



**MEETING OF THE  
TEMPLE CITY COUNCIL**

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET**

**3<sup>rd</sup> Floor – CONFERENCE ROOM**

**THURSDAY, OCTOBER 18, 2012**

**4:00 P.M.**

**WORKSHOP AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, October 18, 2012.
2. Discuss future design and construction for the training fields at Fire Station 8.

5:00 P.M.

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET  
CITY COUNCIL CHAMBERS – 2<sup>ND</sup> FLOOR  
TEMPLE, TX**

**TEMPLE CITY COUNCIL**

**REGULAR MEETING AGENDA**

**I. CALL TO ORDER**

1. Invocation
2. Pledge of Allegiance

**II. PROCLAMATIONS & SPECIAL RECOGNITIONS**

3. (A) Receive 9-11 Memorial Flag flow over Kandahār, Afghanistan.  
(B) Czech Heritage Month – October 2012

**III. PUBLIC HEARING**

4. **PUBLIC HEARING** – Receive Municipal Service Plan and conduct a public hearing to receive comments on the possible annexation, known as the Campus at Lakewood Voluntary Annexation, for a 10+ acre tract of land, located at the north end of Richland Drive, north of The Campus at Lakewood Ranch Phase VII.

**IV. PUBLIC COMMENTS**

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

**V. CONSENT AGENDA**

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

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

### **Minutes**

- (A) [October 4, 2012 Special Called and Regular Meeting](#)

### **Contracts, Leases, & Bids**

- (B) [2012-6777-R](#): Consider adopting a resolution authorizing a change order #1 to the construction contract with James Construction Group, LLC for construction activities required to build interim fencing improvements along the NW Loop 363 roadway project in an amount not to exceed \$58,706.41.
- (C) [2012-6778-R](#): Consider adopting a resolution authorizing a construction contract with T. Morales Company Electric & Controls Ltd. of Florence for activities required to construct the emergency power improvements and building modifications to house the associated generator hardware (Phase 2B) in an amount not to exceed \$2,473,400.
- (D) [2012-6779-R](#): Consider adopting a resolution authorizing the purchase of a yearly 2012-2013 maintenance contract with Sungard Public Sector in the amount of \$152,092.20
- (E) [2012-6780-R](#): Consider adopting a resolution authorizing a cost sharing agreement with Stellar Development Company to provide for cost sharing of the installation of a wastewater line extension to the Highland Park Subdivision.
- (F) [2012-6781-R](#): Consider adopting a resolution authorizing the renewal of the Emergency Management Performance Grant for FY 2012, which funds a portion of the administration cost for Emergency Management for the City of Temple in the amount of \$37,643.64.

### **Ordinances – Second & Final Reading**

- (G) [2012-4560](#): SECOND READING - Z-FY-12-53: Consider adopting an ordinance amending the Citywide Trails Master Plan.
- (H) [2012-4561](#): SECOND READING - Z-FY-12-54: Consider adopting an ordinance amending Ordinance 2008-4230, the *Choices '08*, City of Temple Comprehensive Plan, Chapter 5, to amend the Thoroughfare Plan Map.

### **Misc.**

- (I) [2012-6782-R](#): Consider adopting a resolution establishing a policy and criteria for the City's support of tax credit projects through the Texas Department of Housing and Community Affairs and rescinding resolutions No. 2005-4280-R and No. 2004-4019-R.

- (J) [2012-6783-R](#): Consider adopting a resolution authorizing acceptance of grant funding in the estimated amount of \$4,114,450 from the Texas Department of Transportation, Aviation Division, Airport Project Participation Grant Fund, for reconstruction, rehabilitation and overlay of Taxiways A, B, C, D, E, F and the aircraft parking apron at the Draughton-Miller Central Texas Regional Airport, with an estimated City match of 10% or \$411,445.
- (K) [2012-6784-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2012-2013.

## **VI. REGULAR AGENDA**

### **ORDINANCES**

6. (A) [2012-4563](#): SECOND READING - PUBLIC HEARING: Consider adopting an ordinance designating a tract of land consisting of approximately 8.144 acres and described as Lot 7 and Lot 8, Block 1, Enterprise Park, located at 2708 Lucius McCelvey Drive as City of Temple Tax Abatement Reinvestment Zone Number Twenty-Four for commercial/industrial tax abatement.
- (B) [2012-6785-R](#): Consider adopting a resolution authorizing a tax abatement agreement with Don-Nan Pump & Supply Company, granting tax abatement on the increased value of real property on a tract of land located at 2708 Lucius McCelvey Drive, Temple, Bell County, Texas.

### **RESOLUTIONS**

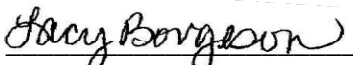
7. [2012-6786-R](#): Consider adopting a resolution directing Staff to proceed with implementation of the Tax Increment Financing Reinvestment Zone #1 Downtown Rail Safety Zone Report.

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

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I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 2:00 PM, on October 12, 2012.



Lacy Borgeson, TRMC  
City Secretary

I certify that this Notice of Meeting Agenda was removed by me from the outside bulletin board in front of the City Municipal Building at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 2012. \_\_\_\_\_.





## COUNCIL AGENDA ITEM MEMORANDUM

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10/18/12  
Item #4  
Regular Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Autumn Speer, Director of Planning and Development

**ITEM DESCRIPTION:** PUBLIC HEARING – Receive Municipal Service Plan and conduct a public hearing to receive comments on the possible annexation, known as the Campus at Lakewood Voluntary Annexation, for a 10+ acre tract of land, located at the north end of Richland Drive, north of The Campus at Lakewood Ranch Phase VII.

**STAFF RECOMMENDATION:** Receive staff presentation on the Municipal Service Plan, as required by State law, hold public hearing and take no action at this time. The second hearing is scheduled as a special meeting of the City Council, Friday, October 19, 2012 8:30 a.m.

**ITEM SUMMARY:** John Kiella filed a petition on September 18, 2012, seeking voluntary annexation of approximately 10± acre acres into the City of Temple. Voluntary annexation is governed by Section 43.028 of the Texas Local Government Code and applies only to the annexation of an area that is:

1. Less than one-half mile in width,
2. Contiguous to the annexing municipality, and
3. Vacant and without residents or on which fewer than three qualified voters reside.

The landowner's petition meets the statutory requirements and is recommended to be granted.

On October 4, 2012, the City Council adopted a resolution directing City staff to create a Municipal Service Plan and public hearing schedule in anticipation of the annexation of the subject property.

The initial public hearings will be held October 18, 2012, (regular meeting) and October 19, 2012, (special meeting, 8:30 a.m., Council Chambers). The resolution sets the time and place for these meetings. No on-site hearing will be necessary, as there are no residents on the land proposed to be annexed. Planning staff will present a Municipal Services Plan at the hearing on October 18, 2012, as required by state law, showing how the City will serve the area proposed to be annexed into the City. The proposed schedule anticipates completion of annexation proceedings December 6, 2012. The Planning and Zoning Commission will make a recommendation to the Council for the applicant's

requested zoning to UE, Urban Estates, to be part of the annexation and zoning ordinance readings, at its November 5, 2012 meeting.

**FISCAL IMPACT:** Future tax revenue. The Municipal Service Plan does not contain any proposal to extend water or wastewater services to the area, or any other new physical facilities to serve this small tract.

**ATTACHMENTS:**

[Municipal Service Plan](#)

[Map of Proposed Annexation Area](#)

**CITY OF TEMPLE  
ANNEXATION SERVICE PLAN—VOLUNTARY ANNEXATION  
CAMPUS AT LAKEWOOD**

For approximately 10+ acre tract of land, located at the north end of Richland Drive, north of The Campus at Lakewood Ranch Phase VII., located in Bell County, and being more particularly described as Exhibit “A” and depicted as Exhibit “B” of the Annexation Ordinance (2012-####).

**SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION**

**1. POLICE PROTECTION**

The City will provide protection to the newly-annexed tract at the same or similar of service now being provided to other areas of the City, with the same or similar topography, land use and population density.

**2. FIRE PROTECTION AND AMBULANCE SERVICE**

The City will provide fire protection from Station 5 to the newly-annexed area at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density. The City will provide First Responder services through its Fire Department and contract for emergency medical services (EMS) through the Scott & White Hospital System.

**3. SOLID WASTE COLLECTION**

Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided to the newly-annexed area to the extent that the City has access to the area to be serviced. Private contractors currently providing sanitation collecting services in the area may continue to do so for up to two years.

**4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES**

Any and all water or wastewater facilities owned or maintained by the City at the time of the proposed annexation shall continue to be maintained by the City. Any and all water or wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City, to the extent of its ownership. Any and all water or wastewater facilities outside the extent of the ownership of the City, and owned by other water or wastewater providers shall continue to be allowed to provide those services to the newly-annexed tract.

**5. MAINTENANCE OF ROADS AND STREETS**

Any and all public roads, streets or alleyways which have been dedicated to the City, or which are owned by the City, shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas with similar topography, land use and population density. Any and all lighting of roads, streets and alleyways which may be positioned in a right-of-way, roadway or utility company easement shall be maintained by the applicable utility company servicing the City, pursuant to the rules, regulations and fees of such utility.

## 6. MAINTENANCE OF PUBLIC PARKS, PLAYGROUNDS AND SWIMMING POOLS

The City Council is not aware of the existence of any public parks, playgrounds or swimming pools now located in the area proposed for annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City, will maintain such areas to the same extent and degree that it maintains parks, playgrounds and swimming pools and other similar areas of the City now incorporated in the City.

## 7. MAINTENANCE OF MUNICIPALLY-OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

The City Council is not aware of the existence of any publicly-owned facility, building or other municipal service now located in the area proposed for annexation. In the event any such publicly-owned facility, building or municipal service does exist and are public facilities, the City will maintain such areas to the same extent and degree that it maintains publicly-owned facilities, buildings or municipal services of the City now incorporated in the City.

## 8. CONSTRUCTION SAFETY

The City will provide building inspection services upon approved building permits from the City to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

## 9. CODE ENFORCEMENT

The City will provide code enforcement services to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

## 10. MOWING

The City will provide right-of-way mowing services adjacent to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

## CAPITAL IMPROVEMENTS

### 1. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

The City Council finds and determines it to be unnecessary to acquire or construct any capital improvements for the purposes of providing police protection, fire protection, or emergency medical services. The City Council finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other areas already incorporated in the City with the same or similar topography, land use and population density.

### 2. ROADS AND STREETS

The City will undertake to provide the same degree of road and street lighting as is provided in areas of the same or similar topography, land use and population density within the present corporate limits of the City. Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use and sub development of the annexed property. Developers will be required, pursuant to the ordinances of the City to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City for the properly dedicated street. City participation in capital expenditures will be in accordance with city policies.

3. WATER AND WASTEWATER FACILITIES

The City of Temple has water facilities within the boundaries of the voluntary annexation, and proposes no other extension of water facilities to the area, taking into consideration the existing land use, and topography and population density relative to areas within the existing City Limits which do not have water services.

The City of Temple has no wastewater providers within the boundaries of the voluntary annexation and property owners rely on septic tank systems. The City of Temple proposes non extensions of wastewater facilities to the boundaries of the voluntary annexation taking into consideration existing service providers, the existing land use, and topography and population density relative to areas within the existing City Limits which do not have water services.

4. CAPITAL IMPROVEMENTS

Notwithstanding any other provision of this service plan, a landowner within the newly annexed area will not be required to fund capital improvements as necessary for municipal services in a manner inconsistent with Chapter 395 of the Local Government Code, unless otherwise agreed to by the landowner.

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**SPECIFIC FINDINGS**

The City Council finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time immediately preceding the annexation process.

Because of the differing characteristics of topography, land utilization and population density, the service levels which may ultimately be provided in the newly annexed area may differ somewhat from services provided in other areas of the City. These differences are specifically dictated because of differing characteristics of the property and the City will undertake to perform consistent with this contract so as to provide the newly-annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City who reside in areas of the same or similar topography, land utilization and population density.

APPROVED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

City of Temple, Texas

\_\_\_\_\_  
Mayor

ATTEST:

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City Secretary

## EXHIBIT A

BEING a 10.089 acre tract of land situated in the GEORGE W. LINDSEY SURVEY, ABSTRACT No. 513, Bell County, Texas and being a part or portion of that certain 25.000 acre tract of land described in a Executor's Special Warranty Deed dated April 2, 2008 from Edward William Clinite, Independent Executor and as Trustee of any Trusts Created under the Last Will and Testament of LaVerne Miller, Deceased to Kiella Land Investments, Ltd., a Texas limited partnership and being of record in Document No. 2008-00016748, Official Public Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with cap stamped "RPLS 2475" found being an interior point of the said 25.000 acre tract and being an exterior ell corner in the north boundary line of that certain tract of land described as The Campus at Lakewood Ranch, Phase VII according to the map or plat of record in Cabinet D, Slide 251-C, Plat Records of Bell County, Texas which bears N. 78° 41' 12" W., 342.25 feet from a 1/2" iron rod found at the northeast corner of the said Campus at Lakewood Ranch, Phase VII for corner;

THENCE N. 73° 16' 08" W., 164.87 feet departing the said north boundary line and continuing over and across the said 25.000 acre tract to a 1/2" iron rod with cap stamped "RPLS 2475" set being in the west boundary line of the said 25.000 acre tract and being in the east boundary line of that certain Morgan's Point Lake Resort Section 2, a subdivision of Morgan's Point according to the plat of record in Cabinet A, Slide 242-C, Plat Records of Bell County, Texas for corner;

THENCE with the west boundary line of the said 25.000 acre tract and with the east boundary line of the said Morgan's Point Lake Resort Section 2 the following six (6) calls:

- 1) N. 17° 54' 49" E., 57.03 feet ( calls N. 17° 54' 49" E., 77.04 feet ) to a 3/8" iron rod found for corner;
- 2) N. 17° 19' 35" E., 253.49 feet ( calls N. 17° 19' 35" E., 253.49 feet ) to a 1/2" iron rod found for corner;
- 3) N. 15° 58' 10" E., 109.95 feet ( calls N. 15° 58' 10" E., 109.95 feet ) to a 1/2" iron rod stamped "RPLS 2475" found for corner;
- 4) N. 17° 09' 24" E., 274.50 feet ( calls N. 17° 45' 51" E., 488.84 feet ) to a 1/2" iron rod found for corner;
- 5) N. 18° 32' 31" E., 214.38 feet to a 1/2" iron rod found for corner;





- 6) N.  $28^{\circ} 16' 50''$  E., 34.49 feet ( calls N.  $28^{\circ} 16' 50''$  E., 34.49 feet ) to a  $\frac{1}{2}$ " iron rod with cap stamped "RPLS 2475" found being the northwest corner of the said 25.000 acre tract and being an exterior ell corner in a south boundary line of that certain remainder 147.28 acre tract of land described in a Judgment to LaVerne Miller of record in Volume 1681, Page 25, Deed Records of Bell County, Texas for corner;

THENCE S.  $71^{\circ} 40' 00''$  E., 226.37 feet departing the said Morgan's Point Lake Resort Section 2 and with the north boundary line of the said 25.000 acre tract ( calls S.  $71^{\circ} 40' 00''$  E., 958.15 feet ) and the south boundary line of the said Miller tract to a  $\frac{1}{2}$ " iron rod with cap stamped "RPLS 2475" set for corner;

THENCE departing the said north boundary line and the said south boundary line and over and across the said 25.000 acre tract the following two ( 2 ) calls:

- 1) S.  $18^{\circ} 33' 21''$  W., 29.46 feet to a  $\frac{1}{2}$ " iron rod with cap stamped "RPLS 2475" set being at the beginning of a non-tangent curve to the left having a radius equals 525.00 feet, chord bearing equals S.  $81^{\circ} 28' 40''$  E., 172.87 feet, central angle equals  $18^{\circ} 57' 08''$  for corner;
- 2) 173.66 feet along the arc of said curve to the left to a  $\frac{1}{2}$ " iron rod with cap stamped "RPLS 2475" set being in the north boundary line of the said 25.000 acre tract and being in the south boundary line of the aforementioned Miller tract for corner;

THENCE departing the said north boundary line and the said south boundary line and over and across the said 25.000 acre tract the following two ( 2 ) calls:

- 1) S.  $00^{\circ} 49' 17''$  W., 220.83 feet to a  $\frac{1}{2}$ " iron rod with cap stamped "RPLS 2475" set for corner;
- 2) N.  $76^{\circ} 02' 04''$  E., 394.13 feet to a  $\frac{1}{2}$ " iron rod with cap stamped "RPLS 2475" set being in the north boundary line of the said 25.000 acre tract and being in the south boundary line of the aforementioned Miller tract for corner;

THENCE departing the said north boundary line and the said south boundary line and over and across the said 25.000 acre tract the following two ( 2 ) calls:

- 1) S.  $15^{\circ} 56' 32''$  E., 55.80 feet to a  $\frac{1}{2}$ " iron rod with cap stamped "RPLS 2475" set for corner;



- 2) S.  $54^{\circ} 35' 24''$  W., 1106.69 feet to the Point of BEGINNING and containing 10.089 acres of land.

\*\*\*\*\*

I, Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that these field notes are a correct representation of a survey made on the ground.



Michael E. Alvis, R.P.L.S. #5402  
July 13, 2012



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 COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 506

THE THETA ANGLE AT SAID CITY MONUMENT IS  $01^{\circ} 29' 04''$

THE COMBINED CORRECTION FACTOR (CCF) IS 0.999852

PUBLISHED CITY COORDINATES ARE X = 3,198,199.05 Y = 10,383,950.33

THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS

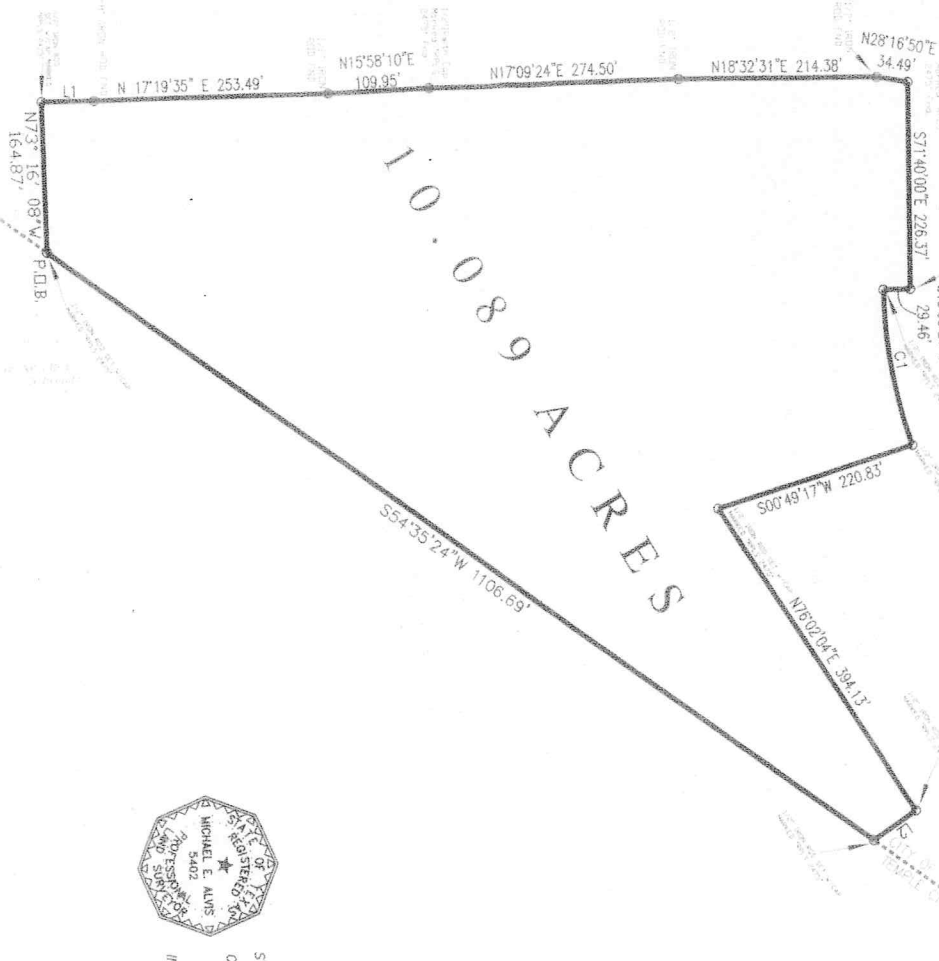
N.  $43^{\circ} 10' 50''$  W., 4637.45 FEET.

GRID DISTANCE = SURFACE DISTANCE X CCF

GEODETIC NORTH = GRID NORTH + THETA ANGLE

See attached surveyor's sketch that accompanies this set of field notes (ref: Turley Associates, Inc. drawing no.12512-C )

# EXHIBIT B



STATE OF TEXAS: I, MICHAEL E. ALVIS, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this survey was this day made on the ground of the property described herein, and is correct.

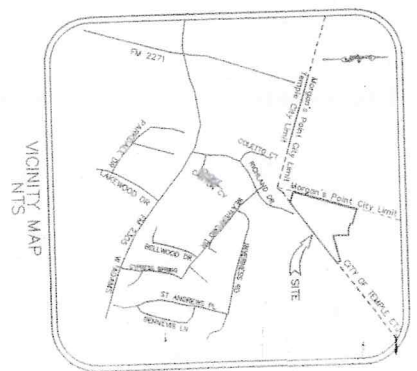
IN WITNESS THEREOF, my hand and seal, this the 30th day of July, 2012.

Michael E. Alvis R.P.L.S., No. 5402

CURVE TABLE		
CURVE LENGTH	POINTS	CHORD
C1 173.66	35.000	3 81.28 80° E 112.87

LINE TABLE		
LINE	LENGTH	BEARING
L1	57.03	N17°54'49\"
L2	55.80	S15°56'32\"



10.089 ACRES

GEORGE W. LINDSEY SURVEY, ABSTRACT #513, BELL COUNTY, TEXAS

DEVELOPED BY:  
**KIELLA DEVELOPMENT, INC.**

ENGINEERING • PLANNING • SURVEYING  
CONSTRUCTION MANAGEMENT  
FIRM REGISTRATION NO. F-1658

**TURLEY ASSOCIATES, INC.**  
301 N. 3rd ST.  
TEMPLE, TEXAS

(254) 773-2400  
(fax) 773-1008

DATE: 7-12-12  
DRA. BY: JFB  
REF: 96318.973  
FIELD BOOK: 11824-

JOB NO.: 08-1  
SHEET 1 OF 1  
COMPUTER: 08-381LA  
DWG. NO.: 12512-

REVISIONS:



## **COUNCIL AGENDA ITEM MEMORANDUM**

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10/18/12  
Item #5(A)  
Consent Agenda  
Page 1 of 1

**DEPT./DIVISION SUBMISSION & REVIEW:**

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Approve Minutes:

(A) October 4, 2012 Special Called and Regular Meeting

**STAFF RECOMMENDATION:** Approve minutes as presented in item description.

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

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

[October 4, 2012 Special Called and Regular Meeting](#)

## TEMPLE CITY COUNCIL

**OCTOBER 4, 2012**

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, October 4, 2012 at 3:30 PM, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

Present:

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

1. **Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, October 4, 2012.**

Mayor Jones stated that Item #6 on the Regular Agenda had been requested by the applicant to be tabled.

2. **Discuss the City of Temple Zoning Ordinance and Housing Standards.**

Ms. Speer reviewed the current Residential Zoning, Design Standards and Housing Standards. There are several zoning districts within the City that will allow for single family dwellings. As for design standards, the City reviews the minimum setback requirements. The housing standards that apply are within the Property Maintenance Code which is a minimum 70 sq ft per bedroom for single person; minimum 100 sq ft for two persons; and minimum 150 sq ft for three persons. Ms. Speer stated the definition of a family is any number of individuals living together as a single housekeeping unit, in which not more than three individuals are unrelated by blood, marriage, adoption or guardianship and occupying a dwelling unit. Ms. Speer also provided some comparable cities such as San Marcos, Killeen, Bryan, Waco, Belton. The process is complaint driven and could be difficult to enforce.

Mr. Graham stated we have to look at square footage, number of unrelated individuals and what areas in the dwelling are used as common areas.

Mayor Jones if there is a required declaration for either a boarding house or group home?

Ms. Speer stated a group home is regulated by the state.

Mayor Pro Tem Dunn asked how the City needs to approach this?

Mr. Graham stated this is a challenge for us to enforce.

Mayor Pro Tem Dunn stated his concerns with the ability to enforce and the amount of projects on-going within our community that could cause unrelated people to live within one dwelling.

**3. Discuss the criteria used for Tax Credit Projects.**

Ms. Foutz stated last fall the City received requests for support on Tax Credit Projects. At that time Council decided not to support the projects and expressed issues with the process, locations and where the city wanted development. Ms. Foutz stated this is being reviewed at this time to gain direction, as the City will again start receiving applications for support in the near future.

Ms. Foutz reviewed some of the locations in which the city supported tax credit projects over the past years. She also provide the general timeline for the projects; the applicant will send letters to the city requesting support in the months of October and December. In early January of each year the applicants must submit their applications to the TDHCA; and the will adopt by resolution of support in March. Ms. Fouts stated we currently have a policy, resolution 2004-4019-R, for lending support. It states that each applicant must advise the City in writing of the intent to file an application by TDHCA pre-application deadline; multiple applicants are able to utilize the process; and applicants are advised of the criteria to be considered in advance of the presentations to Council.

Ms. Foutz reviewed the current criteria with Council and stated each criteria is weighted the same with no variations. Last year there were many questions such as security, vetting tenants, maintenance of the properties, and rules for tenants. There were other issues such as clustering and desired locations for the development. We have been notified, informally, that the TDHCA point system has been revised to weigh heavily on the locations of each project. Ms. Foutz asked council for direction as to where we would like to have future tax credit projects.

Councilmember Schneider stated it is difficult to determine the locations as a whole, as each project is different.

Councilmember Morales stated she didn't want clustering of the projects.

Mayor Jones stated the applicants receive points from the State for specific geographical areas. He also added that the criteria established in 2004 was due to several applications being received by the City. Do we wish to consider multiple projects or choose only one to support?

Ms. Foutz stated the current policy states the City will support only one.

Mayor Pro Tem Dunn added that if the City was approached with a good project that all decided collectively to support then they could move forward the process; and the location needs to be determined on a case by case basis.

Mayor Jones we need to have more subjectivity to the locations factor.

Ms. Foutz asked about the criteria for the developers commitment to the community and what is the demonstration to the community?

Mayor Jones stated what is there history or record for other developments.

Councilmember Schneider recommended offering incentives for the projects by adding conditions.

Councilmember Morales expressed her concerns with material used for each project.

Ms. Foutz asked about supported services required by the State. This is a service that is provided to support the tenant community. This is one of our criteria as well. Do we wish to keep this criteria?

Councilmember Morales stated yes, she would like to keep this criteria.

Mayor Jones stated it is up to the entity as to what they want to offer to the community. We shouldn't define their services.

Ms. Foutz inquired on the weighting system and is each criteria equally important or should we establish a range.

Councilmember Schneider stated we need to establish a range for the weight.

Mayor Jones stated we need to review each as they come in and utilize the checklist and established criteria.

Ms. Foutz also added her concerns with Staff not getting adequate information from the applicants in the past. She requested the criteria to be provided to the applicants prior to submission; and to have an application process established with a deadline for when the requests must be submitted to the City.

Councilmember Schneider stated we could request that it be submitted to the City Staff 5-6 weeks prior to the meeting of which it would be considered.

Mayor Jones stated 4- weeks should be adequate amount of time.

Councilmember Cloud inquired on any developers that may be interested in seeking the city's support this year.

Ms. Foutz stated that Mr. Encinas has contacted a councilmember. Ms. Foutz asked if we want to consider giving additional points for cleanup of an existing property that may have blyth.

Mayor Jones stated all of these points are important and could be beneficial to our community.

Councilmember Schneider stated we need to provide that information to the applicants.

Mr. Graham stated there could be a range of points for other criteria that will help in the process of determining which project to accept. This will add subjectivity to the process.

**4. Discuss the City of Temple Smoking Ordinance and proposed amendments from the Mayor's Fitness Council.**

Mr. Graham, this is brought forward as a response from the presentation received by the Mayor's Fitness Council in September. He stated that prior to 1989 the decision whether to allow smoking in public areas was left to the property owners. In 2006, was the most recent amendment to the ordinance adopted in 1989. Members of the Bell County Medical Society requested that we strengthen our ordinance. At that time staff studied state and national trends and the consensus was to 'build' an ordinance based on Waco's ordinance. Mr. Graham stated our current ordinance is designed to prohibit smoking in public areas. He stated the property owners must decide if they wish to have any designated smoking areas; post signs that smoking is prohibited, or allowed. This is enforced by our Code Enforcement Department, Police Department and others designated by the City Manager.

Mr. Graham reviewed the proposed amendments requested by the Mayor's Fitness Counsel. They are requesting amendments to Section 16-89, that smoking be prohibited in bowling alleys, entertainment centers and in all City parks; Section 16-93, to allow the operator of a hotel/ motel to only smoking in 25% of the rooms with signage provided; Section 16-93, to allow smoking in an establishment where 50% of gross receipts are from alcohol (versus 45% in the current ordinance).

Mr. Smith stated this is an incremental strengthening of our policy. The group looked for middle ground when considering the amendments.

Mr. Graham, stated staff is looking for Council's direction on this request.

Councilmember Schneider stated he felt a considerable amount of time has already been spent and didn't feel that a committee would be necessary.

Mayor Pro Tem Dunn stated his concerns with prohibiting in all City parks and would that include the Golf Course as well. He didn't want to have City resources used to enforce those smoking in a park.

Mr. Cicora stated the recommendation for the parks to be smoke free is from the Parks and Leisure Services Advisory Board.

Councilmember Morales inquired as to how others enforced parks?

Mayor Jones stated that was not part of the Mayor's Fitness Counsel's plan.

Mr. Bigbie, member of Parks Board stated the idea of having this in place is to help keep our beautiful parks as healthy as possible for our children.

Mayor Jones stated the Golf Course could be an exception.

Mr. Graham stated that staff will bring forward an item for 1st Reading on November 1st.

The City Council of the City of Temple Texas conducted a Regular Meeting on Thursday, October 4, 2012 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, October 4, 2012 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

**Present:**

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

**I. CALL TO ORDER**

**1. Invocation**

Pastor Pat Dietrich with First Lutheran Church in Temple voiced the Invocation.

**2. Pledge of Allegiance**



Members of our Governor Samuel Mathews Chapter of Colonial Dames XVII Century led the Pledge of Allegiance.

## **II. PROCLAMATIONS & SPECIAL RECOGNITIONS**

### **3. (A) National Colonial Heritage Month - October**

Mayor Jones presented the proclamation to Penny Worley of our Governor Samuel Mathews Chapter of Colonial Dames XVII Century.

## **III. PUBLIC HEARING**

### **4. PUBLIC HEARING - Receive comments from the public in regards to the proposed Quiet Zones in downtown Temple.**

Michael Newman, Assistant Director of Public Works, and R. David Patrick, P.E., CFM, KPA Engineers, presented this item. Mr. Newman stated a study was completed by KPA.

Mr. Patrick gave a brief overview of the findings. This was provided to Council in June 2012 at a workshop. The study was to find ways to increase the safety of the Rail Road Crossings in Downtown. It was completed in October 2011. There are three crossing in the downtown area that were reviewed, 1st Street; Main Street; and Martin Luther King. The intent is to increase safety by creating a deterrent for vehicles driving around the rail gates and to creat a 'Quiet Zone' in the downtown area. Mr. Patrick reviewed the criteria of a Quiet Zone, one of which if to have supplemental safety measures (SSM). He gave examples of the different supplemental measures that could be considered. Medians and channelization, and permanent closures are what is being recommended for downtown. Biggest advantage for medians and channelization is least coordination with BNSF; most control of construction by City of Temple; and best option for controlling cost. To install medians at Martin Luther King Drive crossing the estimated cost is \$202,000; at Main Street it is estimated to cost \$63,000. As for 1st Street, KPA proposes permanently closing this crossing for an estimated cost of \$185,000.

Councilmember Schneider asked if the cost included new arms for Martin Luther King and Main Street?

Mr. Patrick stated no, the existing arms and flashers would be used.

Mayor Pro Tem Dunn inquired as to when the estimated costs keeping 1st Street open would be provided?

Mr. Patrick stated we are still waiting for BNSF to provide that information. Should council desire to keep 1st Street open; the

warning circuitry device will need to be redone for all three of the intersection which will be costly to the City.

Mayor Jones declared the Public Hearing open with regard to Agenda Item 4 and asked if anyone wished to address this item.

John Tipton of 2502 Canyon Cliff, Chair of Downtown Temple Alliance addressed the Council. He stated the Downtown Temple Alliance is in favor of the quiet zones and rail safety zones for downtown. He submitted a petition with signatures to the City Secretary. This is important for development in downtown area.

Dan Jones, Chairman of the Board of Chamber of Commerce addressed the Council in support of quiet zones. Mr. Jones read into the record, the resolution passed by the Chamber of Commerce. There are many safety and development concerns if the Rail Safety and Quite Zones are not implemented.

Barbara Bozon, Executive Director of Central Texas Housing Consortium provided petitions and letters of support of the quiet zones.

Karen Gonzales, 13 S. Main Street, In The Mood Ballroom addressed the Council and stated they supported the quiet zones. The rail noise does hinder future development in the downtown area.

David Forrester, owner of The Texas Tavern stated he was in favor of quiet zones as well.

Sharon Wilson, resident of 5006 Sunflower stated she is in favor of implementing the study. This is a safety feature and the City needs to be progressive in growth for the downtown area.

Cheryl Trout resident of 16185 Brazos Court, member of Downtown Alliance stated she is in favor of zones. This is a safety issue as well as a growing trend for many cities.

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

#### **IV. PUBLIC COMMENTS**

DeAnna DeGraff - President of Visually Impaired Persons a support group in Temple invited the Council to participate in the Annual Come Walk in My Shoes event. This is the 14th year for this event. It will be held Saturday, October 13th at the Temple Public Library - McLane Room.

#### **V. CONSENT AGENDA**

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

**(A) September 20, 2012 Special Called and Regular Meeting**

**(B) 2012-6766-R: Consider adopting a resolution authorizing the City to enter into seven lease agreements for agricultural properties owned by the City.**

**(C) 2012-6767-R: Consider adopting a resolution authorizing a three year lease agreement with Belco Manufacturing Co., Inc. for lease of property owned by the City and located along a portion of the Georgetown Railroad.**

**(D) 2012-6768-R: Consider adopting a resolution authorizing the City to enter into a contract with the Railroad and Pioneer Museum of Temple to terminate the prior agreement between the City and the Foundation.**

**(E) 2012-6769-R: Consider adopting a resolution authorizing a construction contract with Legends Landscapes LLC, of Lexington for the South First Street Improvement Phase 2 project within the Temple Medical and Education District in an amount not to exceed \$2,110,600.**

**(F) 2012-6770-R: Consider adopting a resolution authorizing the purchase and installation of eleven propane conversion kits from Philpott Motors of Port Neches utilizing a BuyBoard cooperative contract, in the amount of \$99,499.**

**(G) 2012-6771-R: Consider adopting a resolution authorizing a Chapter 380 grant agreement with Temple Pro Ventures Commercial, LP for redevelopment improvements at 1401 South 1st Street in the South First Street Strategic Investment Zone corridor in an amount not to exceed \$44,000.**

**(H) 2012-4556: SECOND READING - Z-FY-12-58: Consider adopting an ordinance authorizing a rezoning from Heavy Industrial District (HI) to Multiple Family Two District (MF-2) on 12.163 acres, being a part of land situated in the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, located at 3000 South General Bruce Drive.**

**(I) 2012-4557: SECOND READING - Z-FY-12-59: Consider adopting an ordinance authorizing a rezoning from Agricultural District (AG) to General Retail District (GR) on 1.053 ± acres out**

of the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 3408 and 3410 South Kegley Road.

**(J) 2012-4558: SECOND READING:** Consider adopting an ordinance setting the number of positions in each classification for the Temple Fire Department and the Temple Police Department.

**(K) 2012-6772-R:** Consider adopting a resolution authorizing the use of the Construction Manager-at-Risk project delivery method for the acquisition of services needed to remodel approximately 5,000 sq ft in the Municipal Building.

**(L) 2012-6773-R:** Consider adopting a resolution authorizing the submission of an application to the Texas Commission on Environmental Quality's Texas Natural Gas Vehicle Grant Program for the purchase of fourteen new compressed natural gas refuse haulers.

**(M) Consider adopting resolutions:**

- 1. 2012-6774-R:** Granting a petition to institute voluntary annexation proceedings, known as the Campus at Lakewood Voluntary Annexation, for a 10+ acre tract of land, located at the north end of Richland Drive, north of The Campus at Lakewood Ranch Phase VII.
- 2. 2012-6775-R:** Directing the Staff to develop a municipal services plan and calling public hearings to consider the petition.

Motion by Mayor Pro Tem Danny Dunn adopt resolution approving Consent Agenda (5/0 vote) seconded by Councilmember Judy Morales.

At this time Mayor Jones stated item 11 would be heard.

## **VI. REGULAR AGENDA**

### **ORDINANCES**

- 6. 2012-4559: FIRST READING- PUBLIC HEARING - Z-FY-12-50:** Consider adopting an ordinance authorizing a rezoning from PD Planned Development-Urban Estates District (PD-UE) to Planned Development -Single Family-1 District (PD-SF-1) on 39.3± acres of land, being part of the William Frazier Survey, Abstract #310 located south of FM 93 along

**the west side of Dubose Road.**

Autumn Speer, Director of Community Services, stated the applicant of this case has requested it be tabled.

Mayor Jones declared the Public Hearing open with regard to Agenda Item 6 and asked if anyone wished to address this item.

Deatte Power of 3790 Forrester Road requested that the public hearing be reopened when brought back. The residence have much at stake with this case.

Trent Street of 7515 Dubois Road requested to speak at the next public hearing.

Ms. Speer stated additional notices will be sent out when the case is brought forward to Council.

There being none, Mayor Jones declared the Public Hearing closed.

Councilmember Cloud abstained from this item; all other voted aye.

Motion by Councilmember Russell Schneider table item. (4/0/1 vote) seconded by Councilmember Judy Morales.

**7. 2012-4560: FIRST READING - PUBLIC HEARING - Z-FY-12-53: Consider adopting an ordinance amending the Citywide Trails Master Plan.**

Autumn Speer, Director of Community Services, presented this case to the Council. Ms. Speer stated this was adopted by resolution in 2010. She stated the amendments include revisions to the Thoroughfare Plan; funding changes related to the Transportation CIP; 1st and 3rd Street Overlay Plan; Lack of connectivity and viability; changing City requirements; and City Council approved exceptions over the past years. Ms. Speer stated this document is ever changing and staff will bring other amendments as needed. Staff recommends approval of the proposed amendments and adoption of the revised Citywide Master Trails Plan. This is needed for effective overall implementation of community wide mobility goals; and will demonstrate a commitment to multi-modal transportation as a part of the City's future mobility. Planning and Zoning Commission heard this case on September 17, 2012 voted 8/0 in accordance with the Staff recommendation to recommend approval to amend the Citywide Trails Master Plan.

Mayor Jones declared the Public Hearing open with regard to Agenda Item 7 and asked if anyone wished to address this item. There being none, Mayor Jones declared the Public Hearing closed.

Motion by Mayor Pro Tem Danny Dunn adopt ordinance as presented, with second and final reading set for October 18, 2012. (5/0 vote) seconded by Councilmember Judy Morales.

**8. 2012-4561: FIRST READING - PUBLIC HEARING - Z-FY-12-54: Consider adopting an ordinance amending Ordinance 2008-4230, the Choices '08, City of Temple Comprehensive Plan, Chapter 5, to amend the Thoroughfare Plan Map.**

Autumn Speer, Director of Community Services, presented this case to the Council. This is an update to our existing Thoroughfare Plan. The proposed amendments are related to available funding; changing development patterns; city growth; right-of-way availability; and roadway realignments. Ms. Speer stated that South Pea Ridge Road, Tarver Road, and Kegley Road will be effected by these changes. The Thoroughfare Plan is used as a tool for staff, as it guides us in the development process to where the new ROW needs to be obtained. Ms. Speer stated Staff recommends approval of the proposed amended Thoroughfare Plan. Planning and Zoning Commission heard this case of September 17, 2012 and voted 8/0 in accordance with Staff's recommendation for approval.

Mayor Jones declared the Public Hearing open with regard to Agenda Item 8 and asked if anyone wished to address this item. There being none, Mayor Jones declared the Public Hearing closed.

Motion by Councilmember Perry Cloud adopt ordinance as presented, with second and final reading set for October 18, 2012. (5/0 vote) seconded by Mayor Pro Tem Danny Dunn.

**9. 2012-4562: FIRST READING- PUBLIC HEARING - Z-FY-12-60: Consider adopting an ordinance authorizing a rezoning from Single Family Two District (SF-2) to Two Family District (2F) on 16.451± acres, situated in the Maximo Moreno Survey, Abstract 14, Bell County, Texas located between Hartrick Bluff Road and Lowe's Drive, south of Canyon Creek Drive.**

Autumn Speer, Director of Community Services, presented this case to the Council. Ms. Speer stated the applicant is Clark

and Fuller, PLLC on behalf of McLean Commercial, Ltd. Images of the subject property were provided to the Council for review. The Future Land Use Map designates the property as Auto-Urban Residential land use; and allows for the site built homes or higher density to include two-family homes. Ms. Speer noted the difference between SF-2 and 2F is the introduction of the ability to have duplexes or zero-lot-line dwellings. The entire property (30 acres) was approved with the preliminary plat on July 18, 2011 for phase 2 and 3. Phase 2, which is for 105 lots, has already been final platted as 2F; phase 3, 127 total single family units is what is being proposed to change from SF-2 to 2F. Ms. Speer stated the rest of the land is to remain Single Family Two. Public utilities are available to the property. Ms. Speer stated there were 2 notices mailed to the surrounding area; and none were returned. Staff recommends approval of the change from SF-2 to SF since the request complies with the Future Land Use and Character Map; Thoroughfare Plan; and a combination of public and private facilities will be available to the subject properties. Planning and Zoning heard this case on September 17, 2012 and voted 8/0 in accordance with Staff's recommendation for approval.

Councilmember Morales inquired as to what if any housing was already established in the area.

Ms. Speer stated it is undeveloped at this time.

Mayor Pro Tem Dunn stated his concerns were with the quality of the structures and what the developer will be building. He also added his concerns for how this will effect those neighboring the site.

Mayor Jones declared the Public Hearing open with regard to Agenda Item 9 and asked if anyone wished to address this item. There being none, Mayor Jones declared the Public Hearing closed.

Mayor Jones stated he too had the same concerns with placement and number of lots that could be duplexes; could potentially be too dense for the area.

Councilmember Schneider abstained from this item; all others voted aye.

Motion by Mayor Pro Tem Danny Dunn deny ordinance as presented. (4/0/1 vote) seconded by Councilmember Judy Morales.

10. **2012-4563: FIRST READING - PUBLIC HEARING: Consider adopting an ordinance designating a tract of land consisting of approximately 8.144 acres and described as Lot 7 and Lot 8, Block 1, Enterprise Park, located at 2708 Lucius McCelvey Drive as City of Temple Tax Abatement Reinvestment Zone Number Twenty-Four for commercial/industrial tax abatement.**

Jonathan Graham, City Attorney, presented this item to Council. Mr. Graham stated this is the first reading of an ordinance designating tax abatement reinvestment zone #24 for commercial/ industrial tax abatement. He added the property is located at 2708 Lucius McCelvey Drive (Enterprise Business Park). Once the designation is made, there is a five year life span. This will allow the Council to consider granting tax abatement on increases in taxable value for property. This designation is regulated by Chapter 312 of the Texas Tax Code. Mr. Graham stated this tract meets the City's criteria for designation of a tax abatement RZ and the ordinance makes findings that this have benefits to the City as it is likely to result in retention of primary employment or creation of jobs. It also is likely to lead to the creation of new real or personal property improvements.

Mayor Jones declared the Public Hearing open with regard to Agenda Item 10 and asked if anyone wished to address this item. There being none, Mayor Jones declared the Public Hearing closed.

Motion by Councilmember Judy Morales adopt ordinance as presented, with second and final reading set for October 18, 2012. (5/0 vote) seconded by Mayor Pro Tem Danny Dunn.

## **RESOLUTIONS**

11. **2012-6776-R: P-FY-12-23: Consider adopting a resolution authorizing the Preliminary Plat of The Oaks at Lakewood, a 19.065 acres ±, 2 blocks, 37-lot residential subdivision, with a requested exception to Unified Development Code Section 8.2.1.G.2, regarding a threshold of 180 feet for a jogged intersection, located on the east side of Mogan's Point Road, north of the intersection of West Adams Avenue and Morgan's Point Road.**

Autumn Speer, Director of Community Services, presented this case to Council. she stated the applicant is Carothers Executive Homes, LLC and they are requesting exceptions to



the UDC. Ms. Speer stated the Development Review Committee deemed this administratively complete on September 11, 2012. The property is zoned Single Family (SF-1); and the developer requests an exception to the UDC Section 8.2.1.G.2, regarding the threshold of 180 feet for a jogged intersection. Water will be provided through 6-inch and 8-inch water lines, and wastewater services will be provided through 8-inch wastewater lines, a force main, and a lift station in Tract B. Staffs recommends approval of the preliminary plat of the Oaks at Lakewood, with the requested exceptions. Planning and Zoning Commission heard this case on September 17, 2012, and voted 7/0 in accordance with Staff recommendation for approval of the plat with exceptions.

Motion by Mayor Pro Tem Danny Dunn adopt resolution. (5/0 vote) seconded by Councilmember Perry Cloud.

At this time Mayor Jones stated that Item 5(I) needed to be reconsidered for voting purposes.

**(I) 2012-4557: SECOND READING - Z-FY-12-59: Consider adopting an ordinance authorizing a rezoning from Agricultural District (AG) to General Retail District (GR) on 1.053 ± acres out of the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 3408 and 3410 South Kegley Road.**

Motion by Councilmember Judy Morales reconsider earlier vote on Item 5 (I), (5/0 vote) seconded by Mayor Pro Tem Danny Dunn.

Motion by Councilmember Perry Cloud adopt resolution for Consent Agenda item 5(I). (4/0/1 vote) seconded by Mayor Pro Tem Danny Dunn.

Councilmember Schneider abstained, All others voted aye.

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William A. Jones, III, Mayor

ATTEST:

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Lacy Borgeson  
City Secretary



## COUNCIL AGENDA ITEM MEMORANDUM

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10/18/12  
Item #5(B)  
Consent Agenda  
Page 1 of 1

**DEPT./DIVISION SUBMISSION & REVIEW:**

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a change order #1 to the construction contract with James Construction Group, LLC for construction activities required to build interim fencing improvements along the NW Loop 363 roadway project in an amount not to exceed \$58,706.41.

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

**ITEM SUMMARY:** In July, 1997, the City entered into an Agreement with Anyse Sue Mayborn and Frank Mayborn Enterprises, Inc. The Agreement provided that the Mayborn's would gift certain property to the City in anticipation of future expansion along the NW Loop. In exchange, the City agreed that at the time of the future construction, the City would provide temporary fencing during construction along the new right of way line to replace fencing along the previous right of way line that is to be removed. This change order is for the clearing and construction of this 9,751 linear feet of fencing as well as the removal of said fencing upon completion of the construction project.

No additional construction time is allotted for this change order.

**FISCAL IMPACT:** Funds are available in account 361-3400-531-2588, project #100681 to fund change order #1 in the amount of \$58,706.41.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHANGE ORDER TO THE CONSTRUCTION CONTRACT WITH JAMES CONSTRUCTION GROUP, LLC, FOR CONSTRUCTION ACTIVITIES REQUIRED TO BUILD INTERIM FENCING IMPROVEMENTS ALONG THE NORTHWEST LOOP 363 ROADWAY PROJECT; IN AN AMOUNT NOT TO EXCEED \$58,706.41; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, in July, 1997, the City entered into an agreement with Anyse Sue Mayborn and Frank Mayborn Enterprises, Inc. which provided that the Mayborns would gift certain property to the City in anticipation of future expansion along Northwest Loop 363;

**Whereas**, in exchange, the City agreed that at the time of the future construction, the City would provide temporary fencing during the construction along the new right of way line to replace fencing along the previous right of way line that is to be removed due to the expansion;

**Whereas**, this change order is for the clearing and construction of approximately 9,751 linear feet of fencing, as well as the removal of said fencing upon completion of the construction project;

**Whereas**, funds are available in Account No. 361-3400-531-2588, Project No. 100681 to fund this change order; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a change order to the construction contract with James Construction Group, LLC, after approval as to form by the City Attorney, for construction activities required to build interim fencing improvements along the Northwest Loop 363 roadway project, in an amount not to exceed \$58,706.41.

**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 **18<sup>th</sup>** day of **October**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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10/18/12  
Item #5(C)  
Consent Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a construction contract with T. Morales Company Electric & Controls Ltd. of Florence for activities required to construct the emergency power improvements and building modifications to house the associated generator hardware (Phase 2B) in an amount not to exceed \$2,473,400.

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

**ITEM SUMMARY:** The Water Treatment Plant is subject to occasional weather-related blackouts and electric provider brownouts. Redundant power generating capacity is required to mitigate electric service interruptions and sustain water delivery to the City's distribution system. The Water Treatment Plant Emergency Power Improvements will provide power redundancy for all components of the treatment plant. Phase 1, completed in October 2009, accomplished emergency power generation for the plant's raw water intake system and the membrane filtration facility. Phase 2 will provide backup power for the conventional treatment facility and the high service pumps which deliver water to the distribution system.

During design, the former sludge building located adjacent to the high service pump station at the conventional treatment plant was identified as the best and most cost effective location for fully enclosed generators to run both the pump station and conventional plant. Upgrades of the structure are needed to support the weight of the generators and to ensure reduction in operating noise to meet City code. Since the former sludge building is currently utilized as the maintenance area, construction of a new maintenance facility is underway in phase 2A.

On October 2, 2012, two bids were received for construction of the work. Per the attached bid tabulation, T. Morales Company Electric & Controls Ltd. submitted the low bid on the project in the amount of \$2,473,400. Per the attached engineer's recommendation, staff recommends award of the construction project to T. Morales Company Electric & Controls Ltd. Construction of the project is anticipated to take 200 calendar days.

**FISCAL IMPACT:** A budget adjustment is presented for Council's approval reallocating funding from the Leon River Interceptor project to account #561-5100-535-6906, project #100933 to fund this construction contract and other miscellaneous costs.

Funding for the Leon River Interceptor project will be replenished in August 2013 when funds from the existing debt service reserve requirement become available after the final debt service payment is made. Funding for construction of the Leon River Interceptor project won't be needed until the fall of 2013.

**ATTACHMENTS:**

[Engineer's Recommendation](#)  
[Bid Tabulation](#)  
[Map of Project Location](#)  
[Budget Adjustment](#)  
[Resolution](#)

**McCREARY & ASSOCIATES, INC.**

CONSULTING ENGINEERS 972/458-8745  
6310 LBJ FREEWAY SUITE 217 DALLAS, TEXAS 75240

October 5, 2012

Mr. Salvador Rodriguez, P.E.  
Assistant City Engineer  
Engineering Department  
3210 E. Avenue H., Bldg. A  
Temple, Texas 76501

Re: City of Temple  
Water Treatment Plant Emergency Power Improvements Phase IIB

Dear Salvador,

On October 2, 2012, the City of Temple received competitive bids from two (2) contractors for the Water Treatment Plant Emergency Power Improvements Phase IIB project. A Bid Tabulation is provided for your reference.

The bid received was for installation of an emergency power system for the main Water Treatment Plant. The project consists of two indoor engine generators and associated switchgear and control system. Included are a bulk fuel storage system and building modifications to the sludge building to accommodate the generators and switchgear.

The attached Bid Tabulation shows T. Morales Company, Electric & Controls Ltd. of Florence, Texas as the low bidder with a bid of \$2,473,400.00. The final opinion of probable cost was \$2,950,000 and was based on a detailed cost estimate performed by our office and experience with similar emergency power system bids. The bid price is within the estimate.

We recommend that the contract amount of \$2,473,400.00 be awarded to T. Morales Company, Electric & Controls Ltd. for this project. T. Morales Company, Electric & Controls Ltd. has performed numerous projects for the City of Temple and is well qualified to complete this project.

Sincerely,



Joseph Kotrla, P.E.  
McCreary & Associates, Inc.  
Firm Registration No. F-338



xc: Ms. Belinda Mattke, City of Temple  
Mr. Randy Eldridge, T. Morales Company, Electric & Controls Ltd

BID TABULATION

2007-115-32

CITY OF TEMPLE

WATER TREATMENT PLANT EMERGENCY POWER IMPROVEMENTS PHASE 2B

3210 E Ave H Bldg C

Temple, Texas 76501

October 2, 2012; 2:00 PM

				<b>BIDDER INFORMATION</b>			
				<b>T Morales Co Electric &amp; Controls Ltd PO Box 859 Florence TX 76527</b>		<b>ACME Electric Company 5000 Martin Street Fort Worth Texas 76119</b>	
<i>Item No.</i>	<i>Estimated Quantity</i>	<i>Unit</i>	<i>Bid Data Description</i>	<i>Unit Price</i>	<i>Extended Amount</i>	<i>Unit Price</i>	<i>Extended Amount</i>
1	100%	LS	Mobilization, Bonds and Insurance, not-to-exceed 5% of the Total Bid Amount	\$ 120,000.00	\$ 120,000.00	\$ 42,600.00	\$ 42,600.00
2	100%	LS	For purchase, transportation, unloading and handling at project site of emergency generators, automatic transfer and paralleling switchgear and controls, auxiliary ni-cad battery system, intake and discharge baffles, and mufflers, preselected by the Owner the sum of:	1,397,800.00	1,397,800.00	1,397,800.00	1,397,800.00
3	100%	LS	For coordination and installation of capital equipment furnished through Bid Item No. 2 including associated electrical duct installation, fuel tank and piping, all equipment, labor and appurtenances required for a fully functional and operational generator system as detailed in the plans, specifications and referenced Appendix I	589,600.00	589,600.00	691,000.00	691,000.00
4	100%	LS	Furnish & Install modifications to the Sludge dewatering Building to change use to a generator and switchgear building including applicable site work, building modifications, concrete curb and walkway, new sludge pump (pad and piping), hose bibb and capping existing gas line	300,000.00	300,000.00	563,000.00	563,000.00
5	100%	LS	Furnish & Install changes to existing PLC hardware, program PLC, and make configuration changes to HMI system computers for the addition of the emergency generator and automatic transfer switchgear	35,000.00	35,000.00	35,000.00	35,000.00
6	100%	LS	Furnish & Install temporary connections to run the Water Treatment Plant off of the new emergency generator while the electric service is being changed over to ATS Switchgear	15,000.00	15,000.00	189,000.00	189,000.00
7	100%	LS	Furnish & Install lightning protection system for the Generator Building	10,000.00	10,000.00	13,500.00	13,500.00
8	100%	LS	Allowance for direct charges required by Electric Service Provider related to the	5,000.00	5,000.00	5,000.00	5,000.00
9	100%	LS	Provide Project Record Drawings (AsBuilts)	1,000.00	1,000.00	1,200.00	1,200.00
<b>TOTAL AMOUNT BASE BID - (Items 1 - 9)</b>				<b>\$ 2,473,400.00</b>		<b>\$ 2,938,100.00</b>	

Did Bidder Acknowledge Addenda No. 1?	YES	YES
Did Bidder Acknowledge Addenda No. 2?	YES	YES
Did Bidder Acknowledge Addenda No. 3?	YES	YES
Did Bidder Acknowledge Addenda No. 4?	YES	YES
Did Bidder provide Bid Security?	YES	YES
Did Bidder provide required documents?	YES	YES

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

Joseph J. Kotrla, PE  
McCreary & Associates, Inc.

10-5-2012

Date  
Firm Registration No. F-338





## INDEX OF SHEETS

### GENERAL SHEETS

G01. LOCATION MAP AND SHEET INDEX

### DETAIL SHEETS

- C1. SITE/SLUDGE MODIFICATIONS
- C2. CURB MODIFICATIONS AND FUEL STORAGE TANK

### ARCHITECTURAL SHEETS

- A1. DEMOLITION PLAN, GENERAL NOTES, SYMBOLS
- A2. NEW FLOOR PLAN, CODE SUMMARY, ABBREVIATIONS
- A3. EXTERIOR ELEVATIONS, SOUTH & EAST
- A4. EXTERIOR ELEVATIONS, NORTH & WEST
- A5. WALL SECTIONS
- A6. DETAILS

### STRUCTURAL SHEETS

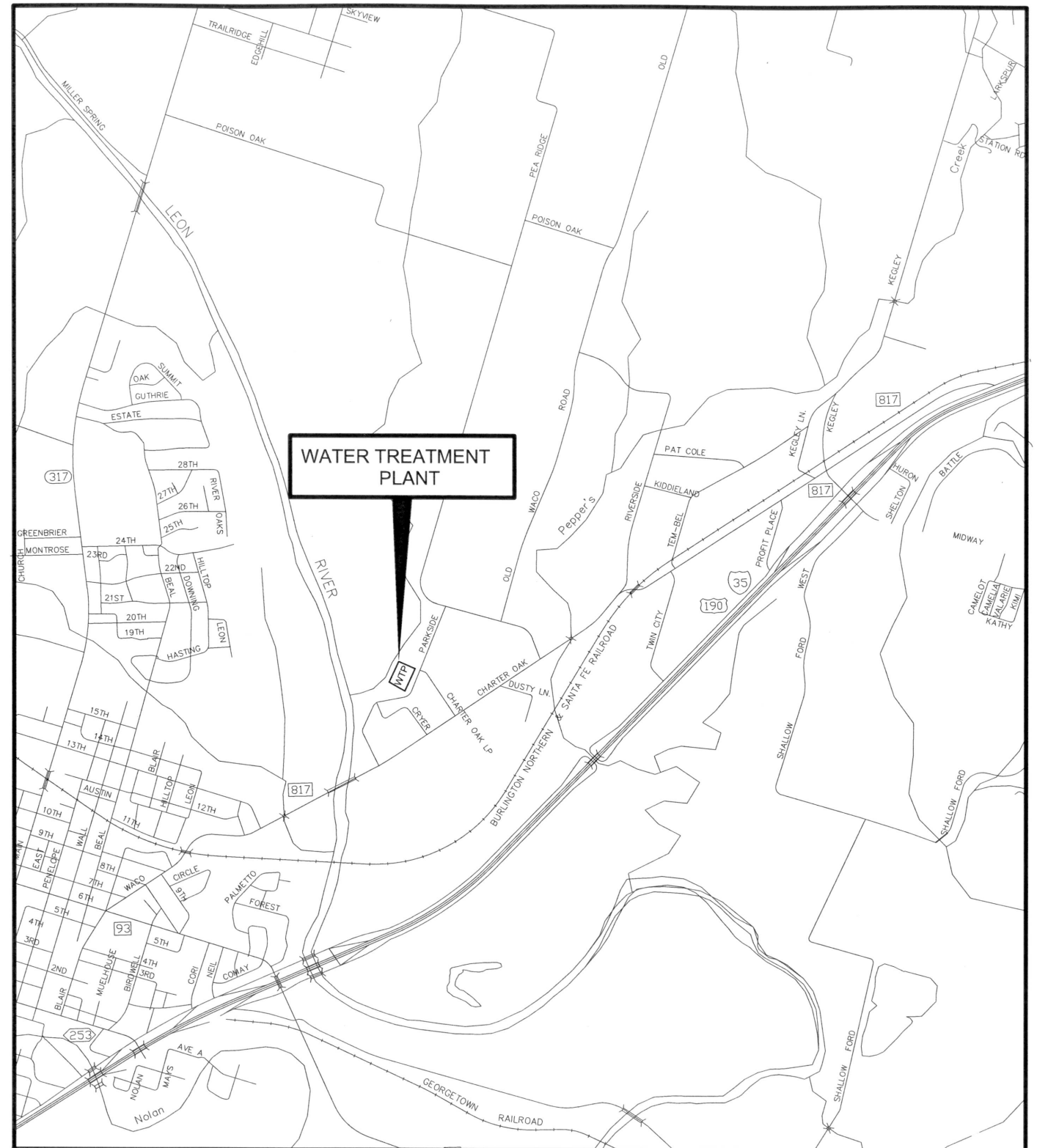
- S1.1 GENERAL NOTES AND STRUCTURAL ABBREVIATIONS
- S2.1 GROUND FLOOR DEMOLITION PLAN
- S2.2 ROOF FRAMING AND ELECTRICAL ROOM DEMOLITION PLANS
- S2.3 EXIST. GROUND FLOOR PLANS AND STRUCTURAL MODIFICATIONS
- S2.4 EXISTING ROOF FRAMING PLAN AND STRUCTURAL MODIFICATIONS
- S3.1 EXISTING FOUNDATION SECTIONS AND DEMOLITION DETAILS
- S3.2 FOUNDATION SECTIONS
- S4.1 ROOF FRAMING SECTIONS
- S5.1 TYPICAL STRUCTURAL DETAILS
- S5.2 TYPICAL STRUCTURAL DETAILS
- S5.3 TYPICAL STRUCTURAL DETAILS

### ELECTRICAL SHEETS

- E1. ELECTRICAL, PLANT SITE PLAN
- E2. ELECTRICAL, PARTIAL SITE PLANS
- E3. ELECTRICAL, SITE PLAN
- E4. ELECTRICAL, EXISTING 2400 V ONE LINE DIAGRAM
- E5. ELECTRICAL, 2400 V ONE LINE DIAGRAM
- E6. ELECTRICAL, CONTROL SCHEMATICS
- E7. ELECTRICAL, GENERATOR BUILDING
- E8. ELECTRICAL, CABLE TRAY & LIGHTING PLAN
- E9. ELECTRICAL, EQUIPMENT ELEVATIONS
- E10. ELECTRICAL, DETAILS
- E11. ELECTRICAL, LIGHTNING PROTECTION PLAN
- E12. ELECTRICAL, LIGHTNING PROTECTION DETAILS
- E13. ELECTRICAL, SCADA DIAGRAM
- E14. ELECTRICAL, EXISTING SLUDGE DEWATERING BUILDING DEMOLITION
- E15. ELECTRICAL, 480V MCC MODIFICATIONS
- E16. ELECTRICAL, EXISTING SWITCHGEAR MODIFICATION

### MECHANICAL SHEETS

- M1. MECHANICAL, GENERATOR BUILDING
- M2. MECHANICAL, GENERATOR DETAILS



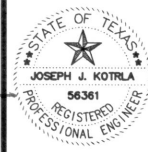
LOCATION MAP - N.T.S.



BID  
SET

NO.	DATE	REVISION	BY

PROJECT NO. \_\_\_\_\_  
DRAWN BY REB  
DESIGNED BY Joseph J. Kotrla, P.E.  
APPROVED BY *Joseph J. Kotrla*  
DATE 9-7-2012



**McCREARY & ASSOCIATES, INC.**  
CONSULTING ENGINEERS 972/458-8745  
6310 LBJ FREEWAY SUITE 217 DALLAS, TEXAS 75240

**CITY OF TEMPLE, TEXAS**  
WATER TREATMENT PLANT  
EMERGENCY POWER GENERATORS  
LOCATION MAP AND SHEET INDEX

SHEET NO. **G01**  
OF **01**

FY **2013****BUDGET ADJUSTMENT FORM**

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

			+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
561-5100-535-69-06	100933	Emergency Operations Infrastructure	\$2,483,400			
561-5400-535-69-41	100851	Leon River Interceptor			2,483,400	
<b>TOTAL.....</b>			<b>\$2,483,400</b>		<b>\$ 2,483,400</b>	

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

To reallocate funds to fund the construction contract with T. Morales Company Electric & Controls Ltd. for activities required to construct the emergency power improvements and building modifications to house the associated generator hardware (Phase 2B). In addition, \$10,000 has been appropriated for testing fees. The debt service reserve requirement for the Series 2002 WW & SS Revenue Bonds is no longer required since the final debt service payment was made in August 2012. The debt service reserve requirement for the 2003 and the 2004 WW & SS Revenue Refunding Bonds will be available in August 2013 when the final debt service payment has been made on those series. The amount of the debt service reserve available in August 2013 is \$3.3M. These funds will be used to replenish the bond funds originally appropriated for the Leon River Interceptor project. Funding for construction of the Leon River Interceptor project won't be needed until the fall of 2013.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

October 18, 2012

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH T. MORALES COMPANY ELECTRIC & CONTROLS, LTD, OF FLORENCE, TEXAS, FOR ACTIVITIES REQUIRED TO CONSTRUCT THE EMERGENCY POWER IMPROVEMENTS AND BUILDING MODIFICATIONS TO HOUSE THE ASSOCIATED GENERATOR HARDWARE (PHASE 2B); IN AN AMOUNT NOT TO EXCEED \$2,473,400; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** the Water Treatment Plant is subject to occasional weather-related blackouts and electrical provider brownouts – redundant power generating capacity is required to mitigate electric service interruptions and sustain water delivery to the City's distribution system;

**Whereas,** phase 1 was completed in October, 2009 and accomplished emergency power generation for the plant's raw water intake system and the membrane filtration facility – Phase 2 will provide backup power for the conventional treatment facility and the high service pumps which deliver water to the distribution system;

**Whereas,** on October 2, 2012, the City received two bids for construction of the work and staff recommends awarding the bid to T. Morales Company Electric & Controls, Ltd. of Florence, Texas;

**Whereas,** a budget adjustment is presented for Council approval reallocating funds to Account No. 561-5100-535-6909, Project No. 100679; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a construction contract with T. Morales Company Electric & Controls, Ltd., of Florence, Texas, after approval as to form by the City Attorney, for activities required to construct the emergency power improvements and building modifications to house the associated generator hardware at the water treatment plant, in an amount not to exceed \$2,473,400.

**Part 2:** The City Council authorizes an amendment to the FY12-13 budget, substantially in the form of a copy attached as Exhibit A hereto.

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

PASSED AND APPROVED this the **18<sup>th</sup>** day of **October**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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10/18/12  
Item #5(D)  
Consent Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Alan DeLoera, Information Technology Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of a yearly 2012-2013 maintenance contract with Sungard Public Sector in the amount of \$152,092.20

**STAFF RECOMMENDATION:** Staff recommends Council authorize the purchase of a yearly 2012-2013 maintenance contract in the amount of \$152,092.20 through Sungard Public Sector.

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

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

Sungard HTE is the sole provider of maintenance for HTE application software. This is currently the 8th year of support for the current software

**FISCAL IMPACT:** The Information Technology Department currently has funds budgeted in account 110-1900-519-23-38 in the amount of \$152,092.20 for continued annual support of these applications.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF AN ANNUAL MAINTENANCE CONTRACT WITH SUNGARD PUBLIC SECTOR, INC., FOR FY2012-13., IN THE AMOUNT OF \$152,092.20; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

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

**Whereas**, the Staff recommends purchasing a yearly maintenance contract for a cost not to exceed \$152,092.20;

**Whereas**, this will be the City's 9<sup>th</sup> year of support for the current software – funds are budgeted in Account No. 110-1900-519-2338 for this purchase; and

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

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

**Part 1:** The City Council authorizes the purchase of an annual maintenance contract for FY2012-13 with Sungard Public Sector, Inc., for business application software to help the City conduct financial transactions, for an amount not to exceed \$152,092.20.

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

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

PASSED AND APPROVED this the 18<sup>th</sup> day of **October**, 2012

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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10/18/12  
Item #5(E)  
Consent Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Jonathan Graham, City Attorney  
Nicole Torralva, Director of Public Works

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a cost sharing agreement with Stellar Development Company to provide for cost sharing of the installation of a wastewater line extension to the Highland Park Subdivision in a not to exceed amount of \$374,850.

**STAFF RECOMMENDATION:** Adopt resolutions as presented in item description.

**ITEM SUMMARY:** Stellar Development Company has proposed to enter into a cost sharing agreement with the City, to extend an off-site 10-inch wastewater line approximately 2,850 feet to the Highland Park subdivision and to oversize an additional 490 feet of wastewater line within the subdivision (from 8" to 10").

The project will involve design, construction and right of way acquisition. The proposed cost sharing agreement for the Highland Park Subdivision is in the form of a developer participation agreement—the City commits to participating in the cost of design, construction and right of way for the project in a “not to exceed” amount based on a percentage of the project established by the cost sharing ordinance (the City pays 100% of the first 2,500 feet of the project and 50% of the next 2,500 feet of the project, with the developer paying 100% of the cost thereafter).

The percentage of eligible project costs paid by the City under our cost sharing formula for this project is 100% for the first 2,500 feet and 50% of the remaining 350 feet to reach the edge of the subdivision. Additionally, the City is asking the developer to oversize the entire line to a 10-inch pipe instead of an 8-inch pipe. The City will cover 100% of the cost of oversizing. The developer is extending the line another 490 feet through the subdivision and the City has asked that this stretch of line also be upsized to a 10-inch pipe. The City will pay for 100% of the difference between the cost of an 8-inch pipe and the cost of a 10-inch pipe. If the project comes in an amount less than the “not to exceed” amount, the City pays its percentage of the actual project costs (design, construction & right-of-way). If the project comes in over the “not to exceed” amount, the developer pays 100% of that additional cost. Staff is asking Council to authorize an agreement with a “not to exceed” amount of not more than \$374,850.



**FISCAL IMPACT:** A budget adjustment is presented for Council's approval appropriating the City's not to exceed contribution in the amount of \$374,850 for the wastewater line extension from account 520-5000-535-6369, to account 520-5900-535-6368, project # 100932. After funding this request \$125,150 will remain in the Water and Sewer Fund Reserve for Approach Mains account for future requests.

**ATTACHMENTS:**

[Budget Adjustment  
Resolution](#)

FY **2013****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	INCREASE		DECREASE	
520-5900-535-63-68	100932	Sewer Line Extension-Highland Park	\$ 374,850			
520-5000-535-63-69	100895	Approach Mains			374,850	
<b>TOTAL.....</b>			<b>\$ 374,850</b>		<b>\$ 374,850</b>	

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

To appropriate funds for the cost sharing agreement with Stellar Development Company for an off-site wastewater line extension to Highland Park residential subdivision and to oversize an additional 490 feet of line within the subdivision. This wastewater line is approximately 2,850 feet. After approval of this budget adjustment, \$125,150 will remain for future cost sharing agreements during fiscal year 2013.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

October 18, 2012

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A COST-SHARING AGREEMENT WITH STELLAR DEVELOPMENT COMPANY TO PROVIDE FOR COST SHARING OF THE INSTALLATION OF A WASTEWATER LINE EXTENSION TO THE HIGHLAND PARK SUBDIVISION; IN AN AMOUNT OF \$374,850; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas,** Stellar Development Company has proposed to enter into a cost sharing agreement with the City, to extend an off-site 10-inch wastewater line approximately 2,850 feet to the Highland Park subdivision and to oversize an additional 490 feet of wastewater line within the subdivision;

**Whereas,** the proposed cost sharing agreement is in the form of a developer participation agreement where the City commits to participate in the cost of design, construction and right of way for the project in a 'not to exceed' amount based on a percentage of the project established by the cost sharing ordinance;

**Whereas,** Staff recommends authorizing a cost sharing agreement in the amount of \$374,850;

**Whereas,** funds are available for this agreement, but an amendment to the FY12-13 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a cost-sharing agreement in the amount of \$374,850 between the City of Temple, Texas, and Stellar Development Company, after approval as to form by the City Attorney, for the Highland Park subdivision.

**Part 2:** The City Council authorizes an amendment to the FY12-13 budget, substantially in the form of the copy attached as Exhibit A, for this cost-sharing agreement.

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

PASSED AND APPROVED this the **18<sup>th</sup>** day of **October**, 2012.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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10/18/12  
Item #5(F)  
Consent Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Lonzo Wallace, Fire Chief

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the renewal of the Emergency Management Performance Grant for FY 2012, which funds a portion of the administration cost for Emergency Management for the City of Temple in the amount of \$37,643.64.

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

**ITEM SUMMARY:** The request is for approval of the renewal of the Emergency Management Performance Grant for FY 2012. This grant is funded by the Governors Department of Emergency Management (GDEM) to pay for a portion of the administration cost for Emergency Management for the City of Temple.

Temple Fire and Rescue recommends approval of the renewal of this grant by the City Council.

**FISCAL IMPACT:** The grant will reimburse the City for a maximum of 50% of the salary and benefit expenditures related to emergency management. The grant application estimates that the total expenditures will be \$152,676.14 for fiscal year 2012 with a 50% grant amount of \$76,338.07. In fiscal year 2011, the City was awarded grant funds in the amount of \$36,754.85.

Funds were included in the fiscal year 2012 Fire Department operating budget for the full amount of salary and benefit expenditures. Revenue was budgeted in the amount of \$36,755. The City has been awarded \$37,643.64 in FY 2012.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE RENEWAL OF THE EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) FOR FY12-13, WHICH FUNDS A PORTION OF THE ADMINISTRATION COSTS FOR EMERGENCY MANAGEMENT FOR THE CITY OF TEMPLE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the Emergency Management Performance Grant is funded through the Governor's Department of Emergency Management (GDEM) and pays a portion of the administration costs for Emergency Management for the City;

**Whereas**, the grant will reimburse the City for a maximum of 50% of the salary and benefit expenditures related to emergency management -- the grant application estimates that the total expenditures will be \$152,676.14 for fiscal year 2012-13 with a 50% grant amount of \$76,338.07; and

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

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

**Part 1:** The City Council authorizes the renewal of the Emergency Management Performance Grant (EMPG) for fiscal year 2012-2013, which funds a portion of the administration costs for Emergency Management for the City of Temple.

**Part 2:** The City Council accepts any funds that may be received for this grant, and authorizes the City Manager to execute any documents which may be necessary for this grant.

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

PASSED AND APPROVED this the 18<sup>th</sup> day of **October**, 2012.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

ATTEST:

---

Lacy Borgeson  
City Secretary

---

Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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10/18/12  
Item #5(G)  
Consent Agenda  
Page 1 of 2

### **DEPT. /DIVISION SUBMISSION & REVIEW:**

Autumn Speer, Director of Community Services

**ITEM DESCRIPTION:** SECOND READING - Z-FY-12-53: Consider adopting an ordinance amending the Citywide Trails Master Plan.

**P&Z COMMISSION RECOMMENDATION:** At its meeting on September 17, 2012, the Planning and Zoning Commission voted 8:0 (Commissioner Rhoads was absent), in accordance with the Staff recommendation, to recommend approval of the amended Citywide Trails Master Plan.

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

**ITEM SUMMARY:** On March 4, 2012, the City of Temple adopted, by Resolution No. 2010-5971-R, the Citywide Trails Master Plan to implement community-wide mobility goals and objectives identified in the *Choices '08*, City of Temple Comprehensive Plan. Since that time, staff has identified multiple revisions and amendments resulting from the following:

- Revisions to the Thoroughfare Plan;
- Revisions and funding changes related to the Transportation Capital Improvements Plan (CIP)(Streets CIP);
- 1<sup>st</sup> and 3<sup>rd</sup> St. Overlay Plan implementation;
- Lack of connectivity or viability of proposed routes (likelihood of construction);
- Changing City requirements; and
- City Council approved exceptions.

The Citywide Trails Master Plan is used by staff to require upsizing of certain sidewalks (with oversize participation agreements) and for requiring right-of-way dedication and construction of trails for certain development projects. This strategy for implementation necessitates adoption of the Citywide Master Trails Plan by Ordinance rather than by Resolution. By adopting this Ordinance, the City will also establish consistency with the adoption and amendment process for the Thoroughfare Plan which addresses motorized mobility much in the same way the Citywide Trails Master plan addresses non-motorized mobility.

Additionally, this adopted plan will assist the City in implementing the community-wide mobility goals set forth in the Comprehensive Plan and in demonstrating the City's commitment to a multi-modal transportation network for future mobility enhancement grant opportunities. Staff anticipates bringing additional revisions and corrections to City Council as part of an ongoing effort to review and update the plan.

**FISCAL IMPACT:** None

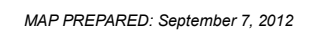
**ATTACHMENTS:**

Citywide Trails Master Plan Map - Existing  
Citywide Trails Master Plan Map - Proposed Changes 1  
Citywide Trails Master Plan Map - Proposed Changes 2  
Citywide Trails Master Plan Map – Proposed  
P&Z Excerpts  
Ordinance





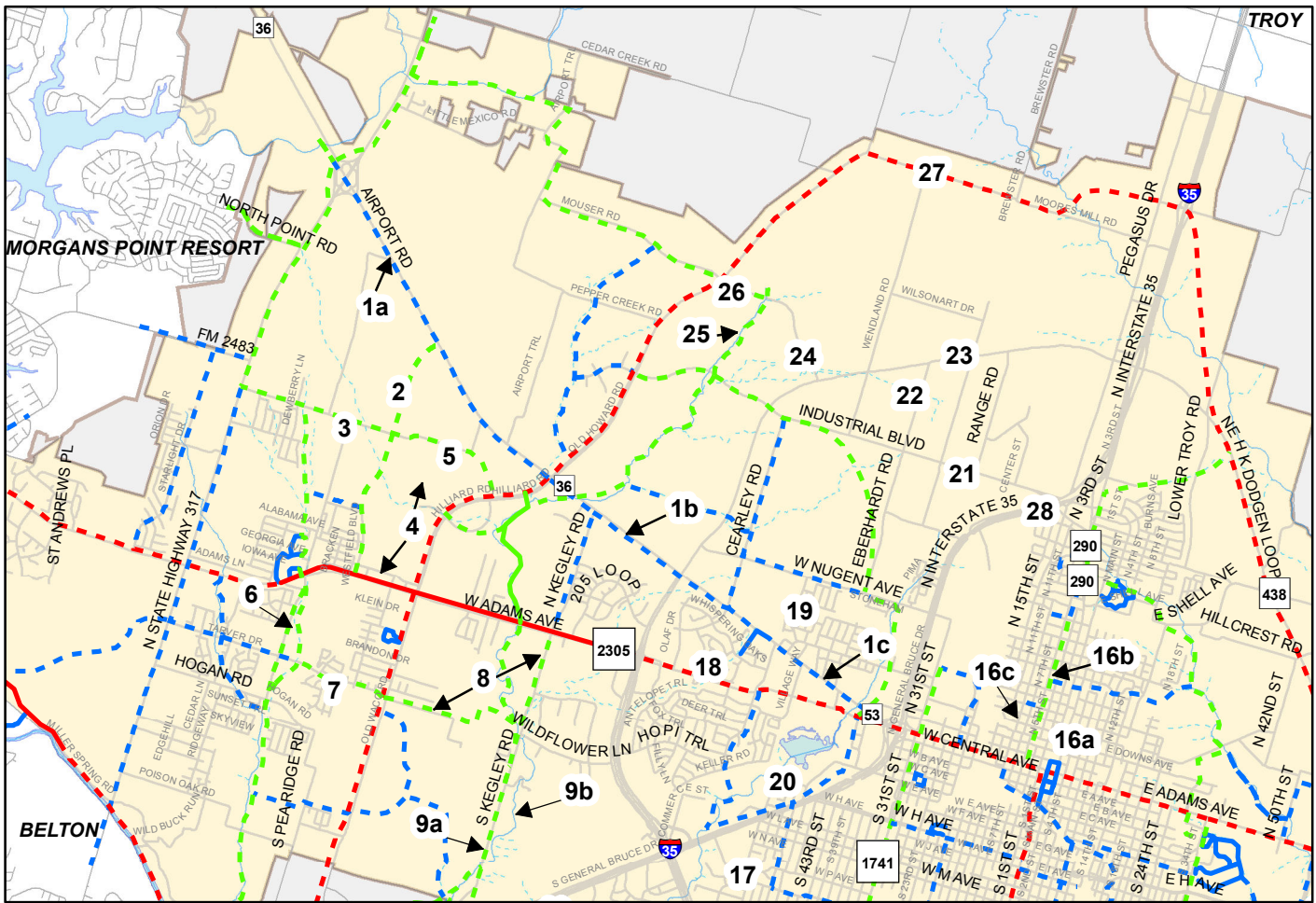
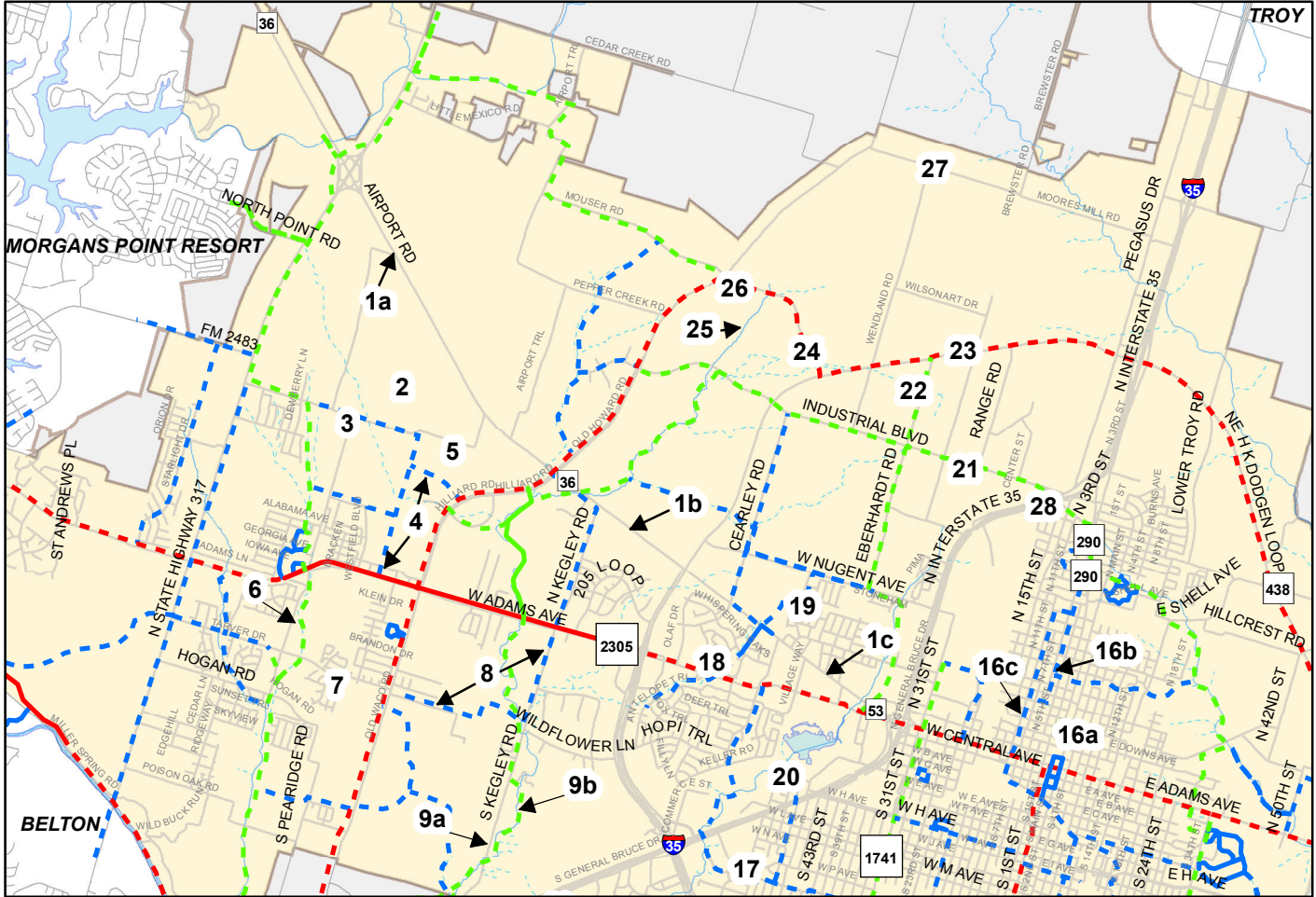
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**DISCLAIMER:** GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



#	Classification	Action	Segment Description	Reason for Change
1a	Proposed Community-Wide Connector	Add	Approx 14,370 ft along Airport Rd from SH 317 to Outer Loop	Providing connectivity to multiple segments
1b	Proposed Community-Wide Connector	Add	Approx 6,100 ft along Airport Rd from Kegley to Cearley	Providing connectivity to multiple segments
1c	Proposed Community-Wide Connector	Add	Approx 5,100 ft along Airport Rd from Apache to Adams	Providing connectivity to multiple segments
2	Proposed Community-Wide Connector	Add	Approx 9,500 ft from Airport Rd to W Adams Ave	Consistent with TFARE Plan amendments and addition of new arterial proposed along Westfield
3	Proposed Local Connector	Reclassified to Proposed Community-Wide Connector	Approx 6,700 ft along Prairie View Rd	Consistent with TFARE Plan amendments and addition of new arterial proposed along Westfield
4	Proposed Local Connector	Remove	Approx 5,550 ft Prairie View Rd to W Adams	New alignment due to proximity to Westfield
5	Proposed Community-Wide Connector	Add	Approx 4,300 ft from Prairie View to Outer Loop	Improving connectivity and establishing consistency with the Transportation CIP
6	Proposed Community-Wide Connector	Add	Approx 5,200 ft from W Adams to just past Hogan Rd	Establishing consistency with the Transportation CIP
7	Proposed Community-Wide Connector	Add	Approx 5,300 ft along Tarver	Establishing consistency with the Transportation CIP
8	Proposed Local Connector	Reclassified to Proposed Community-Wide Connector	Approx 8,700 ft east along Jupiter Dr and north along S Kegley Dr	Establishing consistency with the Transportation CIP
9a	Proposed Community-Wide Connector	Add	Approx 8,700 ft along S Kegley Dr	Establishing consistency with the Transportation CIP
9b	Proposed Community-Wide Connector	Remove	Approx 4,000 ft parallel to S Kegley Dr	Establishing consistency with the Transportation CIP
18	Proposed Local Connector	Remove	Approx 4,500 ft Whispering Oaks to Fox Trl	Lack of viability due to built environment
19	Proposed Local Connector	Remove	Approx 3,000 ft SW Nugent Ave to Airport Rd	Lack of viability due to built environment
20	Proposed Community-Wide Connector	Add	Approx 8,300 ft along 41 <sup>st</sup> St and General Bruce Dr from Adams to Ira Young	Realigned in accordance with TXDOT requirements for the at-grade crossing of I-35
21	Proposed Community-Wide Connector	Remove	Approx 11,000 ft along Industrial Blvd	Eliminated due to location in Industrial Park area
22	Proposed Community-Wide Connector	Remove	Approx 8,300 ft along Eberhart Rd	Eliminated due to location in Industrial Park area
23	Proposed City-Wide Spine	Remove	Approx 16,000 ft along HK Dodgen Loop	Eliminated due to location in Industrial Park area
24	Proposed City-Wide Spine	Remove	Approx 4,500 ft along McLane Pkwy	Eliminated due to location in Industrial Park area
25	Proposed Community-Wide Connector	Add	Approx 4,000 ft from McLane Pkwy to Central Pointe Pkwy along Pepper Creek	Providing connectivity to detention pond feature
26	Proposed City-Wide Spine	Reclassified to Proposed City-Wide Connector	Approx 1,800 ft along McLane Pkwy	Relocation of City-Wide Spine allows redass of this segment
27	Proposed City-Wide Spine	Add	Approx 30,500 ft along Outer Loop, south along Lower Troy to HK Dodgen Loop	Eliminated due to location in Industrial Park and implementation of 1 <sup>st</sup> & 3 <sup>rd</sup> St Overlay Plan

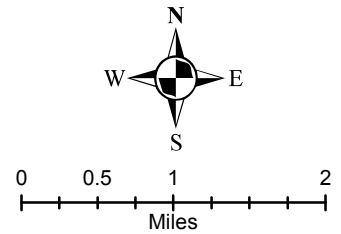


## Trails Master Plan

### Proposed Amendments

(1 of 2)

- Existing Citywide Spine Trail
- Under Design/Construction Citywide Spine Trail
- Proposed Citywide Spine Trail
- Existing Community-Wide Connector Trail
- Under Design/Construction Community-Wide Connector Trail
- Proposed Community-Wide Connector Trail
- Existing Local Connector Trail
- Proposed Local Connector Trail
- City Limits
- Extraterritorial Jurisdiction (ETJ)
- Water Body

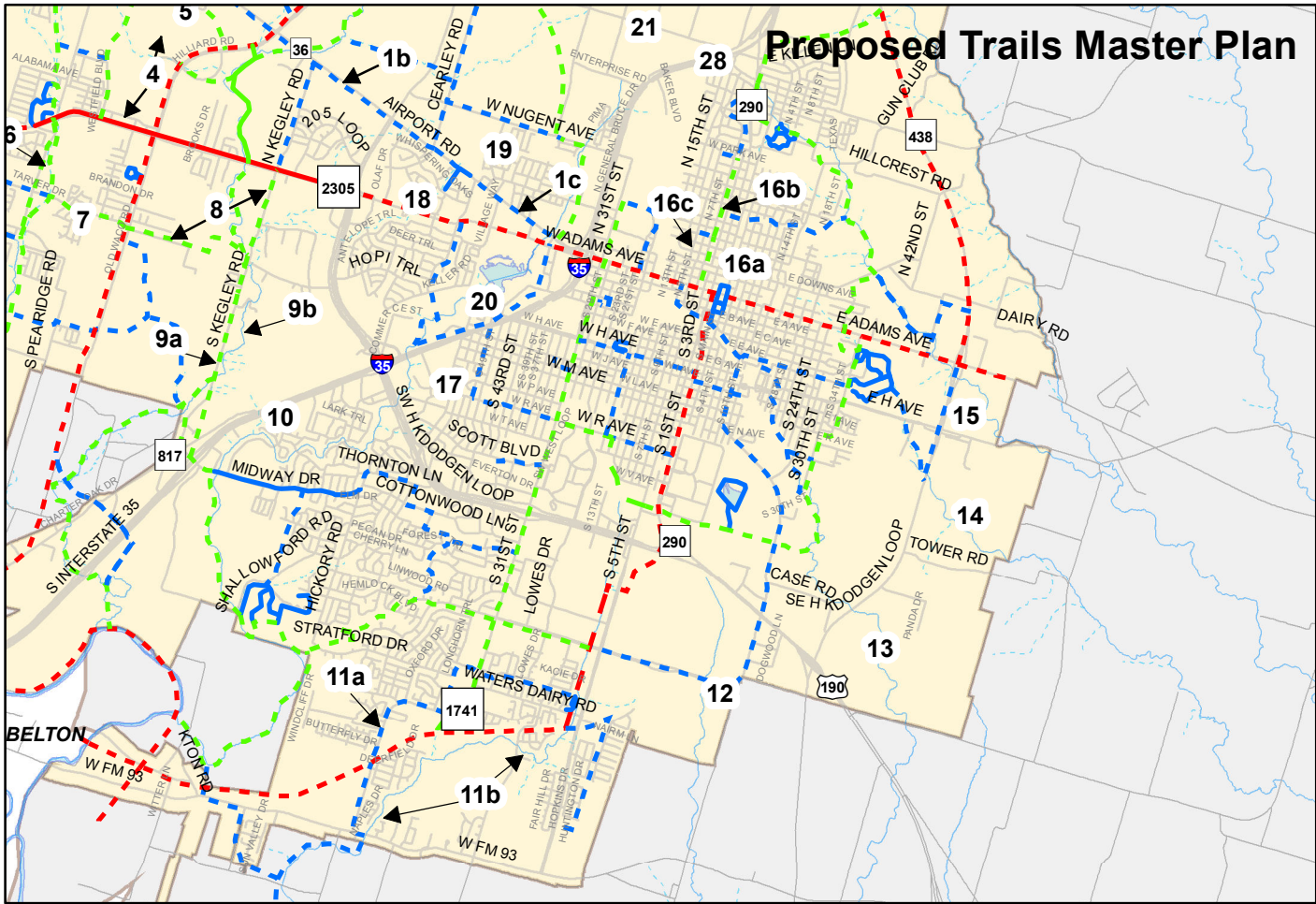
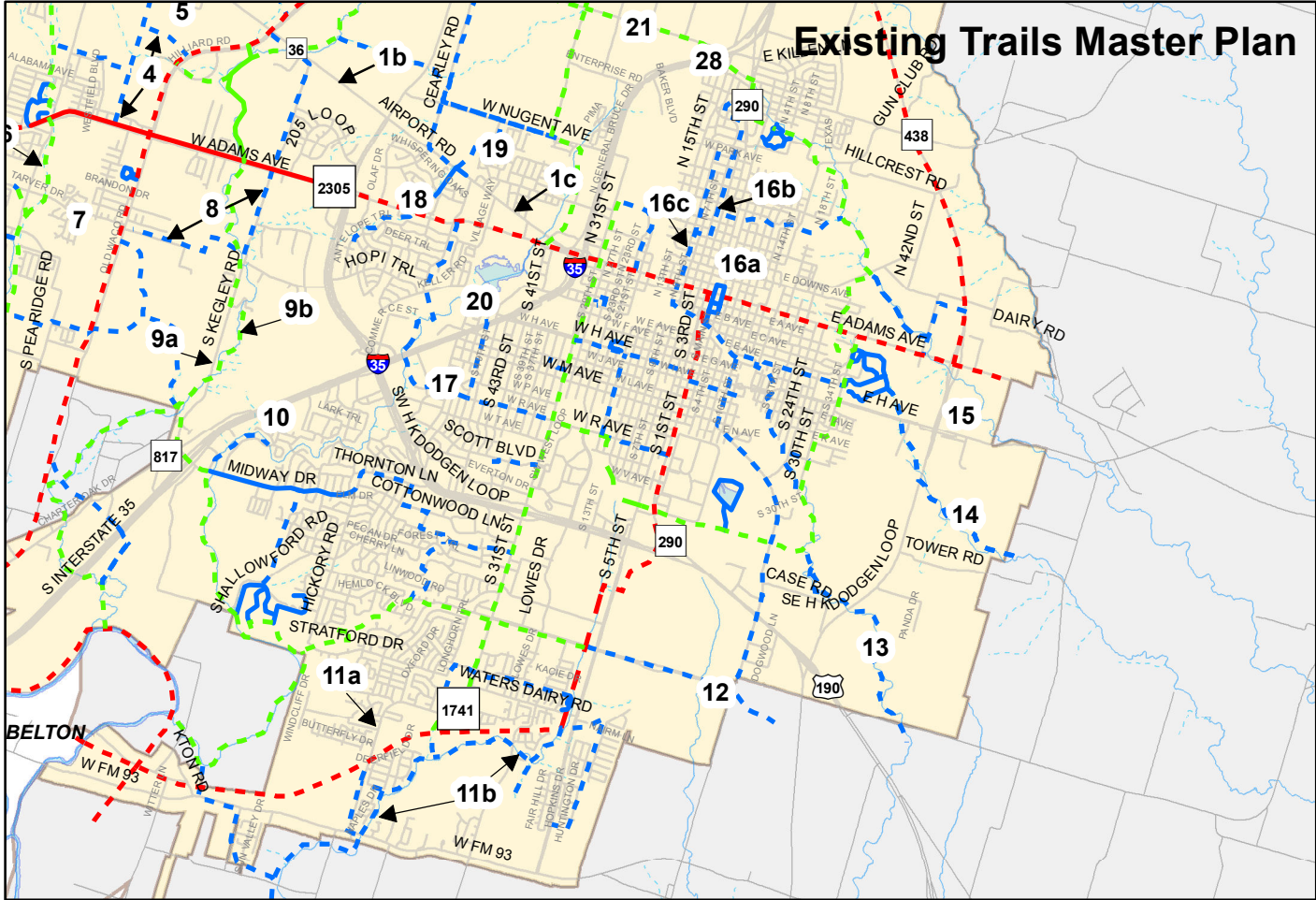


MAP PREPARED: September 10, 2012

DISCLAIMER: GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



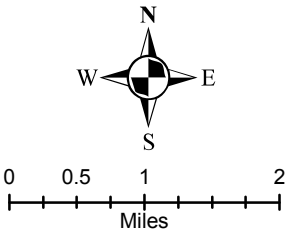
#	Classification	Action	Segment Description	Reason for Change
10	Proposed Local Connector	Remove	Approx 3,000 ft along Battle Dr	Lack of connectivity and viability
11a	Proposed Community-Wide Connector	Add	Approx 5,000 ft along 31 <sup>st</sup> St	Proposed as an alternate to 11b
11b	Proposed Local Connector	Remove	Approx 14,000 ft FM 93 to Fawn Meadows Rd (Taylor's Valley)	City Council approved exception removing this segment from the plan
12	Proposed Local Connector	Remove	Approx 2,300 ft south from Blackland Rd	Lack of connectivity and viability
13	Proposed Local Connector	Remove	Approx 10,000 ft along Case Rd	Eliminated due to location in Industrial Park area
14	Proposed Local Connector	Remove	Approx 5,500 ft from HK Dodgen Loop across Landfill Rd	Lack of connectivity and viability
15	Proposed Local Connector	Add	Aprox 5,000 ft along SE HK Dodgen Loop	Promotes connectivity with the Outer Loop
16a	Proposed Community-Wide Connector	Add	Approx 2,200 ft along 5 <sup>th</sup> St	1 <sup>st</sup> and 3 <sup>rd</sup> St Overlay Plan Implementation
16b	Proposed Local Connector	Reclassified to Proposed Community-Wide Connector	Approx 3,500 ft along 7 <sup>th</sup> from Garfield to Park	1 <sup>st</sup> and 3 <sup>rd</sup> St Overlay Plan Implementation
16c	Proposed Local Connector	Remove	Approx 5,600 ft along 11 <sup>th</sup> from Adams to Park	1 <sup>st</sup> and 3 <sup>rd</sup> St Overlay Plan Implementation
17	Proposed Local Connector	Remove	Approx 4,500 ft S General Bruce to Ave R	Lack of connectivity and viability
28	Proposed Community-Wide Connector	Remove	Approx 2,000 ft from I-35 to N General Bruce Dr	1 <sup>st</sup> and 3 <sup>rd</sup> St Overlay Plan Implementation and eliminated to location in the Industrial Park



## Trails Master Plan

Proposed Amendments  
(2 of 2)

- Existing Citywide Spine Trail
- Under Design/Construction Citywide Spine Trail
- Proposed Citywide Spine Trail
- Existing Community-Wide Connector Trail
- Under Design/Construction Community-Wide Connector Trail
- Proposed Community-Wide Connector Trail
- Existing Local Connector Trail
- Proposed Local Connector Trail
- City Limits
- Extraterritorial Jurisdiction (ETJ)
- Water Body



MAP PREPARED: September 10, 2012

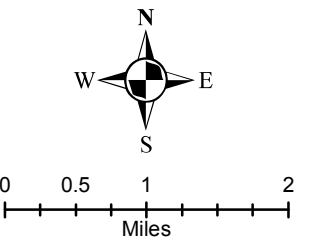
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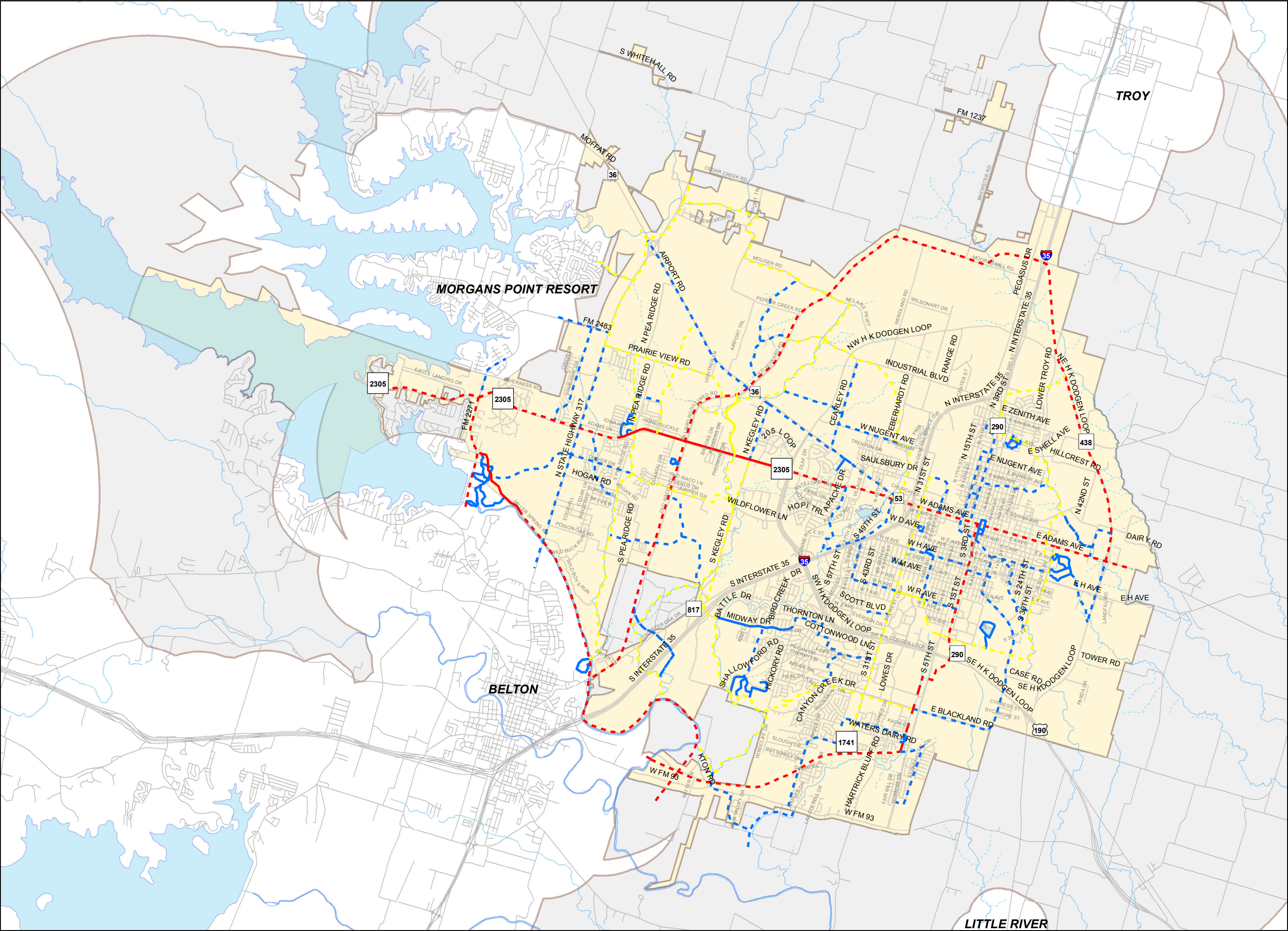
# Proposed Trails Master Plan

- Existing Citywide Spine Trail
- Under Design/Construction Citywide Spine Trail
- Proposed Citywide Spine Trail
- Existing Community-Wide Connector Trail
- Under Design/Construction Community Wide Connector Trail
- Proposed Community-Wide Connector Trail
- Existing Local Connector Trail
- Proposed Local Connector Trail
- City Limits
- Extraterritorial Jurisdiction (ETJ)
- Water Body



MAP PREPARED: September 7, 2012

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**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, SEPTEMBER 17, 2012**

**ACTION ITEMS**

**Item 6: Z-FY-12-53** Hold a public hearing to discuss and recommend action on an amendment to the City Wide Trails Master Plan.

Ms. Zendt stated the Trails Master Plan was originally adopted in 2010. Several cleanups and revisions resulting from revisions to the Thoroughfare Plan, changes related to transportation CIPs, 1st and 3rd Street overlay, lack of connectivity, etc.

Two comprehensive maps are shown regarding approximately 35 changes. Ms. Zendt covered the largest revisions:

- 1A – Add a 14,370 foot segment along Airport Road;
- 21 – Remove approximately 11,000 feet along Industrial Boulevard;
- 23 – Remove approximately 16,000 square feet of trail along HK Dodgen Loop located in an industrial park;
- 11B – Elimination of 14,000 feet on FM 93 to Fawn Meadows Road;
- 13 – Eliminate 10,000 feet along Case Road; and
- 27 – Adding 30,000 feet to the Outer Loop (Lower Troy/HK Dodgen Loop).

Staff recommends approval of these amendments to the Trails Plan and adopt the new Plan.

Chair Staats opened the public hearing.

There being no speakers, the public hearing was closed.

Vice-Chair Sears made a motion to approve Item 6, Z-FY-12-53, as recommended by Staff and Commissioner Jones made a second.

Motion passed: (8:0)

Commissioner Rhoads absent



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,  
AMENDING RESOLUTION NO. 2010-5971-R, THE CITYWIDE TRAILS  
MASTER PLAN; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN  
EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on March 4, 2010, the City Council adopted, by Resolution No. 2010-5971-R, the Citywide Trails Master Plan to implement community-wide mobility goals and objectives identified in the Choices'08, City of Temple Comprehensive Plan - since that, staff has identified multiple revisions and amendments;

**Whereas**, the Citywide Trails Master Plan is used by staff to require upsizing of certain sidewalks (with oversize participation agreements) and for requiring right-of-way dedication and construction of trails for certain development projects;

**Whereas**, this strategy for implementation necessitates adoption of the Citywide Master Trails Plan by Ordinance rather than by Resolution – by adopting this Ordinance, the City will also establish consistency with the adoption and amendment process for the thoroughfare plan which addresses motorized mobility much in the same way the Citywide Trails Master Plan address non-motorized mobility;

**Whereas**, this adopted plan, as outlined in Exhibit A attached hereto, will assist the City in implementing the community-wide mobility goals set forth in the Comprehensive Plan and in demonstrating the City's commitment to a multi-modal transportation network for future mobility enhancement grant opportunities; 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 and has heard comments and evidence presented by all persons supporting or opposing this requested amendment at said public hearing, and after examining the conditions, finds that the proposed amendments complies with the comprehensive plan and are 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 an amendment to Resolution No. 2010-5971-R, originally adopted on March 4, 2010, as outlined in Exhibit A attached hereto, which will establish consistency with the adoption and amendment process for the thoroughfare plan which addresses motorized mobility.

**Part 2:** The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

**Part 3:** 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 **4<sup>th</sup>** day of **October**, 2012.

PASSED AND APPROVED on Second Reading on the **18<sup>th</sup>** day of **October**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III Mayor

ATTEST:

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Lacy Borgeson  
City Secretary

APPROVED AS TO FORM:

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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10/18/12  
Item #5(H)  
Consent Agenda  
Page 1 of 2

### **DEPT. /DIVISION SUBMISSION & REVIEW:**

Autumn Speer, Director of Community Services

**ITEM DESCRIPTION:** SECOND READING - Z-FY-12-54: Consider adopting an ordinance amending Ordinance 2008-4230, the *Choices '08*, City of Temple Comprehensive Plan, Chapter 5, to amend the Thoroughfare Plan Map.

**P&Z COMMISSION RECOMMENDATION:** At its meeting on September 17, 2012, the Planning and Zoning Commission voted 8:0 (Commissioner Rhoads was absent), in accordance with the Staff recommendation, to recommend approval the amended Thoroughfare Plan Map.

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

**ITEM SUMMARY:** On September 4, 2008, the City of Temple adopted the *Choices '08*, City of Temple Comprehensive Plan. With that plan, the City adopted a Thoroughfare Plan Map, a companion document to Chapter 5 which addressed transportation. The Thoroughfare Plan Map is intended as a guide for roadway network expansion and improvement. Care was taken in the development of the plan to ensure that designated routes follow existing roadway alignments, parcel boundaries, and topography as much as possible. Nevertheless, available funding, changing development patterns, city growth, right-of-way availability, and subsequent roadway realignments necessitate occasional revisions to ensure the map reflects current and projected transportation patterns and connectivity.

Planning staff has worked closely with Public Works staff to identify changes, based on updates to the City's Capital Improvements Plan project list and other developments, which impact the overall transportation network. Staff anticipates a more comprehensive review of the Thoroughfare Plan Map and additional proposed amendments in upcoming months.

The following table summarizes the proposed amendments to the Thoroughfare Plan Map identified by staff:



Thoroughfare Plan Proposed Amendments

#	Name/ Classification	Action	Segment Description	Reason for Change
1	<b>Kegley Road</b> – Proposed Minor Arterial	Reclassified to Proposed Collector	Approx. 2.35 miles from West Adams to Charter Oak Drive	As a future Major Arterial, the proposed Outer Loop will provide sufficient parallel capacity and north-south connectivity.
2	<b>Tarver Road</b> – Proposed Minor Arterial	Reclassified to Proposed Collector	Approx. 1.31 miles from Hills of Westwood Subdivision to Kegley Road.	This section will not likely be constructed as an Arterial Street due to availability of funding.
3	<b>Tarver Road</b> – Proposed Minor Arterial	Reclassified to Existing Collector	Approx. 1.3 miles from State HWY 317 to Hills of Westwood Subdivision.	Although the section from State HWY 317 to S. Pea Ridge Rd has been constructed as an Arterial Street, it is anticipated that remaining sections, both existing and proposed, will be (or will remain) Collector Streets providing for an overall Collector Street classification.
4	<b>S. Pea Ridge Road</b> – Proposed Minor Arterial	Reclassified to Existing Collector	Approx. 3,170 ft from W. Adams Ave. to Tarver Road	Most existing sections of this road are constructed as a Collector Street providing for an overall Collector Street classification.
5	<b>S. Pea Ridge Road</b> – Proposed Minor Arterial	Reclassified to Proposed Collector	Approx. 1,700 ft. from Tarver Road to Hogan Road	This existing section will likely be widened to Collector Street width.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

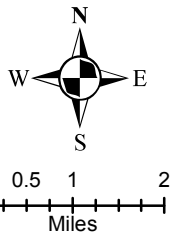
Thoroughfare Plan Map- Existing  
Thoroughfare Plan Map- Proposed Changes  
Thoroughfare Plan Map- Proposed  
P&Z Excerpts  
Ordinance





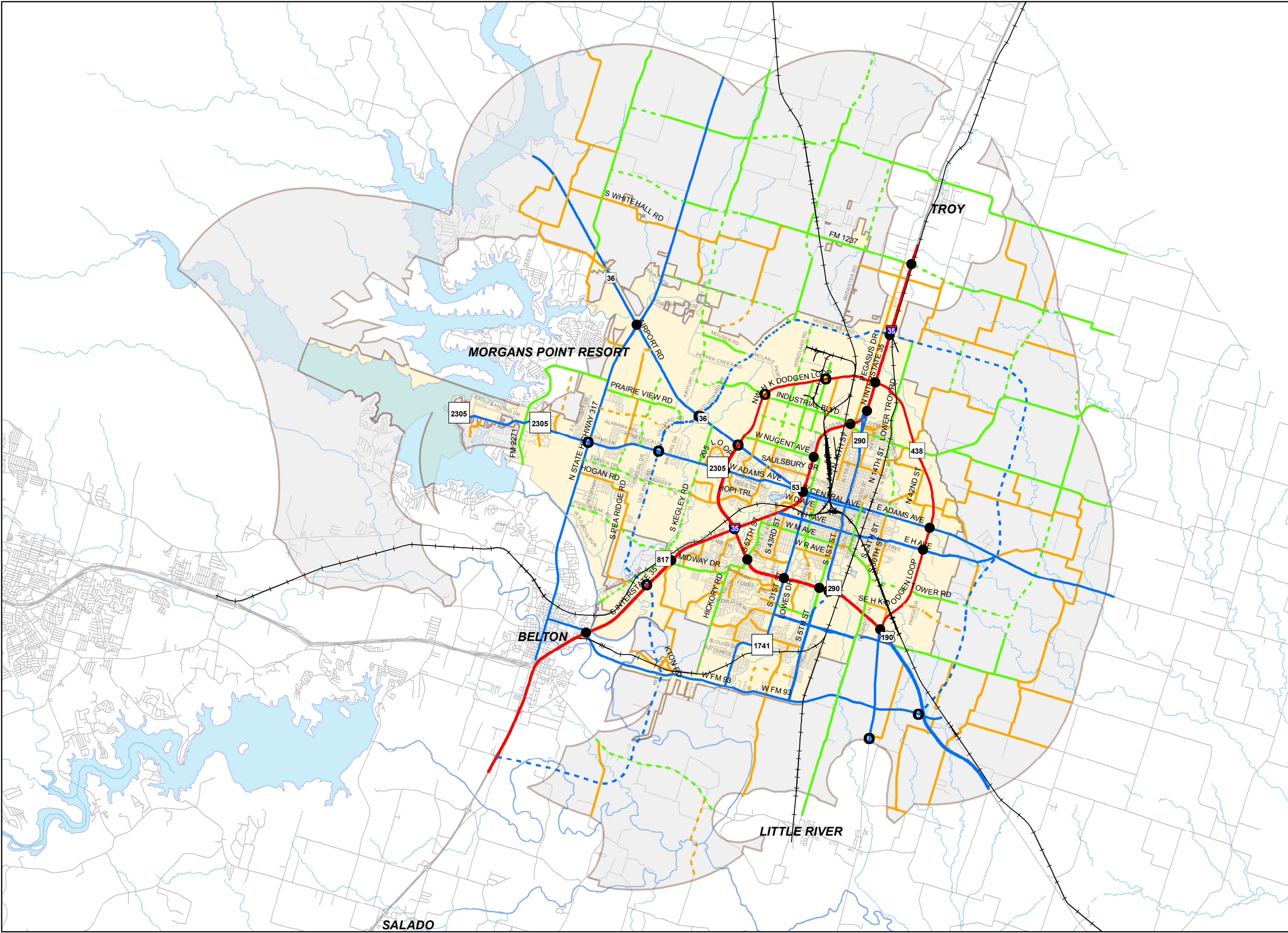
# THOROUGHFARE PLAN

- Expressway
- Major Arterial
- Proposed Major Arterial
- Minor Arterial
- Proposed Minor Arterial
- Collector
- Proposed Collector
- Existing Railroad
- Grade Separated Interchange
  - Existing
  - Future
- City Limits
- Extraterritorial Jurisdiction (ETJ)
- Water Body

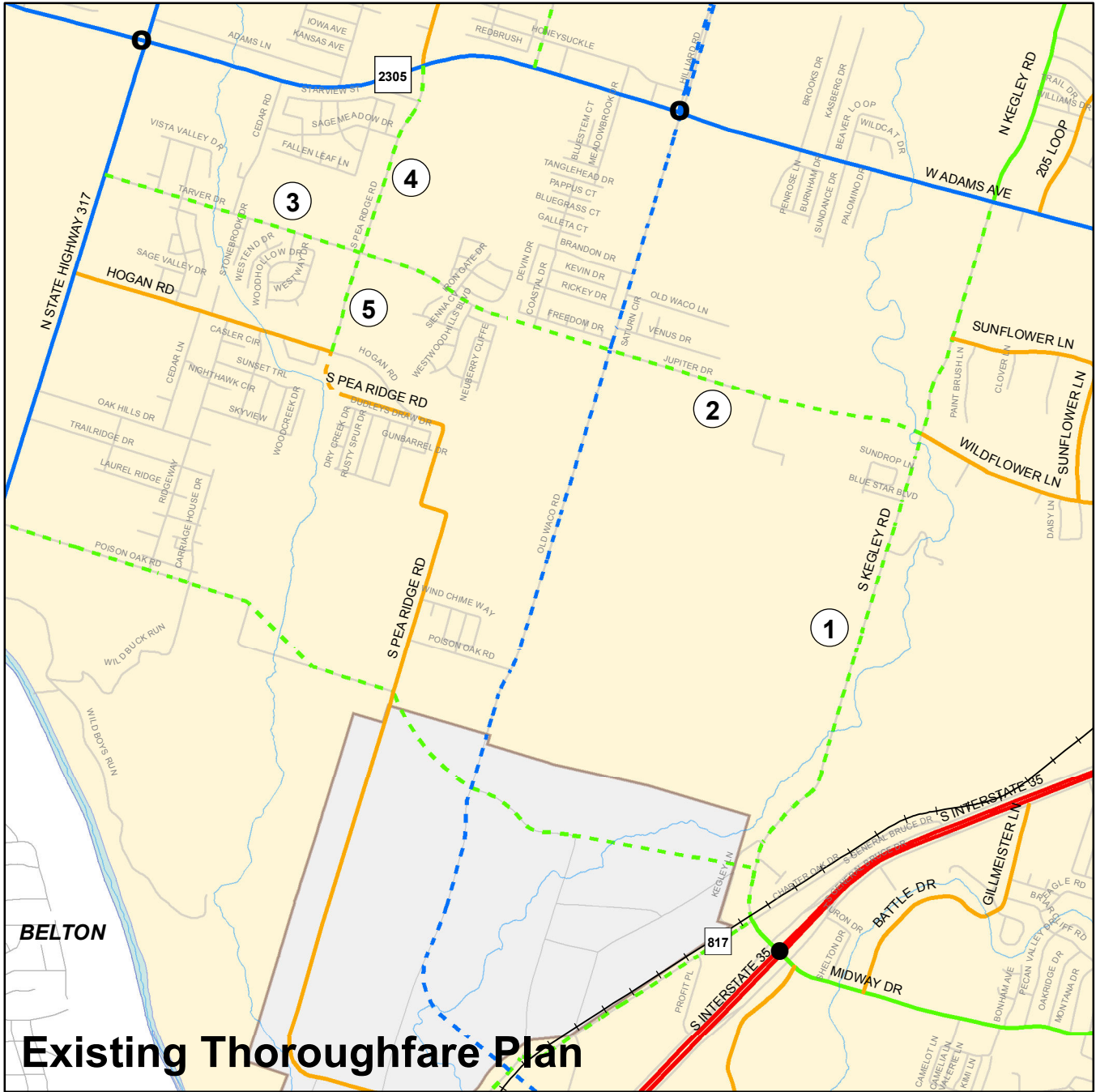


MAP PREPARED: September 14, 2012

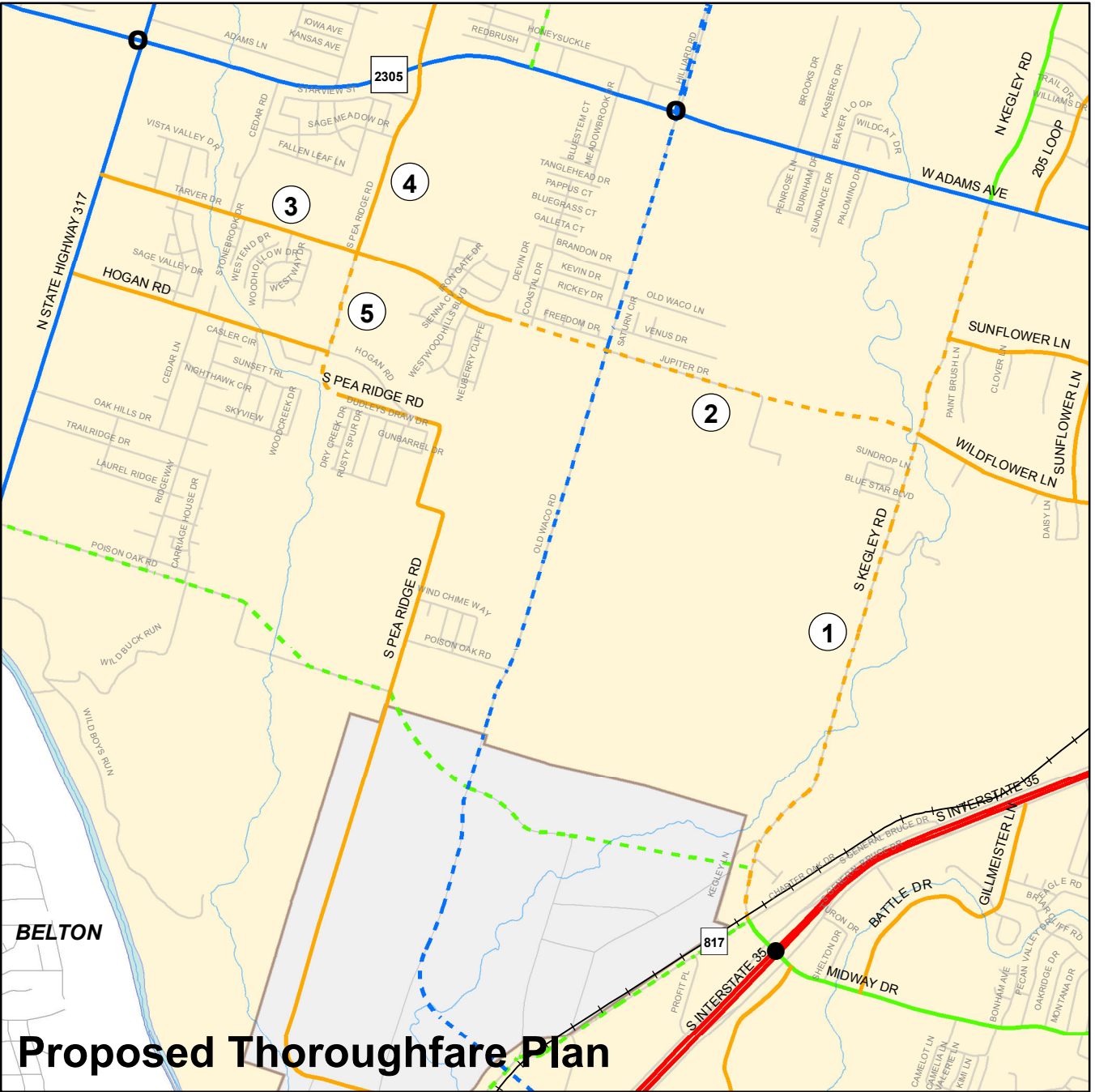
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Existing Thoroughfare Plan



Proposed Thoroughfare Plan

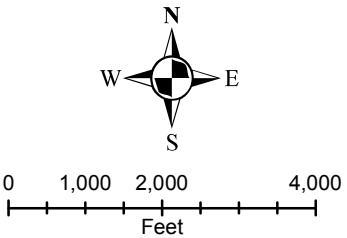


## THOROUGHFARE PLAN

### Proposed Amendments

- Grade Separated Interchange**
- Existing
  - Future
  - Existing Railroad
  - Expressway
  - Major Arterial
  - - - Proposed Major Arterial
  - Minor Arterial
  - - - Proposed Minor Arterial
  - Collector
  - - - Proposed Collector
  - Extraterritorial Jurisdiction (ETJ)
  - Water Body
  - City Limits

#	Name/ Classification	Action	Segment Description	Reason for Change
1	Kegley Road - Proposed Minor Arterial	Reclassified to Proposed Collector	Approx 2.35 miles from West Adams to Charter Oak Drive	As a future Major Arterial, the proposed Outer Loop will provide sufficient parallel capacity and north-south connectivity.
2	Tarver Road - Proposed Minor Arterial	Reclassified to Proposed Collector	Approx 1.31 miles from Hills of Westwood Subdivision to Kegley Road	This section will not likely be constructed as an Arterial Street due to availability of funding.
3	Tarver Road - Proposed Minor Arterial	Reclassified to Existing Collector	Approx 1.3 miles from State Hwy 317 to Hills of Westwood Subdivision	Although the section from State Hwy 317 to S Pea Ridge Rd has been constructed as an Arterial Street, it is anticipated that remaining sections, both existing and proposed, will be (or will remain) Collector Streets providing for an overall Collector Street classification.
4	S Pea Ridge Road - Proposed Minor Arterial	Reclassified to Existing Collector	Approx 3,170 feet from W Adams Ave to Tarver Road	Most existing sections of this road are constructed as a Collector Street providing for an overall Collector Street classification.
5	S Pea Ridge Road - Proposed Minor Arterial	Reclassified to Proposed Collector	Approx 1,700 feet from Tarver Road to Hogan Road	This existing section will likely be widened to Collector Street width.



MAP PREPARED: September 14, 2012

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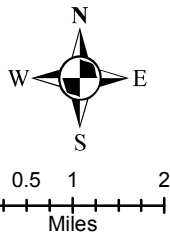




# THOROUGHFARE PLAN

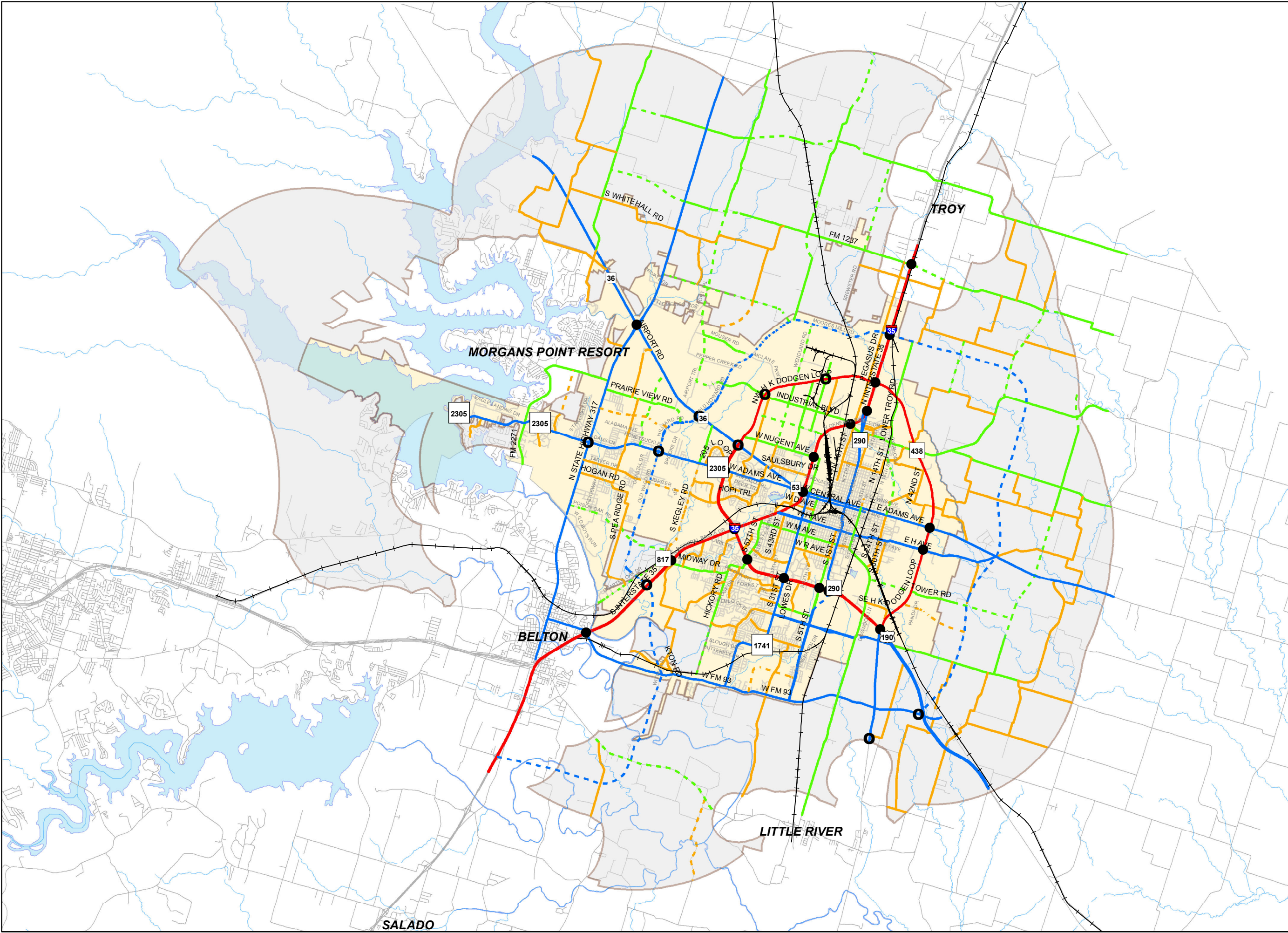
## Proposed Amendments

- Expressway
- Major Arterial
- Proposed Major Arterial
- Minor Arterial
- Proposed Minor Arterial
- Collector
- Proposed Collector
- Existing Railroad
- Grade Separated Interchange
  - Existing
  - Future
- City Limits
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MAP PREPARED: September 14, 2012

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**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, SEPTEMBER 17, 2012**

**ACTION ITEMS**

**Item 7: Z-FY-12-54** Hold a public hearing to discuss and recommend action on an amendment to Ordinance 2008-4230, the City of Temple Comprehensive Plan, Chapter 5, to amend the Thoroughfare Plan Map.

Ms. Zendt stated the Thoroughfare Plan required a few cleanups with regard to changes in available funding, changing road patterns, city growth, right-of-way availability, and road realignments. The Thoroughfare Plan was adopted in 2008 and part of the Comprehensive Plan Choices '08, a companion document to Chapter 5, Transportation, and serves as the guide for roadway network, expansion, and improvements.

Some of the larger realignments/reclassifications include the following:

Kegley Road – currently proposed as a minor arterial. Staff recommends it be reclassified as a proposed collector.

As a future minor arterial, the proposed Outer Loop would provide sufficient parallel capacity and north/south connectivity. Staff recommends it be reclassified as a proposed collector.

Tarver Road – currently a minor arterial. Staff recommends it be reclassified as a proposed collector.

Tarver Road – from SH 317 to the Hills of Westwood also be reclassified as a collector.

South Pea Ridge Road – proposed as a minor collector. Staff recommends it be reclassified to existing collector.

Chair Staats opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Johnson made a motion to approve Item 7, Z-FY-12-54, and Commissioner Harrell made a second.

Motion passed: (8:0)  
Commissioner Rhoads absent



ORDINANCE NO. \_\_\_\_\_

[PLANNING. Z-FY-12-54]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING AN AMENDMENT TO ORDINANCE 2008-4230, THE *CHOICES* '08, CITY OF TEMPLE COMPREHENSIVE PLAN, CHAPTER 5, TO AMEND THE THOROUGHFARE PLAN MAP; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on September 4, 2008, the City of Temple adopted the *Choices* '08, City of Temple Comprehensive Plan and with that plan, the City adopted a thoroughfare plan map which addressed transportation and was intended as a guide for roadway network expansion and improvement.

**Whereas**, based on updates to the City's Capital Improvement Plan project list and other developments which impact the overall transportation network, staff identified changes which include a comprehensive review and proposed amendments.

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

**Part 1:** The City Council approves an amendment to Ordinance 2008-4230, the *Choices* '08, City of Temple Comprehensive Plan, Chapter 5, to amend the thoroughfare plan map, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

**Part 2:** The City Council directs the Director of Planning to make the necessary changes to the Future Land Use Map accordingly.

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

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

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

PASSED AND APPROVED on First Reading on the **4<sup>th</sup>** day of **October**, 2012.

PASSED AND APPROVED on Second Reading and Public Hearing on the **15<sup>th</sup>** day of **October**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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10/18/12  
Item #5(I)  
Consent Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Kim Foutz, Assistant City Manager

**ITEM DESCRIPTION:** Consider adopting a resolution establishing a policy and criteria for the City's support of tax credit projects through the Texas Department of Housing and Community Affairs and rescinding resolutions No. 2005-4280-R and No. 2004-4019-R.

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

**ITEM SUMMARY:** In 2004, the City Council adopted a resolution that established a policy regarding the lending of City support for tax credit project and the associated application through the Texas Department of Housing and Community Affairs. Council followed up this action by passing an additional resolution that established the criteria by which proposed projects would be evaluated.

At the October 4, 2012 City Council meeting, Council conducted a workshop to discuss the current evaluation program and policy. At this meeting, the Council indicated that it would like to maintain flexibility in its evaluation of proposed projects. Staff has prepared a resolution to reflect this approach and to address other issues discussed at the workshop. The proposed resolution would replace the two original resolutions. Issues addressed in the new resolution include:

- An application will be required that addresses the established evaluation criteria; the application is due four weeks prior to Council presentation and consideration
- Created point ranges
- Added reference to "tenant populations with special needs"
- Added criteria for projects that "remedy deteriorated existing city infrastructure without city participation"
- Added the words "appropriate and quality" in reference to supportive services
- Added conformance to "area plans, overlays, and master plans"
- Added reference to "developer's past experience"
- Added criteria for "repositioning (reinvestment) of existing developments"
- Added criteria for "impact on elimination of blight"
- Added criteria for "quality of the units and project as a whole"
- Added criteria for "level of investment per square foot"
- Added criteria for "any other evaluation criteria that Council deems applicable"



**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ESTABLISHING A POLICY AND CRITERIA FOR THE CITY'S SUPPORT OF TAX CREDIT PROJECTS THROUGH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA), AND RESCINDING RESOLUTION NO. 2005-4280-R AND RESOLUTION NO. 2004-4019-R; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, in 2004, the City Council adopted a resolution that established a policy regarding the lending of City support for tax credit projects and the associated application through the Texas Department of Housing and Community Affairs;

**Whereas**, City Council followed up on this action by passing an additional resolution that established the criteria by which proposed projects would be evaluated;

**Whereas**, at the October 4, 2012 City Council meeting, Council conducted a workshop to discuss the current evaluation of proposed projects – the proposed resolution will replace resolution numbers 2005-4280-R and 2004-4019-R;

**Whereas**, staff prepared a proposed resolution which reflects the proposed approach and which addresses the following issues:

- An application will be required that addresses the established evaluation criteria. (the application is due four weeks prior to Council presentation and consideration);
- Create point ranges;
- Add reference to “tenant populations with special needs;”
- Add criteria for projects that “remedy deteriorated existing city infrastructure without city participation;”
- Add the words “appropriate and quality” in reference to supportive services;
- Add conformance to “area plans, overlays, and master plans;”
- Add reference to “developer’s past experience;”
- Add criteria for “repositioning (reinvestment) of existing developments;”
- Add criteria for “impact on elimination of blight;”
- Add criteria for “quality of the units and project as a whole;”
- Add criteria for “level of investment per square foot;”
- Add criteria for “any other evaluation criteria that Council deems applicable;”

**Whereas**, the City Council needs to adopt this criteria which will determine which, if any, tax credit projects will be supported by the City of Temple; and

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

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

**PART 1:** The City Council adopts the following criteria for the City of Temple's support of Tax Credit Projects through the Texas Department of Housing and Community Affairs (TDHCA):

- An application will be required that addresses the established evaluation criteria. (the application is due four weeks prior to Council presentation and consideration);
- Create point ranges;
- Add reference to "tenant populations with special needs;"
- Add criteria for projects that "remedy deteriorated existing city infrastructure without city participation;"
- Add the words "appropriate and quality" in reference to supportive services;
- Add conformance to "area plans, overlays, and master plans;"
- Add reference to "developer's past experience;"
- Add criteria for "repositioning (reinvestment) of existing developments;"
- Add criteria for "impact on elimination of blight;"
- Add criteria for "quality of the units and project as a whole;"
- Add criteria for "level of investment per square foot;"
- Add criteria for "any other evaluation criteria that Council deems applicable;"

**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 18<sup>th</sup> day of **October**, 2012.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lacy Borgeson  
City Secretary

\_\_\_\_\_  
Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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10/18/12  
Item #5(J)  
Consent Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Sharon Rostovich, Airport Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing acceptance of grant funding in the estimated amount of \$4,114,450 from the Texas Department of Transportation, Aviation Division, Airport Project Participation Grant Fund, for reconstruction, rehabilitation and overlay of Taxiways A, B, C, D, E, F and the aircraft parking apron at the Draughon-Miller Central Texas Regional Airport, with an estimated City match of 10% or \$411,445.

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

**ITEM SUMMARY:** The City requested grant funding in 2003 to overlay the secondary runway, taxiways and apron at an estimated cost of \$2.8; however, after TxDOT Engineering analysis was complete, it was determined the runway and taxiways needed reconstruction increasing the grant amount to approximately \$7.6 million. Due to the size of the project and funding level required from the City, TxDOT agreed to split the project in two phases. City Council approved engineering for both Phases I & II along with Phase 1 re-construction of Runway 02/20 in October 2010 in the estimated amount of \$3.5 million.

Phase II of the grant project includes all the taxiways serving both Runways 15/33 & 02/20 and the aircraft parking apron in the estimated amount of \$4,114,450 with the City's 10% match estimated at \$411,445 due in October 2012 for a 2013 project. The taxiways were rehabilitated in 1983 and a slurry seal application to extend the pavement life was applied in 1998.

Before TxDOT Aviation will apply for the grant funds for Phase II from the Texas Transportation Commission in November 2012, a Resolution from the City must be forwarded to TxDOT no later than October 31, 2012.

**FISCAL IMPACT:** The City's share of the estimated grant project is 10% or an estimated \$411,445. A budget adjustment is presented for Council's approval designating the funds from the General Fund's Designated for Capital Projects-Unallocated for construction of Phase II in the estimated amount of \$411,445 which represents the City's 10% match requirement for the \$4,114,450 grant.

### **ATTACHMENTS:**

[Budget Adjustment  
Resolution](#)

FY 2013

# BUDGET ADJUSTMENT FORM

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

+

—

[illegible]

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

To designate funds for the City's 10% match for the rehabilitation of taxiways of both runways 02/20 and 15/33, and the aircraft parking apron. Taxiway and apron reconstruction cost is estimated to be \$4,114,450 with the City's estimated 10% share being \$411,445.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes

☐ No

DATE OF COUNCIL MEETING

10/18/2012

WITH AGENDA ITEM?

☒ Yes

☐ No

Department Head/Division Director

Date

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

## Finance

Date

	Approved
	Disapproved

City Manager

Date \_\_\_\_\_

	Approved
	Disapproved

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ACCEPTANCE OF GRANT FUNDING FROM THE TEXAS DEPARTMENT OF TRANSPORTATION, AVIATION DIVISION, AIRPORT PROJECT PARTICIPATION GRANT FUND, IN THE ESTIMATED AMOUNT OF \$4,114,450 FOR RECONSTRUCTION, REHABILITATION AND OVERLAY OF TAXIWAYS A, B, C, D, E, F AND THE AIRCRAFT PARKING APRON AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT, WITH THE CITY'S ESTIMATED MATCH IN THE AMOUNT OF \$411,445; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City of Temple requested grant funding in 2003 to overlay the secondary runway, taxiways and apron in an estimated amount of \$2.8 million – however after TxDOT Engineering analysis was complete, it was determined the runway and taxiways needed reconstruction, increasing the grant amount to approximately \$7.6 million;

**Whereas**, due to the size of the project and funding level required from the City, TxDOT agreed to split the project in two phases – City Council approved engineering for both phases along with phase 1 reconstruction of runway 02/20 in October 2010;

**Whereas**, phase 2 of the project includes all taxiways serving both runways 15/33 and 02/20 and the aircraft parking apron;

**Whereas**, the grant funding received from TxDOT is estimated at \$4,114,450 and the City of Temple will be responsible for 10% or an estimated \$411,445 - an amendment to the FY2012-13 budget needs to be approved to transfer funds to the appropriate expenditure account; and

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

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

**Part 1:** The City Council accepts the grant funds in the estimated amount of \$4,114,450 from the Texas Department of Transportation, Aviation Division, Airport Project Participation Grant for reconstruction, rehabilitation and overlay of taxiways A, B, C, D, E, F and the aircraft parking apron at the Draughon-Miller Central Texas Regional Airport, and approves the City's 10% share (\$411,445) of the funds.

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

**Part 3:** The City Council approves an amendment to the FY2012-13 budget, substantially in the form of the copy attached as Exhibit A, for this project.

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

PASSED AND APPROVED this the **18<sup>th</sup>** day of **October**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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10/18/12  
Item #5(K)  
Consent Agenda  
Page 1 of 1

**DEPT./DIVISION SUBMISSION & REVIEW:**

Traci Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing budget amendments for fiscal year 2012-2013.

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

**ITEM SUMMARY:** This item is to recommend various budget amendments, based on the adopted FY 2012-2013 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

**FISCAL IMPACT:** The total amount of budget amendments is \$7,715.

**ATTACHMENTS:**

[Budget Amendments](#)  
[Resolution](#)



**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2013 BUDGET**  
**October 18, 2012**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-3280-551-2541		Corporate Games - Recreation Events	\$ 6,215	
110-0000-445-1571		Corporate Games Revenue		\$ 6,215
<p>This budget adjustment appropriates additional funds needed in the Corporate Games expense account to pay for officials, racing time, and plaques for the Corporate Challenge. This budget adjustment also appropriates the offsetting revenues from participation fees.</p>				
110-4000-555-2225		Books & Periodicals (Library)	\$ 1,500	
110-0000-314-1917		<b>Reserve for Library</b>		\$ 1,500
<p>This budget adjustment appropriates funds to purchase history books as specified with the MacGregor Trust Funds.</p>				
<b>TOTAL AMENDMENTS</b>			<b>\$ 7,715</b>	<b>\$ 7,715</b>

**GENERAL FUND**

Beginning <b>Contingency</b> Balance	\$ -
Added to Contingency Sweep Account	\$ -
Carry forward from Prior Year	\$ -
Taken From Contingency	\$ -
Net Balance of Contingency Account	\$ -
Beginning <b>Judgments &amp; Damages</b> Contingency	\$ 80,000
Added to Contingency Judgments & Damages from Council Contingency	\$ -
Taken From Judgments & Damages	\$ -
Net Balance of Judgments & Damages Contingency Account	\$ 80,000
Beginning <b>Compensation</b> Contingency	\$ 403,000
Added to Compensation Contingency	\$ -
Taken From Compensation Contingency	\$ -
Net Balance of Compensation Contingency Account	\$ 403,000
<b>Net Balance Council Contingency</b>	<b>\$ 483,000</b>
Beginning Balance <b>Budget Sweep</b> Contingency	\$ -
Added to Budget Sweep Contingency	\$ -
Taken From Budget Sweep	\$ -
Net Balance of Budget Sweep Contingency Account	\$ -
<b>WATER &amp; SEWER FUND</b>	
Beginning <b>Contingency</b> Balance	\$ 50,000
Added to Contingency Sweep Account	\$ -
Taken From Contingency	\$ -
Net Balance of Contingency Account	\$ 50,000
Beginning <b>Compensation</b> Contingency	\$ 142,000
Added to Compensation Contingency	\$ -
Taken From Compensation Contingency	\$ -
Net Balance of Compensation Contingency Account	\$ 142,000
<b>Net Balance Water &amp; Sewer Fund Contingency</b>	<b>\$ 192,000</b>

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2013 BUDGET**  
**October 18, 2012**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		<b>HOTEL/MOTEL TAX FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	147,759
		Added to Contingency Sweep Account	\$	-
		Carry forward from Prior Year	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	147,759
		Beginning <b>Compensation</b> Contingency	\$	10,100
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	-
		Net Balance of Compensation Contingency Account	\$	10,100
		<b>Net Balance Hotel/Motel Tax Fund Contingency</b>	<b>\$</b>	<b>157,859</b>
		<b>DRAINAGE FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	69,100
		Added to Contingency Sweep Account	\$	-
		Carry forward from Prior Year	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	69,100
		Beginning <b>Compensation</b> Contingency	\$	25,100
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	-
		Net Balance of Compensation Contingency Account	\$	25,100
		<b>Net Balance Hotel/Motel Tax Fund Contingency</b>	<b>\$</b>	<b>94,200</b>
		<b>FED/STATE GRANT FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	-
		Carry forward from Prior Year	\$	-
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	-

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO  
THE 2012-2013 CITY BUDGET; AND PROVIDING AN OPEN  
MEETINGS CLAUSE.

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**Whereas**, on the 30<sup>th</sup> day of August, 2012, the City Council approved a budget for the 2012-2013 fiscal year; and

**Whereas**, the City Council deems it in the public interest to make certain amendments to the 2012-2013 City Budget.

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

**Part 1:** The City Council approves amending the 2012-2013 City Budget by adopting the budget amendments which are more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED this the 18<sup>th</sup> day of **October**, 2012.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lacy Borgeson  
City Secretary

\_\_\_\_\_  
Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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10/18/12  
Item #6(A)  
Regular Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** SECOND READING - PUBLIC HEARING: Consider adopting an ordinance designating a tract of land consisting of approximately 8.144 acres and described as Lot 7 and Lot 8, Block 1, Enterprise Park, located at 2708 Lucius McCelvey Drive as City of Temple Tax Abatement Reinvestment Zone Number Twenty-Four for commercial/industrial tax abatement.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented in item description, on second and final reading.

**ITEM SUMMARY:** The proposed ordinance designates a tract of land consisting of approximately 8.144 acres and described as Lot 7 and Lot 8, Block 1, Enterprise Park, located at 2708 Lucius McCelvey Drive, as a commercial/industrial tax abatement reinvestment zone. The designation of a tax abatement reinvestment zone lasts for five years and is a prerequisite for entering into a tax abatement agreement with a future economic development prospect.

**FISCAL IMPACT:** None at this time.

### **ATTACHMENTS:**

[Ordinance](#)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DESIGNATING A CERTAIN AREA AS TAX ABATEMENT REINVESTMENT ZONE NUMBER TWENTY-FOUR FOR COMMERCIAL/INDUSTRIAL TAX ABATEMENT; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** the City Council of the City of Temple, Texas (the "City"), desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by creation of a reinvestment zone for commercial/industrial tax abatement, as authorized by Section 312.201 of the Texas Tax Code (hereinafter the "Code");

**Whereas,,** the City held such public hearing after publishing notice of such public hearing, and giving written notice to all taxing units overlapping the territory inside the proposed reinvestment zone;

**Whereas,** the City at such hearing invited any interested person, or his attorney, to appear and contend for or against the creation of the reinvestment zone, the boundaries of the proposed reinvestment zone, whether all or part of the territory described in the ordinance calling such public hearing should be included in such proposed reinvestment zone, the concept of tax abatement; and

**Whereas,** the proponents of the reinvestment zone offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the reinvestment zone, and opponents of the reinvestment zone appeared to contest creation of the reinvestment zone.

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

**Part 1:** The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

**Part 2:** The City, after conducting such hearings and having heard such evidence and testimony, has made the following findings and determinations based on the testimony presented to it:

A. That a public hearing on the adoption of the reinvestment zone has been properly called, held and conducted and that notices of such hearings have been published as required by law and mailed to all taxing units overlapping the territory inside the proposed reinvestment zone;

B. That the boundaries of the reinvestment zone (hereinafter "REINVESTMENT ZONE NUMBER TWENTY-FOUR") should be Lot 7 and Lot 8, Block 1, Enterprise Park, according to a plat of record in Cabinet D, Slide 112-A, Plat Records of Bell County, Texas, and located at 2708 Lucius McCelvey Drive, Temple, Bell County, Texas, as described in the drawing attached as Exhibit "A."

C. That creation of REINVESTMENT ZONE NUMBER TWENTY-FOUR will result in benefits to the City and to the land included in the zone after the term of any agreement executed hereunder, and the improvements sought are feasible and practical;

D. That REINVESTMENT ZONE NUMBER TWENTY-FOUR meets the criteria for the creation of a reinvestment zone as set forth in Section 312.202 of the Code in that it is "reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the City;" and

E. That REINVESTMENT ZONE NUMBER TWENTY-FOUR meets the criteria for the creation of a reinvestment zone as set forth in the City of Temple Guidelines and Criteria for granting tax abatement in reinvestment zones.

**Part 3:** Pursuant to Section 312.201 of the Code, the City hereby creates a reinvestment zone for commercial/industrial tax abatement encompassing Lot 7 and Lot 8, Block 1, Enterprise Park, according to a plat of record in Cabinet D, Slide 112-A, Plat Records of Bell County, Texas, and located at 2708 Lucius McCelvey Drive, Temple, Bell County, Texas, described by the drawing in Exhibit "A" attached hereto and such REINVESTMENT ZONE is hereby designated and shall hereafter be officially designated as Tax Abatement Reinvestment Zone Number Twenty-Four, City of Temple, Texas.

**Part 4:** The REINVESTMENT ZONE shall take effect on October 18, 2012, or at an earlier time designated by subsequent ordinance.

**Part 5:** To be considered for execution of an agreement for tax abatement the commercial/industrial project shall:

A. Be located wholly within the Zone as established herein;

B. Not include property that is owned or leased by a member of the City Council of the City of Temple, Texas, or by a member of the Planning and Zoning Commission;

C. Conform to the requirements of the City's Zoning Ordinance, the CRITERIA governing tax abatement previously adopted by the City, and all other applicable laws and regulations; and

D. Have and maintain all land located within the designated zone, appraised at market value for tax purposes.

**Part 6:** Written agreements with property owners located within the zone shall provide identical terms regarding duration of exemption and share of taxable real property value exempted from taxation.

**Part 7:** Written agreements for tax abatement as provided for by Section 312.205 of the Code shall include provisions for:

A. Listing the kind, number and location of all proposed improvements of the property;

B. Access to and inspection of property by municipal employees to ensure that the improvements or repairs are made according to the specification and conditions of the agreements;

C. Limiting the use of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period that property tax exemptions are in effect; and

D. Recapturing property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements as provided by the agreement.

**Part 8:** If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**Part 9:** 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 10: Sunset provision.** The designation of Tax Abatement Reinvestment Zone Number Twenty-Four shall expire five years from the effective date of this ordinance. The designation of a tax abatement reinvestment zone may be renewed for periods not exceeding five years. The expiration of a reinvestment zone designation does not affect an existing tax abatement agreement authorized by the City Council.

**Part 11:** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 4<sup>th</sup> day of **October**, 2012.

PASSED AND APPROVED on Second Reading on the 18<sup>th</sup> day of **October**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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10/18/12  
Item #6(B)  
Regular Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a tax abatement agreement with Don-Nan Pump & Supply Company, granting tax abatement on the increased value of real property on a tract of land located at 2708 Lucius McCelvey Drive, Temple, Bell County, Texas.

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

**ITEM SUMMARY:** The proposed resolution authorizes the City Manager to execute an agreement with Don-Nan Pump & Supply Company, which if approved gives the company five years of 50% tax abatement on the increased taxable value of real property improvements located on a tract of land located at 2708 Lucius McCelvey Drive. Designation of this property is in tax abatement zone #24, a companion to this resolution. This tax abatement applies only to real property improvements.

Don-Nan timely filed an application to receive tax abatement on improvements to real property proposed for a facility located on Lucius McCelvey Drive. Tax abatement is being sought for real property improvements consisting of expanding the facility in order to store materials associated with the production of pumps. The taxable value of real property at the facility will be increased by an estimated \$1,500,000.

The City's Economic Development Policy sets out the criteria and guidelines for granting tax abatement. The renovations proposed meet the minimum criteria established for tax abatement consideration. The proposed improvements fall within the definition of "eligible facilities" in the criteria. The application indicates real property improvements which meet the criteria for granting a fifty percent tax abatement for five years.

The Staff has provided the other taxing entities involved with notice and a copy of the proposed agreement. Under State law, the other taxing entities will have 90 days to elect to enter into an agreement with identical terms. The proposed agreement is drafted for the signature of each taxing entity, but will be effective between Don-Nan Pump & Supply Company and any of the taxing entities which sign the agreement even if not all sign. Under State law, taxes on supplies and inventory are not eligible for tax abatement.



Additionally, the agreement has all of the other terms required by Chapter 312 of the Texas Tax Code for tax abatement agreements, including provisions: (1) listing the kind and number of improvements; (2) providing for inspections of the facility by the taxing entities; (3) requiring compliance with State and local laws; (4) recapturing abated taxes in the event of a default under the agreement; and (5) requiring the applicant to annually certify to all the taxing entities that it is in compliance with all of the terms and conditions of the agreement.

Don-Nan's application meets the standards for granting tax abatement on the increase in real property improvements established by the City's Criteria and Guidelines for tax abatement. The City Council has discretion whether to approve an application for tax abatement and to increase the percentage of tax abatement over the recommended percentage specified in the matrix in the City's Criteria and Guidelines for tax abatement. The agreement should add to the continued development of the City's industrial growth, which would not have occurred in the absence of tax abatement.

**FISCAL IMPACT:** The tax abatement agreement would have the potential of abating approximately \$21,990 in City taxes over the 5 year life of the Agreement using the proposed FY 2012-2013 tax rate of \$0.5864 per \$100 value.

**ATTACHMENTS:**

[Application](#)  
[Resolution](#)

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# City of Temple

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Application for

City of Temple

Tax Abatement Program

Instructions for completing the application form

1. The application form consists of three parts: (1) general information regarding your proposal and the property in question; (2) the objective criteria worksheet; and (3) questions relating to

minimum standards. **Please complete all three parts.** Please review the City of Temple's *Guidelines and Criteria* for tax abatement prior to completing the application form.

2. **Part One:** Questions 1-9 request basic information relating to your proposal.

Questions 3 & 4: Are applicable only if you are not the current owner of the property. If you are leasing the property for which you are requesting tax abatement, the City of Temple will also require your lessor to execute a tax abatement agreement.

Question 7: Describe in detail, the long term improvements you will make to the property, the proposed use you will make of the property, and your long range plans for the property.

Question 9: Tax abatement is available only on the increase in ad valorem taxes attributable to the improvements to the property you propose to make. Please indicate the percentage of abatement you are requesting.

3. **Part Two:** Questions 1-14 relate to the objective criteria established by the City of Temple for granting tax abatement. Answer each question as fully as possible using additional sheets of paper where necessary. The recommendation to the City Council on whether tax abatement *should* be granted, and if so, under what terms.

Question 2: Note that under the City's *Guidelines and Criteria*, the City of Temple will grant tax abatement only on **permanent** improvements to real property and personal property with a useful life of at least **10**

years (e.g., buildings, permanently installed equipment, site improvements, fixtures, and equipment). Specifically excluded from tax abatement agreement or transferred from another site owned or operated by the applicant are also excluded from tax abatement.

Question 3: Eligible personal property must have a useful life of **10** years to be eligible.

Question 9: Note that the City of Temple has established a minimum threshold of \$500,000 (\$25,000 in the Downtown Development Area) in permanent improvements (with a **10** year useful life) before tax abatement will be considered.

4. **Part 3:** To be eligible for consideration under the tax abatement program, the applicant must satisfy at least two of the minimum standards. We recommend that you provide detailed information regarding each of the minimum standards that may apply to your proposed project.

## **Part One – General Information**

---

1. Applicant: Don Nan Pump & Supply Co  
Mailing Address: P.O. Box 11367 - Midland, TX 79702  
  
E-Mail Address: rmburden@don-nan.com  
Telephone Number: (432) 682-7742  
Fax Number: (432) 686-0227

2. Contact Person or Agent (if different):

Mailing Address: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

3. Current Property Owner: Don Carruth

Mailing Address: P.O. Box 11367 - Midland, TX 79702

Telephone Number: (432) 682-7742

4. Property Owner's Representative (if different):

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

5. Property Street Address:

\_\_\_\_\_

(Please also attach a legal description and a map/plat of the property for which you seek abatement.)

6. Is the property located within the City of Temple? Yes ☒ No ☐

Is the property in the City's extraterritorial jurisdiction (ETJ)?

Yes ☐ No ☒

Is the Property located inside the City's **Tax Increment Financing Reinvestment Zone**? Yes ☐ No ☐

Temple ISD? Yes ☒ No ☐

Belton ISD? Yes ☐ No ☒

Troy ISD? Yes ☐ No ☒



7. Description of the project. Describe the *kind* of business (e.g., manufacturing or distribution) that will be created or expanded. For purposes of drafting an agreement we will need a detailed description of the proposed real and personal property improvements that you will expect to make including **square footage, construction material, etc.**

Primary building will be used for manufacturing associated with this will be storage for materials. Main structure will be 40,000 sq-ft, 60 ft. high and 30 ft high side walls. Additional office building attach to front that is 2000 sqft and 700 sqft of lab space in rear of

8. Date Projected for (a) initiation of project: (mm/dd/yyyy) *building*  
(b) Completion of project:

Building will be stone and metal and will comply with the covenants of the park.

- a) *December 2012 - contingent upon permits from TCEQ*  
b) *April (Spring) 2013*

## **Part Two – Objective Criteria**

---

1. What is the existing appraised value of the real property and improvements? (contact the Bell County Appraisal District at (254) 939-5841) *\$ 38,510.00*

2. What are the types and value of proposed improvements (broken down to show the kind and dollar value of real and personal property improvements)?

<u>Type</u>	<u>Estimated Expenditure</u>	<u>Useful Life</u>
Personal Property	2,000,000	10
Real Property	1,500,000	29

3. How many existing jobs, if any, will be *retained* by proposed improvements?

*Expected employment of 12 employees*

4. What number, job type, and estimated payroll of new jobs will be created by the proposed project?

<u>Job Type</u>	<u>Number of Jobs</u>	<u>Est. Annual Salary</u>	<u>Total Salary</u>
Manager	1	\$ 120,000	\$ 120,000
Asst. Manager	1	\$ 70,000	\$ 70,000
Labor	10	\$ 40,000	\$ 400,000

5. Will the newly created jobs be filled by persons residing or projected to reside within the City of Temple?

Yes ☒ No ☐ %

Temple / Belton / Troy (circle one) Independent School District?

Yes ☒ No ☐ %

Bell County? Yes ☒ No ☐ %

6. What is the estimated amount of annual local sales taxes for the City of Temple to be generated directly? (Assume a 1 ½ % city sales tax on applicable purchases within the City)

zero. All anticipated sales are for resale and therefore will be exempt

7. By what amount do you estimate the valuation of the affected property will increase after your real and personal property improvements are completed? Will the increase in appraised value attributable to your improvements be at least \$500,000 (25,000 in the Downtown Development Area)?

Yes, increase is \$3,500,000

8. What expenditures, if any, will you request be incurred by the City of Temple to provide facilities or Services to your proposed improvements?

Provide access to utilities

9. What is the amount of ad valorem to be paid to the City of Temple during the Abatement period considering: (a) the existing values; (b) your proposed real and personal property improvement; (c) the percentage of new value abated; and (d) the Abatements period (assume a City tax rate of .5745).

\$ 67,876



10. What population growth, if any, in the City of Temple do you expect to occur as a direct result of your proposed improvement?

Will hire from local available labor pool

11. What if any, are the types and values of public improvements (e.g., streets, railroad spurs) you intend to make?

None

12. Will the proposed improvements compete with existing businesses to the detriment of the local economy? Which businesses if any are likely to be impacted?

No.

13. Is your proposed use of the underlying property in compliance with the City's Comprehensive Zoning and Subdivision Ordinances? Have you discussed your plans with the City's Planning or Engineering Departments?

Yes.

### Part Three – Minimum Standards

---

1. Will the project involve a minimum increase in property value of 300% for construction of a new facility; 50% for expansion of existing facility; or an investment of at least \$1 million in taxable assets? (if outside the Downtown Area)

Explain.

Yes minimum increase will be \$ 3,500,000

2. Will the project make a substantial contribution to redevelopment efforts or special area plans by enhancing either functional or visual characteristics, (e.g., historical structures, traffic circulation, parking, facades, materials, signs, etc.)? Explain. NO.

3. Will the project have high visibility, image impact, or is it a significantly higher level of development quality? Explain.

No. Manufacturing operation in the Industrial Park.

4. Is the project an area which might not get otherwise being developed because of constraints of topography, ownership patterns, site configuration, etc.? Explain.

No

5. Will the project serve as a prototype and catalyst for other development of a higher standard? Explain.

Yes. After initial construction plant will be equipped to double in size.

6. Will the project stimulate desirable concentrations of employment or commercial activity? Explain.

Yes. The jobs created will be skilled labor which will result in salaries above average for the area.

7. Will the project generate greater employment than would otherwise be achieved, e.g., Commercial/Industrial versus residential or manufacturing versus warehousing? Explain.

The project will generate greater employment than warehousing. Employment will increase to meet product demand. Currently the market for this product is under served by 300%.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A TAX ABATEMENT AGREEMENT WITH DON-NAN PUMP & SUPPLY COMPANY, FOR REAL PROPERTY ON A TRACT OF LAND LOCATED AT 2708 LUCIUS MCCELVEY DRIVE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City adopted a Resolution dated June 15, 1989, stating that it elects to be eligible to participate in tax abatement;

**Whereas**, on November 17, 2011, the City Council adopted Ordinance No. 2011-4489, establishing a comprehensive economic development policy for the City of Temple, which policy includes criteria and guidelines for granting tax abatement within the City of Temple in accordance with Chapter 312 of the Tax Code;

**Whereas**, Don-Nan Pump & Supply Company, is the owner of property within the City's Tax Abatement Reinvestment Zone Number Twenty-Four, and has requested that the City consider granting tax abatement on the increased value of real property;

**Whereas**, the contemplated use by Don-Nan Pump & Supply Company, of the property, as hereinafter described, and the contemplated improvements to said property in the form and amounts set forth in the agreement, are consistent with encouraging economic development, and in accordance with the criteria and guidelines for tax abatement in the City's Economic Development Policy;

**Whereas**, as required by law the City has notified the other taxing entities of its intent to enter into the agreement; and

**Whereas**, the City Council has considered the matter and finds that the proposed tax abatement with Don-Nan Pump & Supply Company, is in compliance with State law and the City's *Guidelines and Criteria* governing tax abatement, and that the proposed improvements by said company are feasible and likely to attract major investment and expand employment within the City.

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 a tax abatement agreement with Don-Nan Pump & Supply Company granting five year, 50% tax abatement on the increased value of real property improvements on the 8.144 acre tract located at 2708 Lucius McCelvey (Tax Abatement Reinvestment Zone Number Twenty-Four), after approval as to form by the City Attorney.

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

PASSED AND APPROVED this the **18<sup>th</sup>** day of **October**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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10/18/12  
Item #7  
Regular Agenda  
Page 1 of 2

**DEPT./DIVISION SUBMISSION & REVIEW:**

Nicole Torralva, P.E., Director of Public Works  
Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution directing Staff to proceed with implementation of the Tax Increment Financing Reinvestment Zone #1 Downtown Rail Safety Zone Report.

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

**ITEM SUMMARY:** In Spring 2011, the City and the Board of Directors for TIFRZ#1 (RZ Board) commissioned Kasberg, Patrick & Associates, LP to develop options and alternatives to create a rail safety zone that will allow locomotive traffic to operate without the use of horns in the downtown area.

The report, completed in October 2011, was delivered to the RZ Board which voted unanimously to recommend full implementation of the report. Components of the project include the development of engineered plans in advance of construction work at three downtown crossing locations necessary to complete the project. Council received a presentation of the report from KPA at its workshop on June 21, 2012, which outlined the following project components:

- Crossing #1 (MLK Crossing): Install Supplemental Safety Measures (SSM's) at Martin Luther King Drive with an estimated cost of \$41,650. No additional construction to the BNSF mainline is contemplated.
- Crossing #2 (Main Street Crossing): Install Supplemental Safety Measures (SSM's) at Main Street with an estimated cost of \$132,000. No additional construction to the BNSF mainline is contemplated.
- Crossing #3 (First Street Crossing): Close the existing railroad crossing at First Street with an estimated cost of \$123,500.

Additional costs for general items, contingencies and professional services for the grouping of projects are estimated at \$136,515.

At its July 19<sup>th</sup> meeting, the City Council voted to accept the Study, and to defer implementation of the Study. If the City Council approves the proposed resolution, the Staff will proceed with contracting for the final design and construction work necessary to implement the Rail Safety Zone Report, and the closing of a portion of South First Street—all of which will require separate City Council approval.

**FISCAL IMPACT:** Preliminary estimates for the project scope included in the report are \$433,665. Funding is designated within the Reinvestment Zone No. 1 Financing and Project Plans.

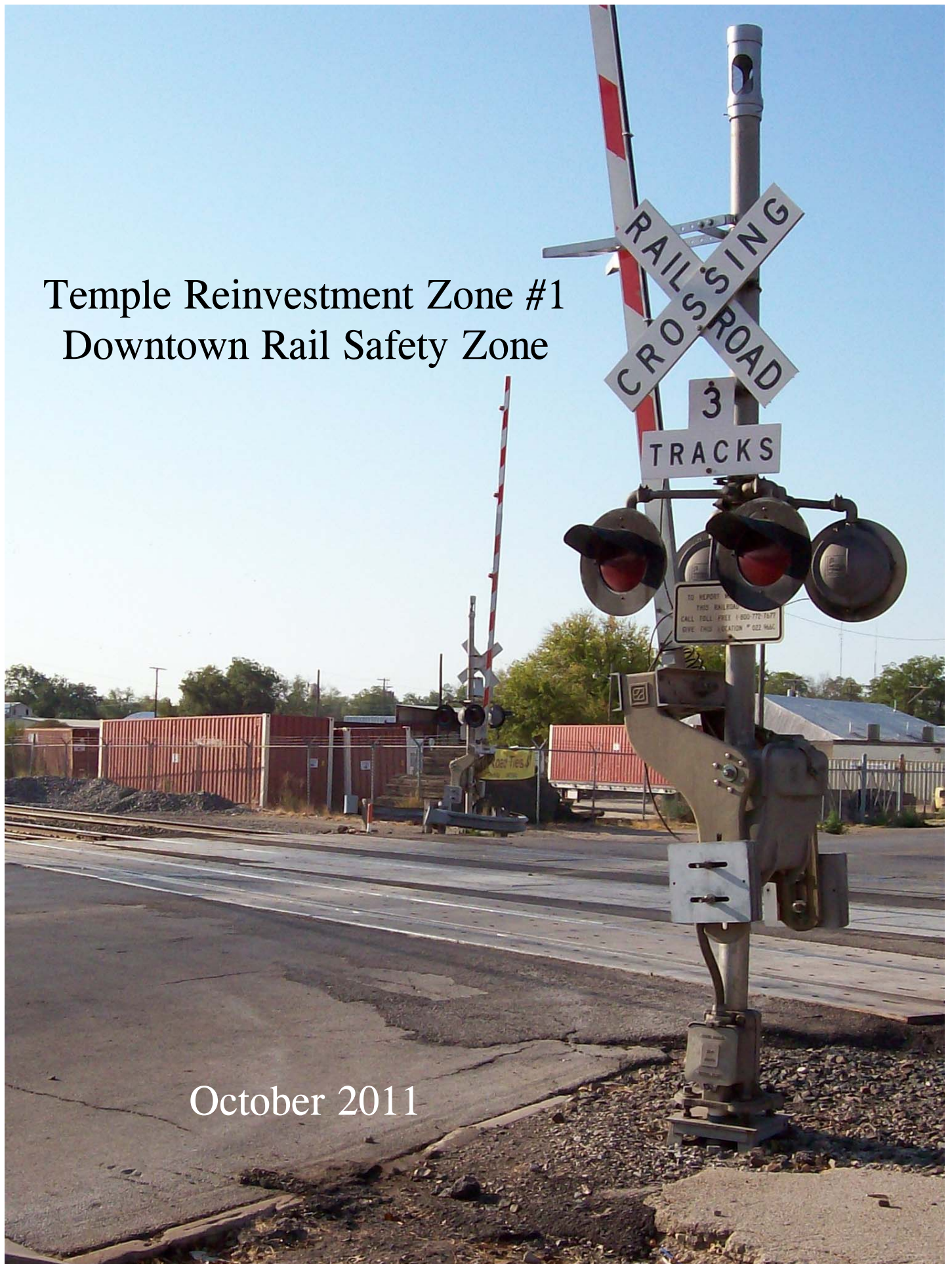
**ATTACHMENTS:**

[Downtown Rail Safety Zone Report](#)  
[Resolution](#)



# Temple Reinvestment Zone #1 Downtown Rail Safety Zone

October 2011





## **INTRODUCTION**

### **A. PURPOSE OF THE STUDY**

The purpose of the study is to determine the feasibility of creating a safety zone within the downtown area of Temple, Texas and to develop estimated costs for the creation of the safety zone. If feasible, the safety zone will be created by the development of a quiet zone in downtown Temple. A quiet zone is a section of rail line that contains one or more consecutive public crossings at which locomotive horns are not routinely sounded.

### **B. SCOPE OF THE STUDY**

In general, the scope of the study includes the review of the Burlington Northern Santa Fe Railroad (BNSF) crossings located at First Street, Main Street and Martin Luther King Drive (see the location map on the next page) for the possibility of creating a safety zone through the development of a quiet zone within the downtown district. The creation of the safety zone will be reviewed in conjunction with Federal Rail Administration (FRA) regulations. The Federal Rail Administration Train Horn Rule (49 CFR Part 222) requires the sounding of locomotive train horns on approach and entry of public road-rail grade crossings. The creation of a quiet zone allows communities to silence train horns by meeting the requirements set forth by the FRA.

## **DEVELOPMENT OF FRA QUIET ZONE**

### **A. PRE-RULE QUIET ZONE AND PRE-RULE PARTIAL QUIET ZONES**

The first step in the creation of a quiet zone is determining if the crossings that are desired to be in a quiet zone qualify under the Pre-Rule Quiet Zones. In order to determine if the crossings will qualify under the Pre-Rule Quiet Zones the following must be accomplished:

1. Identify all the crossings to be included as part of the proposed quiet zone.
2. Check whether each crossing qualifies as a pre-rule crossing (horns not sounding on October 9, 1996 and December 18, 2003 because of state/local law or community agreement with the railroads). If all crossings do not qualify as pre-rule crossings, then the proposed quiet zone does not qualify as a Pre-Rule Quiet Zone, and the creation of a new quiet zone should be explored.
3. Determine whether any crossings are desired to be eliminated from the proposed quiet zone. The length of a Pre-Rule Quiet Zone may continue unchanged from that which existed on October 9, 1996. If, however, a crossing is to be eliminated, the quiet zone must be at least ½ mile in length along the railroad tracks.
4. A quiet zone may include highway-rail grade crossings on a segment of rail line crossing more than one political jurisdiction, or there may be roads within a particular area that are the responsibility of different entities (state or county roads within a town, for example). If the selected crossings are the responsibility of more than one entity, obtain the cooperation of all relevant jurisdictions.
5. Update the USDOT Grade Crossing Inventory Form to reflect conditions at each public and private crossing; this update should be complete, accurate, and be dated within 6 months prior to the quiet zone implementation.
6. If each public crossing in the proposed quiet zone is equipped with one or more Supplementary Safety Measures (SSMs) as defined in Appendix A of the Rule, the quiet zone qualifies for automatic approval. To complete the process of creating the quiet zone, notify the parties listed in rule section 222.43 by December 18, 2004. Supplemental Safety Measures are engineering improvements, which when installed at a crossing within a quiet zone, would reduce the risk of a collision at the crossing.
7. If every public crossing is not equipped with at least one SSM, then the quiet zone can automatically qualify by comparing its Quiet Zone Risk Index (QZRI) with the Nationwide Significant Risk Threshold (NSRT). However, these quiet zones are subject to annual review by the Federal Rail Administration. The Quiet Zone Risk Index is the average risk index for all public crossings in a proposed quiet zone taking into consideration the increased risk caused by the absence of train horns and any decrease in risk attributable to installed Supplemental Safety Measures or Alternative Safety Measures. The Nationwide Significant Risk Threshold is the average risk index of all public, gated crossings in the nation at which train horns sound.

8. Using the Federal Rail Administration's Quiet Zone Calculator determine whether the QZRI of the proposed quiet zone is less than or equal to the NSRT. If the QZRI is less than or equal to the NSRT, the quiet zone qualifies for automatic approval.
9. If the QZRI is greater than the NSRT, use the Federal Rail Administration's Quiet Zone Calculator to check whether it is less than twice the NSRT. If the QZRI is more than twice the NSRT, the quiet zone cannot qualify for automatic approval.
10. If the QZRI is greater than the NSRT, but less than twice the NSRT, determine whether any of the public crossings have experienced a "relevant collision" on or after December 18, 1998. If there have not been any "relevant collisions" at any public crossing since December 18, 1998, the quiet zone qualifies for automatic approval.
11. If the QZRI is greater than the NSRT, but less than twice the NSRT, and there has been a "relevant collision" at a public crossing within the proposed quiet zone, the quiet zone cannot qualify for automatic approval. For information on how to proceed, see Section II, Pre-Rule Quiet Zones Not Qualified for Automatic Approval.

**After reviewing the criteria outlined in Items 1-11 listed above, it has been determined that the streets identified in this study do not meet the criteria for automatic approval.**

## **B. CREATING A NEW QUIET ZONE OR NEW PARTIAL QUIET ZONE USING SUPPLEMENTAL SAFETY MEASURES**

Since the crossings identified in this study do not meet the requirements for automatic approval, a new quiet zone must be created in order to provide a safety zone that will allow rail traffic to travel safely in the downtown area without the use of train horns. In order to achieve this, the following must be reviewed and implemented:

1. Select the crossings to be included in the new quiet zone.
2. A quiet zone may include highway-rail grade crossings on a segment of rail line crossing more than one political jurisdiction, or there may be roads within a particular area that are the responsibility of different entities (state or county roads within a town, for example). If the selected crossings are the responsibility of more than one entity, obtain the cooperation of all relevant jurisdictions.
3. A new quiet zone must be at least ½ mile in length along the railroad tracks.
4. A new quiet zone must have, at a minimum, flashing lights and gates in place at each public crossing. These must be equipped with constant warning time devices where reasonably practical, and power out indicators. Any necessary upgrades must be completed before calculating risk for the quiet zone. **The crossings at Martin Luther King Drive and Main Street have the minimum infrastructure in place for utilizing SSMs without additional construction by BNSF. First Street does not have the infrastructure in place.**
5. Are there any private crossings within the proposed Quiet Zone? If any private crossings allow access to the public or provide access to active industrial or commercial sites, a diagnostic team review of those crossings must be conducted. Following the diagnostic review, the diagnostic team's recommendations concerning those crossings must be complied with. **For the creation of this safety zone there are not any private crossings.**
6. Update the USDOT Grade Crossing Inventory Form to reflect conditions at each public and private crossing; this update should be complete, accurate, and dated within 6 months prior to the quiet zone implementation. For new quiet zones, the baseline conditions for calculating risk require that the minimum required traffic control devices are in place. This first Inventory update, therefore, must be completed after the gates, lights, and signs are in place, but before the SSMs and other measures are implemented.
7. Using the FRA's Quiet Zone Calculator, a web-based tool, determine whether the Quiet Zone Risk Index (QZRI) of the proposed quiet zone is less than or equal to the Nationwide Significant Risk Threshold (NSRT). If the QZRI is less than or equal to the NSRT, the quiet zone can be established through public authority designation by completing the following steps:
  - a. Install required signage at each crossing.
  - b. Notify the parties listed in the rule.

Note: Quiet zones established by comparison to the NSRT are subject to annual FRA review.

Note: Periodic updates, including updated USDOT Grade Crossing Inventory Forms, must be submitted to the FRA every 2½-3 years.

8. The step described above involves qualifying a quiet zone without implementing any Supplementary Safety Measures (SSMs) or Alternative Safety Measures (ASMs). If the FRA's Quiet Zone Calculator indicates that the proposed quiet zone will not qualify on that basis, then any required measures shall be installed. To qualify for Public Authority Designation, the following requirements shall be met: implement SSMs, build grade separations, close crossings, or install wayside horns.
9. If every public crossing in the proposed quiet zone is equipped with one or more SSMs, the quiet zone can be established through public authority designation by completing the following steps:
  - a. Install required signage at each crossing.
  - b. Update the National Grade Crossing Inventory to reflect current conditions at each public and private crossing within the Quiet Zone.
  - c. Notify the parties listed in the rule.

Note: Periodic updates, including updated USDOT Grade Crossing Inventory Forms, must be submitted to the FRA every 4½-5 years.

10. If every public crossing is not equipped with an SSM, use the FRA's Quiet Zone Calculator to determine whether enough SSMs have been implemented to reduce the QZRI to the level of risk that would exist if the train horns were still sounded (RIWH). If the QZRI is less than or equal to the RIWH, the quiet zone can be established through public authority designation by completing the following steps: RIWH is the Risk Index with Horns. The is the level of risk as determined by at grade rail crossings with train horns sounding.
  - a. Install required signage at each crossing.
  - b. Update the National Grade Crossing Inventory to reflect current conditions at each public and private crossing within the quiet zone.
  - c. Notify the parties listed in the rule.

Note: Periodic updates, including updated USDOT Grade Crossing Inventory Forms, must be submitted to FRA every 2½-3 years.

11. Use the FRA's Quiet Zone Calculator to determine whether enough SSMs have been implemented to reduce the QZRI to the Nationwide Significant Risk Threshold (NSRT).

If the QZRI is less than or equal to the current NSRT, the quiet zone can be established through public authority designation by completing the following steps:

- a. Install required signage at each crossing.
- b. Update the National Grade Crossing Inventory to reflect current conditions at each public and private crossing within the quiet zone.
- c. Notify the parties listed in the rule.

Note: Quiet zones established by comparison to the NSRT are subject to annual FRA review.

Note: Periodic updates, including updated USDOT Grade Crossing Inventory Forms, must be submitted to the FRA every 2½-3 years.

For the Temple Downtown Area Supplemental Safety Measures (SSMs) will be required in order to have a railroad crossing within a quiet zone. Approved Supplemental Safety Measures by the Federal Rail Administration are:

- Four quadrant gates
- Medians or channelization devices at gated crossings
- Temporary closure (i.e. nighttime closure)

The four quadrant gates are by far the easiest solution for the creation of quiet zones with at grade crossings. They are the most expensive option as well with each intersection costing as much as \$500,000. These SSMs require intense work by the BNSF which will drive up costs for the City of Temple. For this reason it is not feasible to create the safety zone in the downtown area utilizing four quadrant gates.

One way streets and temporary closures are also an option that is not feasible. Traffic in the downtown area of Temple requires directional (two-way) traffic due to the layout of the area. As a result, these options are not practicable or feasible for downtown Temple.

Medians for Main Street and Martin Luther King Drive present a viable SSM for the creation of a quiet zone. Infrastructure is currently in place within the BNSF rail line to allow the median to function with the gate system, although the gates at Martin Luther King Drive will need to be investigated for coverage by a proposed median. First Street does not have the required constant warning devices in place to implement SSMs without construction efforts from the BNSF. For this reason, along with pedestrian traffic near this crossing, we will explore closing this rail crossing.

## **C. CITY OF TEMPLE DOWNTOWN AREA STREETS CONSIDERED FOR NEW QUIET ZONE**

### **1. Martin Luther King Drive**

The BNSF Railroad crosses Martin Luther King Drive (MLK) east of their terminal yard. MLK is a four lane roadway at this location with existing gates that are connected to HXP-1 constant warning circuitry. This crossing is equipped with power-out light indicators on the crossing houses. This location is defined on the U.S. Department of Transportation Grade Crossing Inventory as DOT Number 022964N located at Rail Road Mile Post 217.69. These elements qualify this at grade crossing to meet the minimum requirements for active warning devices, thus allowing Supplemental Safety Measures (SSM) to be installed without additional construction to the BNSF mainline. This intersection will need to have medians constructed as a SSM to reduce the Quiet Zone Risk Index and qualify this intersection to be included in the proposed safety zone. Please see Page 11 for the Martin Luther King Drive exhibit.

### **2. Main Street**

The Main Street crossing of the BNSF railroad occurs in the downtown area of Temple directly east of the connection to the BNSF terminal yard. It is a two lane roadway that has an abandoned rail crossing directly south of the BNSF mainline crossing. This crossing is equipped with gates connected to HXP-1 constant warning circuitry and power-out light indicators on the crossing houses. This location is defined on the U.S. Department of Transportation Grade Crossing Inventory as DOT Number 022964N located at Rail Road Mile Post 217.69. These elements qualify this at grade crossing to meet the minimum requirements for active warning devices, thus allowing Supplemental Safety Measures (SSM) to be installed without additional construction to the BNSF mainline. This intersection will need to have medians constructed as an SSM to reduce the Quiet Zone Risk Index and qualify this intersection to be included in the proposed safety zone. Please see Page 12 for the Main Street Exhibit.

### **3. First Street**

First Street is located directly west of Main Street. Currently the rail crossing does not have the constant warning devices in place to develop SSMs to allow this intersection to qualify in the safety zone with out construction efforts from BNSF. The proximity requires that this crossing be included in the quiet zone or be eliminated. First Street is located adjacent to the Farmers Market and Santa Fe Gardens in the downtown area of Temple. These attractions create heavy pedestrian traffic for First Street at this location. The best scenario is to close this crossing. BNSF will have to remove the active warning devices and crossing panels from the track for the closing to occur. The cost for removing these items will be the responsibility of the BNSF and there will not be any cost for these efforts to the City of Temple. There are incentives available from BNSF for closing existing at grade rail crossings. The amount of the incentive has been determined to be \$17,500 by the BNSF Closure Review Committee. This has been submitted to the BNSF and will expire on January 1, 2012. It is anticipated that the amount will remain the same for future submittals. The Texas Department of Transportation can also offer

\$7,500 for safety improvements at this intersection. These incentives allow a total of \$25,000 to be utilized for this project. Please See Page 13

Cost estimates for each crossing have been developed and are included in this report. All rail crossings must be completed in order to create the safety zone due to the location of the crossings. The total cost for the creation of the safety zone is \$450,000.



# City of Temple - Downtown Quiet Zone

## PRELIMINARY OPINION OF PROBABLE CONSTRUCTION COST

Item No.	Description	Estimated Quantity	Unit Price	Extension Total
<b>General Items</b>				
1	Mobilization, Bonds and Insurance	100% LS	\$ 7,500.00	\$ 7,500.00
2	Preparing & Implementing Traffic Control Plan	100% LS	5,000.00	5,000.00
3	Storm Water Pollution Prevention Plan (SW3P)	100% LS	2,500.00	2,500.00
4	SW3P Implementation	100% LS	2,500.00	2,500.00
5	Pre & Post Construction Video	100% LS	500.00	500.00
<b>Main Street Crossing</b>				
6	6' Wide Raised Center Median	200 LF	35.00	7,000.00
7	Brick Pavers	1,000 SF	15.00	15,000.00
8	Concrete Curb & Gutter	155 LF	30.00	4,650.00
9	Striping & Signage	100% LS	5,000.00	5,000.00
10	BNSF Flagging	10 DAY	1,000.00	10,000.00
<b>Martin Luther King Jr. Drive Crossing</b>				
11	10' Wide Raised Center Median	200 LF	45.00	9,000.00
12	Brick Pavers	1,600 SF	15.00	24,000.00
13	Striping & Signage	100% LS	15,000.00	15,000.00
14	Microsurfacing	3,400 SY	10.00	34,000.00
15	BNSF Flagging	10 DAY	5,000.00	50,000.00
<b>1st Street Crossing</b>				
16	Removal of Existing Asphalt and Concrete	700 SY	5.00	3,500.00
17	Concrete Curb & Gutter	300 LF	30.00	9,000.00
18	Asphalt for Cul-de-sac	100 SY	50.00	5,000.00
19	Striping & Signage	100% LS	10,000.00	10,000.00
20	Brick Pavers	1,200 SF	15.00	18,000.00
21	Landscaping & Irrigation	1 LS	50,000.00	50,000.00
21	Topsoil & Sod	700 SY	10.00	7,000.00
22	Extend Irrigation System	100% LS	3,000.00	3,000.00
23	Extend Existing Fencing	120 LF	25.00	3,000.00
24	BNSF Flagging	15 DAY	1,000.00	15,000.00

Construction Cost	\$	315,150.00
Contingencies	\$	31,515.00
Professional Services	\$	87,000.00

**TOTAL PROJECT \$ 433,665.00**





**T.D.D.A.  
DOWNTOWN  
QUIET ZONES**

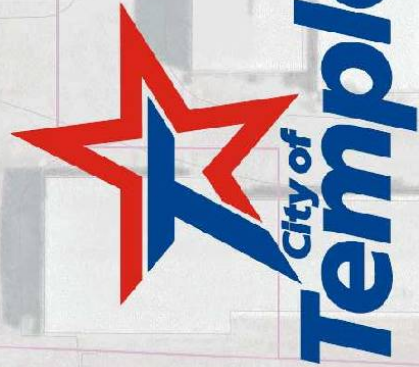


LEGEND



PROPOSED  
QUIET ZONES





**T.D.D.A.  
DOWNTOWN  
QUIET ZONES  
(1ST STREET)**

**PROPOSED  
CLOSED  
RAIL CROSSING**

**AVENUE C**

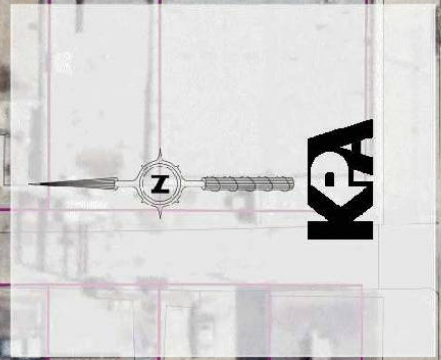
**COMMUNITY  
FARMER'S  
MARKET**

**BNSF RAILROAD**

**1ST STREET**

**AVENUE B**

**SANTA FE  
GARDENS**







**T.D.D.A.  
DOWNTOWN  
QUIET ZONES  
(MAIN STREET)**





MARTIN LUTHER KING, JR. DRIVE

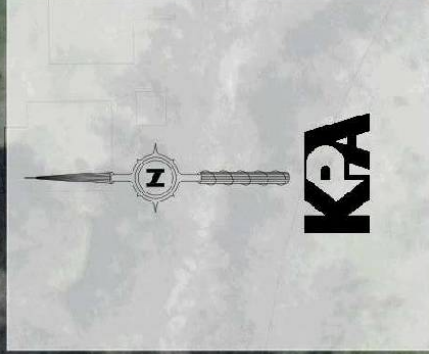
AVENUE E


BNSF RAILROAD

AVE F

PROPOSED  
10' WIDE  
MEDIANS

EXISTING  
CROSSING  
GATE





**T.D.D.A.  
DOWNTOWN  
QUIET ZONES  
(M.L.K. DRIVE)**



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DIRECTING STAFF TO PROCEED WITH THE IMPLEMENTATION OF THE CITY OF TEMPLE TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER ONE, DOWNTOWN RAIL SAFETY ZONE REPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, in Spring 2011, the City and the Board of Directors for the TIFRZ#1 (RZ Board) commissioned Kasberg, Patrick & Associates, L.P. (KPA) to develop options and alternatives to create a rail safety zone that will allow locomotive traffic to operate without the use of horns in the downtown area;

**Whereas**, the report was completed in October 2011 and was delivered to the RZ Board which voted unanimously to recommend full implementation of the report – at its July 19, 2012 meeting, City Council voted to accept the study, and to defer implementation of the Study;

**Whereas**, staff requests City Council approve the implementation of the Rail Safety Zone Report and direct staff to proceed with the project; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to proceed with contracting for the final design and construction work necessary to implement the Rail Safety Zone Report.

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

**Part 1:** The City Council directs the staff to proceed with the implementation of the Downtown Rail Safety Zone Report as recommended by the City of Temple Tax Increment Financing Reinvestment Zone Number One, dated October 2011, attached hereto as Exhibit A.

**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 **18<sup>th</sup>** day of **October**, 2012.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney