in over budget, as well as expenditures that are both below and above budget. The General Fund fund balance is estimated to be \$5,178,218 at September 30, 2011.

Motion by Councilmember Danny Dunn to adopt resolution presented in item (P),

seconded by Councilmember Judy Morales.

Motion passed unanimously.

(F) 2011-6291-R: Consider adopting a resolution authorizing an agreement with GovDeals, Inc. ("GovDeals") of Montgomery, Alabama, to provide online auction services to the City for a fee of 12.5% of the winning bid values.

At this time, Mayor Jones stated a re-vote on item 6(F) would be required as Councilmember Morales seconded the motion made but also abstained from voting on the item.

Motion by Councilmember Danny Dunn to adopt resolution presented in item (F), seconded by Councilmember Perry Cloud.

Councilmember Russell Schneider voted no and Councilmember Judy Morales abstained. The other Councilmembers voted aye. The motion passed.

VII. REGULAR AGENDA

- 7. 2011-4445: FIRST READING PUBLIC HEARING Consider adopting an ordinance designating a tract located at 3601 Eberhardt Road as City of Temple Tax Abatement Reinvestment Zone Number Twenty-One for commercial/industrial tax abatement.
- 8. 2011-4446: FIRST READING PUBLIC HEARING Consider adopting an ordinance designating a tract located at 3000 Pegasus Drive as City of Temple Tax Abatement Reinvestment Zone Number Twenty-Two for commercial/industrial tax abatement.

Jonathan Graham, City Attorney, presented both items 7 and 8 to the City Council. Under state law a finding must be made that creating a tax abatement reinvestment zone for commercial/industrial tax abatement will provide a benefit and be feasible. The applications submitted for these two reinvestment zones for two existing businesses do meet the City's requirements. Tax abatement agreements will come forward on second reading of these ordinances.

Mayor Jones declared the public hearing open with regard to agenda items 7 and 8 and asked if anyone wished to address these items.

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

Motion by Councilmember Danny Dunn to adopt ordinance presented in item 7, with second reading and final adoption set for June 2, 2011, seconded by Councilmember Perry Cloud.

Motion passed unanimously.

Motion by Councilmember Russell Schneider to adopt ordinance presented in item 8 with second reading and final adoption set for June 2, 2011, seconded by Councilmember Danny Dunn.

Motion passed unanimously.

9. 2011-6303-R: Consider adopting a resolution authorizing a Chapter 380 grant agreement with Robert Flores representing Brother Empire LLC for redevelopment improvements at 201 South Main Street in the South First Street Strategic Investment Zone corridor in an amount not to exceed \$30,000.

Kim Foutz, Assistant City Manager, presented item 9 to the City Council. She displayed photos of the existing building, known as the Kool Spot. The proposed use is for a bar and grill. Renovations to be completed as part of this grant are mouldings, signs, sidewalks, exterior stucco and interior renovations. The total investment by the property owner is \$87,000 with a \$30,000 City match.

Motion by Councilmember Russell Schneider to adopt resolution presented in item 9, authorizing agreement with funds approved in FY 2012 budget, Motion failed due to lack of second.

Motion by Councilmember Judy Morales to adopt resolution, seconded by Councilmember Perry Cloud.

Councilmember Russell Schneider voted nay. The other Councilmembers voted aye. The motion passed.

10. 2011-6304-R: Consider adopting a resolution authorizing a Chapter 380 grant agreement with Temple Pro Ventures Commercial, LP for redevelopment improvements at 1401 S. 1st Street in the South First Street Strategic Investment Zone corridor in an amount not to exceed \$30,000.

Regarding item 10, Mrs. Foutz stated the property located at 1401 South 1st Street is owned by Temple Pro Ventures, Derek Martin. The property is in the South 1st Street SIZ corridor, adjacent to VA hospital. Mrs. Foutz displayed photos of existing buildings and reviewed the phase 1 improvements, which will meet TMED standards, totalling \$1,135,634. Phase 2 would renovate the existing building and remove the existing on street parking to allow for landscaping and streetscape improvements. The sewer line will also be relocated, at a cost of \$30,000.

Mayor Pro Tem Schneider stated the City has budgeted \$85,000 each year for the past 3 years for the SIZ projects. The current fund is depleted so this \$60,000 is coming from General Fund Balance Designated for Capital Projects Unallocated. This is a great program, with lots of good projects, but in this time of budget constraints with lots of needs, unallocated funds could be used for some of those needs. Mayor Pro Tem Schneider expressed his support for the projects but suggested the match be taken from next year's funds.

Councilmember Dunn stated he was not on the Council when the \$85,000 annual appropriation was approved but he did serve on the original committee charged with developing SIZ corridors. This is a tool for urban renewal and beautification and also an economic development tool. He stated he would hope these projects would be funded as they are good projects. Not all proposed

projects need to be passed and Councilmember Dunn stated he hoped the City would get to a point where there is competition for the funds.

Councilmember Morales stated she understood the importance of giving incentives but added we do need to be careful what we give in the future. It is good to encourage businesses to go forward if their projects are ready.

Councilmember Schneider stated we do not need to budget these funds on an annual basis if we are going to fund these from unallocated funds and approve each application. This is not the right time for that approach.

Mayor Jones stated these are two very worthwhile projects, each getting \$30,000 with a very different level of investment from each, which seems unequitable. In the future, we need to look at this program and some type of funding maximum that is more equitable. The sooner some of these projects get started the sooner we see the impacts.

Motion by Councilmember Danny Dunn to adopt resolution as presented in item 10, seconded by Councilmember Judy Morales.

Councilmember Russell Schneider voted nay. The other Councilmembers voted aye. The motion passed.

11. 2011-6305-R: Consider adopting a resolution appointing members to the following City boards and commissions:

(A) Animal Services Advisory Board - one member to fill an unexpired term through September 1, 2012;

It was recommended that Jennifer Rojas be appointed to fill the unexpired term.

(B) Transit Advisory Committee - one member to fill an unexpired term through September 1, 2011; and

It was recommended that Mary Ann Rojas be appointed to fill theis unexpired term.

(C) Temple Public Safety Advisory Board - one member to fill an unexpired term through September 1, 2012

It was recommended this appointment be tabled.

Motion by Councilmember Perry Cloud to adopt resolution with appointments as recommended, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

12. 2011-6306-R: Consider adopting a resolution authorizing the City Manager to execute a letter of intent to acquire the Bend O' River property located at 7915 South General Bruce Drive.

Jonathan Graham, City Attorney, presented this item to the City Council. He stated the item was reviewed during the executive session in the work session conducted earlier this afternoon. Mr. Graham provided a description of the property. If the donation is accepted the property would be used for a botanical garden or some similar purpose. It is recommended the Council authorize a letter of intent to acquire the property, pending due diligence that is underway and subject to completion of that due diligence.

Motion by Councilmember Judy Morales to adopt resolution, seconded by Councilmember Perry Cloud.

Councilmember Russell Schneider abstained. The other Councilmembers voted aye. The motion passed.

13. 2011-6307-R: Consider adopting a resolution authorizing an assignment of the non-emergency ambulance transfer service franchise from Central Texas EMS, L.L.C., to Acadian Ambulance Service, Inc.

Jonathan Graham, City Attorney, presented this item to the City Council. A 5year franchise was previously approved for Central Texas EMS that will soon expire. They are currently in the process of transferring that franchise to Acadian Ambulance Service, Inc. Under the City Charter and terms of our franchise agreement, this transfer would require approval by four affirmative votes of the City Council. Two letters of good standing have been received from cities in which Acadian provides service. Eight letters of support have been received as of today from companies that currently do business with Acadian.

Motion by Councilmember Russell Schneider to adopt resolution, seconded by Councilmember Judy Morales.

Councilmember Danny Dunn abstained. The other Councilmembers voted aye. The motion passed.

ATTEST:

William A. Jones, III, Mayor

Clydette Entzminger City Secretary

TEMPLE CITY COUNCIL

AUGUST 4, 2011

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, August 4, 2011, at 4:00 P.M., at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

Present:

Councilmember Perry Cloud Councilmember Danny Dunn Councilmember Judy Morales Mayor William A. Jones, III

Absent:

Mayor Pro Tem Russell Schneider

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, August 4, 2011.

Consent Agenda Item 4(G) - Hill Country Transit District grant funds: Councilmember Cloud asked that this item be removed from the Consent Agenda as he would abstain from the discussion and vote on the item.

2. Discuss the proposed FY 2011-2012 budget and related issues.

There was no discussion of this item.

3. Discuss the City's purchasing procedures relating to annual contract bidding and renewals.

Belinda Mattke, Purchasing Director, presented this item to the City Council. She stated the City currently has 100 annual and term purchasing contracts. The Purchasing Department is evaluating each contract and Ms. Mattke provided the Council with a summary of those contracts.

Ms. Mattke reviewed the monetary guidelines established by the City Council and noted the exceptions to those guidelines. Next, she reviewed the annual and term contracts, explaining the differences between the two categories and providing staff recommendations for renewals. Ms. Mattke explained that market analysis is completed by department and division heads to determine if the pricing is still good before renewing a contract. She asked for Council feedback prior to bringing the official contract recommendations back to the Council in September.

4. Discuss upcoming appointments to various City boards and commissions.

Mayor Jones stated the Council has been provided with the terms expiring and board application forms for those citizens seeking appointment or reappointment. These appointments will be made at the August 18th City Council meeting.

5. 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 plans for the City Manager, City Attorney, Director of Finance, City Secretary and Municipal Court Judge. No final action will be taken.

The executive session was not conducted.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, August 4, 2011 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

Mayor William A. Jones, III Councilmember Danny Dunn Councilmember Judy Morales Councilmember Perry Cloud

Absent:

Councilmember Russell Schneider

I. CALL TO ORDER

1. Invocation

Gary Smith, Chief of Police, voiced the Invocation.

2. Pledge of Allegiance

Austin and Spencer Belbeck, grandchildren of Councilmember Judy Morales, led the Pledge of Allegiance.

II. PUBLIC COMMENTS

There were no public comments made at this meeting.

III. BUDGET ITEMS

3. (A) PUBLIC HEARING - Receive presentation by the City Manager and conduct a public hearing on the proposed 2011-2012 operating budget.

(B) 2011-6363-R: Discuss proposed tax rate and consider adopting a resolution scheduling the adoption of the proposed tax rate for September 1, 2011.

David Blackburn, City Manager presented the proposed 2011-2012 budget to the City Council. He began with a review of the budget calendar and the fence posts used in development of the budget. Next, he presented revenue and expense summaries for all funds, FY 2011 versus FY 2012, as well as separate summaries for the General Fund and Water and Wastewater Fund. The total proposed budget is \$107,499,324 for FY 2012. There are no proposed increases for property taxes, water, sewer or solid waste rates in the

for maintenance and operation and 24.39 cents for debt service. Mrs. Barnard also discussed the adopted tax rate versus the effective tax rate, average taxable values and assessed values, sales tax revenue and fund balance.

Mr. Blackburn discussed some of the budget highlights and issues, which included fuel costs, staffing and equipment for Fire Station No. 8, staffing and vehicles for the Police Department, street maintenance, economic development, CDBG program administration, Sammons Golf Course, public service agency funding, SIZ grant and incentive program, and additional new programs. He also discussed some of the major CIP projects underway, including NW Loop 363, Police Department renovations, Temple-Belton Regional Sewage System Plant expansion, and the Bird Creek Interceptor. Mr. Blackburn stated the FY 2012 budget also continues to fund the TMRS retirement system and the self funded health insurance program. It is also anticipates that all regular employees will receive lump sum payments equal to 3% of salary.

Mayor Jones declared the public hearing open with regard to agenda item 3(A) and asked if anyone wished to address this item. There being no comments, Mayor Jones closed the public hearing.

Motion by Councilmember Danny Dunn to adopt resolution setting the proposed tax rate of \$0.5679 per \$100 in value and scheduling the adoption of the proposed tax rate for the September 1, 2011 Regular City Council meeting, seconded by Councilmember Judy Morales.

Motion passed unanimously.

Motion by Councilmember Danny Dunn to adopt resolution setting the public hearings on the proposed tax rate of \$0.5679 per \$100 in value for 4:00 p.m. August 12, 2011 Special City Council meeting and 5:00 p.m. August 18, 2011 Regular City Council meeting, seconded by Councilmember Perry Cloud.

Motion passed unanimously.

IV. CONSENT AGENDA

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

(A) July 14, 2011 Special Called Meeting

(B) July 21, 2011 Special Called and Regular Meeting

(C) 2011-6364-R: Consider adopting a resolution authorizing a contract with Brockway, Gersbach, Franklin and Niemeier, P.C. to perform the annual City of Temple audit for an amount not to exceed \$65,600.

(D) 2011-4458: SECOND READING - Consider adopting an ordinance establishing the prima facie speed limit on FM 2305, within the City limits.

(E) 1. 2011-4459: SECOND READING - Consider adopting an ordinance

authorizing the annexation of a 3-acre tract of land located on the east side of State Highway 36, north of Moffat Road, part of Outblock 10790-A, more commonly known as 10740 W. State Highway 36.

2. 2011-4460: SECOND READING - Z-FY-11-28: Consider adopting an ordinance authorizing a zoning change from Agriculture District (AG) to Commercial District (C) on three acres out of land not presently in the Temple City Limits, being part of Sara Fitzhenry Survey, Abstract Number 312, Bell County, Texas, located on the Northeast side of State Highway 36, across from the CEFCO Convenience Store.

(F) 2011-6365-R: Consider adopting a resolution authorizing a change in the designated use of the Casa Hispanica building located at 801 South Main Street to a community center.

(G) 2011-6366-R: Consider adopting a resolution authorizing grant matching funds to the Hill Country Transit District (The HOP) for New Freedom Bus Shelters in the amount of \$27,740.

(H) 2011-6367-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2010-2011.

Motion by Councilmember Judy Morales to adopt resolution approving Consent Agenda, with exception of item 4(G), seconded by Councilmember Perry Cloud.

Motion passed unanimously.

(G) 2011-6366-R: Consider adopting a resolution authorizing grant matching funds to the Hill Country Transit District (The HOP) for New Freedom Bus Shelters in the amount of \$27,740.

Motion by Councilmember Danny Dunn to adopt resolution, seconded by Councilmember Judy Morales.

Councilmember Perry Cloud abstained. The other Councilmembers voted aye. The motion passed.

V. REGULAR AGENDA

ORDINANCES

5. 2011-4461: FIRST READING - PUBLIC HEARING: Consider adopting an ordinance approving rate tariffs that reflect the negotiated rate change between the City and Atmos Mid-Tex pursuant to the Rate Review Mechanism (RRM) process.

Sarah Gardner-Cox, Deputy City Attorney, presented this item to the City Council. The City is part of the Atmos Cities Steering Committee which allows negotiations of utility rates. Atmos filed their fourth annual RRM since 2007 seeking a \$15.7 million rate increase. This rate increase has been negotiated to

\$6.6 million and is being proposed by the steering committee. This rate would result in an average residential increase of \$0.31 per month and \$0.88 per month for commercial customers.

Mayor Jones declared the public hearing open with regard to agenda item 5 and asked if anyone wished to address this item. There being no comments, Mayor Jones closed the public hearing.

Motion by Councilmember Danny Dunn to adopt ordinance, with second and final reading set for August 18, 2011, seconded by Councilmember Perry Cloud.

Motion passed unanimously.

6. 2011-4462: FIRST READING - PUBLIC HEARING - A-FY-11-06: Consider adopting an ordinance abandoning 245.70 feet of West Irvin Avenue with an 80-foot right-of-way, between North 33rd Street and North 31st Street, located between the north portions of Lots 1 and 2, Block 1 and the south portions of Lots 1 and 2, Block 3 of Keaton Addition; and reserving a public drainage and utility easement in the entire abandoned right-of-way.

Brian Mabry, Planning Director, presented this item to the City Council. He displayed an aerial photo of the subject property, which is unimproved right of way. The proposed use is for a driveway and storage area for Vanguard Construction Company. There have been no objections to the proposed abandonment. A broker's opinion in the amount of \$11,000 was secured for the public drainage and utility easement to be retained. The abutting property owners have been notified of their ability to purchase this right of way. Staff recommends approval but concurred with tabling the item at the request of the applicant because of his absence from town.

Mayor Jones declared the public hearing open with regard to agenda item 6 and asked if anyone wished to address this item. There being no comments, Mayor Jones announced the public hearing would be suspended.

Motion by Councilmember Danny Dunn to table ordinance, seconded by Councilmember Perry Cloud.

Motion passed unanimously.

7. 2011-4463: FIRST READING - PUBLIC HEARING - Z-FY-11-32: Consider adopting an ordinance authorizing a zoning change from Agricultural District (AG) to General Retail District (GR) on Outblock 2064-A and from Agricultural District (AG) to Single Family Two (SF2) on Outblock 2065-A, Baldwin Robertson Survey, Abstract 17, on 15.922 acres, located southeast corner of North Pea Ridge Road and Stonehollow Drive.

Brian Mabry,Planning Director, presented this item to the City Council. The subject property is undeveloped and adjacent to a single family subdivision near Tarver Elementary School. It is proposed to become part of Westfield Subdivision. Mr. Mabry showed the current surrounding uses of the property and photos of surrounding properties. The SF-2 request complies with the Future

Land Use and Character Map but the requested GR zoning does not. The request complies with the Thoroughfare Plan and public and private utilities serve the property. Mr. Mabry presented some of the permitted uses in the GR zoning district. 37 notices were mailed to surrounding property owners, with 2 being returned in approval and 3 in opposition. The Planning and Zoning Commission recommended approval as requested.

Mayor Jones declared the public hearing open with regard to agenda item 7 and asked if anyone wished to address this item. There being no comments, Mayor Jones closed the public hearing.

Motion by Councilmember Danny Dunn to adopt ordinance, with second and final reading set for August 18, 2011, seconded by Councilmember Danny Dunn.

Motion passed unanimously.

8. 2011-4464: FIRST READING - PUBLIC HEARING - Z-FY-11-34: Consider adopting an ordinance authorizing a zoning change from Agriculture District (AG) to Commercial District (C) on 4.699 acres located on the south side of FM 2305, west of Arrowhead Point Road, more commonly known as 13721 West Adams Avenue.

Brian Mabry, Planning Director, presented this item to the City Council. He showed the current surrounding uses in the City and in the ETJ, as well as photos of surrounding property. The original request for Commercial zoning does not comply with the Future Land Use Map but it does comply as recommended by the Planning and Zoning Commission. Mr. Mabry showed the surrounding zoning districts. The request does comply with the Thoroughfare Plan and adequate utilities serve the tract. The Planning and Zoning Commission recommended NS-PD to allow less intense neighborhood service uses plus storage. Mr. Mabry presented the PD site plan noting landscaping being proposed. 9 notices were mailed to surrounding property owners, with 2 being returned in approval and 2 in opposition. Staff concurred with the Planning and Zoning Commission recommendation.

Mayor Jones declared the public hearing open with regard to agenda 8 asked if anyone wished to address this item. There being no comments, Mayor Jones closed the public hearing.

Motion by Councilmember Danny Dunn to adopt ordinance as recommended by the Planning and Zoning Commission and Staff, with second and final reading set for August 18, 2011, seconded by Councilmember Judy Morales.

Motion passed unanimously.

RESOLUTIONS

9. Consider adopting resolutions:

(A) 2011-6368-R: Appointing the City Secretary for the City of Temple and setting the compensation for the position, effective October 1, 2011

Mayor Jones presented this item to the City Council. Clydette Entzminger, City Secretary, submitted a letter indicating her intention to retire October 1st, after 25 years of service with the City. This is a position that is appointed by the City Council, pursuant to the City Charter. Ms. Entzminger had previously indicated her intention to retire and has worked for the past several years to train her replacement. She recommended the City Council interview Lacy Borgeson, Deputy City Secretary, for the position. Following that interview, a recommendation was presented to appoint Lacy Borgeson as the City Secretary for the City of Temple, effective October 1, 2011, at an annual compensation of \$72,000.

Motion by Councilmember Perry Cloud to adopt resolution as recommended, seconded by Councilmember Judy Morales.

Motion passed unanimously.

(B) 2011-6369-R: Changing the position of the Municipal Court Judge to full time and setting the compensation for the position, effective October 1, 2011.

Mayor Jones presented this item to the City Council. Kathleen Person is currently serving as the Municipal Court Judge and when she was hired for that position it was part-time. Since that time, various legislative changes have occurred and the Council has discussed with Ms. Person her desire to see this become a full-time position. The recommendation is for the position of Municipal Court Judge to become full-time effective October 1, 2011, with an annual salary of \$100,755.20.

Motion by Councilmember Danny Dunn to adopt resolution as recommended, seconded by Councilmember Perry Cloud.

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

08/18/11 Item #5(B1) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Chapter 380 cost sharing agreement between the City and Scott and White for the extension of Pepper Creek Trail from the trail near Research Boulevard to an existing trail at the Scott & White Health Plan Facility.

STAFF RECOMMENDATION: Adopt resolution presented in item description.

ITEM SUMMARY: As part of the extension of the Pepper Creek Trail project, Scott and White and the City have agreed to share in the cost of the extension. Scott and White will be contributing \$350,000 towards the completion of the project. The City will construct an approximately 1,042 foot long, twelve foot wide extension of Pepper Creek Trail (with a 125 foot long bridge) from a point on the existing trail to a point on Scott & White's existing hike and bike trail near the Scott & White Health Plan Building at 1206 West Campus Drive. After construction and acceptance of the trail and bridge by the City, the City will maintain the trial extension and bridge at its own cost.

Scott & White agrees to contribute all of the necessary easements or agreements needed by the City to construct, maintain, and operate the extension of the Pepper Creek Trail that will provide access to the Scott & White Health Plan Building.

FISCAL IMPACT: The Reinvestment Zone No. 1 Financing Plan currently has \$250,000 appropriated for this project. With Scott & White's contribution of \$350,000 to the Reinvestment Zone No. 1, the total currently available to fund the project is \$600,000. The design services for this project are \$93,500. Based on the preliminary opinion of probable construction cost of \$605,724, additional funding of approximately \$100,000 will be needed to fund the Reinvestment Zone No. 1's share of the construction. When the actual construction costs are determined, additional Zone funding will be identified at that time.

ATTACHMENTS:

Resolution

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A 380 COST SHARING AGREEMENT BETWEEN THE CITY OF TEMPLE AND SCOTT AND WHITE MEMORIAL HOSPITAL FOR THE EXTENSION OF THE PEPPER CREEK TRAIL EXTENSION FROM THE TRAIL NEAR RESEARCH BOULEVARD TO AN EXISTING TRAIL AT THE SCOTT AND WHITE HEALTH PLAN FACILITY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, as part of the Pepper Creek Trail project, Scott and White and the City have agreed to share in the cost of the extension, with Scott and White contributing \$350,000 towards the completion of the project and the City constructing an approximately 1,042 foot long, twelve foot wide extension (with a 125 foot long bridge) of Pepper Creek Trail;

Whereas, after construction and acceptance of the trail and bridge by the City, the City will maintain the trail extension and bridge at its own cost;

Whereas, funds are available for the project through Scott and White's contribution and through the Reinvestment Zone No. 1 Financing Plan; and

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

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

<u>**Part 1:**</u> The City Council authorizes the City Manager, or his designee, to execute a 380 cost sharing agreement between the City of Temple and Scott and White Memorial Hospital, after approval as to form by the City Attorney, for the extension of the Pepper Creek Trail Extension from the trail near Research Boulevard to an existing trail at the Scott and White Health Plan Facility.

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

PASSED AND APPROVED this the **18th** day of **August**, 2011.

THE CITY OF TEMPLE, TEXAS

Clydette Entzminger City Secretary

Jonathan Graham City Attorney



08/18/11 Item #5(B2) Consent Agenda Page 1of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for design services associated with the Pepper Creek Trail Extension from the trail near Research Boulevard to an existing trail at the Scott & White Health Plan Facility in an amount not to exceed \$93,500.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This project will design approximately 1,250 linear feet of trail facilities and pedestrian bridge that will connect to and expand the current trail system along Pepper Creek. The project will be a joint venture between Reinvestment Zone No. 1 and Scott and White. The project will be bid as a single project in order to accomplish economy of scale and continuity. Scott and White will reimburse Reinvestment Zone No. 1 for a portion of the project. Project scope includes: surveying, geotechnical investigations, drainage analysis and design, retaining wall design, bridge design, bidding, construction administration, and on-site representation. The preliminary opinion of probable construction cost is \$605,724. Consultant services recommended under this agreement include the following tasks and costs:

TOTAL	<u>\$ 93,500</u>
On-Site Representation Services	<u>\$ 16,900</u>
Construction Administration Services	\$ 19,300
Bidding services	\$ 5,500
Other Services	
Final Design and Project Documents (Civil)	\$ 41,850
Geotechnical Services	\$ 5,350
Design Services	
Survey Design Services	\$ 4,600
Data Collection Services	

We have worked with KPA on many projects and find them to provide excellent service. We recommended approval of the agreement to the Reinvestment Zone No. 1 Board at their April 27, 2011, meeting. The Board recommended the City Council authorize this agreement.

FISCAL IMPACT: Funds are available in the Reinvestment Zone No. 1 Financing Plan, (Line 204 on the Project Plan), Acct #: 795-9500-531-6554, Project # 100695, for this professional services agreement in the amount of \$250,000. Scott and White will contribute \$350,000 to the Reinvestment Zone No. 1 to cover a portion of the project. Based on the preliminary opinion of probable construction cost of \$605,724, additional funding of approximately \$100,000 will be needed to fund the Reinvestment Zone No. 1's share of the construction. When the actual construction costs are determined, additional funding will be identified at that time.

ATTACHMENTS:

Engineer's Proposal Project Area Map Preliminary Opinion of Probable Construction Cost 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

January 5, 2011

Ms. Kim Foutz City of Temple 2 North Main Street Temple, Texas 76501

Re: City of Temple, Texas Temple Reinvestment Zone #1 – Pepper Creek Trail Connection to Scott & White

Dear Ms. Foutz:

At the request of the City of Temple Reinvestment Zone #1, we are submitting this proposal for the above referenced project. This project will design and construct a pedestrian and hike and bike trail connection from the existing facilities adjacent to Research Boulevard near Highway 36 to the pedestrian facilities at the Scott and White Health Plan Facility. (see attached exhibit)

This project will design and construct approximately 1,250 linear feet of trail facilities that will connect and expand the current trail system along Pepper Creek. The project will be a joint venture between the City of Temple Reinvestment Zone #1 and Scott and White, but bid as a single project in order to realize economy of scale and continuity. Included in the project will be surveying, geotechnical investigations, drainage analysis and design, retaining wall design, bridge design, bidding and construction administration.

This project will be incorporated into the current Pepper Creek Trail System. This proposal does not contain any environmental or archaeological investigations. The project can be completed in design within ninety calendar days after the notice to proceed.

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

Final Design and Project Documents

- Design Surveys.
- Geotechnical investigations.
- Structural design for the pedestrian bridge crossing Pepper Creek.
- Drainage analysis for the project limits.
- Hydrological design of storm water flows at pedestrian facilities.
- Storm water conveyance design.
- Vertical design for the pedestrian facilities coordinating with existing facilities.
- Meetings with City of Temple Staff, the Temple Reinvestment Zone and Scott and White.
- Final cost estimates with detailed quantities.
- Project specifications.

Ms. Kim Foutz January 5, 2011 Page Two

Bidding – Bidding documents will be split into line items that can easily be separated for costs that are the responsibility of the City of Temple Reinvestment Zone #1 and Scott and White.

- Prepare final quantities for bidding.
- Prepare bidding documents.
- Solicit bidders for the project.
- Attend a pre-bid conference and chair the meeting.
- Receive questions concerning the project and answer in the form of addenda.

Construction Administration -

- Attend pre-construction conference for the project and chair the meeting.
- Review all submittals and submit responses.
- Receive all RFIs and submit responses.
- Conduct progress updates.
- Review the jobsite weekly.
- Conduct walk through of the project and prepare punchlist.
- Monitor punchlist and verify completion.
- Prepare record drawings as submitted by the contractor on mylar.
- Prepare project record files and deliver to the City of Temple.

On Site Representation – Daily on site representation will be provided for this scope of work. It shall be based upon an average of three hours per day.

- Conduct daily on-site monitoring of the project.
- Prepare daily reports and submit to the City of Temple Staff weekly.
- Coordinate inspections.
- Monitor project progress.

Ms. Kim Foutz January 5, 2010 Page Three

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Survey Services	
Design Services	\$ 3,300
Easement Documents	\$ 1,300
Total Survey Services	\$ 4,600
Design Services	
Geotechnical Services	\$ 5,350
Final Design and Project Documents	\$ 41,850
Total Design Services	\$ 47,200
Bidding Services	
Bidding	\$ 5,500
Total Bidding Services	\$ 5,500
Construction Administration Services	
Construction Administration	\$ 19,300
Total Construction Administration Services	\$ 19,300
On Site Represention Services	
On Site Representation	\$ 16,900
Total On Site Represenation Services	\$ 16,900
TOTAL SERVICES	\$ 93,500

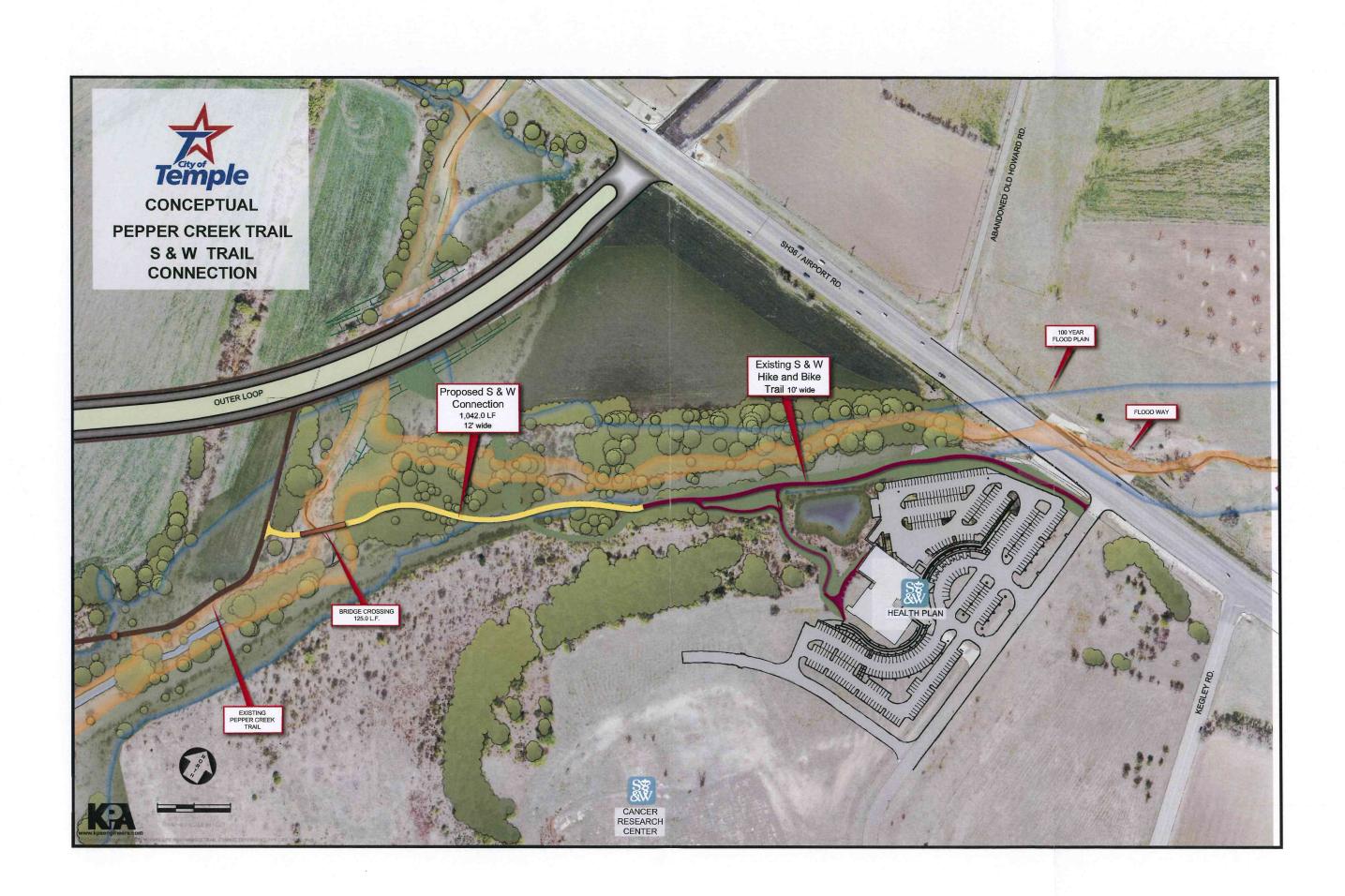
We can complete all the tasks represented for the lump sum cost of \$93,500. We are available to discuss the scope of the project at your convenience. As always, we look forward to working with you on the project and to the enhancement that it will bring to the City of Temple.

Sincerely,

M. Daw Hatas

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

RDP/crc



Bioscience Trail Connection to Scott & White (Pepper Creek Trail) PRELIMINARY OPINION OF PROBABLE CONSTRCTION COST

Item	ne Maria de la maria de la Nomenta de la maria de la m	Estimated		Extension
No.	Description	Quantity Unit	Unit Price	Total
1	Mobilization, Bonds & Insurance	100.00% LS	\$ 30,000.00	\$ 30,000.00
2	Erosion Control	100.00% LS	\$ 5,000.00	\$ 5,000.00
3	Site Clearing	100.00% LS	\$10,000.00	\$ 10,000.00
4	Unclassified Excavation	1000 CY	\$ 6.00	\$ 6,000.00
5	Unclassified Fill	2000 CY	\$ 6.00	\$ 12,000.00
6	Concrete Hike & Bike Trail	11200 SF	\$ 5.90	\$ 66,080.00
7	2-24" RCP	50 LF	\$ 80.00	\$ 4,000.00
8	2-36"RCP	85 LF	\$ 275.00	\$ 23,375.00
9	Headwall for 2-24" RCP	2 EA	\$ 2,700.00	\$ 5,400.00
10	Headwall for 2-36" RCP	4 EA	\$ 3,300.00	\$ 13,200.00
11	Pedestrian Rail	900 LF	\$ 120.00	\$ 108,000.00
12	Concrete Riprap	100 SY	\$ 55.00	\$ 5,500.00
13	Rock Riprap	200 SY	\$ 35.00	\$ 7,000.00
14	Mortared Limestone Fascade	1900 SF	\$ 40.00	\$ 76,000.00
15	Revegitatgion	7100 SY	\$ 0.75	\$ 5,325.00
16	Bridge Structure	125 LF	\$ 1,600.00	\$200,000.00
	CONSTRUCTION			\$ 576,880.00
	CONTINGINCY			\$ 28,844.00
	CONSTRUCTION TOTAL			\$ 605,724.00

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 DESIGN SERVICES ASSOCIATED WITH THE PEPPER CREEK TRAIL EXTENSION FROM THE TRAIL NEAR RESEARCH BOULEVARD TO AN EXISTING TRAIL AT THE SCOTT & WHITE HEALTH PLAN FACILITY, IN AN AMOUNT NOT TO EXCEED \$93,500; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City, Reinvestment Zone No. 1, and Scott & White will enter into a joint venture project to connect and expand the current trail system along Pepper Creek which will consist of approximately 1,250 linear feet of trail facilities and a pedestrian bridge;

Whereas, Kasberg, Patrick & Associates, LP, submitted a proposal for the design services for this project in the amount of \$93,500, and the Staff recommends accepting it;

Whereas, Scott & White will contribute \$350,000 to the Reinvestment Zone No. 1 to cover a portion of the project;

Whereas, funds are available for this project in Account No. 795-9500-531-6554, project # 100695; and

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

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

<u>**Part 1:**</u> The City Council authorizes the City Manager, or his designee, to execute a professional services agreement, not to exceed \$93,500, between the City of Temple, Texas, and Kasberg, Patrick & Associates, L.P., after approval as to form by the City Attorney, for design services associated with the Pepper Creek Trail Expansion from the trail near Research Boulevard to an existing trail at the Scott & White Health Plan Facility.

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

PASSED AND APPROVED this the **18th** day of **August**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

Clydette Entzminger City Secretary

ATTEST:

Jonathan Graham City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/18/11 Item #5(C) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Director of Public Works Thomas Brown, Superintendent of Utility Services

ITEM DESCRIPTION: Consider adopting a resolution ratifying an emergency construction contract with Bell Contractors of Belton for repair of approximately 35 water leaks in various locations throughout the City in the amount of \$70,072.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Due to the extreme heat, ground shifting, and increased pumping to meet potable water system demands, the Public Works Department Utility Service Division has repaired 129 water leaks since June 22, 2011. Numerous water leaks remain on a list waiting to be repaired. Significant disruption to the distribution system during this time of extreme extended drought poses serious health and safety implications to the community.

After careful evaluation by Public Works staff, existing leaks within the system were deemed as an overall system emergency. As a result, per Local Government Code 252.022, this project is exempt from the competitive bidding process. Bell Contractors was asked to complete the work, having resources and capabilities to respond immediately.

The attached list is a current listing of leaks that are intended to be addressed by the contractor, however, changing circumstances (addition of new leaks or upgrade of these leaks to urgent status) could result in a modification to the list as repairs are made. The contractor will receive direction from the Superintendent of Utility Services before each repair is made, to ensure that repairs are completed in the most prudent manner.

Staff authorized this work as an emergency and Notice to Proceed was issued on Wednesday, August 10, 2011. This project is expected to be totally complete to include clean-up by the end of September.

08/18/11 Item #5(C) Consent Agenda Page 2 of 2

FISCAL IMPACT: This project was not budgeted as part of the FY 2011 operating budget. Due to the critical nature of the water leaks, funding has been identified. A budget adjustment is presented for Council's approval appropriating \$70,072 to account 520-5200-535-2327, Repair & Maintenance-Water Lines. Water revenues for residential and commercial customers are over budget in FY 2011 due to the high volume of consumption. The budget adjustment increases residential and commercial water revenues to cover the cost of these repairs.

ATTACHMENTS:

Budget Adjustment Exhibit A to Contract 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.

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INC	CREASE	DECREASE
520-5200-535-23-27		Repair & Maintenance-Water Lines	\$	70,072	
520-0000-443-01-11		Water Revenues-Residential		35,000	
520-0000-443-01-13		Water Revenues-Commercial		35,072	
TOTAL			\$	140,144	\$ -
account are available.		REQUEST- Include justification for increase			
<mark>account are available.</mark> This budget adjustment appro	priates \$70,0 residential ar	072 to fund the repair of approximately 35 water ad commercial customers are over budget in FY	r leaks	in various	locations throughout
account are available. This budget adjustment appro the City. Water revenues for	priates \$70,0 residential ar le of consum	072 to fund the repair of approximately 35 water ad commercial customers are over budget in FY ption by those users.	r leaks	in various l due to the	locations throughout
account are available. This budget adjustment appro the City. Water revenues for conditions and the high volum DOES THIS REQUEST REQ	priates \$70,0 residential ar le of consum	072 to fund the repair of approximately 35 water ad commercial customers are over budget in FY ption by those users. CIL APPROVAL?	r leaks ' 2011	in various l due to the	locations throughout extreme drought
account are available. This budget adjustment appro the City. Water revenues for conditions and the high volum DOES THIS REQUEST REQ DATE OF COUNCIL MEETIN	UIRE COUNG	072 to fund the repair of approximately 35 water ad commercial customers are over budget in FY ption by those users. CIL APPROVAL?	Yes	in various l due to the	locations throughout extreme drought
account are available. This budget adjustment appro the City. Water revenues for conditions and the high volum DOES THIS REQUEST REQU DATE OF COUNCIL MEETIN WITH AGENDA ITEM?	UIRE COUNG	072 to fund the repair of approximately 35 water and commercial customers are over budget in FY ption by those users. CIL APPROVAL? <u>8/18/2011</u> X	Yes	in various due to the	locations throughout extreme drought No No

Revised form - 10/27/06

RESOLUTION NO. <u>2011-6372-R</u>

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING AN EMERGENCY CONSTRUCTION CONTRACT WITH BELL CONTRACTORS, INC., OF BELTON, TEXAS, FOR REPAIR OF APPROXIMATELY 35 WATER LEAKS IN VARIOUS LOCATIONS THROUGHOUT THE CITY, IN THE AMOUNT OF \$70,072; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, due to the extreme heat, ground shifting, and increased pumping to meet potable water system demands, the Public Works Department Utility Service Division has repaired 129 water leaks since June, 2011; however, numerous water leaks remain on a list waiting to be repaired;

Whereas, significant disruption to the distribution system during this time of extreme extended drought poses serious health and safety implications to the community – after careful evaluation by the Public Works staff, existing leaks within the system were deemed as an overall system emergency, which exempts the project from the competitive bidding process;

Whereas, Bell Contractors, Inc., of Belton, Texas was asked to complete the work, having resources and capabilities to respond immediately, for a total amount of \$70,072;

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

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

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

<u>**Part 1:**</u> The City Council authorizes the City Manager, or his designee, to execute a construction contract, not to exceed \$70,072, between the City of Temple, Texas, and Bell Contractors, Inc., of Belton, Texas, after approval as to form by the City Attorney, for emergency repairs of approximately 35 water leaks in various locations throughout the City.

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.

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

PASSED AND APPROVED this the **18th** day of **August**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

Clydette Entzminger City Secretary

ATTEST:

Jonathan Graham City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/18/11 Item #5(D) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement between the City of Belton, the City of Temple and Kasberg, Patrick & Associates, LP, (KPA) for engineering services required for preliminary design of the Temple-Belton Wastewater Treatment Plant (T-B WWTP) in an amount not to exceed \$1,194,265, of which the City of Temple's portion is not to exceed \$895,698.75.

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

ITEM SUMMARY: The Temple-Belton Wastewater Treatment Plant, located on FM 93 between I-35 and S 31st Street, is a 10 million gallon per day (MGD) wastewater treatment facility that is jointly owned by the Cities of Temple and Belton. The cost share for operations between the two cities is 75% and 25% (based upon representative flows), respectively. The facility is currently contract operated by the Brazos River Authority (BRA). The treatment plant was constructed in 1975 and expanded in 1990, and currently provides wastewater treatment services to approximately70% of the City of Temple and 100% of the City of Belton. The plant's current design capacity of 10 million gallons per day (MGD) and peak capacity of 30 MGD no longer meets all needs of the Cities, and now requires further expansion.

TCEQ establishes certain triggers for design and expansion of wastewater treatment facilities. In 2010, influent flow at the T-B WWTP triggered the 75% of permitted annual average flow rule with three consecutive months reporting above 7.5 MGD. As a result, on-going negotiations with an engineering consultant were concluded, resulting in this recommendation to begin Preliminary Design work necessary to expand the plant to 16 MGD.

KPA was selected as the design firm for expansion of the facility through a BRA Request for Qualifications (RFQ) process. Both cities agree that due to the complicated nature of designing improvements for a wastewater treatment facility and the various new technologies now available, preliminary engineering is a recommended next step. The scope of services includes items such as design and peak flow determination, organic loading, evaluation of existing facilities based on condition and life expectancy, headwork analysis for grit & odor removal, biological treatment process, flow equalization, clarifier alternatives, disinfection, tertiary treatment, post aeration, sludge

thickening, dewatering solids handling, power supply assessment, emergency power generators, instrumentation & SCADA systems, environmental investigations, surveying, and geotechnical investigations.

In recognition of the historical share of costs associated with operations of the facility, this Preliminary Engineering contract proposes to split the costs 75% / 25%, with 75% of the cost borne by the City of Temple. The City of Temple's fees for Preliminary Engineering are \$895,698.75 (75% of \$1,194,265).

KPA will be using the following sub-consultants to provide the engineering services with tasks and fees as shown below:

<u>Firm</u>	<u>Discipline</u>	<u>CC</u>	<u>DT Fee</u>
KPA Engineers	Prime/Civil	\$	353,842.50.
AECOM	Process/Hydraulics	\$	300,135.00
McCreary	Electrical	\$	66,712.50
Reedcon	Structural	\$	20,474.25
All County	Surveying	\$	45,525.00
Terracon	Environmental/Geotech.	\$	81,642.75
Prewitt	Cultural Resources	\$	27,366.75
	TOTAL	\$	895,698.75

The scope of services will be completed within 12 months of a Notice to Proceed. Once preliminary engineering is complete, the Cities will then make a determination on funding and sequencing of final engineering and construction.

FISCAL IMPACT: The total cost for engineering is \$1,194,265 of which the City of Temple is responsible for 75% or \$895,698.75. Funding in the amount of \$2,250,000 was appropriated to account 561-5500-535-6938, project #100584 from the 2010 Utility Revenue bond issue for the T-B WWTP expansion project. Prior to this engineering contract, direct labor costs in the amount of \$84,659 were incurred by Brazos River Authority (BRA) as part of the T-B WWTP expansion project and were reimbursed to BRA. A balance of \$2,165,341 is available to fund the City of Temple's share of the engineering contract.

ATTACHMENTS:

Engineer's Proposal Professional Fee Summary Project Map Resolution



KASBERG, PATRICK & ASSOCIATES, LP CONSULTING ENGINEERS Texas Firm F-510 RICK N. KASBERG, P.E. R. DAVID PATRICK, P.E., C.F.M.

THOMAS D. VALLE, P.E.

<u>Temple</u> One South Main Street Temple, Texas 76501 (254) 773-3731 Georgetown 3613 Williams Drive, Suite 406 Georgetown, Texas 78628 (512) 819-9478

June 3, 2011

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

Re: Cities of Temple and Belton Temple-Belton Regional Sewerage System Expansion Preliminary Design

Dear Mr. Newman:

This letter proposal is in response to the Cities of Belton and Temple's request for preliminary engineering services required to determine the basis for design and recommended improvements for the expansion of the Temple-Belton Regional Sewerage System (TBRSS) Wastewater Treatment Plant (WWTP). The TBRSS WWTP is a regional treatment facility that is owned by the Cities of Belton and Temple and operated by the Brazos River Authority (BRA). The treatment plant, constructed in 1975 and expanded in 1990, has a design capacity of 10 million gallons per day (MGD) and peak capacity of 30 MGD.

The Cities, acting through the BRA, contracted with KPA Engineers in 2004 to prepare the *Temple-Belton Regional Facilities Planning Study and Evaluation* which included a summary of the existing facilities detailing existing capacity, population and flow projections and general improvements required to expand the TBRSS facilities to meet 2030 demands. The referenced report, completed in 2007, satisfied the TCEQ requirements for planning for expansion in conjunction with Section 305, Subchapter F (Consolidated Permits) of the Texas Administrative Code. This section includes 305.126 (a), often referred to as the 75% Rule, which states:

305.126 (a) Whenever flow measurements for any sewage treatment plant facility in the state reaches 75 percent of the permitted average daily or annual average flow for three consecutive months, the permittee must initiate engineering and financial planning for expansion and/or upgrading of the wastewater treatment and/or collection facilities. Whenever the average daily or annual average flow reaches 90 percent of the permitted average daily flow for three consecutive months, the permittee shall obtain necessary authorization from the commission to commence construction of the necessary additional treatment and/or collection facilities.

The 2007 TBRSS facility study was prepared in advance of the treatment facility experiencing three consecutive months of flows totaling 75% of the design flow. However, the 75% of permitted annual average for three consecutive months was experienced last year when the monthly average flow rates for July, August and September 2011 were 7.6 MGD, 7.6 MGD and 7.7 MGD, respectively.

Mr. Michael Newman, P.E., CFM June 3, 2011 Page Two

Upon the completion of the Facilities Planning Study and Evaluation, the BRA requested a proposal for the design and construction administration services required to construct the recommendations included in the report. However, during the negotiation process, the BRA determined that their legal department would require them to select the design engineer through a Request for Qualifications (RFQ) process. The BRA initiated the RFQ process in Fall 2009. KPA submitted a Statement of Qualifications (SOQ) to the BRA which included the following team members:

- Kasberg, Patrick & Associates Prime / Civil Engineer
- AECOM Process and Hydraulics
- McCreary & Associates Electrical, Instrumentation & Controls and SCADA
- Reedcon Structural
- Terracon Environmental and Geotechnical
- Prewitt & Associates Cultural Resources
- All County Surveying -- Surveying
- Heart of Texas Inspection Corrosion and Inspection

KPA's project team was selected as one of the three finalists and a second interview was conducted on February 26, 2010. The second interview consisted of ten preliminary design questions that required us to evaluate alternatives beyond those recommended in the 2007 Report as follows:

- 1. Advantages/Disadvantages of the proposed aeration system.
- 2. Replacement of mechanical disk aerators in existing Orbal biological reactor.
- 3. 20-year Life Cycle Comparison of Disinfection Alternatives, including Ultraviolet (UV) Disinfection
- 4. Expansion of the biological reactor on the existing TBRSS plant site, including optimal use of reactors if future permit limits required nitrogen or phosphorous removal.
- 5. Advantages/Disadvantages of utilizing existing basins in the proposed WWTP.
- 6. Advantages/Disadvantages of alternative fine screen technologies.
- 7. Design features that could be incorporated into the lift stations and force mains to minimize odor and corrosion problems.
- 8. Advantages/Disadvantages of different grit removal systems.
- 9. Design features to be considered to mitigate sludge disposal problems.
- 10. Design alternatives for increasing the capacity of the Shallowford Lift Station while minimizing capital and operational costs and minimizing odor causing compounds.

The KPA Project Team was selected through the Qualification Based Selection (QBS) process noted above. A Pre-Scope meeting was held on May 28, 2010 with representatives from the City of Belton, City of Temple, Brazos River Authority, KPA and AECOM. During this meeting, a wide range of Owner Directives and design alternatives were discussed. The attached Scope of Services was derived, in part, from the discussions that occurred that day, particularly as it relates to design alternatives to be investigated. The KPA Project Team submitted an initial scope of services to the BRA in August 2010. The BRA subsequently revised and rewrote the scope, expanding it from 46 pages to 123 pages. This scope included the Basis of Design Phase, Final Design (including multiple alternatives based on the recommendations from the Basis of Design, Bidding, Construction Administration, On-Site Representation and Warranty Phase Services. In April 2011, the Cities of

Belton and Temple took over the negotiation process from the BRA. KPA met with both Cities and had multiple discussions concerning the proposed scope of services, specifically as the expansion relates to the proposed 16-acre tract.

The proposed Scope of Services, attached as "Exhibit A", details the tasks necessary to complete the Preliminary Design Phase. Discussions with City Staff and uncertainties in the actual recommended expansion alternative led to the decision for the initial design contract to include only the Preliminary Design Phase. The following items are the basis for the uncertainty discussed above:

- 1. The ten questions discussed during the second interview and the subsequent discussions pertaining to biological process and orientation, alternate aeration method of existing biological reactor, lift station configuration, utilizing existing basins, alternative fine screen technologies and design features to be incorporated into the lift stations and force mains to minimize odor and corrosion problems.
- 2. Owner's directives including reduction in electrical consumption (and quantification of the reduction), environmental concerns and investigations, investigations into life cycle savings versus capital cost, limiting use of strong oxidants or corrosive materials in odor control and tertiary filtration.
- 3. Updated flow data at Shallowford Lift Station from the Bird Creek Interceptor Study,
- 4. TCEQ requirements pertaining to previous 2-5 years of flow data and organic loading and electrical reliability,
- 5. Questions pertaining to the availability of the additional 16 acres at the TBRSS WWTP.

In the Preliminary Design Phase we will more accurately define probable future improvements and investigate and evaluate items that are not as readily defined. In addition to the typical preliminary design activities, several task items generally associated with the Final Design Phase have been included. These tasks include environmental investigations, geotechnical, cultural resources and topographical surveying. The inclusion of these items in the preliminary phase will allow for recommendations to be made that can be more accurately scoped for final design services which will eliminate proposing on a "worst case" basis.

The scope of services outlined in this submittal can be completed within 12 months for the not-toexceed lump sum amount of \$1,194,265. This wok can be completed within 10 to 12 months of work authorization. A summary breakdown is attached as Exhibit B. A level of effort breakdown by task item for each firm is also included at the end of this submittal. The breakdown by KPA team member firms is as follows:

Firm	Discipline	Fee	% of Total
KPA Engineers	Prime / Civil	\$ 471,790.00	39.5%
AECOM	Process / Hydraulics	\$ 400,180.00	33.5%
McCreary	Electrical	\$ 88,950.00	7.4%
Reedcon	Structural	\$ 27,299.00	2.3%
All County Surveying	Surveying	\$ 60,700.00	5.1%
Terracon	Environmental / Geotechnical	\$ 108,857.00	9.1%
Prewitt	Cultural Resources	\$ 36,489.00	3.1%
	Total	\$ 1,194,265	100%

Mr. Michael Newman, P.E., CFM June 3, 2011 Page Four

Please note that this proposal does not include additional liability insurance as originally requested by the BRA. Each firm will maintain their current level of liability insurance throughout the Preliminary Design Phase.

As noted above, there is currently some uncertainty as to whether or not the additional 16 acres of land adjacent to the existing WWTP will be available for expansion. This is due to liens currently imposed by the EPA and TCEQ on the land adjacent to the WWTP that was once a part of the Rockwall site. The potential to expand onto the adjacent 16 acres will allow cost savings during construction. If the additional 16 acres is not available, then alternate processes will be required as well as demolition of existing structures and construction within a limited space while maintaining wastewater treatment operations. All of these factors will lead to an elevated construction cost versus constructing improvements on the open tract of land and then interconnecting the improvements with the existing treatment process. As such, two specific scope items have the possibility of being reduced or eliminated based on the Cities' ultimate decision regarding the additional property and the timing of that decision. Scope Item 28, Expansion of Treatment Process on Existing Plant Site, will provide a design alternative, layout and associated costs that will allow the Cities to compare the cost of obtaining the additional land versus the increased construction costs. If a decision on the land is made prior to this work being initiated, then this scope item and associated fee can be reduced or removed accordingly. Scope Item 36, Environmental, contains many observation and testing requirements that may not be required if the expansion occurs entirely within the existing site. We are available to meet with you and our environmental sub-consultant to discuss various alternatives regarding due diligence in this area.

We appreciate the opportunity to submit this proposal and are available to discuss at your convenience.

Sincerely,

. Tash

Rick N. Kasberg, P.E.

TDV,RNK/tdv

TBRSS Proposal

Zorma D. Valle

Thomas D. Valle, P.E.

Exhibit B

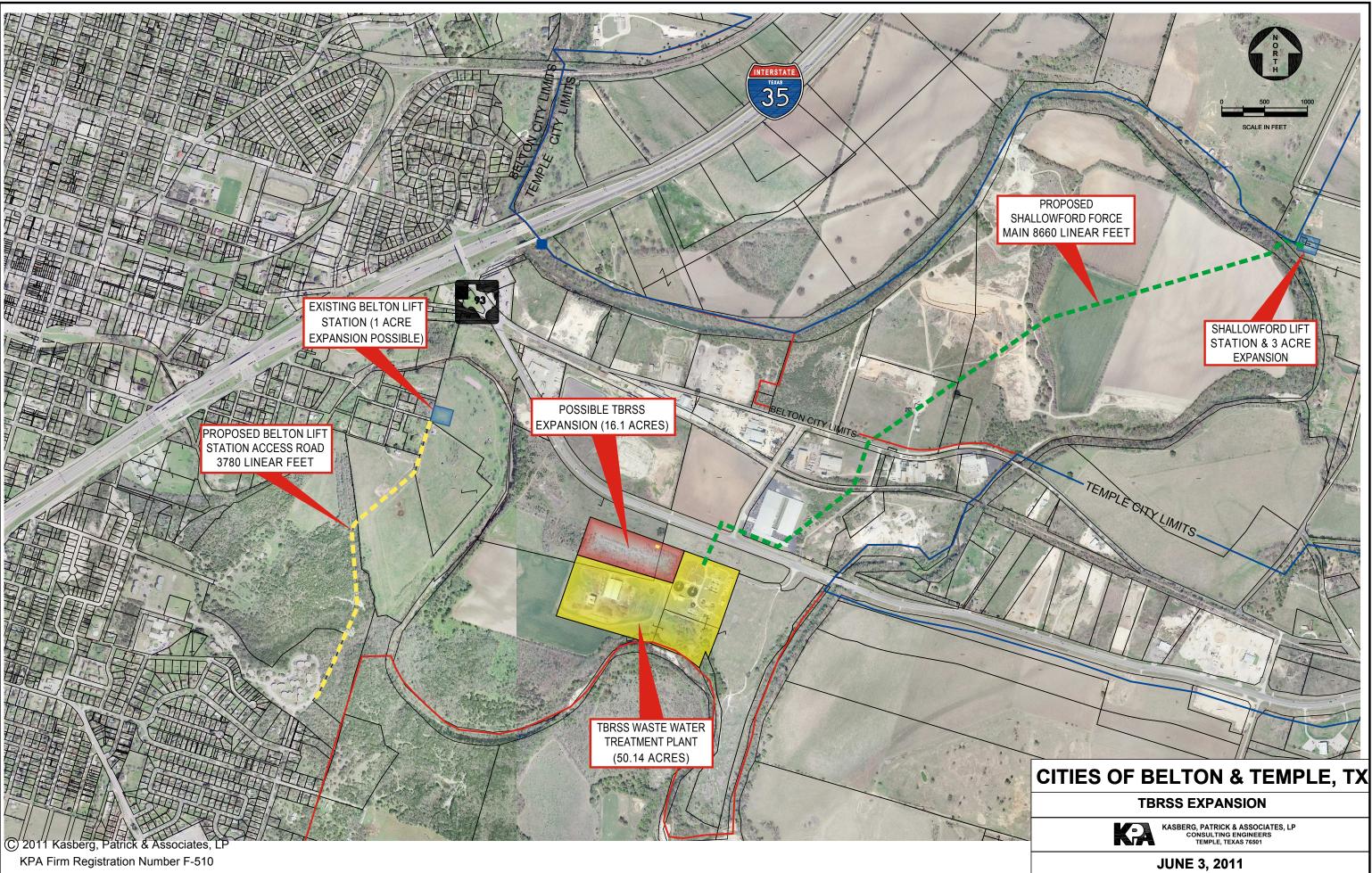
Temple-Belton Regional Sewerage System Expansion Summary of Professional Engineering Fee Estimate by Project Firm July 29, 2011

	Total		KPA	AECOM	Μ	cCreary	R	eedcon	ACS	Т	erracon	Р	rewitt
TOTAL LABOR COSTS	\$ 1,124,314	\$	467,040	\$ 384,660	\$	88,950	\$	27,299	\$ 60,700	\$	68,045	\$	27,620
QA/QC Plan & Pre-Design Meetings (Items 1-2)	\$ 15,364	. \$	5,580	\$ 5,480	\$	1,000	\$	3,304	\$ -	\$	-	\$	-
TM No. 1, Flows, Loads and Permit (Items 3-7)	\$ 44,060	\$	31,800	\$ 12,260	\$	-	\$	-	\$ -	\$	-	\$	-
TM No. 2, Evaluation of Existing Facilities (Items 8-9)	\$ 64,782	\$	20,790	\$ 35,980	\$	4,250	\$	3,762	\$ -	\$	-	\$	-
TM No. 3, Lift Stations & Force Mains (Items 10-11)	\$ 124,532	\$	85,040	\$ 19,310	\$	14,420	\$	5,762	\$ -	\$	-	\$	-
TM No. 4, Headworks (Items 12-13)	\$ 60,601	\$	31,790	\$ 21,470	\$	4,100	\$	3,241	\$ -	\$	-	\$	-
TM No. 5, Secondary Treatment (Items 14-17)	\$ 209,920) \$	85,290	\$ 103,860	\$	9,540	\$	11,230	\$ -	\$	-	\$	-
TM No. 6, Tertiary Treatment & Disinfection (Items 18-21)	\$ 88,470) \$	38,810	\$ 43,710	\$	5,950	\$	-	\$ -	\$	-	\$	-
TM No. 7, Sludge Dewatering (Items 22-23)	\$ 37,330	\$	19,800	\$ 15,470	\$	2,060	\$	-	\$ -	\$	-	\$	-
TM No. 8, Odor Control (Items 24-25)	\$ 55,450) \$	15,450	\$ 36,150	\$	3,850	\$	-	\$ -	\$	-	\$	-
TM No. 9, Ancillary Facilities (Items 26-27)	\$ 28,070) \$	18,030	\$ 3,740	\$	6,300	\$	-	\$ -	\$	-	\$	-
TM No. 10, Expansion on Existing Site (Items 28-29)	\$ 55,100) \$	20,350	\$ 30,320	\$	4,430	\$	-	\$ -	\$	-	\$	-
TM No. 11, Power Considerations (Items 30-33)	\$ 31,850	\$	8,110	\$ 3,590	\$	20,150	\$	-	\$ -	\$	-	\$	-
TM No. 12, I&C and SCADA (Items 34-35)	\$ 18,040) \$	3,590	\$ 6,060	\$	8,390	\$	-	\$ -	\$	-	\$	-
TM No. 13, Environmental Investigations (Items 36-37)	\$ 45,865	\$	7,810	\$ 540	\$	-	\$	-	\$ -	\$	37,515	\$	-
Surveying (Item 38)	\$ 79,940	\$	18,400	\$ 840	\$	-	\$	-	\$ 60,700	\$	-	\$	-
Cultural Resources Survey (Item 39)	\$ 29,620) \$	2,000	\$ -	\$	-	\$	-	\$ -	\$	-	\$	27,620
Geotechnical Investigations (Item 40)	\$ 32,570) \$	1,680	\$ 360	\$	-	\$	-	\$ -	\$	30,530	\$	-
General Items (Item 41)	\$ 62,450	\$	37,680	\$ 24,770	\$	-	\$	-	\$ -	\$	-	\$	-
Preliminary Engineering Design Report (Item 42)	\$ 40,300	\$	15,040	\$ 20,750	\$	4,510	\$	-	\$ -	\$	-	\$	-

	Tota	I	KPA	AECOM	McC	reary	Reedcon	ACS		Τe	erracon	Р	rewitt
NON-LABOR ESTIMATE	\$ 69	,951	\$ 4,750	\$ 15,520	\$	-	\$-	\$	-	\$	40,812	\$	8,869

	Total	KPA	AECOM	McCreary	Reedcon	ACS	Terracon	Prewitt
TOTAL FEE ESTIMATE	\$ 1,194,265	\$ 471,790	\$ 400,180	\$ 88,950	\$ 27,299	\$ 60,700	\$ 108,857	\$ 36,489

	Cost Sharing Breakdown
City of Belton (25% of Total Cost)	\$ 295,566.25 \$ 117,947.50 \$ 100,045.00 \$ 22,237.50 \$ 3,824.75 \$ 15,175.00 \$ 27,214.25 \$ 9,122.2
City of Temple (75% of Total Cost)	\$ 895,698.75 \$ 353,842.50 \$ 300,135.00 \$ 66,712.50 \$ 20,474.25 \$ 45,525.00 \$ 81,642.75 \$ 27,366.7



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 SERVICES REQUIRED FOR PRELIMINARY DESIGN OF THE TEMPLE-BELTON WASTEWATER TREATMENT PLANT (T-B WWTP) IN AN AMOUNT NOT TO EXCEED \$1,194,265, OF WHICH THE CITY OF TEMPLE'S PORTION IS NOT TO EXCEED \$895,698.75; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Temple-Belton Wastewater Treatment Plant is a 10 million gallon per day (MGD) wastewater treatment facility that is jointly owned by the City of Temple and Belton – the plant's current design capacity (10 million MGD and peak capacity of 30 MGD) no longer meets all needs of the cities, and now requires further expansion;

Whereas, both cities agree that due to the complicated nature of designing improvements for a wastewater treatment facility and the various new technologies now available, preliminary engineering is a recommended next step;

Whereas, Kasberg, Patrick & Associates, L.P., was selected as the design firm for expansion of the facility through a Request for Qualifications (RFQ) process – the company's proposal for the project is \$1,194,265 (of which the City of Temple's portion will not exceed \$895,698.75);

Whereas, funds are available for this project in Account No. 561-5500-535-6938, project # 100584; and

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

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

<u>**Part 1:**</u> The City Council authorizes the City Manager, or his designee, to execute a professional services agreement, not to exceed \$1,194,265 (of which the City of Temple's portion will not exceed \$895,698.75), between the City of Temple, Texas, and Kasberg, Patrick & Associates, L.P., after approval as to form by the City Attorney, for preliminary design of the Temple-Belton Wastewater Treatment Plant (T-B WWTP) expansion.

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

PASSED AND APPROVED this the **18th** day of **August**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger City Secretary

Jonathan Graham City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/18/2011 Item #5(E) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Gary Smith, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing an Interlocal Cooperation Contract with the Texas Department of Public Safety for the purchase of alcohol and drug testing supplies by the Temple Police Department.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Texas Department of Public Safety (TDPS) stocks certain forms, manuals, gunshot residue kits, and supplies for alcohol and drug testing for all Texas cities, counties and State Department of Public Safety operations. This is done to control uniformity of procedures and testing, and thus, strengthens public safety agency positions in court cases. In addition, by purchasing in bulk, it keeps prices lower for all agencies.

In order to purchase testing supplies through the TDPS, non-DPS agencies are required by law to have an Interlocal Cooperation Contract on file with the State. The City's current Interlocal Cooperation Contract will expire on August 31, 2011. Accordingly, in order to continue to be able to purchase these supplies through TDPS, staff is recommending that a new Interlocal Cooperation Contract be executed. The new 2-year contract will expire on August 31, 2013.

FISCAL IMPACT: Items purchased through TDPS are budgeted in the Police Department's annual budget, account 110-2052-521-2116, in the estimated amount of \$750.00.

ATTACHMENTS:

Resolution

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN INTERLOCAL COOPERATION AGREEMENT WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY (DPS) FOR THE PURCHASE OF ALCOHOL AND DRUG TESTING SUPPLIES BY THE POLICE DEPARTMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Staff recommends entering into an interlocal cooperation agreement with the Texas Department of Public Safety (DPS) for the continued purchase of certain forms, manuals, and supplies for the Police Department to use in breath and laboratory testing for the presence of alcohol and other drugs;

Whereas, the purpose of the agreement is to control and establish uniform procedures, paperwork and supplies used for this purpose;

Whereas, these items are budgeted and routinely purchased through the Police Department's budget; 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 Manager, or his designee, is authorized to execute an Interlocal Cooperation Agreement between the City of Temple, Texas, and the Texas Department of Public Safety (DPS), after approval as to form by the City Attorney, for the purchase of certain forms, manuals, and supplies for the Police Department to use in breath and laboratory testing for the presence of alcohol and other drugs.

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 **18th** day of **August**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

ATTEST:

Clydette Entzminger City Secretary

Jonathan Graham City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

8/18/11 Item #5(F) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing Gary Smith, Chief of Police Department

ITEM DESCRIPTION: Consider adopting a resolution authorizing a flooring project scope change order to the Police Headquarters construction contract with American Constructors, Inc. (ACI) of Austin, Texas, in an estimated amount of \$35,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item was one of seven change orders included in July 21, 2011, Consent Agenda Item #7(D). This particular change order was tabled on July 21st for further evaluation.

Staff is recommending that a project scope change order in the amount of \$35,000 be authorized to ACI's Police Headquarters Construction Manager at Risk (CMAR) contract to replace approximately 6,500 square feet of carpet that is in poor condition due to unraveling, stains, and wear. Staff is recommending that the deteriorated carpet be replaced with carpet tiles. In addition, staff is recommending the purchase of some extra carpet tiles (5% of the total quantity) that can be used in the future when carpet tiles are in need of replacement.

As stated in the July 21st Council Agenda Item, ACI does not believe that a Gross Maximum Price (GMP) #3 will be necessary. ACI also believes that they will have adequate funding in GMP #1 and GMP #2 totaling \$5,320,053 to absorb the cost of this change order. However, based on the maintenance nature of this item, it is being recommended that funding for this flooring replacement be taken from a source other than the Limited Tax Notes designated for the renovation project.

FISCAL IMPACT: American Constructors believes that the previously authorized GMP's in the amount of \$5,320,053 is adequate to cover the cost of the flooring change order. However, the designated funding for the initial GMP's has been from Limited Tax Note proceeds. A budget amendment is presented for Council's approval re-appropriating the funding for this change order from Unallocated General Funds Designated for Capital Projects.

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.

				+			-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	IN	CREASE		DE	CREASE	
364-2000-521-68-55	100683	Police Mold Remediation	\$	35,000				
364-0000-490-25-82		Transfer In		35,000				
110-9100-591-81-64		Transfer Out-Bond Fund (364)		35,000				
110-0000-352-13-45		Designated Cap Proj-Unallocated					35,000)
		Do Not Post						
TOTAL			\$	105,000		\$	35,000)
EXPLANATION OF AD								
account are available. This budget adjustment appro 6,500 square feet of carpet th	priates funds at is in poor o	FREQUEST- Include justification for increase from General Fund-Designated Capital Projec condition at the Police Headquarters. The budg res that are damaged in the future can be easily	ts- Ur jet ad	nallocated to	o rej so a	place Ilows	appoximation for the	
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account are available. This budget adjustment appro 6,500 square feet of carpet th purchase of 5% attic stock so DOES THIS REQUEST REQU DATE OF COUNCIL MEETIN WITH AGENDA ITEM?	priates funds at is in poor o carpet squar JIRE COUNO G	condition at the Police Headquarters. The budg res that are damaged in the future can be easily CIL APPROVAL?	ts- Ur let ad repla	nallocated to	No No Ap Ap	place llows ame c	appoxima for the arpet.	

Revised form - 10/27/06

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A FLOORING PROJECT SCOPE CHANGE ORDER TO THE POLICE HEADQUARTERS CONSTRUCTION CONTRACT WITH AMERICAN CONSTRUCTORS, INC., OF AUSTIN, TEXAS, IN AN ESTIMATED AMOUNT OF \$35,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Staff recommends a project scope change order in the amount of \$35,000 be authorized to American Constructors, Inc., contract for the police department renovations to replace approximately 6,500 square feet of carpet that is in poor condition; however, the Staff also recommends that the deteriorated carpet be replaced with carpet tiles;

Whereas, funds are available for this project but an amendment to the FY2010-2011 budget needs to be approved to re-appropriate the funding from this change order from Unallocated General Funds Designated for Capital Projects; and

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

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

<u>**Part 1:**</u> The City Council authorizes a flooring project scope change order, substantially in the form of the copy attached hereto as Exhibit A, to the construction contract between the City of Temple and American Constructors, Inc., for the police department renovation project, in an estimated amount of \$35,000.

<u>**Part 2:**</u> The City Council approves an amendment to the FY2010-2011 budget, substantially in the form of the copy attached as Exhibit B, for this project.

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

PASSED AND APPROVED this the **18th** day of **August**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

ATTEST:

Clydette Entzminger City Secretary

Jonathan Graham City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/18/11 Item #5(G) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing the extension of the professional services agreement with Traylor and Associates of Tyler for administration and management of the CDBG grant program through December 31, 2011 with a monthly amount of \$7,350.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple is a recipient of Community Development Block Grant (CDBG) Entitlement funds on an annual basis. The City is responsible for developing and executing an annual action plan and for developing a five-year comprehensive plan to address the needs in the City that can be addressed with CDBG funds. Traylor and Associates has been assisting the City with the administration and management of the CDBG grant program. The initial contract term was for one year, with an option for four 1-year renewals. The initial contract expired February 28, 2011. This item, if approved, would extend the current contract for an additional 10 month period, through December 31, 2011, at the current monthly rate of \$7,350.

Under this contract, Traylor and Associates would perform those services as proposed in RFP No. 60-01-10, as amended. The services include preparation of the Annual Action Plans for each fiscal year, and the Consolidated Annual Performance and Evaluation Reports for each fiscal year.

The extension is only for a 10 month period because the City is currently in the process of transitioning the administration and management of the CDBG grant program from Traylor and Associates to City staff. Traylor and Associates has agreed to the 10 month extension to allow for the transition to be completed.

FISCAL IMPACT: The cost of this contract is \$7,350 per month for a total expenditure of \$73,500. The CDBG program limits the amount of CDBG funds that can be spent on administration to 20% of the funds awarded. Funds are currently available through September 30, 2011. Funds will be available October 1, 2011 with the CDBG allocation for fiscal year 2012 for the remaining three months through December 31, 2011.

ATTACHMENTS:

Resolution

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE EXTENSION OF THE PROFESSIONAL SERVICES AGREEMENT WITH TRAYLOR AND ASSOCIATES OF TYLER, TEXAS, FOR ADMINISTRATION AND MANAGEMENT OF THE CDBG GRAM PROGRAM THROUGH DECEMBER 31, 2011, WITH A MONTHLY AMOUNT OF \$7,350; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the professional services agreement between the City and Traylor and Associates of Tyler, Texas, for the administration and management of the City's CDBG grant program expired on February 28, 2011;

Whereas, the Staff recommends extending the agreement through December 31, 2011, because the City is currently in the process of transitioning the administration and management of the CDBG grant program from Traylor and Associates to City staff;

Whereas, the cost of the contract is \$7,350 per month and funds will be available through December, 2011, 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:

<u>**Part 1:**</u> The City Council authorizes the extension of the professional services agreement with Traylor and Associates of Tyler, Texas, for the administration and management of the CDBG grant program through December 31, 2011, for the monthly amount of \$7,350.

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

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

PASSED AND APPROVED this the **18th** day of **August**, 2011.

THE CITY OF TEMPLE, TEXAS

Clydette Entzminger City Secretary

Jonathan Graham City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/18/11 Item #5(H) Consent Agenda Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: SECOND READING - Consider adopting an ordinance approving rate tariffs that reflect the negotiated rate change between the City and Atmos Mid-Tex pursuant to the Rate Review Mechanism (RRM) process.

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

ITEM SUMMARY: The City, along with approximately 154 other cities served by Atmos Energy Mid-Tex Division ("Atmos Mid-Tex" or "Company"), is a member of the Atmos Cities Steering Committee ("ACSC" or "Steering Committee"). On or about April 1, 2011, Atmos Mid-Tex filed with the City an application to increase natural gas rates pursuant to the Rate Review Mechanism ("RRM") tariff approved by the City as part of the settlement of the Atmos Mid-Tex 2007 Statement of Intent to increase rates. This is the fourth annual RRM filing.

The Atmos Mid-Tex RRM filing sought a \$15.7 million rate increase. The City worked with ACSC to analyze the schedules and evidence offered by Atmos Mid-Tex to support its request to increase rates. The Ordinance and attached rate and RRM tariffs are the result of negotiations between ACSC and the Company to resolve issues raised by ACSC during the review and evaluation of ACSC's RRM filing. The Ordinance resolves the Company's RRM filing by authorizing supplemental revenue of \$6.6 million to be recovered through the customer charge component of rates to cover direct incremental costs associated with a steel service line replacement program approved as part of last year's rate adjustment. All other relief requested by Atmos Mid-Tex is denied.

The ACSC Settlement Committee and ACSC legal counsel recommend that all ACSC Cities adopt the Ordinance implementing the rate change.

RRM Background:

The RRM tariff was approved by ACSC Cities as part of the settlement agreement to resolve the Atmos Mid-Tex 2007 system-wide rate filing at the Railroad Commission. Atmos Mid-Tex's current action represents an extension to the three-year trial project known as the Rate Review Mechanism ("RRM") process. The RRM process was created collaboratively by ACSC and Atmos Mid-Tex as an alternative to the legislatively authorized GRIP surcharge process. ACSC opposed GRIP because it constituted piecemeal ratemaking, did not allow any reasonableness review, and did not allow

participation by cities or recovery of cities' rate case expenses. The RRM process has allowed for a more comprehensive rate review and annual adjustment as a substitute for GRIP filings during the three-year trial period specified by the tariff.

Purpose of the Ordinance:

Rates cannot change and the Settlement Agreement with Atmos Mid-Tex cannot be implemented without passage of rate ordinances by cities. No related matter is pending at the Railroad Commission. The purpose of the Ordinance is to approve rate tariffs ("Attachment A") that reflect the negotiated rate change pursuant to the RRM process and to ratify a Settlement Agreement recommended by the ACSC Settlement Committee and Executive Committee.

As a result of the negotiations, ACSC was able to reduce the Company's requested \$15.7 million RRM increase to \$6.6 million, allowing only incremental revenues necessary to cover direct costs associated with the steel service line replacement program approved by ACSC Cities in 2010. Approval of the Ordinance will result in the implementation of new rates that increase Atmos Mid-Tex's revenues effective September 1, 2011.

Reasons Justifying Approval of the Negotiated Resolution:

During the time that the City has retained original jurisdiction in this case, consultants working on behalf of ACSC cities have investigated the support for the Company's requested rate increase. While the evidence does not support the \$15.7 million increase requested by the Company, ACSC consultants agree that the Company can justify an increase in revenues of \$6.6 million, a result consistent with Cities' approval of a steel service line replacement program last year. The agreement on \$6.6 million is a compromise between the positions of the parties.

The Settlement Agreement of 2010 which included an extension of the RRM process, included an allowance for recovery of direct costs, excluding overheads, of the steel service line replacement program. Current year recovery factors of \$00.15 for residential customers and \$00.41 for commercial customers per month were authorized last year. The 2010 Settlement Agreement contemplated that the steel service line replacement program would be adjusted annually, but shall be capped at \$00.44 cents for residential customers and \$1.22 for commercial customers. The increase in this case is consistent with the caps contemplated last year for the steel service line replacement program, and nothing more.

The alternative to a settlement of the RRM filing would be a contested case proceeding before the Railroad Commission on the Company's current application, would take several months and cost ratepayers millions of dollars in rate case expenses, and would not likely produce a result more favorable than that to be produced by the settlement. The ACSC Settlement Committee recommends that ACSC members take action to approve the Ordinance authorizing new rate tariffs.

Changes to Customer Charges:

The Settlement Agreement approved in 2010 contemplated that incremental revenues to cover future steel service line replacement costs would be recovered through customer charges. Consistent with that approach, the \$6.6 million in additional revenues to be recovered following passage of the Ordinance is accomplished by increasing customer charges.

The tariffs to be approved by the Ordinance set monthly customer charges at \$7.50 (increase of \$0.33 per month) and \$16.75 (increase of \$0.88 per month) for residential and commercial customers, respectively.

The commodity portion of the commercial rate will decline slightly from existing rates.

FISCAL IMPACT: None

ATTACHMENTS: Attachment "A" Tariffs

Ordinance

RATE SCHEDULE:	R - RESIDENTIAL SALES	 ~ u.	
APPLICABLE TO:	All Cities except the City of Dallas	 	
EFFECTIVE DATE:	Bills Rendered on or after 9/1/2011		

Application

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Mcf charges to the amounts due under the riders listed below:

Charge	Amount		
Customer Charge per Bill	\$ 7.50 per month		
Commodity Charge – All Mcf	\$ 2.5116 per Mcf		

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

RATE SCHEDULE:	C - COMMERCIAL SALES	······································
APPLICABLE TO:	All Cities except the City of Dallas	· · · · · · · · · · · · · · · · · · ·
EFFECTIVE DATE:	Bills Rendered on or after 9/1/2011	

Application

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 3,000 Mcf.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Mcf charges to the amounts due under the riders listed below:

Charge	Amount		
Customer Charge per Bill	\$ 16.75 per month		
Commodity Charge - All Mcf	\$ 1.0217 per Mcf		

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	All Cities except the City of Dallas	
EFFECTIVE DATE:	Bills Rendered on or after 9/1/2011	

Application

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 450.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.2750 per MMBtu
Next 3,500 MMBtu	\$ 0.2015 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0433 per MMBtu

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	All Cities except the City of Dallas	
EFFECTIVE DATE:	Bills Rendered on or after 9/1/2011	

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

RATE SCHEDULE:	T TRANSPORTATION	
APPLICABLE TO:	All Cities except the City of Dallas	
EFFECTIVE DATE:	Bills Rendered on or after 9/1/2011	

Application

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 450.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.2750 per MMBtu
Next 3,500 MMBtu	\$ 0.2015 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0433 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	All Cities except the City of Dallas	
EFFECTIVE DATE:	Bills Rendered on or after 9/1/2011	

Monthly Imbalance Fees

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

A transportation agreement is required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ("CITY") APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC" OR "STEERING COMMITTEE") AND ATMOS ENERGY CORP., MID-TEX DIVISION ("ATMOS MID-TEX" OR "COMPANY") REGARDING THE COMPANY'S FOURTH ANNUAL RATE REVIEW MECHANISM ("RRM") FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE: REOUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING **RESOLUTIONS** REPEALING CONFLICTING EXPENSES: OR ORDINANCES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL.

Whereas, the City of Temple, Texas ("City") is a gas utility customer of Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or " Company"), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex;

Whereas, the City is a member of the Atmos Cities Steering Committee ("ACSC" or "Steering Committee"), a coalition of approximately 154 similarly situated cities served by Atmos Mid-Tex that have joined together to facilitate the review of and response to natural gas issues affecting rates charged in the Atmos Mid-Tex service area (such participating cities are referred to herein as "ACSC Cities");

Whereas, pursuant to the terms of the agreement settling the Company's 2007 Statement of Intent to increase rates, ACSC Cities and the Company worked collaboratively to develop a Rate Review Mechanism ("RRM") tariff that allows for an expedited rate review process controlled in a three-year experiment by ACSC Cities as a substitute to the current GRIP process instituted by the Legislature;

Whereas, the City took action in 2008 to approve a Settlement Agreement with Atmos Mid-Tex resolving the Company's 2007 rate case and authorizing the RRM Tariff;

Whereas, the 2008 Settlement Agreement contemplates reimbursement of ACSC Cities' reasonable expenses associated with RRM applications;

Whereas, the Steering Committee and Atmos Mid-Tex agreed to extend the RRM process in reaching a settlement in 2010 on the third RRM filing;

Whereas, on or about April 1, 2011, the Company filed with the city its fourth annual RRM filing, requesting to increase natural gas base rates by \$15.7 million;

Whereas, ACSC coordinated its review of Atmos Mid-Tex's RRM filing by designating a Settlement Committee made up of ACSC representatives, assisted by ACSC attorneys and consultants, to resolve issues identified by ACSC in the Company's RRM filing;

Whereas, independent analysis by ACSC's rate expert concluded that Atmos Mid-Tex is unable to justify an increase over current rates except for undisputed costs of \$6.6 million to cover the steel service line replacement program initiated in 2010;

Whereas, the ACSC Settlement Committee, as well as ACSC lawyers and consultants, recommend that ACSC Cities approve the attached rate tariffs ("Attachment A" to this Ordinance), which will increase the Company's revenue requirement by \$6.6 million to extend current recovery of incremental direct costs of the steel service line replacement program authorized by ACSC Cities in ordinances passed in 2010; and

Whereas, the attached tariffs implementing new rates are consistent with the negotiated resolution reached by ACSC Cities and are just, reasonable, and in the public interest.

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

Part 1: That the findings set forth in this Ordinance are hereby in all things approved.

<u>**Part 2:**</u> That the City Council finds the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable and new tariffs which are attached hereto and incorporated herein as Attachment A, are just and reasonable and are hereby adopted.

Part 3: That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC Cities in processing the Company's rate application.

<u>**Part 4**</u>: That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.

<u>**Part 5:**</u> That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

<u>**Part 6**</u>: That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

Part 7: That this Ordinance shall become effective from and after its passage with rates authorized by attached Tariffs to be effective for bills rendered on or after September 1, 2011.

Part 8: That a copy of this Ordinance shall be sent to Atmos Mid-Tex, care of David Park, Vice President Rates and Regulatory Affairs, at Atmos Energy Corporation, 5420 LBJ

Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED on First Reading and Public Hearing this 4th day of August, 2011.

PASSED AND APPROVED on Second Reading on the **18th** day of **August**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger City Secretary Jonathan Graham City Attorney



08/18/11 Item #5(I) Consent Agenda Page 1 of 3

DEPT. / DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-11-32: Consider adopting an ordinance authorizing a zoning change from Agricultural District (AG) to General Retail District (GR) on Outblock 2064-A and from Agricultural District (AG) to Single Family Two (SF2) on Outblock 2065-A, Baldwin Robertson Survey, Abstract 17, on 15.922 acres, located southeast corner of North Pea Ridge Road and Stonehollow Drive.

<u>P&Z COMMISSION RECOMMENDATION</u>: At its July 5, 2011, meeting, the Planning and Zoning Commission voted 8-0 to recommend a rezoning from AG to SF2 and GR as requested.

Commissioner Pope was absent.

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

Staff recommends approval for the following reasons:

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

Staff originally recommended to the Planning and Zoning Commission NS, Neighborhood Service, rather than GR due to the request not fully complying with the Future Land Use and Character Map, as described on the next page.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-11-32, from the Planning and Zoning meeting, July 5, 2011.

The applicant, Turley Associates for Kiella Land Investments, has requested the rezoning from AG to GR and AG to SF-2 for future residential and retail development.

COMPREHENSIVE PLAN COMPLIANCE:

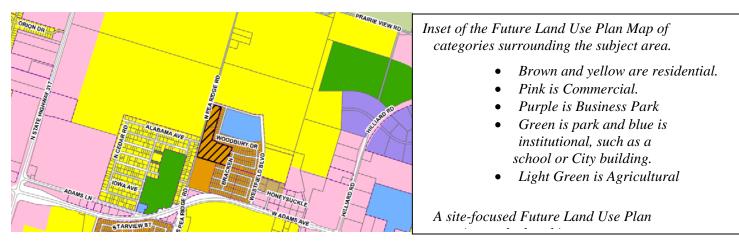
The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan:

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character (FLUP)	Y & N *
CP	Map 5.2 - Thoroughfare Plan	Y*
СР	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Y*
STP	Temple Trails Master Plan Map	Y*
* = See Comr	nents Below CP = Comprehensive Plan STP = Sidewalk	and Trails Plan

Future Land Use and Character Map (FLUCM) (CP Map 3.1)

The FLUCM designates the entire property as Auto Urban Residential. The Single Family Two rezoning request complies with the FLUCM.

The General Retail rezoning request does not generally comply with the FLUCM. This corner of the property where GR is requested is approximately ½ mile from W. Adams Avenue and is surrounded by future residential uses according to the map. According to the district's purpose statement in the Unified Development Code, GR is more appropriate for major or minor arterials intersected by collectors or other arterials. However, due to the relatively small size of the subject property (2.3 acres), the requested zoning district may be acceptable at this corner. It could be a reasonable node for a small retail development since one of the adjacent streets, Stonehollow, is built as a divided two-lane local street with enough right-of-way for a collector but with the paved width of a local street.



Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates N. Pea Ridge Road a proposed minor arterial. When built to its full extent, this proposed minor arterial will be able to handle the increased load that this rezoning may create. Other roads that are impacted are classed as local roads. The rezoning request complies with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

A 6- and an 8-inch water line and sewer line are available near the property. Public facilities are available for extension to the property.

Temple Trails Master Plan Map

The Sidewalk and Trails Plan designates land west of the subject property as a future communitywide connector trail. It also shows a future Local Collector Trail to the north of the subject property. The Trails Master Plan has no effect on the subject property.

DEVELOPMENT REGULATIONS:

The SF-2 zoning district permits single-family detached residences and related accessory structures and provides for smaller single-family lots. This district may also be used as a transition from the SF1 district to less restrictive or denser residential zoning districts. Typical prohibited uses include single-family attached dwellings, duplexes, patio homes, townhouses, and apartments. The SF-2 zoning district has a minimum lot area of 5,000 square feet and a maximum height limitation of 2 ½ stories.

The GR zoning district is the standard retail district and allows most retail sales, restaurants, grocery stores, department stores, or offices and all residential uses except apartments, with a maximum building height of 3 stories. There is no minimum lot area, width or depth. The building setback for the front yard is 15 feet from the front property line. There is a minimum side yard setback of 10 feet. If a residential use borders the property, then a 10-foot rear setback is required along with a wood fence, masonry wall or evergreen vegetative screen.

PUBLIC NOTICE:

Nine notices were sent regarding the Planning and Zoning Commission public hearing to property owners within 200-feet of the subject property. As of Friday, July 1st, at 5 PM, 2 notices were returned in favor of and 3 notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on June 20, 2011, in accordance with state law and local ordinance. Fifty two courtesy notices were sent out to property owners within an additional 300 feet of the subject property.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

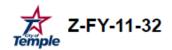
Aerial Map Land Use and Character Map Zoning Map Thoroughfare Plan Map Utility Map Notice Map Response Letters P&Z Staff Report (Z-FY-11-28) P&Z Minutes (July 5, 2011) Ordinance Portion of Outblock 2064-A - AG to GR and East of N. Pea Ridge Rd Outblock 2065-A and Remainder of 2064-A - AG to SF2 South of Stonehollow Dr





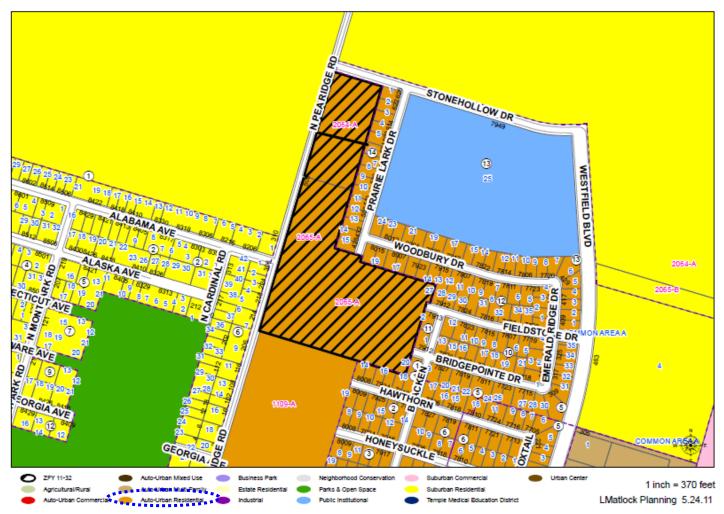
GR - General Retail District SF-2 - Single Family Two District

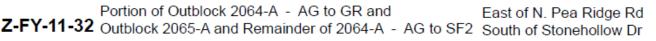
LMatlock 05.24.11

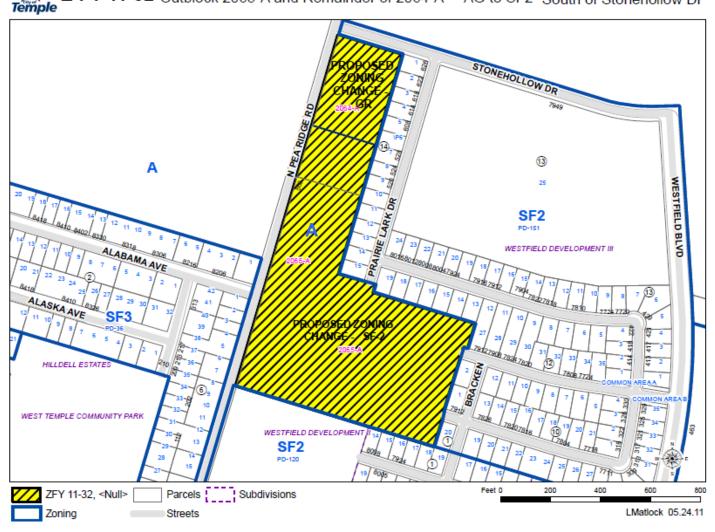


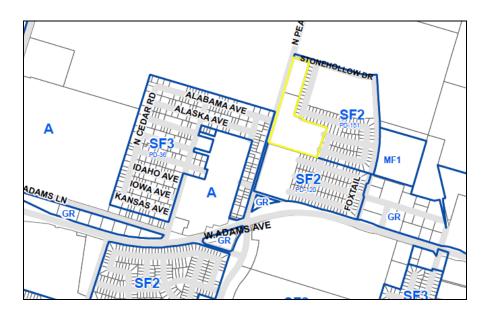
Portion of Outblock 2064-A -AG to GR and Outblock 2065-A and Remainder of 2064-A - AG to SF2

East of N. Pea Ridge Road South of Stonehollow Drive





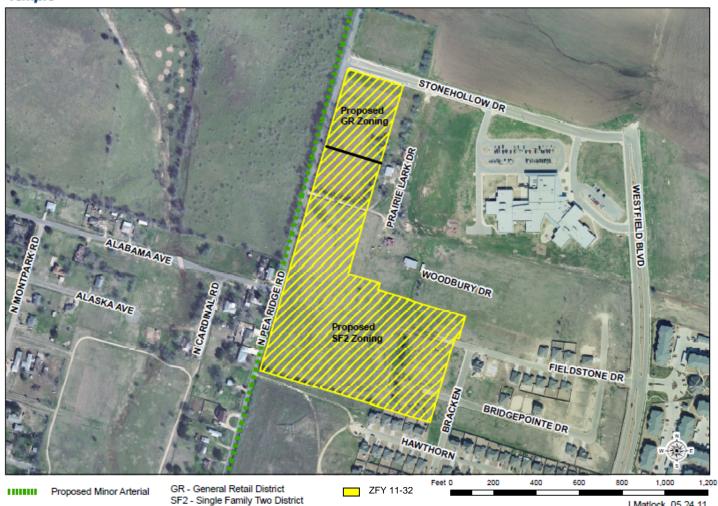




Zoning Map inset provided to show the zoning of the larger area. GR, General Retail zoning is currently clustered along W. Adams Ave. which is a Major Arterial.

 Portion of Outblock 2064-A - AG to GR and
 East of N. Pea Ridge,

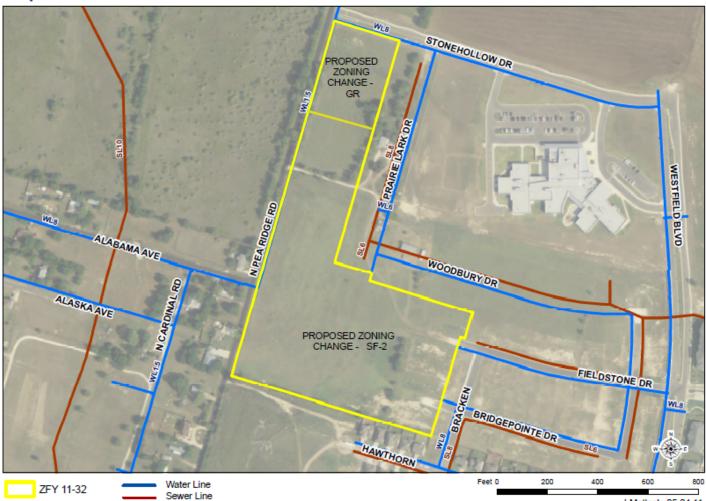
 Comple
 Outblock 2065-A and Remainder of 2064-A - AG to SF2



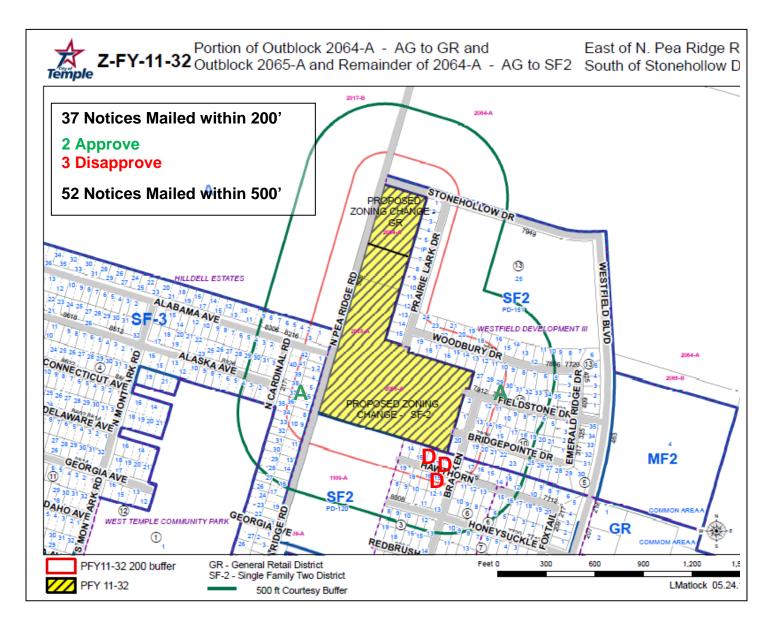
LMatlock 05.24.11

 Z-FY-11-32
 Portion of Outblock 2064-A - AG to GR and
 East of N. Pea Ridge Rd

 Complex
 Outblock 2065-A and Remainder of 2064-A - AG to SF2 South of Stonehollow Dr



LMatlock 05.24.11





Arthur III & Anne Colvin 7924 Hawthorn Temple, Texas 76502

Zoning Application Number: Z-FY-11-32

Project Manager: Leslie Matlock

The proposed rezoning 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 <u>possible</u> 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:

PIO nu PICVICES

Signature

ARTHUR Colum

RECEIVED

JUN 16 2011

City of Temple

Please mail or hand-deliver this comment form to the address shown below, no later than June 20, 2011

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



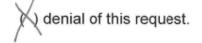
Holly D. Raybin 7925 Hawthorn Temple, Texas 76502

Zoning Application Number: Z-FY-11-32

Project Manager: Leslie Matlock

The proposed rezoning 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 <u>possible</u> rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend () approval



Comments:

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Oper want Zooin Th Sales of nnnn MIM lent STORE MI ame

D Signature

Please mail or hand-deliver this comment form to the address shown below, no later than June 20, 2011

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

JUN 2 1 2011

City of Temple Planning & Development



Richard Cortez & Thomas Archer 7912 Hawthorn Temple, Texas 76502

Zoning Application Number: Z-FY-11-32

Project Manager: Leslie Matlock

The proposed rezoning 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: 50000

Signature

on A

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later RECEIVED than June 20, 2011

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

JUL 0 1 2011

City of Temple Planning & Development

Number of Notices Mailed: 37

Date Mailed: June 9 2011



Diana Gail Wright 218 North Pea Ridge Road Temple, Texas 76502

Zoning Application Number: Z-FY-11-32

Project Manager: Leslie Matlock

The proposed rezoning 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 <u>possible</u> rezoning of the property described on the attached notice, and provide any additional comments you may have.

l recommend	🕅 approval	() denial	of this request.	
Comments: 1) PEA on the East sid from School (Scho posted speed traits (for frie) As soon	e to Acc Busis, etc) 3 Timit Su led togga	. We ne	needs to increase ed speed enforcement nunect to	be widened tooffic pumps and te city sewer
Diana Weight Signature	ţ		Diana M Print Na	9
Please mail or hand-delive than <u>June 20, 2011</u>	City Pla	form to the of Temple nning Depart		ECEIVED

Planning Department Room 201 Municipal Building Temple, Texas 76501

Date Mailed: June 9, 2011

& Development

JUN 15 2011

City of Tem



Donald Sr. Etux Betty Viator 7816 Fieldstone Drive Temple, Texas 76502

Zoning Application Number: Z-FY-11-32

Project Manager: Leslie Matlock

The proposed rezoning 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 <u>possible</u> rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend (Japproval

() denial of this request.

Comments:

ity 1

VIATOR SR.

Please mail or hand-deliver this comment form to the address shown below, no later than June 20, 2011

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

RECEIVED

JUN 16 2011

Number of Notices Mailed: 37

Date Mailed: June 9, 2011

PLANNING AND ZONING COMMISSION AGENDA ITEM

7/05/11 Item #4 Regular Agenda Page 1 of 5

APPLICANT / DEVELOPMENT: Kiella Development

CASE MANAGER: Leslie Matlock, Senior Planner

ITEM DESCRIPTION: Z-FY-11-32 Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (AG) to General Retail District (GR) on Outblock 2064-A and from Agricultural District (AG) to Single Family Two (SF2) on Outblock 2065-A, Baldwin Robertson Survey, Abstract 17, on 15.922 acres, located southeast corner of N. Pea Ridge Road and Stonehollow Drive.

BACKGROUND: The applicant requests the rezoning to establish a commercial and a residential subdivision. The subject property lies approximately 2,400 feet north from the corner of W. Adams and N. Pea Ridge Road (nearly ½ mile). The applicant requests 13.6 acres of SF2 zoning and 2.3 acres of GR. If developed to its maximum yield, the single-family portion of the project could consist of approximately 90 lots.

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	AG (Proposed SF-2 and GR zoning)	Undeveloped Land	
North	AG	Undeveloped Residential Lots and School in distance	

Direction	Zoning	Current Land Use	Photo
South	SF2	Residential Subdivision and Undeveloped Land	
East	SF2	Residential Uses and School and Playgrounds	
West	AG and SF3	Single-Family Residential, Undeveloped Lots and Agricultural Land	

COMPREHENSIVE PLAN COMPLIANCE:

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

Policy, Goal, Objective or Map	Compliance?
Map 3.1 - Future Land Use and Character (FLUP)	Y & N *
Map 5.2 - Thoroughfare Plan	Y*
Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Υ*
Temple Trails Master Plan Map	Y*
	Map 3.1 - Future Land Use and Character (FLUP)Map 5.2 - Thoroughfare PlanGoal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities

= See Comments Below CP = Comprehensive Plan STP = Sidewalk and Trails Plan

<u>Future Land Use and Character Plan (FLUP) (CP Map 3.1)</u> The future land use and character map designates the entire property as Auto Urban Residential. The Comprehensive Plan states that this is the dominant development pattern of the older portions of Temple. The Single Family Two request complies with the FLUP map however; the General Retail rezoning request does not comply.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates N. Pea Ridge Road a proposed minor arterial. When built to its full extent, this proposed minor arterial will be able to handle the increased load that this rezoning may create. Other roads that are impacted are classed as local roads. The rezoning request complies with the plan.

Availability of Public Facilities (CP Goal 4.1)

A 6- and an 8-inch water line and sewer line are available near the property. Public facilities are available for extension to the property.

Temple Trails Master Plan Map

The Sidewalk and Trails Plan designates property to the west as a future community-wide connector trail. It also shows a future Local Collector Trail to the north. This rezoning will not affect the Trails Master Plan as any dedication must happen at time of platting.

Additional Comprehensive Plan Analysis

The Future Land Use Plan shows the close surrounding area as either residential or institutional, meaning schools or Civic uses. The FLUP has commercial uses clustered along the nearby Major Arterial of W. Adams Avenue, and this use is usually most appropriate along arterial nodes. Although North Pea Ridge is a Minor Arterial, the corner node is with a local residential street, Stonehollow Drive. This corner, and other corners that are surrounded by residential uses, is more appropriate for the NS, Neighborhood Services zoning district, if a nonresidential district is approved.

The zoning change to General Retail mixes the possibility of a major retail sales generator siting next to residential uses at this corner. Alternately, there are few commercial uses that will want to locate at this corner in the short term; however the Comprehensive Plan is projecting 20 years to the future when this area is fully developed. If the nonresidential district is approved, an amendment to the FLUP should also be done in conjunction with other amendments to the map at a later date.



Inset of the Future Land Use Plan Map of categories surrounding the subject area.

- Brown and yellow are residential.
- Pink is Commercial.
- Purple is Business Park
- Green is park and blue is institutional, such as a school or City building.
- Light Green is Agricultural

A site-focused Future Land Use Plan map is attached to this report.

DEVELOPMENT REGULATIONS:

The requested GR zoning district is the standard retail district and allows most retail sales, restaurants, grocery stores, department stores, or offices and all residential uses except apartments, with a maximum building height of 3 stories. This would be the zoning on areas that also contain

shopping centers. There is no minimum lot area, width or depth. The building setback for the front yard is 15 feet from the front property line. There is a minimum side yard setback requirement of 10 feet. If a residential use borders the nonresidential use, then 10 feet setback is required unless there is an alley between, then there is no requirement.

As recommended below, the purpose of the NS, Neighborhood Services zoning district is to provide day-to-day retail and service needs for residential areas. This district should be located convenient to residential areas in locations such as the corner of a local road and a collector that serves the neighborhood. Typical permitted uses include limited retail services such as a convenience store without fuel sales, bank, barber or beauty shop, cleaners or flower shop. The setbacks for NS are the same as for GR but the maximum building height is 2 ½ stories, more to the scale of a typical surrounding neighborhood.

Some uses allowed in GR but prohibited in NS include:

Auto Leasing or Rental	Indoor flea market		
Boarding or Rooming House	Indoor commercial amusement (e.g. bowling alley)		
Car wash	Minor vehicle servicing		
Discount store	Motorcycle or Scooter Sales or Service		
Duplex -Two family dwelling	Pawn shop		
Fraternal lodge or union hall	Pet shop		
Furniture and Appliance Store	Print shop		
Hardware or Hobby Store	Plumbing shop		
Home for the aged	Restaurant with drive-in		
Hospital	Upholstery shop		
Hotel Motel	Veterinarian hospital without kennels		

The purpose of the Single Family Two zoning district is to develop single-family lots that permit single-family attached or detached residences and their related accessory structures and provides for smaller single-family lots that serve as a transition between larger and smaller lot single-family districts. SF-2 is meant to be a transitional area between less and more dense districts such as SF-1/Urban Estate and Townhouse/Multi-Family developments. Typical prohibited uses include secondary homes, duplexes, apartments, and non-residential uses.

SF-2, Single-F	amily Two	Minimum Standards
Min. Lot Area	(sq. ft.)	5,000
Min. Lot Width	n (ft.)	50
Min. Lot Depth	า (ft.)	100
Max. Height	(stories)	2 ¹ ⁄ ₂ stories
Min. Yard	(ft)	
Front		25
Side		5
Rear		10

PUBLIC NOTICE:

Thirty-seven notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the property in question, as required by State law and City Ordinance. As of Wednesday, June 29th, 2011, at 5 PM, two notices were returned in favor of and two notices were returned in opposition to the request.

Fifty-two additional courtesy notices were also sent out to those property owners that were within 500-feet of the subject property.

The newspaper printed notice of the Planning and Zoning Commission public hearing on June 9th, 2011, in accordance with state law and local ordinance.

STAFF RECOMMENDATION:

Analysis Summary:

- 1. The request complies with the Future Land Use and Character Map in relation to the SF-2 request, however, does not comply with the General Retail zoning request.
- 2. The request complies with the Thoroughfare Plan.
- 3. Public and private facilities are available to serve the property.

Staff recommends approval of the rezoning for case Z-FY-11-32 with the following changes:

SF-2 zoning is recommended as requested and NS is recommended instead of GR.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial Land Use and Character Map Zoning Map Thoroughfare Plan Map Utility Map Notice Map Responses

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

TUESDAY, JULY 5, 2011

ACTION ITEMS

Item 4: <u>Z-FY-11-32</u> – Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (AG) to General Retail District (GR) on Outblock 2064-A and from Agricultural District (AG) to Single Family Two (SF2) on Outblock 2065-A, Baldwin Robertson Survey, Abstract 17, on 15.922 acres, located southeast corner of N. Pea Ridge Road and Stonehollow Drive. (Turley Associates for Kiella Land Investments)

Ms. Leslie Matlock, Senior Planner, stated this item was tabled previously since the applicant was unable to attend. The subject property is located on north Pea Ridge Road and is currently a green field adjacent to single family zoned land. The rezoning request is by the same developer as the adjacent Westfield single family subdivision and Staff recommends the General Retail (GR) zoning be changed to Neighborhood Services (NS) and the request for Single Family Two (SF2) be approved.

Current surrounding uses include Agricultural to the north and west, W. Adams Avenue to the south, Tarver Elementary School and Westfield Addition, Phase I single family to the east, and scattered single family residences to the west. The Thoroughfare Plan shows north Pea Ridge Road as a minor arterial and the others are local roads.

Staff recommends the GR district be zoned NS because of lesser intense uses.

The property has adequate sewer and water to serve the property.

Thirty-seven notices were mailed out and two responses received were in approval and three responses were in denial. Fifty-two courtesy notices were mailed out.

Commissioner Staats asked what prompted the NS zoning for the GR and Ms. Matlock stated it was in accordance with the Future Land Use and Character Map for the area which showed the entire area for single family. This would be an entrance into a single family district and GR would be a more intense zoning whereas NS is more compatible for residential neighborhoods.

Commissioner Rhoads asked what the Conditional Use Permit (CUP) rule was for distance to a school and Ms. Matlock stated specifically for alcohol in a GR district it would be front door to front door.

Chair Talley opened the public hearing.

Mr. John Kiella, 11122 White Rock Drive, Temple, Texas, stated he represented the owner and did not have a problem going to NS. They use GR since it gives them a 'biggest basket' and he would not want any of the excluded uses anyway.

There is an existing road along the school which is a collector street. He has one entryway on to Stonehollow and would like to have another one due to the amount of traffic. The size of this was dictated by the maximum amount of a cul-de-sac he could put in. Due to the amount of people that will be moving into the area over the next few years, there will be a need for GR and NS. This is a small area and NS would work. He would like to have a few of the GR uses, such as a restaurant with drive-through, but maybe that use could be included in the NS designation.

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

Commissioner Pilkington stated he understood the point about the drive-through and Vice-Chair Martin agreed.

Commissioner Rhoads made the motion for item Z-FY-11-32 to remain as requested, against Staff recommendation, from AG to SF2 and GR and Commissioner Pilkington made a second.

Motion passed: (8:0) Commissioner Pope absent.

ORDINANCE NO.

(PLANNING NO. Z-FY-11-32)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, APPROVING A **REZONING FROM** AGRICULTURAL TEXAS. DISTRICT (AG) TO GENERAL RETAIL DISTRICT (GR) ON OUTBLOCK 2064-A AND FROM AGRICULTURAL DISTRICT (AG) TO SINGLE FAMILY TWO (SF2) ON OUTBLOCK 2065-A, BALDWIN ROBERTSON SURVEY, ABSTRACT 17, ON 15.922 ACRES, LOCATED ON THE SOUTHEAST CORNER OF NORTH PEA RIDGE ROAD AND STONEHOLLOW DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

<u>**Part 1**</u>: The City Council approves a rezoning from Agricultural District (AG) to General Retail District (GR) on Outblock 2064-A and from Agricultural District (AG) to Single Family Two (SF2) on Outblock 2065-A, Baldwin Robertson Survey, Abstract 17, on 15.922 acres, located on the southeast corner of North Pea Ridge Road and Stonehollow Drive, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

<u>**Part 2:**</u> The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 4th day of August, 2011.

PASSED AND APPROVED on Second Reading on the **18th** day of **August**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger City Secretary Jonathan Graham City Attorney



08/18/11 Item #5(J) Consent Agenda Page 1 of 4

DEPT. / DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-11-34: Consider adopting an ordinance authorizing a zoning change from Agriculture District (AG) to Commercial District (C) on 4.699 acres located on the south side of FM 2305, west of Arrowhead Point Road, more commonly known as 13721 West Adams Avenue. (Note: Approval of this item on consent agenda will rezone the subject property to PD-NS with the Storage Warehouse use permitted in addition to the uses permitted in the base NS zoning district, as approved on first reading by the City Council and with concurrence of applicant.)

P&Z COMMISSION RECOMMENDATION: At its July 5, 2011, meeting, the Planning and Zoning Commission voted 8/0 to recommend approval of a rezoning from AG to PD–NS with the Storage Warehouse use permitted in addition to the uses permitted in the base NS zoning district.

Commissioner Pope was absent.

<u>STAFF RECOMMENDATION</u>: Adopt ordinance as presented in item description, on second and final reading, with the site improvements described on the PD site plan.

Staff recommends approval of Z-FY-11-34 for the following reasons:

- 1. NS, Neighborhood Services, is the district most compatible with the surrounding uses if a new use were to locate on the subject property in the future.
- 2. Dissenting opinions from the P&Z Public Hearing were successfully addressed through this Planned Development solution.
- 3. The request complies with the Thoroughfare Plan.
- 4. Public and private facilities serve the property.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-11-34, from the Planning and Zoning meeting, July 5, 2011.

The applicant, Donald Bousquet, originally requested a rezoning from AG, Agricultural, to C, Commercial so that he could expand the established boat storage use on the property. The storage use is not allowed in the AG district, which was the default zoning district assigned to the property upon its annexation in 2008. City staff originally recommended approval of the request for the Commercial zoning district, but now agrees with the Planning and Zoning Commission's recommendation of Planned Development-NS with Storage Warehouse added as a permitted use on the property. The applicant is agreeable to the

recommendation of the Planning and Zoning Commission and this recommendation appeared to satisfy a concerned neighbor, Mr. Michael Ronk, who appeared at the public hearing.

The property has approximately 255 feet of frontage along FM 2305. The existing square footage of the storage facility is approximately 37,000 square feet. The applicant proposes to add 36 units for a total addition of approximately 15,000 square feet. The additional units are approximately 440 feet from the FM 2305 right-of-way at their nearest point.

As with all Planned Developments, development of the property must conform to the approved PD site plan, which is attached to this report. At the time of their voting, the Planning and Zoning Commission did not have a PD site plan to review, since the request was originally processed as a basic rezoning. However, the submitted site plan addresses their concerns.

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*
СР	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Y*
STP	Temple Trails Master Plan Map	Y*

* = See Comments Below CP = Comprehensive Plan STP = Sidewalk and Trails Plan

Future Land Use and Character (CP Map 3.1)

The Future Land Use and Character Map (FLUCM) designates the property as Suburban Commercial in character. This is generally typified by less dense, more suburban-style non-residential buildings, incorporating green areas and building materials compatible with suburban neighborhoods that surround them.

The original Commercial rezoning request does not comply with the FLUCM. However, the PD-NS designation that the Planning and Zoning Commission recommends does comply.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates FM 2305/ W. Adams Avenue as a major arterial. This road has been built for arterial speed traffic. The rezoning request complies with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

City of Temple water and sewer lines are in place and already serve this property.

Temple Trails Master Plan Map

The Sidewalk and Trails Plan does designate trails in this area, but this rezoning will not trigger dedication for the Trails Master Plan.

PLANNED DEVELOPMENT:

The attached Planned Development site plan shows that the applicant proposes additions to the site that would normally not be required under base zoning. The applicant offers these improvements as part of the PD which would allow him to expand the boat storage units on the property. Those improvements are:

- 45' minimum buffer between back of storage units and rear property line
- 5' wide landscape strip along FM 2305 to include
 - o 20 dwarf Japanese barberry (shown below) and
 - o 5 crepe myrtles



Dwarf Japanese Barberry

Any additional units on the property would require City Council approval.

DEVELOPMENT REGULATIONS:

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

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

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

08/1811 Item #5(J) Consent Agenda Page 4 of 4

NS, Neighborhood Service		
Min. Lot Area (sq. ft.)	NA	
Min. Lot Width (ft.)	NA	
Min. Lot Depth (ft.)	NA	
Max. Height (stories)	2 ¹ ⁄ ₂ stories	
Min. Yard (ft)		
Front	15	
Side	10	
Rear	0	

PUBLIC NOTICE:

Nine notices were sent regarding the Planning and Zoning Commission public hearing to property owners within 200-feet of the subject property. As of Friday, July 1st, at 5 PM, 2 notices were returned in favor of and 2 notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on June 20, 2011, in accordance with state law and local ordinance. Twenty courtesy notices were sent out to property owners within 500 feet of the subject property.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

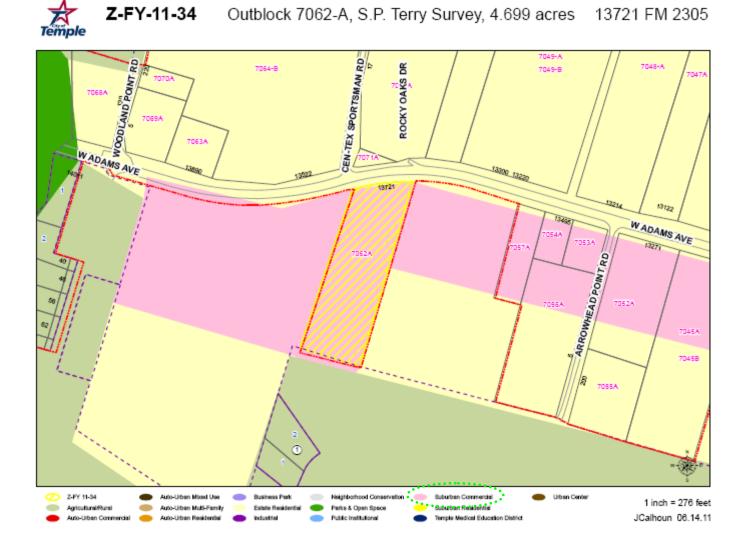
Aerial Map Land Use and Character Map Zoning Map Thoroughfare Plan Map Utility Map PD Site Plan Notice Map Response Letters P&Z Staff Report (Z-FY-11-34) P&Z Minutes (July 5, 2011) Ordinance

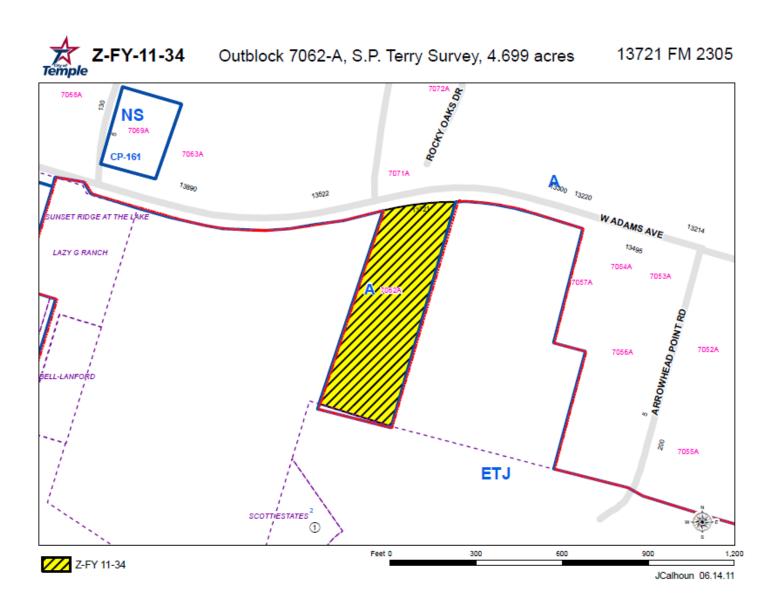




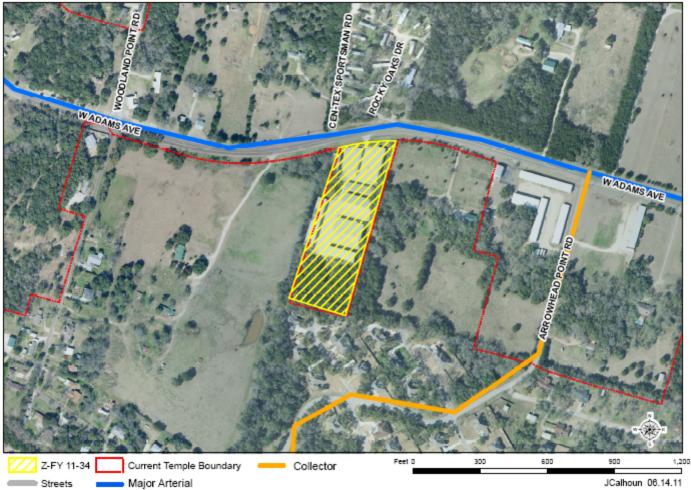
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JCalhoun 06.14.11

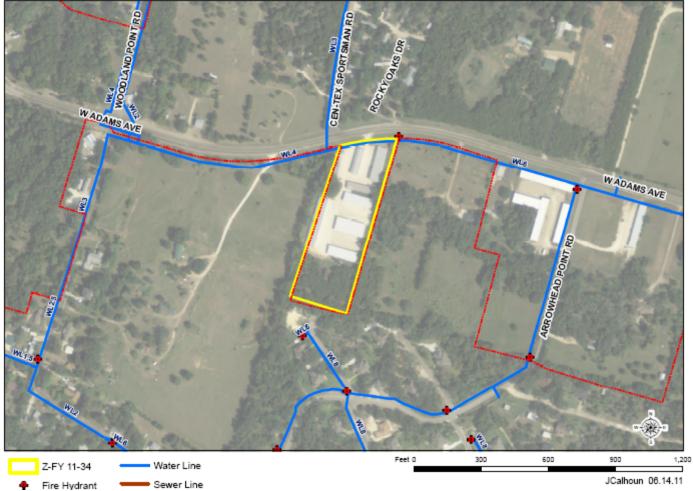


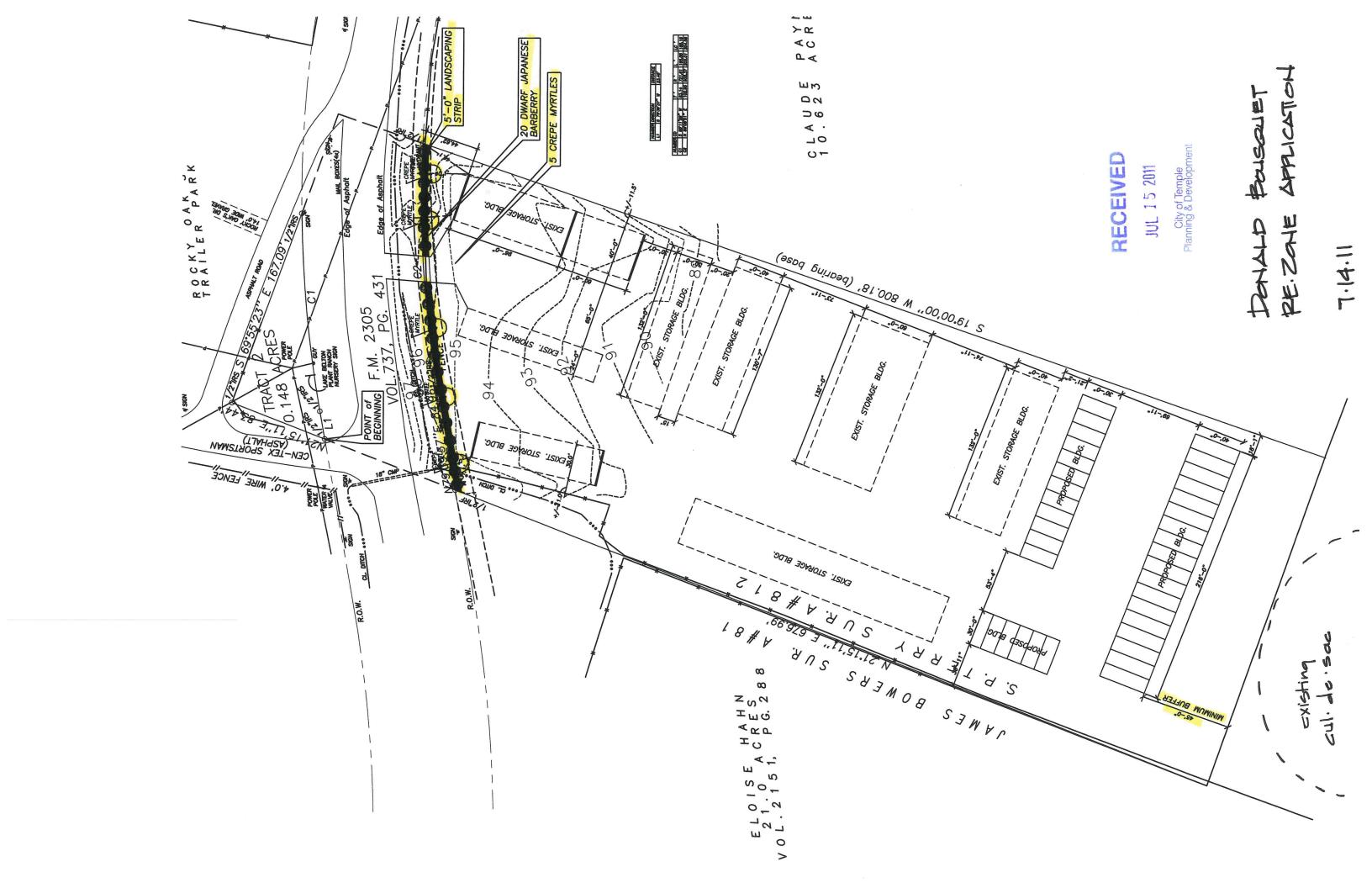


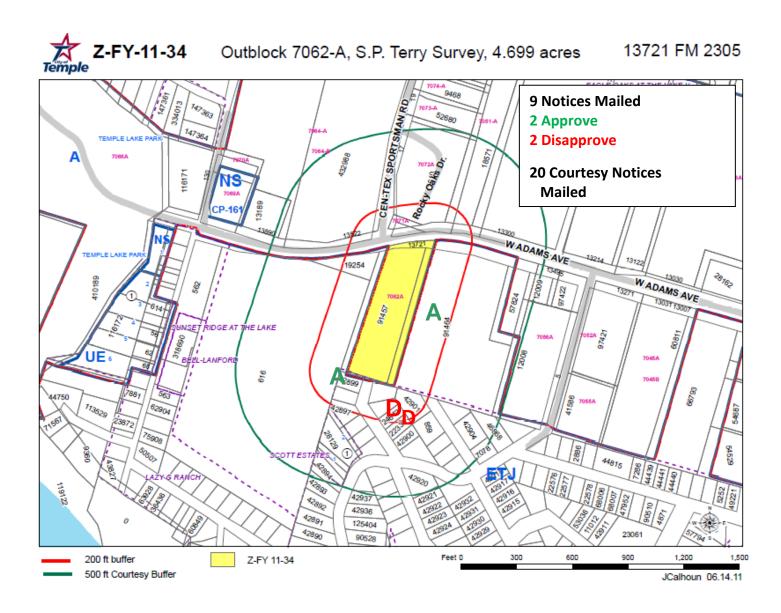














RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

John Etux Phyllis Modisett 13631 Moss Rose Trail Belton, Texas 76513

Zoning Application Number: Z-FY-11-34

Project Manager: Leslie Matlock

The proposed rezoning 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 <u>possible</u> 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:

comments.
As neighbors directly across the property line within the 200 buffer
zone we have no objection to allowing Mr. Bousquet to build another
storage unit on his property. any condern isould be the choice of
zoning options that may be enacted. We would oppose a zoning
designation that would sacilitate the Eature transfer of this property
into a commercial enterprise other than the currend storage units "
We would request that a designation be used that would prevent
Ficture commercial use expansion into other less desirable
commercial adventures

elij) Malistep

Mrs John (Phyllis) Modisett

Please mail or hand-deliver this comment form to the address shown below, no later than July 5, 2011 City of Temple RECEIVED

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

JUL 0 1 2011

City of Temple Planning & Development

Number of Notices Mailed: 9

Date Mailed: June 23, 2011



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

Catherine Etvir Michael Provenzano 67 Buck Lane Belton, Texas 76513

Zoning Application Number: Z-FY-11-34

Project Manager: Leslie Matlock

The proposed rezoning 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 <u>possible</u> 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:

Please mail or hand-deliver this comment form to the address shown below, no later than July 5, 2011

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

JUN 28 2011

City of Temple lanning & Development

Date Mailed: June 23, 2011



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

Susan M. Etvir Walt Cory 13606 Moss Rose Trail Belton, Texas 76513

Zoning Application Number: Z-FY-11-34

Project Manager: Leslie Matlock

The proposed rezoning 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 <u>possible</u> 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

Please mail or hand-deliver this comment form to the address shown below, no later than July 5, 2011

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

RECEIVED JUL 05 2011

City of Temple

Number of Notices Mailed: 9

Date Mailed: June 23, 2011

ATTACHMENT TO "RESPONSE TO PROPOSED REZONING REQUEST APPLICATION NUMBER Z-FY-11-34

While we do support Mr. Bousequet's request for rezoning, we do not support Mr. Donald Bousequet's application for rezoning as Commercial District (C).

We have concluded that the Commercial District is not appropriate for Mr. Bousequet's business since the description of the Commercial District (C) fails to conform to this particular business as described in <u>Zoning Code</u> <u>4.3.18 C, Commercial</u>.

While the word "storage" is used in that description, *its grammatical construction can only refer to the storage of "light manufacturing and heavy machinery."*

In addition, the geographical location description states the Commercial District *"should also be located at the intersection of major thoroughfares or highways."* This qualification is not in any way descriptive of roadways that serve Mr. Bousequet's business.

In addition, Zoning Code 4.3.18 states that the Commercial District "*should <u>be located away from low and</u> <u>medium density residential development</u>." Mr. Bousequet's business is clearly located in "a low and medium density residential development."*

Finally, the Commercial District "may be used as a buffer between retail and industrial uses," indicating again that a rezoning of Mr. Bousequet's property to Commercial District would be inappropriate since there is no other retail or industrial use any where near the property under consideration.

We would heartily endorse the request for rezoning if that rezoning were to be as "NS, Neighborhood Service."

Zoning Ordinance 4.3.16 NS, Neighborhood Service describes very well the location as well as the nature of the business Mr. Bousequet conducts. It serves the neighborhood (as well as to some degree, the greater community) in as much as Mr. Bousequet's business is essentially a boat storage (80%) facility primarily for individuals who lack space at their residences. We cannot imagine a business that would be less intrusive in terms of traffic, noise, or any other intrusion on our residential neighborhood.

Additionally, the NS zoning district, is *"is designed to provide day to day retail and service needs for residential service areas."* Indeed, that is exactly what Mr. Bousequet's business does—provides day to day service need for this (and other) residential areas.

The NS rezoning category is "<u>the most restrictive retail district.</u>" Therefore, the rezoning to NS would insure that, in the future, no business that has the potential to disrupt the peaceful nature of our residential neighborhood would be allowed to open. We are very concerned that any future use of the property would significantly increase traffic or commotion and thereby deteriorate the quality of life we enjoy as well as the value of our properties.

WE URGE YOU TO REZONE MR. BOUSEQUET'S PROPERTY AS NS, NEIGHBORHOOD SERVICE. WE WOULD ALSO URGE THE MEMBERS OF THE TEMPLE PLANNING AND ZONING COMMISSION TO VISIT BOTH MR. BOUSEQUET'S BUSINESS LOCATION AS WELL AS THE SURROUNDING RESIDENTIAL NEIGHBORHOOD PRIOR TO ITS FINAL DECISION.

MICHAEL RONK 13618 MOSS ROSE TRAIL BELTON, TX 76513 LINDA RONK 13618 MOSS ROSE TRAIL BELTON, TX 76513

DATE: JULY 5, 2011

.3.16 NS, Neighborhood Service

A. The Neighborhood Service <u>zoning</u> district permits limited retail services, usually for a small neighborhood area, with uses such as a convenience store, bank, barber or beauty shop, small cleaners or florist, as well as any residential use except apartments. The maximum building height <u>is of</u> 2 1/2 service stories.

B. The Neighborhood Service <u>zoning</u> district is the most restrictive retail district and is intended to provide day-to-day retail and service needs for residential neighborhood service areas. This district should be located convenient to residential areas in locations such as the corner of a local road and a collector that serves the neighborhood.

4.3.18 C, Commercial

A. The Commercial zoning district permits This district allows all retail and most



commercial land uses including auto dealerships with complete servicing facilities, building material sales, light manufacturing and heavy machinery sales and storage. Also, residential uses are allowed, except apartments. <u>The maximum building height may be</u> <u>Allows building height to any legal limit that other laws and ordinances do not</u> prohibit.ed by other laws or ordinances.

Note: Discuss building material sales, light manufacturing and heavy machinery sales in Phase 2.

B. The Commercial <u>zoning</u> district is intended to serve citywide or regional service areas. This district should be located along major highways and should provide total on-site traffic maneuvering such that traffic entering and exiting the facility should have room to turn, queue for parking areas and park within the confines of the facility. This district should also be located at <u>the</u> intersection of major thoroughfares or highways. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. Adjoining zoning districts should be carefully selected to reduce environmental conflicts.



7/05/11 Item #5 Regular Agenda Page 1 of 4

APPLICANT / DEVELOPMENT: Donald Bousquet, Owner

CASE MANAGER: Leslie Matlock, Senior Planner

ITEM DESCRIPTION: Z-FY-11-34 Hold a public hearing to discuss and recommend action on a rezoning from Agriculture District (AG) to Commercial District (C) on 4.699 - acres being located on the south side of FM 2305, west of Arrowhead Point Road, more commonly known as 13721 W. Adams Avenue

BACKGROUND: The applicant has requested the rezoning from AG to C as the property contains established commercial Storage Warehouse development that the owner wants to expand. The property was annexed into the City of Temple in January of 2008 and the current warehouse use was apparently in place. The AG, Agriculture, zoning district was given as the property's designation. The owner would like to expand the use, and is required to have the proper zoning for the business to enlarge.

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	AG (C pro- posed)	Existing Self Storage Business and Undeveloped Land.		

Direction	Zoning	Current Land Use	Photo
North	AG	Mobile Home Park	
South	Temple ETJ	Single Family Residential	
East	Temple ETJ	Large Lot Single Family Residential	

Direction	Zoning	Current Land Use	Photo
West	Temple ETJ	Large Lot Single Family Residential	

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 Map	N*
CP	Map 5.2 - Thoroughfare Plan	Y*
СР	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Υ*
STP	Temple Trails Master Plan Map	Y*

* = See Comments Below CP = Comprehensive Plan STP = Sidewalk and Trails Plan

Future Land Use and Character (CP Map 3.1)

The Future Land Use and Character Map (FLUCM) designates the subject property as Suburban Commercial. The rezoning request does not comply with the FLUCM. However, It is within a non-residential use area there is a precedent for recommending approval for, and the City Council subsequently approving, rezonings of this nature, in this part of the City, when an applicant wants to expand an existing business.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates FM 2305/ W. Adams Road as a major arterial. This road is built for two to three lane rural street cross-section. The rezoning request to C, Commercial, complies with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

City of Temple water lines and fire hydrants are in place to serve this property. There are no sewer extensions to this area of the city at this time; however, the area is served by private sewerage or septic systems.

Temple Trails Master Plan Map

The Sidewalk and Trails Plan designates a future Collector Spine Trail along this W. Adams Avenue frontage. This rezoning will not trigger dedication for the Trails Master Plan, but should the property be replatted, the PALS department will evaluate the property.

DEVELOPMENT REGULATIONS:

The C, Commercial zoning district is more intense retail district and allows for retail sales and restaurants or offices and most residential uses except apartments. It also allows more intense uses such as major vehicle repair and storage, warehousing and package stores by right. The district may allow natural resources storing/extraction, outdoor auto storage and kennels with a Conditional Use Permit approval. There is no minimum lot area, width or depth unless bounded by a residential district. Any legal height building is allowed but could be required to be setback if over a certain height and next to a residential district. Storage Warehouses are a use that is permitted by right.

PUBLIC NOTICE:

Nine notices were sent regarding the Planning and Zoning Commission public hearing to property owners within 200-feet of the subject property. As of Wednesday, June 29th, at 12 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 June 20, 2011, in accordance with state law and local ordinance. Twenty courtesy notices were sent out to property owners within 500 feet of the subject property.

<u>STAFF RECOMMENDATION</u>: Staff recommends approval of the rezoning for case Z-FY-11-34 for the following reasons:

- 1. The request does not comply with the Future Land Use and Character Map; however, it is within a non-commercial use area and similar rezoning requests for expanding similar businesses on comparable properties in the same part of the City have received positive recommendations and approvals in the recent past.
- 2. The request complies with the Thoroughfare Plan.
- 3. Public and private facilities serve the property.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial Land Use and Character Map Zoning Map Thoroughfare Plan Map Utility Map Flood Plain Map Notice Map Responses

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

TUESDAY, JULY 5, 2011

ACTION ITEMS

Item 5: Z-FY-11-34 - Hold a public hearing to discuss and recommend action on a rezoning from Agriculture District (AG) to Commercial District (C) on 4.699 acres, located on the south side of FM 2305, west of Arrowhead Point Road, more commonly known as 13721 W. Adams Avenue. (Donald Bousquet)

Ms. Matlock stated this case originated with a request for additional buildings for an existing boat storage. In order to expand the zoning designation needed to be changed. Currently it is zoned AG and the business has been in existence since before the annexation in 2008.

The use chart indicates the least intensive use for the storage warehouse use is Commercial (C). Current surrounding uses include another storage warehouse to the east, single family neighborhood use to the northeast and northwest, a mobile home park to the north and single family to the south in the ETJ. The Comprehensive Plan shows this area to be retail in nature. The request does not comply with the intensity of the Future Land Use and Character Map but is within a non-residential character area. The Thoroughfare Plan shows Adams as a major arterial and Arrowhead as a collector. Sewer and water are available to serve the property.

Nine notices were mailed and two were received in approval and two were denying the request. Twenty-two courtesy notices were sent.

Staff recommends approval for this request. While it does not comply with the Future Land Use and Character Map, similar requests have been approved in the recent past. This request does comply with the Thoroughfare Plan and public and private facilities are available.

Chair Talley opened the public hearing.

Mr. Michael Ronk, 13618 Moss Road Trail, stated his property is located directly behind the applicant's property. Mr. Ronk stated he has no disapproval of the applicant's use of the property as it currently stands. Mr. Ronk and some of the neighbors do have a concern about the Commercial use zoning change. GR use chart allows for both a hospital and a car wash which are hardly in the same category. To open this rezoning allows anyone at any point in the future for anything that is currently characterized as a use for a Commercial property to replace what the applicant has and that would have a serious detriment to the property values and quality of life being enjoyed.

Mr. Ronk felt the point of conflict seemed to be in how the use tables are designed. He both supports and does not support the applicant's request. In principal, Mr. Ronk likes

the business because it is totally innocuous and if he were not aware that business was being conducted there, he would never know. He does feel it is a good use and provides a good service for the neighborhood. However, Mr. Ronk does not want the potential to allow other Commercial uses to come into the area.

Mr. Ronk felt there was a need to look at the use tables and evaluate what kind of use and what type of restrictive level is needed. Mr. Ronk has no opposition to the applicant's expansion of the business because it is a neighborhood service type of activity. The make the property full Commercial allows a potential to be detrimental to the way of life there. It did not make sense that Commercial was the least restrictive category in light of other types of businesses available for neighborhood services that are more intrusive. Mr. Ronk asked that the use tables be readjusted to make them more user, neighborhood, residential and business friendly.

Chair Talley asked Mr. Ronk where his home was located and Mr. Ronk indicated it on the map.

Mr. Donald Bousquet, 1301 S. 55th Street, Temple, applicant for the request, bought the property in 1997 or '98 and started the buildings in '98. He has eight buildings on 4.5 acres of land which adjoins Mr. Ronk's property and would like to have three more buildings. This is a boat storage and is very low profile. Mr. Bousquet stated he was told by the City that he had to go Commercial in order to have the additional three buildings. Everything is already in place and all he wants to do is add three more buildings. He wants to be a good neighbor and would leave a sufficient buffer zone or do whatever is needed. The business has been there for 10 years and he has no plans to change it. Mr. Bousquet agrees with Mr. Ronk about the land use descriptions but was instructed to go Commercial.

Discussion about the back part of the subject property.

Mr. Ronk stated under a Commercial zoning, theoretically the next door neighbor could sell his property and someone could buy and develop it into a business that was noisy and raucous and would set a precedent for others to do the same. Mr. Ronk felt the interests of the neighborhood should be preserved. According to the information and descriptions gleaned from the Unified Development Code, Mr. Ronk stated there are no characteristics of the area indicated--there are no thoroughfares or major highways, and Commercial zoning should be located away from the residential areas but that is what surrounds it. There is a vast contradiction in the City's documentation.

Commissioner Rhoads stated he agreed with Mr. Ronk about the use tables and would it be possible to review them? He also asked about the Commercial zoning or nothing and could they make an exception to this request? Ms. Matlock stated the Commission could make an exception but it would not help Mr. Bousquet because he would not be able to expand the way the table is currently written. Ms. Matlock stated it could be a Planned Development (PD) with NS and allow the use. The Commission was in agreement this was a good suggestion.

Mr. Bousquet stated if it went to a PD there would be so many rules and regulations he would not be able to build the additional units. Ms. Matlock stated the PD would include a site plan that would attend the resolution. It would include the type of building, facades, the pavement, etc., and would lock him into what he has now and what he wants to build. However, the City Council could possibly ask for additional concessions, such as landscaping. Commissioner Pilkington stated, in his opinion, this PD was for the City's benefit, not the applicant's, and the landscaping would not be necessary. Ms. Matlock stated the landscaping would be at the front, retail landscaping, such as other retail landscaping. Commercial zoning does not necessarily require landscaping, depending on location, time the building was built, and investment.

Mr. Brian Mabry, Planning Director, City of Temple, stated a PD was definitely an option where the base zoning district is kept lower than Commercial, such as NS, so in the future should a business go away, the low intensity NS district would already be in place. The main thing needed for a PD when it gets to City Council is a drawing and it seemed the applicant had an architect already. The drawing would show existing buildings, proposed buildings, preserved vegetation in back with buffer zone, and any extra suggestions such as nicer building materials or additional landscaping in the front. The purpose of a PD is to give the applicant something but the public gets something in return for the granted flexibility. In this case, the flexibility would be allowing a use not normally allowed in the NS district with mitigation for allowing it.

Commissioner Staats asked if the storage was 100 percent boat storage. Mr. Bousquet stated 85 to 90 percent is totally boat storage but there are a few which hold trucks and miscellaneous items. The units are too big to for a mini-storage situation. It would be accurate to say trailer/vehicle/boat storage.

Commissioner Staats asked the applicant if he would be agreeable to some additional landscaping to soften the view, if required, and Mr. Bousquet confirmed he would be agreeable to that.

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

Commissioner Staats recommended any motion made include something regarding moderate landscaping (small vegetation, not necessarily trees) for the front section and Mr. Mabry gave examples of landscaping requirements. Some discussion followed regarding various landscaping options.

Commissioner Rhoads stated Mr. Ronk was fine with everything except the Commercial zoning and did not feel any landscaping was necessary.

Commissioner Rhoads made a motion to approve **Z-FY-11-34** to a Planned Development Neighborhood Services (PD-NS) district, not Commercial as recommended by Staff, and Vice-Chair Martin made a second.

Motion passed: (8:0) Commissioner Pope absent

ORDINANCE NO.

[PLANNING NO. Z-FY-11-34]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM AGRICULTURAL DISTRICT (AG) TO PLANNED DEVELOPMENT NEIGHBORHOOD SERVICE (PD-NS) ON 4.699 ACRES LCOATED ON THE SOUTH SIDE OF FM 2305, WEST OF ARROWHEAD POINT ROAD, MORE COMMONLY KNOWN AS 13721 WEST ADAMS AVENUE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

<u>**Part 1**</u>: The City Council approves a zoning change from Agricultural District (AG) to Planned Development Neighborhood Service (PD-NS) on 4.699 acres located on the south side of FM 2305, west of Arrowhead Point Road, more commonly known as 13721 West Adams Avenue, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

<u>Part 2</u>: In accordance with Section 3.4 of the Unified Development Code (UDC) of the City of Temple, the City Zoning Map is amended by changing the zoning classification of the property described in Part 1 above, to Planned Development Neighborhood Service District. The planned development shall comply with all applicable sections of the Code of Ordinances of the City of Temple, Texas, and all local, State and Federal laws and regulations as they may now read or hereafter be amended, including but not limited to the following conditions:

- a. Except as varied by the approved Planned Development site plan, attached hereto as Exhibit B, the use and development standards of the property shall conform to the requirements of the Neighborhood Service zoning district.
- b. In the event of a conflict between the Planed Development site plan and the text of this Planned Development ordinance, the stricter standard applies.
- c. All standards of the Unified Development Code apply unless the development plan or the text of the Planned Development ordinance specifically modifies such standards.
- d. Boat storage is allowed.
- e. A 45 ft. minimum buffer is required between the back of the storage units and the rear property line.
- f. A 5 ft. wide landscape strip along FM 2305 is required and shall include: 20 dwarf Japanese barberry and 5 crepe myrtles.

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

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 4th day of August, 2011.

PASSED AND APPROVED on Second Reading on the **18th** day of **August**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger City Secretary Jonathan Graham City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/18/11 Item #5(K) Regular Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: FIRST READING — Consider adopting an ordinance granting a franchise to AM Construction to provide for construction job site cleaning, rental and setting of fifteen (15) yard dumpsters, and hauling and disposing of construction site waste within the City of Temple.

<u>STAFF RECOMMENDATION</u>: Adopt ordinance as presented in item description, on first reading, schedule second reading for September 1, 2011, and schedule a third and final reading and public hearing for September 15, 2011.

ITEM SUMMARY: AM Construction offers a unique service in providing construction job site cleaning as well as the rental of 15 yard dumpsters and the subsequent hauling and disposing of construction site waste. This service allows for clean job, professional looking job sites. AM Construction provides services which the City at this point in time cannot offer. In addition to job site clean- up, he rents only fifteen (15) yard dumpsters, which allows the dumpster to be placed at the rear of the lot creating a less cluttered job site.

The suggested term for this franchise agreement is five years.

FISCAL IMPACT: The City receives 5% of the company's gross revenues. The City received \$1,112.23 in franchise revenue in FY 2010 and has received \$661.55 in franchise revenue as of 06/30/11 from AM Construction.

ATTACHMENTS: Ordinance

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE. TEXAS, GRANTING A FRANCHISE TO AM CONSTRUCTION AND DUMPSTER SERVICE TO PROVIDE CONSTRUCTION JOB SITE CLEANING, RENTAL AND SETTING OF FIFTEEN (15) YARD ROLL-CONTAINER. AND HAULING AND DISPOSING OFF OF CONSTRUCTION SITE WASTE WITHIN THE CITY OF TEMPLE UNTIL SEPTEMBER 16, 2016; PROVIDING FOR THE SCOPE AND NATURE OF THE OPERATION; PROVIDING FOR THE DISPOSAL OF ALL SUCH REFUSE; PROVIDING A PROCEDURE FOR THE HANDLING OF COMPLAINTS; PROVIDING FOR A MONTHLY COMPENSATION TO THE CITY; PROVIDING FOR ADJUSTMENT OF CHARGES; REQUIRING INDEMNITY INSURANCE; PROVIDING FOR AMENDMENTS; PROVIDING FOR PAYMENT OF ALL TAXES BY FRANCHISEE: PROHIBITING ASSIGNMENT OF THE THE FRANCHISE WITHOUT WRITTEN PERMISSION OF THE CITY COUNCIL; PROVIDING FOR MANNER OF ACCEPTANCE BY GRANTEE; PROVIDING A PENALTY OF NOT MORE THAN \$500 PER VIOLATION AND MAKING EACH DAY A VIOLATION CONTINUES A SEPARATE VIOLATION; PROVIDING FINDINGS OF FACT; PROVIDING А SEVERABILITY CLAUSE: PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, AM Construction and Dumpster Service has requested the opportunity to provide construction job site cleaning, rental and setting of fifteen (15) yard roll-off containers, and hauling and disposing of construction site waste, within the City of Temple;

Whereas, the City Council has investigated the financial condition, experience and service record of AM Construction and Dumpster Service and finds it to be a well qualified company in the area of construction job site cleaning, rental and setting of fifteen (15) yard roll-off containers and hauling and disposing of construction site waste; and

Whereas, after notice and publication of this ordinance as required by the City Charter and applicable local and State laws and after a public hearing where evidence was received concerning the granting of a franchise to AM Construction and Dumpster Service, it is the opinion of the City Council that it would promote the public health, welfare and safety to enact this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE

CITY OF TEMPLE, TEXAS, THAT:

PART 1: Franchise. A non-exclusive franchise is hereby granted to AM Construction and Dumpster Service, hereinafter referred to as "Grantee," to use the public streets, alleys and thoroughfares within the corporate limits of the City of Temple, Texas for the purpose of engaging in the business of construction job site cleaning, the rental and setting of fifteen (15) yard roll-off containers, and the hauling and disposing of construction site, said business to be conducted in full compliance with all rules and regulations for the disposal of solid waste material imposed by the Texas Department of Health, the City of Temple, Texas, the State of Texas, the federal government.

<u>PART 2:</u> Term. The term of this agreement shall end on September 16, 2016. This franchise can be extended upon mutual agreement of the parties.

PART 3: Scope and Nature of Operation. It is expressly understood and agreed that the Grantee may perform construction job site cleaning and as well as rent, set and haul fifteen (15) yard roll-off containers associated with such cleaning. Grantee agrees to not rent or set roll-off containers on a construction site at which they are not performing job site cleaning. For the purpose of this franchise agreement, construction site cleaning includes clean up around sites for new commercial and residential construction as well as the demolition and clean-up of existing commercial and residential structures. Grantee further agrees to rent and set only fifteen (15) yard or smaller roll-off containers. Grantee will, at its own expense, furnish personnel and equipment to collect waste as described herein and will establish and maintain in an efficient and business-like manner such services as may be contracted for.

<u>PART 4:</u> Vehicles to be Covered and Identified; Loading; Transport and Disposal. All vehicles used by the Grantee for the collection and transportation of refuse shall be covered at all times while loaded and in transit to prevent the blowing or scattering of refuse onto the public streets or properties adjacent thereto, and such vehicles shall be clearly marked with the Grantee's name in letters not less than two (2) inches in height.

<u>PART 5:</u> Regulation of Leased Containers. It is specifically understood and agreed that the Grantor shall permit the Grantee to rent or lease containers to the owner or occupant of any construction site within the corporate limits of the city, for construction job site cleaning subject to the following requirements:

- (a) All such containers shall be constructed according to good industry practice in the trade;
- (b) All such containers shall be equipped with suitable covers with secure lids to prevent blowing or scattering of the waste while being transported for disposal of their contents;
- (c) All such containers shall be cleaned and maintained by Grantee so as to be in good repair, of a good appearance and free of

such refuse residues as may cause odor and provide a breeding place for flies and harborage for rodents;

- (d) All such containers shall be clearly marked with the Grantee's name and telephone number in letters not less than two (2) inches in height. It is further understood and agreed that the Grantee will lease or rent such containers at terms which are fair and reasonable and that such terms will be submitted to and approved by the City Council; and
- (e) The City has the authority to remove from the premises any unmarked containers.

PART 6: Disposal of Refuse. It is specifically understood and agreed that Grantee will deliver all waste and refuse collected by him from premises in the corporate limits of City to the City of Temple Landfill. No other location may be used for the disposal of such refuse without the written approval and consent of Grantor. Rules and regulations governing hours of operation and disposal practices at the disposal site, as may be published by the Grantor, will be observed and followed by the Grantee while engaged in the disposal of refuse collected under this agreement. The Grantee is responsible for paying any and all tipping or gate fees as set from time to time by Waste Management.

PART 7: Complaint Handling by Grantee: It is expressly understood and agreed that Grantee, at its expense, will provide a telephone answering service from 8 a.m. until 5 p.m. daily, Monday through Friday, excluding such holidays as may be approved by Grantor, for the purpose of handling complaints and other calls regarding refuse collection service provided by the Grantee. The Grantee will secure an annual listing in the Temple Telephone Directory under the name by which it conducts business in the community.

PART 8: Availability, Character of Service. Grantee shall at all times furnish service which is first class in every respect, modern and sufficient to meet reasonable demands without undue interruption or fluctuations, under fair and reasonable rules and regulations as provided for herein, to any person, firm, or corporation that shall demand service within the City, upon the terms herein specified or that hereafter may be specified and required by ordinance or rules duly passed by the City. Grantee shall make service connections on reasonable demand, without undue delay. Grantee covenants that it will furnish such service, instrumentalities, and facilities as are safe, adequate, efficient, and reasonable.

PART 9: Contract Administrator.

- (a) The Director of Public Works is the principal City officer responsible for the administration of this franchise and shall oversee and review the operations of Grantee under this franchise.
- (b) It shall be the right and duty of the City Manager and the governing body of

the City at all times to keep fully informed as to all matters in connection with or affecting the construction, reconstruction, maintenance, operation, and repair of the properties of the Grantee and its accounting methods and procedures in connection therewith, and the conduct of the Grantee's business in the City and of service being rendered by Grantee.

PART 10: Records, Reports and Inspections.

- (a) The Grantee shall use the system of accounts and the forms of books, accounts, records, and memoranda prescribed by the American Institute of Certified Public Accountants, or as mutually agreed to by the City and Grantee, except that the City may require the keeping of certain additional records and accounts non inconsistent therewith.
- (b) The Grantee shall furnish the City with copies of its monthly financial and operating reports and upon request, the Grantee shall make such special studies and furnish such other reports as the governing body of the City or the Director of Public Works may reasonably require in the administration of the franchise. The monthly financial reports may be in the form of a Balance Sheet generated by financial software such as QuickBooks. Once annual tax statements are prepared, and certified by a public account, a copy of such shall be made available to the City.
- (c) The City Manager and the Director of Finance shall have the right, at reasonable times, to inspect the plant, equipment, and other property of the Grantee, and its affiliates and to examine, audit, and obtain copies of the papers, books, accounts, documents, and other business records of the Grantee and its affiliates.
- (d) The City shall retain all of the investigative powers and other rights provided to the City by the Charter and State law.

<u>PART 11:</u> Rules and Inspections.

- (a) In order to insure uniform and reasonable application of conditions for service and to insure availability of service to all without discrimination, the City Manager shall exercise supervision of Grantee's rules and regulations concerning service furnished under this franchise.
- (b) The governing body of this City and the City Manager may establish, after reasonable notice and hearing, not to be less than that required by the City Charter and applicable laws, such rules and regulations as may be in the public interest regarding rates, the furnishing of service, administration of customer accounts, and construction of Grantee facilities on City property.

PART 12: Service Rates. Grantor reserves the right to approve rates set by Grantee

for services which includes in whole or part the setting of solid waste containers within the City limits, or the hauling of such solid waste containers on City streets. The Grantee shall publish service rates and furnish a copy of said rates to the City at such time as they are adopted.

PART 13: Consideration.

- (a) For and in consideration of the covenants and agreements herein contained, Grantee herein agrees to pay unto the City five (5%) percent of the gross receipts received by Grantee in the operation of the services performed for customers pursuant to the provision of this contract. For the purposes of this Franchise, gross receipts includes the entire amount billed to a customer and received by Grantee from a customer for a services that include in whole or part the setting of solid waste containers within the City limits, or the hauling of such solid waste containers on City Streets, but does not include any amounts passed through by Grantee to his customers for tipping fees at the landfill or charges for services that do not involve the setting of solid waste containers or the hauling of solid waste in those containers within the City limits. Nor does gross receipts includes payments received by Grantee from customers for services performed entirely outside the City limits. All charges shall be paid unto the Grantor monthly as they accrue and receivable not later than the 10th day of the month thereafter. The Grantor shall have the right to reasonable access to the records of Grantee involving business conducted pursuant to this contract.
- Grantee shall file with the Director of Finance simultaneously with each (b) payment, a financial statement clearly showing the gross receipts received by the Grantee during the preceding month. In addition, the Grantee shall file with Director of Finance annually after the expiration of each of the Grantee's fiscal years a financial statement clearly showing the gross receipts and all components thereof received by the Grantee on an annual basis during the preceding fiscal period. Such report shall be due within sixty (60) days of the close of the Grantee's fiscal year. This financial statement shall be prepared by a certified public accountant, clearing showing the annual gross receipts attributable to the Temple Service Area. Extension of such period up to thirty (30) additional days may be granted by the City Manager upon request by the Grantee. Such payment shall be exclusive of and in addition to all other general municipal taxes of whatever nature, including but not limited to ad valorem taxes and special taxes and assessments for public improvements. During the years for which payments of percentages of gross receipts are made to the City as compensation or part compensation for this franchise to use the public property of the City for the purpose of engaging in the business of Grantee as described herein, the payments shall be (insofar as the City has legal power so to provide and agree) in lieu of and shall be accepted as payment for all of Grantee's obligations to pay municipal charges, fees, franchise taxes, or other charges and taxes of every kind, except ad valorem

taxes and special taxes and assessments for public improvements.

- (c) In the event that any franchise payment, due to a recomputed amount, is not made on or before the applicable date heretofore specified, interest shall be charged from such due date at the annual rate of ten (10%) percent per annum.
- (d) Within thirty (30) days after a request by the City Manager to reimburse the City for said expenses, the Grantee will pay to the City any expense required to be paid by the City Charter, this ordinance or other applicable laws or regulations including, but not limited to, the expense of publication of this ordinance or the expense of holding a referendum or election in regards to granting, amending, or extending or renewing this franchise.

PART 14: Indemnity Insurance. Grantee assumes all risks of loss or injury to property or persons arising from any of its operations under this agreement, and agrees to indemnify and hold harmless the Grantor from all claims, demands, suits, judgments, costs or expenses arising from any such loss or injury, unless such loss or injury is solely due to the negligence of the City. It is expressly understood that the foregoing provisions shall not in any way limit the liability of the Grantee. Grantee agrees to carry the types of insurance in minimum limits as follows:

- (1) Public Liability Bodily Injury \$250,000 single/\$500,000 total;
- (2) Public Liability Property Damage \$100,000 each occurrence; and
- (3) Automotive Public Liability and Bodily Injury \$250,000 single/\$500,000 total and Property Damage \$100,000.

Grantee shall furnish Grantor with evidence of such insurance in a form satisfactory to Grantor, and have Grantor named as an additional insured on its liability insurance and such insurance certificates shall provide a waiver of subrogation in favor of Grantor.

<u>PART 15:</u> Termination and Forfeiture. The City, at its option, may terminate this franchise agreement by giving 60 days advance written notice of such termination to Grantee.

PART 16: Retention of Rights by City. The City of Temple, in granting this franchise, fully retains and reserves all the rights, privileges, and immunities that it now has under the law to fully patrol and police the streets, alleys, and public ways within the city and the granting of this franchise in no way interferes with the improvements or maintenance, or any other street, alleys, and public ways, and the rights of the Grantee herein to use said streets shall at all times be subservient to the right of the governing body of the City of Temple to fully exercise its rights or control over said streets, alleys and public ways.

PART 17: Amendments. The City of Temple expressly reserves the right, after due notice to Grantee, to modify, amend, alter, change or eliminate any of the provisions of this

franchise and to impose such additional conditions upon the Grantee as may be just and reasonable as determined by the City Council, such conditions to be those deemed necessary for the purpose of insuring adequate service to the public. Provided, however, that all such amendments shall be made in accordance with the Charter of the City of Temple, Texas.

PART 18: Effective Date. This ordinance shall take effect on the date of the final passage hereof by the City Council, but not before the Grantee has filed with the City Secretary of the City of Temple a written acceptance of this ordinance as hereinbefore required.

<u>PART 19</u>: Non-Exclusive. This franchise is not exclusive and nothing herein contained shall be construed so as to prevent the City from granting other like or similar rights and privileges to any other person, firm, or corporation.

<u>PART 20:</u> Failure of City to Enforce this Franchise; No Waiver of Terms Thereof.

- (a) The Grantee shall not be excused from complying with any of the terms and conditions of this franchise of any failure of the City upon any one or more occasions to insist upon or to seek compliance with any such terms or conditions. The Grantee's violation or failure to comply with any of the provisions of this ordinance shall result in a fine upon conviction of not less than One Dollar (\$1.00) nor more than Five Hundred (\$500.00) Dollars and each day any violation or non-compliance continues shall constitute a separate and distinct offense.
- (b) The penalty provided herein shall be cumulative of other remedies provided herein and by State and Federal law including, but not limited to, the power to forfeit or terminate this franchise, the power of injunction or any other equitable remedies as provided by State law and the right to sue for damages which remedies may be exercised in enforcing this ordinance whether or not there has been a criminal complaint filed.

PART 21: Taxes. The Grantee shall promptly pay all lawful ad valorem taxes, and such other levies and assessments, if any, that may lawfully be imposed upon it. Failure to pay any of such charges on either of them shall be deemed a breach of the privilege granted herein.

<u>PART 22</u>: Assignment of Franchise. This Franchise and agreement and any and all rights and obligations hereunder may not be assigned by the Grantee without the prior written consent of the City Council.

PART 23: Acceptance by Grantee.

(a) Within thirty (30) days after the third and final reading of this ordinance and its passage by the City Council, the Grantee herein shall file with the City Council in writing its acceptance of the terms and provisions of this grant and the ordinance in substantially the following form:

To the Honorable Mayor and City Council of the City of Temple:

The franchisee, AM Construction and Dumpster Service, acting by and through its duly authorized and empowered officer, hereby accepts the terms and conditions of Ordinance No.______ granting a franchise to provide construction job site cleaning, rental and setting of fifteen (15) yard roll-off containers and hauling and disposing of construction site waste within the City of Temple, Texas.

SIGNED this _____ day of _____, 2011.

AM CONSTRUCTION AND DUMPSTER SERVICE Billy Martone, Owner

(b) The acceptance shall by duly acknowledged by the person executing the same. In the event the acceptance is not filed within the thirty (30) day period this ordinance and the rights and privileges hereby granted shall terminate and become null and void.

<u>PART 24</u>: Findings of Fact. The City Council hereby finds and declares that the public convenience and necessity require the service which is to be furnished by the Grantee named herein.

PART 25: Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality 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 Board without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

<u>PART 26:</u> Open Meetings. It is hereby found that the meeting at which this ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meeting Act

PASSED AND APPROVED on First Reading on the **18th** day of **August**, 2011.

PASSED AND APPROVED on Second Reading on the 1st day of September, 2011.

PASSED AND APPROVED on Third and Final Reading on the **15th** day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

ATTEST:

Clydette Entzminger City Secretary Jonathan Graham City Attorney

Agreement of Franchisee

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

The franchisee, AM Construction and Dumpster Service, acting by and through its duly authorized and empowered officer, hereby accepts the terms and conditions of Ordinance No. ______ granting a franchise to provide construction job site cleaning, rental and setting of fifteen (15) yard roll-off containers and hauling and disposing of construction site waste City of Temple, Texas.

SIGNED this ______ day of ______, 2011.

AM CONSTRUCTION AND DUMPSTER SERVICE

Billy Martone, Owner



COUNCIL AGENDA ITEM MEMORANDUM

08/18/11 Item #5(L) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution dedicating right-of-way consisting of 2.77 acres for the construction of Panda Drive and 0.701 acre for extension of Lorraine Avenue.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: As part of the project by Panda Temple Power, LLC, to construct an electric power generating facility in the Southeast Industrial Park, the City and TEDC have worked together with Panda to ensure that the necessary infrastructure is in place to serve their facility. The City agreed to dedicate the necessary right-of-way for the construction of Panda Drive (2.77 acres) and for the extension of Lorraine Avenue (0.701 acre) to serve the new facility.

FISCAL IMPACT: None

ATTACHMENTS:

Resolution

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DEDICATING RIGHT-OF-WAY CONSISTING OF 2.77 ACRES FOR THE CONSTRUCTION OF PANDA DRIVE AND 0.701 ACRE FOR EXTENSION OF LORRAINE AVENUE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, as part of the project by Panda Temple Power, LLC, to construct an electric power generating facility in the Southeast Industrial park, the City and TEDC have worked together with Panda to ensure that the necessary infrastructure is in place to serve the facility;

Whereas, the City agreed to dedicate the necessary right-of-way for the construction of Panda Drive (2.77 acres) and for the extension of Lorraine Avenue (0.701 acre) to serve the facility; and

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

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

<u>**Part 1:**</u> The City Council approves dedicating right-of-way consisting of 2.77 acres for the construction of Panda Drive and 0.701 acre for extension of Lorraine Avenue, more fully described by metes and bounds contained in field notes in Exhibits A and B, attached hereto for all purposes.

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

PASSED AND APPROVED this the **18th** day of **August**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

Clydette Entzminger City Secretary

ATTEST:

Jonathan Graham City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/18/11 Item #5(M) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing conveyance of two tracts of land from the City of Temple to the State of Texas for construction of 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 October 2010, Council approved an engineering contract with Bucher, Willis & Ratliff Corporation (BWR), now Lochner, for engineering design services for improvements to NW Loop 363 from FM 2305/West Adams north up to the BNSF main line. This project, funded through TxDOT's Pass-Through Financing program, is now in the final stage, with construction bids scheduled to be taken in November 2011.

Part of this project includes acquisition of numerous tracts of land necessary to construct the improvements. Two tracts, Parcel #5 and Parcel #13 (attached), are currently owned by the City of Temple and must be deeded to the State of Texas for long term use. This council action will authorize conveyance of these two tracts to the State of Texas.

Also attached is an overall strip map of all parcels that have been identified for acquisition. Work is on-going with ROW consultants and property owners to ensure that these tracts are acquired in accordance with all necessary processes.

FISCAL IMPACT: None

ATTACHMENTS:

Parcel #5 Parcel #13 ROW Project Map Resolution

COUNTY: Bell HIGHWAY: Loop 363 RCSJ: CCSJ: 0320-06-001

Page 1 of 6 June 14, 2011

Description for Parcel 5

BEING 2.234 acres of land (97,303.819 sq. ft.) situated in the Mercer Phelan Survey, Abstract No. 659, Bell County, Texas, and being all of that certain called 2.23 acre tract or parcel of land described in a deed from Temple Economic Development Corporation to the City of Temple, dated June 14, 2002, and recorded in Volume 4711 Page 281, of the Official Public Records of Real Property of Bell County, Texas, said 2.234 acres of land to be more particularly described by metes and bounds as follows:

COMMENCING at a ¹/₂" iron rod found with "RPLS 2475" cap found for a corner in the existing South right-of-way line of Loop 363 for the Northwest line of Temple Industrial Park Section 24, recorded in Cabinet D Slide 128-D, of the Plat Records of Bell County, Texas;

THENCE North 44°55'28" East, along the existing South right-of-way line of Loop 363, same being the Northwest line of the aforementioned Temple Industrial Park Section 24, a distance of 268.60 feet, to a ¹/₂" iron rod with "TCE 2181" cap found for the Southwest corner of the herein described tract, same being the Southwest corner of the aforementioned 2.23 acre tract, said point being the **POINT OF BEGINNING**, and being located 181.91 feet left of and at a right angle from the Proposed Survey Centerline of Loop 363, hereinafter referred to as the "Survey Centerline", at Survey Centerline Station 858+74.90, and being located at the coordinates of 10392306.0710 feet North and 3230550.1340 feet East;

- 1. THENCE North 44°56'17" East, along the existing South right-of-way line of Loop 363, same being the West line of said 2.23 acre tract, a distance of 112.59 feet, to a ¹/₂" iron rod with "BWR" cap set for the Northwest corner of the herein described tract, same being the Northwest corner of said 2.23 acre tract;
- 2. THENCE North 81°17'59" East, along the existing South right-of-way line of Loop 363, same being the North line of said 2.23 acre tract, a distance of 1105.24 feet, to a ¹/₂" iron rod found at the point of intersection of the existing South right-of-way line of Loop 363 and the existing West right-of-way line of Range Road, being called 2.814 acres, and described in Volume 3160 Page 523 of the Official Public Records of Real Property of Bell County, Texas, for the Northeast corner of the herein described tract, same being the Northeast corner of said 2.23 acre tract;
- **3. THENCE** South 08°43'14" East, along the existing West right-of-way line of Range Road, same being the East line of said 2.23 acre tract, a distance of 55.21 feet, to a 3/8" iron rod with cap found for the Southeast corner of the herein described tract, same being the Southeast corner of said 2.23 acre tract and the Northeast corner of said Temple Industrial Park Section 24, from which a ¹/₂" iron rod found bears South 08°45'59" East, a distance of 72.02 feet;

COUNTY: Bell HIGHWAY: Loop 363 RCSJ: CCSJ: 0320-06-001 Page 2 of 6 June 14, 2011

Description for Parcel 5

- 4. THENCE South 77°54'00" West, along the South line of said 2.23 acre tract, same being the North line of said Temple Industrial Park Section 24, a distance of 71.16 feet to a 5/8" iron rod with aluminum cap stamped "TXDOT" set (Note 1) for a corner in the proposed South right-of-way line of Loop 363, said point being 174.59 feet left of Survey Centerline Station 847+50.00;
- 5. THENCE South 77°54'00" West, along the proposed South right-of-way line of Loop 363, same being the South line of said 2.23 acre tract and the North line of said Temple Industrial Park Section 24, a distance of 851.58 feet to a ¹/₂" iron rod with "RPLS 2475" cap found in the South line of said 2.23 acre tract and the North line of said Temple Industrial Park Section 24;
- 6. THENCE North 89°46'18" West, along the proposed South right-of-way line of Loop 363, same being the South line of said 2.23 acre tract and the North line of Temple Industrial Park Section 24, a distance of 278.19 feet, to the PLACE OF BEGINNING, and containing 2.234 acres (97,303.819 sq. ft.) of land, more or less.

COUNTY: Bell HIGHWAY: Loop 363 RCSJ: CCSJ: 0320-06-001

Page 3 of 6 June 14, 2011

Description for Parcel 5

Notes:

Access is allowed to the highway facility from the remainder of the abutting property.

(Note 1) The monument described as set in this call may be replaced with a TXDOT Type II Right-of-Way Marker upon completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TXDOT.

All bearings are based on the Texas Coordinate System of 1983, Central Zone. All coordinates shown are surface and may be converted to grid by dividing by the TXDOT conversion factor of 1.000150.

All referenced property descriptions, distances and areas were taken from deed records acquired from the Deed Records of Bell County, Texas.

This property description is accompanied by a separate plat.

I, Tim H. Burks, Registered Professional Land Surveyor, do hereby certify that this boundary description and plat represent the results of a survey made on the ground by me, or under my supervision, in the Month of February, 2011.

6-14-11

Tim H. Burks, R.P.L.S.DateTexas Registration No. 5978

H.W. Lochner, Inc. BWR Division 1828 ESE Loop 323 Suite 202 Tyler, Texas 75701 903-581-7844



PD. MERCER PHELAN A - 659IRF ~1^{2°} 847+50.00 MA 20 _684.20'-_PROPOSED_R. O. W .-- -E TCHL \$77° 54' 00"W 851.58 TOT DE CĂI 25' PUE # 00049667 CALLED: 2,23 AC. - CHY OF TEMPLE VOL. 4711 PG. 281 0. P. R. O. R. P. B. C. T. 6-14-2002 5 71.16 D00 \$77° 54' 00"W I Z E 1RF ٢ EXISTING R.O.W N81117-59"E 1105, 24 S ----| \triangleright CALLED: 25.009 AC. TRACT C CITY OF TEMPLE V 2056 P 109 5-16-1985 \Diamond ∞ S N 81 57.5 7669.71 +00 850+00 É 29'512 SSAN Ø ୍ତ Û Ċ MERCER PHELAN A-659 TATE OF TETAS LEGEND GISTER \otimes PARCEL NUMBER SET 5/8" IRON ROD WITH ALUMINUM CAP STAMPED "TXDOT" (MAY BE REPLACED WITH TY II RIGHT-OF-WAY MARKER UPON COMPLETION OF CONSTRUCTION) TIM H. BURKS Δ 1828 ESE Loop 323 | Suite 202 Tyler, Texas 75701 TBPE Firm Reg. No. 10488 OCHNER 5978 **BWR** Division SET 5/8" IRON ROD WITH ALUMINUM CAP STAMPED "CONTROL OF ACCESS POINT" റ് \bigcirc AND NOTES: SURVE SET 1/2" IRON ROD WITH YELLOW CAP STAMPED "BWR CORP." 0 ACCESS IS ALLOWED TO HIGHWAY FACILITY FROM THE REMAINDER OF THE ABUTTING PROPERTY. FOUND TXDOT TYPE I MONUMENT ALL BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL COORDINATES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY TXDOT CONVERSION FACTOR OF (UNLESS OTHERWISE NOTED) FOUND 1/2" IRON ROD (UNLESS OTHERWISE NOTED) I, TIM H. BURKS, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS BOUNDARY DESCRIPTION AND PLAT REPRESENT THE RESULTS OF A SUBJECT MADE ON THE GROUND BY ME, OR UNDER MY SUBJECTISION, IN THE MONTH OF FEBRUARY, 2011. <u>P</u> PROPERTY LINE 1.000150. FEE HOOK REMAINING ACREAGE SHOWN HEREON IS CALCULATED FROM RECORD INFORMATION. D. R. B. C. T. DEED RECORDS BELL COUNTY, TEXAS OFFICIAL PUBLIC RECORDS OF REAL PROPERTY BELL COUNTY, TEXAS 0. P. R. O. R. P. B. C. T. PARCEL NO. 5 6-14-11 OFFICIAL RECORDS 0.R.B.C.T. m 44 CITY OF TEMPLE TIN H. BURKS REGISTERED PROFESSIONAL LAND SURVEYOR STATE OF TEXAS NO. 5978 BELL COUNTY, TEXAS PLAT RECORDS BELL COUNTY, TEXAS P.R.B.C.T. P.O.C. POINT OF COMMENCING LOOP 363 POINT OF BEGINNING P. 0. 8. BELL COUNTY, TEXAS ACCESS DENIAL LINE (NOTE 1) RCSJ: PAGE 4 OF 6 PROPOSED ALIGNMENT CCSJ: 0320-06-001 อ็มเหต SURVEY LINE 1001 150' 0 501 EXISTING RIGHT OF WAY -----R.O.W. ACQUISITION = 2.234 AC. e de else else PROPOSED RIGHT OF WAY REMAINDER LT. = 0.000 AC. SCALE 1"= 100'

P.O.C. PARCEL 5 P.O.B. PARCEL 5 CALLED: 2.23 AC. CITY OF TEMPLE VOL. 4711 PG. 281 O.P.R.O.R.P.B.C.T. 6-14-2002 (5) MERCER PHELAN A - 659TEMPLE INDUSTRIAL PARK SECTION 24 TEMPLE INDUSTRIAL PARK SECTION 24 CALLED: 22.148 AC. JENCER INVESTMENTS, INC. VOL. 6153 PG. 472 O.P.R.O.R.P.B.C.T. 7-13-2006 CAB. D SLIDE 128-D P.R.B.C.T. 1RF ~!^{2°} 00 ഗ ~ __10'_UE 10' UE ____ \$77* 54*00"W - 851.58" + + PROPOSED R. O. W. N89" 46' 18"W 278.19 DOC. # 00049667 \sim ~ ഗ ഹ ∞ ∞ CALLED: 2.23 AC. CITY OF TEMPLE VOL. 4711 PG 28 5 6 \triangleleft 4 **____** h----S \mathcal{O} EXISTING R. O. W. N81º 17' 59"E 1105.24 ш ш MATCHLIN Z CALLED: 25.009 AC. TRACT C CITY OF TEMPLE V 2056 P 109 5-16-1985 J------{ Î \overline{O} ┣----A N S 81° 17' 57.57" W 7669.71' 855+00 63 TELAS OF LEGEND STF ⊗ PARCEL NUMBER SET 5/8" IRON ROD WITH ALUMINUM CAP STAMPED "TXDOT" (MAY BE REPLACED WITH TY II RIGHT-OF-WAY MARKER UPON COMPLETION OF CONSTRUCTION) TIM H. BURKS Δ LOCHNER | 1828 ESE Loop 323 | Suite 202 Tyler, Texas 75701 TBPE Firm Reg. No. 10488 5978 S DYIN F SET 5/8" IRON ROD WITH ALUMINUM CAP STAMPED "CONTROL OF ACCESS POINT" \heartsuit AND SURVEY NOTES: SET 1/2" IRON ROD WITH YELLOW CAP STAMPED "BWR CORP." 0 ACCESS IS ALLOWED TO HIGHWAY FACILITY FROM THE REMAINDER OF THE ABUTTING PROPERTY. FOUND TXDOT TYPE I MONUMENT (UNLESS OTHERWISE NOTED) 麣 ALL BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL COORDINATES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY TXDOT CONVERSION FACTOR OF FOUND 1/2" IRON ROD (UNLESS OTHERWISE NOTED) -I, TIM H. BURKS, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS BOUNDARY DESCRIPTION AND PLAT REPRESENT THE RESULTS OF A SUBJEY MADE ON THE GROUND BY ME, OR UNDER MY SUBJERTISION, IN THE POINTH OF FEBRUARY, 2011. PROPERTY LINE P 1.000150. FEE HOOK REMAINING ACREAGE SHOWN HEREON IS CALCULATED FROM RECORD INFORMATION. DEED RECORDS BELL COUNTY, TEXAS D.R.B.C.T. 0. P. R. O. R. P. OFFICIAL PUBLIC RECORDS OF REAL PROPERTY BELL COUNTY, TEXAS 8.C.T. PARCEL NO. 5 6-14-11 m 0.R.B.C.T. OFFICIAL RECORDS TIM W. BURKS REGISTERED PROFESSIONAL LAND SURVEYOR STATE OF TEXAS NO. 5978 CITY OF TEMPLE BELL COUNTY, TEXAS P.R.B.C.T. PLAT RECORDS BELL COUNTY, TEXAS P.O.C. POINT OF COMMENCING LOOP 363 P.O.8. POINT OF BEGINNING BELL COUNTY, TEXAS ACCESS DENIAL LINE (NOTE 1) RCSJ: PAGE 5 OF 6 PROPOSED ALIGNMENT CCSJ: 0320-06-001 Տուտ SURVEY LINE 1001 150 0. 50 EXISTING RIGHT OF WAY ____ R.O.W. ACQUISITION = 2.234 AC. PROPOSED RIGHT OF WAY REMAINDER LT. = 0.000 AC. SCALE 1"= 100'

TEMPLE INDUSTRIAL PARK Ъ0° SECTION 24 CAB. D SLIDE 128-D P.O.C. PARCEL 5 P.R.B.C.T. CALLED: 0.781 AC. LUCIUS MCKELVEY DRIVE VOL. 2058 PAGE 629 5-23-1985 0.R.B.C.T. UE, TEMPLE INDUSTRIAL PARK SECTION 24 JENCER INVESTMENTS, INC VOL. 6153 PG. 472 O.P.R.O.R.P.B.C.T. 7-13-2006 INC. N44° 55' 28"E 268.60' P.O.B. PARCEL 5 N=10392306.0710 E=3230550.1340 10' -14-MERCER PHELAN S 858+74,90 181,91' LT A - 659~ + 278.19' N69º 46- 18-CALLED: 25.009 AC. TRACT C CITY OF TEMPLE V 2056 P 109 5-16-1985 ~ 112" IRF ഗ ω CALLED: ⊲ 5 T O A 5 INЕ 2.234 AC. CHL **|----**-MA S 81° 17' 57.57" W 7669.71' 360406 TELAS TATE 0F LEGEND GISTER \otimes PARCEL NUMBER SET 5/8" IRON ROD WITH ALUMINUM CAP STAMPED "TXDOT" (MAY BE REPLACED WITH TY II RIGHT-OF-MAY MARKER UPON COMPLETION OF CONSTRUCTION) TIM H. BURKS Δ 1828 ESE Loop 323 | Suite 202 Tyler, Texas 75701 TBPE Firm Reg. No. 10488 LOCHNER -0 5978 OFESS 10 **BWR Division** SET 5/8" IRON ROD WITH ALUMINUM CAP STAMPED "CONTROL OF ACCESS POINT" \heartsuit AND SURVEY NOTES: SET 1/2" IRON ROD WITH YELLOW CAP STAMPED "BWR CORP." 0 ACCESS IS ALLOWED TO HIGHWAY FACILITY FROM THE REMAINDER OF THE ABUTTING PROPERTY. STA FOUND TXDOT TYPE I MONUMENT (UNLESS OTHERWISE NOTED) ALL BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL COORDINATES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY TXDOT CONVERSION FACTOR OF FOUND 1/2" IRON ROD (UNLESS OTHERWISE NOTED) 4 I. TIM H. BURKS, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS BOUNDARY DESCRIPTION AND PLAT REPRESENT THE RESULTS OF A SURVEY MADE ON THE GROUND BY WE, OR UNDER MY SUPPRISION, IN THE MONTH OF FEBRUARY, 2011. PROPERTY LINE 卍 1.000150. FEE HOOK REMAINING ACREAGE SHOWN HEREON IS CALCULATED FROM RECORD INFORMATION. D.R.B.C.T. DEED RECORDS BELL COUNTY, TEXAS 0.P.R.O.R.P. OFFICIAL PUBLIC RECORDS OF REAL B.C.T. PROPERTY BELL COUNTY, TEXAS PARCEL NO. 5 6-14-11 MM OFFICIAL RECORDS 0.R.B.C.T. CITY OF TEMPLE TIM BELL COUNTY, TEXAS BURKS STATE OF TEXAS NO. 5978 P.R.B.C.T. PLAT RECORDS BELL COUNTY, TEXAS P.O.C. POINT OF COMMENCING LOOP 363 P.O.B. POINT OF BEGINNING BELL COUNTY, TEXAS ACCESS DENIAL LINE (NOTE 1) ------RCSJ: PROPOSED ALIGNMENT PAGE 6 OF 6 CCSJ: 0320-06-001 SURVEY LINE 50' 100' 150' 0, _____ EXISTING RIGHT OF WAY R.O.W. ACQUISITION = 2.234 AC. S Soft PROPOSED RIGHT OF WAY REMAINDER LT. = 0.000 AC. SCALE 1"= 100'

COUNTY: Bell HIGHWAY: Loop 363 RCSJ: CCSJ: 0320-06-001

Page 1 of 4 June 14, 2011

Description for Parcel 13

BEING 0.031 of an acre (1350.850 sq. ft.) of land situated in the J.W. Moore Survey, Abstract No. 582, Bell County, Texas, and being all of that certain called 0.0308 acre tract or parcel of land, called Parcel 11, and described in a deed from Temple Industrial Foundation, Inc., to the City of Temple, dated October 9, 1985, and recorded in Volume 2104 Page 659 of the Deed Records of Bell County, Texas, said 0.031 acres of land to be more particularly described by metes and bounds as follows:

COMMENCING at a 3/8" iron rod found at the point of intersection of the existing South rightof-way line of Loop 363 and the existing West right-of-way line of Eberhardt Road, said point being the Northeast corner of that certain called 52.048 acre tract or parcel of land, described in a deed from Temple Industrial Foundation, Inc. to McLane Company, Inc., dated December 21, 1988, and recorded in Volume 2488 Page 49 of the Official Public Records of Real Property of Bell County, Texas;

THENCE South 81°19'29" West, along the existing South right-of-way line of Loop 363, same being the North line of the aforementioned 52.048 acre tract, a distance of 1720.46 feet to a ¹/₂" iron rod with "BWR" cap set for the Northeast corner of the herein described tract, same being the Northeast corner of the aforementioned 0.0308 acre tract, and a corner in the North line of said 52.048 acre tract, said point being the **POINT OF BEGINNING**, and being located 115.59 feet left of and at a right angle from the Proposed Survey Centerline of Loop 363, hereinafter referred to as the "Survey Centerline", at Survey Centerline Station 894+50.44, and being located at the coordinates of 10391830.7448 feet North and 3227005.7082 feet East;

- 1. THENCE South 17°52'40" West, along the East line of said 0.0308 acre tract, same being the North line of said 52.048 acre tract, a distance of 52.45 feet to a 3/8" iron rod found for the Southeast corner of the herein described tract, same being the Southeast corner of said 0.0308 acre tract, and a corner in the North line of said 52.048 acre tract;
- 2. THENCE North 73°18'46" West, along the South line of said 0.0308 acre tract, same being the North line of said 52.048 acre tract, a distance of 29.82 feet, to a 3/8" iron rod found in the North line of said 52.048 acre tract for the Southwest corner of the herein described tract, same being the Southwest corner of said 0.0308 acre tract and the Southeast corner of that certain called 0.035 acre tract or parcel of land, called Tract B, and described in a deed from Ralph Wilson Public Trust and Jim D. Bowmer, Trustee, Peggy J. Lynch, Trustee, D. Matthew Lynch, Michael J. Lynch, Dorothy Reed McCelvey, Lucius H. McCelvey, Jr. Rebecca Louise Beddingfield, and Honey Carroll McCelvey Sanders Greer to Wilsonart International, Inc., dated November 29, 2001, and recorded in Volume 4567 Page 63 of the Official Public Records of Real Property of Bell County, Texas;

COUNTY: Bell HIGHWAY: Loop 363 RCSJ: CCSJ: 0320-06-001

Description for Parcel 13

- **3. THENCE** North 17°52'40" East, along the West line of said 0.0308 acre tract, same being the East line of the aforementioned 0.035 acre tract, a distance of 38.17 feet, to a 60d nail found in the existing South right-of-way line of Loop 363 for the Northwest corner of the herein described tract, same being the Northwest corner of said 0.0308 acre tract, and the Northeast corner of said 0.035 acre tract;
- 4. THENCE North 81°19'29" East, along the existing South right-of-way line of Loop 363, same being the North line of said 0.0308 acre tract, a distance of 33.33 feet, to the PLACE OF BEGINNING, and containing 0.031 of an acre (1350.850 sq. ft.) of land, more or less.

COUNTY: Bell HIGHWAY: Loop 363 RCSJ: CCSJ: 0320-06-001

Page 3 of 4 June 14, 2011

Description for Parcel 13

Notes:

Access is allowed to the highway facility from the remainder of the abutting property.

(Note 1) The monument described as set in this call may be replaced with a TXDOT Type II Right-of-Way Marker upon completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TXDOT.

All bearings are based on the Texas Coordinate System of 1983, Central Zone. All coordinates shown are surface and may be converted to grid by dividing by the TXDOT conversion factor of 1.000150.

All referenced property descriptions, distances and areas were taken from deed records acquired from the Deed Records of Bell County, Texas.

This property description is accompanied by a separate plat.

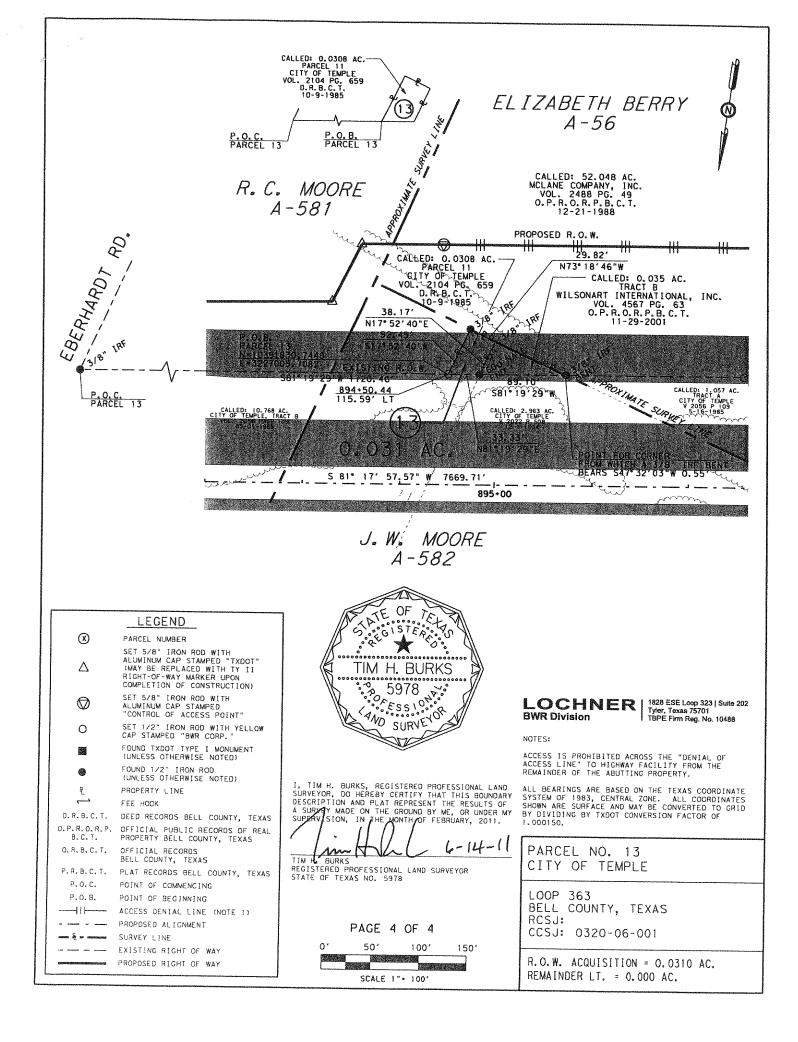
I, Tim H. Burks, Registered Professional Land Surveyor, do hereby certify that this boundary description and plat represent the results of a survey made on the ground by me, or under my supervision, in the Month of February, 2011.

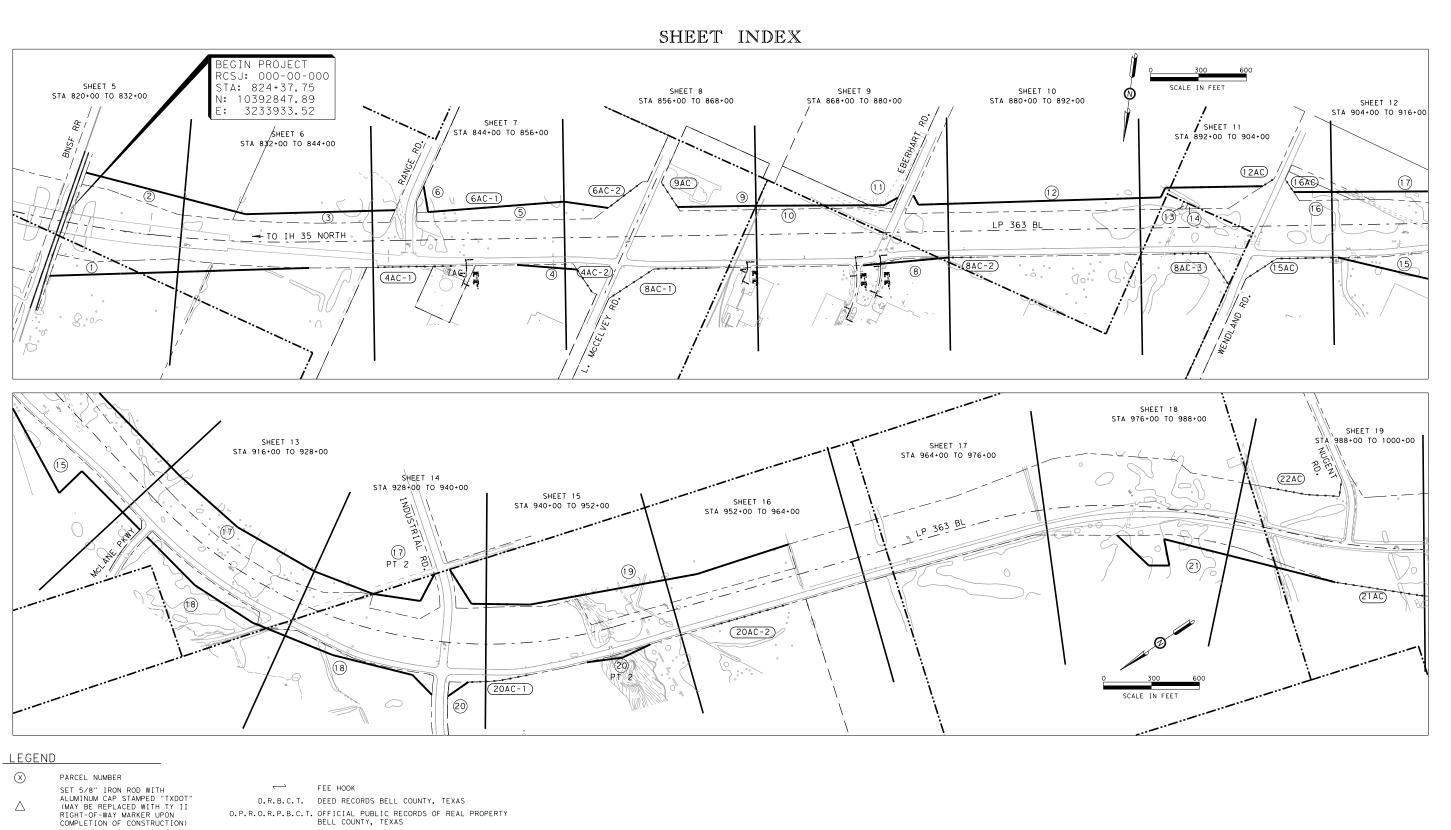
14-11 Date

Tim H. Burks, R.P.L.S. D Texas Registration No. 5978

H.W. Lochner, Inc. BWR Division 1828 ESE Loop 323 Suite 202 Tyler, Texas 75701 903-581-7844







DATE: 7/13/2011 TIME: 7:49:11 AM	TIME: 7:49:11 AM
PROJECT DIRECTORY:	PROJECT DIRECTORY: T:\2009-0723-Temple-LP363-PTF\02-ProjectDelivery\SUR\

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- JJECT DIRECTORY: T:\200 > a`a`o * a`o
 - ₽ PROPERTY LINE € SURVEY/ABSTRACT LINE

RIGHT-OF-WAY

SET 5/8" IRON ROD WITH ALUMINUM CAP STAMPED

"CONTROL OF ACCESS POINT"

FOUND TXDOT TYPE I MONUMENT

FOUND 1/2" IRON ROD (UNLESS OTHERWISE NOTED)

SET 5/8" IRON ROD WITH PLASTIC CAP STAMPED "H.W. LOCHNER"

UNDOCUMENTED POINT MAY BE REPLACED WITH A 5/8" IRON ROD WITH ALUMINUM CAP STAMPED "TXDOT" OR A TYPE II

RIGHT-OF-WAY MARKER UPON COMPLETION OF CONSTRUCTION.

A Constant of the formation of the

(NOTE 1) ACCESS IS PROHIBITED ACROSS THE "DENIAL OF ACCESS LINE" TO THE HIGHWAY FACILITY FROM THE REMAINDER OF THE ABUTTING PROPERTY. NOTES: BEARINGS ARE BASED ON GRID NORTH, TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(93).

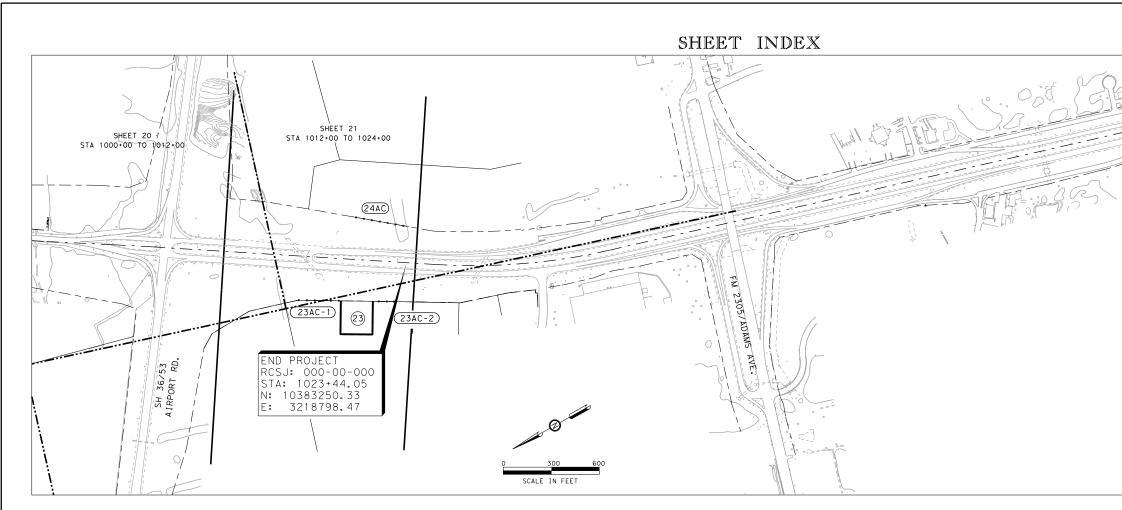
COORDINATES AND DISTANCES SHOWN ARE BASED ON A PROJECT COORDINATE SYSTEM ESTABLISHED BY APPLYING A SURFACE ADJUSIMENT FACTOR OF 1.00015 TO STATE PLANE GRID COORDINATES (NAD 83(93) TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, U.S. SURVEY FEET).

PROJECT COORDINATES = GRID COORDINATES × 1.00015

ONLY EASEMENTS SHOWN HEREON WERE REVIEWED BY H.W. LOCHNER.

REMAINING ACREAGE SHOWN HEREON IS CALCULATED FROM RECORD INFORMATION.

FED.RD. DIV.NO.		PROJECT NO	SHEET NO.	
6			2	
STATE	DIST.	COUNTY		
TEXAS	WACO	BELL		
CONT.	SECT.	JOB HIGHWAY NO.		
0320	* *	*** LP 363		



LEGEN	D				
(X)	PARCEL NUMBER				
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	RIGHT-OF-WAY MARKER UPON COMPLETION OF CONSTRUCTION)	0. P. R. O. R. P. B. C. T.	OFFICIAL PUBLIC RECORDS OF REAL PROPERTY BELL COUNTY, TEXAS		
\bigcirc	SET 5/8" IRON ROD WITH ALUMINUM CAP STAMPED	0.R.B.C.T.	OFFICIAL RECORDS BELL COUNTY, TEXAS		
	"CONTROL OF ACCESS POINT"	P.R.B.C.T.	PLAT RECORDS BELL COUNTY, TEXAS	NOTES: BEARINGS ARE BASED	
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	STATE	DIST.		COUNTY	
-	TEXAS CONT.	WACO SECT.	JOB	BELL HIG	HWAY NO.
	0320	**	***		· 363

RESOLUTION NO. 2011-6378-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CONVEYANCE OF TWO TRACTS OF LAND FROM THE CITY TO THE STATE OF TEXAS FOR CONSTRUCTION OF THE PASS-THROUGH FINANCING PROJECT ALONG NW LOOP 363 FROM FM 2305/WEST ADAMS NORTH UP TO THE BNSF MAIN LINE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in October, 2010, the City Council approved an engineering contract for engineering design services for improvements to the NW Loop from FM 2305/West Adams north up to the BNSF main line;

Whereas, the project is funded through TxDOT's Pass-Through Financing program with construction bids scheduled to be taken in November, 2011;

Whereas, part of the project includes acquisition of numerous tracts of land necessary to construct the improvements, two of which are owned by the City of Temple that need to be conveyed to the State of Texas for long term use; and

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

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

<u>**Part 1:**</u> The City Council authorizes the City Manager, or his designee, to execute a deed, after approval as to form by the City Attorney, for two tracts of land, more fully described by metes and bounds contained in field notes attached hereto as Exhibits A and B, to the State of Texas for construction of the Pass-Through Financing Project along NW Loop 363 from FM 2305/West Adams north up to the BNSF main line.

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

PASSED AND APPROVED this the **18th** day of **August**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

ATTEST:

Clydette Entzminger City Secretary Jonathan Graham City Attorney



08/18/11 Item #5(N) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution approving third quarter financial results for Fiscal Year 2011.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>BACKGROUND</u>: This item will present in detail the third quarter ending June 30, 2011, for the General, Water & Sewer, Hotel/Motel Tax, Drainage, and Self-Funded Health Insurance Funds.

Included with these third quarter results will be various schedules detailing grants, sales tax, capital projects and investments.

The third quarter financial statements also include a forecast of year-end financial results for the General Fund as of September 30, 2011.

FISCAL IMPACT: N/A

ATTACHMENTS:

Quarterly Financial Statements Resolution Third Quarter Financial Statements



For the nine months ended



Prepared by the Finance Department

Temple



Quarterly Financial Statements

For the nine months ended

June 30, 2011

Prepared by:

City of Temple Finance Department

Traci L. Barnard, CPA

Melissa A. Przybylski, CPA

Director of Finance

Assistant Director of Finance

Stacey Reisner, CPA

Treasury/Grants Manager

Kiyoko McDonald

Senior Accountant

Stacey Hawkins

Accountant

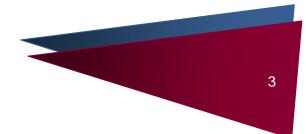
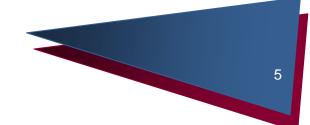




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August 18, 2011



Honorable Mayor and Council Members

City of Temple, Texas

We are pleased to submit the Quarterly Financial Statements for the General Fund, Water and Sewer Fund, Special Revenue Funds, and the Internal Service Fund of the City of Temple, Texas for the nine months ended June 30, 2011. These financial statements were prepared by the Finance Department of the City of Temple.

The key criteria by which internal interim reports are evaluated are their relevance and usefulness for purposes of management control, which include planning future operations as well as evaluating current financial status and results to date. Continual efforts are made to assure that accounting and related interim information properly serves management needs. Because managerial styles and perceived information needs vary widely, appropriate internal interim reporting is largely a matter of professional judgment rather than one set forth in *Governmental Accounting and Financial Reporting Standards*. Currently, there is no Generally Accepted Accounting Principles (GAAP) for government interim financial statements. These financial statements have been compiled in accordance with standards the Finance Department considered to be applicable and relevant for the City of Temple's interim financial reports. The Finance Department has also followed standards established by the American Institute of Certified Public Accountants in compiling these financial statements.

NINE-MONTH REVIEW

GENERAL FUND –

The amount of revenues from various sources for the nine months ended June 30, 2011, as compared to the FY 2011 amended budget, is shown in the following table (presented in thousands):

	 Actual	 nended udget	Percent of Budget
Revenues:			
Taxes	\$ 22,860	\$ 25,815	89%
Franchise fees	5,532	6,010	92%
Licenses and permits	321	279	115%
Intergovernmental	200	258	78%
Charges for services	14,153	18,408	77%
Fines	1,508	1,745	86%
Interest and other	 577	 615	94%
Total revenues	\$ 45,150	\$ 53,130	85%

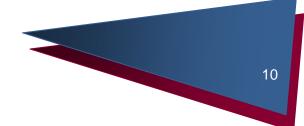
Transmittal Letter

Revenues compared to the amended budget for FY 2011 are at 85% with 75% of the year completed. A detail of the revenues as compared to budget is shown below:

Revenues	% of Budget
Ad valorem taxes	99.10%
Sales tax receipts	80.76%
Other taxes	93.06%
Franchise fees	92.04%
Licenses and permits	115.03%
Intergovernmental revenues	77.73%
Charges for services	76.88%
Fines	86.41%
Interest	76.53%

Expenditures by major function for the nine months ended June 30, 2011, as compared to the FY 2011 amended budget are shown in the following table (presented in thousands):

	Actual		nended udget	Percent of Budget	
Expenditures:					
General government	\$	7,888	\$ 11,730	67%	
Public safety		17,041	23,537	72%	
Highways and streets		2,185	3,196	68%	
Sanitation		4,239	5,670	75%	
Parks and leisure services		4,873	7,121	68%	
Education		1,187	1,668	71%	
Airport		2,218	2,624	85%	
Debt Service:					
Principal		33	136	24%	
Interest		3	 22	16%	
Total expenditures	\$	39,667	\$ 55,703	71%	



Transmittal Letter

Expenditures compared to the amended budget are at 71% with 75% of the year complete. Detail is provided below:

Expenditures	% of Budget
Personnel	72.53%
Operations	67.13%
Capital	85.89%
Debt service	22.84%

Detail of expenditures begins on page 21, Exhibit A-4 and A-5.

WATER/SEWER FUND -

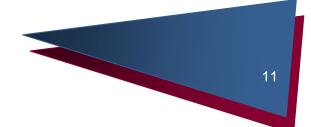
Operating revenue has increased by \$1,591,685 over the same time period as last fiscal year. Operating expenses decreased by \$72,323 compared to the same period of last fiscal year. Third quarter financials for this fund begin on page 34.

HOTEL-MOTEL FUND -

The Hotel-Motel Fund is reported beginning on page 42. This special revenue fund is used to account for the levy and utilization of the hotel-motel room tax.

DRAINAGE FUND -

Drainage Fund is reported beginning on page 45. This special revenue fund was created in fiscal year 1999 to account for recording revenues and expenditures addressing the storm water drainage needs of our community. The City Council extended the ordinance on September 18, 2003, establishing the drainage fund for an additional five years. On September 4, 2008, Council amended the ordinance removing the 5-year sunset provision from the ordinance. The ordinance was also amended to remove the calculation of the fees from the ordinance and set the fees by resolution.





CAPITAL PROJECTS –

The City of Temple has in the past and is currently investing heavily in improving infrastructure. This section contains detailed schedules that review current capital projects funded by bond proceeds and begins on page 52. Also included in this section, is a detailed listing of current projects in the City's capital improvement program.

INVESTMENTS/CASH MANAGEMENT -

All of the City's cash and investments are maintained in a pool that is available for use by all funds. Interest earnings are allocated based on cash amounts in individual funds in a manner consistent with legal requirements. Investments are made in accordance with the Comprehensive Policy adopted by the City on September 2, 2010. The City's primary investment objectives, in order of priority, are as follows:

Safety

•Liquidity

•Yield

As of June 30, 2011, the City had cash and investments with a carrying value of \$106,951,841 and a fair value of \$107,595,727. Total interest earnings for the nine months ended are \$131,049. The investment schedules presented in Exhibit G-1 through G-2 are prepared in accordance with Generally Accepted Accounting Principles (GAAP).

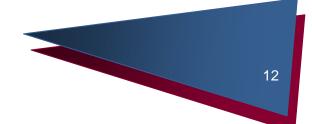
The investment portfolio complies with the City's Investment Policy and Strategy and the Public Funds Investment Act, Chapter 2256, Texas Government Code, as amended.

We are investing municipal funds in accordance with our investment policy using basically two of our investment type options.

•Triple A rated (AAA) investment pools

Money market sweep accounts

Details of our current investment portfolio begin on page 72, Exhibit G-1 through G-2.





SUPPLEMENTAL INFORMATION -

This section has details of General Fund balances and designations (page 76). Also in this section is a schedule of federal and state grants, a detailed schedule of historical sales tax revenue by month, a schedule of Hotel/Motel receipts by month, and a schedule of parks escrow funds.

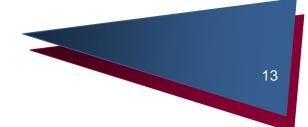
CONCLUSION -

I want to take time to thank the Finance Department staff for their hard work in preparing these financial statements particularly Assistant Director of Finance, Melissa Przybylski, CPA; Treasury/Grants Manager, Stacey Reisner, CPA; Senior Accountant, Kiyoko McDonald; Budget Analyst, Miranda Hennig; and Accountant, Stacey Hawkins for their excellent work and efforts.

Respectively submitted,

Traci L Da

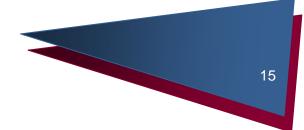
Traci L. Barnard, CPA Director of Finance





General Fund Financials

> The *General Fund* is the general operating fund of the City. It is used to account for all financial resources except those required to be accounted for in other funds.



CITY OF TEMPLE, TEXAS GENERAL FUND COMPARATIVE BALANCE SHEETS June 30, 2011 and 2010

	2011	2010	Increase (Decrease)	
ASSETS				
Cash	\$ 7,365	\$ 7,145	\$ 220	
Investments	30,263,056	28,606,166	1,656,890	
Receivables (net of allowance for estimated				
uncollectibles):				
State sales tax	1,182,645	1,138,979	43,666	
Accounts	1,154,926	1,095,043	59,883	
Ad valorem taxes	373,661	401,825	(28,164)	
Inventories	332,449	329,918	2,531	
Prepaid items	206,112	199,640	6,472	
Total current assets	33,520,214	31,778,716	1,741,498	
Restricted cash and investments:				
Drug enforcement	323,542	332,606	(9,064)	
Public safety	45,813	41,223	4,590	
R.O.W. Escrow	398,031	319,883	78,148	
Parks Escrow {Table VI, pg. 83}	241,038	228,746	12,292	
Rob Roy MacGregor Trust - Library	16,129	17,604	(1,475)	
Total restricted cash and investments	1,024,553	940,062	84,491	
TOTAL ASSETS	\$ 34,544,767	\$ 32,718,778	\$ 1,825,989	

LIABILITIES AND FUND EQUITY Liabilities: Vouchers payable \$ 2,829,413 \$ 2,254,443 \$ 574,970 Retainage payable - 4,325 (4,325) Accrued payroll 1,361,760 1,228,397 133,363 Deposits 38,785 45,157 (6,372) Deferred revenues: - - 4,325 (2,8164) R.O.W. Escrow 398,031 319,883 78,148 Parks Escrow 241,038 228,746 12,292 Electric franchise 678,306 711,673 (33,367) Gas franchise 188,759 237,157 (48,398) Other 410,159 415,280 (5,121) Total liabilities 6,492,327 5,819,301 673,026 Fund Balance: - - 41,622 3,311 14,622 Drug enforcement 302,838 258,343 44,495 94bic safety 14,262 3,311 6,951 Rob Roy MacGregor Trust - Library 15,514 19,088 (3,574) Min		2011		2010		Increase (Decrease)	
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Deferred revenues: Ad valorem taxes 346,076 374,240 (28,164) R.O.W. Escrow 398,031 319,883 78,148 Parks Escrow 241,038 228,746 12,292 Electric franchise 678,306 711,673 (33,367) Gas franchise 188,759 237,157 (48,398) Other 410,159 415,280 (5,121) Total liabilities 6,492,327 5,819,301 673,026 Fund Balance: Reserved for: Inventories and prepaid items 375,993 361,371 14,622 Drug enforcement 302,838 258,343 44,495 Public safety 41,262 34,311 6,951 Rob Roy MacGregor Trust - Library 15,514 19,088 (3,574) Municipal court 165,965 64,679 101,286 Vital statistics preservation 49,051 35,610 13,441 Public calcation channel 19,642 71,740 119,902 Unreserved: Designated for capital projects {Table I, pg. 76} 2,987,210 3,416,293 (42							
Ad valorem taxes 346,076 374,240 (28,164) R.O.W. Escrow 398,031 319,883 78,148 Parks Escrow 241,038 228,746 12,292 Electric franchise 678,306 711,673 (33,367) Gas franchise 188,759 237,157 (48,389) Other 410,159 415,280 (5,121) Total liabilities 6,492,327 5,819,301 673,026 Fund Balance: Reserved for: 1 14,622 34,311 6,951 Rob Roy MacGregor Trust - Library 15,514 19,088 (3,574) Municipal court 165,965 64,679 101,286 Vital statistics preservation 49,051 35,610 13,441 Public education channel 191,642 71,740 119,902 Unreserved: 2,987,210 3,416,293 (429,083) Budgeted for technology replacement 12,562 97,537 (84,975) Designated for technology replacement 12,562 97,537 (84,975) Designated for technology replacement 12,562 97,537 (84,975) </td <td>-</td> <td></td> <td>50,705</td> <td></td> <td>-0,107</td> <td></td> <td>(0,012)</td>	-		50,705		-0,107		(0,012)
R.O.W. Escrow 398,031 319,883 78,148 Parks Escrow 241,038 228,746 12,292 Electric franchise 678,306 711,673 (33,367) Gas franchise 188,759 237,157 (48,398) Other 410,159 415,280 (5,121) Total liabilities 6,492,327 5,819,301 673,026 Fund Balance: Reserved for: 1 14,622 Inventories and prepaid items 375,993 361,371 14,622 Drug enforcement 302,838 258,343 44,495 Public safety 41,262 34,311 6,951 Rob Roy MacGregor Trust - Library 15,514 19,008 (3,574) Municipal court 165,965 64,679 101,286 Vital statistics preservation 49,051 35,610 13,441 Public education channel 191,642 71,740 119,902 Unreserved: 2 2,987,210 3,416,293 (429,083) Budgeted for capital projects (Table I, pg. 76) 2,987,210 3,416,293 (429,083)			346 076		374 240		(28 164)
Parks Escrow 241,038 228,746 12,292 Electric franchise 678,306 711,673 (33,367) Gas franchise 188,759 237,157 (48,398) Other 410,159 415,280 (5,121) Total liabilities 6,492,327 5,819,301 673,026 Fund Balance: Reserved for: 1 14,622 Inventories and prepaid items 375,993 361,371 14,622 Drug enforcement 302,838 258,343 44,495 Public safety 41,262 34,311 6,951 Rob Roy MacGregor Trust - Library 15,514 19,088 (3,574) Municipal court 165,965 64,679 101,286 Vital statistics preservation 49,051 35,610 13,441 Public education channel 191,642 71,740 119,902 Unreserved: 29,87,210 3,416,293 (429,083) Budgeted decrease in fund balance 4,427,317 3,824,840 602,477 004,9035			,		,		
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Gas franchise 188,759 237,157 (48,398) Other 410,159 415,280 (5,121) Total liabilities 6,492,327 5,819,301 673,026 Fund Balance:							
Other 410,159 415,280 (5,121) Total liabilities 6,492,327 5,819,301 673,026 Fund Balance: Reserved for: 673,026 Inventories and prepaid items 375,993 361,371 14,622 <	Gas franchise						
Total liabilities 6,492,327 5,819,301 673,026 Fund Balance: Reserved for: Inventories and prepaid items 375,993 361,371 14,622 Drug enforcement 302,838 258,343 44,495 Public safety 41,262 34,311 6,951 Rob Roy MacGregor Trust - Library 15,514 19,088 (3,574) Municipal court 165,965 64,679 101,286 Vital statistics preservation 49,051 35,610 13,441 Public education channel 191,642 71,740 119,902 Unreserved: Designated for technology replacement 12,562 97,537 (84,975) Designated for capital projects {Table I, pg. 76} 2,987,210 3,416,293 (429,083) Budgeted decrease in fund balance 4,427,317 3,824,840 602,477 Undesignated 15,050,138 15,048,035 2,103 Total fund balance 23,619,492 23,231,847 387,645 Excess revenues over expenditures YTD 4,432,948 3,667,630 765,318	Other						
Fund Balance: Reserved for: Inventories and prepaid items 375,993 361,371 14,622 Drug enforcement 302,838 258,343 44,495 Public safety 41,262 34,311 6,951 Rob Roy MacGregor Trust - Library 15,514 19,088 (3,574) Municipal court 165,965 64,679 101,286 Vital statistics preservation 49,051 35,610 13,441 Public education channel 191,642 71,740 119,902 Unreserved: Unreserved: 12,562 97,537 (84,975) Designated for technology replacement 12,562 97,537 (84,975) Designated for capital projects {Table I, pg. 76} 2,987,210 3,416,293 (429,083) Budgeted decrease in fund balance 4,427,317 3,824,840 602,477 Undesignated 15,050,138 15,048,035 2,103 Total fund balance 23,619,492 23,231,847 387,645 2,103 387,645 Excess revenues over expenditures YTD 4,432,948 3,667,630 765,318	Total liabilities						· · ·
Inventories and prepaid items 375,993 361,371 14,622 Drug enforcement 302,838 258,343 44,495 Public safety 41,262 34,311 6,951 Rob Roy MacGregor Trust - Library 15,514 19,088 (3,574) Municipal court 165,965 64,679 101,286 Vital statistics preservation 49,051 35,610 13,441 Public education channel 191,642 71,740 119,902 Unreserved: 44,27,317 3,824,840 602,477 Designated for technology replacement 12,562 97,537 (84,975) (84,975) 2,987,210 3,416,293 (429,083) Budgeted decrease in fund balance 4,427,317 3,824,840 602,477 3,824,840 602,477 Undesignated 15,050,138 15,048,035 2,103 2,103 23,619,492 23,231,847 387,645 Excess revenues over expenditures YTD 4,432,948 3,667,630 765,318 3667,630 765,318	Fund Balance:						<u> </u>
Drug enforcement 302,838 258,343 44,495 Public safety 41,262 34,311 6,951 Rob Roy MacGregor Trust - Library 15,514 19,088 (3,574) Municipal court 165,965 64,679 101,286 Vital statistics preservation 49,051 35,610 13,441 Public education channel 191,642 71,740 119,902 Unreserved: Designated for technology replacement 12,562 97,537 (84,975) Designated for capital projects {Table I, pg. 76} 2,987,210 3,416,293 (429,083) Budgeted decrease in fund balance 4,427,317 3,824,840 602,477 Undesignated 15,050,138 15,048,035 2,103 Total fund balance 23,619,492 23,231,847 387,645 Excess revenues over expenditures YTD 4,432,948 3,667,630 765,318	Reserved for:						
Public safety 41,262 34,311 6,951 Rob Roy MacGregor Trust - Library 15,514 19,088 (3,574) Municipal court 165,965 64,679 101,286 Vital statistics preservation 49,051 35,610 13,441 Public education channel 191,642 71,740 119,902 Unreserved: Designated for technology replacement 12,562 97,537 (84,975) Designated for capital projects {Table I, pg. 76} 2,987,210 3,416,293 (429,083) Budgeted decrease in fund balance 4,427,317 3,824,840 602,477 Undesignated 15,050,138 15,048,035 2,103 Total fund balance 23,619,492 23,231,847 387,645 Excess revenues over expenditures YTD 4,432,948 3,667,630 765,318	Inventories and prepaid items		375,993		361,371		14,622
Rob Roy MacGregor Trust - Library 15,514 19,088 (3,574) Municipal court 165,965 64,679 101,286 Vital statistics preservation 49,051 35,610 13,441 Public education channel 191,642 71,740 119,902 Unreserved: Designated for technology replacement 12,562 97,537 (84,975) Designated for capital projects {Table I, pg. 76} 2,987,210 3,416,293 (429,083) Budgeted decrease in fund balance 4,427,317 3,824,840 602,477 Undesignated 15,050,138 15,048,035 2,103 Total fund balance 23,619,492 23,231,847 387,645 Excess revenues over expenditures YTD 4,432,948 3,667,630 765,318	Drug enforcement		302,838		258,343		44,495
Municipal court 165,965 64,679 101,286 Vital statistics preservation 49,051 35,610 13,441 Public education channel 191,642 71,740 119,902 Unreserved: 2,562 97,537 (84,975) Designated for technology replacement 12,562 97,537 (84,975) Designated for capital projects {Table I, pg. 76} 2,987,210 3,416,293 (429,083) Budgeted decrease in fund balance 4,427,317 3,824,840 602,477 Undesignated 15,050,138 15,048,035 2,103 Total fund balance 23,619,492 23,231,847 387,645 Excess revenues over expenditures YTD 4,432,948 3,667,630 765,318	Public safety		41,262		34,311		6,951
Vital statistics preservation 49,051 35,610 13,441 Public education channel 191,642 71,740 119,902 Unreserved:	Rob Roy MacGregor Trust - Library		15,514		19,088		(3,574)
Public education channel 191,642 71,740 119,902 Unreserved:	Municipal court		165,965		64,679		101,286
Unreserved: 12,562 97,537 (84,975) Designated for technology replacement 12,562 97,537 (84,975) Designated for capital projects {Table I, pg. 76} 2,987,210 3,416,293 (429,083) Budgeted decrease in fund balance 4,427,317 3,824,840 602,477 Undesignated 15,050,138 15,048,035 2,103 Total fund balance 23,619,492 23,231,847 387,645 Excess revenues over expenditures YTD 4,432,948 3,667,630 765,318	Vital statistics preservation		49,051		35,610		13,441
Designated for technology replacement 12,562 97,537 (84,975) Designated for capital projects {Table I, pg. 76} 2,987,210 3,416,293 (429,083) Budgeted decrease in fund balance 4,427,317 3,824,840 602,477 Undesignated 15,050,138 15,048,035 2,103 Total fund balance 23,619,492 23,231,847 387,645 Excess revenues over expenditures YTD 4,432,948 3,667,630 765,318	Public education channel		191,642		71,740		119,902
Designated for capital projects {Table I, pg. 76} 2,987,210 3,416,293 (429,083) Budgeted decrease in fund balance 4,427,317 3,824,840 602,477 Undesignated 15,050,138 15,048,035 2,103 Total fund balance 23,619,492 23,231,847 387,645 Excess revenues over expenditures YTD 4,432,948 3,667,630 765,318	Unreserved:						
Budgeted decrease in fund balance 4,427,317 3,824,840 602,477 Undesignated 15,050,138 15,048,035 2,103 Total fund balance 23,619,492 23,231,847 387,645 Excess revenues over expenditures YTD 4,432,948 3,667,630 765,318	Designated for technology replacement		12,562		97,537		(84,975)
Undesignated 15,050,138 15,048,035 2,103 Total fund balance 23,619,492 23,231,847 387,645 Excess revenues over expenditures YTD 4,432,948 3,667,630 765,318	Designated for capital projects {Table I, pg. 76}		2,987,210		3,416,293		(429,083)
Total fund balance 23,619,492 23,231,847 387,645 Excess revenues over expenditures YTD 4,432,948 3,667,630 765,318	Budgeted decrease in fund balance		4,427,317		3,824,840		602,477
Excess revenues over expenditures YTD 4,432,948 3,667,630 765,318	Undesignated		15,050,138		15,048,035		2,103
	Total fund balance		23,619,492		23,231,847		387,645
TOTAL LIABILITIES AND FUND EQUITY \$ 34,544,767 \$ 32,718,778 \$ 1,825,989	Excess revenues over expenditures YTD		4,432,948		3,667,630		765,318
	TOTAL LIABILITIES AND FUND EQUITY	\$	34,544,767	\$	32,718,778	\$	1,825,989

		2011		2010	Analytical
					\$
			Percent		Increase (Decrease)
	Actual	Budget	of Budget	Actual	Prior yr.
Revenues:					
Taxes	\$ 22,859,617	\$ 25,815,304	88.55%	\$ 21,809,107	\$ 1,050,510
Franchise fees	5,531,794	6,010,400	92.04%	5,417,148	114,646
Licenses and permits	320,939	279,000	115.03%	238,162	82,777
Intergovernmental	200,348	257,751	77.73%	253,195	(52,847)
Charges for services	14,152,680	18,407,993	76.88%	13,829,131	323,549
Fines	1,507,654	1,744,728	86.41%	1,333,829	173,825
Interest and other	577,145	614,739	93.88%	666,185	(89,040)
Total revenues	45,150,177	53,129,915	84.98%	43,546,757	1,603,420
Expenditures:					
General government	7,887,968	11,729,927	67.25%	7,857,160	30,807
Public safety	17,040,943	23,537,374	72.40%	17,361,360	(320,417)
Highways and streets	2,185,195	3,195,820	68.38%	2,114,469	70,726
Sanitation	4,239,106	5,669,665	74.77%	3,820,628	418,478
Parks and leisure services	4,873,098	7,121,122	68.43%	4,816,097	57,001
Education	1,186,640	1,667,611	71.16%	1,120,776	65,864
Airport	2,218,247	2,623,674	84.55%	1,902,393	315,854
Debt Service:					
Principal	32,544	135,517	24.01%	111,747	(79,203)
Interest	3,443	22,054	15.61%	11,205	(7,762)
Total expenditures	39,667,185	55,702,764	71.21%	39,115,835	551,350
Excess (deficiency) of revenues					
over expenditures	5,482,992	(2,572,849)	-	4,430,922	1,052,070
Other financing sources (uses):					
Transfers in:					
Bond Programs	-	-	0.00%	10,330	(10,330)
Transfers out:					
Debt Service	(73,829)	(98,440)	75.00%	(78,339)	4,510
Capital Projects - Designated	(285,136)	(826,831)	34.49%	(509,014)	223,878
Grant Fund	(40,594)	(131,274)	30.92%	(99,394)	58,800
Health Insurance Fund	(628,756)	(628,756)	100.00%	-	(628,756)
Bond Programs	(21,729)	(169,167)	12.84%	(86,875)	65,146
Total other financing sources (uses)	(1,050,044)	(1,854,468)	56.62%	(763,292)	(286,752)
Excess (deficiency) of revenues and other					
financing sources over expenditures					
and other financing uses	4,432,948	(4,427,317)	-	3,667,630	765,318
Fund balance, beginning of period	23,619,492	23,619,492		23,231,847	387,645
Fund balance, end of period	\$ 28,052,440	\$ 19,192,175	\$ -	\$ 26,899,477	\$ 1,152,963

CITY OF TEMPLE, TEXAS **GENERAL FUND** SCHEDULE OF REVENUES - ACTUAL AND BUDGET For the nine months ended June 30, 2011 (With comparative amounts for the nine months ended June 30, 2010)

		2011		2010	Analytical
	Actual	Budget	Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.
Taxes:					
Ad valorem:					
Property, current year	\$ 10,546,024	\$ 10,669,079	98.85%	\$ 10,218,650	\$ 327,374
Property, prior year	139,737	111,225	125.63%	97,990	41,747
Penalty and interest	84,242	87,000	96.83%	75,851	8,391
Total ad valorem taxes	10,770,003	10,867,304	99.10%	10,392,491	377,512
Non-property taxes:					
City sales {Table V, pg. 82}	11,951,885	14,800,000	80.76%	11,294,744	657,141
Mixed beverage	88,372	95,000	93.02%	77,517	10,855
Occupation	20,398	28,000	72.85%	25,453	(5,055)
Bingo	28,959	25,000	115.84%	18,902	10,057
Total non-property taxes	12,089,614	14,948,000	80.88%	11,416,616	672,998
Total taxes	22,859,617	25,815,304	88.55%	21,809,107	1,050,510
Franchise Fees:					
Electric franchise	2,850,928	2,781,610	102.49%	2,809,673	41,255
Gas franchise	704,886	653,305	107.90%	634,560	70,326
Telephone franchise	372,435	512,000	72.74%	392,066	(19,631)
Cable franchise	533,663	671,541	79.47%	536,119	(2,456)
Water/Sewer franchise	989,583	1,319,444	75.00%	988,872	711
Other	80,299	72,500	110.76%	55,858	24,441
Total franchise fees	5,531,794	6,010,400	92.04%	5,417,148	114,646
Licenses and permits:					
Building permits	164,784	115,000	143.29%	91,972	72,812
Electrical permits and licenses	35,369	42,000	84.21%	36,931	(1,562)
Mechanical	30,541	28,000	109.08%	25,349	5,192
Plumbing permit fees	50,720	50,000	101.44%	44,937	5,783
Other	39,525	44,000	89.83%	38,973	552
Total licenses and permits	320,939	279,000	115.03%	238,162	82,777
Intergovernmental revenues:					
Federal grants	159,565	206,159	77.40%	212,412	(52,847)
State reimbursements	8,352	8,351	100.01%	8,352	-
Department of Civil					
Preparedness	32,431	43,241	75.00%	32,431	-
Total intergovernmental revenues	\$ 200,348	\$ 257,751	77.73%	\$ 253,195	\$ (52,847)
					(Continued)

SCHEDULE OF REVENUES - ACTUAL AND BUDGET

For the nine months ended June 30, 2011

(With comparative amounts for the nine months ended June 30, 2010)

		2011		2010	Analytical \$
	Actual	Budget	Percent of Budget	Actual	v Increase (Decrease) Prior yr.
Library fees	\$ 30,791	\$ 37,000	83.22%	\$ 27,908	\$ 2,883
Recreational entry fees	114,664	123,862	92.57%	125,435	(10,771)
Summit recreational fees	588,519	685,249	85.88%	459,751	128,768
Golf course revenues	214,139	550,000	38.93%	545,646	(331,507)
Swimming pool	24,307	35,170	69.11%	21,289	3,018
Lions Junction water park	154,294	282,420	54.63%	129,350	24,944
Sammons indoor pool	55,564	38,000	146.22%	45,276	10,288
Vital statistics	102,181	189,258	53.99%	135,370	(33,189)
Police revenue	168,279	178,406	94.32%	205,236	(36,957)
Contractual services					
-proprietary fund	2,222,696	2,960,815	75.07%	2,221,525	1,171
Curb and street cuts	23,804	30,000	79.35%	37,916	(14,112)
Other	133,370	170,000	78.45%	130,248	3,122
Solid waste collection - residential	2,735,108	3,565,000	76.72%	2,665,903	69,205
Solid waste collection - commercial	2,136,154	2,820,000	75.75%	2,129,172	6,982
Solid waste collection - roll-off	1,429,131	1,769,636	80.76%	1,410,721	18,410
Landfill contract	1,268,286	1,635,896	77.53%	1,248,258	20,028
Airport sales and rental	2,135,437	2,576,101	82.89%	1,757,566	377,871
Subdivision fees	15,334	15,000	102.23%	13,290	2,044
Recreational services	580,002	730,940	79.35%	509,321	70,681
Fire department	20,620	15,240	135.30%	7,892	12,728
County fire protection	-	-	0.00%	2,058	(2,058)
Total charges for services	14,152,680	18,407,993	76.88%	13,829,131	323,549
Fines:					
Court	1,055,730	1,402,347	75.28%	962,699	93,031
Animal pound	45,517	55,000	82.76%	47,630	(2,113)
Overparking	12,466	8,000	155.83%	11,963	503
Administrative fees	393,941	279,381	141.00%	311,537	82,404
Total fines	1,507,654	1,744,728	86.41%	1,333,829	173,825
Interest and other:					
Interest	38,267	50,000	76.53%	44,894	(6,627)
Lease and rental	149,342	186,103	80.25%	257,067	(107,725)
Sale of fixed assets	24,041	35,350	68.01%	36,675	(12,634)
Insurance claims	95,133	93,694	101.54%	54,529	40,604
Payment in lieu of taxes	11,234	8,943	125.62%	8,943	2,291
Building rental -					
BOA bldg.	72,642	87,758	82.78%	74,877	(2,235)
Other	186,486	152,891	121.97%	189,200	(2,714)
Total interest and other	577,145	614,739	93.88%	666,185	(89,040)
Total revenues	\$ 45,150,177	\$ 53,129,915	84.98%	\$ 43,546,757	\$ 1,603,420

CITY OF TEMPLE, TEXAS GENERAL FUND SCHEDULE OF EXPENDITURES- ACTUAL AND BUDGET For the nine months ended June 30, 2011 (With comparative amounts for the nine months ended June 30, 2010)

		2011		2010	Analytical
	Actual	Budget	Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.
General government:					
City council	\$ 111,159	\$ 142,606	77.95%	\$ 99,819	\$ 11,340
City manager	491,587	717,458	68.52%	499,374	(7,787)
Finance	796,964	1,115,012	71.48%	782,141	14,823
Purchasing	227,464	316,044	71.97%	226,633	831
City secretary	233,616	339,835	68.74%	227,501	6,115
Special services	544,140	1,015,432	53.59%	701,711	(157,571)
Legal	454,154	633,809	71.65%	444,848	9,306
City planning	322,787	575,106	56.13%	312,866	9,921
Information technology services	1,350,432	1,782,013	75.78%	1,301,102	49,330
Human resources	404,425	699,123	57.85%	422,996	(18,571)
Economic development	1,352,334	2,010,972	67.25%	1,176,356	175,978
Fleet services	630,924	892,993	70.65%	639,574	(8,650)
Facility services	967,981	1,489,524	64.99%	1,022,239	(54,258)
	7,887,968	11,729,927	67.25%	7,857,160	30,807
Public safety:					
Municipal court	395,806	577,858	68.50%	411,828	(16,022)
Police	9,005,749	12,407,719	72.58%	9,209,411	(203,662)
Animal control	267,099	381,965	69.93%	257,749	9,350
Fire	6,330,935	8,662,918	73.08%	6,460,879	(129,944)
Communications	505,871	674,495	75.00%	448,853	57,018
Construction safety	535,484	832,419	64.33%	572,640	(37,156)
	17,040,943	23,537,374	72.40%	17,361,360	(320,417)
Highways and streets:					
Street	1,612,290	2,383,355	67.65%	1,660,465	(48,175)
Traffic signals	245,394	314,356	78.06%	158,678	86,716
Engineering	327,511	498,109	65.75%	295,326	32,185
	2,185,195	3,195,820	68.38%	2,114,469	70,726
Sanitation:	\$ 4,239,106	\$ 5,669,665	74.77%	\$ 3,820,628	\$ 418,478
					(Continued)

SCHEDULE OF EXPENDITURES- ACTUAL AND BUDGET For the nine months ended June 30, 2011 (With comparative amounts for the nine months ended June 30, 2010)

Exhibit A-4 (Continued)

		2011		2010	Analytical \$
	Actual	Budget	Percent of Budget	Actual	Increase (Decrease) Prior yr.
Parks and leisure services:					
Administration	\$ 279,093	\$ 411,265	67.86%	\$ 279,577	\$ (484)
Parks	2,233,482	3,046,959	73.30%	2,297,021	(63,539)
Leisure services	1,808,203	2,761,574	65.48%	1,629,091	179,112
Golf course	552,320	901,324	61.28%	610,408	(58,088)
	4,873,098	7,121,122	68.43%	4,816,097	57,001
Library:	1,186,640	1,667,611	71.16%	1,120,776	65,864
Airport:	2,218,247	2,623,674	84.55%	1,902,393	315,854
Debt service:	35,987	157,571	22.84%	122,952	(86,965)
Totals	\$ 39,667,185	\$ 55,702,764	71.21%	\$ 39,115,835	\$ 551,350

		2011		2010	Analytical \$	
	Actual	Budget	Percent of Budget	Actual	⊽ Increase (Decrease) Prior yr.	
General government:						
City council:						
Personnel services	\$ 2,941	\$ 15,445	19.04%	\$ 3,246	\$ (305)	
Operations	108,218	127,161	85.10%	96,573	11,645	
	111,159	142,606	77.95%	99,819	11,340	
City manager:						
Personnel services	450,050	637,013	70.65%	463,094	(13,044)	
Operations	41,537	80,445	51.63%	36,280	5,257	
	491,587	717,458	68.52%	499,374	(7,787)	
Finance:						
Personnel services	529,201	720,482	73.45%	531,101	(1,900)	
Operations	267,763	394,530	67.87%	251,040	16,723	
	796,964	1,115,012	71.48%	782,141	14,823	
Purchasing:						
Personnel services	219,994	296,851	74.11%	218,601	1,393	
Operations	7,470	19,193	38.92%	8,032	(562)	
	227,464	316,044	71.97%	226,633	831	
City secretary:						
Personnel services	196,041	266,189	73.65%	190,638	5,403	
Operations	37,575	73,646	51.02%	36,863	712	
	233,616	339,835	68.74%	227,501	6,115	
Special services:						
Personnel services	261,596	325,000	80.49%	365,450	(103,854)	
Operations	282,543	633,775	44.58%	336,261	(53,718)	
Capital outlay (Contingency)	-	56,657	0.00%	-	-	
	544,140	1,015,432	53.59%	701,711	(157,571)	
Legal:						
Personnel services	414,861	567,526	73.10%	415,688	(827)	
Operations	39,293	66,283	59.28%	29,160	10,133	
	454,154	633,809	71.65%	444,848	9,306	
City planning:						
Personnel services	298,256	434,099	68.71%	245,271	52,985	
Operations	24,532	141,007	17.40%	67,595	(43,063)	
	322,787	575,106	56.13%	312,866	9,921	
Information technology services:					·	
Personnel services	723,387	1,021,496	70.82%	704,740	18,647	
Operations	627,045	742,828	84.41%	568,678	58,367	
Capital outlay	-	17,689	0.00%	27,684	(27,684)	
	1,350,432	1,782,013	75.78%	1,301,102	49,330	
Human resources:						
Personnel services	358,394	520,173	68.90%	363,495	(5,101)	
Operations	46,032	178,950	25.72%	59,501	(13,469)	
	404,425	699,123	57.85%	422,996	(18,571)	
Economic development: Operations	1 250 224	2 010 072	67 250/	1 176 256	175 070	
ομειαιιοπο	1,352,334	2,010,972 \$ 2,010,972	67.25%	1,176,356 \$ 1,176,356	175,978 \$ 175,978	
	\$ 1,352,334	\$ 2,010,972	67.25%	\$ 1,176,356		
					(Continued)	

DETAILED SCHEDULE OF EXPENDITURES - ACTUAL AND BUDGET For the nine months ended June 30, 2011 (With comparative amounts for the nine months ended June 30, 2010)

Exhibit A-5 (Continued)

		2011		2010	Analytical
	Actual	Budget	Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.
Fleet services:					
Personnel services	\$ 566,278	\$ 799,505	70.83%	\$ 576,134	\$ (9,856)
Operations	46,056	74,897	61.49%	48,158	(2,102)
Capital outlay	18,591	18,591	100.00%	15,282	3,309
	630,924	892,993	70.65%	639,574	(8,650)
Facility services:					
Personnel services	403,171	587,179	68.66%	386,720	16,451
Operations	401,531	627,360	64.00%	457,650	(56,119)
Capital outlay	163,280	274,985	59.38%	177,869	(14,589)
Capital Callay	967,981	1,489,524	64.99%	1,022,239	(54,258)
Total general government	7,887,968	11,729,927	67.25%	7,857,160	30,807
Public safety:					
Municipal court:					
Personnel services	353,988	491,583	72.01%	359,709	(5,721)
Operations	41,818	86,275	48.47%	52,119	(10,301)
	395,806	577,858	68.50%	411,828	(16,022)
Police:					
Personnel services	7,745,254	10,641,940	72.78%	7,843,972	(98,718)
Operations	903,041	1,370,779	65.88%	917,457	(14,416)
Capital outlay	357,453	395,000	90.49%	447,982	(90,529)
	9,005,749	12,407,719	72.58%	9,209,411	(203,662)
Animal control:					
Personnel services	206,267	274,201	75.22%	203,645	2,622
Operations	60,832	107,764	56.45%	54,104	6,728
	267,099	381,965	69.93%	257,749	9,350
Fire:					
Personnel services	5,853,925	7,870,570	74.38%	5,891,071	(37,146)
Operations	447,671	759,948	58.91%	501,834	(54,163)
Capital outlay	29,340	32,400	90.55%	67,974	(38,634)
	6,330,935	8,662,918	73.08%	6,460,879	(129,944)
Communications:					
Operations	505,871	674,495	75.00%	448,853	57,018
Construction opfotu	505,871	674,495	75.00%	448,853	57,018
Construction safety: Personnel services	441,599	613,665	71.96%	466,574	(24,975)
Operations	93,885	218,754	42.92%	106,066	(12,181)
Operations	535,484	832,419	64.33%	572,640	(37,156)
Total public safety	17,040,943	23,537,374	72.40%	17,361,360	(320,417)
Highways and streets:					
Street :		000 500	74 000/	404 005	107 000
Personnel services	599,598	833,528	71.93%	491,905	107,693
Operations	817,836	1,346,811	60.72%	811,257	6,579
Capital outlay	194,856 ¢ 1,612,200	<u>203,016</u>	95.98%	\$ 1 660 465	(162,447)
	\$ 1,612,290	\$ 2,383,355	67.65%	\$ 1,660,465	\$ (48,175)

(Continued)

DETAILED SCHEDULE OF EXPENDITURES - ACTUAL AND BUDGET For the nine months ended June 30, 2011 (With comparative amounts for the nine months ended June 30, 2010)

Exhibit A-5 (Continued)

					Analytical
	Actual	Budget	Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.
Traffic signals:					
Personnel services	\$ 119,995	\$ 166,101	72.24%	\$ 122,253	\$ (2,258)
Operations	27,237	49,862	54.62%	27,460	(223)
Capital outlay	98,163	98,393	99.77%	8,965	89,198
	245,394	314,356	78.06%	158,678	86,716
Engineering:					
Personnel services	270,893	371,281	72.96%	244,352	26,541
Operations	56,618	126,828	44.64%	50,974	5,644
Operations	327,511	498,109	65.75%	295,326	32,185
Total highways and streets	2,185,195	3,195,820	68.38%	2,114,469	70,726
Sanitation:					
Personnel services	1 014 000	1 660 676	72.76%	1 007 545	(10,707)
	1,214,808 2,209,917	1,669,676	69.54%	1,227,515 2,080,064	(12,707) 129,853
Operations		3,177,760 822,229	99.05%		
Capital outlay Total sanitation	814,382 4,239,106	5,669,665	74.77%	513,049 3,820,628	<u> </u>
Parks and leisure services: Administration Personnel services	218,889	311,935	70.17%	235,174	(16,285)
Operations	60,204	99,330	60.61%	44,403	15,801
	279,093	411,265	67.86%	279,577	(484)
Parks	040.000	4 000 540	74 050/	000.070	(00,000)
Personnel services	918,386	1,292,510	71.05%	939,372	(20,986)
Operations	985,806	1,374,360	71.73%	1,091,604	(105,798)
Capital outlay	329,290	380,089	86.63%	266,045	63,245
	2,233,482	3,046,959	73.30%	2,297,021	(63,539)
Leisure services					
Personnel services	1,196,611	1,723,384	69.43%	1,158,084	38,527
Operations	611,592	1,001,744	61.05%	471,007	140,585
Capital outlay	-	36,446	0.00%	-	-
Golf course	1,808,203	2,761,574	65.48%	1,629,091	179,112
Personnel services	308,744	453,824	68.03%	358,945	(50,201)
Operations	200,190	396,262	50.52%	251,463	(51,273)
Capital outlay	43,387	51,238	84.68%	-	43,387
Capital Gallay	552,320	901,324	61.28%	610,408	(58,088)
Total parks and leisure services	4,873,098	7,121,122	68.43%	4,816,097	57,001
Library:		_	_		
Personnel services	747,861	1,053,109	71.01%	741,940	5,921
Operations	386,274	561,507	68.79%	378,836	7,438
Capital outlay	52,505	52,995	99.08%	-	52,505
Total library	\$ 1,186,640	\$ 1,667,611	71.16%	\$ 1,120,776	\$ 65,864
Total indialy	φ 1,100,0 1 0	φ 1,007,011	71.1070	ψ 1,120,110	(Continued)

(Continued)

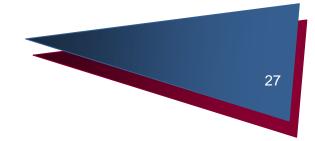
DETAILED SCHEDULE OF EXPENDITURES - ACTUAL AND BUDGET For the nine months ended June 30, 2011 (With comparative amounts for the nine months ended June 30, 2010)

Exhibit A-5 (Continued)

			2011				2010	Analytical	
	/	Actual	 Budget	Perce of Bude			Actual	(D	\$ ncrease ecrease) Prior yr.
Airport:									
Personnel services	\$	534,687	\$ 723,790	73.8	37%	\$	513,746	\$	20,941
Operations		1,630,994	1,831,896	89.0)3%		1,255,917		375,077
Capital outlay		52,566	67,988	77.3	32%		132,730		(80,164)
Total airport		2,218,247	 2,623,674	84.8	55%		1,902,393		315,854
Debt service:									
Principal		32,544	135,517	24.0	01%		111,747		(79,203)
Interest		3,443	22,054	15.6	51%		11,205		(7,762)
Total debt service		35,987	157,571	22.8	34%		122,952		(86,965)
Total	\$ 3	9,667,185	\$ 55,702,764	71.2	21%	\$ 3	39,115,835	\$	551,350

General Fund Financial Forecast

> The *Projected* financial statements for the General Fund are presented for purposes of additional analysis, and in our opinion, these forecast are fairly stated in all material respects in relation to the financial forecast taken as a whole. However, there may be differences between the forecasted and actual results because events and circumstances do not occur as expected, and those differences could be material. The Finance staff will update future financial statements for events and circumstances occurring after the date of these statements.



CITY OF TEMPLE, TEXAS GENERAL FUND SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE - ACTUAL AND BUDGET For the nine months ended June 30, 2011

(With forecasted amounts for the year ending September 30, 2011)

		Actual - 06/30/2011		For	recasted - 09/30/11	
			Percent	12 months	Compared to	Percent
	Actual	Budget	of Budget	9/30/2011	Budget	of Budget
Revenues:						
Taxes	\$ 22,859,617	\$ 25,815,304	88.55%	\$ 27,178,210	\$ 1,362,906	105.28%
Franchise fees	5,531,794	6,010,400	92.04%	6,186,797	176,397	102.93%
Licenses and permits	320,939	279,000	115.03%	419,305	140,305	150.29%
Intergovernmental	200,348	257,751	77.73%	257,751	-	100.00%
Charges for services	14,152,680	18,407,993	76.88%	18,726,578	318,585	101.73%
Fines	1,507,654	1,744,728	86.41%	2,075,839	331,111	118.98%
Interest and other	577,145	614,739	93.88%	736,665	121,926	119.83%
Total revenues	45,150,177	53,129,915	84.98%	55,581,146	2,451,231	104.61%
Expenditures:						
General government	7,887,968	11,729,927	67.25%	11,460,037	269,890	97.70%
Public safety	17,040,943	23,537,374	72.40%	23,214,071	323,303	98.63%
Highways and streets	2,185,195	3,195,820	68.38%	3,143,335	52,485	98.36%
Sanitation	4,239,106	5,669,665	74.77%	5,404,078	265,587	95.32%
Parks and leisure services	4,873,098	7,121,122	68.43%	7,227,592	(106,470)	101.50%
Education	1,186,640	1,667,611	71.16%	1,594,197	73,414	95.60%
Airport	2,218,247	2,623,674	84.55%	2,957,814	(334,140)	112.74%
Debt Service:						
Principal	32,544	135,517	24.01%	34,389	101,128	25.38%
Interest	3,443	22,054	15.61%	10,382	11,672	47.08%
Total expenditures	39,667,185	55,702,764	71.21%	55,045,894	656,870	98.82%
Excess (deficiency) of revenues						
over expenditures	5,482,992	(2,572,849)	-	535,251	3,108,100	-
Other financing sources (uses):						
Debt Service - transfer out	(73,829)	(98,440)	75.00%	(98,440)	-	100.00%
Capital Projects - Desg transfer out	(285,136)	(826,831)	34.49%	(826,831)	-	100.00%
Grant Fund - transfer out	(40,594)	(131,274)	30.92%	(131,274)	-	100.00%
Health Insurance Fund - transfer out	(628,756)	(628,756)	100.00%	(628,756)	-	100.00%
Bond Programs - transfer out	(21,729)	(169,167)	12.84%	(169,167)	-	100.00%
Total other financing sources (uses)	(1,050,044)	(1,854,468)	56.62%	(1,854,468)	-	100.00%
Excess (deficiency) of revenues and other						
financing sources over expenditures						
and other financing uses	4,432,948	(4,427,317)	-	(1,319,217)	3,108,100	-
Fund balance, beginning of period	23,619,492	23,619,492		23,619,492		
Fund balance, end of period	\$ 28,052,440	\$ 19,192,175	\$-	\$ 22,300,275	\$ 3,108,100	

		Actual - 06/30/2011		Forecasted - 09/30/11			
			Percent	12 months	Compared to	Percent	
	Actual	Budget	of Budget	9/30/2011	Budget	of Budget	
Taxes:							
Ad valorem:							
Property, current year	\$ 10,546,024	\$ 10,669,079	98.85%	\$ 10,642,406	\$ (26,673)	99.75%	
Property, prior year	139,737	111,225	125.63%	177,960	66,735	160.00%	
Penalty and interest	84,242	87,000	96.83%	105,270	18,270	121.00%	
Total ad valorem taxes	10,770,003	10,867,304	99.10%	10,925,636	58,332	100.54%	
Non-property taxes:							
City sales {Table V, page 82}	11,951,885	14,800,000	80.76%	16,064,714	1,264,714	108.55%	
Mixed beverage	88,372	95,000	93.02%	123,500	28,500	130.00%	
Occupation	20,398	28,000	72.85%	24,360	(3,640)	87.00%	
Bingo	28,959	25,000	115.84%	40,000	15,000	160.00%	
Total non-property taxes	12,089,614	14,948,000	80.88%	16,252,574	1,304,574	108.73%	
Total taxes	22,859,617	25,815,304	88.55%	27,178,210	1,362,906	105.28%	
Franchise Fees:							
Electric franchise	2,850,928	2,781,610	102.49%	2,850,928	69,318	102.49%	
Gas franchise	704,886	653,305	107.90%	704,886	51,581	107.90%	
Telephone franchise	372,435	512,000	72.74%	495,002	(16,998)	96.68%	
Cable franchise	533,663	671,541	79.47%	735,337	63,796	109.50%	
Water/Sewer franchise	989,583	1,319,444	75.00%	1,319,444	-	100.00%	
Other	80,299	72,500	110.76%	81,200	8,700	112.00%	
Total franchise fees	5,531,794	6,010,400	92.04%	6,186,797	176,397	102.93%	
Licenses and permits:							
Building permits	164,784	115,000	143.29%	224,825	109,825	195.50%	
Electrical permits and licenses	35,369	42,000	84.21%	42,000	-	100.00%	
Mechanical	30,541	28,000	109.08%	37,940	9,940	135.50%	
Plumbing permit fees	50,720	50,000	101.44%	63,500	13,500	127.00%	
Other	39,525	44,000	89.83%	51,040	7,040	116.00%	
Total licenses and permits	320,939	279,000	115.03%	419,305	140,305	150.29%	
Intergovernmental revenues:							
Federal grants	159,565	206,159	77.40%	206,159	-	100.00%	
State reimbursements	8,352	8,351	100.01%	8,351	-	100.00%	
Department of Civil							
Preparedness	32,431	43,241	75.00%	43,241	-	100.00%	
Total intergovernmental revenues	\$ 200,348	\$ 257,751	77.73%	\$ 257,751	\$ -	100.00%	

		Actual - 06/30/2011		For	ecasted - 09/30/11	
	Actual	Budget	Percent of Budget	12 months 9/30/2011	Compared to Budget	Percent of Budget
Charges for services:						
Library fees	\$ 30,791	\$ 37,000	83.22%	\$ 34,780	\$ (2,220)	94.00%
Recreational entry fees	114,664	123,862	92.57%	137,487	13,625	111.00%
Summit recreational fees	588,519	685,249	85.88%	781,184	95,935	114.00%
Golf course revenues	214,139	550,000	38.93%	233,750	(316,250)	42.50%
Swimming pool	24,307	35,170	69.11%	34,906	(264)	99.25%
Lions Junction water park	154,294	282,420	54.63%	321,959	39,539	114.00%
Sammons indoor pool	55,564	38,000	146.22%	69,920	31,920	184.00%
Vital statistics	102,181	189,258	53.99%	136,266	(52,992)	72.00%
Police revenue	168,279	178,406	94.32%	199,815	21,409	112.00%
Contractual services						
-proprietary fund	2,222,696	2,960,815	75.07%	2,956,966	(3,849)	99.87%
Curb and street cuts	23,804	30,000	79.35%	24,000	(6,000)	80.00%
Other	133,370	170,000	78.45%	185,300	15,300	109.00%
Solid waste collection - residential	2,735,108	3,565,000	76.72%	3,654,595	89,595	102.51%
Solid waste collection - commercial	2,136,154	2,820,000	75.75%	2,838,152	18,152	100.64%
Solid waste collection - roll-off /other	1,429,131	1,769,636	80.76%	1,895,627	125,991	107.12%
Landfill contract	1,268,286	1,635,896	77.53%	1,662,070	26,174	101.60%
Airport sales and rental	2,135,437	2,576,101	82.89%	2,823,407	247,306	109.60%
Subdivision fees	15,334	15,000	102.23%	15,335	335	102.23%
Recreational services	580,002	730,940	79.35%	698,048	(32,892)	95.50%
Fire department	20,620	15,240	135.30%	23,012	7,772	151.00%
Total charges for services	14,152,680	18,407,993	76.88%	18,726,578	318,585	101.73%
Fines:						
Court	1,055,730	1,402,347	75.28%	1,491,396	89,049	106.35%
Animal pound	45,517	55,000	82.76%	61,050	6,050	111.00%
Overparking	12,466	8,000	155.83%	14,920	6,920	186.50%
Administrative fees	393,941	279,381	141.00%	508,473	229,092	182.00%
Total fines	1,507,654	1,744,728	86.41%	2,075,839	331,111	118.98%
Interest and other:						
Interest	38,267	50,000	76.53%	45,000	(5,000)	90.00%
Lease and rental	149,342	186,103	80.25%	195,873	9,770	105.25%
Sale of fixed assets	24,041	35,350	68.01%	62,393	27,043	176.50%
Insurance claims	95,133	93,694	101.54%	120,163	26,469	128.25%
Payment in lieu of taxes	11,234	8,943	125.62%	11,234	2,291	125.62%
Building rental -						
BOA bldg.	72,642	87,758	82.78%	95,217	7,459	108.50%
Other	186,486	152,891	121.97%	206,785	53,894	135.25%
Total interest and other	577,145	614,739	93.88%	736,665	121,926	119.83%
Total revenues	\$ 45,150,177	\$ 53,129,915	84.98%	\$ 55,581,146	\$ 2,451,231	104.61%

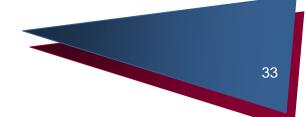
	Ac	ctual - 06/30/2011		Forecasted - 09/30/11			
			Percent	12 months	Compared to	Percent	
	Actual	Budget	of Budget	9/30/2011	Budget	of Budget	
General government:							
City council	\$ 111,159	\$ 142,606	77.95%	\$ 131,420	\$ 11,186	92.16%	
City manager	491,587	717,458	68.52%	688,139	29,319	95.91%	
Finance	796,964	1,115,012	71.48%	1,095,961	19,051	98.29%	
Purchasing	227,464	316.044	71.97%	313,016	3,028	99.04%	
City secretary	233,616	339,835	68.74%	338,362	1,473	99.57%	
Special services	544,140	1,015,432	53.59%	1,115,432	(100,000)	109.85%	
Legal	454,154	633,809	71.65%	621,700	12,109	98.09%	
City planning	322,787	575,106	56.13%	544,968	30,138	94.76%	
Information Technology Services	1,350,432	1,782,013	75.78%	1,724,245	57,768	96.76%	
Human Resources	404,425	699,123	57.85%	663,808	35,315	94.95%	
Economic development	1,352,334	2,010,972	67.25%	1,938,135	72,837	96.38%	
Garage	630,924	892,993	70.65%	858,144	34,849	96.10%	
Facility services	967,981	1,489,524	64.99%	1,426,707	62,817	95.78%	
I donky services	7,887,968	11,729,927	67.25%	11,460,037	269,890	97.70%	
Public safety:	005 000	577 050	00 500/	504 404	40.405	07.400/	
Municipal court	395,806	577,858	68.50%	561,434	16,425	97.16%	
Police	9,005,749	12,407,719	72.58%	12,180,260	227,459	98.17%	
Animal control	267,099	381,965	69.93%	380,426	1,539	99.60%	
Fire	6,330,935	8,662,918	73.08%	8,608,062	54,856	99.37%	
Communications	505,871	674,495	75.00%	674,495	-	100.00%	
Construction safety	535,484	832,419	64.33%	809,394	23,025	97.23%	
	17,040,943	23,537,374	72.40%	23,214,071	323,303	98.63%	
Highways and streets:							
Street	1,612,290	2,383,355	67.65%	2,347,536	35,819	98.50%	
Traffic signals	245,394	314,356	78.06%	307,794	6,562	97.91%	
Engineering	327,511	498,109	65.75%	488,005	10,104	97.97%	
	2,185,195	3,195,820	68.38%	3,143,335	52,485	98.36%	
Sanitation:	4,239,106	5,669,665	74.77%	5,404,078	265,587	95.32%	
Parks and leisure services: Administration	279,093	411,265	67.86%	394,216	17,049	95.85%	
Parks	2,233,482	3,046,959	73.30%	3,092,026	(45,067)	101.48%	
Leisure services	1,808,203	2,761,574	65.48%	2,729,575	(45,007) 31,999	98.84%	
Golf course						112.25%	
Gon course	552,320 4,873,098	901,324 7,121,122	61.28% 68.43%	1,011,775 7,227,592	(110,451) (106,470)	101.50%	
Library:	1,186,640	1,667,611	71.16%	1,594,197	73,414	95.60%	
Airport:	2,218,247	2,623,674	84.55%	2,957,814	(334,140)	112.74%	
Debt Service:	35,987	157,571	22.84%	44,771	112,800	28.41%	
Totals	\$ 39,667,185	\$ 55,702,764	71.21%	\$ 55,045,894	\$ 656,870	98.82%	



Water & Sewer Enterprise Fund Financials

Enterprise Fund

Water and Sewer Fund: To account for the provision of water and sewer services to the residents of the City. All activities necessary to provide such services are accounted for in this fund, including but not limited to administration, operation, maintenance, financing and related debt service, billing and collection.



CITY OF TEMPLE, TEXAS WATER AND SEWER ENTERPRISE FUND STATEMENT OF FUND NET ASSETS June 30, 2011 and 2010

	2011	2010	Increase (Decrease)
ASSETS			
Current assets:			
Cash	\$ 4,850	\$ 4,847	\$ 3
Investments	16,659,050	18,119,653	(1,460,603)
Customer receivables	1,404,594	1,207,336	197,258
Inventories	237,916	216,326	21,590
Total current assets	18,306,410	19,548,162	(1,241,752)
Restricted cash and investments:			
Revenue bond reserve fund	3,367,412	3,367,768	(356)
Revenue bond debt service	4,566,163	4,272,040	294,123
Customer deposits	596,108	582,568	13,540
Construction account	18,872,001	9,513,122	9,358,879
	27,401,684	17,735,498	9,666,186
Deferred cost-bond issue	1,872,467	886,890	985,577
Property and equipment:			
Land	618,471	618,471	-
Improvements other than buildings	112,582,605	103,956,605	8,626,000
Buildings	45,177,488	44,072,627	1,104,861
Machinery and equipment	5,630,362	5,422,553	207,809
	164,008,926	154,070,256	9,938,670
Less accumulated depreciation	(77,535,881)	(73,018,577)	(4,517,304)
Construction in progress	32,010,807	30,293,380	1,717,427
Net property and equipment	118,483,852	111,345,059	7,138,793
Total assets	\$ 166,064,413	\$ 149,515,609	\$ 16,548,804

	2011	2010	Increase (Decrease)
LIABILITIES			
Current liabilities:			
Vouchers & contracts payable	\$ 1,520,541	\$ 2,218,320	\$ (697,779)
Retainage payables	125,798	6,425	119,373
Accrued payroll	131,669	114,152	17,517
Deferred revenue	70,641	70,641	
Total current liabilities	1,848,649	2,409,538	(560,889)
Liabilities payable from restricted assets:			
Customers deposits	596,108	582,568	13,540
Vouchers & contracts payable	4,635,277	6,503,929	(1,868,652)
Retainage payables	237,844	109,347	128,497
Accrued interest - revenue bonds	498,081	435,193	62,888
Current maturities of long-term liabilities	3,599,771	3,474,042	125,729
	9,567,081	11,105,079	(1,537,998)
Long-term liabilities, less current maturities:			
Revenue bonds payable	71,070,000	56,675,000	14,395,000
Refundable contracts	-	115,507	(115,507)
Vacation and sick leave payable	305,154	283,960	21,194
Net pension benefit obligation payable	210,701	89,103	121,598
Other post-employement benefits payable	393,391	160,638	232,753
Notes payable	204,974	302,957	(97,983)
Premium on bonds payable	1,034,520	777,029	257,491
	73,218,740	58,404,194	14,814,546
Total liabilities	84,634,470	71,918,811	12,715,659
NET ASSETS			
Invested in capital assets, net of related debt	62,042,697	60,211,721	1,830,976
Restricted for debt service	7,933,575	7,639,808	293,767
Unrestricted	8,889,480	8,762,434	127,046
Total net assets	78,865,752	76,613,963	2,251,789
Net income {YTD}	2,564,192	982,835	1,581,357
Total liabilities and net assets	\$ 166,064,413	\$ 149,515,609	\$ 16,548,804

CITY OF TEMPLE, TEXAS WATER AND SEWER ENTERPRISE FUND STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN FUND NET ASSETS For the nine months ended June 30, 2011 (With comparative amounts for the nine months ended June 30, 2010)

	2011	2010	Increase (Decrease)
Operating revenues:			
Water service	\$ 11,161,425	\$ 9,529,193	\$ 1,632,232
Sewer service	7,632,359	7,564,385	67,974
Other	812,007	920,528	(108,521)
Total operating revenues	19,605,791	18,014,106	1,591,685
Operating expenses:			
Personnel services	2,933,898	3,027,269	(93,371)
Supplies	1,015,785	991,202	24,583
Repairs and maintenance	667,754	674,116	(6,362)
Depreciation	3,662,944	3,420,920	242,024
Other services and charges	7,648,185	7,887,383	(239,198)
Total operating expenses	15,928,567	16,000,890	(72,323)
Operating income	3,677,224	2,013,216	1,664,008
Nonoperating revenues (expenses):			
Interest income	102,913	70,585	32,328
Interest expense	(1,115,581)	(1,100,966)	14,615
Total nonoperating revenues			
(expenses)	(1,012,668)	(1,030,381)	17,713
Income before transfers	2,664,557	982,835	1,681,722
Transfers out-Health Insurance fund	(100,365)		(100,365)
Change in net assets	2,564,192	982,835	1,581,357
Net assets, beginning of period	78,865,752	76,613,963	2,251,789
Net assets, end of period	\$ 81,429,944	\$ 77,596,798	\$ 3,833,146

CITY OF TEMPLE, TEXAS WATER AND SEWER ENTERPRISE FUND COMPARATIVE SCHEDULE OF OPERATING REVENUES For the nine months ended June 30, 2011 (With comparative amounts for the nine months ended June 30, 2010)

	2011	2010	Increase (Decrease)
Current water service:			
Residential	\$ 5,858,372	\$ 4,776,133	\$ 1,082,239
Commercial	4,808,102	4,284,640	523,462
Wholesale	494,951	468,420	26,531
Total water service	11,161,425	9,529,193	1,632,232
Current sewer service:			
Residential	3,703,174	3,749,199	(46,025)
Commercial	3,929,185	3,815,186	113,999
Total sewer service	7,632,359	7,564,385	67,974
Other:			
Transfers and rereads	82,860	89,845	(6,985)
Penalties	294,198	288,126	6,072
Reconnect fees	221,395	242,935	(21,540)
Tap fees	116,561	103,086	13,475
Other sales	96,993	196,536	(99,543)
Total other	812,007	920,528	(108,521)
Total operating revenues	\$ 19,605,791	\$ 18,014,106	\$ 1,591,685

CITY OF TEMPLE, TEXAS WATER AND SEWER ENTERPRISE FUND COMPARATIVE SCHEDULE OF OPERATING EXPENSES BY DEPARTMENT For the nine months ended June 30, 2011

(With comparative amounts for the nine months ended June 30, 2010)

			Increase
	2011	2010	(Decrease)
Administrative:			
Personnel services	\$ 213,312	\$ 207,752	\$ 5,560
Supplies	4,976	14,448	(9,472)
Other services and charges	3,012,834	2,977,351	35,483
	3,231,122	3,199,551	31,571
Water treatment and production:			
Personnel services	636,028	669,439	(33,411)
Supplies	597,486	573,929	23,557
Repairs and maintenance	331,591	371,092	(39,501)
Other services and charges	1,228,892	1,249,191	(20,299)
	2,793,997	2,863,651	(69,654)
Distribution system:			
Personnel services	501,955	508,812	(6,857)
Supplies	126,287	133,462	(7,175)
Repairs and maintenance	186,390	165,517	20,873
Other services and charges	32,994	46,204	(13,210)
-	847,625	853,995	(6,370)
Metering:			· · · · · · · ·
Personnel services	404,963	409,567	(4,604)
Supplies	144,445	129,757	14,688
Repairs and maintenance	35,187	31,479	3,708
Other services and charges	11,804	9,125	2,679
C C	596,399	579,928	16,471
Sanitary sewer collection system:		<u>·</u>	<u>·</u>
Personnel services	848,047	905,365	(57,318)
Supplies	136,386	120,605	15,781
Repairs and maintenance	107,550	94,578	12,972
Other services and charges	96,956	94,603	2,353
	1,188,939	1,215,151	(26,212)
Sewage treatment and disposal:	.,,	,,	
Personnel services	-	6,223	(6,223)
Repairs and maintenance	-	5,059	(5,059)
Other services and charges	2,766,087	2,980,043	(213,956)
	\$ 2,766,087	\$ 2,991,325	\$ (225,238)
	φ 2,100,001	φ <u>2</u> ,001,020	ψ (ZZO,ZOO)

(Continued)

COMPARATIVE SCHEDULE OF OPERATING EXPENSES BY DEPARTMENT For the nine months ended June 30, 2011

(With comparative amounts for the nine months ended June 30, 2010)

				Ir	ncrease
	2011		 2010		ecrease)
Water collection offices:					
Personnel services	\$	285,694	\$ 282,055	\$	3,639
Supplies		5,161	17,882		(12,721)
Repairs and maintenance		6,014	5,763		251
Other services and charges		491,087	 518,723		(27,636)
		787,956	 824,423		(36,467)
Water purchasing:					
Personnel services		43,900	38,056		5,844
Supplies		1,044	1,119		(75)
Repairs and maintenance		1,023	628		395
Other services and charges		7,532	 12,143		(4,611)
		53,499	 51,946		1,553
Depreciation		3,662,944	 3,420,920		242,024
Totals	\$	15,928,567	\$ 16,000,890	\$	(72,323)

CITY OF TEMPLE, TEXAS WATER AND SEWER ENTERPRISE FUND COMPARATIVE STATEMENT OF REVENUES & EXPENSES ACTUAL AND BUDGET For the nine months ended June 30, 2011 (With comparative amounts for the nine months ended June 30, 2010)

		FY 2011			F	Y 2010			11 vs. 10
			% of				% of	I	ncrease
	 Actual	Budget	Budget	 Actual		Budget	Budget	(D	ecrease)
Operating revenues:			_						
Water service	\$ 11,161,425	\$ 14,968,893	74.56%	\$ 9,529,193	\$	15,251,143	62.48%	\$	1,632,232
Sewer service	7,632,359	10,450,000	73.04%	7,564,385		10,340,396	73.15%		67,974
Other	812,007	939,600	86.42%	920,528		707,500	130.11%		(108,521)
Total operating revenues	19,605,791	26,358,493	74.38%	18,014,106		26,299,039	68.50%		1,591,685
Operating expenses:									
Personnel services	2,933,898	4,074,310	72.01%	3,027,269		4,086,688	74.08%		(93,371)
Supplies	1,015,785	2,062,371	49.25%	991,202		2,288,565	43.31%		24,583
Repairs and maintenance	667,754	1,176,543	56.76%	674,116		1,253,116	53.80%		(6,362)
Depreciation	3,662,944	4,600,000	79.63%	3,420,920		4,600,000	74.37%		242,024
Other services and charges	7,648,185	10,340,814	73.96%	7,887,383		10,854,795	72.66%		(239,198)
Total operating expenses	 15,928,567	22,254,038	71.58%	 16,000,890		23,083,164	69.32%		(72,323)
Operating income	 3,677,224	4,104,455	89.59%	 2,013,216		3,215,875	62.60%		1,664,008
Nonoperating revenues									
(expenses):									
Interest income	102,913	70,885	145.18%	70,585		70,885	99.58%		32,328
Interest expense	(1,115,581)	(3,239,470)	34.44%	(1,100,966)		(2,380,568)	46.25%		14,615
Total nonoperating revenues									
(expenses)	 (1,012,668)	(3,168,585)	-	 (1,030,381)		(2,309,683)	-		46,943
Income before transfers	2,664,557	935,870	-	982,835		906,192	-		1,681,722
Transfers out-Health Insurance fund	 (100,365)	(100,365)	100.00%	 -		-	0.00%		100,365
Net income	\$ 2,564,192	\$ 835,505		\$ 982,835	\$	906,192	-	\$	1,581,357

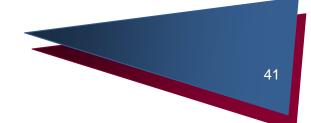
Special Revenue Fund Financials

Special Revenue Fund

Special Revenue Fund is used to account for specific revenues that are legally restricted to expenditure for particular purposes.

<u>Hotel-Motel Fund:</u> To account for the levy and utilization of the hotel-motel room tax. State law requires that revenues from this tax be used for advertising and promotion of the City.

Drainage Fund: To account for the levy and assessment of the drainage fee.



CITY OF TEMPLE, TEXAS HOTEL-MOTEL FUND COMPARATIVE BALANCE SHEETS June 30, 2011 and 2010

ASSETS Cash \$ 2,250 \$ 1,550 \$ 700 Investments 1,023,929 810,943 212,986 Accounts receivable 189,526 160,663 28,863 Inventories 2,572 2,599 (27) Prepaid items 2,000 2,000 - Total assets \$ 1,220,277 \$ 977,755 \$ 242,522 LiABILITIES AND FUND BALANCES ************************************		2011	2010	Increase (Decrease)
Investments 1,023,929 810,943 212,986 Accounts receivable 189,526 160,663 28,863 Inventories 2,572 2,599 (27) Prepaid items 2,000 2,000 - Total assets \$ 1,220,277 \$ 977,755 \$ 242,522 LLABILITIES AND FUND BALANCES \$ 1,220,277 \$ 977,755 \$ 242,522 Liabilities: \$ 47,791 \$ 40,338 \$ 7,453 Accrued payroll 17,982 16,025 1,957 Deposits 92,852 73,648 19,204 Total liabilities 158,625 130,011 28,614 Fund Balance: \$ 4,581 5,098 (517) Unreserved: \$ 131,866 416,373 (284,507) Budgeted decrease in fund balance 131,866 416,373 (284,507) Undesignated 781,427 610,971 170,456 Total fund balance 917,874 1,032,442 (114,568) Excess revenues over expenditures YTD 143,778 (184,698) 328,476	ASSETS			
Accounts receivable 189,526 160,663 28,863 Inventories 2,572 2,599 (27) Prepaid items 2,000 2,000 Total assets \$ 1,220,277 \$ 977,755 \$ 242,522 LIABILITIES AND FUND BALANCES \$ 47,791 \$ 40,338 \$ 7,453 Accrued payroll 17,982 16,025 1,957 Deposits 92,852 73,648 19,204 Total liabilities 158,625 130,011 28,614 Fund Balance: \$ 4,581 5,098 (517) Unreserved: \$ 131,866 416,373 (284,507) Undesignated 781,427 610,971 170,456 Total fund balance 917,874 1,032,442 (114,568) Excess revenues over expenditures YTD 143,778 (184,698) 328,476	Cash	\$ 2,250	\$ 1,550	\$ 700
Inventories 2,572 2,599 (27) Prepaid items 2,000 2,000 - Total assets \$ 1,220,277 \$ 977,755 \$ 242,522 LIABILITIES AND FUND BALANCES \$ 47,791 \$ 40,338 \$ 7,453 Liabilities: \$ 47,791 \$ 40,338 \$ 7,453 Vouchers payable \$ 47,791 \$ 40,338 \$ 7,453 Accrued payroll 17,982 16,025 1,957 Deposits 92,852 73,648 19,204 Total liabilities 158,625 130,011 28,614 Fund Balance: 4,581 5,098 (517) Unreserved: 131,866 416,373 (284,507) Undesignated 781,427 610,971 170,456 Total fund balance 917,874 1,032,442 (114,568) Excess revenues over expenditures YTD 143,778 (184,698) 328,476	Investments	1,023,929	810,943	212,986
Prepaid items 2,000 2,000 - Total assets \$ 1,220,277 \$ 977,755 \$ 242,522 LIABILITIES AND FUND BALANCES Liabilities: Vouchers payable \$ 47,791 \$ 40,338 \$ 7,453 Accrued payroll 17,982 16,025 1,957 Deposits 92,852 73,648 19,204 Total liabilities 158,625 130,011 28,614 Fund Balance: Reserved for inventories and prepaid items 4,581 5,098 (517) Unreserved: 131,866 416,373 (284,507) Undesignated 781,427 610,971 170,456 Total fund balance 917,874 1,032,442 (114,568) Excess revenues over expenditures YTD 143,778 (184,698) 328,476	Accounts receivable	189,526	160,663	28,863
Total assets \$ 1,220,277 \$ 977,755 \$ 242,522 LIABILITIES AND FUND BALANCES Itabilities: Vouchers payable \$ 47,791 \$ 40,338 \$ 7,453 Accrued payroll 17,982 16,025 1,957 Deposits 92,852 73,648 19,204 Total liabilities 158,625 130,011 28,614 Fund Balance: Ital state Ital state Ital state Budgeted decrease in fund balance 131,866 416,373 (284,507) Undesignated 781,427 610,971 170,456 Total fund balance 917,874 1,032,442 (114,568) Excess revenues over expenditures YTD 143,778 (184,698) 328,476	Inventories	2,572	2,599	(27)
LIABILITIES AND FUND BALANCES Liabilities: Vouchers payable \$ 47,791 \$ 40,338 \$ 7,453 Accrued payroll 17,982 16,025 1,957 Deposits 92,852 73,648 19,204 Total liabilities 158,625 130,011 28,614 Fund Balance: Reserved for inventories and prepaid items 4,581 5,098 (517) Unreserved: Budgeted decrease in fund balance 131,866 416,373 (284,507) Undesignated 781,427 610,971 170,456 Total fund balance 917,874 1,032,442 (114,568) Excess revenues over expenditures YTD 143,778 (184,698) 328,476	Prepaid items	2,000	2,000	
Liabilities: Vouchers payable \$ 47,791 \$ 40,338 \$ 7,453 Accrued payroll 17,982 16,025 1,957 Deposits 92,852 73,648 19,204 Total liabilities 158,625 130,011 28,614 Fund Balance: 28,614 Reserved for inventories and prepaid items 4,581 5,098 (517) Unreserved: Budgeted decrease in fund balance 131,866 416,373 (284,507) Undesignated 781,427 610,971 170,456 Total fund balance 917,874 1,032,442 (114,568) Excess revenues over expenditures YTD 143,778 (184,698) 328,476	Total assets	\$ 1,220,277	\$ 977,755	\$ 242,522
Vouchers payable \$ 47,791 \$ 40,338 \$ 7,453 Accrued payroll 17,982 16,025 1,957 Deposits 92,852 73,648 19,204 Total liabilities 158,625 130,011 28,614 Fund Balance: 100,001 28,614 28,614 Fund Balance: 131,866 416,373 (517) Unreserved: 131,866 416,373 (284,507) Undesignated 781,427 610,971 170,456 Total fund balance 917,874 1,032,442 (114,568) Excess revenues over expenditures YTD 143,778 (184,698) 328,476	LIABILITIES AND FUND BALANCES			
Accrued payroll 17,982 16,025 1,957 Deposits 92,852 73,648 19,204 Total liabilities 158,625 130,011 28,614 Fund Balance: 1 158,625 130,011 28,614 Fund Balance: 5,098 (517) Unreserved: 1 <t< td=""><td>Liabilities:</td><td></td><td></td><td></td></t<>	Liabilities:			
Deposits 92,852 73,648 19,204 Total liabilities 158,625 130,011 28,614 Fund Balance: 4,581 5,098 (517) Unreserved for inventories and prepaid items 4,581 5,098 (517) Unreserved: 131,866 416,373 (284,507) Undesignated 781,427 610,971 170,456 Total fund balance 917,874 1,032,442 (114,568) Excess revenues over expenditures YTD 143,778 (184,698) 328,476	Vouchers payable	\$ 47,791	\$ 40,338	\$ 7,453
Total liabilities 158,625 130,011 28,614 Fund Balance:	Accrued payroll	17,982	16,025	1,957
Fund Balance: 4,581 5,098 (517) Reserved for inventories and prepaid items 4,581 5,098 (517) Unreserved: 131,866 416,373 (284,507) Undesignated 781,427 610,971 170,456 Total fund balance 917,874 1,032,442 (114,568) Excess revenues over expenditures YTD 143,778 (184,698) 328,476	Deposits	92,852	73,648	19,204
Reserved for inventories and prepaid items 4,581 5,098 (517) Unreserved: 131,866 416,373 (284,507) Budgeted decrease in fund balance 131,866 416,373 (284,507) Undesignated 781,427 610,971 170,456 Total fund balance 917,874 1,032,442 (114,568) Excess revenues over expenditures YTD 143,778 (184,698) 328,476	Total liabilities	158,625	130,011	28,614
Unreserved: 131,866 416,373 (284,507) Undesignated 781,427 610,971 170,456 Total fund balance 917,874 1,032,442 (114,568) Excess revenues over expenditures YTD 143,778 (184,698) 328,476	Fund Balance:			
Budgeted decrease in fund balance 131,866 416,373 (284,507) Undesignated 781,427 610,971 170,456 Total fund balance 917,874 1,032,442 (114,568) Excess revenues over expenditures YTD 143,778 (184,698) 328,476	Reserved for inventories and prepaid items	4,581	5,098	(517)
Undesignated 781,427 610,971 170,456 Total fund balance 917,874 1,032,442 (114,568) Excess revenues over expenditures YTD 143,778 (184,698) 328,476	Unreserved:			
Total fund balance 917,874 1,032,442 (114,568) Excess revenues over expenditures YTD 143,778 (184,698) 328,476	Budgeted decrease in fund balance	131,866	416,373	(284,507)
Excess revenues over expenditures YTD 143,778 (184,698) 328,476	Undesignated	781,427	610,971	170,456
	Total fund balance	917,874	1,032,442	(114,568)
Total liabilities and fund balances \$ 1,220,277 \$ 977,755 \$ 242,522	Excess revenues over expenditures YTD	143,778	(184,698)	328,476
	Total liabilities and fund balances	\$ 1,220,277	\$ 977,755	\$ 242,522

CITY OF TEMPLE, TEXAS HOTEL-MOTEL FUND STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE - ACTUAL AND BUDGET For the nine months ended June 30, 2011 (With comparative amounts for the nine months ended June 30, 2010)

		2011		2010	Analytical
	Actual	Budget	Percent of Budget	Actual	Increase (Decrease) Prior year
Revenues:					
Taxes	\$ 866,100	\$ 1,025,450	84.46%	\$ 803,987	\$ 62,113
Charges for services					
Civic center and Visitor center	313,590	241,100	130.07%	228,858	84,732
Intergovenmental	-	-	0.00%	9,318	(9,318)
Interest and other	7,285	1,800	404.72%	9,457	(2,172)
Total revenues	1,186,975	1,268,350	93.58%	1,051,620	135,355
Expenditures:					
Civic center	636,979	856,227	74.39%	859,957	(222,978)
Railroad museum	146,663	217,735	67.36%	142,603	4,060
Tourism marketing	233,309	294,915	79.11%	218,480	14,829
Total expenditures	1,016,951	1,368,877	74.29%	1,221,040	(204,089)
Excess (deficiency) of revenues					
over expenditures	170,024	(100,527)		(169,420)	339,444
Other financing sources (uses):					
Transfers out - Debt Service Fund	(15,278)	(20,371)	75.00%	(15,278)	-
Transfers out - Health Insurance Fund	(10,968)	(10,968)	100.00%	-	10,968
Total other financing uses	(26,246)	(31,339)	83.75%	(15,278)	10,968
Excess (deficiency) of revenues and other					
financing sources over expenditures					
and other financing uses	143,778	(131,866)	-	(184,698)	328,476
Fund balance, beginning of period	917,874	917,874	-	1,032,442	(114,568)
Fund balance, end of period	\$ 1,061,652	\$ 786,008	-	\$ 847,744	\$ 213,908

CITY OF TEMPLE, TEXAS HOTEL-MOTEL FUND DETAILED SCHEDULE OF EXPENDITURES - BUDGET AND ACTUAL For the nine months ended June 30, 2011

(With comparative amounts for the nine months ended June 30, 2010)

		2011	2010	Analytical Increase		
	Actual	Budget	Percent of Budget	Actual	(Decrease) Prior yr.	
Civic center:						
Personnel services	\$ 357,720	\$ 445,537	80.29%	\$ 318,916	\$ 38,804	
Operations	208,611	312,816	66.69%	232,602	(23,991)	
Capital outlay	70,648	97,874	72.18%	308,439	(237,791)	
	636,979	856,227	74.39%	859,957	(222,978)	
Railroad museum:						
Operations	146,663	217,735	67.36%	142,603	4,060	
	146,663	217,735	67.36%	142,603	4,060	
Tourism marketing:						
Personnel services	54,842	71,760	76.42%	48,518	6,324	
Operations	169,686	213,155	79.61%	169,962	(276)	
Capital outlay	8,781	10,000	87.81%	-	8,781	
	233,309	294,915	79.11%	218,480	14,829	
Totals	\$ 1,016,951	\$ 1,368,877	74.29%	\$ 1,221,040	\$ (204,089)	

	2011	2010	Increase (Decrease)
ASSETS			
Investments	\$ 1,260,272	\$ 1,212,294	\$ 47,978
Accounts receivable	36,629	33,745	2,884
Total assets	\$ 1,296,901	\$ 1,246,039	\$ 50,862
LIABILITIES AND FUND BALANCES			
Liabilities:			
Vouchers payable	\$ 51,267	\$ 26,609	\$ 24,658
Accrued payroll	19,505	12,326	7,179
Total liabilities	70,772	38,935	31,837
Fund balance:			
Unreserved:			
Designated for capital projects	253,881	383,681	(129,800)
Budgeted decrease in fund balance	386,847	57,608	329,239
Undesignated	624,994	557,964	67,030
Total fund balance	1,265,722	999,253	266,469
Excess revenues over expenditures YTD	(39,593)	207,851	(247,444)
Total liabilities and fund balances	\$ 1,296,901	\$ 1,246,039	\$ 50,862

CITY OF TEMPLE, TEXAS DRAINAGE FUND STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE - ACTUAL AND BUDGET For the nine months ended June 30, 2011 (With comparative amounts for the nine months ended June 30, 2010)

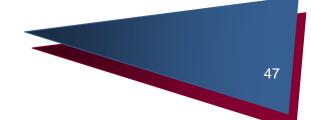
S Increase Actual Budget of Budget Actual Price ase Drainage fee - commercial \$ 353,950 \$ 470,000 75.31% \$ 357,033 \$ (0ecrease) Drainage fee - commercial \$ 353,950 \$ 470,000 75.31% \$ 357,033 \$ (3,083) Drainage fee - residential 398,514 495,000 833,677 14,837 Interest and other 24,175 34,073 70.95% 39,794 (15,619) Total revenues 776,639 9993,373 77.71% 780,504 (3,865) Expenditures: Drainage Personnel services 346,683 514,070 67.44% 338,183 8,500 Operations 139,217 412,220 33.77% 179,369 (40,152) Capital outlay 320,421 450,019 71.20% 55,101 265,320 Total expenditures (29,682) (376,936) - 207,851 (237,533) Other financing sources (uses): Transfers out - Health Insurance Fund (9,911) (9,911)			2011	2010	Analytical			
Drainage fee - commercial \$ 353,950 \$ 470,000 75.31% \$ 357,033 \$ (3,083) Drainage fee - residential 398,514 495,300 80.46% 383,677 14,837 Interest and other 24,175 34,073 70.95% 39,794 (15,619) Total revenues 776,639 999,373 77.71% 780,504 (3,865) Expenditures: Drainage 776,639 999,373 77.71% 780,504 (3,865) Drainage 780,504 338,183 8,500 (40,152) (40,152) Capital outlay 320,421 450,019 71.20% 55,101 265,320 Total expenditures 806,321 1,376,309 58.59% 572,653 233,668 Excess (deficiency) of revenues over expenditures (29,682) (376,936) - 207,851 (237,533) Other financing sources (uses): Transfers out - Health Insurance Fund (9,911) (9,911) 100.00% - 9,911 Total other financing uses (39,593) (386,847) -		ActualBudg			Actual	Increase (Decrease)		
Drainage fee - residential 398,514 495,300 80.46% 383,677 14,837 Interest and other 24,175 34,073 70.95% 39,794 (15,619) Total revenues 776,639 999,373 77.71% 780,504 (3,865) Expenditures: Drainage Personnel services 346,683 514,070 67.44% 338,183 8,500 Operations 139,217 412,220 33.77% 179,369 (40,152) Capital outlay 320,421 450,019 71.20% 55,101 265,320 Total expenditures 806,321 1,376,309 58.59% 572,653 233,668 Excess (deficiency) of revenues (29,682) (376,936) - 207,851 (237,533) Other financing sources (uses): Transfers out - Health Insurance Fund (9,911) (9,911) 100.00% - 9,911 Total other financing uses (39,593) (386,847) - 207,851 (247,444) Excess (deficiency) of revenues and other financing sources over expenditures and other	Revenues:							
Interest and other 24,175 34,073 70.95% 39,794 (15,619) Total revenues 776,639 999,373 77.71% 780,504 (3,865) Expenditures: Drainage (40,152) (40,152) Derations 139,217 412,220 33.77% 179,369 (40,152) Capital outlay 320,421 450,019 71.20% 55,101 265,320 Total expenditures 806,321 1,376,309 58.59% 572,653 233,668 Excess (deficiency) of revenues over expenditures (29,682) (376,936) - 207,851 (237,533) Other financing sources (uses): Transfers out - Health Insurance Fund (9,911) (9,911) 100.00% - 9,911 Total other financing uses (39,593) (386,847) - 207,851 (247,444) Excess (deficiency) of revenues and other financing uses (39,593) (386,847) - 207,851 (247,444) Fund balance, beginning of period 1,265,722 1,265,722 - 999	Drainage fee - commercial	\$ 353,950	\$ 470,000	75.31%	\$ 357,033	\$ (3,083)		
Total revenues 776,639 999,373 77.71% 780,504 (3,865) Expenditures: Drainage Personnel services 346,683 514,070 67.44% 338,183 8,500 Operations 139,217 412,220 33.77% 179,369 (40,152) Capital outlay 320,421 450,019 71.20% 55,101 265,320 Total expenditures 806,321 1,376,309 58.59% 572,653 233,668 Excess (deficiency) of revenues over expenditures (29,682) (376,936) - 207,851 (237,533) Other financing sources (uses): Transfers out - Health Insurance Fund (9,911) (9,911) 100.00% - 9,911 Excess (deficiency) of revenues and other financing sources over expenditures and other financing uses (39,593) (386,847) - 207,851 (247,444) Fund balance, beginning of period 1,265,722 1,265,722 - 999,253 266,469	Drainage fee - residential	398,514	495,300	80.46%	383,677	14,837		
Expenditures: Jorainage Drainage Personnel services 346,683 514,070 67.44% 338,183 8,500 Operations 139,217 412,220 33.77% 179,369 (40,152) Capital outlay 320,421 450,019 71.20% 55,101 265,320 Total expenditures 806,321 1,376,309 58.59% 572,653 233,668 Excess (deficiency) of revenues over expenditures (29,682) (376,936) - 207,851 (237,533) Other financing sources (uses): Transfers out - Health Insurance Fund (9,911) (9,911) 100.00% - 9,911 Total other financing uses (9,911) (9,911) 100.00% - 9,911 Excess (deficiency) of revenues and other financing uses (39,593) (386,847) - 207,851 (247,444) Fund balance, beginning of period 1,265,722 1,265,722 - 999,253 266,469	Interest and other	24,175	34,073	70.95%	39,794	(15,619)		
Drainage Personnel services 346,683 514,070 67.44% 338,183 8,500 Operations 139,217 412,220 33.77% 179,369 (40,152) Capital outlay 320,421 450,019 71.20% 55,101 265,320 Total expenditures 806,321 1,376,309 58.59% 572,653 233,668 Excess (deficiency) of revenues over expenditures (29,682) (376,936) - 207,851 (237,533) Other financing sources (uses): Transfers out - Health Insurance Fund (9,911) (9,911) 100.00% - 9,911 Total other financing uses (39,593) (386,847) - 207,851 (247,444) Excess (deficiency) of revenues and other financing sources over expenditures and other financing uses (39,593) (386,847) - 207,851 (247,444) Fund balance, beginning of period 1,265,722 1,265,722 - 999,253 266,469	Total revenues	776,639	999,373	77.71%	780,504	(3,865)		
Personnel services 346,683 514,070 67.44% 338,183 8,500 Operations 139,217 412,220 33.77% 179,369 (40,152) Capital outlay 320,421 450,019 71.20% 55,101 265,320 Total expenditures 806,321 1,376,309 58.59% 572,653 233,668 Excess (deficiency) of revenues over expenditures (29,682) (376,936) - 207,851 (237,533) Other financing sources (uses): Transfers out - Health Insurance Fund Total other financing uses (9,911) (9,911) 100.00% - 9,911 Excess (deficiency) of revenues and other financing sources over expenditures and other financing uses (39,593) (386,847) - 207,851 (247,444) Fund balance, beginning of period 1,265,722 1,265,722 - 999,253 266,469	Expenditures:							
Operations 139,217 412,220 33.77% 179,369 (40,152) Capital outlay 320,421 450,019 71.20% 55,101 265,320 Total expenditures 806,321 1,376,309 58.59% 572,653 233,668 Excess (deficiency) of revenues over expenditures (29,682) (376,936) - 207,851 (237,533) Other financing sources (uses): Transfers out - Health Insurance Fund (9,911) (9,911) 100.00% - 9,911 Total other financing uses (9,911) (9,911) 100.00% - 9,911 Excess (deficiency) of revenues and other financing sources over expenditures and other financing uses (39,593) (386,847) - 207,851 (247,444) Fund balance, beginning of period 1,265,722 1,265,722 - 999,253 266,469	Drainage							
Capital outlay 320,421 450,019 71.20% 55,101 265,320 Total expenditures 806,321 1,376,309 58.59% 572,653 233,668 Excess (deficiency) of revenues over expenditures (29,682) (376,936) - 207,851 (237,533) Other financing sources (uses): Transfers out - Health Insurance Fund (9,911) (9,911) 100.00% - 9,911 Total other financing uses (9,911) (9,911) 100.00% - 9,911 Excess (deficiency) of revenues and other financing sources over expenditures and other financing uses (39,593) (386,847) - 207,851 (247,444) Fund balance, beginning of period 1,265,722 1,265,722 - 999,253 266,469	Personnel services	346,683	514,070	67.44%	338,183	8,500		
Total expenditures 806,321 1,376,309 58.59% 572,653 233,668 Excess (deficiency) of revenues over expenditures (29,682) (376,936) - 207,851 (237,533) Other financing sources (uses): Transfers out - Health Insurance Fund (9,911) (9,911) 100.00% - 9,911 Total other financing uses (9,911) (9,911) 100.00% - 9,911 Excess (deficiency) of revenues and other financing sources over expenditures and other financing uses (39,593) (386,847) - 207,851 (247,444) Fund balance, beginning of period 1,265,722 1,265,722 - 999,253 266,469	Operations	139,217	412,220	33.77%	179,369	(40,152)		
Excess (deficiency) of revenues over expenditures (29,682) (376,936) - 207,851 (237,533) Other financing sources (uses): Transfers out - Health Insurance Fund (9,911) (9,911) 100.00% - 9,911 Total other financing uses (9,911) (9,911) 100.00% - 9,911 Excess (deficiency) of revenues and other financing sources over expenditures and other financing uses (39,593) (386,847) - 207,851 (247,444) Fund balance, beginning of period 1,265,722 1,265,722 - 999,253 266,469	Capital outlay	320,421	450,019	71.20%	55,101	265,320		
over expenditures (29,682) (376,936) - 207,851 (237,533) Other financing sources (uses): Transfers out - Health Insurance Fund (9,911) (9,911) 100.00% - 9,911 Total other financing uses (9,911) (9,911) 100.00% - 9,911 Excess (deficiency) of revenues and other financing uses (39,593) (386,847) - 207,851 (247,444) Fund balance, beginning of period 1,265,722 1,265,722 - 999,253 266,469	Total expenditures	806,321	1,376,309	58.59%	572,653	233,668		
Other financing sources (uses): Transfers out - Health Insurance Fund Total other financing uses(9,911) (9,911)100.00% (9,911)-9,911 (9,911)Excess (deficiency) of revenues and other financing sources over expenditures and other financing uses(39,593)(386,847)-207,851(247,444)Fund balance, beginning of period1,265,7221,265,722-999,253266,469	Excess (deficiency) of revenues							
Transfers out - Health Insurance Fund(9,911)(9,911)100.00%-9,911Total other financing uses(9,911)(9,911)100.00%-9,911Excess (deficiency) of revenues and other financing sources over expenditures and other financing uses(39,593)(386,847)-207,851(247,444)Fund balance, beginning of period1,265,7221,265,722-999,253266,469	over expenditures	(29,682)	(376,936)		207,851	(237,533)		
Total other financing uses(9,911)(9,911)100.00%-9,911Excess (deficiency) of revenues and other financing sources over expenditures and other financing uses(39,593)(386,847)-207,851(247,444)Fund balance, beginning of period1,265,7221,265,722-999,253266,469	Other financing sources (uses):							
Excess (deficiency) of revenues and other financing sources over expenditures and other financing uses (39,593) (386,847) - 207,851 (247,444) Fund balance, beginning of period 1,265,722 1,265,722 - 999,253 266,469	Transfers out - Health Insurance Fund	(9,911)	(9,911)	100.00%	-	9,911		
financing sources over expenditures and other financing uses(39,593)(386,847)-207,851(247,444)Fund balance, beginning of period1,265,7221,265,722-999,253266,469	Total other financing uses	(9,911)	(9,911)	100.00%	-	9,911		
and other financing uses (39,593) (386,847) - 207,851 (247,444) Fund balance, beginning of period 1,265,722 1,265,722 - 999,253 266,469	Excess (deficiency) of revenues and other							
Fund balance, beginning of period 1,265,722 1,265,722 - 999,253 266,469	financing sources over expenditures							
	and other financing uses	(39,593)	(386,847)	-	207,851	(247,444)		
	Fund balance, beginning of period	1,265,722	1,265,722	-	999,253	266,469		
	Fund balance, end of period	\$ 1,226,129	\$ 878,875	-	\$ 1,207,104	\$ 19,025		

Internal Service Fund Financials

Internal Service Fund

Internal Service Fund is used to account for and report any activity that provides goods or services to other funds, departments, or agencies of the primary government and its component units, or to other governments, on a cost-reimbursement basis.

<u>Health Insurance Fund</u>: To account for the cost and reimbursements of the self-funded health insurance plan.



	2011
ASSETS	
Cash Total assets	\$ 1,024,294 1,024,294
LIABILITIES	
Vouchers payable Total liabilities	<u> 125,033 </u> 125,033
NET ASSETS	
Unrestricted Total net assets	899,261 \$ 899,261

	2011
Operating revenues:	
Charges for services -	
Contributions:	
Employer - Active	\$ 1,036,532
Employer - Retirees	70,210
Employee	547,729
Retiree	182,366
COBRA	6,444
Total operating revenues	1,843,281
Operating expenses: Purchased professional/ technical services - Claims:	
Employee	1,138,838
Retiree	147,362
COBRA	2,242
Stop Loss Insurance	2,242
Administrative Fee	183,515
Total operating expenses	1,695,291
Operating income (loss)	147,990
Nonoperating revenues:	
Investment earnings	1,271
Income (loss) before contributions and transfers	149,261
Transfers in	750,000
Change in net assets	899,261
Total net assets, beginning	<u>-</u>
Total net assets, ending	\$ 899,261

CITY OF TEMPLE, TEXAS INTERNAL SERVICE FUND STATEMENT OF REVENUES & EXPENSES ACTUAL AND BUDGET For the nine months ended June 30, 2011

		2011	
		_	% of
	Actual	Budget	Budget
Operating revenues:			
Charges for services -			
Contributions:			
Employer - Active	\$ 1,036,532	\$ 1,545,592	67.06%
Employer - Retirees	70,210	112,200	62.58%
Employee	547,729	982,288	55.76%
Retiree	182,366	275,002	66.31%
COBRA	6,444		0.00%
Total operating revenues	1,843,281	2,915,082	63.23%
Operating expenses:			
Purchased professional/			
technical services			
Claims:			
Employee	1,138,838	2,785,998	40.88%
Retiree	147,362	322,672	45.67%
COBRA	2,242	-	0.00%
Stop Loss Insurance	223,334	305,435	73.12%
Administrative Fee	183,515	250,977	73.12%
Total operating expenses	1,695,291	3,665,082	46.26%
Operating income (loss)	147,990	(750,000)	-19.73%
Nonoperating revenues:			
Investment earnings	1,271	-	0.00%
investment earnings			0.0070
Income (loss) before			
contributions and transfers	149,261	(750,000)	-19.90%
Transfers in			
General Fund	628,756	628,756	100.00%
Water & Sewer Fund	100,365	100,365	100.00%
Hotel/Motel Fund	10,968	10,968	100.00%
Drainage Fund	9,911	9,911	100.00%
Brainage i una	750,000	750,000	100.00%
	<u> </u>	<u> </u>	
Change in net assets	899,261	-	-
Total net assets, beginning			-
Total net assets, ending	\$ 899,261	\$-	-
-			



The Capital Projects Fund is used to account for financial resources to be used for the acquisition or construction of major capital facilities.

- New construction, expansion, renovation, or replacement project for an existing facility or facilities. The project must have a total cost of at least \$10,000 over the life of the project. Project costs can include the cost of land, engineering, architectural planning, and contract services needed to complete the project.
- Purchase of major equipment (assets) costing \$50,000 or more with a useful life of at least 10 years.
- Major maintenance or rehabilitation project for existing facilities with a cost of \$10,000 or more and an economic life of at least 10 years.

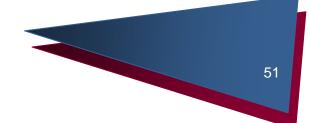


Exhibit	Bond Issue	Focus of Issue	Issue Proceeds	Adjusted Bond Fund Revenues	Total Project Costs (1)	Remaining Funds (2)
F-2	2005 Airport Revenue Bond Issue (Fund 351)	Airport Helicopter Maintenance Hangar #2	\$ 3,550,000	0 \$ 3,718,810	\$ 3,718,810	\$-
F-3	2006 & 2008 Utility Revenue Bond Issue (Fund 561)	Various Utility Infrastructure Improvements	53,680,026	6 55,474,942	55,426,032	48,910
F-4	2006 & 2008 Combination Tax & Revenue CO Issue (Fund 361)	Various General Government Capital Improvements	24,046,14	1 25,184,984	24,946,194	238,790
F-5	2008 GO Bond Issue (Fund 362)	Parks & Recreation	9,975,372	2 10,376,280	10,376,280	-
F-6	2008 Reinvestment Zone CO Issue & TIRZ Taxable Revenue Issue (Fund 795)	Various Reinvestment Zone Infrastructure Improvements	26,375,000	0 27,496,027	27,495,062	965
F-7	2009 GO Bond Issue (Fund 363)	Public Safety	13,995,000	0 14,019,825	11,025,513	2,994,312
			\$ 131,621,539	9 \$ 136,270,868	\$ 132,987,891	\$ 3,282,977

Note (1) Total project costs include costs incurred, encumbered and estimated costs to complete.

Note (2) Remaining funds represent funds that are available for allocation to projects.

CITY OF TEMPLE, TEXAS SCHEDULE OF CAPITAL PROJECTS BOND PROCEEDS & RELATED EXPENDITURES TAXABLE REVENUE BONDS 2005 - CAPITAL PROJECTS BOND FUND - 351 For the period beginning November 15, 2005 and ending June 30, 2011

Expenditures			Revenue & Bond F	Proceeds		
Construction in Progress						
Expenditures		\$	3,718,810	Original Issue {November 2005}	\$	3,550,000
Encumbrances as of 6/30/11	(1)		-	Interest Income		87,335
Estimated Costs to Complete Projects			-	Reimbursement from TxDot		81,475
	-	\$	3,718,810		\$	3,718,810

			**Detail of (Construc	tion Costs	**						
Project		Total Costs Incurred & Encumbered		Estimated Costs to Complete		Total		Original Estimate		Over/(Under) Budget		
Bond Issue Costs	*	\$	42,378	\$	-	\$	42,378		\$	42,378	\$	-
Bond Interest	*		179,809		-		179,809			179,884		(75)
Municipal Helicopter Maintenance Hangar	*		3,311,679		-		3,311,679	(2)		3,327,738		(16,059)
Airport Improvements	*		3,185		-		3,185			-		3,185
Land Acquisition	*		118,264		-		118,264			-		118,264
Tractor & Shredder	*		59,375		-		59,375			-		59,375
Inventory Fueling Software	**		4,120		-		4,120			-		4,120
		\$	3,718,810	\$	-	\$	3,718,810		\$	3,550,000	\$	168,810

Note (1): Encumbered amounts are included in total construction in progress due to the obligation of funds by contract(s) or purchase order(s).

Note (2): Municipal Helicopter Maintenance Hangar cost breakdown:

	0	
Engineering fees	\$	172,388
Advertisement for bids		500
Construction contract		3,037,435
West road entrance to facility		63,160
Water pump station improvements		14,600
Capitalized utility costs		9,173
Testing (budget = \$16,000)		14,423
Total Project Costs	\$	3,311,679
	-	

* Project Final

** Substantially Complete

CITY OF TEMPLE, TEXAS

SCHEDULE OF CAPITAL PROJECTS BOND PROCEEDS & RELATED EXPENDITURES

UTILITY SYSTEM REVENUE BONDS 2006, 2008, 2010 - WATER/SEWER CAPITAL PROJECTS FUND - 561

For the period beginning October 11, 2006 and ending June 30, 2011

Expenditures		
Construction in Progress		
Expenditures		\$ 38,129,044
Encumbrances as of 6/30/11	(1)	4,004,584
Estimated Costs to Complete Projects		 13,292,404
		\$ 55,426,032

Revenue & Bond Proceeds

Original Issue {October 2006} CIP FY 2007	\$ 20,510,000
Additional Issue {July 2008} CIP FY 2008	15,030,000
Additional Issue {August 2010} CIP FY 2010	17,210,000
Issuance Premium	603,749
Issuance Premium	313,954
Issuance Premium	12,323
Interest Income	1,673,006
Reimbursement due from TxDOT	1,930,139
Capitalized Interest Expense	 (1,808,229)
	\$ 55,474,942

Detail of Construction Costs

			I	BUDGET					ACTUAL		
			Ac	ljustments		Т	otal Costs	ļ	Estimated		Total
		Original	to	Original	Adjusted		ncurred &		Costs to		Designated
Project		 Budget		Budget	 Budgeted	En	cumbered		Complete	F	Project Cost
Bond Issue Costs	*	\$ 323,249	\$	-	\$ 323,249	\$	323,249	\$	-	\$	323,249
Bond Issue Costs	*	353,455		-	353,455		353,455		-		353,455
Bond Issue Costs	*	119,500		-	119,500		119,500		-		119,500
CIP Management Personnel Costs	*	-		352,891	352,891		361,227		-		361,227
Loop 363/31st Street Utility Relocation	*	3,200,000		1,205,746	4,405,746		4,405,746		-		4,405,746
FM 2305 Water Line Relocation	*	2,700,000		(189,019)	2,510,981		2,510,981		-		2,510,981
US 190 Water Line Relocation	*	435,000		(189,274)	245,726		245,726		-		245,726
Westfield Wastewater Line Extension	#	300,000		(300,000)	-		-		-		-
West Temple Utility Extension North of FM2305		6,450,000		(644,863)	5,805,137		5,685,498		119,639		5,805,137
Replace .5 MG 7th & Ave P Elevated Storage Tank	*	2,200,000		(54,326)	2,145,674		2,145,890		-		2,145,890
FM 2305 Wastewater Line Extension	*	2,100,000		88,888	2,188,888		2,121,731		-		2,121,731
Doshier Farm Screen Drum & Drive Improvements	*	350,000		(9,109)	340,891		340,891		-		340,891
WTP Membrane Permanent Sludge Disposal System	**	3,665,000		233,997	3,898,997		3,901,102		-		3,901,102
WTP Membrane Facility Replacement Parts	*	345,000		(80,789)	264,211		264,211		-		264,211
Nugent Elevated Tank Refurbishment	#	420,000		(420,000)	-		-		-		-
Doshier Farm Aerator Drive Bearing Replacements	*	110,000		129,040	239,040		239,039		-		239,039
WTP Membrane Facility Emergency Generators	*	1,000,000		497,900	1,497,900		1,497,899		-		1,497,899
18" Waterline Replacement from WTP to Ave H (Ph1)	#	1,500,000		(1,500,000)	-		-		-		-
876' Pressure Plane Expansion	*	200,000		-	200,000		145,272		-		145,272
Williamson Creek Lift Station Improvements	*	260,000		(49,986)	210,014		210,014		-		210,014
											(Continued)

CITY OF TEMPLE, TEXAS

SCHEDULE OF CAPITAL PROJECTS BOND PROCEEDS & RELATED EXPENDITURES

UTILITY SYSTEM REVENUE BONDS 2006, 2008, 2010 - WATER/SEWER CAPITAL PROJECTS FUND - 561

For the period beginning October 11, 2006 and ending June 30, 2011

			BUDGET			ACTUAL	
			Adjustments		Total Costs	Estimated	Total
		Original	to Original	Adjusted	Incurred &	Costs to	Designated
Project		Budget	Budget	Budgeted	Encumbered	Complete	Project Cost
WTP Clarifier #4 Rehabilitation	*	225,000	(21,894)	203,106	203,106	-	203,10
Various Wastewater Replacement Projects (Note 2)	*	905,000	(285,006)	619,994	619,993	-	619,99
SCADA Network (Utility Fund share of cost)	*	145,000	-	145,000	145,000	-	145,00
Birdcreek Wastewater Line Replacement (Phase 1)	**	2,000,000	2,500,000	4,500,000	4,225,508	-	4,225,50
Vater Business Office Relocation	*	895,500	(6,397)	889,103	889,103	-	889,10
Airport and Range Road Tank Exterior Refurbishment	*	-	256,628	256,628	256,628	-	256,62
NTP Lagoon #4 Rehab	**	-	25,181	25,181	25,150	-	25,15
Rehab Conv WTP Filters	**	1,700,000	632,790	2,332,790	2,332,789	-	2,332,78
317 Waterline Relocation 2305/439		-	350,000	350,000	328,540	21,460	350,00
South Temple Water Sys Improvements		1,000,000	1,600,000	2,600,000	667,532	1,932,468	2,600,0
Doshier - Rehab 5 Lift Screws	*	-	738,390	738,390	738,389	-	738,3
Doshier - Rehab Belt Filter	*	-	47,615	47,615	47,615	-	47,6
Doshier - Belt Press Feed	*	-	51,750	51,750	51,750	-	51,7
Vaterline Relocation Outerloop	^	900,000	(900,000)	-	-	-	-
Vaterline Relocation Somerville Dr Phase II	*	335,000	(34,195)	300,805	300,805	-	300,8
SCADA Network	**	400,000	-	400,000	359,708	-	359,7
Vaterline Replacement-Ave G to 25th	*	1,350,000	(479,405)	870,595	870,595	-	870,5
ilac Lane	*	500,000	(392,920)	107,080	107,080	-	107,0
Jtilities Relocation-Tarver to Old Waco		200,000	-	200,000	34,000	-	34,0
General Bruce & 57th Street	*	-	799,538	799,538	472,116	-	472,1
aylor Tank Rehabilitation	*	600,000	12,315	612,315	612,315	-	612,3
Pepper Creek Tank Rehabilitation	*	600,000	(12,315)	587,685	291,592	-	291,5
Pea Ridge Lift Station Rehabilitation		1,000,000	-	1,000,000	705,629	294,371	1,000,0
VTP- Generator Project (Phase 2)	^	3,500,000	(3,331,500)	168,500	168,500	-	168,5
emple Belton Regional Sewerage System		2,250,000	-	2,250,000	84,659	2,165,341	2,250,0
Vaterwater Line Replacement-French Ave	*	1,200,000	-	1,200,000	889,222	-	889,2
Vaterline Line Replacement-Charter Oaks		4,750,000	-	4,750,000	1,360,885	3,389,115	4,750,0
lorthwest Loop 363 Improvements		-	4,244,000	4,244,000	473,990	3,770,010	4,244,0
irdcreek Wastewater Line Replacement (Phase 2A)	!	-	1,000,000	1,000,000	-	1,000,000	1,000,0
Nugent Tank Rehabilitation	!	-	600,000	600,000		600,000	600,0
		\$ 50,486,704	\$ 6,465,671	\$ 56,952,375	\$ 42,133,628	\$ 13,292,404	\$ 55,426,0

Note (1): Encumbered amounts are included in total construction in progress due to the obligation of funds by contract(s) or purchase order(s).

Note (2): Wastewater Line Replacements were budgeted for the following locations: (a) Avenue K to Avenue N between S. 2nd Street & S. 4th Street, (b) Avenue G to Avenue D between S. 13th Street & S. 15th Street, (c) Avenue M to Avenue I between S. 19th

** Substantially Complete

Funding for project reallocated - project was either deleted from the FY 2008 CIP list or proposed to be funded in a future year.

^ Funding for project reallocated to Northwest Loop 363 Improvements

! FY 2012 CIP

^{*} Project Final

CITY OF TEMPLE, TEXAS SCHEDULE OF CAPITAL PROJECTS BOND PROCEEDS & RELATED EXPENDITURES COMBINATION TAX & REVENUE CERTIFICATES OF OBLIGATION 2006 & 2008 - CAPITAL PROJECTS BOND FUND - 361 For the period beginning October 11, 2006 and ending June 30, 2011

Expenditures

Construction in Progress

Expenditures Encumbrances as of 6/30/11 Estimated Costs to Complete Projects

(1)	\$ 20,123,915 4,288,707 533,572
	\$ 24,946,194

Revenue & Bond Proceeds	
Original Issue {October 2006}	\$ 10,220,000
Additional Issue {July 2008}	13,520,000
Net Offering Premium	306,141
Cost Sharing due from Developer	84,970
Police Seized Funds-Armored Rescue Vehicle	52,834
Transfer in-General Fund Technology Funds {SCADA}	50,000
Transfer in-General Fund {Municipal Court}	61,738
Transfer in-General Fund {Library Renovations}	93,222
Interest Income	 796,079
	\$ 25.184.984

Detail of Construction Costs

			E	BUDGET			ACTUAL						
		0	Ad	justments			Т	otal Costs	Es	timated		Total	
		Original	to	Original	A	djusted	Ir	ocurred &	С	osts to	De	signated	
Project		Budget		Budget	E	Budgeted	En	cumbered	Co	mplete	Pro	oject Cost	
Bond Issue Costs	*	\$ 220,000	\$	(14,457)	\$	205,543	\$	205,543	\$	-	\$	205,543	
Bond Issue Costs	*	291,141		9,500		300,641		301,698		-		301,698	
CIP Management Personnel Cost	*	-		81,158		81,158		80,432		-		80,432	
Airport Wash Rack	*	100,000		(41,871)		58,129		58,129		-		58,129	
Bird Creek Drainage Improvements	*	2,000,000		-		2,000,000		2,000,000		-		2,000,000	
Pepper Creek Drainage Improvements - Westfield	*	800,000		(234,459)		565,541		565,540		-		565,540	
Pepper Creek Drainage Improvements-Crescent/Sundan	*	600,000		(58,542)		541,458		541,458		-		541,458	
Hog Pen Creek Drainage Improvements	#	100,000		(100,000)		-		-		-		-	
Lake Thornton Dam Improvements	*	380,000		78,066		458,066		458,066		-		458,066	
Facility Rehabilitations (Note 2)		1,300,000		(88,852)		1,211,148		1,095,697		115,451		1,211,148	
Fire Department Digital Radios	*	105,000		84,908		189,908		189,908		-		189,908	
Police Department Digital Radios	*	600,000		(421)		599,579		599,579		-		599,579	
New Fire Station No. 1/Admin Building - Phase 1	*	600,000		(192,993)		407,007		407,006		-		407,006	
Emergency Operations Infrastructure	*	450,000		(65,854)		384,146		384,146		-		384,146	
Fleet Washing Facility	*	250,000		(232,639)		17,361		17,361		-		17,361	
Wireless Municipal Broadband Network - Phase 1	*	150,000		(16,773)		133,227		133,227		-		133,227	
SCADA Network	*	95,000		47,390		142,390		142,390		-		142,390	
Library Building Improvements	*	995,000		585,375		1,580,375		1,580,375		-		1,580,375	
Wilson Park Sewer Improvements	*	190,000		(11,905)		178,095		178,094		-		178,094	
Lions Park Restroom Improvements	*	190,000		(25,370)		164,630		164,630		-		164,630	
Baker Field Facility Improvements	*	250,000		24,713		274,713		274,715		-		274,715	
												(Continued)	

CITY OF TEMPLE, TEXAS

SCHEDULE OF CAPITAL PROJECTS BOND PROCEEDS & RELATED EXPENDITURES

COMBINATION TAX & REVENUE CERTIFICATES OF OBLIGATION 2006 & 2008 - CAPITAL PROJECTS BOND FUND - 361

For the period beginning October 11, 2006 and ending June 30, 2011

			BUDGET		ACTUAL						
			Adjustments		Total Costs	Estimated	Total				
		Original	to Original	Adjusted	Incurred &	Costs to	Designated				
Project	-	Budget	Budget	Budgeted	Encumbered	Complete	Project Cost				
Solid Waste Facility Renovation	*	410,000	(10,763)	399,237	399,237	-	399,237				
Westfield Boulevard Upsizing Participation	*	100,000	-	100,000	100,000	-	100,000				
Outer Loop- FM 2305 to Jupiter to Poison Oak	^	7,280,000	(5,083,879)	2,196,121	2,196,121	-	2,196,121				
West Avenue M Resurfacing	*	225,000	7,879	232,879	232,879	-	232,879				
Traffic Signals (based on warrant studies)		215,000	560,000	775,000	594,944	180,056	775,000				
Stonegate III Drainage Improvements - oversizing		-	86,950	86,950	86,950	-	86,950				
Box Culvert Bridge-Westfield	*	-	150,000	150,000	150,000	-	150,000				
Armored Rescue Vehicle	*	-	202,834	202,834	202,834	-	202,834				
New Muncipal Court	*	800,000	42,692	842,692	842,692	-	842,692				
West Temple Parkland	*	721,423	-	721,423	721,423	-	721,423				
NW Loop 363 Expansion	*	1,890,000	(2,395)	1,887,605	1,887,605	-	1,887,605				
Intersection Enhancements	*	135,000	(2,454)	132,546	132,546	-	132,546				
1st Street Gateway		470,000	41,106	511,106	273,041	238,065	511,106				
Tarver Road Extension	^	1,360,000	(1,204,220)	155,780	155,780	-	155,780				
Highway 93/Hartrick Bluff Connectors	^	500,000	(500,000)	-	-	-	-				
Police -5 Marked Police Cars	*	-	170,000	170,000	170,000	-	170,000				
ROW Acquisition- Loop 363 & FM 2305	*	-	1,906,612	1,906,612	1,906,612	-	1,906,612				
Friars Creek Trail	*	-	31,517	31,517	31,515	-	31,515				
Reconstruction of 5th Street from Barton to Calhoun	*	-	311,854	311,854	301,861	-	301,861				
Northwest Loop 363 Improvements			4,648,589	4,648,589	4,648,589		4,648,589				

Remaining (Needed) Funds \$

Note (1): Encumbered amounts are included in total construction in progress due to the obligation of funds by contract(s) or purchase order(s).

Note (2): Facility Improvements designated for funding from the 2006 & 2008 CO Issues are as follows: (a) Sears Building roof replacement, (b) Municipal Building roof replacement, (c) Clarence Martin Recreation Center HVAC system installation, (d) Gober Party House flooring improvements, (e) Sammons Club House flooring renovations, (f) Municipal & Sears Building Brick & Mortar repair, (g) Blackmon Center roof replacement, (h) Santa Fe Depot improvements, and (i) Sears Building HVAC replacement.

* Project Final

** Substantially Complete

Funding for project reallocated-project was either deleted from the FY 2006 CIP list or poposed to be funded in a future year.

^ Funding for project reallocated for Northwest Loop 363 Improvements

238,790

CITY OF TEMPLE, TEXAS SCHEDULE OF CAPITAL PROJECTS BOND PROCEEDS & RELATED EXPENDITURES GENERAL OBLIGATION BONDS 2008 - CAPITAL PROJECTS BOND FUND - 362 For the period beginning July 8, 2008 and ending June 30, 2011

Expenditures	;		Revenue & Bond Pro	ceeds	
Construction in Progress					
Expenditures	\$	10,373,590	Original Issue {July 2008}	\$	9,660,000
Encumbrances as of 6/30/11	(1)	2,690	Net Offering Premium		315,372
Estimated Costs to Complete Projects		-	Interest Income		92,382
	\$	10,376,280	Reimbursement from Lions Club		200,000
			Transfer in-General Fund {Golf Course}		108,526
				\$ 1	0,376,280

			Detail o	f Construc	tion Costs	S					
Project		In	otal Costs curred & cumbered	rred & Costs to		Total			Original Estimate	Over/(Under) Budget	
Bond Issue Costs	*	\$	205,474	\$	-	\$	205,474	\$	225,372	\$	(19,898)
Temple Family Aquatics Center	*		4,457,674		-		4,457,674		4,300,000		157,674
Sammons Park Indoor Aquatics Center	*		1,841,154		-		1,841,154		1,900,000		(58,846)
Golf Course Improvements	**		570,622		-		570,622		350,000		220,622
Summit Expansion	*		1,692,726		-		1,692,726		1,625,000		67,726
Miller Park Trails & Playground	*		511,677		-		511,677		600,000		(88,323)
West Temple Spray Park	*		447,590		-		447,590		475,000		(27,410)
Lions Soccer Fields	*		404,068		-		404,068		400,000		4,068
Ferguson Park Picnic & Playground	*		230,854		-		230,854		300,000		(69,146)
Demolition of Lions Pool	*		14,440		-		14,440		30,000		(15,560)
		\$	10,376,280	\$	-	\$	10,376,280	\$	10,205,372	\$	170,908

Remaining (Needed) Funds

\$ -

Note (1): Encumbered amounts are included in total construction in progress due to the obligation of funds by contract(s) or purchase order(s).

* Project Final

**Substantially Complete

CITY OF TEMPLE, TEXAS SCHEDULE OF CAPITAL PROJECTS BOND PROCEEDS & RELATED EXPENDITURES CERTIFICATE OF OBLIGATION BONDS 2008 AND TIRZ TAXABLE REVENUE BONDS 2008 - REINVESTMENT ZONE NO. 1 FUND - 795 For the period beginning July 8, 2008 and ending June 30, 2011

Expenditures	8		Revenue & Bond Proceeds			
Construction in Progress						
Expenditures	\$	26,563,832	Original Issue-Certificate of Obligation Bonds, Series 2008	\$	16,010,000	
Encumbrances as of 6/30/11	(1)	261,230	Original Issue-TIRZ Taxable Revenue Bonds, Series 2008		10,365,000	
Estimated Costs to Complete Projects		670,000	Gulf States Toyota Reimbursement for Underground Stormwater Impr.		837,703	
	\$	27,495,062	Interest Income		283,324	
				\$	27.496.027	

Detail of Construction Costs

155,085 2,631,697 931,339 2,826,583 7,564,706 3,011,155 1,464,756	\$ - - - - - - - -	\$	155,085 2,631,697 931,339 2,826,583 7,564,706 3,011,155 1,464,756	\$	155,085 2,631,697 935,000 2,970,430 7,581,400 3,019,586 1,491,002	\$	(3,661) (143,847) (16,694) (8,431)
931,339 2,826,583 7,564,706 3,011,155 1,464,756			931,339 2,826,583 7,564,706 3,011,155		935,000 2,970,430 7,581,400 3,019,586		(143,847) (16,694) (8,431)
2,826,583 7,564,706 3,011,155 1,464,756			2,826,583 7,564,706 3,011,155		2,970,430 7,581,400 3,019,586		(143,847) (16,694) (8,431)
7,564,706 3,011,155 1,464,756	- - -		7,564,706 3,011,155		7,581,400 3,019,586		(16,694) (8,431)
3,011,155 1,464,756	-		3,011,155		3,019,586		(8,431)
1,464,756	-		, ,		, ,		,
	-		1,464,756		1,491,002		(26.246)
							(26,246)
185,000	-		185,000		441,731		(256,731)
1,830,101	-		1,830,101		1,837,373		(7,272)
3,863,312	-		3,863,312		3,884,269		(20,957)
1,823,616	-		1,823,616		1,829,672		(6,056)
349,282	-		349,282		352,158		(2,877)
-	670,000		670,000		-		670,000
188,430	-		188,430		-		188,430
-			-		176,730		(176,730)
6 925 062	\$ 670,000	\$	27,495,062	\$	27,306,133	\$	188,930
	- 188,430 - 26,825,062	188,430	188,430 -	188,430 - 188,430	188,430 - 188,430	188,430 - 188,430 - - 176,730	188,430 188,430 26,825,062 \$ 670,000 \$ 27,495,062 \$ 27,306,133

Note (1): Encumbered amounts are included in total construction in progress due to the obligation of funds by contract(s) or purchase order(s).

* Project Final

** Substantially Complete

Quarterly Financial Statements – for nine months ended 06.30.2011

CITY OF TEMPLE, TEXAS SCHEDULE OF CAPITAL PROJECTS BOND PROCEEDS & RELATED EXPENDITURES GENERAL OBLIGATION BONDS 2009 - CAPITAL PROJECTS BOND FUND - 363 For the period beginning November 19, 2009 and ending June 30, 2011

Expenditures			Revenue &	Bond Proceeds
Construction in Progress				
Expenditures		\$ 9,620,039	Original Issue {November 2009}	\$ 13,995,000
Encumbrances as of 6/30/11	(1)	471,483	Interest Income	24,825
Estimated Costs to Complete Projects		933,990		\$ 14,019,825
		\$ 11,025,513		

			**Detail of	Constru	ction Costs	**				
Project	Incurr		Total Costs Incurred & ncumbered	Co	imated osts to nplete		Total	Driginal Estimate	0\	/er/(Under) Budget
Bond Issue Costs	*	\$	69,367	\$	-	\$	69,367	\$ 83,100	\$	(13,733)
Fire Station #1	*		4,694,804		-		4,694,804	7,361,311		(2,666,507)
Fire Station #8	**		3,506,586		-		3,506,586	4,905,589		(1,399,003)
Fire Engine #2	*		548,091		-		548,091	565,000		(16,909)
Fire Engine #1	*		536,770		-		536,770	540,000		(3,230)
Fire Engine #4	*		537,695		-		537,695	540,000		(2,305)
SCBA Upgrade	*		21,810		-		21,810	-		21,810
Fire Engine #8 with air packs	!		-		650,000		650,000	-		650,000
2 Quick Response Vehicles (QRV)	!		-		283,990		283,990	-		283,990
Designated Grant Match			176,400		-		176,400	-		176,400
		\$	10,091,523	\$	933,990	\$	11,025,513	\$ 13,995,000	\$	(2,969,487)

Remaining (Needed) Funds

2,994,312

\$

Note (1): Encumbered amounts are included in total construction in progress due to the obligation of funds by contract(s) or purchase order(s).

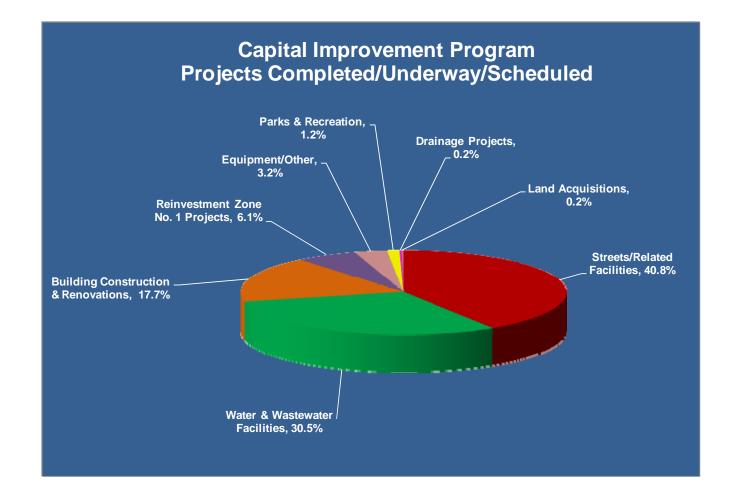
* Project Final

**Substantially Complete

! FY 2012 CIP

CITY OF TEMPLE, TEXAS CAPITAL IMPROVEMENT PROGRAM - PROJECTS UNDERWAY/SCHEDULED As of June 30, 2011

Streets/Related Facilities	\$ 47,513,683
Water & Wastewater Facilities	35,493,334
Building Construction & Renovations	20,648,952
Reinvestment Zone No. 1 Projects	7,090,618
Equipment/Other	3,739,646
Parks & Recreation	1,426,270
Drainage Projects	243,069
Land Acquisitions	189,180
Total of Capital Improvement Projects Underway/Scheduled	\$ 116,344,752



CITY OF TEMPLE, TEXAS CAPITAL IMPROVEMENT PROGRAM-PROJECTS UNDERWAY/SCHEDULED - DETAIL

June 30, 2011

Project	Funding	Acct #	Pro	oject Budget	Ac	tual Commit / Spent	Status	Scheduled Completion
New Fire Station No. 1 / Admin Building-Phase I- Space Assess, Master Plan Update, Prelim Design, and Land	CO-06 & CO- 08	361-2200-522-6805	\$	422,991	\$	407,006	Complete	Dec-10
New Fire Station No. 1 / Admin Building-Phase II- Final Design & Construction	GO-09	363-2200-522-6850	\$	7,184,911	\$	4,694,804	Complete	Dec-10
Sears Building HVAC Replacement	CO-08	361-2400-519-6807	\$	120,000	\$	4,554	On Hold	TBD
New Fire Station #8	GO-09	363-2200-522-6851	\$	4,905,589	\$	3,506,586	Substantially Complete	Jun-11
HOP Bus Shelters	CDBG	260-6100-571-6310	\$	45,000	\$	32,711	Complete	Jun-11
Replace A/C at Sammons Community Center	BUDG10	110-5924-519-6310	\$	59,695	\$	59,694	Complete	Dec-10
Replace A/C at Clarence Martin	BUDG10	110-5924-519-6310	\$	25,589	\$	25,588	Complete	Dec-10
Replace A/C at Garage	BUDG10	110-5924-519-6310	\$	11,155	\$	11,155	Complete	Dec-10
Replace A/C at Blackmon Center	BUDG10	110-5924-519-6310	\$	8,480	\$	8,480	Complete	Dec-10
Replace Lockers in Locker rooms at Summit	BUDG-11	110-5924-519-6310	\$	19,000	\$	17,000	Complete	Apr-11
Repair Damaged Soffit and prevent water penetration at PALS Office	BUDG-11	110-5924-519-6310	\$	35,000	\$	34,215	Construction	Aug-11
Police Headquarters Renovations	Limited Tax Notes	364-2000-521-6855 364-2000-521-2623	\$	7,600,000	\$	5,672,333	Construction	Nov-11
Hawn Hotel {Asbestos Abatement}	Grant	260-3300-519-6310	\$	158,547	\$	158,547	Complete	Jan-11
Replace HVAC Cooling Towers-Library	BUDG-11	110-5940-555-6310	\$	52,995	\$	52,505	Complete	May-11
Total Building Construction & Renovations			\$ 2	20,648,952	\$1	14,685,178		
FY 2010 Drainage Improvements-Las Moras/Midway/Montana Storm Drain	Drainage	292-2900-534-6312	\$	141,119	\$	127,840	Complete	Nov-10
Vehicle Washbay Cover	Drainage	292-2900-534-6310	\$	15,000	\$	14,929	Complete	Jan-11
Stonegate III Drainage Improvements - over sizing	CO-06	361-2900-534-6820	\$	86,950	\$	86,950	Cost Sharing Agreement Authorized	TBD
Total Drainage Projects			\$	243,069	\$	229,719		
IT-Wireless Municipal Broadband Network strategically located throughout the City (Project funded in 2 years)/ SCADA Upgrades	CO-06 & CO- 08	361-1900-519-6802	\$	133,227	\$	133,227	Complete	Dec-10
SCADA System Upgrades to enable integration of both WTP Facilities and monitoring of tank sites	UR-08	561-5100-535-6931	\$	400,000	\$	359,708	Substantially Complete	Dec-10
Engine # 2 {Was originally Engine #8 with Air Packs}	GO-09	363-2200-522-6852	\$	548,634	\$	548,091	Complete	Nov-10
Fueling Software-Airport	BUDG09	110-3600-560-6221	\$	55,824	\$	44,522	In Progress	Sep-11
Replacement Refuse Truck	BUDG10	110-5900-540-6222	\$	223,429	\$	223,429	Complete	Mar-11
Aerial Photography	DESCAP	351-1900-519-6241	\$	71,131	\$	71,131	Complete	Jun-11
Telephone System Upgrades	DESCAP	351-1900-519-6224	\$	66,505	\$	65,182	Complete	Feb-11
Replace 1996 Ford Taurus with a Crew Cab Pickup-Asset # 10120	BUDG-11	110-5900-522-6213	\$	26,900	\$	23,840	Complete	Jun-11
Replace 1995 1/2 Ton Truck-asset #9991	BUDG-11	110-5938-519-6213	\$	18,591	\$	18,591	Complete	May-11
	BUDG-11	110-5935-552-6213	\$	18,591	\$	18,591		May-11
Replace 1997 1/2 Ton Truck-Asset #10208							Complete	
Replace 1997 1/2 Ton Truck-Asset #10208 Replace 1999 1-ton Truck w/Stake Bed- Asset #10450	BUDG-11	110-5935-552-6213	\$	39,500	\$	32,443	Complete Complete	Apr-11

CITY OF TEMPLE, TEXAS CAPITAL IMPROVEMENT PROGRAM-PROJECTS UNDERWAY/SCHEDULED - DETAIL June 30, 2011

Project	Funding	Acct #	Р	roject Budget	Ac	tual Commit / Spent	Status	Scheduled Completion
Replace 2000 For Taurus- Asset #10649	BUDG-11	110-5935-552-6213	\$	15,205	\$	15,204	Complete	Feb-11
Marked Unit Replacement (10)	BUDG-11	110-2031-521-6213	\$	350,000	\$	340,253	Complete	Apr-11
Replace 2001 1/2 ton Truck-Asset #10636	BUDG-11	110-5900-540-6213	\$	18,591	\$	18,591	Complete	Apr-11
Replace Residential Garbage Trucks (3) Asset #11679,11965 and 11966	BUDG-11	110-5900-540-6222 110-2330-540-6222	\$	550,209	\$	550,209	Ordered	Nov-11
Trailer Mounted Crack Seal Distributor	BUDG-11	110-3400-531-6222	\$	30,000	\$	26,704	Complete	Nov-10
Replace 1998 1- ton Utility Sign Truck- Asset #10366	BUDG-11	110-5900-531-6213	\$	52,109	\$	52,109	Complete	Apr-11
Replace two 1995 Backhoes- Asset # 9947 and 10259 with one backhoe	BUDG-11	110-5900-531-6220	\$	86,607	\$	81,875	Complete	Jan-11
Replace 1997 Brush Chipper- Asset #10130	BUDG-11	1105-9005-316-2220	\$	34,300	\$	34,169	Complete	Nov-10
Replace 1998- 1 Ton Bucket Truck- Asset #10363	BUDG-11	110-5900-532-6213	\$	63,356	\$	63,356	Complete	Jun-11
Repair Rotted Trusses at Visitor Center	Hotel/Motel	240-4600-551-6310	\$	10,000	\$	8,781	Complete	Jun-11
Purchase Used Vactor Truck from Sewer Collection	Drainage	292-2900-534-6220	\$	40,500	\$	18,000	Complete	Jun-11
Replace 1995 Excavator- Asset #10025	Drainage	292-2900-534-6220	\$	130,000	\$	122,409	Complete	Dec-10
Slope Mower	Drainage	292-2900-534-6222	\$	30,000	\$	-	On Hold	TBD
Push Camera with Self Leveling Head	BUDG-U	520-5400-535-6211	\$	12,948	\$	12,948	Complete	Nov-10
Trailer for Materials	BUDG-U	520-5400-535-6211	\$	15,148	\$	15,148	Complete	Dec-10
Replace 2002 Vactor Truck-Asset #11323	BUDG-U	520-5400-535-6220	\$	300,000	\$	298,714	Complete	Jun-11
Interactive Voice Response (IVR) System	BUDG-U	520-5800-535-6221	\$	96,990	\$	96,990	Complete	Mar-11
Purchase 2 Trailers for Sludge removal at Doshier	BUDG-U	520-5500-535-6211	\$	21,620	\$	21,620	On Hold	TBD
Replace HVAC-Animal Shelter	BUDG11	110-5924-519-6310	\$	6,698	\$	6,697	Complete	Dec-10
Server for Phone System	DESCAP	351-1900-519-6224	\$	22,000	\$	-	Planning	TBD
Traffic Signal-Canyon Creek & Lowes	CO-06	361-2800-532-6810	\$	71,097	\$	66,043	Construction	Aug-11
Repair Wireless Equipment	DESCAP	351-1900-519-6224	\$	16,797	\$	16,797	Complete	Nov-10
Mayborn Center Marquee	Hotel/Motel	240-4400-551-6310	\$	70,648	\$	70,648	Complete	Mar-11
SCBA Upgrades-Fire	GO-09	363-2200-522-6856	\$	21,900	\$	21,810	Complete	Mar-11
ArcGIS Upgrades	DESCAP	351-1900-519-6221	\$	23,500	\$	23,403	Complete	Mar-11
Replace 1/2 ton Truck	BUDG-11	110-5900-540-6213	\$	22,500	\$	22,153	Complete	Jun-11
SolarWinds Mgmt Software	DESCAP	351-1900-519-6221	\$	6,000	\$	5,933	Complete	Mar-11
Total Equipment/Other			\$	3,739,646	\$	3,567,909		
Kegley Road ROW Acquisition. (No \$'s for construction)	DESCAP	351-3400-531-6110	\$	189,180	\$	9,340	Planning	TBD
Total Land Acquisitions			\$	189,180	\$	9,340		
Golf Course Improvements	2008 GO	362-3100-551-6840	\$	570,633	\$	570,622	Complete	Jun-11
Golf Course Improvements	DESCAP	351-3100-551-6310	\$	8,518	\$	8,518	Complete	Jun-11
Golf Course Improvements	BUDG11	110-3120-551-6310	\$	12,562	\$	12,212	Complete	Jun-11
Hamilton Park Bridge	CDBG	260-6100-571-6516	\$	75,000	\$	70,969	Complete	Jun-11
L		L	L					(Continued)

Quarterly Financial Statements – for nine months ended 06.30.2011

CITY OF TEMPLE, TEXAS CAPITAL IMPROVEMENT PROGRAM-PROJECTS UNDERWAY/SCHEDULED - DETAIL June 30, 2011

Project	Funding	Acct #	Р	roject Budget	Ac	tual Commit / Spent	Status	Scheduled Completion
Phase III of the Canyon Creek, Blackland, South 5th Street Boulevard Island Beautification Project	BUDG10	110-5935-552-6318	\$	73,604	\$	73,575	Complete	Mar-11
Friar's Creek Trail {DOE Grant}- 5th Street to Scott & White Blvd	CO-08	361-3400-531-6834	\$	33,709	\$	33,709	Construction	Nov-11
Friar's Creek Trail {DOE Grant}-5th Street to Scott & White Blvd	GRANT	260-1100-522-6316	\$	413,000	\$	413,000	Construction	Nov-11
Phase IV of the Canyon Creek, Blackland, South 5th Street Boulevard Island Beautification Project	BUDG-11	110-5935-552-6318	\$	17,200	\$	16,895	Complete	May-11
Parks Deferred Maintenance	BUDG-11	110-5935-552-6310	\$	35,441	\$		Planning	TBD
Parks Deferred Maintenance	DESCAP	351-3500-552-2311 351-3500-552-2324	\$	172,163	\$	80,911	Planning	TBD
Demolition of Lions Pool	2008 GO	362-3200-551-2631	\$	14,440	\$	14,440	Complete	Dec-10
Total Parks & Recreation		L	\$	1,426,270	\$	1,294,851		
Southeast Industrial Park (Engineering Only)	RZ	795-9700-531-6828 795-9500-531-6317	\$	265,200		265,200	Engineering	TBD
Downtown Improvements	RZ	795-9500-531-6528	\$	350,892	\$	-	On Hold	TBD
Friar's Creek Trail (DOE Grant)-5th Street to Scott & White Blvd	RZ	795-9500-531-6552 795-9600-531-6552	\$	1,500,000	\$	138,754	Construction	Nov-11
TMED- 1st Street at Temple College {STEP-Grant Match}	RZ	795-9500-531-6550	\$	500,000	\$	97,200	Engineering	Mar-12
Northwest Loop 363 Improvements {PTF}	RZ	795-9500-531-2587 795-9700-531-2587	\$	930,000	\$	291,400	Engineering	Jan-15
Rail Maintenance	RZ	795-9500-531-6514	\$	177,446	\$	-	Planning	TBD
Road Maintenance/Sign	RZ	795-9500-531-6317	\$	108,574	\$	35,000	Planning	TBD
Public Improvements in North Zone	RZ	795-9500-531-6518	\$	250,000	\$		Planning	TBD
Pepper Creek Trail Connection to Scott & White	RZ	795-9500-531-6554	\$	250,000	\$	-	Planning	TBD
Avenue R {31st Street to 15th Street}	RZ	795-9500-531-6553	\$	50,000	\$	50,000	Engineering	Oct-11
Rail Safety Study	RZ	795-9500-531-2539	\$	25,000	\$	25,000	In Progress	Aug-11
Lot Identification & Signage	RZ	795-9500-531-2539	\$	80,000	\$	-	Planning	TBD
Santa Fe Plaza Study	RZ	795-9500-531-2539	\$	25,000	\$	25,000	In Progress	Aug-11
TMED- 1st Street @ Loop 363	RZ	795-9500-531-6551	\$	300,000	\$	185,000	Engineering Complete	Jun-11
Ave U-Scott & White to 1st/13th- 17th	RZ	795-9500-531-6555	\$	350,000	\$	347,450	Engineering	May-12
Outer Loop- Wendland Rd to IH-35 North	RZ	795-9500-531-6557	\$	458,506	\$	-	Engineering	Sep-11
Airport Corporate Hangar Development	RZ	795-9500-531-6558	\$	1,300,000	\$	-	Engineering	Aug-11
Demolition of Nadine Apartments and Old Perry's Building	RZ	795-9500-531-2631	\$	90,000	\$	42,795	Complete	Jan-11
Master Plan Integration	RZ	795-9500-531-2616	\$	50,000	\$	50,000	Substantially Complete	Jun-11
Monumentation Identification Conceptual Design	RZ	795-9500-531-2616	\$	30,000	\$	30,000	In Progress	Aug-11
Total Reinvestment Zone No. 1 Projects		L	\$	7,090,618	\$	1,582,799		
Outer Loop Ph 3-6-FM 2305 south to I-35-ROW Acq,	CO-06 & CO-	361-3400-531-6813	\$	2,196,121	\$	2,196,121	On Hold	твр
Prelim Design, and Phase 3 & 4 Final Design & Const TMED- 1st Street at Temple College {STEP}	08 CO-08	361-3400-531-6834	\$	237,833	\$	237,833	Engineering	Mar-12
Tarver Road Extension to Old Waco	CO-08	361-3400-531-6847	\$	155,780	\$	155,780	On Hold	TBD
Traffic Signal-5th & 93	CO-06	361-2800-532-6810	\$	187,387	\$	12,388	On Hold	TBD
Ave G Sidewalks	CDBG	260-6100-571-6315	\$	208,955	\$	208,955	Construction	Aug-11
			<u> </u>		L			(Continued)

CITY OF TEMPLE, TEXAS
CAPITAL IMPROVEMENT PROGRAM-PROJECTS UNDERWAY/SCHEDULED - DETAIL
June 30, 2011

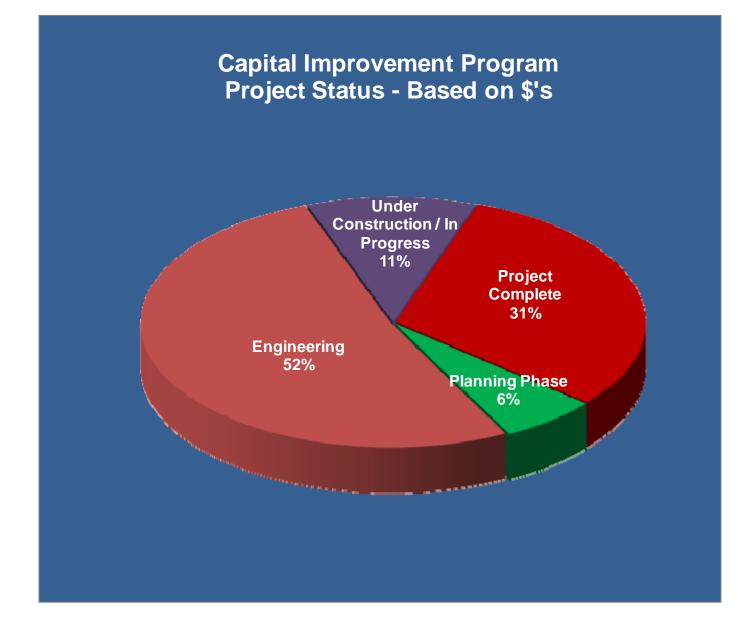
Declari	Funding	Acct #	Broject Bud	ant	Act	tual Commit / Spent	Status	Scheduled Completion
Project 1st Street Sidewalk Ave F - M	CDBG	Acct # 260-6100-571-6315	Project Bud \$ 172	get 2,563	\$	58,309	Engineering	TBD
FM 2305 Hike & Bike Trail	BUDG-11	110-5935-552-6316	\$ 23	3,500	\$	23,558	Complete	Mar-11
TMED- 1st Street at Temple College {STEP-Grant Match}	CO-08	361-3400-531-6834	\$ 239	9,564	\$	1,500		
TMED- 1st Street at Temple College (STEP)	GRANT	260-3500-552-6316	\$ 1,804	,400	s		Engineering	Mar-12
Reconstruction of 5th/Barton to Calhoun	CO-06	361-3400-531-6854		,854		301,861	Engineering	Mar-12
							Complete	Dec-10
Northwest Loop 363 Improvements {PTF}	CO-08	361-3400-531-2588	\$ 4,648	8,589	\$	4,648,589	Engineering	Jan-15
Safe Routes to School-Lakewood	GRANT	260-3400-531-6315	\$ 602	2,070	\$	90,162	Engineering	Feb-12
Safe Routes to School-Bonham	GRANT	260-3400-531-6315	\$ 604	,779	\$	87,462	Engineering	Feb-12
Runway Reconstruction 02/20	Grant	260-3600-560-6524	\$ 645	5,000	\$	41,153	Engineering	TBD
Avenue H Resurface	CDBG	260-6100-571-6317	\$ 200	0,000	\$	-	Planning	TBD
Northwest Loop 363 Improvements {PTF} -(\$20,000,000	TxDOT/PTF		\$ 35,275	5,288	\$	-	Engineering	Jan-15
Category 12)	Bonds		¢ 47 540	c 0 0	*	0.002.074	Linginooning	
Total Streets/Related Facilities 876' Pressure Plan Expansion	UR-06	561-5200-535-6923	\$ 47,513, \$ 200	000		145,272		
Birdcreek Wastewater Line Replacement - Phase 1 of	UR-06, UR-	561-5400-535-6925		0,000		4,225,508	Complete	Mar-11
multi-year project (Total Anticipated Project Cost = \$15m)	08 , & UR-10						Substantially Complete	May-11
SH 317 Water Line Relocation from FM2305 to FM439 as part of TxDOT SH 317 road improvement project	UR-08	561-5200-535-6907	\$ 350	0,000	\$	328,540	Engineering Complete	Jun-11
Pre-Sedimentation & Sludge Disposal System @ WTP	UR-06	561-5100-535-6921	\$ 3,898	8,997	\$	3,901,102	Substantially Complete	May-11
South Temple Water System Improvements: Pipeline, Storage Tank, and Pump Station	UR-08	561-5200-535-6909	\$ 2,600	0,000	\$	667,532	Engineering	Apr-12
Doshier - remove, sandblast and paint all five spiral lift screw and replace bearings	UR-08	561-5500-535-6932	\$ 738	3,390	\$	738,389	Complete	Dec-10
Utilities Relocation- Tarver to Old Waco	UR-08	561-5200-535-6936	\$ 200	0,000	\$	34,000	Engineering	TBD
57th Street Sewer Relocation	UR-08 & UR- 10	561-5400-535-6937	\$ 799	9,538	\$	472,116	Complete	Nov-10
Ranch At Woodland- Utility Extension	Util RE-09	520-5900-535-6366	\$ 11	,730	\$	-	Cost Sharing Agreement Authorized	TBD
Bellaire Waterline Relocation	BUDG-U	520-5200-535-6357	\$ 210	0,000	\$	210,000	Complete	Dec-10
Bellaire Waterline Relocation	Util RE	520-5900-535-6357	\$ 456	6,762	\$	452,711	Complete	Dec-10
Sewer Line Replacement- S Main St to S 1st	BUDG-U	520-5400-535-6359	\$ 28	3,198	\$	28,198	Complete	Nov-10
Vent Hood Replacement in Conventional Lab @ WTP	BUDG-U	520-5100-535-6310	\$ 30	0,000	\$	11,020	Complete	
							Complete	Dec-10
Hills of Westwood Ph V	Util RE	520-5900-535-6368	\$ 188	8,266	\$	188,266	Cost Sharing Agreement Authorized	TBD
Northcliffe Ph IX	Util RE	520-5900-535-6368	\$ 275	5,813	\$	274,559	Complete	Jun-11
Temple Belton Regional Sewerage System-Land & Design (75%)	UR -10	561-5500-535-6938	\$ 2,250	0,000	\$	84,659	Planning	TBD
Steeplechase Lift Station-Convert existing station to	Util RE	520-5900-535-6611	\$ 465	5,210	\$	458,454	Construction	Aug-11
submersible pumps Wastewater Line Replacement French Ave to Adams Ave	UR- 10	520-5900-535-6361	\$ 1,200	0,000	\$	889,221	Complete	Jun-11
from N 4th St to N 12th St Wastewater Line Replacement Ave H & 40th Street	Util RE	520-5900-535-6361	\$ 460),477	\$	460,477		
Wastewater Line Replacement from 3800 Valley View to	Util RE	520-5900-535-6361	\$ 247	,261	\$	212,859	Complete	Jun-11
dead end Water Line Replacement between 31st & 33rd from Ave.	Util RE	520-5900-535-6361		3,183		648,182	Complete	Jun-11
H to Ave. R Water Line Replacement between 33rd & 35th from Ave.	Util RE	520-5900-535-6361		5,193		595,193	Substantially Complete	Jun-11
H to Ave. R		JZU-JJUU-JJD-0301	φ 595	, 193	\$	595,193	Substantially Complete	Jun-11

CITY OF TEMPLE, TEXAS CAPITAL IMPROVEMENT PROGRAM-PROJECTS UNDERWAY/SCHEDULED - DETAIL June 30, 2011

/astewater Line Replacement 37th & 39th between Ave & Ave K /astewater Line Replacement- West Killen, West	Util RE		1 10	ect Budget		Spent		Completion
astewater Line Replacement- West Killen. West		520-5900-535-6361	\$	71,614	\$	55,720	Complete	Jun-11
/elton between N main & 3rd Street	Util RE	520-5900-535-6361	\$	268,109	\$	229,605	Complete	Jun-11
entex Sportsman Road Waterline	Util RE	520-5900-535-6357	\$	495,839	\$	494,839	Complete	May-11
/aterline Replacement-Charter Oaks	UR-10	561-5200-535-6939	\$	4,750,000	\$	1,360,885	Engineering	Apr-12
/ater Treatment Plant Process Assessment	Util RE	520-5900-535-2616	\$	256,074	\$	256,074	Complete	Feb-11
ewer Line Replacement between S 17th & S 19th Stree	t BUDG-U	520-5400-535-6359	\$	4,337	\$	4,336	Complete	Feb-11
epper Creek Tank Rehabilitation	UR- 10	561-5100-535-6904	\$	587,685	\$	291,592	Complete	May-11
aylor Tank Rehabilitation	UR- 10	561-5100-535-6904	\$	612,315	\$	612,315	Complete	May-11
H 317 Waterline from FM 2305 to Praire View Road /ater Line	UR-08	561-5200-535-6925	\$	520,321	\$	440,317	Complete	Oct-10
ewer Line Replacement-Zenith Avenue	BUDG-U	520-5400-535-6359	\$	99,352	\$	19,935	Construction	Oct-11
ewer Line Replacement-Ave H and Open Field	BUDG-U	520-5400-535-6359	\$	16,885	\$	16,885	Complete	Dec-10
ewer Line Replacement-Barton Ave	BUDG-U	520-5400-535-6359	\$	88,180	\$	33,349	Complete	Jun-11
ewer Line Replacement-Dunbar Road and Ave M & N	BUDG-U	520-5400-535-6359	\$	126,577	\$	24,352	Construction	Sep-11
epair and Replacement of Pumps, Drives, and Valves	BUDG-U	520-5100-535-6310	\$	118,225	\$	42,702	Complete	Feb-11
eplace Mixed Media Filters 7 & 8	BUDG-U	520-5100-535-6310	\$	120,000	\$	114,997	Complete	Apr-11
ehabilitate Clarifier #4	BUDG-U	520-5100-535-6310	\$	130,000	\$	89,797	Complete	Apr-11
eplace flocculation mixers	BUDG-U	520-5100-535-6310	\$	71,775	\$	71,775	Complete	Mar-11
eplace lagoon actuators	BUDG-U	520-5100-535-6310	\$	80,000	\$	44,336	Complete	Mar-11
ehabilitation of Pea Ridge LS (Larger Pumps, Upsize of M)	UR- 10	561-5400-535-6905	\$	1,000,000	\$	705,629	Construction	Feb-12
/ater Line Replacement-Calhoun Ave	BUDG-U	520-5200-535-6357	\$	25,097	\$	25,096	Complete	Oct-10
/TP-Generator Project (Phase 2)	UR- 10	561-5100-535-6906	\$	168,500	\$	168,500	Engineering	Sep-11
tilities Relocation-Northwest Loop 363 Improvements PTF}	UR-08	561-5200-535-6940	\$	4,244,000	\$	473,990	Engineering	Jan-15
35 Utility Relocation Project {North Loop 363 to northerr emple city limits}	TxDOT	520-5900-535-6618	\$	193,240	\$	193,240	Engineering	TBD
35 Utility Relocation Project {South Loop 363 to Nugent	} TxDOT	520-5900-535-6618	\$	126,690	\$	126,690	Engineering	TBD
35 Utility Relocation Project {Nugent to North Loop 363}	TxDOT	520-5900-535-6618	\$	86,190	\$	86,190	Engineering	TBD
ago Terra Subdivision Utility Extension	Util RE-11	520-5900-535-6368	\$	145,020	\$	145,020	Cost Sharing Agreement Authorized	TBD
/ater Line Replacement- RR near Ave D & 14th Street	BUDG-11	520-5200-535-6357	\$	47,186	\$	46,686	Complete	Mar-11
ighway 190 Waterline Relocation	BUDG-U	520-5200-535-6357	\$	85,395	\$	8,601	Engineering	Sep-11
idden Villages Subdivision Utility Extension	Util RE-07	520-5900-535-6366	\$	54,685	\$	54,685	Cost Sharing Agreement Authorized	TBD
ills of Westwood, Phase IV, Utility Extension	Util RE-07	520-5900-535-6368	\$	21,025	\$	21,025	Cost Sharing Agreement Authorized	TBD
/aterline Replacement along Poison Oak from Pea idge to Ridgeway (720 Pressure Plane Expansion)	Util RE		\$	525,000	\$	-	Planning	TBD
Total Water & Wastewater Facilities	I	I	\$ 3	5,493,334	\$ 2	1,285,421		
Total Capital Projects			\$11	6,344,752	\$ 5	0,718,888		

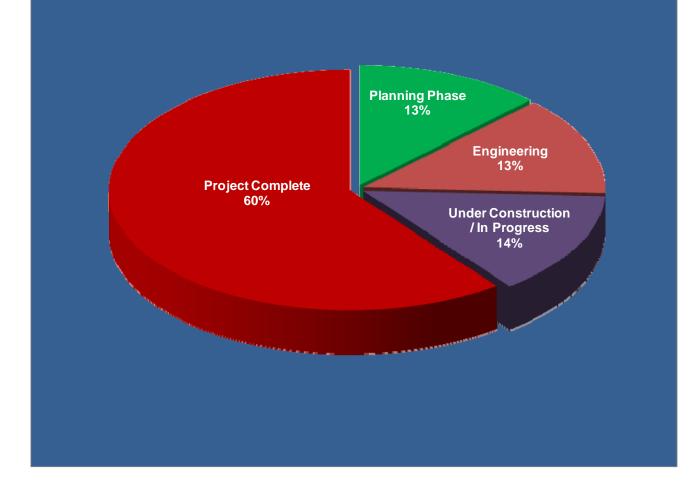
CITY OF TEMPLE, TEXAS CAPITAL IMPROVEMENT PROGRAM - PROJECT STATUS (BASED ON \$'S) As of June 30, 2011

Project Complete Total Estimated Costs of City Funded Projects	 35,738,732 116,344,752
Under Construction / In Progress	12,746,609
Engineering	60,537,807
Planning Phase	\$ 7,321,604



Under Construction / In Progress	20
Project Complete	87
Total Number of Capital Improvement Projects	144

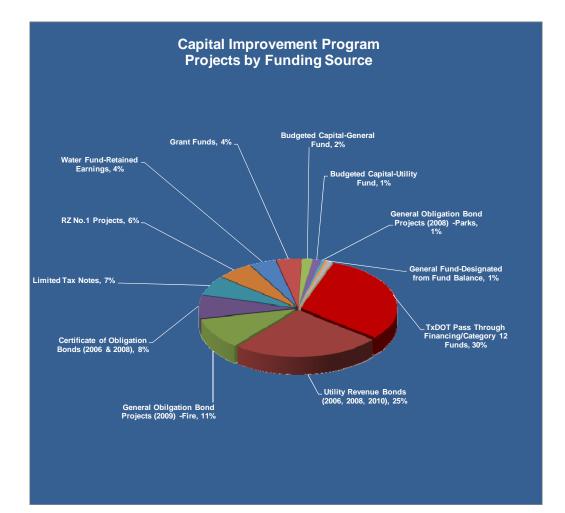


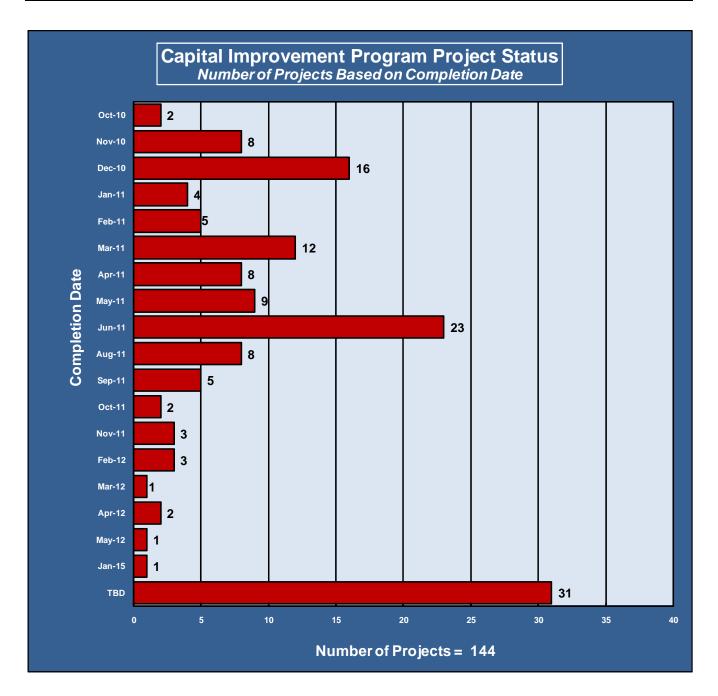


TxDOT Pass Through Financing/Category 12 Funds	\$ 35,275,288
Utility Revenue Bonds (2006, 2008, 2010)	29,019,746
General Obilgation Bond Projects (2009) -Fire	12,661,034
Certificate of Obligation Bonds (2006 & 2008)	8,845,102
Limited Tax Notes	7,600,000
Reinvestment Zone No. 1 Projects	7,090,618
Water Fund-Retained Earnings	5,186,261
Grant Funds	4,929,314
Budgeted Capital-General Fund	2,052,408
Budgeted Capital-Utility Fund	1,680,727
General Obligation Bond Projects (2008) -Parks	585,073
General Fund-Designated from Fund Balance	575,794
TxDOT Agreements	406,120
Drainage Fund-Designated from Fund Balance	356,619
Hotel-Motel Fund-Designated from Fund Balance	 80,648

Total Capital Improvement Projects {by funding source}

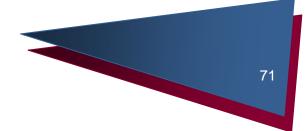
\$ 116,344,752

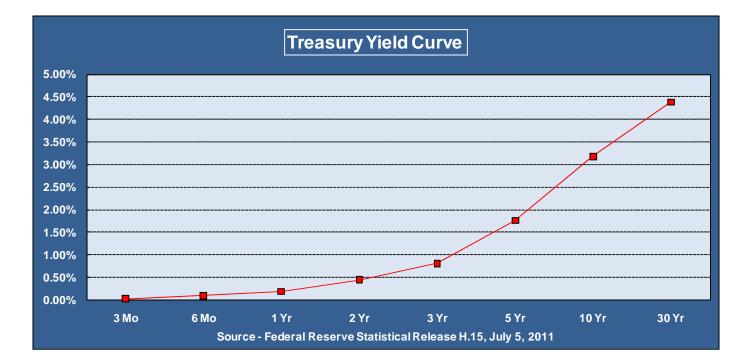


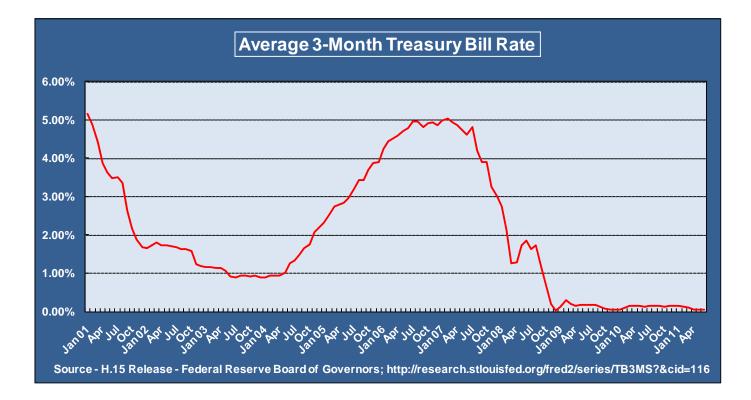




The Public Funds Investment Act, Chapter 2256 of the Texas Government Code, requires the investment officer to prepare and submit a written report of investments to the governing body of the entity not less than quarterly.







CITY OF TEMPLE, TEXAS SCHEDULE OF INVESTMENT ALLOCATIONS June 30, 2011

	Carrying Value	Bank Balance/ Fair Value	Entity Allocation Based on Carrying Value
Entity Allocation			
Bank of America	\$ 995,707	\$ 1,639,593	
Texpool*	34,894,109	34,894,109	
TexSTAR*	53,337,146	53,337,146	
CLASS*	17,724,879	17,724,879	TexSTAR* CLASS* 49.9% 16.6% Book of
Govt Securities	-	-	49.9% Bank of America
	\$106,951,841	\$107,595,727	Texpool* 0.9%
	Carrying Value	Bank Balance/ Fair Value	Asset Allocation
Asset Allocation	<u> </u>		Based on Carrying Value
Cash	\$ 995,707	\$ 1,639,593	
Govt Pools	105,956,134	105,956,134	
T-Bills	-	-	
Agencies	-	-	Gov't Pools
	<u>\$106,951,841</u>	<u>\$107,595,727</u>	99.1% Cash 0.9%
		% of	
	Carrying	Carrying	Fund Allocation
	Value	Value	Based on Carrying Value
Fund Allocation	• • • •		
General Fund (GF)	\$ 31,287,609	29.25%	
Water & Wastewater (Wtr/WW)	44,060,734	41.20%	
GO Interest & Sinking (I&S)	6,673,786	6.24%	
Hotel / Motel (Hot/Mot) Capital Projects - GO/CO Bond	1,023,929	0.96%	Wtr/WW 41%
Program (GO/CO Bonds) Capital Projects - Designated	8,789,983	8.22%	GO/CO Bonds
Fund Balance (CP/FB)	42,298	0.04%	GF 8%
Federal / State Grant Fund (Grant)	(97,070)	-0.09%	29%
Drainage (Drng)	1,260,272	1.18%	RZ No.1 12%
Employee Benefits Trust (Emp)	39,846	0.04%	Other
Health Insurance Fund (Health)	1,024,294	0.96%	10%
Reinvestment Zone No.1 (RZ No.1)	12,846,160	12.01%	
	\$106,951,841	100.00%	Note: Other includes I&S, Hot/Mot, CP/FB, Grant, Drng, Emp & Health

* The City's investments in local government investment pools are stated at carrying value, which also represents the value of the investments upon withdraw al. Accordingly, carrying and fair value are reported as the same amount.

INVESTMENT PORTFOLIO - MARKED TO MARKET June 30, 2011

	Par	Term*		Maturity	Carrying	Fair	Fair vs
Туре	Value	(Days)	Yield %	Date	Value	Value	Carrying
- .	• • • • • • • • • • •				• • • • • • • • • •	* • • • • • • • • • •	<u>^</u>
Texpool	\$ 34,894,109	86	0.0793	-	\$ 34,894,109	\$ 34,894,109	\$-
TexSTAR	53,337,146	66	0.0889	-	53,337,146	53,337,146	-
CLASS	17,724,879	69	0.1600	-	17,724,879	17,724,879	-
Bank of America	995,707	1	0.3000	-	995,707	1,639,593	N/A
	\$ 106,951,841				\$ 106,951,841	\$ 107,595,727	\$-

Fair Value as a % of Carrying Value 100.00%

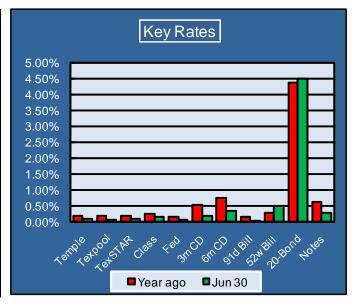
Exhibit G-2

Weighted Average

Maturity

0.10% Yield

Key Rates: Cash Markets *								
Rate	Year ago	Jun 30						
City of Temple	0.21	0.10						
Texpool	0.21	0.08						
TexSTAR	0.19	0.09						
Class	0.26	0.16						
Fed funds	0.18	0.06						
CDs: Three months	0.53	0.20						
CDs: Six months	0.76	0.35						
T- bill 91-day yield	0.16	0.03						
T- bill 52-week yield	0.30	0.50						
Bond Buyer 20- bond								
municipal index	4.38	4.51						
Tax-exempt notes	0.64	0.28						
*Source - GFOA Treasury Management - July 2011 Issue								



hay

Traci L. Barnard **Director of Finance**

Stare evener

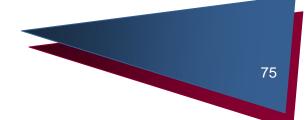
Stacey Reisner Treasury Manager

* The term reported for the City's investments in local government investment pools is stated as the pools weighted average maturity in days.

72.42 Days

Supplemental Information includes

Fund Balance Reserves/Designations – General Fund	.76
Expenditures of Federal and State Awards	.78
Awards of Federal & State Grants by Project Type	.80
Hotel/Motel Tax Receipts by Reporting Entity	.81
Historical Sales Tax Revenue by Month	.82
Parks Escrow Deposits by Addition Name	.83
Redevelopment Grants and Incentive Programs within	
Strategic Investment Zones (SIZ)	.85



		Council	Approved	
	Balance 10/01/10	Reallocation	Appropriation Increase (Decrease)	Balance 06/30/11
DESIGNATED FOR CAPITAL PROJECTS:				
Various Projects:				
Fire Department (Thermal Camera/Educ. Trailer)	\$ 4,708	\$ -	\$ -	\$ 4,708
TxDot Airport Grant-Rehab & Overlay of Runway &				
Taxiways (10% Match) {Total Project =\$3,549,000}	-	354,900	(64,500)	290,400
Water SMART Grant Match (50%)	-	32,500	-	32,500
2010 Bulletproof Vest Partnership Grant Match (50%)	22,365	-	(22,365)	-
TIGER II Grant Match (22.5%)	60,750	-	(60,750)	-
STEP Lighted/Landscaped Linear Trails Grant Match (25%)	521,500	(500,000)	(21,500)	-
Alternative Fuels Initiative Grant Match (20%)	-	10,210	-	10,210
2011 Bulletproof Vest Partnership Grant Match (50%)	-	3,750	-	3,750
HOP Bus Shelter Grant Match (10%)	-	27,740	-	27,740
Temple Housing Authority 2012 Housing Program Grant Match		35,000		35,000
TOTAL Various Projects	609,323	(35,900)	(169,115)	404,308
2010/2011 Budgetary Supplement-Capital/SIZ/TEDC Matrix:				
Capital Equipment Purchases	995,000	-	(995,000)	-
Self-Funded Health Insurance Start Up Costs	628,756	-	(628,756)	-
Strategic Investment Zone Program	85,000	-	(85,000)	-
TEDC Matrix Allocation	295,068		(295,068)	
TOTAL BUDGETARY SUPPLEMENT	2,003,824		(2,003,824)	-
2004/2005 C.I.P. :				
Landfill Expansion	75,000		(75,000)	
TOTAL 2004/2005 C.I.P.	75,000		(75,000)	-
TOTAL - PROJECT SPECIFIC	2,688,147	(35,900)	(2,247,939)	404,308
DESIGNATED FOR CAPITAL PROJECTS -				
UNALLOCATED	2,941,905	35,900	(394,903)	2,582,902
TOTAL DESIGNATED FOR CAP PROJECTS	\$ 5,630,052	\$ -	\$ (2,642,842)	\$ 2,987,210
				(Continued)

CITY OF TEMPLE, TEXAS SCHEDULE OF FUND BALANCE RESERVES/DESIGNATIONS - GENERAL FUND

June 30, 2011

				Council	oved		
					Ap	opropriation	
		Balance				Increase	Balance
	_	10/01/10	Reallo	ocation	(Decrease)	06/30/11
Other Fund Balance Reserves/Designations:							
Encumbrances	\$	1,532,988	\$	-	\$	(1,532,988)	\$ -
Inventory & Prepaid Items		375,993		-		-	375,993
Rob Roy MacGregor Trust - Library		17,614		-		(2,100)	15,514
Drug enforcement {Seized Funds}		329,408		-		(26,570)	302,838
Municipal Court Restricted Fees		167,815		-		(1,850)	165,965
Vital Statistics Preservation Fund		49,051		-		-	49,051
Public Safety		43,584		-		(2,322)	41,262
Public Education Government (PEG) Access Channel		191,642		-		-	191,642
Technology Replacement		231,207		-		(218,645)	12,562
Budgeted decrease in Fund Balance		-	\$	-	\$	(4,427,317)	4,427,317
Unreserved - Undesignated { 4 months operations }		15,050,138					 15,050,138
Total Fund Balance	\$	23,619,492					\$ 23,619,492

CITY OF TEMPLE, TEXAS SCHEDULE OF EXPENDITURES OF FEDERAL AND STATE AWARDS For the nine months ended June 30, 2011

Federal/State Grantor Agency or Pass-Through Program Title	Federal CFDA Number	Grant Number	Program or Award Amount	Program Expenditures	
Federal Assistance:					
U.S. Department of H.U.D.					
CDBG 2010	14.218	B-10-MC-48-0021	\$ 559,603	\$-	
CDBG 2009	14.218	B-09-MC-48-0021	515,508	354,526	
CDBG - R (American Recovery and Reinvestment Act)	14.253	B-09-MY-48-0021 B-08-SP-TX-0566	136,673	-	
EDI - Special Purpose Grant - Hawn Hotel	14.251	B-08-5P-1X-0566	137,200	<u>137,011</u> 491,537	
U.S.Department of Education					
Temple Independent School District:					
Safe Schools Healthy Students Initiative	84.184L	Q184L080238-09	77,207	57,727	
After School Centers for Education (ACE)	84.287	-	48,175	35,841	
				93,568	
U.S. Department of Energy					
Energy Efficiency and Conservation Block Grant	81.128	DE-SC0002958	593,200	111,734	
(American Recovery and Reinvestment Act)				111,734	
U.S. Department of Health and Human Services					
Texas A&M Health Science Center: CTxCARES Mini-Grant	93.135	1U48FP0010924	10,000	6 495	
	93.133	10401 F0010924	10,000	<u> </u>	
U.S. Department of Homeland Security					
Safe Adequate Fire and Emergency Response (SAFER)	97.083	EMW-2008-FF-00936	433,520	<u>91,020</u> 91,020	
Texas Department of Public Safety:				91,020	
Civil Defense	97.042	10TX-EMPG-1142	43,241	32,431	
				32,431	
Governor's Division of Emergency Management:	07.070	0000 00 T0 0004	00.000		
2009 State Homeland Security Program	97.073	2009-SS-T9-0064	20,000		
				123,451	
U.S. Department of Justice 2008 Bullet Proof Vests Grant	16.607	2009-DU-BX-08042182	20,635	_	
2010 Bullet Proof Vests Grant	16.607	2010-DU-BX-08042182	22,365	22.365	
	101007	2010 20 2/1000 12102	22,000	22,365	
Killeen Police Department:					
2009 Edward Byrne Memorial Justice Assistance Grant	16.738	2009-DJ-BX-1408	23,562	10,819	
2009 American Recovery and Reinvestment Act Edward					
Byrne Justice Assistance Grant	16.804	2009-SB-B-93128	92,568	-	
2010 Edward Byrne Memorial Justice Assistance Grant	16.738	2010-DJ-BX-0490	26,147	-	
				<u> </u>	
U.S. Department of Transportation				· · · ·	
Texas Department of Transportation:					
Safe Routes to School - Lakewood	20.205	0909-36-131	602,070	41,592	
Safe Routes to School - Bonham	20.205	0909-36-130	604,779	40,692	
Surface Transportation Enhancement Program (STEP)	20.205	0909-36-133	2,155,000	-	
Category 12 Pass-Through Financing	20.205	0320-06-001	20,000,000		
				82,284	

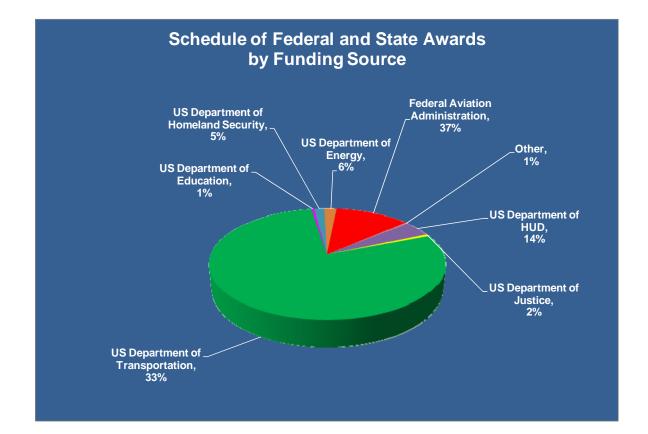
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Table II (Continued)

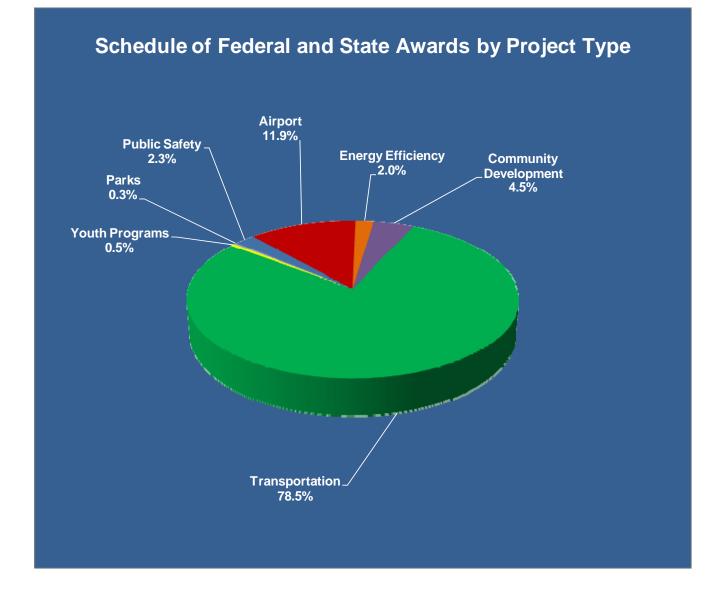
Federal/State Grantor Agency or Pass-Through Program Title	Federal CFDA Number	Grant Number	Program or Award Amount	Program Expenditures	
State Assistance:					
Texas Department of State Health Services Mayor's Council on Physical Fitness	-	-	\$ 79,914	\$ <u>33,087</u> 33,087	
Texas State Library & Archives Commission Loan Star Libraries Grant	-	442-06477	19,859	<u> </u>	
Total Federal and State Financial Assistance			\$ 26,221,226	\$ 992,466	
Grants Received Administered by State <u>Federal Aviation Administration</u> Airport Project Participation Grant - Runway 2-20	-	-	3,549,000		

Total Federal and State Financial Assistance

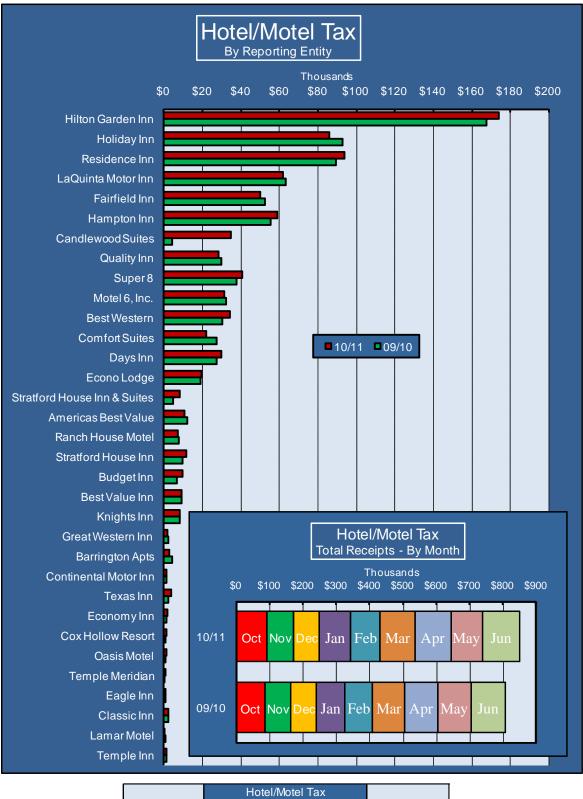
\$ 29,770,226



Public Safety	\$ 682,038
Airport	3,549,000
Energy Efficiency	593,200
Community Development	1,348,984
Transportation	23,361,849
Youth Programs	145,241
Parks	 89,914
	\$ 29,770,226



City of Temple, Texas Hotel/Motel Tax Receipts by Reporting Entity For the nine months ending June 30, 2011 & 2010

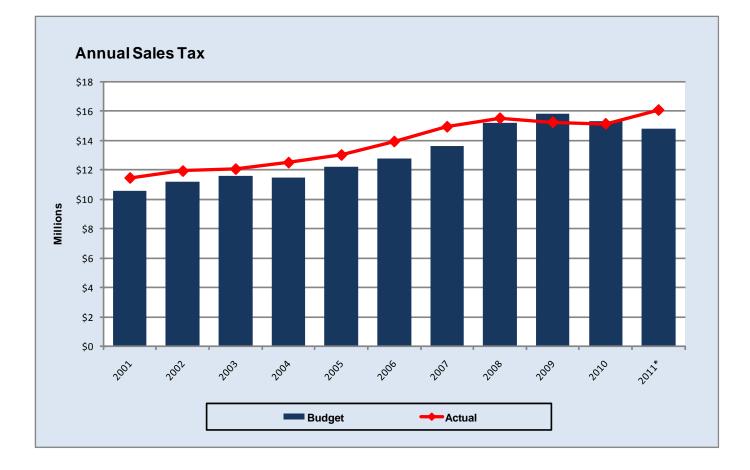


	Hotel/Mo		
Fiscal Year	Actual YTD	Budget	% of Budget
10/11	\$866,100	\$1,025,450	84.46%
09/10	\$804,644	\$990,500	81.24%

CITY OF TEMPLE, TEXAS Historical Sales Tax Revenue - By Month

								% Increase
	FY	FY	FY	FY	FY	FY	FY	(Decrease)
Month	05	06	07	08	09	10	11*	11 Vs. 10
Oct	\$ 1,285,767	\$ 1,362,652	\$ 1,487,129	\$ 1,419,096	\$ 1,485,778 \$	1,422,026	\$ 1,511,535	6.29%
Nov	920,873	967,050	1,014,056	1,155,106	1,165,941	1,070,438	1,128,208	5.40%
Dec	909,014	977,379	1,236,183	1,234,613	1,113,925	1,055,403	1,165,367	10.42%
Jan	1,547,382	1,604,189	1,646,644	1,748,932	1,691,046	1,724,078	1,797,063	4.23%
Feb	911,458	973,333	1,020,046	1,105,271	1,094,010	1,085,180	1,059,335	-2.38%
Mar	870,746	1,029,374	962,661	1,051,732	1,054,277	1,051,792	1,284,123	22.09%
Apr	1,372,438	1,426,578	1,494,007	1,460,754	1,509,532	1,593,190	1,599,804	0.42%
May	940,709	1,021,650	1,075,166	1,129,422	1,212,407	1,153,658	1,223,805	6.08%
Jun	920,525	1,086,355	1,173,450	1,206,717	1,099,533	1,138,979	1,182,645	3.83%
Jul	1,397,700	1,242,117	1,426,977	1,614,365	1,550,197	1,546,654	1,679,085	8.56%
Aug	962,688	1,095,407	1,235,561	1,221,187	1,158,194	1,125,091	1,194,284	6.15%
Sept	982,943	1,148,136	1,161,746	1,163,717	1,103,971	1,167,649	1,239,459	6.15%
	\$ 13,022,243	\$ 13,934,218	\$ 14,933,627	\$ 15,510,913	\$ 15,238,812 \$	15,134,138	\$ 16,064,714	6.15%
Annual:								
\$Increase	\$ 513,453	\$ 911,975	\$ 999,409	\$ 577,286	\$ (272,101) \$	(104,674)	\$ 930,576	
% Increase	 4.10%	7.00%	7.17%	3.87%	-1.75%	-0.69%	6.15%	-

* forecasted as of 09/30/11



City of Temple, Texas Parks Escrow Deposits - By Addition Name June 30, 2011

·	Total						
Addition	Date of	Amount of	Expenditures/	Balance			
Name	Deposit	Deposit	Refunds	6/30/2011			
	-						
Bell Addition	08/13/97	\$ 450.00	\$ -	\$ 450.00 ²			
Stewart Acres	03/31/99	900.00	-	900.00			
Colwell	03/31/99	2,250.00	-	2,250.00			
Morgan - Morris	10/19/01	225.00	-	225.00			
Shafer-Tietje	10/16/03	225.00	-	225.00			
Alford	11/06/03	450.00	-	450.00			
Chesser-Pitrucha	02/05/04	450.00	-	450.00			
Simpson	03/05/04	225.00	-	225.00			
Ditzler	07/09/04	225.00	-	225.00			
Lantana I	11/12/04	675.00	-	675.00 ²			
Avanti	11/22/04	450.00	-	450.00 ²			
Okun	05/17/05	675.00	-	675.00			
Jupiter	05/26/05	675.00	225.00	450.00 ²			
Meadow Bend I & II	07/08/05	26,662.50	-	26,662.50			
Lantana II	10/03/05	2,391.80	-	2,391.80 ²			
Willow Grove	10/12/05	225.00	-	225.00			
Hidden Meadow Ranch	11/23/05	1,350.00	-	1,350.00			
Country Lane	12/21/05	11,475.00	-	11,475.00			
Northcliff Phase VIII	01/27/06	3,375.00	-	3,375.00			
Berry Creek	03/17/06	450.00	-	450.00			
Krasivi	04/13/06	900.00	-	900.00			
Todd's	06/05/06	900.00	-	900.00 ²			
Bluebonnet Meadows	08/21/06	2,025.00	-	2,025.00			
Pecan Pointe Apts.	09/29/06	26,100.00	-	26,100.00			
Lantana I	10/10/06	675.00	-	675.00 ²			
Lantana II	10/10/06	1,575.00	-	1,575.00 ²			
Grand Reserve	01/23/07	11,475.00	-	11,475.00			
Creeks at Deerfield	03/16/07	6,525.00	-	6,525.00			
Westwood III	08/24/07	1,125.00	-	1,125.00 ²			
Saulsbury I	09/20/07	675.00	-	675.00 ²			
Lantana II	10/03/07	1,350.00	-	1,350.00 ²			
Chappell Hill II	10/03/07	5,400.00	-	5,400.00 ²			
Meadow Oaks	11/05/07	225.00	-	225.00 ²			
Saulsbury II	11/05/07	1,350.00	-	1,350.00 ²			
Eagle Oaks at the Lake III	02/14/08	4,725.00	-	4,725.00			
Clark	02/14/08	225.00	-	225.00			

(Continued)

City of Temple, Texas Parks Escrow Deposits - By Addition Name June 30, 2011

Table VI (Continued)

	Total							
Addition	Date of	Amount of	Expenditures/	Balance 6/30/2011				
Name	Deposit	Deposit	Refunds					
Las Colinas	02/25/08	\$ 9,000.00	\$-	\$ 9,000.00				
Misty Creek	02/23/08	\$ 9,000.00 5,400.00	φ -	\$				
Downs First I	02/27/08	1,125.00	-	1,125.00				
Saulsbury IV	09/25/08	1,125.00	-	1,125.00				
			-	1,000.00				
Residences at D'Anotini's #2	03/10/09	11,475.00	-	11,475.00				
Addison	04/07/09	450.00	-	430.00				
Country Lane III	05/07/09	7,200.00	-	7,200.00				
Westfield III	06/24/09	12,150.00	-	12,150.00				
Scallions	08/18/09	900.00	-	900.00				
Overlook Ridge Estates	11/13/09	3,375.00	-	3,375.00				
Village of Sage Meadows II	11/19/09	5,625.00	-	5,625.00				
Creeks at Deerfield	01/13/10	4,050.00	-	4,050.00				
Hamby	06/11/10	225.00	-	225.00				
Saulsbury V	06/24/10	900.00	-	900.00				
Village of Sage Meadows IV	08/16/10	10,800.00	-	10,800.00				
Saulsbury VI	12/30/10	1,800.00	-	1,800.00				
Villa Andrea	02/07/11	450.00	-	450.00				
Fairways at Sammons	04/21/11	10,350.00	-	10,350.00				
Village of Sage Meadows V	06/22/11	7,650.00	-	7,650.00				
Accumulated Interest ¹		91,574.14	64,090.70	27,483.44				
	Total	\$ 305,353.44	\$ 64,315.70	\$ 241,037.74				

Notes:

- 1. In response to an opinion from the City Attorney's Office, the interest earnings will no longer be added to each individual deposit.
- 2. Funds are appropriated for various park improvements.

Park escrow funds may be used only for land acquisition or development of a neighborhood park located within the same area as the development or in close proximity to the development. Land acquisition or development costs include but are not limited to land purchases; design and construction of landscaping, utilities, structures, sidewalks and trails; and purchase and installation of new equipment such as playscapes, outdoor furniture and lighting fixtures. Park escrow funds may not be used for costs of operation, maintenance, repair or replacement. Funds designated for development of an existing neighborhood park must be spent within two years from receipt. Funds designated for land acquisition and development of a new neighborhood park must be spent within five years from receipt.

City of Temple, Texas Redevelopment Grants and Incentive Programs within Strategic Investment Zones (SIZ) As of June 30, 2011

Contract/ Council Award Date	sil		Original Match Amount		ctual City Match	Expiration Date	Payment Date	Improvement Status	Improvement Description			
5/19/2011	Temple Pro Ventures Commercial, LP	\$	30,000	\$	30,000	12/31/2012		In Progress	Utility Relocation			
5/19/2011	Brothers Empire LLC	\$	30,000	\$	30,000	12/31/2011		In Progress	Façade impr,sidewalk,sign,demolition			
3/17/2011	Victor D. Turley, P.E., R.P.L.S.	\$	9,985	\$	9,985	9/20/2011		In Progress	Upgrade fencing			
11/4/2010	James & Jana Warren (JS Auto Sales)- 1217 W Ave H	\$	29,500	\$	29,500	10/30/2011		In Progress	Facade, Landscaping, Sign, Irrigation & Demolition			
11/4/2010	James & Jana Warren (JS Auto Sales)-807 S 25th Street	\$	5,000	\$	5,000	10/30/2011	1/28/2011	Complete	Residential Improvements for 807 S. 25th Street			
10/21/2010	Jimmy Palasota	\$	27,500	\$	27,500	7/31/2011		In Progress	Facade, Landscaping & Sign			
10/7/2010	Temple G2K Development	\$	35,250	\$	35,250	12/31/2011		In Progress	Facade, Sidewalks & Landscaping			
4/7/2011	Strasburger Enterprises	\$	22,500	\$	22,500	10/1/2011		In Progress	Landscaping, Sidewalks & Tree Grates			
5/20/2010	First Finance & Furniture	\$	22,500	\$	14,794	5/30/2011	10/15/2010	Complete	Facade, Sign & Demolition			
5/20/2010	James Fertsch-12 E Central	\$	28,500	\$	19,993	5/30/2011	7/23/2010	Complete	Facade, Sidewalks, Asbestos Survey & Demolition			
5/20/2010	James Fertsch-14 E Central	\$	28,500	\$	25,215	5/30/2011	1/7/2011	Complete	Facade, Sidewalks, Asbestos Survey & Demolition			
2/4/2010	Jorge and Candice Vasquez	\$	10,000	\$	10,000	5/30/2010	3/19/2010	Complete	Facade Improvements			
11/19/2009	Kelum Pelwatta (EZ Tire)	\$	39,700	\$	35,000	4/30/2011		In Progress	Facade, Landscaping & Sidewalks			
	Pops Tree Farm			\$	1,645	N/A	8/20/2010	Complete	Trees			
	BJS Park & Recreation Products			\$	3,165	N/A	5/28/2010	Complete	Tree Grates			
9/17/2009	J&S Central Texas Investments	\$	5,000	\$	4,900	5/31/2010	6/25/2010	Complete	Residential Improvements for 819 S. 5th			
9/17/2009	J&S Central Texas Investments	\$	13,500	\$	10,000	11/1/2010	9/3/2010	Complete	Facade & Landscaping			
4/7/2011	Rudy & Karen Gonzales (In The Mood Ballroom)	\$	15,000	\$	15,000	12/31/2011		In Progress	Facade Improvements			
7/13/2009	Don's Medical	\$	14,400	\$	12,457	12/31/2009	2/26/2010	Complete	Facade & Landscaping			
7/13/2009	Texquest Investments LLC	\$	44,000	\$	42,050	3/31/2010	2/26/2010	Complete	Facade, Landscaping, Monument Sign, Asbestos Survey/Removal & Sidewalks			
6/29/2009	The Wallace Group	\$	2,332	\$	2,332	N/A	10/23/2009	Complete	S. 1st Street Drainage Study			
3/26/2009	JZI Primetime LLC (Pool's Grocery)	\$	23,877	\$	20,198	12/31/2009	8/21/2009	Complete	Facade, Landscaping & Sidewalks			
2/24/2009	The Wallace Group	\$	1,668	\$	1,668	N/A	3/13/2009	Complete	Drainage Study			



Budget Allocation Summary							
FY 2008	\$	85,000					
FY 2009	\$	85,000					
FY 2010	\$	95,714					
FY 2011	\$	142,437					
Committed/Encumbered/Pending	\$	(408,151)					
Remaining Funds	\$	-					

Quarterly Financial Statements – for nine months ended 06.30.2011



RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE THIRD QUARTER FINANCIAL RESULTS FOR FISCAL YEAR 2011; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the third quarter 2011 fiscal year financial results need to be approved by the City Council;

Whereas, included in the third quarter results are various schedules detailing grants, sales tax, capital projects and investments; and

Whereas, the City Council deems it in the public interest to authorize this action.

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

<u>**Part 1**</u>: The City Council approves the third quarter 2011 fiscal year financial results, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED this the **18th** day of **August**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger City Secretary

Jonathan Graham City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/18/11 Item #5(O) 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 2010-2011.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2010-2011 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$64,339.

ATTACHMENTS:

Budget amendments Resolution

		CITY OF TEMPLE				
		BUDGET AMENDMENTS FOR FY 2011 BUDGET				
		August 18, 2011				
			APPROP		IONS	
ACCOUNT #	PROJECT #	DESCRIPTION		Debit	(Credit
110-2011-521-2516		Judgments & Damages (Police)	\$	180	•	400
110-1500-515-6531		Contingency - Judgments & Damages			\$	180
		Settlement of claim filed against the City seeking reimbursement for replace of a metal post base for a porch in front of claimant's home at 5127 Airport that was struck by a police vehicle on July 14, 2011, when several patrol ca parked on her property for purposes of pursuing a suspect in a theft case.	Frail			
110-2100-529-1119		Overtime (Animal Services)	\$	3,000		
110-2100-529-2110		Office Supplies	\$	2,500		
110-2100-529-2220		Machinery & Equipment	\$	1,500		
110-2100-529-2221		Computer Equipment	\$	2,000		
110-0000-461-0841		Donations/Gifts	Ŧ	_,	\$	9,000
		This budget adjustment recognizes donations for Animal Services and appropriates these funds to purchase a new trailer, unexpected overtime, a computer for the volunteer coordinator, and additional office supplies/ organizers.				
110-2232-522-2116		Supplies & Tools (Fire)	\$	3,015	<u>^</u>	
110-0000-442-1630		Fire Department Revenue			\$	3,015
		This budget adjustment recognizes reimbursement from Haz-Mat incidents and appropriates the expenditures to replace the Haz-Mat supplies and equipment used during the incidents.				
110-3293-551-2120		Education/Recreation (Recreation - Athletic Contest)	\$	1,653		
110-3293-551-2112		Food Items/Supplies	\$	441		
110-3293-551-2623		Other Contract Services	\$	910		
110-3293-551-2514		Travel & Training	\$	174		
110-3293-551-2515		Dues & Subscriptions	\$	2,560		
110-0000-445-1590		Special Events/Classes			\$	5,738
		Additional funds are needed to cover the costs associated with the TAAF Re Track Meet that took place in July. Revenues from the track meet will cover expenditures.		5		
110-3400-531-2316		Streets & Alleys (Street Department)	\$	10,000		
110-0000-443-0811		W&S Street Repair			\$	10,000
		This budget adjustment recognizes an additional \$10,000 in revenue for Water & Sewer Street Repair and appropriates \$10,000 to the Streets & Alley account for increase in asphalt purchases.				
110-3900-533-2516		Judgments & Damages	\$	1,406		
110-0000-461-0554		Insurance Claims	Ŧ	., 100	\$	1,406
		This budget adjustment recognizes a reimbursement from a claim by the Cir of Temple for damage to a Public Works - Engineering vehicle on May 5, 20 Expense is being appropriates to the Judgments & Damages account for the Engineering Department.	11.			

		CITY OF TEMPLE				
		BUDGET AMENDMENTS FOR FY 2011 BUDGET				
		August 18, 2011				
				APPROF		
ACCOUNT #	PROJECT #	DESCRIPTION		Debit		Credit
110-0000-352-1345 110-0000-352-1345		Designated Capital Projects - THA 2012 Grant Match Designated Capital Projects - Unallocated	\$	35,000	\$	35,000
110-0000-332-1343					Ψ	33,000
		This budget adjustment designates \$35,000 for the Down Payment Assistar grant match for the affordable housing program through the Central Texas Housing Consortium for FY 2012. This will fund \$10,000 for four (4) homebrat \$2,500 each for the In-house Homeownership Program. This will also fur the match for the TDHCA grant to be submitted during the summer of 2011 \$25,000 to fund ten (10) homebuyers at \$2,500 each.	uyers nd	3		
		TOTAL AMENDMENTS	\$	64,339)\$	64,33
		GENERAL FUND				
		Beginning Contingency Balance			\$	
		Added to Contingency Sweep Account			\$ \$ \$	
		Carry forward from Prior Year Taken From Contingency			\$ \$	
		Net Balance of Contingency Account			\$	
					<u> </u>	
		Beginning Judgments & Damages Contingency			\$	80,00
		Added to Contingency Judgments & Damages from Council Contingency			\$	<i>(</i>
		Taken From Judgments & Damages			\$	(79,50
		Net Balance of Judgments & Damages Contingency Account			\$	49
		Beginning Fuel Contingency			\$	55,84
		Added to Fuel Contingency			\$	00,01
		Taken From Fuel Contingency			\$	
		Net Balance of Fuel Contingency Account			\$	55,84
		Reginning Solf Insurance Start I In Cost Contingency			¢	600 75
		Beginning Self Insurance Start Up Cost Contingency Added to Self Insurance Start Up Cost Contingency			\$ \$	628,75
		Taken From Self Insurance Start Up Cost Contingency			\$	(628,75
		Net Balance of Self Insurance Start Up Cost Contingency Account			\$	(020,10
		Net Balance Council Contingency			\$	56,33
		Beginning Balance Budget Sweep Contingency			\$	
		Added to Budget Sweep Contingency			\$	
		Taken From Budget Sweep Net Balance of Budget Sweep Contingency Account			\$ \$	
		The balance of budget oweep contingency Account			φ	
		WATER & SEWER FUND				
		Beginning Contingency Balance			\$	50,00
		Added to Contingency Sweep Account			\$	(26.24
		Taken From Contingency Net Balance of Contingency Account			\$ \$	(26,34 23,65
		Beginning Self Insurance Start Up Cost Contingency			¢	100,36
		Added to Self Insurance Start Up Cost Contingency			\$ \$	100,30
		Taken From Self Insurance Start Up Cost Contingency			\$	(100,36
		Net Balance of Self Insurance Start Up Cost Contingency Account			\$	
		Not Polonoo Water & Source Find Contingenery			¢	00.05
		Net Balance Water & Sewer Fund Contingency			\$	23,65

ſ				
		CITY OF TEMPLE		
		BUDGET AMENDMENTS FOR FY 2011 BUDGET		
		August 18, 2011		
		APPROP	RIA1	
ACCOUNT #	PROJECT #	DESCRIPTION Debit		Credit
		HOTEL/MOTEL TAX FUND		
		Beginning Self Insurance Start Up Cost Contingency	\$	10,968
		Added to Self Insurance Start Up Cost Contingency	\$	-
		Taken From Self Insurance Start Up Cost Contingency	\$	(10,968)
		Net Balance of Self Insurance Start Up Cost Contingency Account	\$	-
		DRAINAGE FUND		
		Beginning Self Insurance Start Up Cost Contingency	\$	9,911
		Added to Self Insurance Start Up Cost Contingency	ŝ	- 0,011
		Taken From Self Insurance Start Up Cost Contingency	ŝ	(9,911)
		Net Balance of Self Insurance Start Up Cost Contingency Account	\$	-
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$	2,284
		Carry forward from Prior Year	\$	25,229
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(27,513)
		Net Balance of Contingency Account	\$	-

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2010-2011 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on the 2nd day of September, 2010, the City Council approved a budget for the 2010-2011 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2010-2011 City Budget.

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

<u>**Part 1**</u>: The City Council approves amending the 2010-2011 City Budget by adopting the budget amendments which are more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED this the **18th** day of **August**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

ATTEST:

Clydette Entzminger City Secretary Jonathan Graham City Attorney



08/18/11 Item #6 Regular Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – A-FY-11-06: Consider adopting an ordinance abandoning 245.70 feet of West Irvin Avenue with an 80-foot right-of-way, between North 33rd Street and North 31st Street, located between the north portions of Lots 1 and 2, Block 1 and the south portions of Lots 1 and 2, Block 3 of Keaton Addition; and reserving a public drainage and utility easement in the entire abandoned right-of-way.

<u>STAFF RECOMMENDATION</u>: Conduct public hearing and adopt ordinance as presented, on first reading, and schedule second reading and final adoption for September 1, 2011.

ITEM SUMMARY: This item was presented for first reading and public hearing before the City Council on August 4th, 2011. An abutting property owner to the north may be interested in purchasing his adjacent half of the subject right-of-way. The representative for the abutting owner was out of town on August 4th so the abutting owner requested, and the City Council approved, tabling of the requested abandonment until August 18th, 2011.

The applicant, TomJack Investments, requests this street abandonment to allow the enlargement of its business at 820 North 31st Street. If approved, TomJack Investments plans to use the abandoned right-of-way for a storage yard and driveway. This portion of West Irvin Avenue is unimproved, as well as North 33rd Street.

Planning staff contacted all utility providers, including all divisions of the Public Works Department, the Fire Department, and Police Department regarding the proposed street abandonment. There are no objections to the abandonment request, but a public drainage and utility easement is needed to protect existing utilities in the right-of-way.

<u>FISCAL IMPACT</u>: If approved, both abutting property owners will be allowed to purchase their half of the abandoned right-of-way, which has a total fair market value of \$11,000. As of Tuesday, August 9th, 2011, the adjacent property owner to the north does not oppose the requested abandonment but is not ready to relinquish his right to purchase his half (40') of the abandoned right-of-way, if approved.

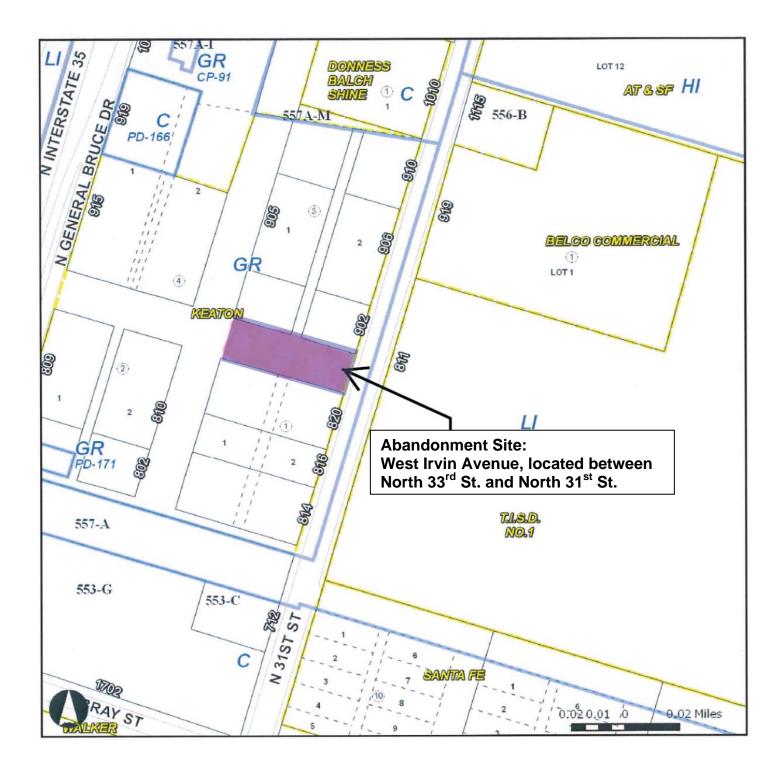
08/18/11 Item #6 Regular Agenda Page 2 of 2

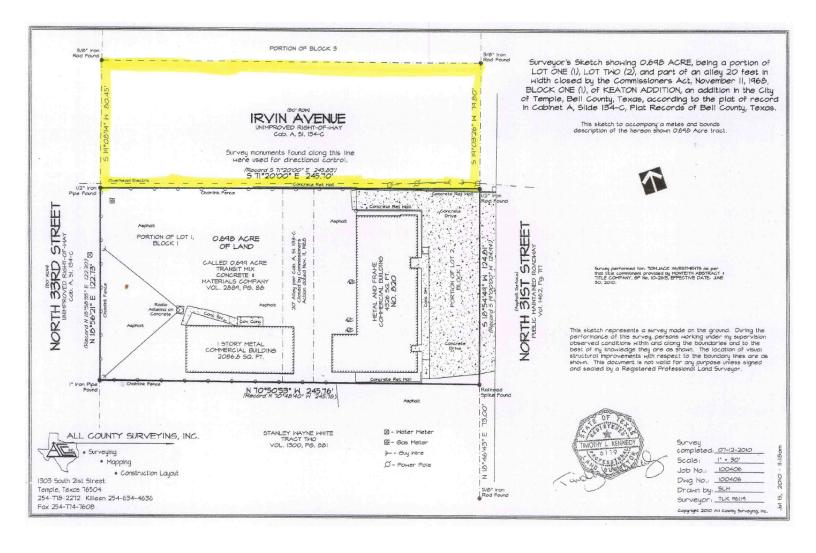
ATTACHMENTS: Aerial

Aerial Vicinity Map Survey Ordinance

City of Temple







ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ABANDONING 245.70 FEET OF WEST IRVIN AVENUE WITH AN 80-FOOT RIGHT-OF-WAY, BETWEEN NORTH 33RD STREET AND NORTH 31ST STREET, LOCATED BETWEEN THE NORTH PORTIONS OF LOTS 1 AND 2, BLOCK 1 AND THE SOUTH PORTIONS OF LOTS 1 AND 2, BLOCK 3, KEATON ADDITION; RESERVING A PUBLIC DRAINAGE AND UTILITY EASEMENT IN THE ENTIRE ABANDONED RIGHT-OF-WAY; DECLARING FINDINGS OF FACT; AUTHORIZING CONVEYANCE OF SUCH PROPERTY BY A DEED WITHOUT WARRANTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has a request from TomJack Investments to abandon 245.70 feet of West Irvin Avenue with an 80-foot right-of-way, between North 33rd Street and North 31st Street, located between the north portions of Lots 1 and 2, Block 1 and the south portions of Lots 1 and 2, Block 3 of Keaton Addition;

Whereas, the City and other public utility providers need to retain a public drainage and utility easement throughout the road proposed to be abandoned;

Whereas, the road is not necessary for the purpose of serving the general public or the owners of adjacent land for purposes of vehicular access; and

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

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

Part 1: The City Council abandons 245.70 feet of West Irvin Avenue with an 80-foot right-of-way, between North 33rd Street and North 31st Street, located between the north portions of Lots 1 and 2, Block 1 and the south portions of Lots 1 and 2, Block 3 of Keaton Addition, more fully described by metes and bounds contained in field notes in Exhibit A, attached hereto for all purposes, and reserves a public drainage and utility easement in the entire abandoned right-of-way.

<u>**Part 2**</u>: The City Council authorizes the Mayor of the City of Temple, Texas, for the consideration set out in Part 3, to execute a Deed Without Warranty conveying the rights and interests of the City of Temple, Texas, to the abutting property owners, reserving a public drainage and utility easement in the entire abandoned right-of-way, which when done, shall be and become a binding act and deed of the City of Temple.

Part 3: As consideration for the conveyance described in Part 2 hereof, the abutting property owners shall pay, proportionately, to the City of Temple the fair market value of \$11,000.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 4th day of August, 2011.

PASSED AND APPROVED on Second Reading the **18th** day of **August**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

ATTEST:

Clydette Entzminger City Secretary

Jonathan Graham City Attorney

STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the _____ day of August, 2011, by WILLIAM A. JONES, III, Mayor of the City of Temple, Texas.

Notary Public, State of Texas



08/18/11 Item #7 Regular Agenda Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-11-36: Consider adopting an ordinance authorizing a zoning change from General Retail District (GR) to Multiple Family Three (MF-3) on 12.15 ± acres of land, located on the west side of Hilliard Road, 1,095 ± feet from the intersection of West Adams Avenue and Hilliard Road.

<u>P&Z COMMISSION RECOMMENDATION</u>: At its June 18, 2011 meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation to recommend approval of a rezoning from GR to MF-2.

Commissioners Rhoads and Sears were absent.

<u>STAFF RECOMMENDATION</u>: Conduct a public hearing and adopt ordinance, as presented in item description, on first reading, and schedule second reading and final adoption for September 1, 2011.

Staff recommends approval of a rezoning to MF-2 instead of the applicant's requested MF-3 district for the following reasons:

- 1. The request is compatible with the Future Land Use and Character Map;
- 2. The request complies with the Thoroughfare Plan Map; and
- 3. Public facilities are available to serve the property.
- 4. The MF-2 District is more appropriate for the adjacent single-family homes in terms of potential density and maximum height as compared to the applicant's requested MF-3 District.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-11-36, from the Planning and Zoning Commission meeting, July 18, 2011. Hilliard Corner Partners originally requested a rezoning to Multiple Family Three (MF-3) to allow apartments at the northern edge of their proposed retail development. The property's current General Retail District (GR) does not allow apartments.

During the Planning and Zoning Commission meeting, the applicants expressed agreement with staff's recommendation for a rezoning to MF-2 instead of MF-3 because it will not hinder their development plans.

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?
СР	Map 3.1 - Future Land Use and Character	Yes
	Map 5.2 - Thoroughfare Plan	Yes
	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities.	Yes
	Land Use Policy 9 – New development or redevelopment on infill parcels in developed areas should maintain compatibility with existing uses and the prevailing land use pattern in the area.	Yes
STP	Page F5- A City-wide spine trail is shown along Hilliard Road. There is an existing sidewalk along the east right- of-way of Hilliard Road.	Yes

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

Future Land Use and Character (Cp Map 3.1)

The Future Land Use and Character Map reflects Suburban Commercial for the subject property. Suburban Commercial is appropriate for office, retail, and services uses adjacent to and abutting residential neighborhoods and in other areas where the community's image and aesthetic value is to be promoted, such as at gateways and high-profile corridor locations. The Choices '08 Comprehensive Plan states "Suburban Commercial development can be characterized by extensive landscaping and/or open space". Apartments are acceptable in this future land use and character designation because they have both residential and commercial aspects due to their coordinated landscaping, signs and parking.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan classifies Hilliard Road as a major arterial. Through the platting process, the applicant is proposing the creation of a local street along the southern edge of the requested rezoning. Both are appropriate for apartment traffic.

Availability of Public Facilities (CP Goal 4.1)

Water and sewer lines are available in the area to serve this property. There is an 18-inch water line in the Hilliard Road right-of-way and an 8-inch water line to the west of the property along Honeysuckle Drive. There are 6-inch and 8-inch sewer lines near the west property line.

DEVELOPMENT REGULATIONS:

The property's current General Retail District (GR) has a maximum height limitation of three stories. The **MF-3 zoning district** permits conventional and high density high rise apartment development from 5 to 10 stories allowing approximately 40 units per acre. Other permitted uses include boarding house, hotel or motel and home for the aged. The size of the subject property could allow approximately 256 units with MF-3 zoning. With the Staff recommended MF-2, the subject property would allow approximately 155 units.

The purpose statement for the MF-3 zoning district in the Unified Development Code states that the district is utilized in areas intended for high intensity uses. Located along major arterials for direct vehicular access, this district is suitable near major employment centers, the downtown urban core and other high intensity areas.

For the sake of compatibility in intensity, staff recommends the MF-2 zoning district for the subject property. The applicant is aware of this recommendation and does not object.

PUBLIC NOTICE:

Staff mailed notices of the Planning and Zoning Commission's public hearing to the eight property owners within the 200-foot radius surrounding the rezoning site. As of Wednesday, July 27, 2011 at 2:00 PM, no notices were returned in favor of the request and one was returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on July 7, 2011 in accordance with state law and local ordinance

FISCAL IMPACT: NA

ATTACHMENTS:

Aerial Land Use and Character Map Zoning Map Utility Map Thoroughfare Plan Map Notice Map P&Z Staff Report (Z-FY-11-36) P&Z Minutes (7/18/11) Ordinance

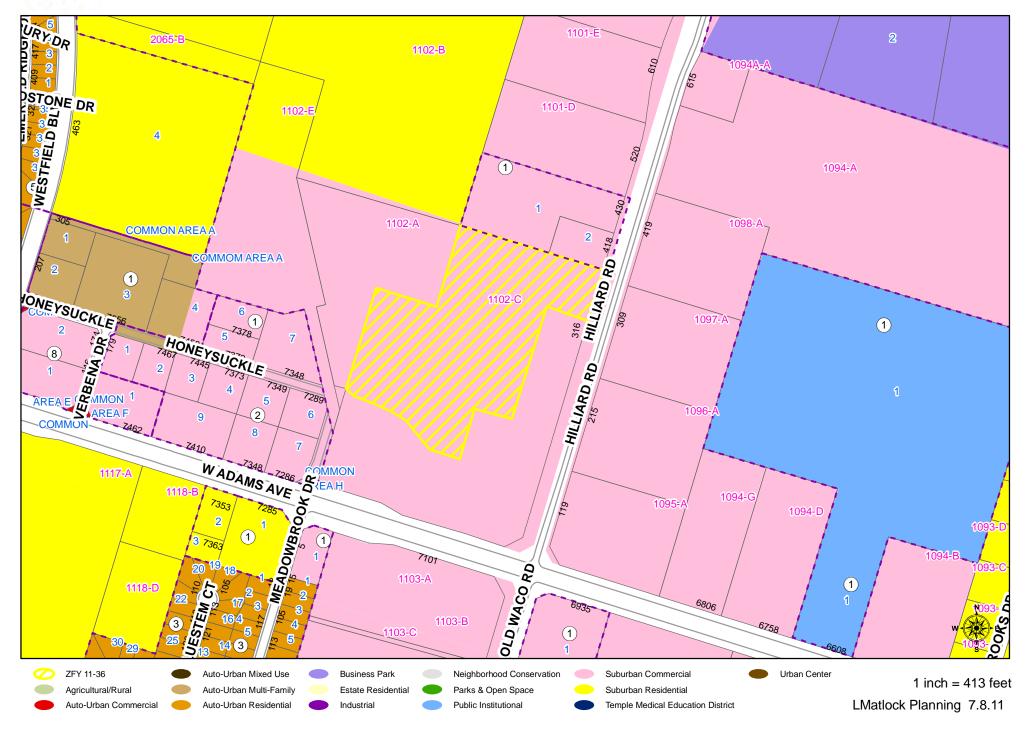


Portion of Outblock 1102-C, Northwest of Hillard Road & W. Adams Avenue



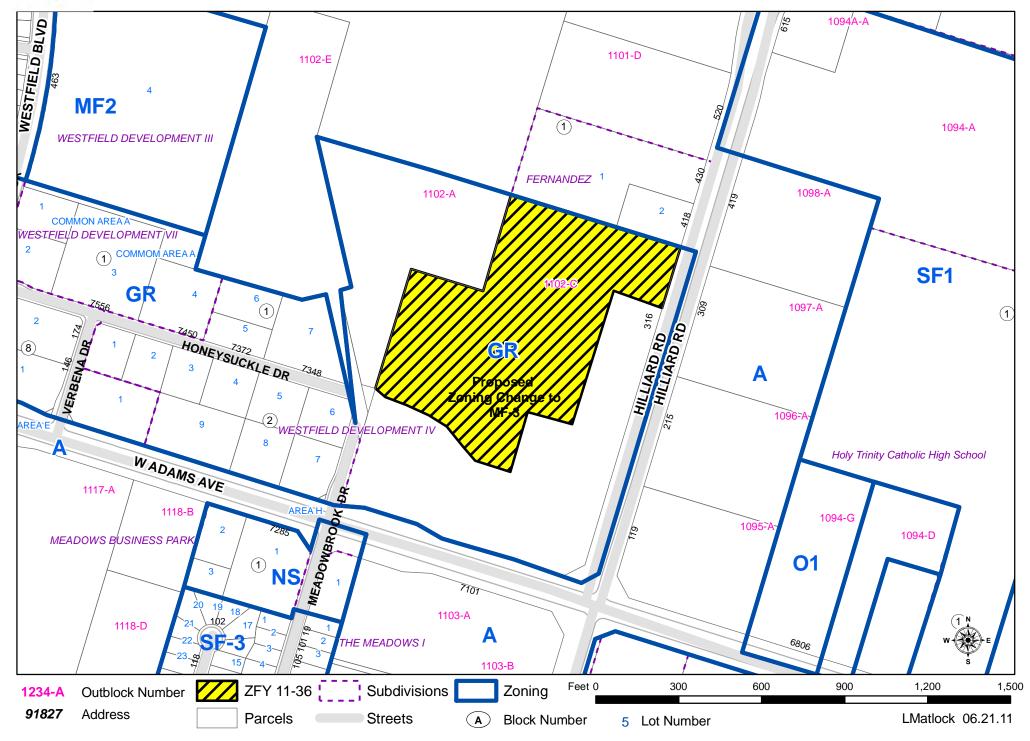


Portion of Outblock 1102-C Northwest of Hilliard Road & W. Adams Avenue



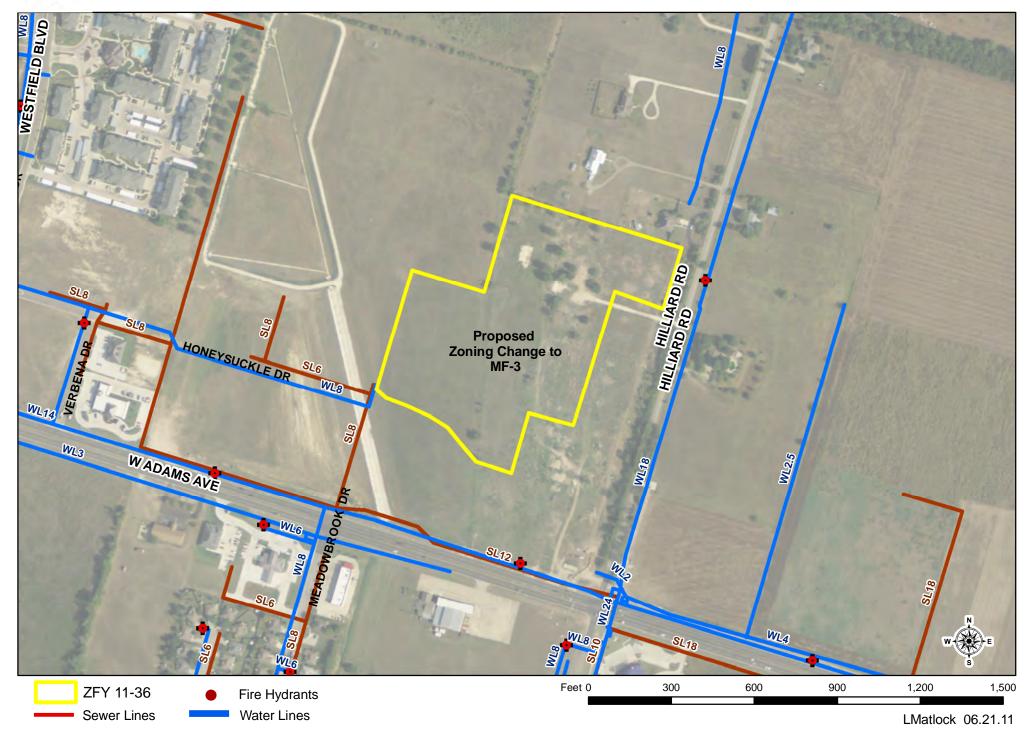


Portion of Outblock 1102-C, Northwest of Hillard Road & W. Adams Avenue



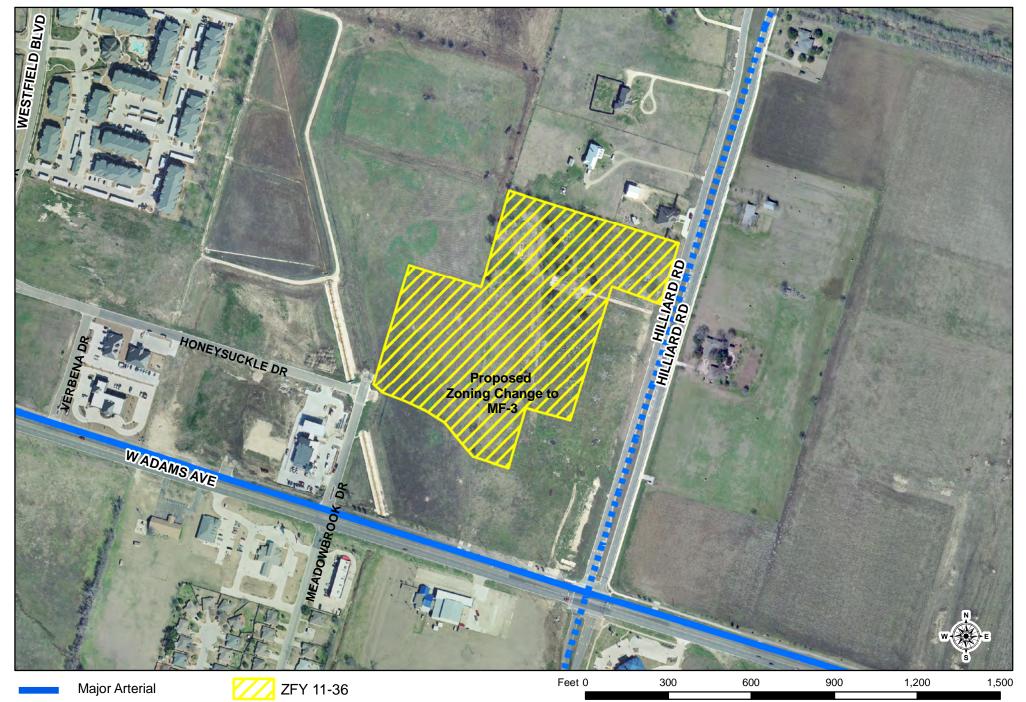


Portion of Outblock 1102-C, Northwest of Hillard Road & W. Adams Avenue



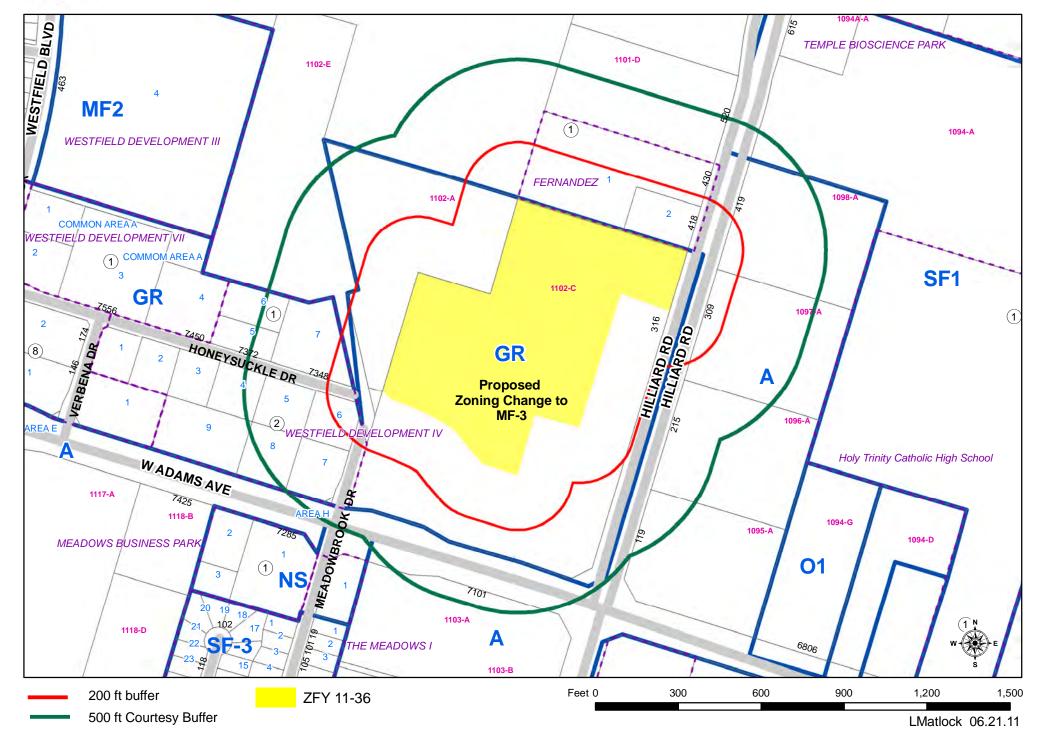


Portion of Outblock 1102-C, Northwest of Hillard Road & W. Adams Avenue





Portion of Outblock 1102-C, Northwest of Hillard Road & W. Adams Avenue



PLANNING AND ZONING COMMISSION AGENDA ITEM

7/18/11 Item #7 Regular Agenda Page 1 of 6

APPLICANT / DEVELOPMENT: Hilliard Corner Partners

CASE MANAGER: Tammy Lyerly, Planner

ITEM DESCRIPTION: Z-FY-11-36 Hold a public hearing to discuss and recommend action on a rezoning from General Retail (GR) to Multiple Family Three (MF3) on 12.15 ± acres of land, located on the west side of Hilliard Road, 1,095 ± feet from the intersection of West Adams Avenue and Hilliard Road.

BACKGROUND: Hilliard Corner Partners request a zone change to Multiple Family Three (MF3) to allow apartments at the northern edge of their proposed retail development. They are currently going through the platting process for a preliminary plat known as Hilliard Crossing (P-FY 11-38). The UDC does not allow apartments in the property's current General Retail District (GR), but it does allow apartments in the requested MF3 District.

SURROUNDING PROPERTY AND USES:

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

Direction	Zoning	Current Land Use	Photo
Subject Property	GR	Undeveloped Land	<complex-block></complex-block>

Direction	Zoning	Current Land Use	Photo
North	AG	Residential	
South	GR	Undeveloped Land	
East	AG	Agricultural and Residential	

Direction	Zoning	Current Land Use	Photo
West	GR	Undeveloped land/	
west	GK	and a Bank	

<u>COMPREHENSIVE PLAN COMPLIANCE:</u> The proposed Planned Development amendment relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan:

Document	Policy, Goal, Objective or Map	Compliance?
СР	Map 3.1 - Future Land Use and Character	Yes
	Map 5.2 - Thoroughfare Plan	Yes
	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities.	Yes
	Land Use Policy 9 – New development or redevelopment on infill parcels in developed areas should maintain compatibility with existing uses and the prevailing land use pattern in the area.	Yes
STP	Page F5- A City-wide spine trail is shown along Hilliard Road. There is an existing sidewalk along the east right-of-way of Hilliard Road.	Yes

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

Future Land Use and Character (Cp Map 3.1)

The Future Land Use and Character Map reflects Suburban Commercial for the subject property. Suburban Commercial is appropriate for office, retail, and services uses adjacent to and abutting residential neighborhoods and in other areas where the community's image and aesthetic value is to be promoted, such as at "gateways" and high-profile corridor locations. The Choices '08 Comprehensive Plan states "Suburban Commercial development can be characterized by extensive landscaping and/or open space". To maintain the suburban character and achieve higher quality development, design standards should also be integrated into the zoning ordinance. Apartments have a residential and a commercial character due to their coordinated landscaping, signs and parking.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan classifies Hilliard Road as a major arterial. The applicant is proposing the creation of a local street along the southern edge of the requested MF3 District. Both are appropriate for apartment traffic.

Availability of Public Facilities (CP Goal 4.1)

Water and sewer lines are available in the area to serve this property. There is an 18-inch water line in the Hilliard Road right-of-way and an 8-inch water line to the west of the property along Honeysuckle Drive. There are 6-inch and 8-inch sewer lines near the west property line.

DEVELOPMENT REGULATIONS:

The MF-3 zoning district permits conventional and high density high rise apartment development from 5 to 10 stories allowing approximately 40 units per acre. Other permitted uses include boarding house, hotel or motel and home for the aged. The size of the subject property could allow approximately 256 units with MF-3 zoning. With the Staff recommended MF-2, the subject property would allow approximately 155 units.

The MF3 zoning district is utilized in areas intended for high intensity uses. Located along major arterials for direct vehicular access, this district is suitable near major employment centers, the downtown urban core and other high intensity areas. See the UDC charts below for minimum lot area and setback requirements for the MF-3 zoning district.

Type of Use	AG	UE	SF-I	SF-2	SF-3	SFA-I	SFA-2	SFA-3	TH	2F	MF-I	MF-2	MF-3	 0	0-2	NS	GR	CA	υ	5	н
Min. Lot Area (sq. ft.)											3,000	2,800	2,200		3,000			1,800			
Min. Lot Width (ft.)											60	60	60		60			60			
Min. Lot Depth (ft.)											120	120	120		120			120			
Min. Front Yard Setback(ft.)											25	25	25*		25*			See 4.4.4F.1.d*			
Min. Side Yard Setback(ft.)												See 5.3.3			See 5.3.3			See 5.3.3			
Min. Side (Corner)Yard Setback(ft.)											15	15	15		15*			15			
Min. Rear Yard Setback(ft.)											10	10	10		10			10			
Max. Building Coverage (%) for Rear Half of Lot												See 5.3.3			See 5.3.3			See 5.3.3			
Max. Height (stories)	py log	al Height r	ot prohi	hitod by a	othor law	· -	Lise pet	permitte	d NA	= 1 100 00	2 ermitted l	2	2*	not apply	2*	an Soc. 4	4 Maasu	2 urements and	Special (

4.5.5 **Multiple-Family Dwelling**, 1-2 Stories

4.5.6 Multiple-Family Dwelling, 3-4 Stories

Type of Use	AG	Ш	SF-I	SF-2	SF-3	SFA-I	SFA-2	SFA-3	Ŧ	2F	MF-1	MF-2	MF-3	0-1	0.2	NS	GR	ę	U	n	Ī
Min. Lot Area (sq. ft.)	-	1	er.	-		4	(+	-	*	-	-	2,500	2,000		2,000	(m)	-	600		/***	
Min. Lot Width (ft.)	-	4	-	-	-	4	-	-	4	-	-	60	60	+	60	-	2	60	4	-	2
Min. Lot Depth (ft.)	12	ад),	1	÷.	i a	4	2	4	a.	÷	æ.	120	120	-	120	40	-	120	44	- 4-	4
Min. Front Yard Setback(ft.)		-		-	-	-	-	-		~	-	25	25*	ų.	25*	-	-	See 4.4.4F.1.d*	~	-	-
Min. Side Yard Setback(ft.)		7		12-01	-	-			+	-		See	5.3.3		See 5.3.3	-	-	See 5.3.3	-		-
Min, Side (Corner)Yard Setback(ft.)		z	-	-	÷		-	-	2	2	÷	(5	15	+	15*	÷	2	15	÷.	÷	-
Min. Rear Yard Setback(ft.)		÷	-	-		-	-		÷	-	÷	10	10	+	10	-	1	10		-	-
Max. Building Coverage (%) for Rear Half of Lot		4		-		1	£ 1	1.1	4	-	-	See	5.3.3		See 5.3.3	÷	÷	See 5.3.3	÷.	÷	4
Max. Height (stories)	~	\sim	**	~	-	-	~	-	~	÷	~	4	4*		4*	÷	1	4	Å.	æ	-

ALH = Any Legal Height not prohibited by other laws -- = Use not permitted NA = Use permitted but standard does not apply * = See Sec. 4.4. Measurements and Special Case

								Sec. 4.5.		Z <mark>oning D</mark> al Dimensi		lards									
4.5.7	4.5.7 Multiple-Family Dwelling, 5-10 Stories																				
Type of Use	AG	B	SF-I	SF-2	SF-3	SFA-I	SFA-2	SFA-3	Ŧ	2F	MF-I	MF-2	MF-3	- o	0-2	NS	ß	CA	U	5	Ī
Min. Lot Area (sq. ft.)													1,700		1,700			1,700			
Min. Lot Width (ft.)													60		60			60			
Min. Lot Depth (ft.)													120		120			120			
Min. Front Yard Setback(ft.)													25*		25*			See 4.4.4F.1.d*			
Min. Side Yard Setback(ft.)													See 5.3.3		See 5.3.3			See 5.3.3			
Min. Side (Corner)Yard Setback(ft.)													15		15*			15			
Min. Rear Yard Setback(ft.)													10		10			10			
Max. Building Coverage (%) for Rear Half of Lot													See 5.3.3		See 5.3.3			See 5.3.3			
Max. Height (stories)													10*		10*			10			

As shown in the chart above, the applicant's requested MF-3 District has a maximum height limit of ten stories. The property's current General Retail District (GR) has a maximum height limitation of three stories, as shown in the following chart.

For the sake of compatibility in intensity, staff recommends the MF-2 zoning district for the subject property. The applicant is aware of this recommendation.

Sec. 4.6. Nonresidential Dimensional Standards

																	•••				
Type of Use	AG	IJ	SF-I	SF-2	SF-3	SFA-I	SFA-2	SFA-3	Ŧ	2F	MF-I	MF-2	MF-3	ö	0-7	NS	ម	CA	υ	⊐	Ī
Min. Lot Area (sq. ft.)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Min. Lot Width (ft.)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Min. Lot Depth (ft.)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Min. Front Yard Setback(ft.)	50	50	25	25	15	25	15	15	15	25	25	25	25	25	25*	15	15		See 4.4.4	F.I.d*	
Min. Side Yard Setback(ft.)	20	20	20	20	20	20	20	20	20	20	20	20	20	5	5*	10	10	0*	0*	0*	0*
Min. Side (Corner)Yard Setback(ft.)	15	15	15	15	15	15	15	15	15	15	15	15	15	15	10*	10	10	0*	10	10	10
Min. Rear Yard Setback(ft.)	10	10	10	10	10	10	10	10	10	10	10	10	10	0*	0*	0*	0*	0*	0*	0*	0*
Max. Building Coverage (%)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Max. Height (stories)	3	3	2	2 1/2	2 1/2	2 1/2	2 1/2	2 1/2	2 1/2	2 1/2	3	4	10	45	ALH	2 1/2	3	ALH	ALH	ALH	ALH

Unless otherwise specified in Sec. 4.4 or Sec. 5.3, nonresidential uses must be developed in accordance with the tables below.

ALH = Any Legal Height not prohibited by other laws --- = Use not permitted NA = Use permitted but standard does not apply * = See Sec. 4.4, Measurements and Special Case

PUBLIC NOTICE:

Staff mailed notices of the Planning and Zoning Commission's public hearing to the eight property owners within the 200-foot radius surrounding the zone change site. Staff mailed courtesy notices of the Planning and Zoning Commission's public hearing to the two property owners within a 300-foot radius surrounding the zone change site. As of Monday, July 11, 2011 at 5:00 PM, no notices were returned in favor of the request and none were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on July 7, 2011 in accordance with state law and local ordinance

STAFF RECOMMENDATION:

Staff recommends approval of a zone change to MF-2 instead of the applicant's requested MF-3 district for the following reasons:

- 1. The request is compatible with the Future Land Use and Character Map;
- 2. The request complies with the Thoroughfare Plan Map; and
- 3. Public facilities are available to serve the property.
- 4. The MF-2 District is more appropriate for the adjacent single-family homes because it has a height limit of four stories as compared to the applicant's requested MF-3 District with a height limit of 10 stories.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial Land Use and Character Map Zoning Map Utility Map Thoroughfare Map Notice Map Response Letters Applicant's Exhibit

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, JULY 18_, 2011

ACTION ITEMS

Item 7: <u>Z-FY-11-36</u> – Hold a public hearing to discuss and recommend action on a rezoning from General Retail (GR) to Multiple Family Three (MF3) on 12.15 ± acres of land, located on the west side of Hilliard Road, 1,095 ± feet from the intersection of West Adams Avenue and Hilliard Road. (Applicant: Hilliard Corner Partners)

Ms. Lyerly stated this item would go forward to City Council for first reading on August 18th and second reading and final action on September 1st.

The applicant is requesting a zone change from General Retail (GR) to a Multi-Family Three (MF3). The present GR district does not allow apartments and the developers would like to build apartments. This request is considered as a 'down-zoning' because MF3 would not allow the variety of uses as the present GR allows.

Surrounding properties include some residential uses to the north, agricultural uses with rural residential to the east, a bank to the west, and undeveloped land to the east.

The applicant is currently going through the platting process and the development is known as Hilliard Crossing. Boundaries of the MF3 request are shown. The plat proposed the creation of a local street to the south of the boundary which is appropriate for apartment uses.

The Future Land Use and Character Map designate this area as Suburban-Commercial which is characterized by extensive landscaping and open space with a variety of uses allowed. The apartment use is a combination of residential and commercial characterization.

The Thoroughfare Plan designates West Adams Avenue and Hilliard Road as major arterials. There are utilities, water, fire hydrants and sewer available to serve the property.

Criteria (height, size, etc.) for the various multiple family districts are given with MF3 being the most extensive of the designations.

Eight notices were sent out and zero notices were returned in favor and one notice was received in opposition to the apartment use.

Staff recommendation is approval for Multi-Family Two (MF2) instead of MF3 as requested for the following reasons:

- 1. The request is compatible with the Future Land Use and Character Map;
- 2. The request complies with the Thoroughfare Plan Map;
- 3. Public facilities are available to serve the property; and
- 4. The MF-2 District is more appropriate for the adjacent single-family homes because it has a height limit of four stories as compared to the applicant's requested MF-3 District with a height limit of 10 stories.

Chair Talley opened the public hearing.

Mr. Brian Bridgewater, HP Civil Engineering, 5339 Alpha Road, Suite. 300, Dallas, TX, stated the applicant had no objections to Staff's recommendations since MF2 would not stop what is proposed for the area.

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

Vice-Chair Martin made a motion to approve Z-FY-11-36 with the Staff recommended MF2 zoning designation, not the requested MF3, and Commissioner Pilkington made a second.

Motion passed: (7:0) Commissioners Rhoads and Sears absent.

ORDINANCE NO.

(PLANNING NO. Z-FY-11-36)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM GENERAL RETAIL DISTRICT (GR) TO MULTIPLE FAMILY TWO (MF2) ON APPROXIMATELY 12.15 ACRES OF LAND, LOCATED ON THE WEST SIDE OF HILLIARD ROAD, APPROXIMATELY 1,095 FEET FROM THE INTERSECTION OF WEST ADAMS AVENUE AND HILLIARD ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

<u>**Part 1**</u>: The City Council approves a rezoning from General Retail District (GR) to Multiple Family Two (MF2) on approximately 12.15 acres of land, located on the west side of Hilliard Road, approximately 1,095 feet from the intersection of West Adams Avenue and Hilliard Road, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

<u>**Part 2:**</u> The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **18th** day of **August**, 2011.

PASSED AND APPROVED on Second Reading on the 1^{st} day of September, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger City Secretary Jonathan Graham City Attorney



08/18/11 Item #8 Regular Agenda Page 1 of 3

DEPT. / DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-11-38: Consider adopting an ordinance authorizing a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption with more than 50% and less than 75% revenue from alcohol sales in a proposed pool hall located at 102 South General Bruce Drive.

<u>P&Z COMMISSION RECOMMENDATION</u>: At its June 18, 2011, meeting, the Planning and Zoning Commission voted 6/0 in accordance with staff recommendation to recommend approval of the CUP as presented.

Commissioners Sears and Rhodes were absent. Vice Chair Martin removed himself because of a conflict of interest.

<u>STAFF RECOMMENDATION</u>: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for September 1, 2011.

Staff recommends approval of Z-FY-11-38, the requested CUP for the subject property, subject to the improvements shown on the CUP exhibits.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-11-38, from the Planning and Zoning meeting, July 18, 2011. The Applicant, Shane Renkel for Temple Pro Ventures, requests this CUP to establish a pool hall in an existing building with 50 to 75 percent of revenues from the sale of alcoholic beverages for on-premise consumption. The building is located just south of the Aces Bingo Hall and in recent years has housed a church and a furniture store.

<u>COMPREHENSIVE PLAN COMPLIANCE</u>: 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?
	Map 3.1 - Future Land Use and Character	Y*
	Goal 4.1 - Growth and development patterns should	
CP	be consistent with the City's infrastructure and public	Y*
	service capacities	
	Map 5.2 - Thoroughfare Plan	Y*
STP	NA	NA
* = See Comn	nents Below CP = Comprehensive Plan STP = Side	walk and Trails
	Plan	

Future Land Use and Character (CP Map 3.1)

The request conforms to the Future Land Use and Character Map which designates the property as Auto Urban Commercial. This use is classed as an amusement or entertainment use and is compatible with the Future Land Use Plan, but because of its nature, requires discretionary judgment in districts which allow the use to site within them.

Thoroughfare Plan (CP Map 5.2)

This request conforms to the Thoroughfare Plan since the subject tract has access to S. General Bruce Drive, a southbound one-way street, from W. Adams Avenue. This portion of South General Bruce Drive only serves this large shopping center, surrounded by W. Adams, designated as a Major Arterial. I-35 cannot access this corner without circling back or taking a previous exit. It has a designation of Expressway. The surrounding area to the west is residential, and can access this portion of S. General Bruce only from the north, either from N. 41st or 43rd Streets. Cars cannot reach this parking lot or the general area from the south. Traffic congestion will not be unreasonably increased by this proposed use nor will it require a change in the infrastructure surrounding this lot.

Availability of Public Facilities (CP Goal 4.1)

An eight-inch water line and a six-inch sewer line currently serve the site. No additional services are required for this use.

CONDITIONAL USE SITE PLAN REVIEW:

If the City Council approves this CUP request, the site must be developed according to the approved CUP site plan before the proposed business may open and serve alcohol. Below are some critical elements of the CUP site plan along with explanatory notes. Please see the P&Z Staff Report attached to this memo for more detailed explanations of these site plan elements.

Land Uses - Distance from Residential

This use will be approximately 1,690 feet from the nearest residential property, which is in excess of the 300-ft minimum proximity requirement.

08/18/11 Item #8 Regular Agenda Page 3 of 3

Parking

In Sec. 5.3.14 of the Unified Development Code (UDC), "Alcoholic Beverage Sales for On-Premise Consumption" businesses are required to have one on-site parking space per 3 seats under the maximum seating arrangement for the building. The CUP site plan shows a maximum occupancy of 150 persons which will require a minimum of 50 parking spaces. The parking shown on the site plan is sufficient.

Landscaping and Hardscaping

This lot was improved at a time when landscaping was not required, and is set back from the street approximately 280–feet along the Interstate highway. Staff has requested that the applicant improve the lot at the building face and the Applicant is showing 2 total oaks and 8 total juniper bushes on either side of the front of the building in areas that are easily planted and watered. The Applicant also shows 4 large potted plants with seasonal plantings across the front of building.



Site plan and photo with proposed landscaping shown by Applicant.

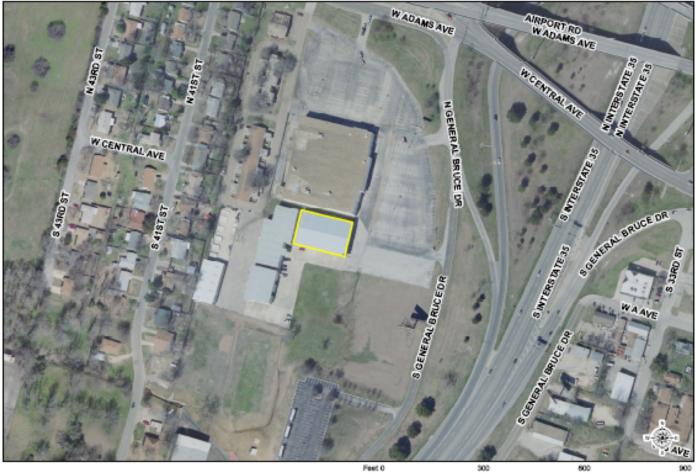
PUBLIC NOTICE: Five notices of the Planning and Zoning Commission public hearing were sent to surrounding property owners. As of Wednesday, July 18th at 5 PM, no notice was returned in favor of and no notice was returned in opposition to the request. Two were returned as undeliverable. The newspaper printed notice of the Planning and Zoning Commission public hearing on July 7, 2011 in accordance with state law and local ordinance. 23 courtesy notices were sent to property owners within 500-ft. Two additional business owners (lessees) were also sent.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial Map Land Use and Character Map Zoning Map Thoroughfare Plan Map Utility Map Notice Map CUP Site Plan Applicant's Exhibits P&Z Staff Report (Z-FY-11-38) P&Z Minutes (July 18, 2011) Ordinance Tract 3, Albertson's Replat Z-FY-11-38 Proposed CUP for On-Premise Sales of Alcohol; >50% & <75% Revenue

102 South General Bruce Drive



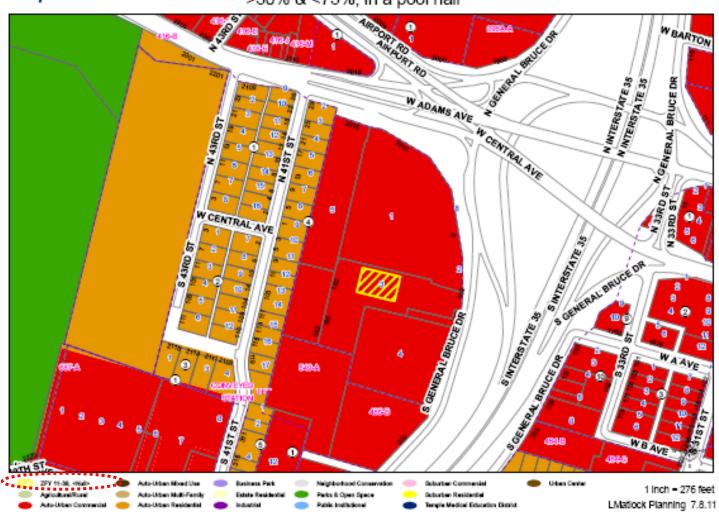
ZFY 11-38

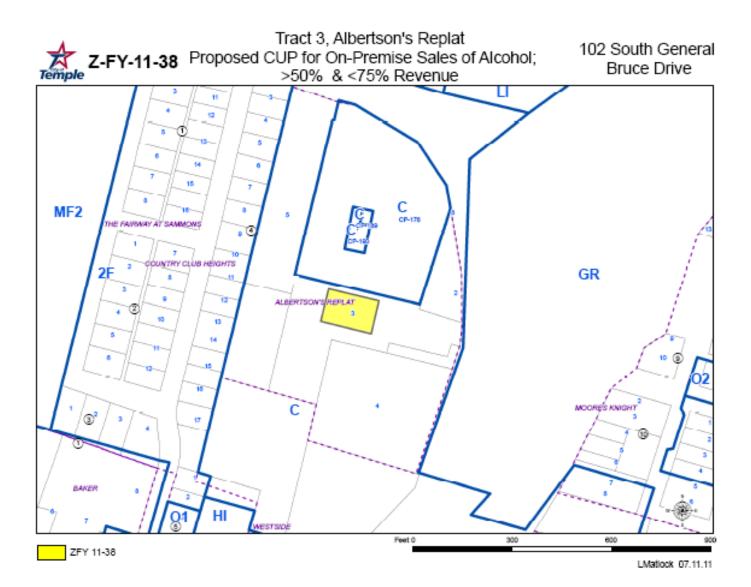
LMatlock 07.11.11



Tract 3, Albertson's Replat CUP on-premise sale of alcohol >50% & <75%, in a pool hall

102 S. General Bruce Drive

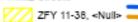




Tract 3, Albertson's Replat **Z-FY-11-38** Proposed CUP for On-Premise Sales of Alcohol; >50% & <75% Revenue

102 South General Bruce Drive





Expressway
 Major Arterial
 Collector

LMatlock 07.11.11

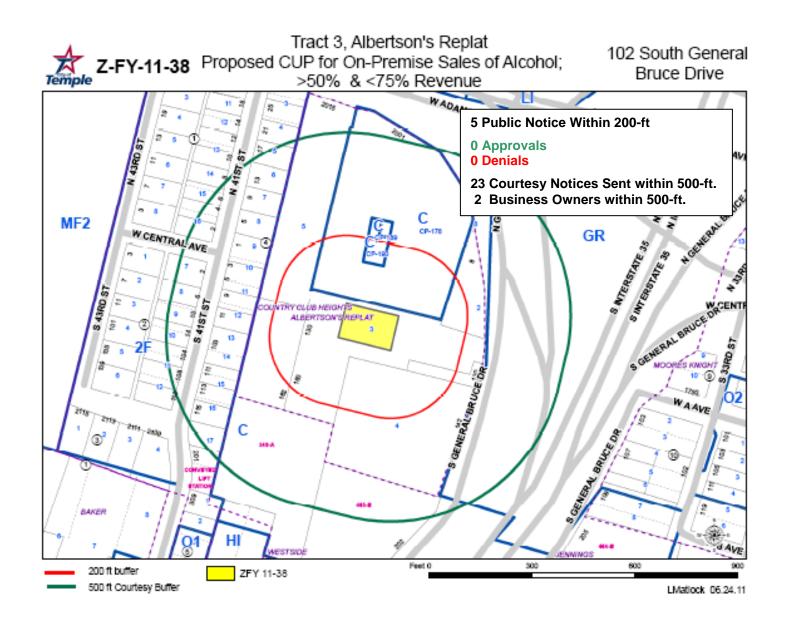
Tract 3, Albertson's Replat **Z-FY-11-38** Proposed CUP for On-Premise Sales of Alcohol; >50% & <75% Revenue

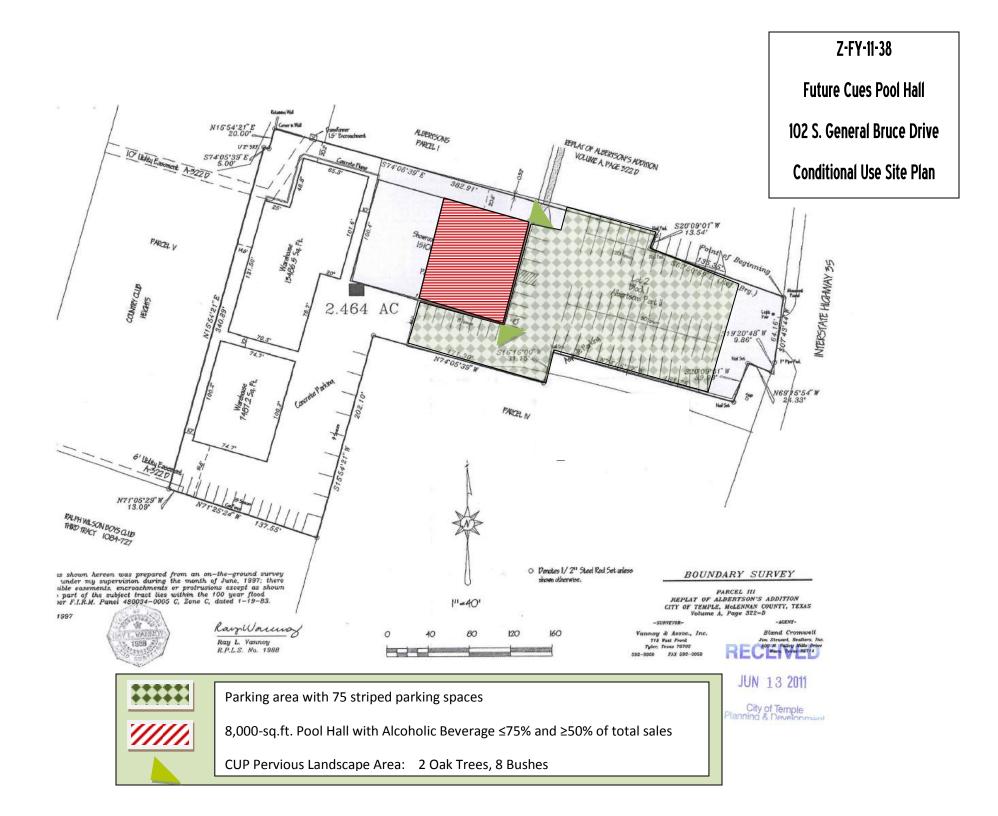
102 South General Bruce Drive



FIRE HYDRANT —— SEWER LINE

LMatlock 07.11.11





Applicants Exhibits – p. 1 of 4

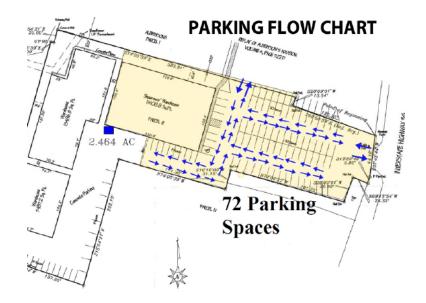


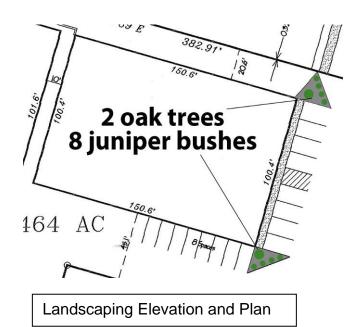
8,000 SQFT Finished Space 16 Pool Tables 82 Chairs 50 Person Standing Room Max Occupancy Approx 150













FUTURE CUES ACTIVITIES

Future Cues will operate as a pool hall. We plan to host APA league sessions Tuesday, Wednesday & Thursday and host Pool Tournaments on Friday and Saturday. We plan to install 16 high quality pool tables for such activities. In addition to the billiards areas, Future Cues will have a bar and a small lounge with couches and televisions for watching sports.

Future Cues will serve Beer & Sodas with a limited selection of liquor and mixed drinks. We will have limited food items for sale, such as candy bars & chips. We will not cook food at this location.

Our location will encompass 8,000 SQFT of an existing building located at 102 S. General Bruce Drive Temple, TX 76504. There are 72 parking spaces available at this location and our maximum occupancy is estimated at 150 people. PLANNING AND ZONING COMMISSION AGENDA ITEM

07/18/11 Item #8 Regular Agenda Page 1 of 8

APPLICANT: Shane Renkel for Pro Ventures

CASE MANAGER: Leslie Matlock, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-11-38 Hold a public hearing to discuss and recommend action on a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption with more than 50% and less than 75% revenue from alcohol sales in a proposed pool hall located at 102 South General Bruce Drive.

BACKGROUND: This subject building is on lot that contains three separate nonresidential metal buildings, southwest of the W. Adams Avenue bridge crossing I-35 on the west side of I-35. It is the closest building to the street, and has been rented by several businesses in the last few years, the last one being a furniture store. While the subject building is metal, the front façade is covered with brick and stucco. The other two businesses behind the proposed pool hall are Ewing Irrigation and Industrial Products and Quick Supply Internet Service. Parking serves all businesses adequately and it adjoins the former Albertson's Grocery Store building and parking lot to the north.

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	с	Vacant Building (former Furniture Store)	

Direction	Zoning	Current Land Use	Photo
North	C-PD- 178, 189, & 190	Large Retail Building with various business uses with Conditional Use Permits (CUP) for an On-Premise Alcohol Consumption and for an Alcohol Package Store	
South	С	Ralph Wilson Youth Camp	

Direction	Zoning	Current Land Use	Photo
East	С	Interstate 35 Freeway – TXDoT Facility	
West	C	Two Warehouse Buildings, Apartments and Country Club Heights Single Family Residential Neighborhood	<image/>

<u>COMPREHENSIVE PLAN COMPLIANCE REVIEW:</u> The proposed CUP relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan:

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

* = See Comments Below CP = Comprehensive Plan STP = Sidewalk and Trails Plan

Future Land Use and Character (CP Map 3.1)

The request conforms to the Future Land Use and Character Map which designates the property as Auto Urban Commercial. This use is classed as an amusement or entertainment use and is compatible with the Future Land Use Plan, but because of its nature, requires discretionary judgment in districts which allow the use to site within them.

Thoroughfare Plan (CP Map 5.2)

This request conforms to the Thoroughfare Plan since the subject tract has access to S. General Bruce Drive, a southbound one-way street, from W. Adams Avenue. This portion of South General Bruce Drive only serves this large shopping center, surrounded by W. Adams, designated as a Major Arterial. I-35 cannot access this corner without circling back or taking a previous exit. It has a designation of Expressway. The surrounding area to the west is residential, and can access this portion of S. General Bruce only from the north, either from N. 41st or 43rd Streets. Cars cannot reach this parking lot from the south. Traffic congestion will not be unreasonably increased by this proposed use nor will it require a change in the infrastructure surrounding this lot.

Availability of Public Facilities (CP Goal 4.1)

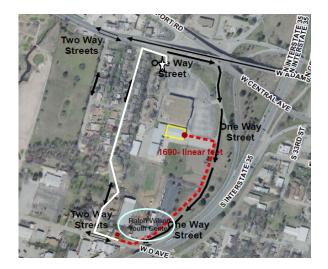
An eight-inch water line and an six-inch sewer line currently serve the site. No additional services are required for this use.

CONDITIONAL USE SITE PLAN REVIEW:

If the City Council approves this CUP request, the site must be developed according to the approved CUP site plan before the proposed business may open and serve alcohol. Below are some critical elements of the CUP site plan along with explanatory notes.

Land Uses - Distance from Residential

This use will be approximately 1,690 feet from the nearest residential property, which is in excess of the 300-ft minimum proximity requirement. This distance is measured by the RED dotted line, from the entrance of the facility to the property line and down a one way road along property lines and then to the nearest residence, hospital, or public school, as required by State law and City Ordinance. The yellow rectangle is the proposed pool hall location.



The Ralph Wilson Youth Camp, circled in blue, is not considered a public institution. As the crow flies, there are apartments that open onto the parking lot that is accessible to this building and apparently closer than the red line that is being used as the official measurement. These apartments are about 1,000 feet away going either north or south by foot. The required way of measurement would follow the red line and then proceed along the white line to the white star, making the apartments farther from the entrance than the residential home at the south of the Ralph Wilson Youth Camp on W. Avenue D.

The following aerial indicates surrounding Current Land Uses.



The green rectangle shows the proposed Pool Hall location

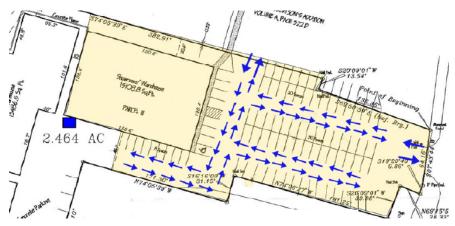
Ralph Wilson Youth Camp			A dest
130 4	Ewing Omas Support		Ace High Binne
		Future Bowling Alley	S Charity Hall The Point Package Store
NORTH		120	Future Bakery

Exhibit produced by the Applicant showing the proposed "Future Cues" pool hall and its surrounding businesses.

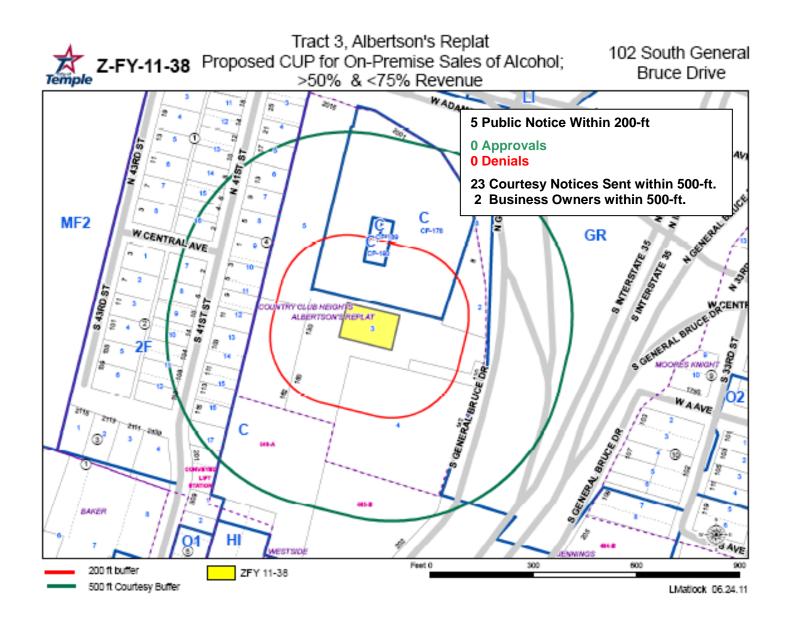
Ace High Bingo and Charity Hall and the Point Package Store, indicated above, are holders of Conditional Use Permits for either on-premise or off-premise consumption of alcoholic products. To the south is a Youth Camp that is reportably being relocated at a future time, and a group of apartments that are connected to the parking lots of these uses, but are at least 800 feet by foot. The area is difficult to get to by car, and could be called a "destination" as, although you can see it from many right-of-ways, the way to the entrances is not clear, and the frontage is one way from the west and to the south.

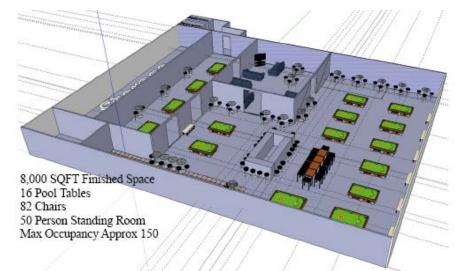
In Sec. 5.3.14 of the Unified Development Code (UDC), "Alcoholic Beverage Sales for On-Premise Consumption" businesses are required to have one on-site parking space per 3 seats under the maximum seating arrangement for the building. The layout of the interior provided by the Applicant appears to be justifiable, as a bar, pool tables and cocktail tables will fill this space.

The plan shows a maximum occupancy of 150 persons which will require a minimum of 50 parking spaces. Parking for the other two daytime businesses are not included in the parking layout shown on the plan, which lays out 72 complying parking spaces. Parking complies and is not intrusive on the parking fronting the other businesses on this large lot. The entire building shows as 150,088 sq. ft., and only the front half of this building is being finished out as a pool hall. The rear portion will remain a storage warehouse.



Site plan with 72 parking spaces and traffic flow superimposed provided by Applicant





Applicant's layout of building interior showing pool tables and seating.

Landscaping and Hardscaping

This lot was improved at a time when landscaping was not required, and is set back from the street approximately 280–feet along the Interstate highway. Staff has requested that the applicant improve the lot at the building face and the Applicant is showing 2 total burr oaks and 8 total juniper bushes on either side of the front of the building in areas that are easily planted and watered. The Applicant also shows 4 large potted plants with seasonal plantings across the front of building.



Site plan and photo with proposed landscaping shown by Applicant.

<u>Signs</u>

Staff requested a mock up of the signs that the Applicant planned to install. The photos below reflect the proposed signs and will not be part of the CUP ordinance. They show that the applicant intends to place a professionally-produced signs in proportion with the size of the building and in compliance with the ordinance. These signs have not yet gone through the permitting process. No other lighting is being proposed or changed.



Applicant provided exhibit of proposed sign for building.

Conditional Use Consideration

As a decision guide, the UDC establishes seven general criteria for evaluation of all CUPs. They are listed below for the P&Z's consideration:

- A. The conditional use is compatible with and not injurious to the use and enjoyment of the property, and does not significantly diminish or impair property values within the immediate vicinity.
- B. The establishment of the conditional use does not impede the normal and orderly development and improvement of surrounding vacant property.
- C. The design, location and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development.
- D. Adequate utilities, access roads, drainage and other necessary support facilities have been or will be provided.
- E. Adequate nuisance prevention measures have been taken to prevent or control offensive odors, fumes, dust, noise and vibration.
- F. Directional lighting is provided so as not to disturb or adversely affect neighboring properties.

To date, no public input or staff analysis indicates a conflict with the criteria above.

PUBLIC NOTICE:

Five notices of the Planning and Zoning Commission public hearing were sent to surrounding property owners. As of Wednesday, July 13th at 5 PM, no notice was returned in favor of and no notices were returned in opposition to the request. Two were returned as undeliverable. The newspaper printed notice of the Planning and Zoning Commission public hearing on July 7, 2011 in accordance with state law and local ordinance. 23 courtesy notices were sent to property owners within 500-ft. Two additional business owners (lessees) were also sent.

<u>STAFF RECOMMENDATION</u>: Staff recommends approval of the requested CUP subject to the improvements shown on the CUP exhibits.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial Land Use and Character Map Zoning Map Thoroughfare Map Utility Map Notice Map CUP Exhibit (8 pages with narrative)

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, JULY 18_, 2011

ACTION ITEMS

Item 8: <u>Z-FY-11-38</u> – Hold a public hearing to discuss and recommend action on a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption with more than 50% and less than 75% revenue from alcohol sales in a propose pool hall located at 102 South General Bruce Drive. (Applicant: Shane Renkel for Pro Ventures)

Vice-Chair Martin stated he had a level of interest in this item and would need to recuse himself.

Ms. Matlock stated this item was for a Conditional Use Permit (CUP) for a pool hall to be located at 102 S. General Bruce Drive (old Albertson's building), north of the Ralph Wilson Youth Club. This item would go to City Council on August 18th for first reading and September 1st for second and final reading.

The property is currently zoned Commercial (C) and there are some buildings on the lot. Surrounding properties include Ace Bingo and The Point package store to the north, I-35 to the east, Ralph Wilson Youth Club to the south, and mixed residential to the west. The proposed use is compatible with uses to the north, east and west, however, the apartments and the youth camp are less compatible and both are approximately 1,000 feet from proposed use, if walking.

Proposed Alcoholic Beverage Use must be no closer than 300 feet of a hospital, public school, church or residential use measuring from the front door to property line along right-of-way, down property lines and to the door of the use. There are no uses of this type closer than 300-feet.

The total building size is 15,108 square feet. The front area with the pool tables and the back storage area will be approximately the same size. The parking requirement is one space per three people equaling 50 parking spaces minimum. They currently have 72 spaces.

The proposed signage is shown as professionally-produced and in proportion with the size of the building. The landscaping is shown as mitigation for possible unsightly warehouse-type building as required by CUP approval criteria.

Five notices were sent out and zero were returned in favor or opposition. Twenty-three courtesy notices were mailed out.

The CUP criteria is given:

- A. The conditional use is compatible with and not injurious to the use and enjoyment of the property, and does not significantly diminish or impair property values within the immediate vicinity.
- B. The establishment of the conditional use does not impede the normal and orderly development and improvement of surrounding vacant property.
- C. The design, location and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development.
- D. Adequate nuisance prevention measures have been taken to prevent or control offensive odors, fumes, dust, noise and vibration.
- E. Directional lighting is provided so as not to disturb or adversely affect neighboring properties.

Mr. Mabry stated Staff is recommending approval of Z-FY-11-38 with the submitted site plan.

Chair Talley opened the public hearing.

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

Commissioner Staats made a motion to approve Z-FY-11-38 as presented and Commissioner Jones made a second.

Motion passed: (6:0) Vice-Chair Martin abstained; Commissioners Rhoads and Sears absent.

ORDINANCE NO._

[PLANNING NO. Z-FY-11-38]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONDITIONAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION WITH MORE THAN 50% AND LESS THAN 75% REVENUE FROM ALCOHOL SALES IN A PROPOSED POOL HALL LCOATED AT 102 SOUTH GENERAL BRUCE DRIVE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

WHEREAS, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location at 102 South General Bruce Drive, recommends that the City Council approve the application for this Conditional Use Permit for an on-premises consumption with more than 50% alcohol and less than 75% revenue from alcohol sales in a proposed pool hall; and

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

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

Part 1: The City Council approves a Conditional Use Permit to allow a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption with more than 50% and less than 75% revenue from alcohol sales in a proposed pool hall located at 102 South General Bruce Drive, more fully shown on Exhibit A, attached hereto and made a part of for all purposes.

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

General:

- (a) The permittee must design and operate the establishment in such a manner that the proposed use or actual use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
- (b) The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within 6 months from the date of the issuance of the conditional use permit by the City Council, such limitation in time being subject to review and possible extension by the City.
- (c) The permittee bears the burden of showing that the establishment does not exceed the limitation on gross receipts from sales of alcoholic beverages applicable to its conditional use permit. The permittee must maintain accounting records of the sources of its gross revenue and allow the City to inspect such records during reasonable business hours. (Not applicable for package stores).
- (d) The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
- (e) The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment premises to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee shall consult with the Chief of Police, who shall act in an advisory capacity to determine the number of qualified employees necessary to meet the obligations hereunder.
- (f) The establishment must provide adequate parking spaces in accordance with the standards in Section 7.4 of the Unified Development Code.
- (g) The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.
- (h) The City Council may deny or revoke this conditional use permit in accordance with Section 3.5 of the Unified Development Code if it affirmatively determines that the issuance of the permit is incompatible with the surrounding uses of property, or detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
- (i) A conditional use permit issued under this section runs with the property and is not affected by a change in the owner or lessee of a permitted establishment.
- (j) All conditional use permits issued under this section will be further conditioned that the same may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 3.5. of the Unified Development Code.

Specific to this CUP:

(k) The permittee's site plan is an exhibit to the conditional use permit, attached hereto as Exhibit B.

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

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

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **18th** day of **August**, 2011.

PASSED AND APPROVED on Second Reading on the 1st day of September, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III Mayor

APPROVED AS TO FORM:

Jonathan Graham City Attorney

ATTEST:

Clydette Entzminger City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

08/18/11 Item #9 Regular Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-11-39: Consider adopting an ordinance authorizing an amendment to Ordinance No. 2010-4398, originally approved October 21, 2010, Planned Development Single Family One (PD-SF1), to allow a change in the lot layout on a 10-acre tract of land in the Maximo Moreno Survey, Abstract No. 14, City of Temple, Bell County Texas, located on the north side of West FM 93, adjacent to and west of Ridgewood Estates.

<u>P&Z COMMISSION RECOMMENDATION</u>: At its July 18, 2011 meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation to recommend approval of the requested amendment to the Planned Development site plan.

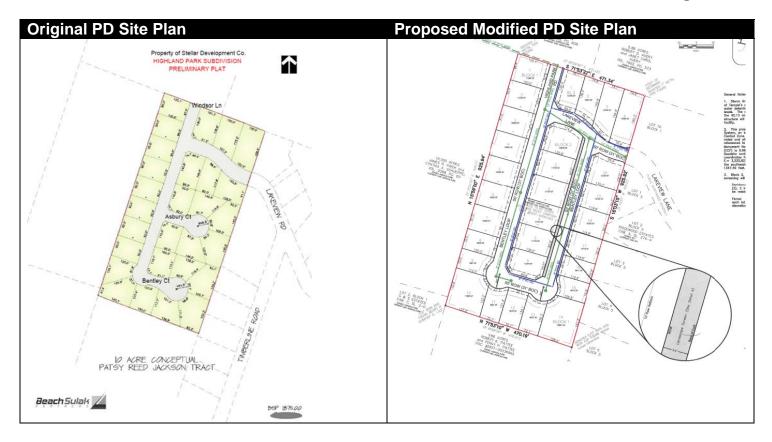
Commissioners Sears and Rhodes were absent.

<u>STAFF RECOMMENDATION</u>: Conduct public hearing and adopt ordinance and amended Planned Development site plan as presented in item description, on first reading, and schedule second reading and final adoption for September 1, 2011.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-11-39, from the Planning and Zoning meeting, July 18, 2011. The applicant, Mark Rendon of Sterling Development, proposes to change the layout on the originally approved PD site plan, to retain the maximum lot count of 30 that City Council originally approved with the PD in October 2010, and to require a fence and landscape screen at the rear of certain "double frontage" lots described below.

The layout change results in six "double frontage" lots in the center of the subdivision. In order to curtail potential complaints to the City from residents along the east side of the development, whose front view from their house could look directly into the back yard of one of the double frontage lots, the applicant has, at Staff's request, proposed a screen at the rear of the six double frontage lots. The screen will consist of a wood fence and at least 2 retained or newly planted trees per lot on the street side of the fence.

08/18/11 Item #9 Regular Agenda Page 2 of 2



PUBLIC NOTICE:

Thirteen notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200 feet of the subject property. Twenty seven additional notices were sent out to property owners within an additional 300' of the subject property. As of Wednesday, July 13, at 5 PM, no notices were returned in favor of and no notices were returned in opposition to the request. One responded sent in a comment with no recommendation. The newspaper printed notice of the Planning and Zoning Commission public hearing on July 7, 2011 in accordance with state law and local ordinance

FISCAL IMPACT: NA

ATTACHMENTS:

Aerial PD Site Plan Notice Map Response Letters P&Z Staff Report (Z-FY-11-39) P&Z Minutes (July 18, 2011) Ordinance

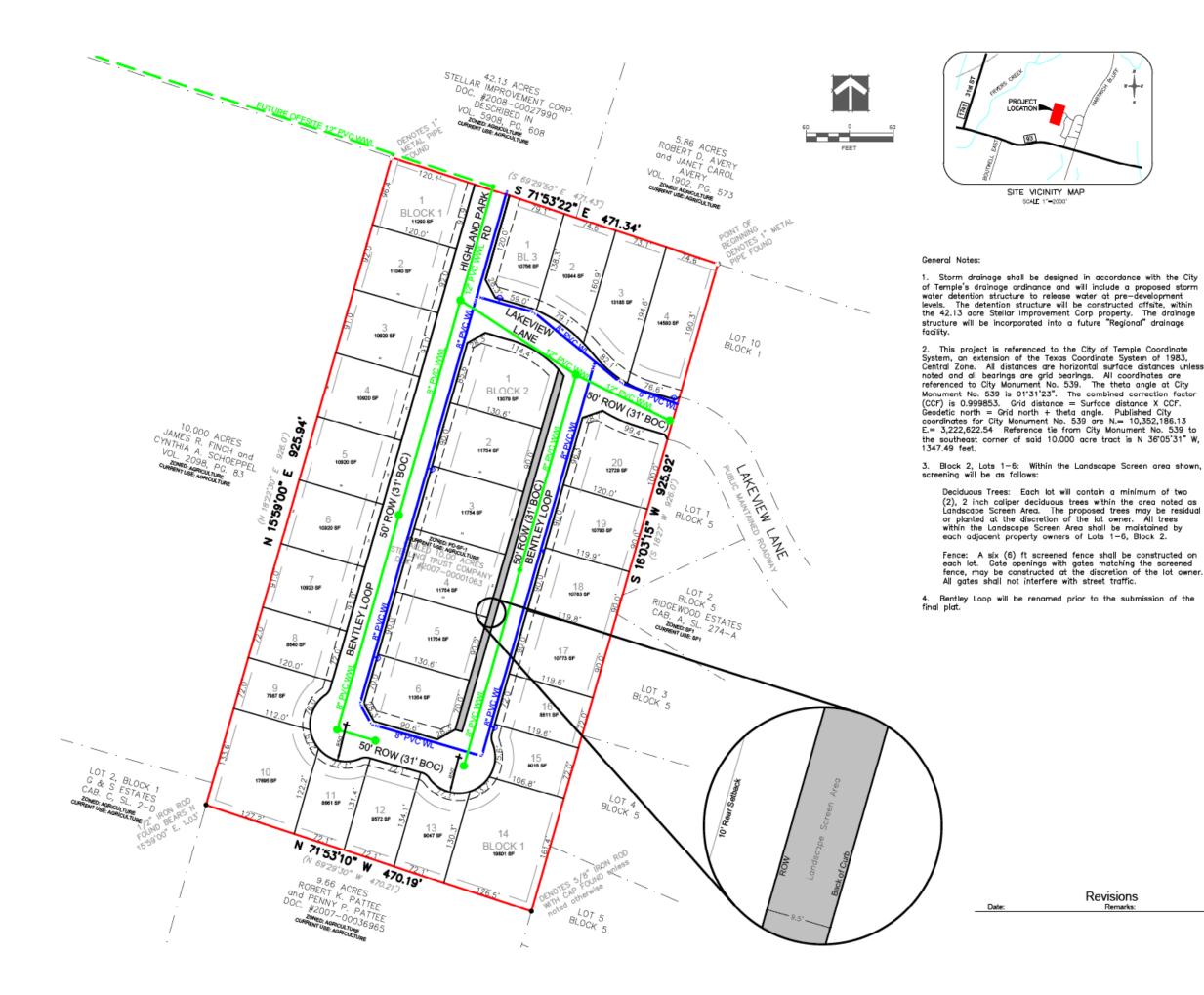


Proposed Amendment to PD-177 (SF-1) West of Lakeview Lane Northwest of W. FM 93 and Hartrick Bluff Road



ZFY 11-39

LMatlock 06.29.11





SCALE 1"-2000'

1. Storm drainage shall be designed in accordance with the City of Temple's drainage ordinance and will include a proposed storm water detention structure to release water at pre-development levels. The detention structure will be constructed offsite, within the 42.13 acre Stellar Improvement Corp property. The drainage structure will be incorporated into a future "Regional" drainage

2. This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 539 is 01'31'23". The combined correction factor (CCF) is 0.999853. Grid distance = Surface distance X CCF. Coordinate parts are being and the texa. Geodetic north = Grid north + theta angle. Published City coordinates for City Monument No. 539 are N.= 10,352,186.13 E.= 3,222,622.54 Reference tie from City Monument No. 539 to

Deciduous Trees: Each lot will contain a minimum of two (2), 2 inch caliper deciduous trees within the area noted as Landscape Screen Area. The proposed trees may be residual or planted at the discretion of the lot owner. All trees within the Landscape Screen Area shall be maintained by each adjacent property owners of Lots 1-6, Block 2.

Fence: A six (6) ft screened fence shall be constructed on fence, may be constructed at the discretion of the lot owner. All gates shall not interfere with street traffic.

Bentley Loop will be renamed prior to the submission of the

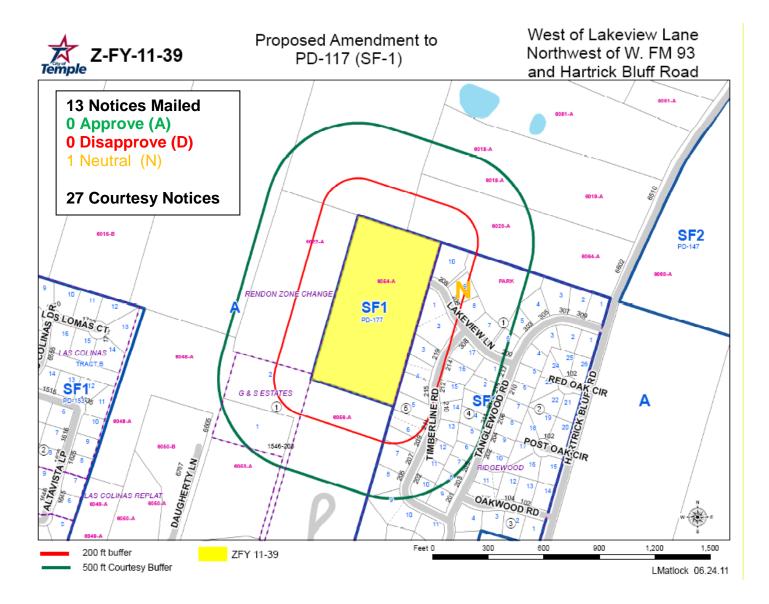
SUBDIVISION PARK RESIDENTIAL HIGHLAND ĩ Temple, ACREI 2 07-07-2011 THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF SCOTT WURRAH SCOTT MURRAH 97406 MRC 1055F M AS PER DATE ON DRAMING. IT IS NOT TO BE USED FOR BIDDING OR CONSTRUCTION. Soft Munh INC. 283 D ហ៊

Revisions Remark

Project No: 091875.00

IED DEVE

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RESPONSE TO PROPOSED PLANED DEVELOPMENT AMENDMENT REQUEST CITY OF TEMPLE

Gary Lee Valentine 209 Timberline Street Temple, Texas 76502

Zoning Application Number:Z-FY-11-39Project Manager:Brian MabryLocation:North side of West FM 93, adjacent to and west of Ridgewood Estates

The proposed amendment to the site plan approved by Planned Development Ordinance No. 2010-4398, October 21, 2010 will allow a change to the lot layout. 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 <u>possible</u> amendment to the Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have.

I recommend () approval () denial of this request.

Comments: proposed C ang ana mules ano ~ recommendation

Signature

JARY

Please mail or hand-deliver this comment form to the address shown below, no later than July 18, 2011

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

JUL 1 4 2011

City of Temple

PLANNING AND ZONING COMMISSION AGENDA ITEM

07/28/11 Item #6 Regular Agenda Page 1 of 4

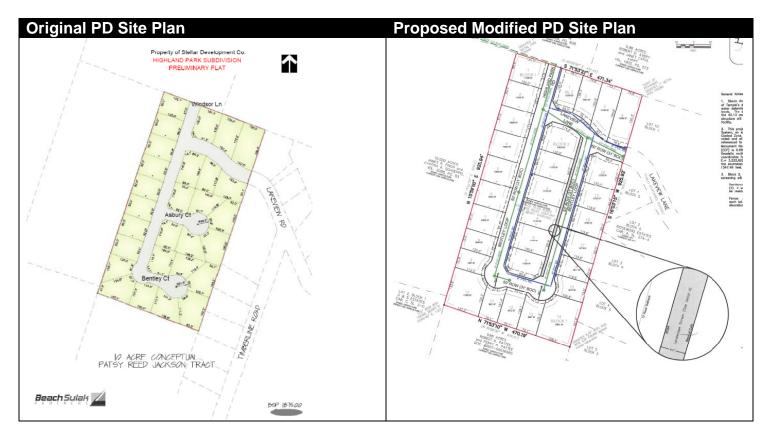
APPLICANT: Sterling Development

iemple

CASE MANAGER: Brian Mabry, AICP, Planning Director

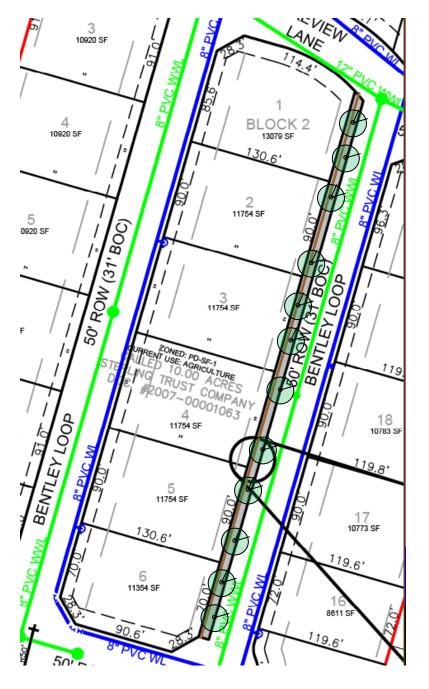
ITEM DESCRIPTION: Z-FY-11-39 Hold a public hearing to discuss and recommend action on an amendment to Ordinance No. 2010-4398, originally approved October 21, 2010, Planned Development Single Family One (PD-SF1), to allow a change in the lot layout on a 10-acre tract of land in the Maximo Moreno Survey, Abstract No. 14, City of Temple, Bell County Texas, located on the north side of West FM 92, adjacent to and west of Ridgewood Estates.

BACKGROUND: In September 2010, the Planning and Zoning Commission approved a "base" rezoning request for the subject property from AG, Agricultural to SF-1, Single Family 1 zoning district. In October of that year, City Council approved the request as a Planned Development (PD) with SF-1 as the base zoning district. As with all PDs, the Council required that future development of the property comply with the approved PD site plan. The applicant proposes to change the layout on the originally approved PD site plan, to retain the maximum lot count of 30 that was originally approved with the PD in October and to provide a require a fence and landscape screen at the rear of certain "double frontage" lots described below.



The requested layout improves circulation for the proposed development in that two originally proposed cul-de-sacs are removed. The new design, however, creates six "double frontage" lots. Double frontage lots are lots with street frontage at the front and at the back. In order to curtail potential complaints from residents along the east side of the development, whose front view from their house could look directly into the back yard of one of the double frontage lots, the applicant has, at Staff's request, proposed a screen at the rear of the six double frontage lots.

The screen will consist of a wood fence with the possibility of gates to provide rear access to each lot. The gates must match the wood fence and must not interfere with street traffic when opened. In addition, the screen will consist of a minimum of two 2-inch caliper trees at the rear of each double frontage lot. The two trees may either be preserved or newly planted and must be located on the street side of the wood fence.



Symbol	Meaning
G	Min. 2" caliper tree, either preserved or newly planted
/	6' wood fence

Tree placement is conceptual, not exact

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	
North	A	Undeveloped	
South	A	Undeveloped	

Direction	Zoning	Current Land Use	Photo
East	SF-1	Single-family subdivision	

PUBLIC NOTICE:

Thirteen notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200 feet of the subject property. Twenty seven additional notices were sent out to property owners within an additional 300' of the subject property. As of Wednesday, July 13, at 5 PM, no notices were returned in favor of and no notices were returned in opposition to the request. One responded sent in a comment with no recommendation. The newspaper printed notice of the Planning and Zoning Commission public hearing on July 7, 2011 in accordance with state law and local ordinance

<u>STAFF RECOMMENDATION</u>: Staff recommends approval of the PD amendment request subject to the revised PD site plan.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial PD Site Plan Notice Map Response Letters

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, JULY 18_, 2011

ACTION ITEMS

Item 6: <u>Z-FY-11-39</u> – Hold a public hearing to discuss and recommend action on an amendment to Ordinance No. 2010-4398, originally approved October 21, 2010, Planned Development Single Family One (PD-SF1), to allow a change in the lot layout on a 10-acre tract of land in the Maximo Moreno Survey, Abstract No. 14, City of Temple, Bell County Texas, located on the north side of West FM 92, adjacent to and west of Ridgewood Estates. (Applicant: Sterling Development)

Mr. Brian Mabry stated this and all other zoning related items would go to City Council on August 18th for first reading and September 1st for second and final reading.

This request is for approval of an existing Planned Development (PD) for a subdivision called Highland Park. The purpose of the request is to rearrange the lot layout on the existing approved PD which was approved in October of 2010. The applicant's request layout would improve circulation for the proposed development from the original design, however, it does create six "double frontage" lots in the middle of the subdivision (double frontage lots are lots with street frontage at the front and at the back). Staff and applicant have discussed and agreed upon screening along the rear of the double frontage lots.

The subject property is ten acres and adjacent to the Ridgewood Estates Subdivision on Lakeview Lane. Mostly undeveloped property lay to the north, west, and south and single family to the east.

The screen will consist of a wood fence with the possibility of gates to provide rear access to each lot. The gates must match the wood fence and must not interfere with street traffic when opened. In addition, the screen will consist of a minimum of two 2-inch caliper trees at the rear of each double frontage lot. The two trees may either be preserved or newly planted and must be located on the street side of the wood fence.

Thirteen notices were mailed and zero were returned. One 'neutral' response was returned which stated concerns regarding generated Lakeview Lane traffic as development occurred. Twenty-seven courtesy notices were also mailed out and zero were received back.

Staff recommendation is to approve the Planned Development amendments request subject to the revised PD site plan.

Chair Talley opened the public hearing.

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

Commissioner Staats asked if there were any regulations regarding the rear gates being opened or closed and Mr. Mabry stated no. Commissioner Staats' concern was ineffectiveness of the screening requirement if no regulations were in place. Commissioner Staats also asked if there were a size limit for the gates and Mr. Mabry stated not currently, but it is indicated they could not interfere with street traffic.

Vice-Chair Martin made a motion to approve Z-FY-11-39 and Commissioner Pope made a second.

Motion passed: (7:0) Commissioners Rhoads and Sears absent.

ORDINANCE NO._____

[PLANNING NO. Z-FY-11-39]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING PLANNED DEVELOPMENT ORDINANCE NO. 2010-4398, APPROVED OCTOBER 21, 2010, AS PLANNED DEVELOPMENT SINGLE FAMILY ONE (PD-SF1) TO ALLOW A CHANGE IN THE LOT LAYOUT ON AN APPROXIMATELY 10-ACRE TRACT OF LAND IN THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, 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.

Whereas, on October 21, 2010, the City Council adopted Ordinance No. 2010-4398 that rezoned property consisting of approximately 10 acres located in the Maximo Moreno Survey, Abstract No. 14, Temple, Bell County, Texas, located on the north side of West FM 93, from Agricultural District (AG) to Planned Development District Single-Family 1 (PD-SF1);

Whereas, the property owner has requested an amendment to the ordinance to allow a change in the lot layout;

Whereas, at its meeting on July 18, 2011, the Planning and Zoning Commission voted to approve this action and recommend its consideration by the City Council; and

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

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

<u>**Part 1**</u>: The City Council approves an amendment to Planned Development Ordinance No. 2010-4398, to allow a change in the lot layout, in accordance with the following conditions:

- (a) A screen consisting of a wood fence and at least 2 retained or newly planted trees per lot on the street side of the fence must be placed on six "double frontage" lots in the center of the subdivision;
- (b) Development must be based on the property's revised PD site plan, attached hereto as Exhibit A; and
- (c) All other development and land use must follow SF-1 District regulations.

Part 2: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

<u>**Part 3:**</u> This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

PASSED AND APPROVED on First Reading and Public Hearing on the **18th** day of **August**, 2011.

PASSED AND APPROVED on Second Reading on the 1st day of September, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger City Secretary Jonathan Graham City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/18/11 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-11-40: Consider adopting an ordinance authorizing a zoning change from General Retail District (GR) to Commercial District (C) on Lots 1 & 2, Block 1, Garden Estates of Temple Texas Addition, being 7.22-acres located on the northwest corner of 205 Loop and 5400 block of West Adams Avenue, east of North Kegley Road.

<u>P&Z COMMISSION RECOMMENDATION</u>: At its July 18, 2011 meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation to recommend approval of a rezoning from GR to C.

Commissioners Sears and Rhodes were absent.

<u>STAFF RECOMMENDATION:</u> Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for September 1, 2011. Staff recommends approval for the following reasons:

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

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-11-40, from the Planning and Zoning meeting, July 18, 2011. The applicant, Grady Rosier, of Temple Real Estate Investments on behalf of Williamette Property Holdings, Inc., requests the rezoning to add to the possible uses on this property.

Some uses that are currently not allowed on the subject property, but that would be allowed if the requested rezoning is approved, include:

Building material sales Cabinet shop Contractor storage Heavy machinery sales, storage and repair Mini-storage Welding or machine shop Wholesale storage and sales

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 Map	Y*
CP	Map 5.2 - Thoroughfare Plan	Y*
CP	be consistent with the City's infrastructure and public	Y*
	service capacities	
STP	Temple Trails Master Plan Map	Y*
* = See Comme	nts Below CP = Comprehensive Plan STP = Side	walk and Trails
STP	service capacities Temple Trails Master Plan Map	Y'

Plan

Future Land Use and Character (CP Map 3.1)

The Future Land Use and Character Map (FLUCM) designates the subject property as Auto Urban Commercial, a more intense retail on the map. The rezoning request complies with the FLUCM.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates W. Adams Road as a Major Arterial, North Kegley Road as a Minor Arterial and Loop 205 is a Collector Road. The rezoning request to C, Commercial, complies with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

City of Temple water and sewer lines are in place to serve this property.

Temple Master Trails Plan Map

The Sidewalk and Trails Plan designates a future local Collector Trail along North Kegley Road and shows the existing City Wide Spine trail along W. Adams Avenue frontage. This rezoning will not trigger dedication for the Trails Master Plan, but should the property be replatted, the PALS department will evaluate the property.

PUBLIC NOTICE:

Nine notices were sent regarding the Planning and Zoning Commission public hearing to property owners within 200-feet of the subject property. As of Wednesday, July 13th, at 5 PM, one notice was returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on July 7, 2011, in accordance with state law and local ordinance. Sixteen courtesy notices were sent out to property owners within 500 feet of the subject property.

FISCAL IMPACT: NA

08/18/11 Item #10 Regular Agenda Page 3 of 3

ATTACHMENTS:

Aerial Land Use and Character Map Zoning Map Thoroughfare Plan Map Utility Map Notice Map Response Letter P&Z Staff Report (Z-FY-11-40) P&Z Minutes (July 18, 2011) Ordinance

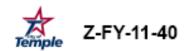


GR to C Lots 1 and 2, Block 1, Garden Estates of Temple TX Addition

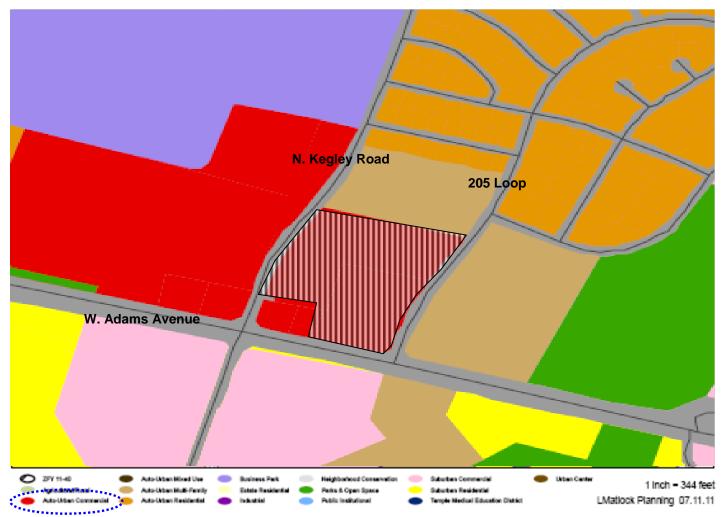


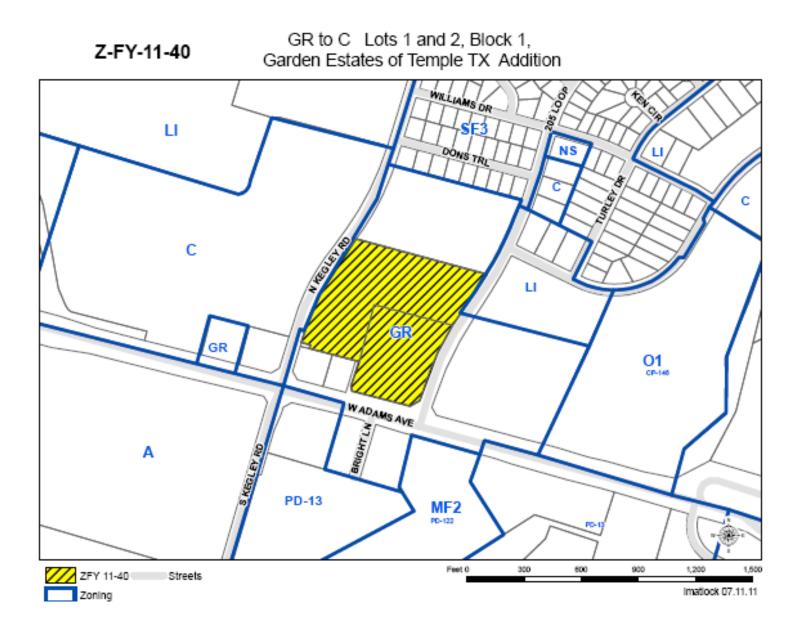
ZFY 11-40

JCalhoun 06.29.11



GR to C - Lots 1 and 2, Block 1, Garden Estates of Temple TX





Temple Z-FY-11-40

GR to C Lots 1 and 2, Block 1, Garden Estates of Temple TX Addition



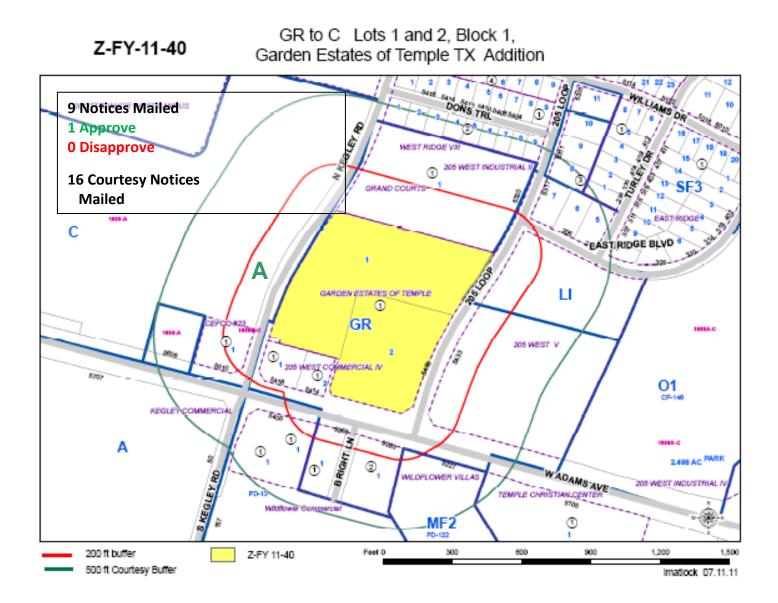
Existing, City Wide Spine

JCalhoun 06.29.11



GR to C Lots 1 and 2, Block 1, Garden Estates of Temple TX Addition







Steven J. Ward 7 North Kegley Road Temple, Texas 76502

Zoning Application Number: Z-FY-11-40 Project Manager: Leslie Matlock Location: Northwest Corner of West Adams and 205 Loop

The proposed rezoning 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

EVEWARD Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than July 18, 2011

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

RECEIVED

JUL 1 3 2011

City of Temple Planning & Development

PLANNING AND ZONING COMMISSION AGENDA ITEM

7/18/11 Item #9 Regular Agenda Page 1 of 4

<u>APPLICANT / DEVELOPMENT:</u> Grady Rosier, of Temple Real Estate Investments on behalf of Williamette Property Holdings, Inc., Owners

CASE MANAGER: Leslie Matlock, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-11-40 Hold a public hearing to discuss and recommend action on a rezoning from General Retail District (GR) to Commercial District (C) on Lots 1 & 2, Block 1, Garden Estates of Temple Texas Addition, being 7.22-acres located on the northwest corner of 205 Loop and 5400 block of West Adams Avenue, east of N. Kegley Road.

BACKGROUND: The applicant has requested the rezoning from GR to C. The owner would like to expand the uses allowed within the Addition.

SURROUNDING PROPERTY AND USES:

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

Direction	Zoning	Current Land Use	Photo	
Subject Property	GR (C proposed)	Undeveloped Land		
North	GR	Assisted Living and Retirement Community		
		(Trail in foreground)		

Direction	Zoning	Current Land Use	Photo
South	GR and PD-13 (Mixed Use)	Undeveloped Land and Fast Food Restaurant	
East	GR and LI	Multi-Family Units	
West	С	Undeveloped Land and Fuel Station with Convenience Store	



Current Land Uses: Yellow – Single Family

Brown – Multi-Family Residential & Nursing Facility

Residential

Red – Commercial & Retail Uses

Unhighlighted areas are undeveloped or being used for large lot agricultural.

COMPREHENSIVE PLAN COMPLIANCE:

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

Policy, Goal, Objective or Map	Compliance?
Map 3.1 - Future Land Use and Character Map	Y*
Map 5.2 - Thoroughfare Plan	Y*
Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Y*
Temple Trails Master Plan Map	Y*
	Map 3.1 - Future Land Use and Character MapMap 5.2 - Thoroughfare PlanGoal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities

* = See Comments Below CP = Comprehensive Plan STP = Sidewalk and Trails Plan

Future Land Use and Character (CP Map 3.1)

The Future Land Use and Character Map (FLUCM) designates the subject property as Auto Urban Commercial, a more intense retail on the map. The rezoning request complies with the FLUCM.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates W. Adams Road as a Major Arterial, N. .Kegley Road as a Minor Arterial and Loop 205 is a Collector Road. The rezoning request to C, Commercial, complies with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

City of Temple water and sewer lines are in place to serve this property. A development of this kind can be handled with the infrastructure already in place.

Temple Master Trails Plan Map

The Sidewalk and Trails Plan designates a future local Collector Trail along N. Kegley Road and shows the existing City Wide Spine trail along W. Adams Avenue frontage. This rezoning will not trigger dedication for the Trails Master Plan, but should the property be replatted, the PALS department will evaluate the property.

DEVELOPMENT REGULATIONS:

The C, Commercial zoning district is more intense retail district and allows for retail sales and restaurants or offices and most residential uses except apartments. It also allows more intense uses such as major vehicle repair and storage, warehousing and package stores by right. The district may allow natural resources storing/extraction, outdoor auto storage and kennels with a Conditional Use Permit approval. Storage Warehouses are also a use that is permitted by right. There is no minimum lot area, width or depth unless bounded by a residential district. These lots are not so situated, even though they are west of a multi family complex, as the zoning there is LI and GR. Any legal height building is allowed but could be required to be setback if over a certain height and next to a residential district.

PUBLIC NOTICE:

Nine notices were sent regarding the Planning and Zoning Commission public hearing to property owners within 200-feet of the subject property. As of Wednesday, July 13th, at 5 PM, one notice was returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on July 7, 2011, in accordance with state law and local ordinance. Sixteen courtesy notices were sent out to property owners within 500 feet of the subject property.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning for case Z-FY-11-40 for the following reasons:

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 serve the property.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial Land Use and Character Map Zoning Map Thoroughfare Plan Map Utility Map Flood Plain Map Notice Map Responses

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, JULY 18_, 2011

ACTION ITEMS

Item 9: <u>Z-FY-11-40</u> – Hold a public hearing to discuss and recommend action on a rezoning from General Retail District (GR) to Commercial District (C) on Lots 1 and 2, Block, Garden Estates of Temple, Texas, located at the northwest corner of West Adams Avenue and 205 Loop. (Applicant: Grady Rosier of Temple Real Estate Investments for Williamette Property Holdings, Inc.)

Ms. Matlock stated the lots are platted as GR and applicant would like to intensify the uses.

Surrounding properties include a retirement/assisted living facility to the north, undeveloped land and restaurant to the south, multi-family on the east, and undeveloped land and convenience store to the west.

The Future Land Use and Character Map designates this area as Auto Urban-Commercial which is a more intense retail than Suburban-Commercial.

A proposed collector trail would go down North Kegley Road and there is an existing City Wide Spine trail along West Adams Avenue frontage.

The Thoroughfare Plan designates West Adams Avenue as a major arterial, North Kegley Road as a minor arterial and 205 Loop is a collector road. The rezoning request complies with the Thoroughfare Plan.

Public facilities are available to serve the area.

Nine notices were mailed out and one response was received in favor; 16 courtesy notices were also mailed out.

Staff recommends approval of Z-FY-11-40 for the following reasons:

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

Commissioner Pilkington asked what uses would be allowed that GR does not permit. Ms. Matlock stated Commercial uses included cleaning plants, cabinet shops, flea markets, contractor storage and equipment yards, paint shops, storage warehouses, National Guard, and two family dwellings. Chair Talley opened the public hearing.

Mr. Thomas Baird, Attorney, 707 W. Thompson, Temple, Texas, representing the applicant, stated they agreed with the Staff recommendation.

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

Vice-Chair Martin made a motion to approve Z-FY-11-40 as presented and Commissioner Pope made a second.

Motion passed: (7:0) Commissioners Rhoads and Sears absent.

ORDINANCE NO.

(PLANNING NO. Z-FY-11-40)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM GENERAL RETAIL DISTRICT (GR) TO COMMERCIAL DISTRICT (C) ON LOTS 1 AND 2, BLOCK 1, GARDEN ESTATES OF TEMPLE TEXAS ADDITION, BEING 7.22 ACRES LOCATED ON THE NORTHWEST CORNER OF 205 LOOP AND 5400 BLOCK OF WEST ADAMS AVENUE, EAST OF NORTH KEGLEY ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

<u>**Part 1**</u>: The City Council approves a rezoning from General Retail District (GR) to Commercial District (C) on Lots 1 and 2, Block 1, Garden Estates of Temple Texas Addition, being 7.22 acres located on the northwest corner of 205 Loop and 5400 Block of West Adams Avenue, east of North Kegley Road, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

<u>**Part 2:**</u> The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **18th** day of **August**, 2011.

PASSED AND APPROVED on Second Reading on the 1st day of September, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger City Secretary Jonathan Graham City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/18/11 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-11-41: Consider adopting an ordinance authorizing a zoning change from Agricultural District (AG) to Commercial District (C) on 29.548 acres in Nancy Chase Survey, Abstract No. 5, located at the southwest corner of Kegley Road and the 5600 block of West Adams Avenue.

P&Z COMMISSION RECOMMENDATION: At its July 18, 2011 meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation to recommend approval of a rezoning from AG to C.

Commissioners Sears and Rhodes were absent.

<u>STAFF RECOMMENDATION</u>: Conduct public hearing and adopt ordinance as presented in the item description, on first reading, and schedule second reading and final adoption for September 1, 2011. Staff recommends approval for the following reasons:

- 1. The request does not comply with the Future Land Use and Character Map, however, a modification of the Future Land Use Map for the vicinity of the subject property appears appropriate for a later date.
- 2. The request complies with the Thoroughfare Plan.
- 3. Public facilities serve the property.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-11-41, from the Planning and Zoning meeting, July 18, 2011. The applicants, Thomas Baird and Grady Rosier on behalf of Bruce Stokes, request the rezoning to add to the possible uses on this property.

A rezoning from the AG to the C zoning district would allows many uses that would not have been allowed before. Those uses include, but are not limited to, the following:

Alcoholic beverage sales, on- or off-premise
consumption, beer and wine onlyHeavy machinery sales, storage and repairBuilding material salesMini-storageCabinet shopTwo-family dwellingContractor storageWelding or machine shopFamily or group homeWholesale storage and sales

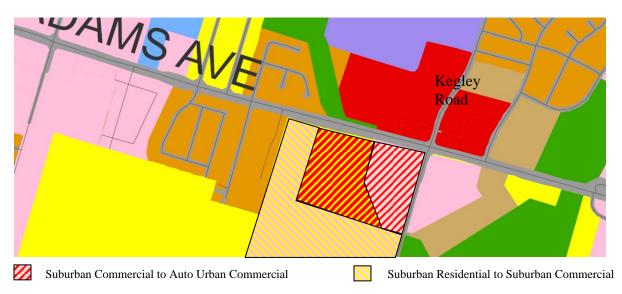
COMPREHENSIVE PLAN COMPLIANCE:

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 Map	N *
CP	Map 5.2 - Thoroughfare Plan	Y*
СР	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Υ*
STP	Temple Trails Master Plan Map	Y*
* = See Comments Below CP = Comprehensive Plan STP = Side Plan		ewalk and Trails

Future Land Use and Character (CP Map 3.1)

The Future Land Use and Character Map (FLUCM) designates the subject property as Suburban Commercial and Suburban Residential. The rezoning request does not comply with the FLUCM. Because this property is along a Major Arterial and because Auto Urban Commercial future land use designations already exist at the intersection of W. Adams and S. Kegley, it may be appropriate to change the portion of the property along W. Adams that now shows as Suburban Commercial and Suburban Residential to Auto Urban Commercial and Suburban Commercial. This would occur in a later update of the FLUCM. The intensive traffic that is expected to continue to occur along Adams, and especially at this intersection, is not compatible with a single family neighborhood adjacency, but could be better utilized as nonresidential. The map below provides a possible future land use scenario that City Staff will pursue at the end of 2011 when it does an overall cleanup of the FLUCM.



Suburban Residential to Auto Urban Commercial

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates W. Adams Avenue as a Major Arterial. Additionally, Kegley Road is a Minor Arterial which directly connects farther south to I-35. This makes this road a cross-town connecter and this node suitable for commercial use. The rezoning request to C, Commercial, complies with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

City of Temple water and sewer lines are in place to serve this property. A development of this kind can be handled with the infrastructure already in place.

Temple Master Trails Plan Map

The Sidewalk and Trails Plan designates a future local Collector Trail along N. Kegley Road and shows the existing City Wide Spine trail along W. Adams Avenue frontage. It also shows a proposed Community Wide Collector to the west of this property near the creek bed. This rezoning will not trigger dedication for the Trails Master Plan, but should the property be replatted, the PALS department will evaluate the property for appropriate dedication.

PUBLIC NOTICE:

Eight notices were sent regarding the Planning and Zoning Commission public hearing to property owners within 200-feet of the subject property. As of Wednesday, July 13th, 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 July 7, 2011, in accordance with state law and local ordinance. Ten courtesy notices were sent out to property owners within an additional 500 feet of the subject property.

FISCAL IMPACT:

NA

ATTACHMENTS:

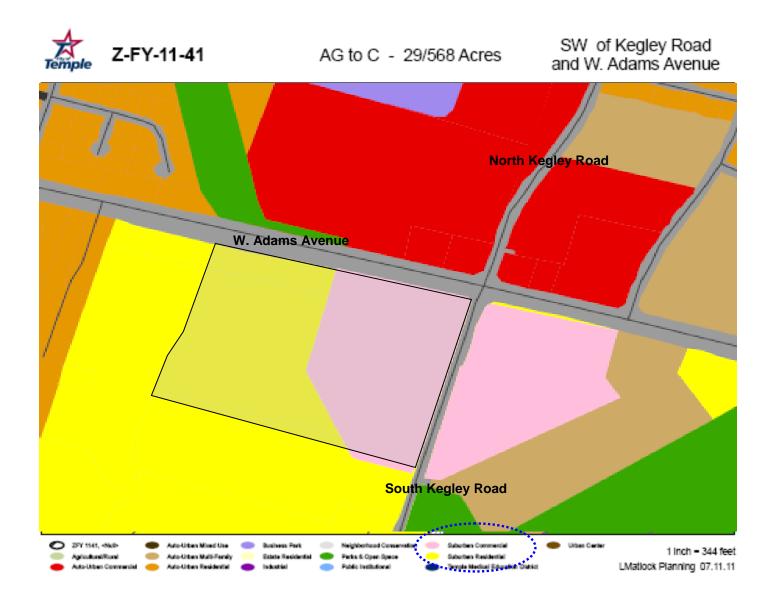
Aerial Land Use and Character Map Thoroughfare Plan Map Zoning Map Utility Map Notice Map Response Letter P&Z Staff Report (Z-FY-11-41) P&Z Minutes (July 18, 2011) Ordinance

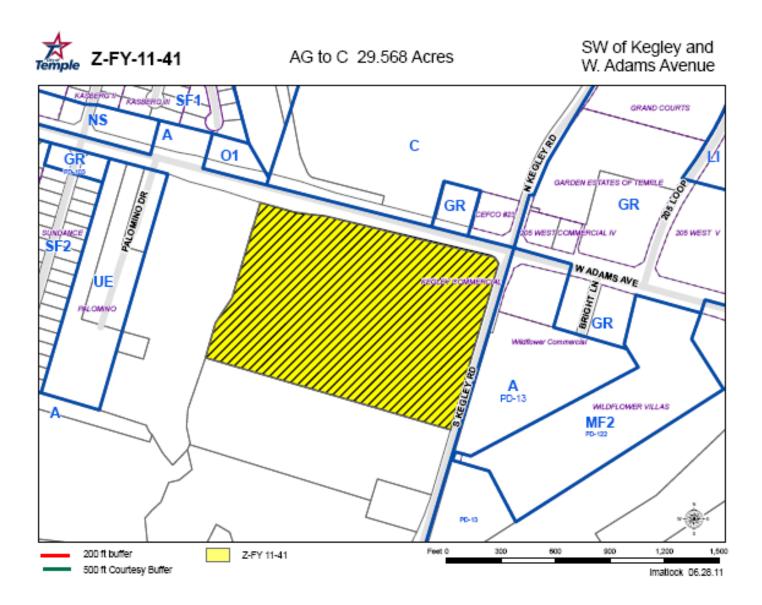


SW of Kegley and W. Adams Avenue



ZFY 11-41







SW of Kegley and W. Adams Avenue



Major Arterial

Collector



SW of Kegley and W. Adams Avenue



ZFY 11-41 Existin, City Wide Spine

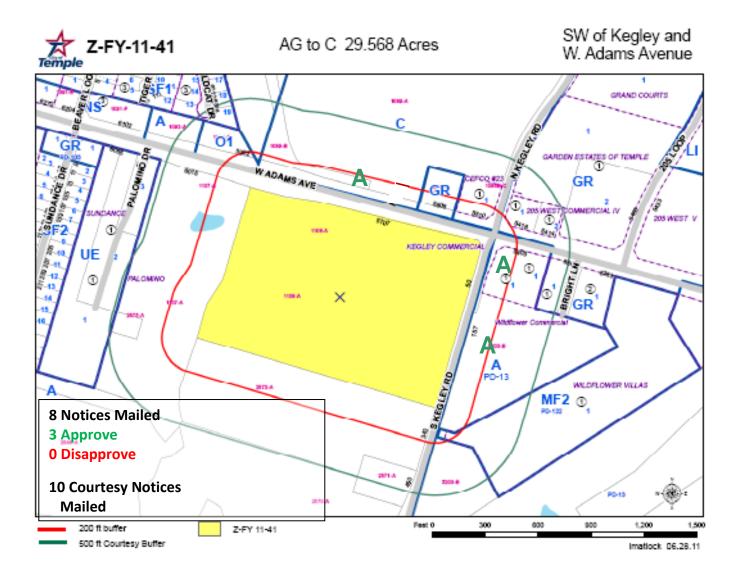
Proposed, Continuinty Vide Cont
 Proposed, Local Collector



SW of Kegley and W. Adams Avenue



Fire Hydrant — Sewer Line





Steven J. Ward 7 North Kegley Roadl Temple, Texas 76502

Project Manager: Leslie Matlock Zoning Application Number: Z-FY-11-41 Location: Southwest Corner of West Adams and South Kegley Road

The proposed rezoning 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 X approval () denial of this request.

Comments:

Signature

Please mail or hand-deliver this comment form to the address shown below, no later than <u>July 18, 2011</u>

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



Heartland Resources Inc. 6 South 1st Street Temple, Texas 76501

Project Manager: Leslie Matlock Zoning Application Number: Z-FY-11-41 Location: Southwest Corner of West Adams and South Kegley Road

The proposed rezoning 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 July 18, 2011

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

RECEIVED

JUL 1 3 2011

City of Temple Planning & Development

July 7, 2011 Date Mailed:



Adams-Kegley Property Company 4200 Perimeter Center Drive, Suite 195 Oklahoma City, OK 73112

Project Manager: Leslie Matlock Zoning Application Number: Z-FY-11-40 Location: Northwest Corner of West Adams and 205 Loop

The proposed rezoning 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

Barnett Jr.

Please mail or hand-deliver this comment form to the address shown below, no later than July 18, 2011

RECEIVED JUL 1 4 2011

City of Temple

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

Number of Notices Mailed: 9

Date Mailed: July 7. 2011



7/18/11 Item #10 Regular Agenda Page 1 of 4

<u>APPLICANT / DEVELOPMENT:</u> Thomas Baird, Esq. and Grady Rosier of Temple Real Estate Investments, on behalf of Bruce Stokes, Owner

CASE MANAGER: Leslie Matlock, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-11-41 Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (AG) to Commercial District (C) 29.548 acres in Abstract 5, located at the southwest corner of Kegley Road and the 5600 block of West Adams Avenue.

<u>BACKGROUND</u>: The applicant has requested the rezoning from AG to C. The owner would like to expand the uses allowed on the property.

SURROUNDING PROPERTY AND USES:

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

Direction	Zoning	Current Land Use	Photo
Subject Property	AG (C proposed)	Undeveloped Land	
North	GR and C	Undeveloped Land and Fuel Station with Convenience Store	

Direction	Zoning	Current Land Use	Photo
South	AG	Undeveloped Agricultural Land and Electrical Substation	
East	GR and LI	Undeveloped Land with Multi Family Use in distance – Fast Food Restaurant	
West	С	Creek and Large Lot Residential	



Current Land Uses:

Yellow – Small and Large lot Single Family Residential

Brown – Multi-Family Residential

Red – Retail Uses

Green Area – Temple Parks & Recreation Trail

Blue – Creek Bed Area

Unhighlighted areas are undeveloped

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 Map	N *
CP	Map 5.2 - Thoroughfare Plan	Y*
СР	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Y*
STP	Temple Trails Master Plan Map	Y*

* = See Comments Below CP = Comprehensive Plan STP = Sidewalk and Trails Plan

Future Land Use and Character (CP Map 3.1)

The Future Land Use and Character Map (FLUCM) designates the subject property as Suburban Commercial and Suburban Residential. The rezoning request does not comply with the FLUCM. Because this property is along a Major Arterial and because Auto Urban Commercial future land use designations already exist at the intersection of W. Adams and S. Kegley, it may be appropriate to change the portion of the property along W. Adams that now shows as Suburban Commercial and Suburban Residential to Auto Urban Commercial and Suburban Commercial. This would occur in a later update of the FLUCM. The intensive traffic that is expected to continue to occur along Adams, and especially at this intersection, is not compatible with a single family neighborhood adjacency, but could be better utilized as nonresidential. The map below provides a possible future land use scenario that City Staff will pursue at the end of 2011 when it does an overall cleanup of the FLUCM.



Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates W. Adams Avenue as a Major Arterial. Additionally, Kegley Road is a Minor Arterial which connects farther south to I-35. This makes this road a cross town connecter, and this node suitable for commercial use. The rezoning request to C, Commercial, complies with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

City of Temple water and sewer lines are in place to serve this property. A development of this kind can be handled with the infrastructure already in place.

Temple Master Trails Plan Map

The Sidewalk and Trails Plan designates a future local Collector Trail along N. Kegley Road and shows the existing City Wide Spine trail along W. Adams Avenue frontage. It also shows a proposed Community Wide Collector to the west of this property near the creek bed. This rezoning will not trigger dedication for the Trails Master Plan, but should the property be replatted, the PALS department will evaluate the property for appropriate dedication.

DEVELOPMENT REGULATIONS:

The C, Commercial zoning district is more intense retail district and allows for retail sales and restaurants or offices and most residential uses except apartments. It also allows more intense uses such as major vehicle repair and storage, contractor storage and mini-storage by right. The district may allow natural resources storing/extraction, outdoor auto storage and kennels with a Conditional Use Permit approval. Storage Warehouses are also a use that is permitted by right. There is no minimum lot area, width or depth unless bounded by a residential district. This property is not so situated, even though it is west of a multi family complex. Any legal height building is allowed but could be required to be setback if over a certain height and next to a residential district.

PUBLIC NOTICE:

Eight notices were sent regarding the Planning and Zoning Commission public hearing to property owners within 200-feet of the subject property. As of Wednesday, July 13th, 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 July 7, 2011, in accordance with state law and local ordinance. Ten courtesy notices were sent out to property owners within an additional 500 feet of the subject property.

<u>STAFF RECOMMENDATION</u>: Staff recommends approval of the rezoning for case Z-FY-11-40 for the following reasons:

- 1. The request does not comply with the Future Land Use and Character Map, however, a modification of the Future Land Use Map for the vicinity of the subject property appears appropriate for a later date.
- 2. The request complies with the Thoroughfare Plan.
- 3. Public facilities serve the property.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial Land Use and Character Map Zoning Map Thoroughfare Plan Map Utility Map Flood Plain Map Notice Map Responses

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, JULY 18_, 2011

ACTION ITEMS

Item 10: <u>Z-FY-11-41</u> – Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (AG) to Commercial District (C) on 29.548 ± acres of land, located at the southwest corner of West Adams Avenue and South Kegley Road. (Applicants: Thomas Baird and Grady Rosier of Temple Real Estate Investments for Bruce Stokes)

Ms. Matlock stated the subject property was located on the southwest corner from the previous item, contains 29.548 acres, is currently being used for AG purposes with a residential home and out buildings located in the middle.

Surrounding properties include a fuel sales/office to the north, undeveloped land to the south, undeveloped property and residences to the east, and large undeveloped commercial area behind that. The trail system goes up the creek bed across the street from the subject property.

The Future Land Use and Character Map has split uses for Auto-Urban Residential (more dense), Auto-Urban Multi-Family (denser), and Suburban-Commercial (less dense).

Because this corner is at the intersection of two arterials which are city-wide connectors, projected for heavy traffic, this corner may be more appropriate for commercial uses.

The Thoroughfare Plan designates Adams Avenue as a major arterial and North Kegley Road as a minor arterial and the request complies with the Thoroughfare Plan. All public facilities serve the site.

Eight notices were mailed out and three were received in favor of the request. Ten courtesy notices were mailed.

Staff recommends approval of a zoning change from GR to C because:

1. The request does not comply with the Future Land Use and Character Map, however, a modification of the Future Land Use Map for the vicinity of the subject property appears appropriate for a later date;

- 2. It complies with the Thoroughfare Plan; and
- 3. Public facilities are available to serve the property.

Chair Talley opened the public hearing.

Mr. Thomas Baird, Attorney, 707 W. Thompson, Temple, Texas, representing the applicant, stated they agreed with the Staff recommendation.

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

Commissioner Pope made a motion to approve Z-FY-11-41 as presented and Commissioner Jones made a second.

Motion passed: (7:0) Commissioners Rhoads and Sears absent.

ORDINANCE NO. _____

(PLANNING NO. Z-FY-11-41)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM AGRICULTURAL DISTRICT (AG) TO COMMERCIAL DISTRICT (C) ON 29.548 ACRES IN ABSTRACT 5, LOCATED AT THE SOUTHWEST CORNER OF KEGLEY ROAD AND THE 5600 BLOCK OF WEST ADAMS AVENUE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

<u>**Part 1**</u>: The City Council approves a rezoning from Agricultural District (AG) to Commercial District (C) on 29.548 acres in Abstract 5, located at the southwest corner of Kegley Road and the 5600 Block of West Adams Avenue, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

<u>**Part 2:**</u> The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **18th** day of **August**, 2011.

PASSED AND APPROVED on Second Reading on the 1^{st} day of September, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

ATTEST:

Clydette Entzminger City Secretary Jonathan Graham City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/18/11 Item #12 Regular Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: P-FY-11-33: Consider adopting a resolution authoring the Final Plat of Carroll Estes Industrial Subdivision, a 61.50-acre, 3-lot nonresidential subdivision, located on the east side of I-35 at the northern City Limits, including a portion of the Temple ETJ, with developer's requested exception to Section 8.2.7.E of the Unified Development Code requiring fire hydrants to comply with the City's Fire Code,

P&Z COMMISSION AND STAFF RECOMMENDATION: At its July 18, 2011, meeting, the Planning and Zoning Commission voted 7/0 to recommend approval of the Final Plat of Carroll Estes Industrial, subject to the following developer's requested exception to Unified Development Code Section 8.2.7.E, requiring fire hydrants to comply with the City Fire Code:

Commissioners Sears and Rhodes were absent.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case P-FY-11-33, from the Planning and Zoning Commission meeting on July 18, 2011. This is a 3-lot non-residential plat. The Owner wishes to restructure the property for tax purposes.

The Development Review Committee reviewed the Final Plat on May 25, 2011 and deemed the Final Plat administratively complete on July 6, 2011. City Council is the final plat authority since the developer requests an exception to UDC Section 8.2.7 E requiring fire hydrants to comply with the City's Fire Code.

UDC Citation	Requirement	Applicant's Justification	Staff Support?*
Sec. 8.2.7.E	Nonresidential: Fire hydrants spaced 300 feet apart with no structure more than 500 feet from the fire hydrant.	Little Elm Valley Water	

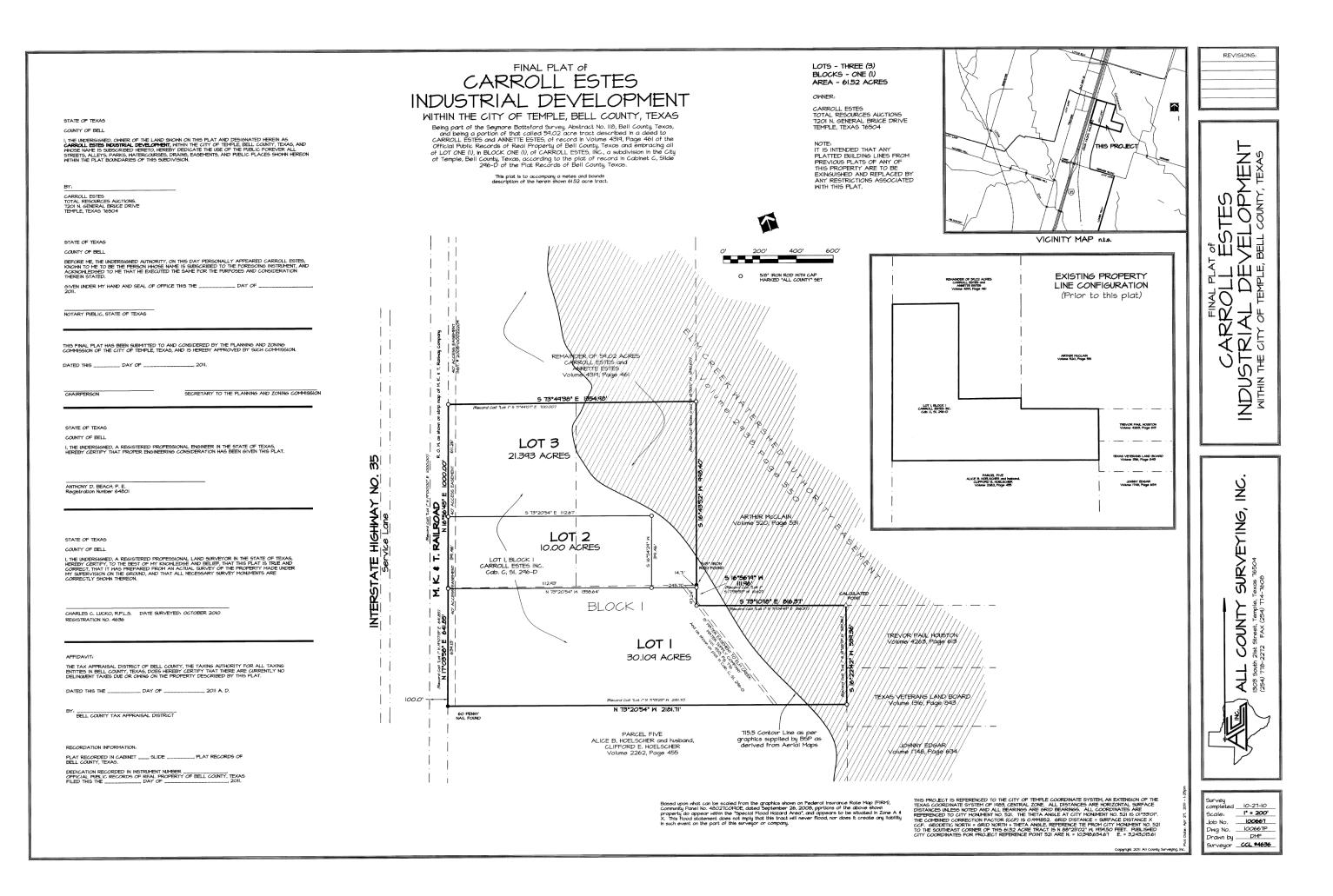
This type of exception is relatively common in the Extraterritorial Jurisdiction as city water is not available and the properties are covered by rural water districts. The Troy Volunteer Fire Department would probably be the first responder for this property because the property is closer to that fire house, according to the Fire Marshal. This replatting will not change the way that the salvage yard will be operated, accessed or how fires would be fought as there are no current plans for additional development on the property. The applicant is aware that if a Building Permit is filed for expansion or new development, fire coverage will have to be extended, as stated in the UDC Exception Request Letter, attached.

Park fees do not apply to nonresidential development.

FISCAL IMPACT: NA

ATTACHMENTS:

Plat Developer's Exception Request P&Z Commission Staff Report (P-FY-11-33) P&Z Draft Minutes (July 18, 2011) Resolution



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



June 21, 2011

City of Temple, Planning Brian Mabry, Planning Director 2 North Main Temple, Texas 76501

Mr. Mabry,

On behalf of Mr. Carroll Estes, we would like to request an exception to the Fire Hydrant requirement as it applies to the Final Plat of Carroll Estes Industrial Development, Block 1, Lots 1, 2 & 3 within the City of Temple, Bell County, Texas.

This exception to the Fire Hydrant requirement is being requested because no existing City of Temple water distribution mains exist within the immediate vicinity. The applicant is not changing the existing conditions nor is he planning any additional improvements at this time. The applicant understands that the fire hydrant requirement may need to be resolved prior to future building structure construction.

We appreciate the City of Temple's consideration regarding this exception request. If you need additional information or have any questions regarding this request please do not hesitate to contact me.

Respectfully Submitted,

Anthony D. Beach, P.E., CFM







07/18/11 Item #3 Regular Agenda Page 1 of 2

APPLICANT / DEVELOPMENT: BSP Engineers for Carroll Estes, owner

CASE MANAGER: Leslie Matlock, Senior Planner

ITEM DESCRIPTION: P-FY-11-33 Consider and recommend action on the Final Plat of Carroll Estes Industrial Subdivision, a 61.50-acre, 3-lot nonresidential subdivision, with developer's requested exception to Section 8.2.7.E of the Unified Development Code requiring fire hydrants to comply with the City's Fire Code, located on the east side of I-35 at the northern City Limits, including a portion of the Temple ETJ.

STAFF RECOMMENDATION: Staff recommends approval of the Final Plat of Carroll Estes Industrial Subdivision, subject to City Council's approval of the applicant's requested exception to UDC Section 8.2.7.E requiring fire hydrants to comply with the City's Fire Code.

BACKGROUND: This is a three lot nonresidential replat associated with a salvage yard on land that abuts I-35 and a parallel set of railroad tracks. The subdivision has ingress and egress to the Interstate by two 150-foot long driveways and by a cross access easement along the entire frontage of the property. The plat contains land in and out of the upper northern limits of the City Limits.

The Design Review Committee reviewed the Final Plat on May 25, 2011 and deemed the Final Plat administratively complete on July 6, 2011. City Council is the final plat authority since the developer requests an exception to UDC Section 8.2.7 E requiring fire hydrants to comply with the City's Fire Code.

UDC Citation	Requirement	Applicant's Justification	Staff Support?*
Sec. 8.2.7.E	Nonresidential: Fire hydrants spaced 300 feet apart with no structure more than 500 feet from the fire hydrant.	There is adequate water for domestic use provided by Little Elm Valley Water Supply, but not enough water line capacity for fire hydrants at this time.	Yes

This type of exception is relatively common in the Extraterritorial Jurisdiction as city water is not available and the properties are covered by rural water districts. The Troy Volunteer Fire Department would probably be the first responder for this property because the property is closer

to that fire house, according to the Fire Marshal. This replatting will not change the way that the salvage yard will be operated, accessed or how fires would be fought as there are no current plans for additional development on the property. The applicant is aware that if a Building Permit is filed for expansion or new development, fire coverage will have to be extended, as stated in the UDC Exception Request Letter, attached.

Park fees do not apply to nonresidential development.

ATTACHMENTS:

Plat UDC Exception Request Letter

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, JULY 18_, 2011

ACTION ITEMS

Item 3: <u>P-FY-11-33</u> - Consider and recommend action on the Final Plat of Carroll Estes Industrial Subdivision, a 61.50-acre, 3-lot nonresidential subdivision, with developer's requested exception to Section 8.2.7.E of the Unified Development Code requiring fire hydrants to comply with the City's Fire Code, located on the east side of I-35 at the northern City Limits, including a portion of the Temple ETJ. Zoned Light Industrial (Applicant: BSP Engineers for Carroll Estes)

Ms. Leslie Matlock, Senior Planner, stated this is a three lot non-residential replat associated with an existing salvage yard on land that abuts I-35 and a parallel set of railroad tracks. The subdivision has ingress and egress to the Interstate by two 150-foot long driveways and by a cross access easement along the entire frontage of the property. The plat contains land in and out of the upper northern limits of the City Limits. The applicant is asking for an exception to the fire hydrant requirement since there are no plans to build or do anything to the lot. There are no fire hydrants in the area.

Staff recommends approval of the Final Plat of Carroll Estes Industrial Subdivision, subject to City Council's approval of the applicant's requested exception to UDC Section 8.2.7.E requiring fire hydrants to comply with the City's Fire Code.

Commissioner Staats about fire protection for the parked vehicles containing oil and gas. Ms. Matlock stated there were no hydrants and fire protection would have to come in by trucks.

Commissioner Staats made a motion to approve P-FY-11-33 as stated along with the exception requested regarding fire hydrants and Commissioner Pilkington made a second.

Motion passed: (7:0) Commissioners Rhoads and Sears absent. **RESOLUTION NO.**_

(PLANNING NO. P-FY-11-33)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE FINAL PLAT OF CARROLL ESTES INDUSTRIAL SUBDIVISION, A 61.50-ACRE, 3-LOT NONRESIDENTIAL SUBDIVISION, LOCATED ON THE EAST SIDE OF I-35 AT THE NORTHERN CITY LIMITS, INCLUDING A PORTION OF THE TEMPLE EXTRATERRITORIAL JURISDICTION (ETJ), SUBJECT TO THE DEVELOPER'S REQUESTED EXCEPTION TO THE UNIFIED DEVELOPMENT CODE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 18, 2011, the Planning and Zoning Commission approved the Final Plat Carroll Estes Industrial Subdivision, a 61.50-acre, 3-lot nonresidential subdivision located on the east side of I-35 at the northern City limits, including a portion of the Temple ETJ, subject to the developer's requested exception to Sec. 8.2.7.E of the Unified Development Code requiring hydrants to comply with the City's Fire Code; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve the Final Plat for Carroll Estes Industrial Subdivision.

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

<u>**Part 1:**</u> The City Council approves the Final Plat for Carroll Estes Industrial Subdivision, a 61.50-acre, 3-lot nonresidential subdivision located on the east side of I-35 at the northern City limits, including a portion of the Temple extraterritorial jurisdiction, more fully shown on the Plat which is on file in the City's Planning Department, incorporated herein and referred to by reference, and including the following exception to the Unified Development Code: **Sec. 8.2.7.E** requiring hydrants to comply with the City's Fire Code.

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

PASSED AND APPROVED this the **18th** day of **August**, 2011.

THE CITY OF TEMPLE, TEXAS
WILLIAM A. JONES, III, MAYOR
APPROVED AS TO FORM:
 Jonathan Graham
City Attorney

ATTEST:

Clydette Entzminger City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

08/18/11 Item #13 Regular Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: P-FY-11-35: Consider adopting a resolution authorizing the Preliminary Plat and Final Plat of Alta Vista II, a 46.56±-acre, 245-lot residential subdivision located on the east side of South 5th Street, south of Echo Village Subdivision and across from Wyndham Hill Parkway, with developer requested exception to Section 8.3.2:Cash Instead of Land Dedication,.

<u>P&Z COMMISSION AND STAFF RECOMMENDATION</u>: At its July 18, 2011, meeting, the Planning and Zoning Commission voted 6/1 to recommend approval of the Preliminary Plat and Final Plat of Alta Vista II, <u>without</u> the developer's requested exception to Unified Development Code Section 8.3.2: Cash Instead of Land Dedication.

Vice-Chair Martin opposed the motion for plat approval with park fee payment. Commissioners Sears and Rhoads were absent.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case P-FY-11-35, from the Planning and Zoning Commission meeting on July 18, 2011. This is a 245-lot residential plat. The proposed development, Alta Vista Phase II, is a 46.56±-acre, 245-lot residential subdivision located on the east side of South 5th Street, south of Echo Village Subdivision and across from Wyndham Hill Parkway.

The Development Review Committee reviewed the Preliminary and Final Plats of Alta Vista, Phase II on June 8, 2011 and July 6, 2011. The plats were deemed administratively complete on July 11, 2011.

Park fees in the sum of \$55,125 (\$225 per dwelling unit) are required for this proposed subdivision. In the attached exception request, the developer requests exception to UDC Sec. 8.3.2.A, which allows the Parks and Leisure Services (PALS) Director the discretion to spend collected park fees for the "development of a neighborhood park located within the same area as the development or in close proximity to the development." The applicant makes his request with the intent to provide park facilities within the Alta Vista Phase I park that would be equal to, or exceed, the per-unit park fee. The PALS Director does not support this request and instead would rather have the discretion to spend the collected park fees in a manner he sees most fit, as Section 8.3.2.A allows him to do. The developer's request requires City Council approval.

08/18/11 Item #13 Regular Agenda Page 2 of 2

ATTACHMENTS:

Developer's Letter Plat P&Z Staff Report P&Z Excerpts Resolution



July 7, 2011

Brian Mabry, Planning Director City of Temple 2 North Main Street Temple, TX 76501

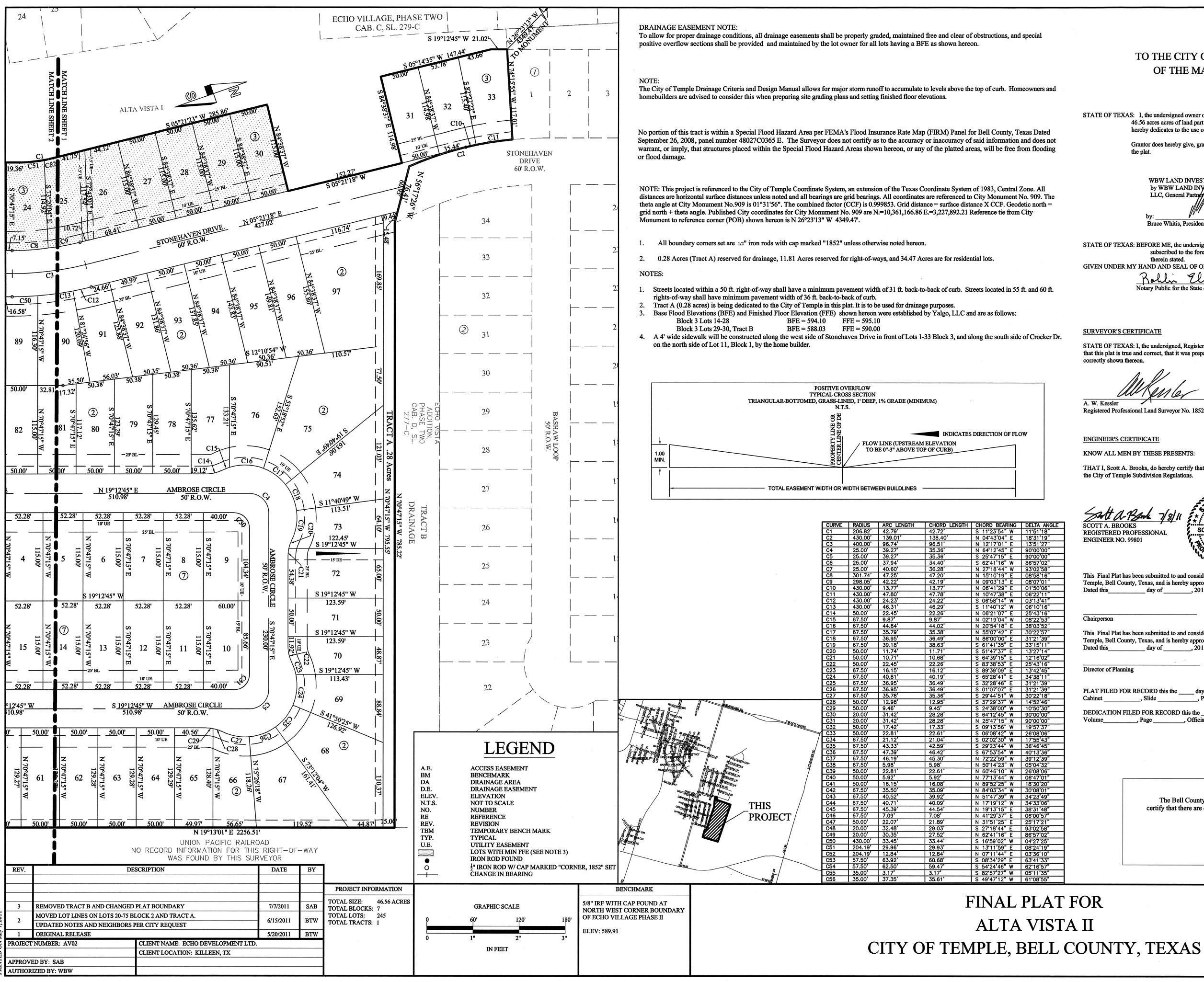
Subject: Parks and Leisure Services Alta Vista II comments (dated July 5 & 6, 2011)

Mr. Mabry:

W&B Development is requesting an exception to Temple's UDC section 8.3.2.B. Rather than paying a cash fee, W&B Development requests to satisfy neighbrhood park needs by providing park facilities within Alta Vista; such improvements will be equal-to or exceed the per-lot park fee.

Sincerely,

Garrett Nordyke Development



FINAL PLAT FOR ALTA VISTA II TO THE CITY OF TEMPLE, BELL COUNTY, TEXAS BEING PART OF THE MAXIMO MORENO SURVEY, ABSTRACT No. 14

STATE OF TEXAS: I, the undersigned owner of the land shown on this plat, and designated herein as ALTA VISTA II, Temple, Bell County, Texas, being 46.56 acres acres of land part of the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, and whose name is subscribed hereto, hereby dedicates to the use of the public forever, all streets, alleys, water courses, drains, easements, and public places as shown hereon.

> Grantor does hereby give, grant, convey and transfer to the City of Temple, Texas, in fee simple, the drainage area shown as Tract "A" on the nla

WBW LAND INVESTMENTS, LP, by WBW LAND INVESTMENTS GP. LLC, General Partner Bruce Whitis, Presider

STATE OF TEXAS: BEFORE ME, the undersigned authority, on this day personally appeared Bruce Whitis, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purpose and consideration

therein stated. GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 8 day of \overline{Ju}_{4} , 20 11 A.D. Rollin Elingeran Notary Public for the State of Texas



SURVEYOR'S CERTIFICATE

STATE OF TEXAS: I, the undersigned, Registered Professional Land Surveyor, in the State of Texas, do hereby certify to the best of my knowledge and belief, that this plat is true and correct, that it was prepared from an actual survey of the property made on the ground, and that all necessary survey monuments are

ler 1-8-11

Registered Professional Land Surveyor No. 1852

ENGINEER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:



THAT I, Scott A. Brooks, do hereby certify that I prepared all drainage Calculations and designed all drains, streets/roads and appurtenances in accordance with the City of Temple Subdivision Regulations.

SCOTT A. BROOKS **REGISTERED PROFESSIONAL** 99801 A SOUL A

This Final Plat has been submitted to and considered by the Planning and Zoning Board of the City of Temple, Bell County, Texas, and is hereby approved by such Commission. _____ day of _____

This Final Plat has been submitted to and considered by the Planning and Zoning Board of the City of Temple, Bell County, Texas, and is hereby approved by such Commission. ___ day of ____ , 2011

PLAT FILED FOR RECORD this the _____ day of _ , 20 A.D. in , Slide , Plat Records of Bell County, Texas.

DEDICATION FILED FOR RECORD this the _____day of _ ___, 20__A.D. in ___, Page ____ _, Official Records, Bell County, Texas.

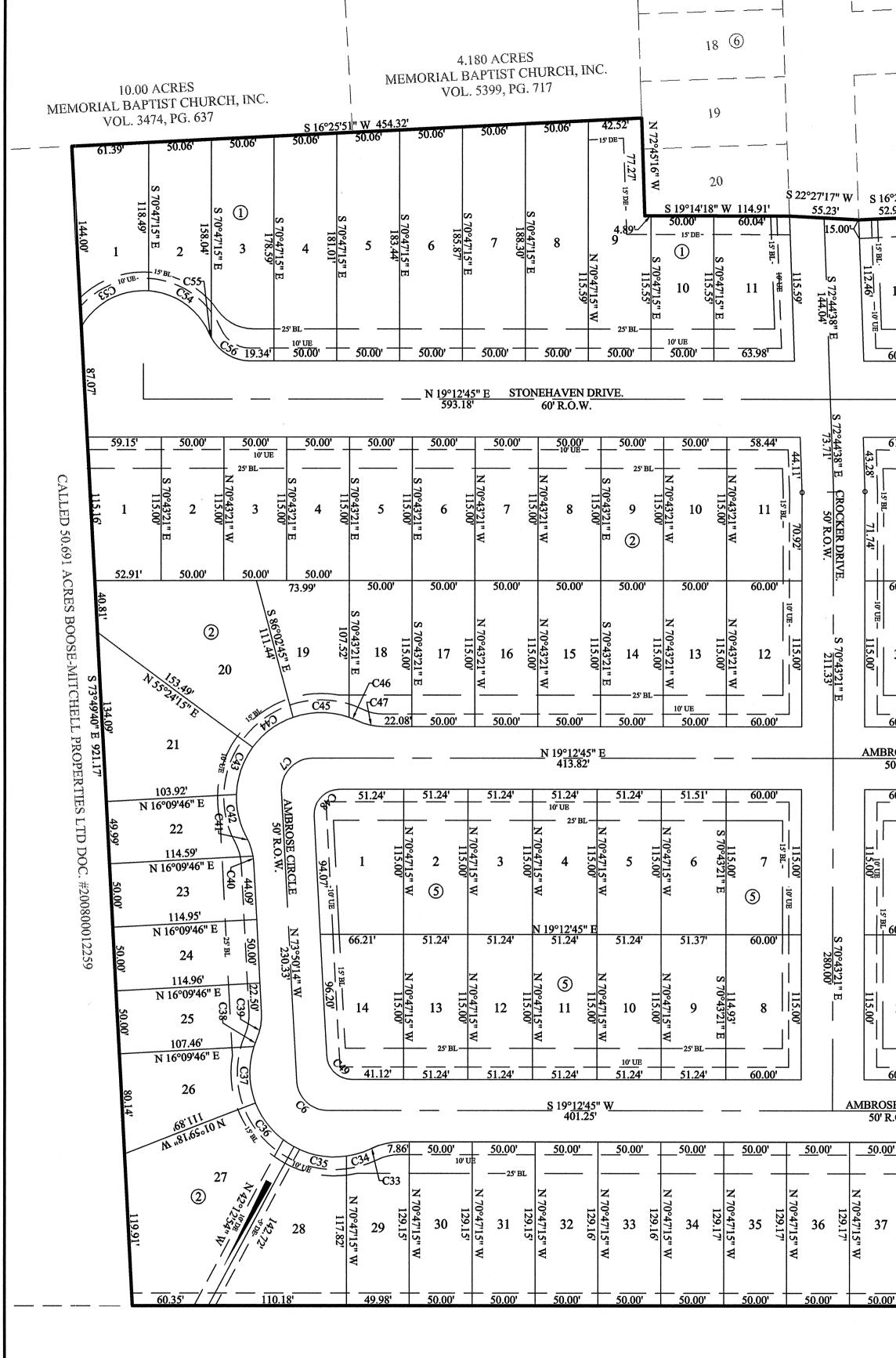
TAX CERTIFICATE

The Bell County Tax Office, the taxing authority for all entities in Bell County, Texas, does hereby certify that there are currently no delinquent taxes due or owing on the property described by this plat.

Dated this ______ day of _____, A.D. 2011.

BELL COUNTY TAX OFFICE

Yalgo, LLC SHEET 3000 Illinois Ave., Suite 10 Killeen, TX 76543 PH (254) 953-5353 FX (254) 953-0032 OF Texas Registered **Engineering Firm F-10264**



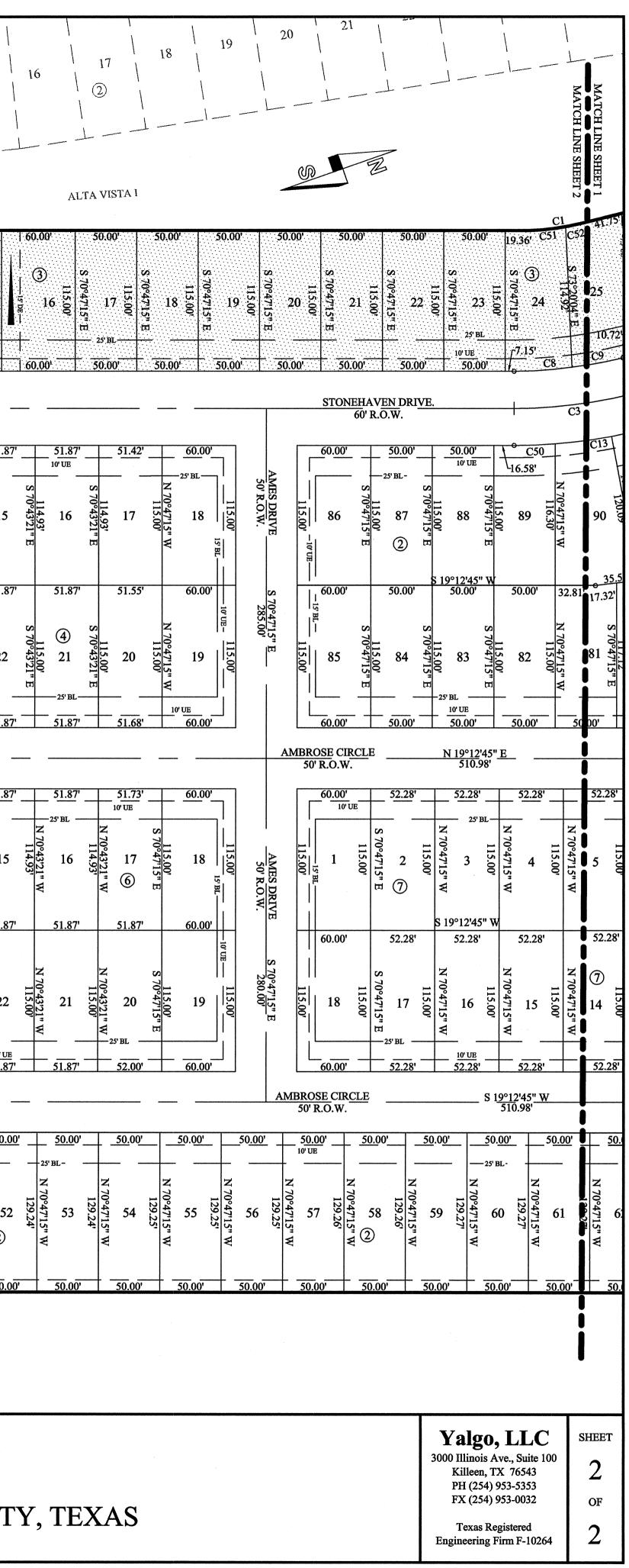
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	MOVED LOT LINES ON LOTS 20-75 B	LOCK 2. UPDATED NEIGHBORS	6/15/2011	BTW	TOTAL LOTS: 245	0	60' 120'
2	PER CITY REQUEST AND ADDED CU	L-DE-SAC ON STONEHAVEN	0/13/2011		TOTAL TRACTS: 1	ľ	120
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AUTHOR	NZED BY: WBW						

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ALTA VISTA II CITY OF TEMPLE, BELL COUNTY, TEXAS





7/18/11 Item #4 Regular Agenda Page 1 of 1

APPLICANT / DEVELOPMENT: W&B Development

CASE MANAGER: Tammy Lyerly, Planner

ITEM DESCRIPTION: P-FY-11-35 Consider and recommend action on the Preliminary Plat and Final Plat of Alta Vista II, a 46.56± acres, 245-lot residential subdivision, with developer requested exception to Section 8.3.2:Cash Instead of Land Dedication, located on the east side of South 5th Street, south of Echo Village Subdivision and across from Wyndham Hill Parkway. Zoned Single Family Two (Applicant: W&B Development)

<u>STAFF RECOMMENDATION</u>: Staff recommends approval of the Preliminary and Final Plat of Alta Vista Phase II, but does not support the requested exception.

<u>BACKGROUND</u>: The proposed development, Alta Vista Phase II, is a 46.56± acres, 245-lot residential subdivision located on the east side of South 5th Street, south of Echo Village Subdivision and across from Wyndham Hill Parkway.

The Development Review Committee reviewed the Final Plat of Alta Vista, Phase II on June 8, 2011 and July 6, 2011. It was deemed administratively complete on July 11, 2011.

Park fees in the sum of \$55,125 (\$225 per dwelling unit) are required for this proposed subdivision. In the attached exception request, the developer requests exception to Sec. 8.3.2.A, which allows the Parks and Leisure Services (PALS) Director the discretion to spend collected park fees for the "development of a neighborhood park located within the same area as the development or in close proximity to the development." The applicant wants the PALS Director to be committed to spending the park fee money within the park land that was dedicated with Alta Vista Phase I. The PALS Director does not want to be "locked in" to such a commitment and would rather have the discretion to spend the collected park fees in a manner he most sees fit, as Section 8.3.2.A allows him to do. The developer makes his request with the intent to provide park facilities within the Alta Vista Phase I park that would be equal to, or exceed, the per-unit park fee. The developer's request requires City Council approval.

ATTACHMENTS:

Developer's Letter Plat

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, JULY 18_, 2011

ACTION ITEMS

Item 4: P-FY-11-35 – Consider and recommend action on the Preliminary Plat and Final Plat of Alta Vista II, a 46.56± acre, 245-lot residential subdivision, with developer requested exception to Section 8.3.2 of the Unified Development Code related to cash instead of land dedication, located on the east side of South 5th Street, south of Echo Village Subdivision and across from Wyndham Hill Parkway. Zoned Single Family Two (Applicant: WBW Development)

Ms. Tammy Lyerly, Planner, stated the preliminary and final plat have been combined with one item description since they mirror each other. Since the developer is asking for exceptions to the UDC for the park fee payment, this matter will go forward to City Council.

The Development Review Committee (DRC) deemed this matter administratively complete on July 11, 2011. The proposed development, Alta Vista Phase II, is a 46.56± acres, 245-lot residential subdivision located on the east side of South 5th Street, south of Echo Village Subdivision and across from Wyndham Hill Parkway.

Park fees in the sum of \$55,125 (\$225 per dwelling unit) are required for this proposed subdivision. The developer requests exceptions to the park fee payment since the developer's intent is to provide park facilities within the Alta Vista I park which would equal to or exceed the park fee required. Staff is recommending payment of the park fees and also that the Parks & Leisure Director has the discretion as the UDC allows to spend the park fees. Segment from UDC regarding Parks Director discretion is shown.

Staff recommends approval of the Preliminary and Final Plats of Alta Vista Phase II, but Staff does not support the requested exception.

Chair Talley stated since there is an exception requested, he would allow anyone to speak on the issue.

Mr. Garrett Nordyke, WB Development, 3000 Illinois Avenue, Killeen, TX, stated in total the subdivision is over 750 lots and is large enough to necessitate for a neighborhood park, which has been planned from the beginning. Land has been dedicated for a neighborhood park and the developer can provide more improvements for \$55,000 than the City can since they are already on site and developing the project. Mr. Nordyke asked that the developer be allowed to finish the park by allowing the \$55,000 in improvements.

Mr. Nordyke shows the Commission two examples of previously built neighborhood parks to show what could be expected and gives amount information for each.

Chair Talley asked if the Parks & Leisure Department (PALS) would be required for the upkeep of the park rather than the neighbors and Mr. Nordyke stated this park would be going on property already dedicated to PALS.

Mr. Ken Cicora, Parks Director for City of Temple, stated the problem with the request is that the two lots are only $11,000\pm$ square feet (less than 1/4 of an acre) and there are over 416 houses in Phases I and II to be served. There are a lot of homes in the first phase, over 700, and a neighborhood park by City's definition is three to five acres and 11,000 square feet is not enough green space to serve the community and needs to be larger. The fees are being requested to be dedicated to a place to serve all of the people.

Commissioner Pilkington asked if they would receive credit for the quarter acre and Mr. Cicora stated that land was credited on the previous phase and for the trail out to 5th Street.

Mr. Nordyke stated they had originally planned for a trail system. In meeting with the PALS approximately one year ago, it was decided not to improve the trail system immediately and a more immediate benefit if land were set aside and made park improvements. By changing the configuration of Alta Vista Phase I, along with several other changes, now that the project is nearing completion, Mr. Nordyke would like to make the improvements and have park infrastructure on the land indicated. Buyers of the lots in the subdivision have paid for it and they would like to provide a park with the money already paid.

Commissioner Pope made a motion to approve the preliminary and final plats of P-FY-11-35 as stated by Staff with denial of the exception requested to the Section 8.3.2 of the UDC, that park fees be paid, and Commissioner Jones made a second.

Motion passed: (6:1) Vice-Chair Martin voted nay; Commissioners Rhoads and Sears absent. **RESOLUTION NO.**_

(PLANNING NO. P-FY-11-35)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE PRELIMINARY PLAT AND FINAL PLAT OF ALTA VISTA II, AN APPROXIMATELY 46.56 ACRE, 245-LOT RESIDENTIAL SUBDIVISION, LOCATED ON THE EAST SIDE OF SOUTH 5TH STREET, SOUTH OF ECHO VILLAGE SUBDIVISION AND ACROSS FROM WYNDHAM HILL PARKWAY, SUBJECT TO THE DEVELOPER'S REQUESTED EXCEPTION TO THE UNIFIED DEVELOPMENT CODE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 18, 2011, the Planning and Zoning Commission approved the Preliminary Plat and Final Plat for Alta Vista II, an approximately 46.56 acre, 245-lot residential subdivision, located on the east side of South 5th Street, south of Echo Village Subdivision and across from Wyndham Hill Parkway, **without** the developer's requested exception to Sec. 8.3.2 of the Unified Development Code requiring a payment of \$225 per dwelling unit in lieu of park land dedication; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve the Preliminary Plat and Final Plat for Alta Vista II.

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

<u>**Part 1:**</u> The City Council approves the Preliminary Plat and the Final Plat for Alta Vista II, an approximately 46.56 acre, 245-lot residential subdivision, located on the east side of South 5th Street, south of Echo Village Subdivision and across from Wyndham Hill Parkway, more fully shown on the Plat which is on file in the City's Planning Department, incorporated herein and referred to by reference.

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

PASSED AND APPROVED this the **18th** day of **August**, 2011.

THE CITY OF TEMPLE, TEXAS
WILLIAM A. JONES, III, MAYOR
APPROVED AS TO FORM:
 Jonathan Graham City Attorney

ATTEST:

Clydette Entzminger City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

08/18/11 Item #14(A)-(J) Regular Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

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

- (A) Airport Advisory Board two members to fill expiring terms through September 1, 2014
- (B) Animal Services Advisory Board one member to fill expiring term through September 1, 2014 and appoint Chair for the period of September 1, 2011 through August 31, 2012
- (C) Civil Service Commission one member to fill expiring term through September 1, 2014
- (D) Community Services Advisory Board three members to fill expiring terms through September 1, 2014
- (E) Library Board three members to fill expiring terms through September 1, 2014
- (F) Planning & Zoning Commission three members to fill expiring terms through September 1, 2014
- (G) Reinvestment Zone No. 1 Board of Directors five members to fill expiring terms through September 1, 2013
- (H) Temple Economic Development Corporation three members to fill expiring terms through September 1, 2014
- (I) Temple Public Safety Advisory Board four members to fill expiring terms through September 1, 2014
- (J) Transit Advisory Committee three members to fill expiring terms through September 1, 2013

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City Council adopted a resolution in June, 2003, establishing policies governing the appointment and training of citizens to City boards. In accordance with that resolution, appointments to the above stated boards are to be made at the second regular meeting in August, with an effective date of September 1, 2011.

Please see the attached summary listing which has been updated to include all applications received for board appointments.

FISCAL IMPACT: N/A

ATTACHMENTS:

Board Application Summary New City Board Application Forms



BOARD APPOINTMENTS

APPLICATION SUMMARY

AUGUST 18, 2011

AIRPORT ADVISORY BOARD – 3 YEAR TERMS: Meet 2nd Monday each other month, 4:00 pm

2 terms expiring: both want to be reappointed

- 1. William Maedgen, III At large position; eligible for reappointment; seeking reappt.
- 2. Brad Phillips eligible for reappointment; seeking reappt

Board Forms on File:

Dan Conn Marion "Lee" Holmes (Belton resident) Jimmy Lester Patrick Marcon Jack Schrock Gregory Wisinski

Recommendation:

ANIMAL SERVICES ADVISORY BOARD – 3 YEAR TERMS: Meet 2nd Monday every other month, 11:00 am

1 term expiring:

1. Barbara Brown – eligible for reappointment; currently serving as Chair; not seeking reappt.

Council must also appoint the Chair for upcoming year (currently Barbara Brown)

Board Forms on File:

Patrick Marcon Peggy McIlvanie Margarita Stefano-Rios – currently on Library Board

Recommendation:

<u>CIVIL SERVICE COMMISSION</u> – 3 YEAR TERMS: Meet on called basis

1 term expiring (must be Temple resident for past 3 yrs., over 25 years old):

1. Gary DeSalvo – eligible for reappointment; seeking reappt

Board Forms on File:

Jeff Byrd Patsy Cofer John Mayo Sammy Ragsdale Melissa Tyroch Bragg – currently on Community Services Board and Electrical Board

Recommendation:

COMMUNITY SERVICES ADVISORY BOARD - 3 YEAR TERMS: Meet on called basis

3 terms expiring (must be Bell Co. residents):

- 1. Melissa Tyroch Bragg eligible for reappointment; seeking reappt
- 2. Dee Blackwell eligible for reappointment; seeking reappt
- 3. Jody Donaldson not eligible for reappointment

Board Forms on File:

Julie Adkison Margaret Goodwin –currently on Public Safety Advisory Board Olivia Marsala John Mayo Richard Morgan Donald Nelson – currently on Public Safety Advisory Board (expires 9-01-11, not eligible for reappt.) Kevin Pitts Mary Ann Rojas – currently on Building & Standards (alt) & Transit Advisory Committee Margarita Stefano-Rios – currently on Library Board Bennie Trevino – currently on Public Safety Advisory Board

Recommendation:

LIBRARY BOARD – 3 YEAR TERMS: Meet 3rd Tuesday of each quarter at noon

3 terms expiring (must be Temple residents):

- 1. Jean Kubala eligible for reappointment; seeking reappt
- 2. Dean Mohlstrom not eligible for reappointment
- 3. Don Nelson not eligible for reappointment

Board Forms on File:

Margaret Goodwin – currently on Public Safety Advisory Board Patrick Marcon Peggy McIlvanie

Recommendation:

<u>PLANNING & ZONING COMMISSION</u> – 3 YEAR TERMS: Meet 1st & 3rd Mondays of each month, 5:00 p.m.

<u>3 terms expiring (must be Temple residents):</u>

- 1. Barbara Brown eligible for reappointment; seeking reappt
- 2. David Jones eligible for reappointment; seeking reappt
- 3. Greg Rhoads eligible for reappointment; seeking reappt

TABA Recommendation: reappoint all three members

Board Forms on File:

John Bailey - currently on RZ No. 1 (expires 9-01-11, not eligible for reappt.); Parks Board Bill Bogucki Jeff Byrd Whit Coats Paul Erchinger Alan Horn Ed Laughlin – currently on Building & Standards Comm (alt) and Zoning Brd of Adjustment **Rick Lewis** Richard Morgan Michael Nader Don Nelson Jeff Norwood **Kevin Pitts** Thomas Rehak Mary Ann Rojas – currently on Building & Standards (alt) & Transit Advisory Committee Starky Winnett

Recommendation:

<u>REINVESTMENT ZONE NO. 1 BOARD OF DIRECTORS</u> – 2 YEAR TERMS: Meet 4th Wednesday of each month, 7:00 a.m.

5 City terms expiring/4 taxing entity terms expiring:

- 1. John Bailey not eligible for reappointment
- 2. Mark Whitaker not eligible for reappointment
- 3. Jay Bojorquez eligible for reappointment; seeking reappt
- 4. Bob Browder eligible for reappointment; seeking reappt
- 5. Thomas Baird eligible for reappointment; seeking reappt
- 6. Jack Jones (Temple College rep) Jack Jones reappointed by TC
- 7. Steve Wright (TISD rep) Steve Wright reappointed by TISD
- 8. Eddy Lange (Bell Co. rep) awaiting reply from Bell County
- 9. Edward Coufal (Elm Crk rep) Ed Coufal reappointed by Elm Crk

TABA Recommendation: appoint Pat Patterson, John Howe and Will Sears

Board Forms on File:

John Howe Rick Hughes Drayton McLane III Richard Morgan Larry Neal Keith Odom Raju Patel Pat Patterson – currently on Development Standards Advisory Board and TEDC Kevin Pitts Mary Ann Rojas – currently on Building & Standards (alt) & Transit Advisory Committee Will Sears – currently on Bldg Board of Appeals & Planning & Zoning Commission Wendell Williams

Recommendation:

TEMPLE ECONOMIC DEVELOPMENT CORPORATION – 3 YEAR TERMS: Meets 3rd Tuesday of month at 10:00 am

<u>3 terms expiring:</u>

- 1. Kenny Martin (Chamber) eligible for reappointment; position was changed to at-large with bylaw amendment in June 2011; Kenny desires to be reappointed
- 2. Barbara Bozon (Chamber) eligible for reappointment see Chamber recommendation below
- 3. Gary Schmidt (RZ No. 1) not eligible for reappointment see RZ No. 1 recommendation below

TABA Recommendation: appoint Pat Patterson to RZ No. 1 Board and to the RZ position on TEDC

Chamber Recommendation: appoint George Lee to fill the Chamber rep position

RZ No. 1 Recommendation: Bob Browder, Chair, recommends appointment of Hugh Shine to RZ position

Board Forms on File:

John Bailey - currently on RZ No. 1 (expires 9-01-11, not eligible for reappt.); Parks Board Abbi Bhakta Justice Bigbie – currently on Civil Service Commission and Transit Advisory Committee Bill Bogucki Jeff Byrd – currently on Electrical Board Jim Calhoun Lamar Collins Paul Erchinger David Fitch Alan Horn John Howe **Rick Hughes** David Jones - currently on Airport Board and Planning & Zoning Commission Wade Knight Michael Nader Larry Neal Donald Nelson – currently on Public Safety Advisory Board (expires 9-01-11, not eligible for reappt.) Raju Patel **Kevin Pitts** Mary Ann Rojas – currently on Building & Standards (alt) & Transit Advisory Committee Will Sears - currently on Bldg Board of Appeals & Planning & Zoning Commission Hugh Shine – currently on RZ No. 1 Mike Thompson – currently on RZ No. 1

Recommendation:

TEMPLE PUBLIC SAFETY ADVISORY BOARD – 3 YEAR TERMS: Meets 2nd Tuesday of month at 5:30 pm

4 terms expiring (must be Temple resident):

- 1. Gerald Richmond not eligible for reappointment
- 2. Jeff Blackwell eligible for reappointment; seeking reappt
- 3. Bennie Trevino eligible for reappointment; seeking reappt
- 4. John Barina (current Chair) eligible for reappointment; seeking reappt

Board Forms on File:

Recommendation:

<u>TRANSIT ADVISORY COMMITTEE</u> – 2 YEAR TERMS: Meets 2nd Tuesday of every other month, 2:00 pm

3 terms expiring (must be Temple resident):

- 1. Mary Ann Rojas eligible for reappointment; seeking reappt
- 2. Ester Roque eligible for reappointment; seeking reappt
- Todd Adams not eligible for reappointment

Board Forms on File:

Peggy McIlvanie Richard Morgan Sammy Ragsdale

Recommendation:

Board forms on file – no specific board requested:

Joel Amos – serving as Zoning Board of Adjustment alternate member



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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

AIRPORT ADVISORY BOARD BUILDING & STANDARDS COMMISSION CIVIL SERVICE COMMISSION ELECTRICAL BOARD ZONING BOARD OF ADJUSTMENT LIBRARY BOARD PLANNING & ZONING COMMISSION REINVESTMENT ZONE NUMBER ONE TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD BUILDING BOARD OF APPEALS COMMUNITY SERVICES ADVISORY BOARD TEMPLE PUBLIC SAFETY ADVISORY BOARD DEVELOPMENT STANDARDS ADVISORY BOARD PARKS & LEISURE SERVICES ADVISORY BOARD TRANSIT ADVISORY COMMITTEE CENTRAL TEXAS HOUSING CONSORTIUM TREE BOARD

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

 If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or <u>centz@ci.temple.tx.us</u>.

Name WHALD W. NELSON Residence Address 3105 HEMLELK BLUD.
Mailing Address SAMIE 76572 Phone Number(Business) 778-198 Bome) 778-1803
Fax Number <u>SAME</u> Cell Phone Number <u>E-Mail Address NOD NOSCENCE 1/3 h</u>
Temple Resident: Ves No
Currrent Employer/Nature of Business: RELND
What City Boards have you served on before & When? TOUR SIN / Parks /1 Bisry / Public
<u>Seleti</u>
Name, in priority order, the Board or Boards on which you would prefer to serve: COMINOUIKy
Advisory; planning + Duning; Economic Development
What experience and/or educational background do you have that could be applied to community service? <u>A.B. Torf to II nover 14</u> MIS Boston University - Scocret 15 du Kr
Schuden Vew Enclored V Chicolo
Comments (Attach adoitional page if desired): I for NOW Able to five back to teaple for all N's house
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Signed And All lich Date: 7-28-11

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

* Appuinted PSATS 8/20/09

CITY OF TEMPLE



CITY BOARD APPLICATION FORM

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

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

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

• If you would like further information on meeting times and/or anticipated time commitments, please contact
the City Secretary at 254-298-5301 or centz@ci.temple.tx.us femple tx.gov
Name Kevin Pitts Residence Address 7309 Klein Dr., Temple, TX 76502
Mailing Address <u>Same</u> Phone Number(Business) <u>254-770-5128</u> (Home) <u>254-718-4984</u>
Fax Number 254-770-5108 Cell Phone Number 254-718-4984 E-Mail Address Kevin . Pitts @ bbva compass. com
Temple Resident:YesNo
Currrent Employer/Nature of Business: BBVA Compass
What City Boards have you served on before & When? N/A
Name, in priority order, the Board or Boards on which you would prefer to serve: <u>Temple Eco. Dev. Corp.</u> Planning + Zoning, <u>Developmental Standards</u> <u>Reinvest</u> Zene #1, Building + Standards, Community Suc Advisory Board, Building Board of Appeals, Parks + Leisure What experience and/or educational background do you have that could be applied to community service? <u>Thate</u> <u>a</u> <u>BBA</u> from <u>Texes</u> <u>State University</u> with a <u>major</u> in <u>Economics</u> . <u>Thave</u> <u>been in Banking</u> <u>over</u> <u>7</u> years and <u>T</u> was <u>boin</u> and <u>unised</u> in <u>Temple</u> . <u>Comments</u> (Attach additional page if desired): <u>See affached</u> <u>Memo</u> <u>duted</u> <u>8-1-11</u>
Signed:

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

Memorandum

To: City of Temple Mayor & City Council From: Kevin Pitts Date: 8//2011 Subject: City of Temple Board Application

I am a hard working, young professional that was born here, went to school here (Troy), and after graduating college, moved back here to have a career. I love this area and I want to see it improve. I hope by joining a City Board I will make an impact that will improve this city.