



**MEETING OF THE  
TEMPLE CITY COUNCIL**

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET**

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

**THURSDAY, FEBRUARY 21, 2013**

**4:00 P.M.**

**WORKSHOP AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, February 21, 2013.
2. Receive a City Council continuing education briefing on Finance 101.
3. Receive first quarter financial results for Fiscal Year 2013.

**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. PUBLIC COMMENTS**

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

**III. REPORTS**

3. Receive a [report from the Police Department](#) as required by the Racial Profiling Statute contained in the Texas Code of Criminal Procedure.

**IV. CONSENT AGENDA**

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

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

## **Minutes**

- (A) [February 7, 2013 Special Called and Regular Meeting](#)

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

- (B) [2013-6883-R](#): Consider adopting a resolution authorizing a three-year professional services agreement with Allwrite-Testing for Civil Service promotional test writing with an estimated annual cost of \$18,000.
- (C) [2013-6884-R](#): Consider adopting a resolution authorizing a professional services agreement with Turley Associates, Inc. of Temple for services required to design Westfield Boulevard from Stonehollow Drive to Prairie View Road and a Wastewater Extension from Pecan Pointe Apartments to Prairie View Road in an amount not to exceed \$255,225.05.
- (D) [2013-6885-R](#): Consider adopting a resolution authorizing a professional services agreement with Comprehensive Engineering Solutions, Inc. of Temple for professional services including design, surveying and construction administration required for improvements to South Pea Ridge Road from Tarver Road to Hogan Road in an amount not to exceed \$88,155.
- (E) [2013-6886-R](#): Consider adopting a resolution authorizing a contract with Premier Lawn Care of China Spring for mowing and maintenance services at several locations within the City of Temple, accepting bid items A-I and rejecting bid item J, in an estimated amount of \$68,521.50.
- (F) [2013-6887-R](#): Consider adopting a resolution authorizing a contract with RNDI Companies, Inc. of Rockwall for asbestos abatement services needed in the former Police and Municipal Court buildings in the amount of \$49,996.
- (G) [2013-6888-R](#): Consider adopting a resolution authorizing the purchase of furniture for Planning and Development Services and Parks and Leisure Services Administration from Perry Office Plus, utilizing a State TXMAS contract in the amount of \$59,742.15.

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

- (H) [2013-4575](#): SECOND READING - Z-FY-13-07: Consider adopting an ordinance authorizing a rezoning from Planned Development – Office Two (PD-O2) district to General Retail (GR) district on 1.010 ± acres of land situated in the Maximo Moreno Survey, Abstract No.14, Bell County, Texas being a part of land described as Lot 2, Block 1, Country Lane Addition, Phase II, recorded in Cabinet D, Slide 196-B, plat records of Bell County, Texas, located at 1497 Country View Lane.

- (I) [2013-4576](#): SECOND READING - Z-FY-13-08: Consider adopting an ordinance authorizing a Conditional Use Permit to allow an off-premise sign relocation closer than 1,500 feet from another off-premise sign at 1612 North General Bruce Drive.

#### **Misc.**

- (J) [2013-6889-R](#): Consider adopting a resolution approving first quarter financial results for Fiscal Year 2013.
- (K) [2013-6890-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2012-2013.

### **V. REGULAR AGENDA**

#### **ORDINANCES**

- 5. [2013-4577](#): FIRST READING - PUBLIC HEARING: Consider adopting an ordinance adopting the Temple Youths' Program Standards of Care.
- 6. [2013-4578](#): FIRST READING – PUBLIC HEARING: Consider adopting an ordinance re-establishing a curfew for minors.

#### **RESOLUTIONS**

- 7. [2013-6891-R](#): Z-FY-13-11: Consider adopting a resolution authorizing an Appeal of Standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for landscaping, parking, signs and architectural standards, for Garlyn Shelton Car Dealership at the SE corner of Midway Drive and South General Bruce Drive.

#### **BOARD APPOINTMENTS**

- 8. [2013-6892-R](#): Consider adopting a resolution appointing the following City Boards:
  - (A) Reinvestment Zone No. 1 Board of Directors - one member to fill an unexpired term as the Temple College representative, through September 1, 2013; and
  - (B) Reinvestment Zone No. 1 Board of Directors - one at-large member to fill an unexpired term through September 1, 2012; and
  - (C) Temple Public Safety Advisory Board – three members to fill unexpired terms through September 1, 2013; and
  - (D) Animal Services Advisory Board – one member to fill an unexpired term through September 1, 2015.

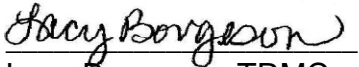


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***The City Council reserves the right to discuss any items in executive (closed) session whenever permitted by the Texas Open Meetings Act.***

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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 4:00 PM, on February 15, 2013.



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 \_\_\_\_\_ 2013. \_\_\_\_\_.



## COUNCIL AGENDA ITEM MEMORANDUM

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Item #3  
Regular Agenda  
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**DEPT./DIVISION SUBMISSION & REVIEW:**

Gary O. Smith, Chief of Police

**ITEM DESCRIPTION:** Receive a report from the Police Department as required by the Racial Profiling Statute contained in the Texas Code of Criminal Procedure.

**STAFF RECOMMENDATION:** Receive report as presented in item description.

**ITEM SUMMARY:** The Code of Criminal Procedure requires a report to the governing body of the municipality that details the department's activities related to traffic stops that result in citations, arrests, and searches of persons and/or vehicles. The statute requires the head of the agency to use comparative data to make a determination as to the possible presence of racial profiling within the agency.

The report includes the totals from calendar year 2012 for each category mentioned above. Census data is used for comparisons where appropriate.

It is recommended that the Council receive this report. No other action is required.

**FISCAL IMPACT:** None

**ATTACHMENTS:**  
[Report](#)

# Temple Police Department 2012 Bias-Based Policing Report

February 7, 2013

The Temple Police Department, in accordance with the Texas Code of Criminal Procedure (CCP) Articles 2.131 through 2.138, has collected police contact data from motor vehicle stops for the purpose of analysis. As part of the review of this data, the department is required to determine if racial profiling exists and to respond appropriately if such a determination is made. I believe the findings in this report serve as evidence that the Temple Police Department continues to strive toward the goals of maintaining strong relations with the community and providing open channels of communication between citizens and the Department.

CCP 2.131 through 2.138 identifies three types of agencies that must file reports to the Texas Commission on Law Enforcement Standards and Education. The Temple Police Department is a tier one agency, which means the department has a partial exemption from the reporting requirements found in the CCP. This status is due to the video and audio equipment that is installed in all marked Temple Police vehicles. Tier one data includes information on traffic citations, arrests arising from motor vehicle stops, and searches conducted during motor vehicle stops. This information is then categorized by the racial groups specified in the CCP.

This report provides statistical data relevant to public contacts made by police officers while conducting motor vehicle stops during Calendar Year 2012. Two different data sets have been employed to evaluate the agency's operations. The United States Census Bureau's 2010 Census for Bell County and the City of Temple are used separately to compare the Department's enforcement activities related to motor vehicle stops with racial and ethnic distributions in the county and the city.

The reasons for using Bell County data are rather straight forward. Bell County census data is appropriate because over half of the citations written in 2012 were issued to persons that do not reside in the City of Temple. Temple has long been recognized as a hub of activity in Bell County that draws many people for employment, shopping, and entertainment. Further, a significant number of people travel to Temple to utilize the superior medical facilities that are located here. Finally, Temple has several major highways which run through and around the city. These factors show the traffic situation confronting the Temple Police Department is influenced by regional as well as local factors.

Temple census data is included in the report for similar reasons. Almost half of the citations issued were given to residents of Temple. Additionally, during the early years of the Racial Profiling Law, the department did not include Temple data. After meeting with various citizen groups, the decision was made to include this data in the spirit of cooperation and openness.

Overall, this document provides a certain degree of analysis, identifies recommendations for continuing the department's operations not only within the law, but to a level of excellence, and offers my conclusions as to the state of operations by police personnel in Temple. In the final portions of this report, the reader will encounter sections designed to provide information relevant to the institutional policies adopted by the Temple Police Department that prohibit the use of bias by officers, and other supporting information. See appendix A – C for more details.

### **Distribution of Race:**

The law requires the Department to report racial and ethnic data for arrests and citations from motor vehicle stops. The six races listed in the law are Hispanic, Caucasian, African, Asian, Native American, and Middle Eastern. As you read this report, you will notice comparisons between motor vehicle stop data and these six races.

Census data, though arguably the best measure available, is not without some areas of confusion. The 2010 U.S. Census provides information for five of the six required races of descent. There is one racial category the department is required to track that is not directly identified in the census data. This category is Middle Eastern descent. The U.S. Census counts these individuals in the White (Caucasian) category. Therefore, there is no population estimate for this group. Additionally, there are other categories in the census data, such as "Other" and "two or more races", that are included in the census. The Department uses this information to greatest degree possible when completing this report. However, Police Officers are required to identify an individual within a single racial category. Individuals that can be identified in more than one racial group present obstacles for precise data tracking. Please keep this in mind as you view this report.

### **Motor Vehicle Stops Resulting in a Citation:**

Calendar 2012 Traffic Stops: 24,248

Citations resulting from Motor Vehicle Stops: 14,014

Average number of citations written per day: 38

**Non-Residents: 7,753 citations**

**Temple Residents: 6,261 citations**

NOTE: Over half (55.3%) of the citations were issued to NON-Temple Residents.

(Chart 1)

RACE/ETHNICITY	# of Citations	% OF Total	2010 CITY OF TEMPLE CENSUS	Comparison
HISPANIC**	2,672	19.1%	23.7%	- 4.6%
CAUCASIAN (Non-Hispanic)	8,548	61.0%	55.5%	+ 5.5%
AFRICAN	2,477	17.7%	17.4%	+ 0.3%
ASIAN	277	2.0%	2.5%	- 0.5%
NATIVE AMERICAN	20	0.1%	0.7%	- 0.6%
MIDDLE EASTERN	20	0.1%	Unknown	Unknown
TOTAL	14,014		*Source: 2010 U.S. Census Bureau Census does NOT equal 100%	

(Chart 2)

RACE/ETHNICITY	# of Citations	% OF Total	2010 BELL COUNTY CENSUS	Comparison
HISPANIC**	2,672	19.1%	21.6%	- 2.5%
CAUCASIAN (Non-Hispanic)	8,548	61.0%	50.7%	+10.3%
AFRICAN	2,477	17.7%	21.8%	- 4.1%
ASIAN	277	2.0%	4.1%	- 2.1%
NATIVE AMERICAN	20	0.1%	1.0%	- 0.9%
MIDDLE EASTERN	20	0.1%	Unknown	Unknown
TOTAL	14,014		*Source: 2010 U.S. Census Bureau Census does NOT equal 100%	

\*\*Hispanic is considered a race according to the Texas Racial Profiling Act. However, the U.S. Census does not use this same distinction. The U. S. Census recognizes Hispanic as an ethnicity that can be related to any race.

The TPD Records Management System captures race and ethnicity. Race can be listed as white, black, Asian/Pacific Islander or Indian/Alaskan Native, and Middle Eastern. Also, the records management system captures ethnicity. Ethnicity can be (N) for Non-Hispanic or (H) for Hispanic. Thus, a white person can be listed as (W) in the race block and (H) in the ethnicity block. The total above for Hispanics can include white, black, Asian/Pacific Islander or Indian/Alaskan Native. Any person (regardless of race), listed as Hispanic, is automatically added to the Hispanic total.

As one might expect, there are slight deviations between the census population estimates and the citations issued for each race/ethnicity/descent. The column labeled Comparison in the charts above show the difference between police activity and population distribution.

### **Race Known Prior to Motor Vehicle Stop**

Texas law requires the department to report whether an officer knew the race of an individual prior to conducting a stop. It is unreasonable to assume that a police officer, especially in an urban setting, would never know the race of the person being stopped prior to making a decision to stop a vehicle. In fact, officers may even know the actual identity of a person being stopped prior to or simultaneous with a decision to make a motor vehicle stop.

(Chart 3)

Race Known Prior to Stop				
Action	Yes	No	Total	% Known
CITATION	289	13,692	13,981	2.1 %
ARREST	266	950	1,216	21.9 %
CITATION & ARREST	5	28	33	15.2 %
TOTAL	560	14,670	15,230	3.7 %

### **Motor vehicle Stop with Citation Leading To a Search**

The chart below represents searches conducted during motor vehicle stops when a citation was issued, without an arrest. A total of 14,014 citations were issued in this category, with only 79 (0.6%) of these stops resulting in a search. In 91% of these situations, a motorist agreed to the search. Please note there were six incidents in which a citation and an arrest occurred.

Therefore, the search with citation and search with arrest charts overlap for those six cases.

(Chart 4)

Citation with search		
DESCENT	# of searches	% of Total
HISPANIC	15	19.0%
CAUCASIAN (Non-Hispanic)	34	43.0%
AFRICAN	30	38.0%
ASIAN	0	0.0%
NATIVE AMERICAN	0	0.0%
MIDDLE EASTERN	0	0.0%
TOTAL	79	

Of the 79 searches, 72 individuals gave consent to the searches.

(Chart 5)

Citation with a search by consent			
DESCENT	Total Searches	# by consent	% By Consent
HISPANIC	15	15	100%
CAUCASIAN (Non-Hispanic)	34	32	94.1%
AFRICAN	30	25	83.3%
ASIAN	0	0	0.0%
NATIVE AMERICAN	0	0	0.0%
MIDDLE EASTERN	0	0	0.0%
TOTAL	79	72	91.1%

The percentages in charts four and five do not directly follow the census data. This may be due to the small number of searches and consents. Further, searches resulting from motor vehicle stops are strongly influenced by citizen reports of illegal activities and police operations in areas that have higher incidences of crime and disorder. Finally, officers do not determine the socio-economics of crime or other urban issues. They merely respond to situations using the best practices available.

## Motor vehicle Stop Leading to an Arrest

In 2012, Temple police officers made 4,993 arrests, of which 1,249 were the result of a motor vehicle stop. Charts six, seven, and eight reflect the number of arrests resulting from motor vehicle stops, the number of searches conducted during stops that led to an arrest, and the number of persons that consented to being searched during a stop.

(Chart 6)

Traffic stop leading to arrest		
DESCENT	# of arrests	% of Total
HISPANIC	321	25.7%
CAUCASIAN (Non-Hispanic)	509	40.8%
AFRICAN	418	33.5%
ASIAN	1	0.1%
NATIVE AMERICAN	0	0.0%
MIDDLE EASTERN	0	0.0%
TOTAL	1,249	

(Chart 7)

Traffic stop leading to arrest – w/ search		
DESCENT	# of searches	% of Total
HISPANIC	72	19.6%
CAUCASIAN (Non-Hispanic)	145	39.4%
AFRICAN	151	41.0%
ASIAN	0	0.0%
NATIVE AMERICAN	0	0.0%
MIDDLE EASTERN	0	0.0%
TOTAL	368	

Of the 368 searches, 195 individuals gave consent to the searches.

(Chart 8)

Traffic stop leading to arrest – w/ consent to search			
DESCENT	Total Searches	# by consents	% of Total
HISPANIC	72	31	43.1%
CAUCASIAN (Non-Hispanic)	145	80	55.2%
AFRICAN	151	84	55.6%
ASIAN	0	0	0.0%
NATIVE AMERICAN	0	0	0.0%
MIDDLE EASTERN	0	0	0.0%
TOTAL	368	195	53.0%

If you compare the percentages in charts six through eight with the census information, you will notice they do not follow the census distributions. The reasons for this are the same as those identified in the section concerning searches of individuals that received a citation, such as the small number of searches, using appropriate methods of investigation, and responding to citizen complaints of crime and disorder. When concentrating on identified crime problems, like high levels of drug activity, individuals may be searched and arrested in numbers that are not representative of the census data.

### **Employee Training and Public Education**

Police officers receive extensive training about racial profiling, cultural diversity, and other social issues of concern. Officers are initially trained in these topics during the basic police academy. Following that training, police officers receive continuing education on these topics during regularly scheduled intervals established by the Texas Commission on Law Enforcement Officer Standards and Education.

State law also requires the department to establish a method for citizens to file complaints against police officers that a citizen believes is engaging in racial profiling. Additionally, the department must educate the public on this process. The department has developed a form for citizens to make complaints or commendations regarding police conduct. The department also accepts any written complaint if a citizen prefers to send a letter in lieu of using the form.

The public is educated about the complaint process in two ways. First, the city's public television channel displays a continuous slide show. The department has developed an educational slide that is presented on this public access channel. The department also addresses this issue in various press releases and community events.

### **Addressing Bias-based Policing:**

The Temple Police Department remains committed to providing fair and unbiased policing services to the community. To ensure this we will continue to do the following:

- Provide sensitivity training to police personnel and comply with regulations established by the Texas Commission on Law Enforcement Officer Standards and Education.
- Disseminate information to all officers regarding the guidelines of behavior acceptable under the Texas Racial Profiling Law.
- Keep the City Council, City Manager, and other appropriate officials posted on measures being implemented by the Department.
- Provide an atmosphere in which officers are constantly aware of the inappropriateness of using bias in policing, and that the Department prohibits any practice that is based on improper or illegal foundations.
- Monitor data entry to ensure the accuracy of information in police records.



### **Conclusion:**

The information drawn from the motor vehicle stop data shows the Department operates in a fair and consistent manner with the diversity within the population. **There is no evidence that racial profiling is used by officers to make enforcement decisions.** This is further supported by the fact that during 2012 there were no citizen complaints of racial profiling by officers.

Though the department experienced arrests and searches that were not in direct correlation to the census data, we feel there are many factors that are out of the Department's control that contributed to this outcome.

The Department will continue to collect police contact data in its on-going evaluation of the practices of our officers. The intent of this continued vigilance is not only to work within the law, but to provide the citizens of Temple, and others, with highly professional and courteous service while the department strives to operate using the best practices and ethical behaviors that are expected of American law enforcement.

## Temple Police Department Citizen Commendation / Complaint Form

**My commendation / complaint** is based on the following facts:

This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Name: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

(If this form is used for a commendation, the form does not require a Notary's signature.)

Date \_\_\_\_\_

Notary's Signature

My Notary Public Commission expires:

## APPENDIX B – Temple Police Department Policy 538

### 538 VIDEO AND AUDIO RECORDING

The Temple Police Department has adopted the use of video and audio recording systems in order to accomplish several important objectives. These objectives include, but are not limited to:

- They are vital in defending officer against false accusations that include demeanor complaints, excessive force complaints, and criminal charges.
- They can be vital in the prosecution of certain cases.
- State law and our rules require them.
- They are considered to be a measure to safeguard the public from official misconduct.

It is the policy of this department to utilize video and audio recording equipment in such a manner as to enhance the effective and efficient delivery of police services.

#### .01 Terms and Definitions

- A. **MVR** - In this Order, “MVR” shall mean all elements of the mobile video/audio recording equipment that is issued to an officer and mounted in a police vehicle. Wherever the operation of the MVR is referenced, such operation includes both the audio and video capabilities of this equipment (wireless body microphone and vehicular equipment).
- B. **DVR** – Digital Voice Recorder. This is a small pocket sized device that records sound in a digital format. The digital files can then be down loaded to a computer where it is stored according to the requirements of this policy. Also referred to as a pocket recorder.
- C. **Other Recording Device** – This refers to any other device used by employees to record events. After the MVR and pocket recorder, other recording devices could also include camcorders, digital cameras, and cellular telephones.

#### .02 Requirements

- A. **When is a recording required?**  
The primary method for recording shall be on the vehicle mounted MVR. The DVR or pocket recorder shall be the backup system to the MVR. Situations in which officers are required to make a recording are listed below.
  - 1. Traffic stops;
  - 2. Pedestrian stops;
  - 3. Vehicular pursuits;
  - 4. Emergency response driving;
  - 5. Arrest transports;
  - 6. Traffic crash investigations;
  - 7. Anytime an officer has contact with the suspect of a crime during a field interview or an investigation. Be aware that this could happen inadvertently during the course of an investigation.

8. Any on-going serious incident such as burglaries in-progress, armed subjects, large fights, hostage situations, etc.
- B. All other recording activities are permissive. In other words, anytime the officer believes it would be wise to record a situation, he should do so but it is not required that he do so.
- C. All on-duty patrol officers at a scene shall record when required.
- D. Secondary responders to a scene are not required to record. Secondary responders include, but are not limited to Detectives, Narcotics Agents, SWAT Officers, Administrative Officers, etc.
- E. **Supervisor Recording Requirements**  
In addition to the requirements listed above, supervisors shall record all contacts with individuals who make a complaint against an employee of the Temple Police Department.

### **.03 Equipment**

- A. The MVR has the primary function of recording traffic stops as per the requirements of state law and those events required by this general order. MVR equipment, including the wireless microphone, will be activated when required.
  1. MVR equipment will automatically activate when the vehicle's emergency lights are activated.
  2. MVR equipment may be manually activated at any time.
  3. If the vehicle driven by an officer has an MVR, that MVR is considered issued to that officer for however long he drives the vehicle.
  4. It is understood that the MVR system has range and obstacle limitations and may not record an entire stop if the system limits have been met.
- B. The DVR or pocket recorder is issued as a backup to the MVR system. Pocket recorders do not have the range and obstacle limitations of the MVR and can be used when outside of the system limitations of the MVR.
- C. Officers shall only use equipment, DVDs, and tapes issued or authorized by the department.
- D. DVR downloading and evidence procedures are located in the Patrol SOP.

### **.04 Video and Audio Recording Procedures**

- A. Every employee shall carry their pocket recorder on duty and have it available as a backup for the MVR.

- B. It is incumbent upon the officer to begin recording as soon as practical allowing for the safety of everyone involved. Generally, the recording should begin just prior to any contact with a citizen. It is, however, understood that on rare occasions a recording may not be started until after the officer has had to take an action. For example, if the officer arrives on a scene where the suspect is crouched over and assaulting the victim, the officer's primary responsibility is the safety of the victim. In this example, once the suspect has been subdued, the officer should then, as soon as possible, activate his recording equipment.
- C. The officer is responsible for insuring that his recording equipment is activated when required. Officers may deactivate their recording equipment during non-enforcement activity at a scene when recording is no longer required.
- D. Only a supervisor can require an employee to terminate a required recording. There must be a justifiable reason why the supervisor orders the termination of a required recording.

#### **.05 Officer Responsibilities**

- A. MVR equipment installed in vehicles is the responsibility of the officer assigned to the vehicle and will be maintained according to manufacturer's recommendations. Officers are responsible for the key control and the proper installation and removal of videotapes or DVDs from their MVR units.
- B. Officers must inspect and functionally check MVR equipment in their assigned vehicles prior to the beginning of each shift to ensure that MVR equipment is operating properly.
  - 1. This functional check shall include audio and video testing and setting up the system for recording.
  - 2. The check shall also ensure the proper alignment, focusing, and positioning of MVR equipment to provide quality documentation.
  - 3. Officers will document any malfunction of their recording equipment in an email to their supervisor as soon as practical upon discovery of the malfunction.
  - 4. If an officer's MVR is not functioning and there is not an immediate replacement, the officer shall use his DVR to record required events until a vehicle with a functioning MVR is available.
    - a. The officer should check out with dispatch as soon as possible on all traffic and subject stops.
    - b. If the MVR has malfunctioned, the officer should, as a backup, use his DVR to record the basic information of a traffic or subject stop before approaching the vehicle or subject.

**C. Spare DVDs and VHS Tapes**

1. Officers shall have a spare VHS tape or DVD in their vehicle for use when needed, however, due to damage caused by heat no more than two extra tapes or disks should be carried.
2. Officers should change tapes when the tape in the MVR reaches approximately 30 minutes or less remaining on the tape. Non-evidentiary tapes should be turned in to the immediate supervisor for storage in the designated area.
3. When the hard drive memory is full, officers shall burn their recordings to a DVD and turn the disk in as required by policy.

D. Officers shall not erase, reuse, delete, or in any manner alter or destroy any video or audio recordings except as allowed by department policy; doing so shall result in disciplinary action.

E. Officers will be responsible for the security of the recordings in their possession.

**.06 Supervisor Responsibilities**

A. Supervisors shall ensure:

1. The officers who are assigned MVR equipment will be trained in its proper use.
2. All personnel who are required to record have been issued a pocket recorder as a backup to the MVR.
3. That officers follow established procedures for the use and maintenance of recording equipment, digital files, and tapes.
4. All repairs and replacements of damaged or nonfunctional recording equipment are completed.
5. Their officers have a sufficient number of videotapes and DVDs at the beginning of each shift.
6. Recording equipment is inspected in conjunction with the monthly vehicle inspections.

B. If an officer's MVR is not functioning and there is not an immediate replacement, the supervisor shall insure the officer has a functioning DVR to record required events until a vehicle with a functioning MVR is available.

C. At least once per calendar quarter, Supervisors shall be responsible for conducting a review of random samplings of the recordings turned in by one quarter of their

subordinates. When determining the number of subordinates to be reviewed, fractions shall be rounded up to the next whole number. This review should encompass non-evidentiary recordings.

1. At the end of the calendar year the Supervisor will have reviewed 100% of their subordinates, at least once, using either video or audio records.
2. The supervisor shall resolve any discrepancies that result from the periodic review process.

#### **D. The Use of Recordings in Supervisory Investigations**

Upon being informed of a complaint from a citizen or employee, the officer's supervisor will review any available recordings of the incident. This review is to determine if any violations of departmental policies or procedures have occurred.

1. If the complaint is a demeanor complaint, the supervisor shall complete the investigation.
2. If the violation discovered is serious as defined by General Order 401, the information shall be forwarded to the Chief through the appropriate Deputy Chief. Serious complaints shall be investigated by Internal Affairs.
3. Any recordings shall become part of the investigation file and will be retained as per the requirements of state law and department policy.

### **.07 Legal Considerations**

State and Federal law is clear in the allowance of recording conversations as long one party (the law enforcement official) is aware that a recording is being made. In addition, there is no expectation of privacy inside of a police car. However, there are legal considerations when using recording devices beyond the scope of this general order. Recording equipment shall not be utilized as a "bug" or an illegal listening device. For example, an officer cannot place his MVR microphone on a window sill to covertly listen to a conversation inside a residence.

### **.08 Documentation**

- A. When an officer makes a recording of an incident, he shall note this fact in any report he makes of the incident. The officer shall do this regardless of whether the recording was required. If a recording is made, the note in the report shall have a brief description of what the recording contains. For example, "Recording of conversation with the suspect John Smith submitted as evidence."
- B. Officers are advised to review video and audio recordings prior to entering them into evidence to insure that the event is adequately documented.

## **.09 Duplication of Recordings**

- A. Video and audio recordings are considered departmental documents intended only for law enforcement and management functions of the Department. The Records Supervisor is the Records Custodian for the Department and the specific designee to handle open records requests.

### **B. Internal Requests**

All internal requests for either access to or copies of video and audio recordings that are not for specific law enforcement purposes, will be forwarded to the Deputy Chief of Operations as an open records request. After review, the request shall be sent to the Records Supervisor for response in accordance with Department policy and the rules set forth in the Public Information Act.

1. Video and audio recordings shall only be used for approved police business. Police personnel may not take recordings home to review, nor may they obtain copies of a recording except through formal channels as specified in the paragraph above.

### **C. External Requests**

External requests from non-law enforcement entities or individuals shall normally be received by the Records Supervisor. The Records Supervisor shall begin the review and response process. Part of that process is to notify the Deputy Chief of Operations of all open records requests received.

1. Open records requests received from other law enforcement agencies and governmental entities, will be processed by the Records Supervisor.
2. No video or audio recording shall be copied or otherwise viewed, distributed, disseminated or released for use outside the Department, unless authorized by the Office of the Chief of Police.
3. The open records request procedures in this section may apply to copies made for training purposes if the class is taught to external entities or individuals.

- C. All video and audio recording duplicates shall be made by the Evidence Unit.

- D. The open records procedures specified in the above sections do not apply to video and audio recordings used for law enforcement purposes. Law enforcement purposes include but are not limited to the following.

1. Case files sent to the Prosecuting Attorney's Office.
2. Original recordings or copies taken to court as evidence by employees.



3. Copies made for another law enforcement agency for a criminal investigation.
4. Copies made for internal training purposes.
5. Copies made for supervisor investigations.

#### **.10 Video and Audio Evidence**

- A. Video and audio recordings that are evidence in, or show probable cause for, Class B and above charges shall be entered into evidence in those cases.
  1. Generally, officers will not record more than one Class B or above charge on a single videotape or DVD.
  2. Original evidentiary recordings will remain in evidence until the case is disposed.
  3. Recordings of disposed cases will be erased and recycled, deleted, or destroyed as per Department policy.

#### **.11 Retention of Recordings**

- A. Non-evidentiary video and audio recordings shall be retained for a minimum of 120 days. Video and audio tapes shall be stored in a designated area inside of the police facility. Digital recordings shall be stored on the designated computer hard drive and shall be stored by date (see Patrol SOP).
  1. At the end of the 120 days, non-evidentiary recordings shall be either erased and recycled or deleted.
  2. If a complaint is filed against an officer, the recordings of the alleged incident shall be maintained until the final disposition of the complaint.

## APPENDIX C – Temple Police Department Policy 519

### **519 BIAS-BASED POLICING**

Good policing, of necessity, involves the lawful exercise of discretion. Law enforcement officers must make decisions that balance the need for public order and safety with the legal protection guaranteed to all citizens. Law enforcement officers' decisions and behavior must therefore be lawful and sensitive to individual rights and liberties. The Temple Police Department does not condone the use of any practices that diminish the constitutionality of law enforcement practices, and undermine community confidence in the police, including Bias-based Policing.

This policy is intended to reaffirm the Temple Police Department's commitment to unbiased policing, to clarify the circumstances in which officers can consider race/ethnicity, gender, sexual orientation or religion when making law enforcement decisions, and to reinforce procedures that serve to assure the public that we are providing service and enforcing laws in an equitable way.

#### **.01 Bias-based Policing Defined**

Bias-based Policing is the selection of individuals for a law enforcement - initiated action based solely on **race**, ethnic background, gender, sexual orientation, and/or religion; rather than on the individual's behavior, or on information identifying the individual as having engaged in some form of criminal activity.

#### **.02 Prohibition Against Bias-based Policing**

Members of the Temple Police Department shall not engage in any form of Bias-based Policing with regard to citizen contacts of any type, or the seizure of assets or property.

- A. Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, arrests, nonconsensual searches, and property seizures.
- B. Except as provided in paragraph C below, officers shall not consider race/ethnicity, gender, sexual orientation or religion in establishing either reasonable suspicion or probable cause. Similarly, except as provided below, officers shall not consider race/ethnicity, gender, sexual orientation or religion in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.
- C. Officers may take into account the reported race/ethnicity, gender, sexual orientation or religion of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity, gender, sexual orientation or religion to a particular unlawful

incident(s).

- D. Race/ethnicity, gender, sexual orientation or religion can never be used as the sole basis for probable cause or reasonable suspicion.

**.03 Complaint Process**

Any person who believes that he has been stopped, arrested, searched or otherwise detained by an officer based solely on his race, ethnic background, gender, sexual orientation, or religion may file a complaint against that officer by:

- A. Making a complaint to the employees' supervisor or
- B. Filling out a complaint / commendation form which can be obtained in the front lobby of the Police Department.
- C. Complaints received by the Department shall be handled in accordance with General Order 401.

**.04 Disciplinary Action to be Taken for Bias-based Policing**

Officers found to have engaged in Bias-based Policing shall be subject to disciplinary action, up to and including termination.

**.05 Training and Education**

**A. Employee Training**

All members of the Temple Police Department shall receive training on this policy, and on the various types of Bias-based Policing, as soon as possible after the effective date of this policy. Recruit officers hired after **December 1, 2001** shall receive this training during their orientation period.

**B. In-service Training**

The Training Coordinator shall provide annual updates and refresher training on the topic of Bias-based Policing during regularly scheduled in-service sessions.

**C. Public Education**

The Department PIO will periodically provide public education information relating to the Department's stance against Bias-based Policing and the agency's complaint process.

**.06 Data Collection Required**

The Department will maintain a database of information relating to all traffic stops resulting in citations and/or arrests. This information will include:

- A. The ethnicity / race of the individual detained,
- B. Whether a search was conducted, and if so
- C. Whether the person detained consented to the search

**.07 Analysis and Reporting**

**A. Quarterly Evaluation**

The Crime Analyst shall prepare a quarterly comparative analysis report based on the data collection above and shall submit it to the Chief of Police. The purpose of this analysis shall be:

1. To determine the existence of Bias-based Policing by police officers in Temple; and
2. Examine the disposition of traffic stops identified in .06, above; and
3. To gather information relating to each complaint filed with the agency alleging that an officer has engaged in Bias-based Policing

**B. Annual Report**

By March 1<sup>st</sup> of each calendar year, the Chief of Police will submit an annual report to the City Manager based upon the information gathered in the quarterly analyses. This report will not contain information specific to the officer involved or to the individual who was stopped

- C.** Copies of all administrative reports required under this General Order shall be forwarded to the Support Services Lieutenant.

**.08 Review of Video and Audio Documentation**

**A. Video Tapes**

Video tapes shall be reviewed by supervisory personnel as set out in General Order 538.04.C & D.

**B. Audio Tapes**

Audio tapes shall be reviewed by supervisory personnel as set out in General Order 515.04.

**.09 Retention of Video and Audio material**

**A. Video Tapes**

Video tapes shall be retained by the Department in compliance with General Order 538.09A10 and 538.09C3.

**B. Audio Tapes**

Audio tapes shall be retained by the Department in compliance with General Order 515.01.

**C. Minimum Retention**

In all cases, video and audio recordings will be maintained by the Department for a period not less than 90 days. If a complaint is filed alleging that an officer engaged in Bias-based Policing as defined and prohibited by this General Order,

the video and/or audio recording shall be maintained until the final disposition of the complaint.

**.10 Supervisory Accountability**

Supervisors shall ensure that all personnel in their command are familiar with the content of this policy and are operating in compliance with it.



## **COUNCIL AGENDA ITEM MEMORANDUM**

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

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Approve Minutes:

(A) February 7, 2013 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:**

February 7, 2013 Special Called and Regular Meeting

## TEMPLE CITY COUNCIL

**FEBRUARY 7, 2013**

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, February 7, 2013 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, February 7, 2013.**

Regular Agenda Item 9 - Councilmember Schneider stated he would need to abstain.

Regular Agenda Item 10 - Bell County Health District Board Appointment will be tabled. Mayor asked Mr. Blackburn to contact the District.

- 2. Receive a City Council continuing education briefing on media relations.**

Mr. Blackburn introduced this presentation. He added the relationship we have the media is a vital one. The City has an Administrative policy (#25) addressing media policies and protocol; this was adopted in 2006. Mr. Blackburn stated the media has free access to Mayor & Council as well as Department Heads (related to their area of expertise and responsibility).

Ms. Gowan, Communications Director, reviewed some of the practices, Policies, and Tips for Dealing with the Media.

- 3. Discuss zoning requirements for Social Services facilities.**

Ms. Speer provided a brief overview of the city's existing uses defined and allowed in the UDC. There are currently seven different terms used for Social Service Facilities to include, Boarding or Rooming House; Family or Group Homes, Correctional Facility, Halfway House; Institution for Alcoholic or Narcotic Patients; Institution, Religious-Charitable Philanthropic Nature; and Transitional or Emergency Shelter.

Mr. Blackburn inquired on the difference between a Boarding House and a Family House.

Ms. Speer stated the rehabilitation component is the difference.

Councilmember Schneider asked if these facilities were required to permit/license with the City.

Ms. Speer stated no, as they are regulated by the State.

Mr. Graham added, they are not subject to our rezoning requirements as other uses are.

Ms. Speer stated the key factors to consider during this process is, is rehabilitation a factor; short or long term; criminal vs. non-criminal; and the number of residents/ capacity. Staff is recommending that we amend some of the terms; add and amend definitions; require a CUP for all "rehabilitation" providing uses; and consider spacing limits. Ms. Speer provided the proposed definitions and use tables to the Council.

Councilmember Morales inquired on whether the current facilities would be grandfathered or not.

Ms. Speer stated they would like to notify and require them to register, as this will help the City to know which facilities are in our City.

Councilmember Schneider asked how to limit the CUP from transferring to a new owner, should the property be sold.

Mr. Graham stated traditionally the CUP stays with the property, but we do have the ability to place terms on the CUP.

Mr. Blackburn noted he was looking for direction from the Council to move forward.

At this time Mayor Jones stated the City Council would enter into executive session at approximately 4:39 pm. Councilmember Schneider was not present for this session.

- 4. Discuss a settlement agreement between the City of Temple and several defendants to resolve the lawsuit filed by the City related to construction of the City's Police Department facility and styled Cause Number 245-397-C, in the 169th Judicial District Court of Bell County, Texas.**

Mayor Jones adjourned the executive session at approximately 5:00 p.m.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, February 7, 2013 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, February 7, 2013 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**

Reverend Shelton Rhodes with Greater Zion Church of God in Christ in Temple voiced the Invocation.

**2. Pledge of Allegiance**

Ashley Williams, Sustainability and Grant Manager, led the Pledge of Alligiance.

**II. PROCLAMATIONS & SPECIAL RECOGNITIONS**

**3. Recognizing the City of Temple for receiving the Environmental Stewardship Award from Orion Lighting for the replacement of 541 light fixtures in seven city facilities.**

The City of Temple received the Environmental Stewardship Award from Orion Lighting, presented by Matt Graham with Energy Solutions of Texas.

**III. PUBLIC APPEARANCES**

**4. Receive comments from Mr. Christopher Simmons regarding the City's ordinance regulating Tattooing.**

Mr. Christopher Simmons addressed the Council regarding the City's Ordinance regulating Tattooing. He is requesting that the City review its policy restricting tattooing be amended to allow for this type of business. This is a form of expression and can be done safely.

**IV. PUBLIC COMMENTS**

Mayor Jones stated that no one signed up for this portion of the meeting.

## **V. REPORTS**

### **5. (A) Receive the City of Temple Comprehensive Annual Financial Report for fiscal year ended September 30, 2012.**

Traci Barnard, Director of Finance, introduced Mr. Stephen Niemeier, CPA, CFP with Brockway Gersback Franklin & Niemeier, P.C. Mr. Niemeier gave a brief presentation of the Comprehensive Annual financial Report Year ended September 30, 2012. He noted the financial highlights to include the \$2.9 million invested in 2012 to leverage TxDOT funding for the the NW Loop 363 project and noted over the past six years the City's net assets increased \$27 million. He also noted the City's TMRS retirement plan is strengthened and is 79.5% paid for. Mr. Niemeier continued with the Summary of Net Activity of Primary Government; Investment in Capital Assets Net of Related Debt; TFRF Unfunded actuarial Accrued Liability; and the TMRS Unfunded Actuarial Accrued Liability reports. Mr. Niemeier concluded his report by stated the City's Independent auditors' report is without qualifications and they have been recognized 31 consecutive years for the their Certificate of Achievement for Excellence in Financial Reporting and 17 consecutive years for the Distinguished Budget Award.

## **VI. CONSENT AGENDA**

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

**(A) January 17, 2013 Special Called and Regular Meeting**

**(B) 2013-6871-R: Consider adopting a resolution authorizing the purchase of a Kubota L4600F Tractor From Kubota Tractor Corporation utilizing the BuyBoard in the amount of \$29,085.**

**(C) 2013-6872-R: Consider adopting a resolution ratifying the purchase of two module racks for the Membrane Water Treatment Plant from Pall Advanced Separation Systems of Cortland, NY, in the amount of \$464,024.**

**(D) 2013-6873-R: Consider adopting a resolution authorizing a guaranteed maximum price construction contract with Vanguard Contractors, LP of Temple for renovations to the Municipal Building in an amount of \$296,632.**

**(E) 2013-6874-R: Consider adopting a resolution authorizing a renewal lease agreement with Mary Ann Rojas, President of Job**

Source, for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).

(F) 2013-6875-R: Consider adopting a resolution accepting a \$5,000 Health Promotion & Chronic Disease Prevention Cardiovascular Tobacco Grant from the Texas Department of State Health Services and authorizing the City Manager to sign an agreement with DSHS accepting that grant.

(G) 2013-6876-R: A-FY-13-09: Consider adopting a resolution for a partial release of an existing 20 foot-wide utility easement being defined as the east 10-foot portion of the easement located along the west (rear) property boundary of Lots 20 and 21, Block 9 of Temple Park Estates, a subdivision in Bell County, Texas, according to the plat of record in Cabinet A, Slide 295-C, Plat of Records of Bell County, Texas. The property is located in Temple's western E.T.J., at 13250 Marigold Trail.

(H) 2013-6877-R: Consider adopting a resolution authorizing the City to convey property located at 302 South Main Street to the abutting property owner for fair market value.

(I) Consider adopting resolutions:

(1) 2013-6878-R: Ordering an election for May 11, 2013, for the election of the District 1 Councilmember, the District 4 Councilmember; and

(2) 2013-6879-R: Ordering a Special Election for May 11, 2013 for the Mayor at-large to fill an unexpired term through May 2014; and

(3) 2013-6880-R: Authorizing joint election agreements with the Temple Health & Bioscience Economic Development District and Temple Independent School District for the May 11, 2013 election.

(J) 2013-6881-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2012-2013.

Motion by Councilmember Judy Morales adopt Resolution approving Consent Agenda. seconded by Mayor Pro Tem Danny Dunn.

## **VII. REGULAR AGENDA**

### **ORDINANCES**

- 7. 2013-4575: FIRST READING - PUBLIC HEARING - Z-FY-13-07: Consider adopting an ordinance authorizing a rezoning from Planned Development - Office Two (PD-O2) district to General Retail (GR) district on 1.010 + acres of land situated in the Maximo Moreno Survey, Abstract No.14, Bell Country, Texas being a part of land described as Lot 2, Block 1, Country Lane Addition, Phase II, recorded in Cabinet D, Slide 196-B, plat records of Bell County, Texas, located at 1497 Country View Lane.**

Autumn Speer, Director of Planning and Development, presented this case to Council. Ms. Speer stated the applicant for this request is Kenneth Mitchell. The requested "GR" would add approximately 1.010 acres to the existing "GR" zoned property to the east; and would allow for expansion of an existing convenience store. Ms. Speer provided a few photos of the surrounding properties. There were seven notices mailed out with two returned in favor and none in opposition. Staff recommends approval of this request for a zone change from "PD-O2" to "GR" as its proposed use is contiguous to an existing "GR" zoned property; it is to allow the expansion of an existing convenience store already zoned "GR". Ms. Speer stated the Planning and Zoning Commission heard this request on January 7, 2013, and voted 7/0 to approve the proposed zone change from "PD-O2" to "GR".

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 Councilmember Perry Cloud adopt Ordinance, with second and final reading set for February 21, 2013. seconded by Councilmember Russell Schneider.

- 8. 2013-4576: FIRST READING - PUBLIC HEARING - Z-FY-13-08: Consider adopting an ordinance authorizing a Conditional Use Permit to allow an off-premise sign relocation closer than 1,500 feet from another off-premise sign at 1612 North General Bruce Drive.**

Autumn Speer, Director of Planning and Development, presented this case to Council. Ms. Speer stated the applicant for this request is Lamar Advertising. She also noted this is due to TxDOT right-of-way acquisition for the I-35 expansion project. There are minimum spacing and location requirements in the UDC, section 7.5.11 A-K. We also have a provision that

provided for sign relocations necessitated by TxDOT ROW Acquisitions; that is must meet all City Standards except No permit fee required; may be erected 5' from ROW; may keep same number or poles and same materials; and may be erected without enlarging the sign face. Those that don't meet these requirements must be approved with a Conditional Use Permit by the Council. She then noted this request does not meet the minimum spacing requirement of 1,500 feet per sign. The current sign is at 1602 North General Bruce Drive and is proposed to be move 550 feet north to 1612 North General Bruce Drive. The requested CUP will be only for the spacing requirements as the new sign will be 1,305 feet from the nearest sign to the north; and 3,174 feet to the nearest sign to the south. There were three notices mailed out with none being returned in favor or opposition. Ms. Speer stated that Staff recommends approval of this request and added the existing clustering of signs in this area will be improved with TxDOT taking and the new sign will not impact that reconfiguration. Ms. Speer also requested that no further signs be granted a CUP for this area. The Planning and Zoning Commission heard this case on January 7, 2013, and voted 7/0 recommending approval of the CUP.

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 Russell Schneider adopt Ordinance, with second and final reading set for February 21, 2013. seconded by Mayor Pro Tem Danny Dunn.

## RESOLUTIONS

9. **2013-6882-R: Consider adopting a resolution authorizing a settlement agreement between the City of Temple and several defendants to resolve the lawsuit filed by the City related to construction of the City's Police Department facility and styled Cause Number 245-397-C, in the 169th Judicial District Court of Bell County, Texas.**

Jonathan Graham, City Attorney, presented this item to Council. Mr. Graham reviewed the time-line of events with the Council. He stated the police facility was completed in 2005 in excess of \$10 million; in the fall of 2009 we began discovering mold and other design and construction related issues with the facility. The City hired, Norman Jolly as outside Counsel and in the fall of 2012 we filed the lawsuit against the architect,

Brinkley Sargent, the contractor, Baird Williams, and the HVAC design firm, M-E Engineer after the entities and their insurance companies would not make the needed repairs. The police facility was renovated in 2011 in order to mitigate the damages. The total cost of renovations totaled approximately \$5.3 million. Mr. Graham stated our lawsuit against the original defendants involved negligence and breach of contract claims. We sought to recover all costs of curing the design or construction related defects in the facility. On December 18, 2012, all parties participated in a complex court-ordered mediation consisting of 20 participating parties; with Steve Nelson out of Austin as the Mediator. A settlement agreement was reached in mid-January 2013 for \$7.25 million. The monies will be used to pay court costs, attorney's fees, and retire the debt used to finance the renovations to the Police facility.

Motion by Mayor Pro Tem Danny Dunn adopt Resolution. seconded by Councilmember Judy Morales.

Councilmember Schneider abstained; and all others voted Aye

## **BOARD APPOINTMENTS**

- 10. 2012-6595-R: Consider adopting a resolution appointing one alternate member to the Bell County Public Health District Board of Directors.**

Mayor Jones asked the Council to consider tableling this item.

Motion by Councilmember Perry Cloud table. seconded by Councilmember Russell Schneider.

- 11. 2013-6870-R: Consider adopting a resolution appointing one member to fill an unexpired term as the Bell County representative, through September 1, 2013 on the Reinvestment Zone No. 1 Board of Directors.**

Mayor Jones stated Mr. Bill Schumann was elected Commission in November 2012 in Eddy Lange's seat.

Motion by Councilmember Judy Morales adopt Resolution appointing Commissioner Bill Schumann. seconded by Mayor Pro Tem Danny Dunn.

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

Randy A. Stonerod, Director of Human Resources/Civil Service

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a three-year professional services agreement with Allwrite-Testing for Civil Service promotional test writing with an estimated annual cost of \$18,000.

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

**ITEM SUMMARY:** Local Government Code Chapter 143, Municipal Civil Service For Firefighters and Police Officers, requires Fire Department vacancies in the rank of Driver, Captain or Deputy Chief, and Police Department vacancies in the rank of Corporal, Sergeant, or Lieutenant, to be open to competitive testing for eligible certified members of the Fire and Police Departments. Promotional lists are established, in whole or in part, by eligible certified members' passing grades from promotional examinations that based upon approved reading lists. The City of Temple has used Allwrite-Testing since 2007 to write Fire and Police Department promotional exams. Staff has worked closely with Allwrite-Testing over the past 7 years to develop promotional exams in accordance with Department philosophies, firefighting techniques used for the structures that exist within the City of Temple, and crime fighting techniques that are used within the City of Temple; all toward the goal of obtaining promotional exams that are relevant to the City of Temple's certified Firefighters and Police Officers.

Vacancies within the Fire and Police Departments requiring promotional examinations are unpredictable. Retirements and resignations occur annually based on many various factors. In order to be prepared to fill all vacancies as expeditiously as practicable; staff recommends that the Fire and Police Departments should maintain current promotion lists in all ranks. At a cost of \$3,000 per test, staff expects that this agreement will cost an estimated \$18,000 per year.

**FISCAL IMPACT:** Budgeted amount: \$20,000 in account 110-2700-515-2519.

### **ATTACHMENTS:**

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



## ***ALLWRITE-TESTING***

2371 Dahlia Street Denver, CO 80207

Phone (303) 322-6890

Fax (303) 388-4201

[allwrite@comcast.net](mailto:allwrite@comcast.net)

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### ***RFP - DEVELOPMENT OF PROMOTIONAL TESTS***

***City of Temple, Texas***

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Company Name	Allwrite-Testing
Address	2371 Dahlia Street
City, State, Zip	Denver, CO 80207
Phone	303-322-6890
Fax	303-388-4201
E-mail	<a href="mailto:allwrite@comcast.net">allwrite@comcast.net</a>
Tax ID No.	121-34-4246
Signature	
Printed Name	Arthur Rosenblum
Title	Owner
Date	November 28, 2012

# ***ALLWRITE-TESTING***

2371 Dahlia Street Denver, CO 80207

Phone (303) 322-6890

Fax (303) 388-4201

allwrite@comcast.net

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## **Proposal for Promotional Examinations for Police and Fire Department Examinations for the City of Temple, Texas**

### **Vendor Information**

Allwrite-Testing is a sole proprietorship owned and operated by Arthur Rosenblum in Denver, Colorado. The company has formally been in existence since 1995, although Arthur Rosenblum operated a company from 1980 to 1990 that performed the identical functions as Allwrite-Testing.

The firm specializes in the preparation of written and oral examinations for the police and fire services. While some tests are sold to jurisdictions, the bulk of the tests are written for test preparation workshops for examinations for promotions within these services. Workshop tests are fully developed, comprehensive tests, based on official reading lists for promotional examinations. Arthur Rosenblum has written hundreds of promotional examinations since he began his test writing career in 1973.

Arthur Rosenblum, resume attached, is the sole test writer for Allwrite-Testing and will prepare 100% of the test questions if selected.

### **Customers**

**City of Beloit, Wisconsin Fire Dept.**  
Assistant Chief Timothy Curtis  
608-364-3006

**Oscar Joe Bryant Foundation**  
Los Angeles Police Department  
Lt. Peter Whittingham  
26013@lapd.lacity.org

**Saint John's County, Florida  
Fire Protection District**  
Lt. Rich Casto  
904-209-1700

**City of Temple**  
Civil Service Commission  
Randy Stonerod  
254-298-5650

**Scope of Work**

All tests prepared shall have 100 multiple-choice questions.

Every test question will be keyed to the exact page from which it was developed.

There will be no overlap or duplication of questions on the different tests, given in the same year, however, to maximize test relevance or validity, it is likely that there will be an overlap of content areas on the different tests. Where there is a similarity in job duties and responsibilities and job knowledge requirements among different ranks and positions, it is appropriate that test content also be similar. When the same text is used over a number of years, there will be some duplication of questions.

Allwrite-Testing shall submit complete drafts for each test within 40 days of receipt of the test materials provided by the City of Temple for each examination and will modify test questions as deemed necessary after consultation with City of Temple personnel within seven days of a determination of what changes shall be made.

While all tests materials become the property of the City of Temple, this contract limits the use of each test to a single administration. The City of Temple may not re-administer all or part of any examination written by Allwrite-Testing without written approval of Allwrite-Testing.

**Test Challenges**

Allwrite-Testing shall respond in writing to challenged items, and recommend a scoring disposition based on the merits of the challenge and research of the challenged items and source materials. In our history, there have been challenges of individual test items on most tests, with an average of one to two items re-scored per test. Re-scoring usually occurs when there is conflicting information within texts or between texts and other source materials, such as Standard Operating Procedures. This same pattern of item challenges has characterized our five-year history of tests prepared for the City of Temple Police and Fire Departments.

**Cost**

The fee for each promotional test shall be \$3,000.

**Contract**

Allwrite-Testing will honor the \$3,000 cost per test for a period of three years, from the date of the execution of a contract, regardless of the number of tests for each position that is written in that time frame.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A THREE-YEAR PROFESSIONAL SERVICES AGREEMENT WITH ALLWRITE-TESTING FOR CIVIL SERVICE PROMOTIONAL TEST WRITING, IN AN ESTIMATED ANNUAL COST OF \$18,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, Local Government Code Chapter 143, Municipal Civil Service for Firefighters and Police Officers, requires Fire Department vacancies in the rank of Driver, Captain or Deputy Chief, and Police Department vacancies in the rank of Corporal, Sergeant, or Lieutenant, to be open to competitive testing for eligible certified members of the Fire and Police Departments;

**Whereas**, staff has worked closely with Allwrite-Testing over the past 7 years to develop promotional exams in accordance with department philosophies, all toward the goal of obtaining promotional exams that are relevant to the City of Temple's certified Firefighters and Police Officers;

**Whereas**, vacancies within the fire and police departments are unpredictable and staff recommends that the fire and police departments maintain current promotion lists in all ranks – at a cost of \$3,000 per test, staff expects that this agreement will cost an estimated \$18,000 per year;

**Whereas**, funds are budgeted in Account No. 110-2700-515-2519 for this expense; 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 three-year professional services agreement with Allwrite-Testing for Civil Service promotional test writing to develop promotional exams in accordance with department philosophies at a cost of \$3,000 per test and an estimated cost of \$18,000 per year.

**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 **21<sup>st</sup>** day of **February**, 2013.

THE CITY OF TEMPLE, TEXAS

---

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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02/21/13  
Item #4(C)  
Consent Agenda  
Page 1 of 2

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

Nicole Torralva, P.E., Public Works Director  
Don Bond, P.E., CFM, Interim City Engineer

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Turley Associates, Inc. of Temple for services required to design Westfield Boulevard from Stonehollow Drive to Prairie View Road and a Wastewater Extension from Pecan Pointe Apartments to Prairie View Road in an amount not to exceed \$255,225.05.

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

**ITEM SUMMARY:** The City of Temple has adopted a Transportation Capital Improvement Program (TCIP) in which Westfield Boulevard is identified as a construction project for this fiscal year. A portion of the overall arterial road extension is proposed to be designed with this contract, from Stonehollow Drive to Prairie View Road. This road section will be identical to the already built southern boulevard section from West Adams to Stonehollow Drive. The engineer's opinion of probable cost for the construction of this portion of Westfield Boulevard is \$1,561,765.

Along with extension of the roadway, extension of a wastewater main to serve the sewer basin in this area is an important part of the project. The wastewater main will be sized to serve future development for the area and designed in an alignment that will mesh with the future layout of lots and blocks within this residential development. More immediately, this proposed wastewater main will also provide wastewater service to the new Belton Independent School District middle school site at the Southeast corner of Prairie View Road and North Pea Ridge Road. This proposed wastewater main will consist of approximately 5,100 linear feet of 10 inch and 8 inch diameter sewer main and is estimated by the engineer to cost \$289,975.

Per the attached engineering proposal, specific tasks are broken down as follows:

Design Surveys	\$ 25,522.50
Final Design	\$127,612.55
Bidding	\$ 20,418.00
Construction Administration	\$ 30,627.00
Construction Staking	<u>\$ 51,045.00</u>

<b>TOTAL ENGINEERING / SURVEYING COST</b>	<b>\$255,225.05</b>
---	---------------------

Bidding of this work is anticipated to occur during fall of 2013, with project completion prior to opening of the new BISD campus in August 2014.

**FISCAL IMPACT:** Funding in the amount of \$203,029.55 is available in account # 365-3400-531-6859, project # 100970 for the portion of the contract related to the roadway design of Westfield Boulevard.

A budget adjustment is presented for Council's approval appropriating \$52,196 of Water & Sewer Unreserved Retained Earnings to fund a portion of the contract related to the wastewater line extension to account 520-5900-535-6368, project #100970.

**ATTACHMENTS:**

[Budget Adjustment](#)  
[Engineer's Proposal](#)  
[Opinion of Probable Costs](#)  
[Map of Project Location](#)  
[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.**

			+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
520-5900-535-63-68	100970	Sewer Line Extension-Westfield	\$ 52,196			
520-0000-373-04-11		Water & Sewer Unreserved Ret Earnings			52,196	
		Do Not Post				
<b>TOTAL.....</b>			\$ 52,196		\$ 52,196	

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

Appropriate Water & Sewer Unreserved Retained Earnings to fund the professional services agreement with Turley for professional services required to design the wastewater line extension from Pecan Pointe Apartments to Praire View Road. The total cost of the professional services agreement is \$255,225.05. The remaining portion of the contract is related to the roadway design, which is funded through TCIP.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

February 21, 2013

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved





## **TURLEY ASSOCIATES, INC.**

301 NORTH THIRD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400  
F-1658 FAX • (254) 773-3998

February 15, 2013

City of Temple  
Attn: Nicole Torralva, P.E.  
Director of Public Works  
3210 East Avenue H, Building A  
Temple, TX 76501

**RE: Westfield Boulevard and Sewer Line Extension**

Dear Nicole:

Turley Associates, Inc. appreciates the opportunity to provide you with a proposal for the Extension of Westfield Boulevard and the Westfield Sewer Line Extension. Below I have outlined our services to be included along with our fees:

***Westfield Boulevard Extension:***

Engineering Phase:

- A. Prepare Site Plan
  - 1. Design site plan based on current Westfield Extension Alignment.
- B. Design Surveying
  - 1. Survey crew will gather elevation data along the proposed roadway alignment.
- C. Analyze Pre/Post Drainage
  - 1. Civil Engineer will begin to prepare drainage plan for site.
  - 2. Design preliminary box culvert size, inlet size and RCP size.
- D. Plan and Profiles
  - 1. Begin plan and profiles for street and drainage.
- E. Submit 30% plans to City for review and comment
  - 1. Attend meeting to discuss plans and comments.
- F. Complete Pre/Post Drainage Design
  - 1. Civil Engineer will complete drainage design for box culverts, roadway, inlets and pipes.
- G. Plan and Profiles
  - 1. Continue working on plan and profiles for streets and drainage.
- H. Submit 60% plans to City for review and comment
- I. Plan and Profiles
  - 1. Complete plan and profiles to 100%
  - 2. Submit to City for review and comment.
- J. Prepare quantities to be used for bidding purposes.
- K. M.E.P. design of street lighting.
- L. Geotechnical report
- M. Construction phase services
  - 1. Review contractor pay applications
  - 2. Review contractor submittals
  - 3. Answer contractor questions

Construction Surveying:

- A. Centerline Rough Cut
  - 1. Survey crew will layout back of curb with 3' off-sets with a lath and hub every 50' for rough cut purposes.

2. Cut sheets will be submitted to City and contractor.
- B. Storm Sewer Layout
  1. Survey crew will layout all curb inlets with a 10' and 20' off-set each front corner or back corner of box.
  2. RCP pipe will be staked every 100' with a 10' off-set with a lath and hub.
  3. Flowline in and out of box culverts will be staked with a 10' and 20' off-set and hub.
  4. Headwalls will be staked at wing walls and headwall.
  5. Cut sheets will be submitted to City and contractor.
- C. Utility Sleeves
  1. All utility sleeves will be staked with a 10' and 20' off-set and hub.
  2. Cut sheets will be submitted to City and contractor.
- D. Back of Curb Final
  1. Survey crew will stake 3' off-set back of curb every 50' for final back of curb.
  2. Cut sheets will be submitted to the City and contractor.
- E. Monuments
  1. Street monuments will be set per plans.
- F. As-Builts
  1. Set of as-builts will be prepared once construction is complete

### ***Westfield Sewer Line Extension:***

#### Engineering:

- A. Prepare utility site plan/alignment
  1. Meet with City staff and determine sewer line alignment through Kiella Development property
- B. Design Survey
  1. Survey crew will visit site and gather elevation data along with any improvements and fences
- C. Plan and Profiles
  1. Begin to prepare plan and profiles for sewer line
- D. Submit 50% plans to City for review and comment
- E. Plan and Profiles
  1. Plan and profiles will be completed for project.
- F. Erosion Control Plan
  1. Prepare an erosion control plan for project.
- G. Submit plans to City for review and comment.
  1. Revise plans as necessary
- H. Quantities
  1. Prepare quantities for contractor purposes
- I. Construction phase services
  1. Review contractor pay applications
  2. Review contractor submittals
  3. Answer contractor questions

#### Construction Surveying:

- A. Benchmark
  1. Establish site benchmarks for contractor
- B. Sewer line
  1. Stake all manholes with a 10' and 20' off-set lath and hub.
  2. Stake sewer line every 100' with a 10' off-set lath and hub.
  3. Provide cut sheets to the City and contractor.
- C. As-Builts
  1. Provide a complete set of as-builts to City once construction is complete.

Attached are Engineer's Estimates showing the estimates of construction for a collector and arterial street section. Also included is our Engineer's Estimate for the Westfield Sewer Line Extension. Our professional fee is based on the roadway and drainage construction cost of the project as listed below:

Westfield Boulevard Collector:	\$ 988,620.00
Westfield Boulevard Arterial:	\$1,561,765.75
Difference of:	\$ 573,145.74

Our Professional Fee to complete both the sewer line extension and the Westfield Boulevard extension shall be:

Engineering for Roadway, Drainage and Lighting for Westfield Boulevard: \$203,029.55  
Engineering for Sewer Line Improvements: \$52,195.50

Items not included in this contract:

- Storm Water Pollution Prevention Plan. Contractor awarded job will be responsible for implantation and managing Storm Water Pollution Prevention Plan at his cost.

Sincerely,

**TURLEY ASSOCIATES, INC.**

*Victor D. Turley*  
Victor D. Turley, P.E., R.P.L.S.  
President

VDT/sb



**TURLEY ASSOCIATES, INC.**301 NORTH THIRD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400  
F-1658 FAX • (254) 773-3998

February 13, 2013

Engineer's Cost Estimate for:  
**WESTFIELD BOULEVARD - ARTERIAL**

Item Description	Quantity	Units	Unit Cost	Item Cost
<b>A. ROADWAY &amp; DRAINAGE</b>				
(1) Asphalt 2" HMA	15799	S.Y.	\$10.75	\$169,839.25
(2) 15" crushed limestone base	24341	S.Y.	\$14.00	\$340,774.00
(4) 24" standard c&g, w/ base mat'l	12342	L.F.	\$10.00	\$123,420.00
(5) 5' wide sidewalk	15460	S.F.	\$4.50	\$69,570.00
(6) 10' wide sidewalk	30920	S.F.	\$4.50	\$139,140.00
(7) 10' inlet boxes	16	EACH	\$3,000.00	\$48,000.00
(8) 24" RCP	1000	L.F.	\$52.00	\$52,000.00
(9) 36" RCP	3000	L.F.	\$64.00	\$192,000.00
(10) Box culverts with headwalls	1	LUMP SUM	\$168,000.00	\$168,000.00
(11) Unclassified excavation & roadway	12170	C.Y.	\$6.00	\$73,020.00
(12) Seeding and irrigation in right-of-way	12342	L.F.	\$1.25	\$15,427.50
(13) Storm Water Pollution Prevention Plan	1	LUMP SUM	\$3,000.00	\$3,000.00
(14) SWPPP Materials & Implementation	1	LUMP SUM	\$3,000.00	\$3,000.00
(15) Mobilization	1	LUMP SUM	\$2,000.00	\$2,000.00
(16) Clearing/removal of tree's & brush	1	LUMP SUM	\$5,000.00	\$5,000.00
(17) Barricades	1	LUMP SUM	\$1,000.00	\$1,000.00
(18) Valley gutters	4	EACH	\$1,200.00	\$4,800.00
(19) Rock rip-rap	100	S.Y.	\$60.00	\$6,000.00
(20) 4" sleeve	250	L.F.	\$12.00	\$3,000.00
(21) 15" sleeve	400	L.F.	\$35.00	\$14,000.00
(22) Thermoplastic striping w/buttons	6300	L.F.	\$4.25	\$26,775.00
(23) Misc. painted arrows, text, stop bars, etc.	1	LUMP SUM	\$5,000.00	\$5,000.00
(24) ADA compliant ramps	24	EACH	\$500.00	\$12,000.00
<b>SUB-TOTAL ROADWAY AND DRAINAGE</b>				<b>\$1,476,765.75</b>
<b>B. SEWER LINE</b>				
(1) 8" SDR 26	2500	L.F.	\$35.00	\$87,500.00
(2) 10" SDR 26	2600	L.F.	\$42.00	\$109,200.00
(3) 15" pipe encasement	120	L.F.	\$80.00	\$9,600.00
(4) 4' dia. standard manhole 4'-10'- depth	14	EACH	\$3,500.00	\$49,000.00
(5) 8" sewer cleanout	2	EACH	\$800.00	\$1,600.00
(6) Roadway repair base and asphalt	1	LUMP SUM	\$2,000.00	\$2,000.00
(7) Traffic control plan & implementation	1	LUMP SUM	\$1,500.00	\$1,500.00
(8) Hydromulch seeding	5100	L.F.	\$1.25	\$6,375.00
(9) Mobilization	1	LUMP SUM	\$2,000.00	\$2,000.00
(10) Trench safety plan	1	LUMP SUM	\$2,000.00	\$2,000.00
(11) Trench safety system implementation	5100	L.F.	\$2.00	\$10,200.00

(12) SWPPP Materials & Implementation	1 LUMP SUM	\$3,000.00	\$3,000.00
(13) Clearing/Removal of tree's and brush	1 LUMP SUM	\$6,000.00	\$6,000.00
<b>SUB-TOTAL SEWER LINE</b>			<b>\$289,975.00</b>

C. LIGHTING

(1) Light poles	1 LUMP SUM	\$60,000.00	\$60,000.00
(2) Electrical conduit	1 LUMP SUM	\$25,000.00	\$25,000.00
<b>SUB-TOTAL LIGHTING</b>			<b>\$85,000.00</b>

D. SUMMARY

<b>ROADWAY &amp; DRAINAGE AND LIGHTING IMPROVEMENTS</b>	<b>\$1,561,765.75</b>
PROFESSIONAL FEE (10%) ENGINEERING & DESIGN SURVEY CONSTRUCTION (3%)	<b>\$203,029.55</b>
<b>SEWER LINE IMPROVEMENTS</b>	<b>\$289,975.00</b>
PROFESSIONAL FEE (15%) ENGINEERING & DESIGN SURVEY CONSTRUCTION (3%)	<b>\$52,195.50</b>
<b>10% CONTINGENCY</b>	<b>\$185,174.08</b>
<b>LIGHTING</b>	<b>\$85,000.00</b>
<b>TOTAL</b>	<b>\$2,377,139.87</b>

WESTFIELD BOULEVARD AND SEWER LINE EXTENTION  
EXPECTED DESIGN, CONTRACT and CONSTRUCTION SCHEDULE  
TURLEY ASSOCIATES, INC.

Westfield Blvd. & Sewer Line Extention	2013												2014						
	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	July		
Design Surveying																			
Construction plans																			
City* Review and Feedback																			
Incorporate City Comments																			
City* Approvals & Signatures																			
Distribute Drawings & Solicit Bids																			
Bid-Opening, Verify Bid Calcs																			
City awards Contract																			
City* Schedules & Holds Pre-Con Meeting**																			
Contractor mobilizes																			
Construction *(subject to change per contractor)																			
construction staking																			
City Performance Appraisal (monthly)																			
City Billing Updates (by City Inspector)																			
City* Punch List (by City Inspector)																			
As-Built Plans, copies & A-Cad file																			

\*\* (Actual schedule dates will be set by City staff)  
\*(Contractor provides construction schedule)



# CONCEPT PLAN

## WESTFIELD BLVD ROADWAY EXTENSION

TEMPLE, TEXAS



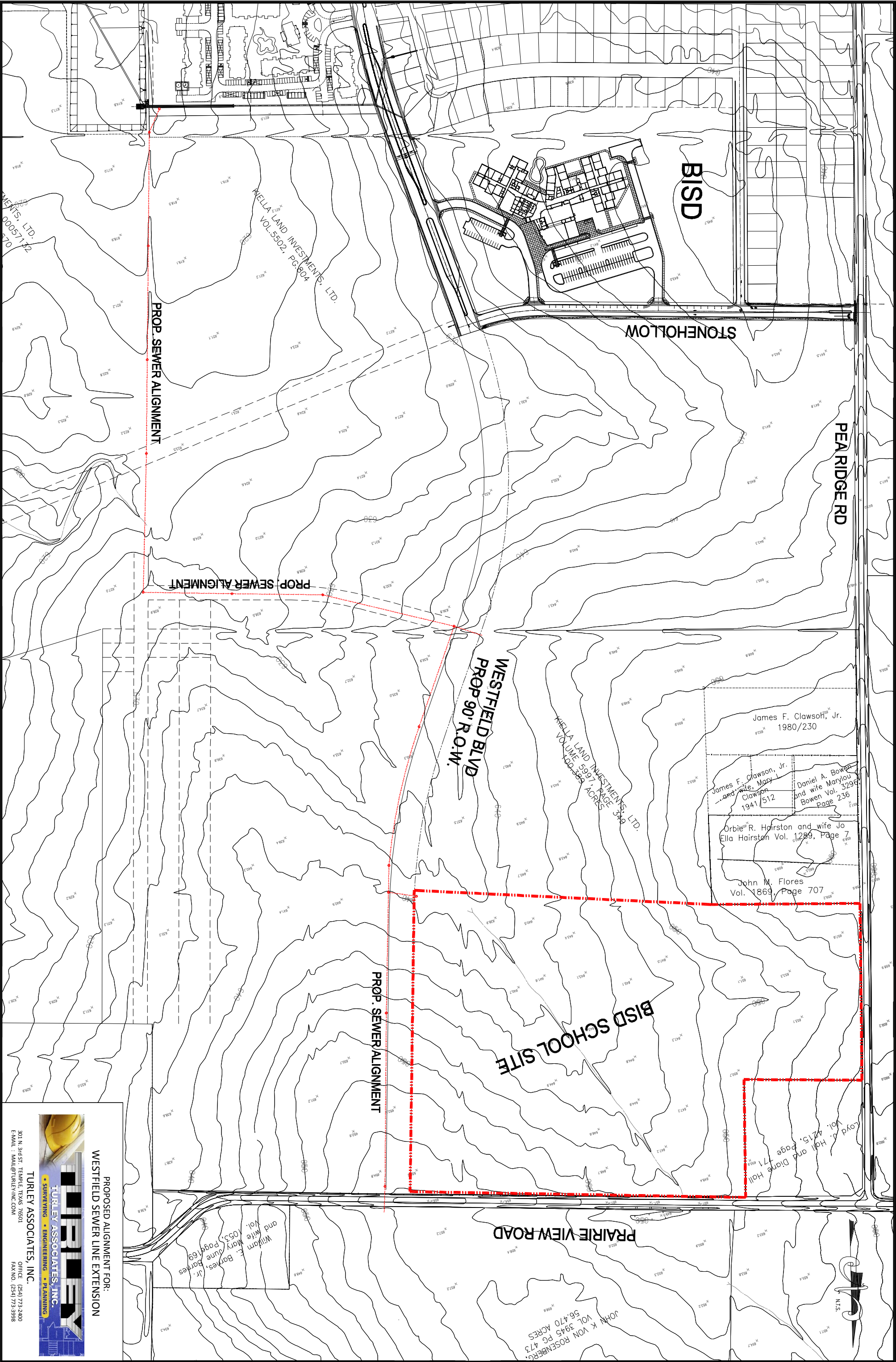
WEST TEMPLE PARK  
63+/- ACRES


PRAIRIE VIEW

WESTFIELD BLVD

N. PEA RIDGE RD







**TURLEY ASSOCIATES, INC.**  
SURVEYING • ENGINEERING • PLANNING

PROPOSED ALIGNMENT FOR:  
WESTFIELD SEWER LINE EXTENSION

301 N. 3rd ST. TEMPLE, TEXAS 76501  
E-MAIL : MAIL@TURLEY-INC.COM

OFFICE (254) 773-2400  
FAX NO. (254) 773-3998



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH TURLEY ASSOCIATES, INC., OF TEMPLE, TEXAS FOR SERVICES REQUIRED TO DESIGN WESTFIELD BOULEVARD FROM STONEHOLLOW DRIVE TO PRAIRIE VIEW ROAD AND A WASTEWATER EXTENSION FROM PECAN POINTE APARTMENTS TO PRAIRIE VIEW ROAD, IN AN AMOUNT NOT TO EXCEED \$255,225.05; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City of Temple has adopted a Transportation Capital Improvement Plan (TCIP) in which Westfield Boulevard is identified as a construction project for fiscal year 2013-2014;

**Whereas**, a portion of the overall arterial road extension is proposed to be designed, from Stonehollow Drive to Prairie View Road - this road section will be identical to the already built southern boulevard section from West Adams to Stonehollow Drive;

**Whereas**, along with extension of the roadway, the extension of a wastewater main to serve the sewer basin in this area is an important part of the project - the wastewater main will be sized to serve future development for the area and designed in an alignment that will mesh with the future layout of lots and blocks within this residential development;

**Whereas**, the Staff recommends accepting the proposal with Turley Associates, Inc., of Temple, Texas for services required to design Westfield Boulevard from Stonehollow Drive to Prairie View Road and a wastewater extension from Pecan Pointe Apartments to Prairie View Road, in an amount not to exceed \$255,225.05;

**Whereas**, funding for these projects are available in Account No. 365-3400-531-6859, Project No. 100970 and Account No. 520-5900-535-6368, Project No. 100970; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a professional services agreement with Turley Associates, Inc., of Temple, Texas, after approval as to form by the City Attorney, to design Westfield Boulevard from Stonehollow Drive to Prairie View Road and a wastewater extension from Pecan Pointe Apartments to Prairie View Road, in an amount not to exceed \$255,225.05.

**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 **21<sup>st</sup>** day of **February**, 2013.

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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02/21/13  
Item #4(D)  
Consent Agenda  
Page 1 of 2

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

Nicole Torralva P.E., Public Works Director  
Kenny Henderson, Director of Street and Drainage Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Comprehensive Engineering Solutions, Inc. of Temple for professional services including design, surveying and construction administration required for improvements to South Pea Ridge Road from Tarver Road to Hogan Road in an amount not to exceed \$88,155.

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

**ITEM SUMMARY:** The City of Temple has adopted a Transportation Capital Improvement Program (TCIP) in which capacity and connectivity improvements to South Pea Ridge south of Tarver are identified. This section of South Pea Ridge is an existing 20 foot wide, two lane county type road that carries approximately 800 vehicles per day and is a direct route for subdivisions to the south to local schools. In addition, the portion of South Pea Ridge Road from West Adams Avenue to Tarver Road was improved in 1998 to a four lane road that funnels down to this identified segment of roadway, now in poor condition from Tarver Road to Hogan Road.

Proposed improvements for this section of South Pea Ridge from Tarver to Hogan include reconstruction and expansion to a three (3) lane collector roadway with sidewalk, enhancing connectivity and increasing capacity. Per the attached proposed, professional services are broken down as follows:

**Engineering Services**

Design and preparation of plans and specifications for roadway and sidewalk	\$ 50,750
Design and preparation of plans and specifications for utility relocation	\$ 7,500
Geotechnical Services	\$ 6,500
Bid Preparation	\$ 2,100
Construction Administration	\$ 4,450
Record Drawings / Reproductions / Mylars	\$ 1,000
<b>Engineering Total</b>	<b><u>\$ 72,300</u></b>

**Surveying Services**

Topographic Surveying	\$ 4,400
Easements Descriptions (cost per tract with 8 max)	\$ 7,000
Construction Staking	<u>\$ 4,455</u>

<b>Surveying Total</b>	<b><u>\$15,855</u></b>
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<b>TOTAL ENGINEERING / SURVEYING COST</b>	<b><u>\$ 88,155</u></b>
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In addition, inspection services may also be provided at a lump sum cost of \$18,500. The timeline for design of this project is approximately 90 days, with project bidding and construction to follow during the summer and fall of 2013. The estimated total project cost for this transportation capital improvement project is approximately \$1,250,000.

**FISCAL IMPACT:** Funding in the amount of \$88,155 is available in account # 365-3400-531-6860, project #100971. This project was approved as part of the 2013 TCIP.

**ATTACHMENTS:**

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



## *Comprehensive Engineering Solutions, Inc.*

*319 S. First Street    Temple, TX 76504*  
*(254) 742-2050    (800) 646-9789    FAX (254) 742-2055*

---

February 11, 2013

Ms. Nicole Torralva, P.E.  
Director of Public Works  
City of Temple  
3210 E. Avenue H  
Temple, Texas 76501

Re: Proposal for Professional Services  
Widening of Pea Ridge Road from Hogan Road to Tarver Drive  
Temple, Bell County, Texas

Dear Ms. Torralva:

This letter describes the scope of engineering services required to widen Pea Ridge Road from Hogan Road to Tarver Drive. The road will be widened from two lanes to three lanes. The project will include a sidewalk as well as the intersection at Pea Ridge Road and Hogan Road. It is not known at this time if additional utility relocation or additional ROW and/or easements will be necessary. However, these costs are provided in this proposal.

### **Engineering**

- Design and preparation of plans and specifications for roadway and sidewalk      \$50,750.00
  - Prepare Plan and Profile of Roadway
  - Prepare Cross-sections of Roadway
  - Develop Street Classification
  - Prepare Plan and Profile of Sidewalk
  - Prepare Cross-section(s) of Sidewalk
  - Prepare Sealed Opinion of Probable Cost
  - Prepare Flood Plain Development Permit
  - Prepare Standard Details
  - Design with Standard Roadway Drainage Considerations
- Design and preparation of plans and specifications for utility relocation      \$7,500.00
  - Prepare Plan and Profile of Utilities
  - Prepare Standard Details
- Geotechnical Services      \$6,500.00
  - Provide Geotechnical Testing
  - Provide Minimum Pavement Design
- Bid Preparation      \$2,100.00
  - Prepare Technical Specifications
  - Develop Bid Quantities
  - Prepare Bid Schedule
  - Host Pre-Bid Meeting
  - Prepare Bid Tabulation

---

• Construction Administration	\$4,450.00
Host Pre-Construction Meeting	
Respond to Requests for Information	
Prepare Change Orders	
Evaluate Pay Estimates	
Respond to construction related issues	
• Record Drawings	\$500.00
• Plan Reproduction and Mylars	\$500.00
<b>Total Engineering Costs:</b>	<b>\$72,300.00</b>

**Surveying**

• Topographical Surveying	\$4,400.00
• Prepare legal description of easements (cost per tract with 8 max)	\$875.00
• Construction Staking	\$4,455.00
<b>Total Surveying Costs:</b>	<b>\$15,855.00</b>

<b><u>TOTAL PROJECT ENGINEERING/SURVEYING COST:</u></b>	<b><u>\$88,155.00</u></b>
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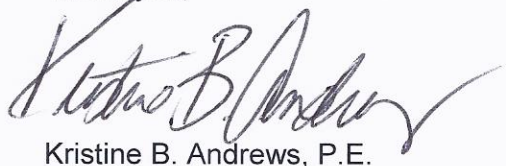
We can provide inspection services as an optional item for a lump sum of \$18,500.00. Such services would include site visits twice daily and weekly progress reports for the duration of construction.

Please note that any additional consulting services related to drainage but beyond the normal scope of services needed in street design (for example, a revised LOMR) are not included in this proposal.

We propose to complete this work within 90 days after Notice to Proceed has been issued. This is contingent upon the City taking only one week to review and approve draft Plans and Specifications.

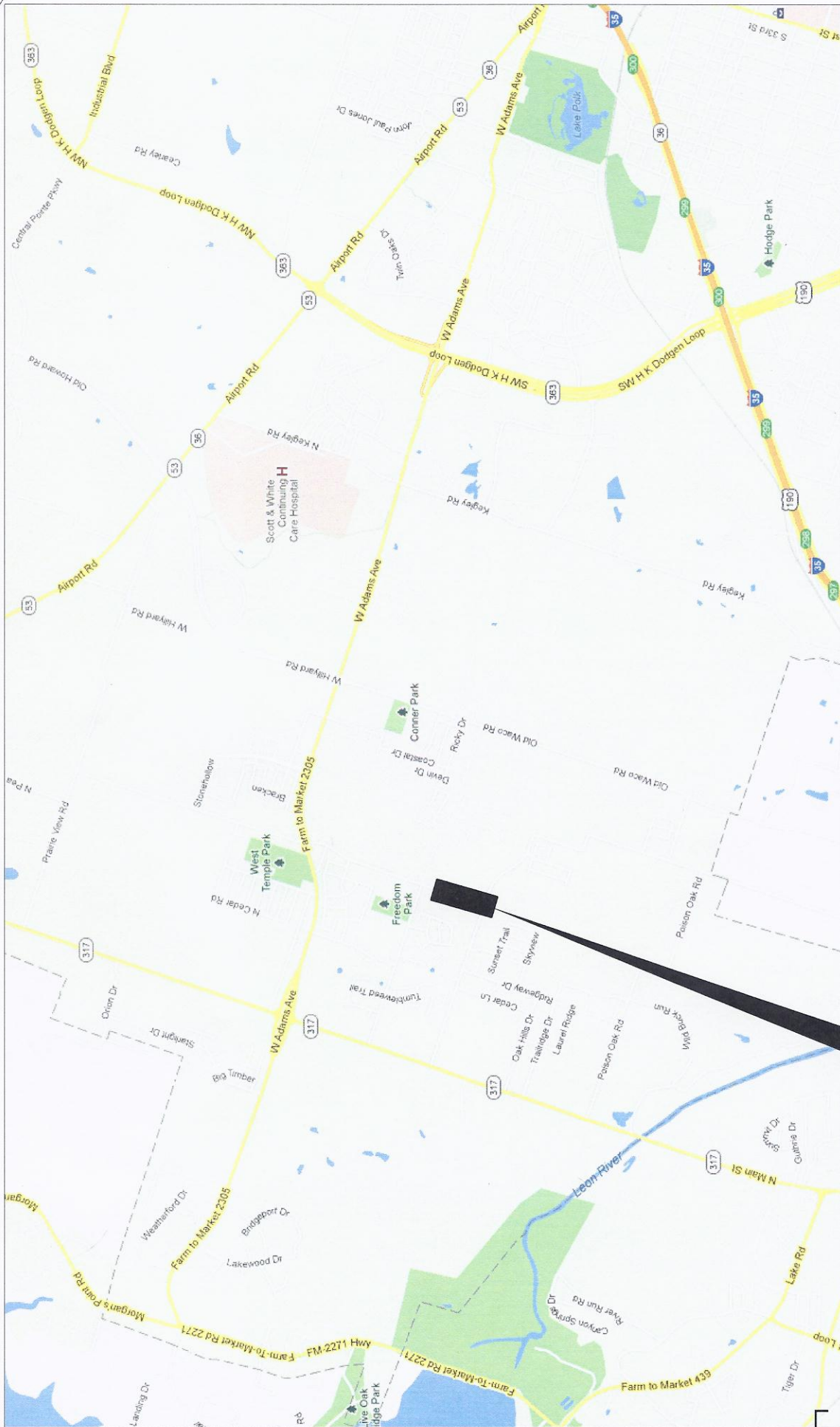
We appreciate the opportunity to provide this proposal and look forward to working on this project with you. If you should have any questions regarding this proposal, please call at (254) 742-2050, ext. 101.

Thank you,



Kristine B. Andrews, P.E.





**PROJECT LOCATION  
FROM TARVER DRIVE TO  
HOGAN ROAD**

Project No.: 13-1001 Sheet 1 of 2  
File Name: PROPOSAL.DWG Plot Date: 1/31/13

**WIDENING OF PEA RIDGE ROAD  
TEMPLE, BELL COUNTY, TEXAS**

**Comprehensive Engineering Solutions, Inc.**  
A Registered Engineering Firm, State of Texas, No. 1071  
319 South First Street, Suite A Temple, Texas 76504  
Voice: (254) 742-2050 Fax: (254) 742-2055



PROPOSED WIDENING FROM  
TARVER DRIVE TO HOGAN ROAD  
~1500 L.F.



*Kristine B. Andrews*  
2/1/13



SCALE OF FEET

Project No.: 13-1001	Sheet 2 of 2
File Name: PROPOSAL.DWG	Plot Date: 1/31/13
WIDENING OF PEA RIDGE ROAD TEMPLE, BELL COUNTY, TEXAS	
Comprehensive Engineering Solutions, Inc. A Registered Engineering Firm, State of Texas, No. 1071 319 South First Street, Suite A Temple, Texas 76504 Voice: (254) 742-2050 Fax: (254) 742-2055	



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH COMPREHENSIVE ENGINEERING SOLUTIONS, INC., OF TEMPLE, TEXAS, FOR PROFESSIONAL SERVICES REQUIRED FOR IMPROVEMENTS TO SOUTH PEA RIDGE ROAD FROM TARVER ROAD TO HOGAN ROAD, IN AN AMOUNT NOT TO EXCEED \$88,155; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City has adopted a Transportation Capital Improvement Program (TCIP) in which capacity and connectivity improvements to South Pea Ridge Road, south of Tarver Road are identified;

**Whereas**, this section of Pea Ridge Road is an existing 20 foot wide, two lane county type road that carries approximately 800 vehicles per day and is a direct route for subdivisions to the south to local schools – this portion of roadway was improved in 1998 to a four lane road that funnels down to this identified segment of roadway, now in poor condition;

**Whereas**, proposed improvements for this section of South Pea Ridge Road include reconstruction and expansion to a three lane collector roadway with sidewalk, enhancing connectivity and increasing capacity;

**Whereas**, the Staff recommends entering into a professional services agreement with Comprehensive Engineering Solutions, Inc., of Temple, Texas, for professional services, including design, surveying and construction administration required for improvements to South Pea Ridge Road from Tarver Road to Hogan Road;

**Whereas**, funding is available for this project in Account No. 365-3400-531-6860, Project No. 100971; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a professional services agreement, in an amount not to exceed \$88,155, with Comprehensive Engineering Solutions, Inc., of Temple, Texas, after approval as to form by the City Attorney, for professional services, including design, surveying and construction administration required for improvements to South Pea Ridge Road from Tarver Road to Hogan Road.

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

PASSED AND APPROVED this the **21<sup>st</sup>** day of **February**, 2013.

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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02/21/13  
Item #4(E)  
Consent Agenda  
Page 1 of 1

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

Ken Cicora, Parks and Leisure Services Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a contract with Premier Lawn Care of China Spring for mowing and maintenance services at several locations within the City of Temple, accepting bid items A-I and rejecting bid item J, in an estimated amount of \$68,521.50.

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

**ITEM SUMMARY:** Approval of this agreement will provide for mowing and planter bed maintenance services at several parks, trails, boulevards, rights-of-ways, throughout the City of Temple,

On February 5, 2013, the City of Temple received three bids for project. Bids ranged from a low of \$68,521.50 to a high of \$99,460 for the accepted bid elements with Premier Lawn Care submitting the low bid.

The Parks and Leisure Services Department has worked with Premier Lawn Care on mowing and maintenance projects in the past and has found them to be a very responsive and responsible contractor.

This will be a one year contract beginning on April 1, 2013 and ending on September 30, 2014 with the ability to extend this contract for four additional one-year periods, if agreeable to both parties.

Partial funding for this project is provided by the Temple Reinvestment Zone No. 1.

**FISCAL IMPACT:** Funds for this contract for mowing and maintenance services have been budgeted in account 110-3500-552-26-23.

### **ATTACHMENTS:**

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

**Tabulation of Bids Received  
on February 5, 2013 at 2:30 p.m.  
Mowing & Maintenance Services**

		Bidders					
		Heart of Texas Landscape & Irrigation Company, Inc. Belton, TX		Premier Lawn Care China Spring, TX		Resource Service Solutions, LLC Killeen, TX	
<b>A. PEPPER CREEK TRAIL</b>	Qty	Monthly Price	Yearly Price	Monthly Price	Yearly Price	Monthly Price	Yearly Price
Pepper Creek Trail - Mow, trim, edge (monthly from April to Nov)	8	\$590.00	\$4,720.00	\$690.00	\$5,520.00	\$220.00	\$1,760.00
<b>Total Yearly Price for Pepper Creek</b>		<b>\$4,720.00</b>		<b>\$5,520.00</b>		<b>\$1,760.00</b>	
Pepper Creek Trail - Mow, trim, edge (additional times from April-Nov)		\$295.00		\$345.00		\$220.00	
Pepper Creek Trail - Mow, trim, edge (as needed from Dec-Mar)		\$295.00		\$345.00		\$190.00	
<b>TOTAL FOR PEPPER CREEK</b>		<b>\$5,310.00</b>		<b>\$6,210.00</b>		<b>\$2,170.00</b>	
<b>B. AIRPORT PARK (32.11 acres plus ROW)</b>	Qty	Monthly Price	Yearly Price	Monthly Price	Yearly Price	Monthly Price	Yearly Price
Airport Park & Right of Way - Mow, trim, edge (monthly from April to Nov)	8	\$620.00	\$4,960.00	\$642.00	\$5,136.00	\$900.00	\$7,200.00
Airport Park & Right of Way - (Apr-Mar) Weeding the entrance planter every 2 weeks and mulch as needed	12	\$50.00	\$600.00	\$59.00	\$708.00	\$25.00	\$300.00
<b>Total Yearly Price for Airport Park &amp; Right of Way</b>		<b>\$5,560.00</b>		<b>\$5,844.00</b>		<b>\$7,500.00</b>	
Airport Park & Right of Way - Mow, trim, edge (as needed from Dec-Mar)		\$620.00		\$642.00		\$900.00	
<b>TOTAL FOR AIRPORT PARK &amp; RIGHT OF WAY</b>		<b>\$6,180.00</b>		<b>\$6,486.00</b>		<b>\$8,400.00</b>	
<b>C. OUTER LOOP II (FM 2305 TO SH36)</b>	Qty	Monthly Price	Yearly Price	Monthly Price	Yearly Price	Monthly Price	Yearly Price
Outer Loop Traffic Islands - Mow, trim, edge (once per week from April to Nov)	8	\$1,325.00	\$10,600.00	\$1,016.00	\$8,128.00	\$1,300.00	\$10,400.00
Outer Loop Right of Way - Mow, trim, edge (once per week from April to Nov)	8	\$1,360.00	\$10,880.00	\$300.00	\$2,400.00	\$1,300.00	\$10,400.00
Outer Loop Area 1,2 & 3 - Mow, trim, edge (monthly from April to Nov)	8	\$740.00	\$5,920.00	\$1,281.00	\$10,248.00	\$700.00	\$5,600.00
Outer Loop Planter Beds - Pull weeds (every 2 weeks from April to Mar)	12	\$50.00	\$600.00	\$70.00	\$840.00	\$25.00	\$300.00
<b>Total Yearly Price for Outer Loop</b>		<b>\$28,000.00</b>		<b>\$21,616.00</b>		<b>\$26,700.00</b>	
Outer Loop Traffic Islands - Mow, trim, edge (as needed from Dec-Mar)		\$330.00		\$508.00		\$300.00	
Outer Loop Right of Way - Mow, trim, edge (as needed from Dec-Mar)		\$340.00		\$150.00		\$305.00	
Outer Loop Area 1 - Mow, trim, edge (as needed from Dec-Mar)		\$320.00		\$560.00		\$300.00	
Outer Loop Area 2 - Mow, trim, edge (as needed from Dec-Mar)		\$220.00		\$394.00		\$205.00	
Outer Loop Area 3 - Mow, trim, edge (as needed from Dec-Mar)		\$220.00		\$319.00		\$205.00	
<b>TOTAL FOR OUTER LOOP</b>		<b>\$29,430.00</b>		<b>\$23,547.00</b>		<b>\$28,015.00</b>	

		Bidders					
		Heart of Texas Landscape & Irrigation Company, Inc. Belton, TX		Premier Lawn Care China Spring, TX		Resource Service Solutions, LLC Killeen, TX	
<b>D. OLD HOWARD RD (SH36 to Industrial)</b>	Qty	Monthly Price	Yearly Price	Monthly Price	Yearly Price	Monthly Price	Yearly Price
Old Howard Road Traffic Island - Mow, trim, edge (once per week from April to Nov)	8	\$1,100.00	\$8,800.00	\$480.00	\$3,840.00	\$995.00	\$7,960.00
Old Howard Road-Right of Way - Mow, trim, edge (once per week from April to Nov)	8	\$905.00	\$7,240.00	\$316.00	\$2,528.00	\$795.00	\$6,360.00
Old Howard Road-Planter Beds - Pull weeds (every 2 weeks from Apr to Mar) Planting as instructed	12	\$275.00	\$3,300.00	\$160.00	\$1,920.00	\$235.00	\$2,820.00
<b>Total Yearly Price for Old Howard Road</b>		<b>\$19,340.00</b>		<b>\$8,288.00</b>		<b>\$17,140.00</b>	
Old Howard Road Traffic Islands - Mow, trim, edge (as needed from Dec-Mar)		\$265.00		\$120.00		\$250.00	
Old Howard Road Right of Way - Mow, trim, edge (as needed from Dec-Mar)		\$225.00		\$79.00		\$195.00	
<b>TOTAL FOR OLD HOWARD ROAD</b>		<b>\$19,830.00</b>		<b>\$8,487.00</b>		<b>\$17,585.00</b>	
<b>E. CONNER PARK</b>	Qty	Monthly Price	Yearly Price	Monthly Price	Yearly Price	Monthly Price	Yearly Price
Conner Park & Drainage Channel - Mow, trim, edge (every two weeks from April to Nov)	8	\$600.00	\$4,800.00	\$240.00	\$1,920.00	\$240.00	\$1,920.00
Conner Park Detention Pond - Mow (monthly from April-Nov)	8	\$85.00	\$680.00	\$55.00	\$440.00	\$65.00	\$520.00
<b>Total Yearly Price for Conner Park</b>		<b>\$5,480.00</b>		<b>\$2,360.00</b>		<b>\$2,440.00</b>	
Conner Park & Drainage Channel - Mow, trim, edge (as needed from Dec-Mar)		\$300.00		\$120.00		\$240.00	
Conner park Detention Pond - Mow (as needed from Dec-Mar)		\$45.00		\$55.00		\$65.00	
<b>TOTAL FOR CONNER PARK</b>		<b>\$5,825.00</b>		<b>\$2,535.00</b>		<b>\$2,745.00</b>	
<b>F. FRIAR'S CREEK TRAIL (S. 5th to S&amp;W Blvd)</b>	Qty	Monthly Price	Yearly Price	Monthly Price	Yearly Price	Monthly Price	Yearly Price
Friar's Creek Trail - Mow, trim, edge (twice monthly April -Nov)	8	\$375.00	\$3,000.00	\$360.00	\$2,880.00	\$540.00	\$4,320.00
Friar's Creek Trail Water Feature Area - Mow, trim, edge (twice monthly April- Nov)	8	\$200.00	\$1,600.00	\$240.00	\$1,920.00	\$95.00	\$760.00
Friar's Creek Trail - Planter Areas - Pull weeds (every 2 weeks and mulch as needed)	12	\$150.00	\$1,800.00	\$240.00	\$2,880.00	\$65.00	\$780.00
<b>Total Yearly Price for Friar's Creek Trail</b>		<b>\$6,400.00</b>		<b>\$7,680.00</b>		<b>\$5,860.00</b>	
Friar's Creek Trail - Mow, trim, edge (as needed from April-Nov)		\$190.00		\$300.00		\$540.00	
Friar's Creek Trail - Mow, trim, edge (as needed from Dec-Mar)		\$190.00		\$300.00		\$540.00	
<b>TOTAL FOR FRIAR'S CREEK TRAIL</b>		<b>\$6,780.00</b>		<b>\$8,280.00</b>		<b>\$6,940.00</b>	
<b>G. S. 1ST STREET (TC ped bridge to TC Apts)</b>	Qty	Monthly Price	Yearly Price	Monthly Price	Yearly Price	Monthly Price	Yearly Price
South 1st Street Landscaping (Traffic Islands) - Mow, trim, edge (once a week April - Nov)	8	\$120.00	\$960.00	\$240.00	\$1,920.00	\$250.00	\$2,000.00
South 1st Street Landscaping (Right of Way) - Mow, trim, edge (once a week April - Nov)	8	\$120.00	\$960.00	\$160.00	\$1,280.00	\$190.00	\$1,520.00
South 1st Street Landscaping (Planter Areas) - Weeding (every 2 weeks and mulch as needed)	12	\$80.00	\$960.00	\$72.00	\$864.00	\$35.00	\$420.00

				Bidders			
		Heart of Texas Landscape & Irrigation Company, Inc. Belton, TX		Premier Lawn Care China Spring, TX		Resource Service Solutions, LLC Killeen, TX	
<b>Total Yearly Price for South 1st Street Landscaping</b>		<b>\$2,880.00</b>		<b>\$4,064.00</b>		<b>\$3,940.00</b>	
South 1st Street Landscaping (Traffic Islands & ROW) - Mow, trim, edge (as needed from Dec-Mar)		\$85.00		\$100.00		\$440.00	
<b>TOTAL FOR SOUTH 1st STREET LANDSCAPING</b>		<b>\$2,965.00</b>		<b>\$4,164.00</b>		<b>\$4,380.00</b>	
<b>H. BEND O' THE RIVER (30 acres)</b>	<b>Qty</b>	<b>Monthly Price</b>	<b>Yearly Price</b>	<b>Monthly Price</b>	<b>Yearly Price</b>	<b>Monthly Price</b>	<b>Yearly Price</b>
Bend of the River (Open Areas) - Mow, trim (twice monthly April-Nov)	16	\$500.00	\$8,000.00	\$360.00	\$5,760.00	\$900.00	\$14,400.00
Bend of the River (Area Around House) - Mow, trim, edge (twice monthly April-Nov)	16	\$30.00	\$480.00	\$27.50	\$440.00	\$35.00	\$560.00
<b>Total Yearly Price for Bend of the River</b>		<b>\$8,480.00</b>		<b>\$6,200.00</b>		<b>\$14,960.00</b>	
Bend of the River (Open Areas) - Mow, trim (as needed Dec-Mar)		\$625.00		\$360.00		\$900.00	
Bend of the River (Area Around House) - Mow, trim, edge (as needed Dec-Mar)		\$35.00		\$27.50		\$35.00	
<b>TOTAL FOR BEND OF THE RIVER</b>		<b>\$9,140.00</b>		<b>\$6,587.50</b>		<b>\$15,895.00</b>	
<b>I. I-35 &amp; S. LOOP 363 PAMPAS GRASS</b>	<b>Qty</b>	<b>Monthly Price</b>	<b>Yearly Price</b>	<b>Monthly Price</b>	<b>Yearly Price</b>	<b>Monthly Price</b>	<b>Yearly Price</b>
Pampas Grass Planter Areas - weeded monthly	12	\$500.00	\$6,000.00	\$100.00	\$1,200.00	\$750.00	\$9,000.00
Pampas Grass Planter Areas - pampas grass cut back and debris hauled off in January	1	\$8,000.00	\$8,000.00	\$1,025.00	\$1,025.00	\$750.00	\$750.00
<b>Total Yearly Price for Pampas Grass Planter Areas</b>		<b>\$14,000.00</b>		<b>\$2,225.00</b>		<b>\$9,750.00</b>	
<b>J. 24TH STREET OVERPASS SLOPES</b>	<b>Qty</b>	<b>Monthly Price</b>	<b>Yearly Price</b>	<b>Monthly Price</b>	<b>Yearly Price</b>	<b>Monthly Price</b>	<b>Yearly Price</b>
24th Street Overpass - mow trim (twice monthly April -Jun)	3	\$576.00	\$1,728.00	No Bid		\$750.00	\$2,250.00
24th Street Overpass - mow trim (monthly July -Nov)	5	\$288.00	\$1,440.00	No Bid		\$750.00	\$3,750.00
<b>Total Yearly Price for 24th Street Overpass</b>		<b>\$3,168.00</b>		<b>No Bid</b>		<b>\$6,000.00</b>	
<b>TOTAL OF ALL LOCATIONS (including Extra/" As Needed" Work at 1 time each)</b>		<b>\$102,628.00</b>		<b>\$68,521.50</b> excluding Sect J		<b>\$101,880.00</b>	
Acknowledge Addendum		Yes		Yes		Yes	
Exceptions		All Locations or None		All Locations or None		None	
Bid Bond (required at bid opening in the amount of \$5,000)		Cashiers Check		Cashiers Check		No	
Local Preference		No		No		No	
Credit Check Authorization Form		Yes		Yes		Yes	

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

*Belinda Matthe*

Belinda Matthe, Director of Purchasing

*5-Feb-13*

Date

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

Bidders		
Heart of Texas Landscape & Irrigation Company, Inc. Belton, TX	Premier Lawn Care China Spring, TX	Resource Service Solutions, LLC Killeen, TX

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH PREMIER LAWN CARE OF CHINA SPRING, TEXAS FOR MOWING AND MAINTENANCE SERVICES AT SEVERAL LOCATIONS WITHIN THE CITY OF TEMPLE, IN AN ESTIMATED AMOUNT OF \$68,521.50; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on February 5, 2013, the City received three bids for mowing and maintenance services at several parks, trails, boulevards and rights-of-way throughout the City of Temple, as follows:

- Pepper Creek Trail = \$6,210 per year
- Airport Park = \$6,486 per year
- Outer Loop II = \$23,547 per year
- Old Howard Road = \$8,487 per year
- Conner Park = \$2,535 per year
- Friar's Creek Trail = \$8,280 per year
- South 1<sup>st</sup> Street = \$4,164 per year
- Bend O' the River = \$6,587.50 per year
- I-35 & South 363 Pampas Grass = \$2,225 per year
- 24<sup>th</sup> Street Overpass Slopes = \$2,225 per year

**Whereas**, staff recommends accepting the bid from Premier Lawn Care in the estimated amount of \$68,521.50 – staff has done business with Premier Lawn Care in the past and finds them to a very responsive and responsible vendor;

**Whereas**, funds are available in Account No. 110-3500-552-2623; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a contract with Premier Lawn Care of China Spring, Texas, after approval as to form by the City Attorney, in an estimated amount of \$68,521.50, for mowing and maintenance services at several parks, trails, boulevards and rights-of-way throughout the City of Temple, as follows: in an estimated amount of \$68,521.50



- Pepper Creek Trail = \$6,210 per year
- Airport Park = \$6,486 per year
- Outer Loop II = \$23,547 per year
- Old Howard Road = \$8,487 per year
- Conner Park = \$2,535 per year
- Friar's Creek Trail = \$8,280 per year
- South 1<sup>st</sup> Street = \$4,164 per year
- Bend O' the River = \$6,587.50 per year
- I-35 & South 363 Pampas Grass = \$2,225 per year
- 24<sup>th</sup> Street Overpass Slopes = \$2,225 per year

**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 **21<sup>st</sup>** day of **February**, 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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02/21/13  
Item #4(F)  
Consent Agenda  
Page 1 of 2

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

Brynn Myers, Director of Administrative Services  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a contract with RNDI Companies, Inc. of Rockwall for asbestos abatement services needed in the former Police and Municipal Court buildings in the amount of \$49,996.

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

**ITEM SUMMARY:** Included in the Reinvestment Zone's Project Plan is a project to redevelop the block north of the Santa Fe Railroad & Heritage Museum, currently occupied by the former Police Facility, the former Municipal Court, and the Police Special Investigations Unit. Asbestos surveys were completed by Austin Environmental, Inc. on the three (3) structures in 2012. The asbestos reports indicate that the former Police Facility and former Municipal Court Facility both have asbestos containing materials that have to be abated prior to any demolition activities.

As shown on the attached Bid Tabulation, on February 7, 2013, eight (8) bids were received for the asbestos abatement work. The low bidder is RNDI Companies, Inc. of Rockwall, Texas. Based on credential verification performed by Austin Environmental, staff finds no reason not to recommend RNDI for the work.

Staff is recommending that Austin Environmental, Inc. be engaged to provide the on-site asbestos consulting and air monitoring services that are required whenever asbestos abatement activities are needed. Austin Environmental prepared the asbestos survey and design services related to the asbestos abatement project. Accordingly, staff believes that they are the most qualified to provide this professional service. Austin Environmental has proposed a price not to exceed \$19,900, which is based on 33 estimated work days. Austin Environmental's fee will be reduced by \$500 for each day that the asbestos abatement can be completed under the 33 days.

It is anticipated that the asbestos abatement work will begin mid-March 2013.

**FISCAL IMPACT:** Funding in the amount of \$250,000 is designated in the Reinvestment Zone account 795-9500-531-2631 for demolition activities related to this project.

**ATTACHMENTS:**

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

**Tabulation of Bids Received  
on February 7, 2013 at 2:00 p.m.  
Asbestos Abatement of Former Police and Municipal Court Buildings  
Bid# 95-01-13**

	<b>Bidders</b>			
	AAR Incorporated Liberty Hill, TX	Horsley Specialties Inc. Dallas, TX	<b>RNDI Companies Inc. Rockwall, TX</b>	Empire Environmental Group Balch Springs, TX
<b>Description</b>				
Base Bid	\$84,700.00	\$55,562.00	<b>\$49,996.00</b>	\$68,809.00
Bid Bond	5%	5%	5%	5% not on our form
Bond Requirement Affidavit	Yes	Yes	Yes	Yes
Credit Check Authorization	Yes	No	Yes	Yes

	<b>Bidders</b>			
	Sisk-Robb Inc. Leander, TX	ARC Abatement Waco, TX	1 Priority Environmental Inc. Ft. Worth, TX	Building Abatement Demolition (BAD) Company Liberty Hill, TX
<b>Description</b>				
Base Bid	\$78,399.60	\$62,250.00	\$148,883.00	\$58,000.00
Bid Bond	5%	5%	5%	5%
Bond Requirement Affidavit	Yes	Yes	Yes	Yes
Credit Check Authorization	Yes	Yes	Yes	Yes

*Highlighted Bid is  
Recommended for  
Council Approval*

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

*Belinda Mattke*

*7-Feb-13*

Belinda Mattke, Director of Purchasing

Date

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH RNDI COMPANIES, INC., OF ROCKWELL, TEXAS FOR ASBESTOS ABATEMENT SERVICES NEEDED IN THE FORMER POLICE AND MUNICIPAL COURT BUILDINGS, IN THE AMOUNT OF \$49,996; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, included in the Reinvestment Zone's Project Plan is a project to redevelop the block north of the Santa Fe Railroad & Heritage Museum, currently occupied by the former Police facility, the former Municipal Court, and the Police Special Investigations Unit;

**Whereas**, asbestos surveys were completed on the three structures and the report indicates that the former Police facility and the former Municipal Court facility both have asbestos containing materials which must be abated prior to any demolition activities;

**Whereas**, Austin Environmental performed the asbestos survey and design services related to the abatement process and based on credential verification, staff recommends using the services of RNDI Companies, Inc., of Rockwell, Texas to perform the asbestos abatement in both the former Police and former Municipal Court facilities;

**Whereas**, funds are budgeted in Reinvestment Zone Account No. 795-9500-531-2631 for this expenditure; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a contract with RNDI Companies, Inc., of Rockwell, Texas, after approval as to form by the City Attorney, for asbestos abatement in both the former Police and former Municipal Court facilities, which have asbestos containing materials which must be abated prior to any demolition activities, in the amount of \$49,996.

**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 **21<sup>st</sup>** day of **February**, 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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02/21/13  
Item #4(G)  
Consent Agenda  
Page 1 of 2

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

Brynn Myers, Director of Administrative Services  
Ashley Williams, Sustainability and Grant Manager

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of furniture for Planning and Development Services and Parks and Leisure Services Administration from Perry Office Plus, utilizing a State TXMAS contract in the amount of \$59,742.15.

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

**ITEM SUMMARY:** Construction of the remodeled space in City Hall for the Community Services offices is scheduled to be completed end-of April 2013 and Parks and Leisure Services offices should be completed end-of May 2013. Included in the original budget for the remodeled spaces was funding to acquire new furniture.

The proposed furniture purchase will furnish the majority of areas with new furniture, replacing broken and mismatched furniture with new pieces that optimizes the remodeled spaces. A summary of the proposed furniture purchases is as follows:

- Conference Tables – 3
- Conference Chairs – 44
- Desk – 15
- Desk Chairs - 18
- Drafting Tables - 7
- Guest Chairs – 33
- File Cabinets – 22
- Keyboard Platform – 1
- Tack Boards - 11
- Task Stools – 3
- Task Light – 10

Staff is recommending that the furniture purchase be made through Perry Office Plus, utilizing a Texas Multiple Award Schedule (TXMAS) contract. The purchase includes furniture, delivery and installation.

**FISCAL IMPACT:** Facility rehabilitation funds remaining from the 2008 Certificate of Obligation bond issue have been identified as a source of funding for this acquisition. These funds are available in account 361-2400-519-6807, project #100925.

The breakdown by division of the proposed furniture purchase is as follows:

Community Services:	\$52,200.58
Parks and Leisure Services:	\$7,541.57

**ATTACHMENTS:**

[Resolution](#)



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF FURNITURE FOR THE COMMUNITY SERVICES AND PARKS AND LEISURE SERVICES ADMINISTRATION OFFICES FROM PERRY OFFICE PLUS OF TEMPLE, TEXAS, UTILIZING A STATE TXMAS CONTRACT, IN THE AMOUNT OF \$59,742.15; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, construction of the remodeled space in City Hall for the Community Services offices is scheduled to be completed by the end of April, 2013 and the Parks and Leisure Services Administration offices should be completed by the end of May, 2013;

**Whereas**, included in the original budget for these remodeled spaces was funding to acquire new furniture – the furniture purchase will furnish the majority of areas with new furniture, replacing broken and mismatched furniture with new pieces that optimizes the remodeled spaces;

**Whereas**, staff recommends that the furniture purchase, delivery and installation be made through Perry Office Plus of Temple, Texas, utilizing a State TXMAS contract, in the amount of \$59,742.15;

**Whereas**, funds are available in Account No. 361-2400-519-6807, Project No. 100925, 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 furniture for the remodeled Community Services and Parks and Leisure Services office, utilizing a State TXMAS Contract, in the amount of \$59,742.15.

**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 **21<sup>st</sup>** day of February, 2013.

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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02/21/13  
Item #4(H)  
Consent Agenda  
Page 1 of 5

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

Autumn Speer, Director of Planning and Development

**ITEM DESCRIPTION:** SECOND READING - Z-FY-13-07: Consider adopting an ordinance authorizing a rezoning from Planned Development – Office Two (PD-O2) district to General Retail (GR) district on 1.010 ± acres of land situated in the Maximo Moreno Survey, Abstract No.14, Bell County, Texas being a part of land described as Lot 2, Block 1, Country Lane Addition, Phase II, recorded in Cabinet D, Slide 196-B, plat records of Bell County, Texas, located at 1497 Country View Lane.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At its January 7, 2013 meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation to recommend approval of the zone change from Planned Development - Office Two (PD-O2) district to General Retail (GR) district.

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

Based on the following discussion, staff recommends approval of this request for a zone change from “PD-O2” to “GR” for the following reasons:

1. The proposed use is contiguous to an existing “GR” zoned property,
2. The applicant is requesting the “GR” zoning to expand an existing convenience store which is zoned “GR” and,
3. The convenience store with fuel sales would only be allowed in the T5-e transect zone of Temple Medical Education District (TMED), which permits fuel sales only on 31<sup>st</sup> Street.

**ITEM SUMMARY:** The developer requests this rezoning to allow the expansion of an existing convenience store. According to the City of Temple Comprehensive Plan / Future Land Use Plan, the subject property is within the designated Temple Medical Education District (TMED). The district encompasses an area intended for transformation overtime. The objective for this area is to create an “urban village” feel as areas are intended to develop or redevelop into a “mixed-use” setting. The various transect zones of TMED permit a host of uses and site development standards that have been specifically selected for compatibility with the development character and future plans for that specific zone. Although retail sales are permitted in most of the transect zones of TMED, only the T5-e transect zone permits fuel sales and only on 31<sup>st</sup> Street.

Although the TMED would be the preferred zoning designation to achieve consistency between zoning and the Future Land Use Map, the proposed zone change is contiguous to an existing “GR” zoned property and is subject to limitations set forth in Section 5.3.21 of the Unified Development Code establishing setback standards for pump and canopy setbacks. The “GR” District is the standard retail zoning district and allows most commercial uses intended to serve larger service areas.

**SURROUNDING PROPERTY AND USES:** The following table shows the subject property, existing zoning and current land uses:

Direction	Zoning	Current Land Use	Photo
Subject Property	PD - O2	Vacant	
North	PD-O2	Vacant	

South Across SE H.K. Dodgen Loop	LI	Bethel Assembly of God Church
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East (Adjacent to subject property.)	GR	Convenienc e Store
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East (East across S. Martin Luther King Jr. Dr.)	C	Vacant
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Direction	Zoning	Current Land Use	Photo
West	PD-O2	The Grand Reserve A Senior Housing Complex	

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

CP	Map 3.1 - Future Land Use and Character (FLUP)	Temple Medical Education District. This encompasses an area to the north, west and south of the subject property. Auto-Urban commercial is identified to the east across South Martin Luther King Jr. Dr.	N
CP	Map 5.2 - Thoroughfare Plan	The subject property has frontage on Southeast H.K. Dodgen Loop, a Major Thoroughfare, to the south and Country View Ln. to the north and Country Lane Dr. – both built as Local Streets.	Y
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	The subject property is served by an 8" sewer line and a 6" water line fronting the property along Southeast H.K. Dodgen Loop. Additional water and sewer lines are available in County View Lane and Country Lane Drive.	Y
STP	Temple Trails Master Plan Map & sidewalks	The Master Plan Map has identified a proposed local connector trail at S. Martin Luther King Jr. Dr. No trails were identified within or adjacent to the subject property.	Y

CP = Comprehensive Plan      STP = Sidewalk and Trails Plan

**DEVELOPMENT REGULATIONS:** The subject property is located west of the intersection of Southeast H.K. Dodgen Loop, a Major Thoroughfare, and South Martin Luther King Jr. Dr, a Minor Arterial on the Thoroughfare Plan. Sufficient capacity exists for the proposed expansion of the use. The proposed "GR" zoning is subject to the following limitations:

### **5.3.21. Fuel Sales**

A fuel sales establishment may be permitted in accordance with the Use Table in Section 5.1 provided that pump islands must be setback a minimum of 12 feet from the front property line. The outer edge of the canopy must be set back a minimum of 10 feet from the property line. On corner lots, both street exposures must be treated as front yards.

Additionally, any development that increases site intensity by 100% or more to include paved surface or square footage for nonresidential development would trigger landscaping requirements under the general development standards established in the Unified Development Code.

Sufficient utilities are in place to accommodate the proposed expansion of the property. The subject property is served by an 8" sewer line and a 6" water line fronting the property along Southeast H.K. Dodgen Loop. Additional water and sewer lines are provided in County View Lane and Country Lane Drive.

**PUBLIC NOTICE:** Seven notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Wednesday January 2, 2013 at 12:00 PM, three notices were returned in support of the proposed change of zoning.

The newspaper printed notice of the Planning and Zoning Commission public hearing on December 27, 2012, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

### **ATTACHMENTS:**

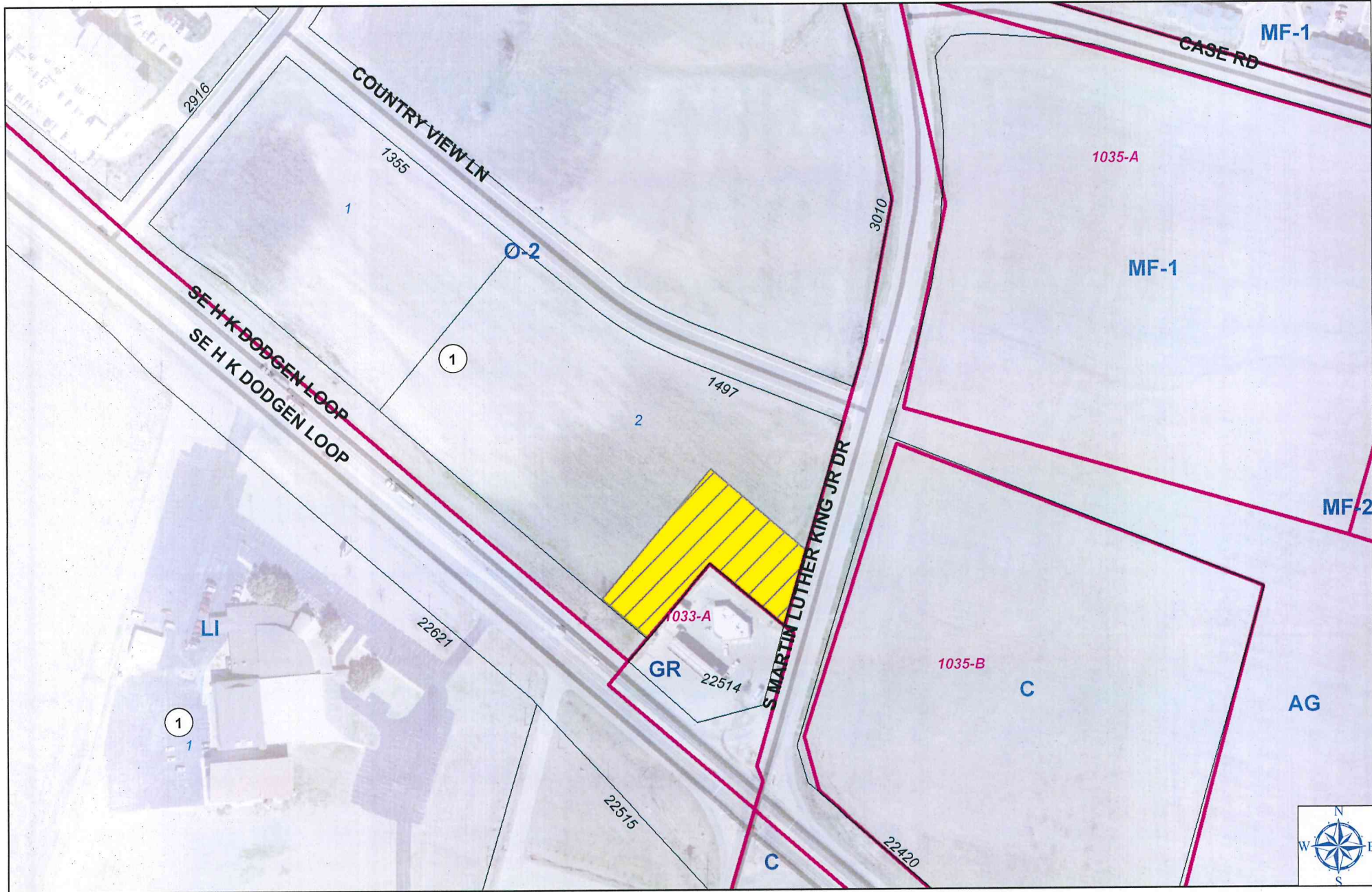
[Zoning and Location Map](#)  
[Future Land Use and Character Map](#)  
[Notification Map](#)  
[Returned Property Owner Responses](#)  
[P&Z Excerpts](#)  
[Ordinance](#)



Z-FY-13-07

# Zoning and Location Map Zone Change from PD-O2 to GR

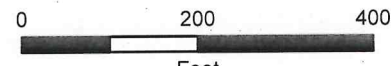
1497 Country View Lane



 Case  Zoning

Outblock Number  
1234-A  
Address 1234

Block Number ①  
Lot Number 1



1/3/2013  
City of Temple GIS

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.





Z-FY-13-07

# Future Land Use Map Zone Change PD-O2 to GR

1497 Country View Lane



## Future Land Use

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

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.

1/3/2013  
City of Temple, GIS

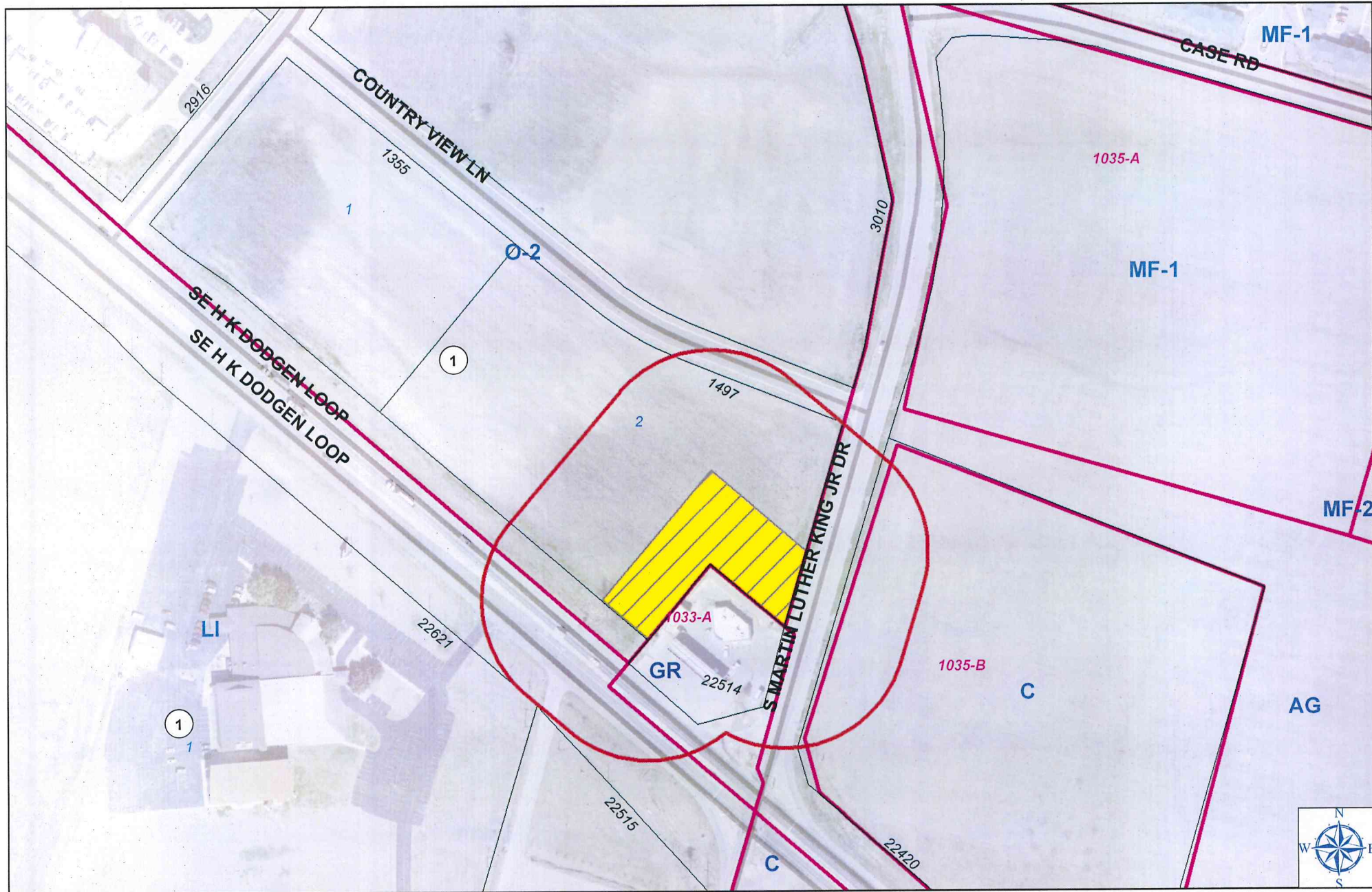




Z-FY-13-07

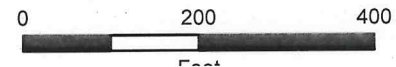
# Notification Map Zone Change from PD-O2 to GR

1497 Country View Lane



 Case  
 Zoning  
 Buffer\_200  
1234-A Outblock Number  
1234 Address

① Block Number  
1 Lot Number



1/3/2013  
City of Temple GIS

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.



RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

Fikes Wholesale Inc.  
P.O. Box 127  
Temple, Texas 76503-1287

Zoning Application Number: Z-FY-13-07

Project Manager: Mark Baker

Location: 1497 Country View Lane

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

I recommend ☒ approval ☐ denial of this request.

Comments:

Additional retail is needed in this area.

Raymond W. Smith / President  
Signature

Raymond W. Smith  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 7, 2013

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

**RECEIVED**

DEC 28 2012

City of Temple  
Planning & Development

Number of Notices Mailed: 7

Date Mailed: December 21, 2012





RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

Two Country Lane-Temple Ltd  
1005 Shady River CT N  
Benbrook, Texas 76126

Zoning Application Number: Z-FY-13-07

Project Manager: Mark Baker

Location: 1497 Country View Lane

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

I recommend ☒ approval ( ) denial of this request.

Comments:

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*Kenneth H. Ditcher*

Signature

12-26-12

*Kenneth H. Ditcher*

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 7, 2013

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

RECEIVED

DEC 31 2012

City of Temple  
Planning & Development

Number of Notices Mailed: 7

Date Mailed: December 21, 2012



RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

The Grand Reserve-Temple Ltd  
1005 Shady River CT N  
Benbrook, Texas 76126

Zoning Application Number: Z-FY-13-07

Project Manager: Mark Baker

Location: 1497 Country View Lane

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

I recommend ( ☒ ) approval ( ) denial of this request.

Comments:

An expanded, nice Convenience store is needed  
in the area.

Kenneth H. Mitchell

Signature

Kenneth H. Mitchell

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 7, 2013

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

RECEIVED

DEC 31 2012

City of Temple  
Planning & Development

Number of Notices Mailed: 7

Date Mailed: December 21, 2012

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, JANUARY 7, 2013**

**ACTION ITEMS**

**Item 4: Z-FY-13-07:** Hold a public hearing to consider and recommend action on a zone change from Planned Development (Office Two) District (PD-O2) to General Retail (GR) District on 1.010 ± acres of land situated in the Maximo Moreno Survey, Abstract No. 14, Bell county, Texas and being a part of land described as Lot 2, Block 1, Country Lane Addition, Phase II, recorded in Cabinet D, Slide 196-B, plat records of Bell County, Texas, located at 1497 Country View Lane.

Mr. Baker stated the subject property was located west of the northwest corner of Martin Luther King, Jr. Drive and SE HK Dodgen Loop and the applicant is Kenneth Mitchell.

The requested General Retail (GR) would add approximately over one acre to the existing GR property to the east and allow for an expansion for an existing convenience store.

Surrounding properties include Bethel Assembly of God Church to the south, an existing Shell Fuel Station and convenience store to the east (subject for the expansion), undeveloped Planned Development -Office-Two (PD-O-2) to the north, and The Grand Reserve to the west.

The Thoroughfare Plan designates HK Dodgen Loop as a major thoroughfare and MLK as a minor arterial. Sufficient capacity exists on both of the proposed roads for the expansion and use.

Sufficient utilities are in place to accommodate the property and the property is served by an eight inch sewer line and a six inch water line fronting the property along SE HK Dodgen Loop.

The Future Land Use and Character Map designate the areas within the Temple Medical Education District (TMED) and TMED permits many retail sales and retail service uses including food and beverage sales. TMED is the preferred or ideal zoning designation to achieve consistency between zoning and the Future Land Use and Character Map; however, the proposed zone change is contiguous to an existing GR zoned property. Staff is in support of the request for the reasons stated in the recommendation below.

Seven notices were mailed with three returned in favor of the request.

Staff recommends approval of this request from PD-O-2 to GR for the following reasons:

1. The proposed zone change is contiguous to an existing "GR" zoned property.
2. The request is to expand the existing "GR" zoned convenience store.
3. Limited development potential exists on the acreage being considered.

Mr. Baker stated no comments have been received from the churches in the area.

Chair Staats opened the public hearing.

There being no speakers, the public hearing was closed.

Vice-Chair Sears made a motion to approve Item 4, Z-FY-13-07, and Commissioner Jones made a second.

*Motion passed: (7:0)*

Commissioners Martin and Harrell absent

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

(PLANNING NO. Z-FY-13-07)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM PLANNED DEVELOPMENT – OFFICE TWO (PD-02) DISTRICT TO GENERAL RETAIL (GR) DISTRICT ON APPROXIMATELY 1.010 ACRES OF LAND SITUATED IN THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, BELL COUNTY, TEXAS, LOCATED AT 1497 COUNTRY VIEW LANE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1:** The City Council approves a permanent zoning from Planned Development – Office Two (PD-02) District to General Retail (GR) District on approximately 1.010 acres of land situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, being a part of land described as Lot 2, Block 1, Country Lane Addition, Phase II, recorded in Cabinet D, Slide 196-B, plat records of Bell County, Texas, located at 1497 Country View Lane, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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



PASSED AND APPROVED on First Reading and Public Hearing on the 7<sup>th</sup> day of **February**, 2013.

PASSED AND APPROVED on Second Reading on the 19<sup>th</sup> day of **February**, 2013.

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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02/21/13  
Item #4(I)  
Consent Agenda  
Page 1 of 5

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

Autumn Speer, Director of Planning and Development

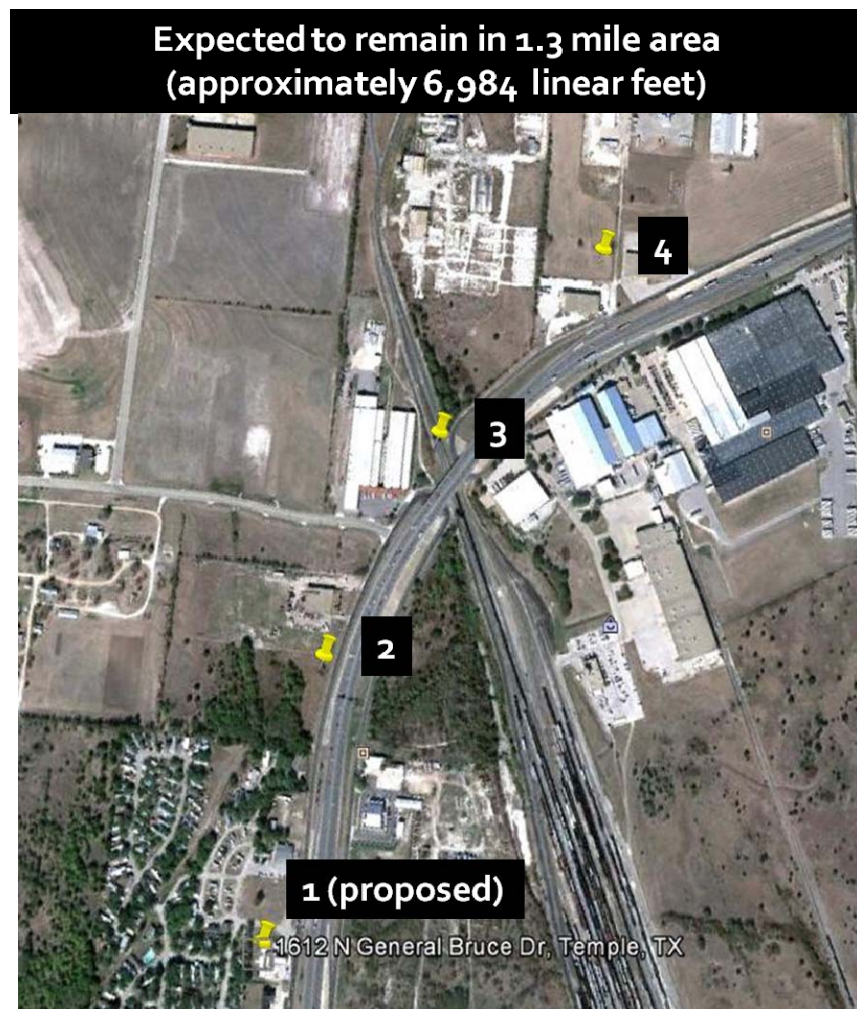
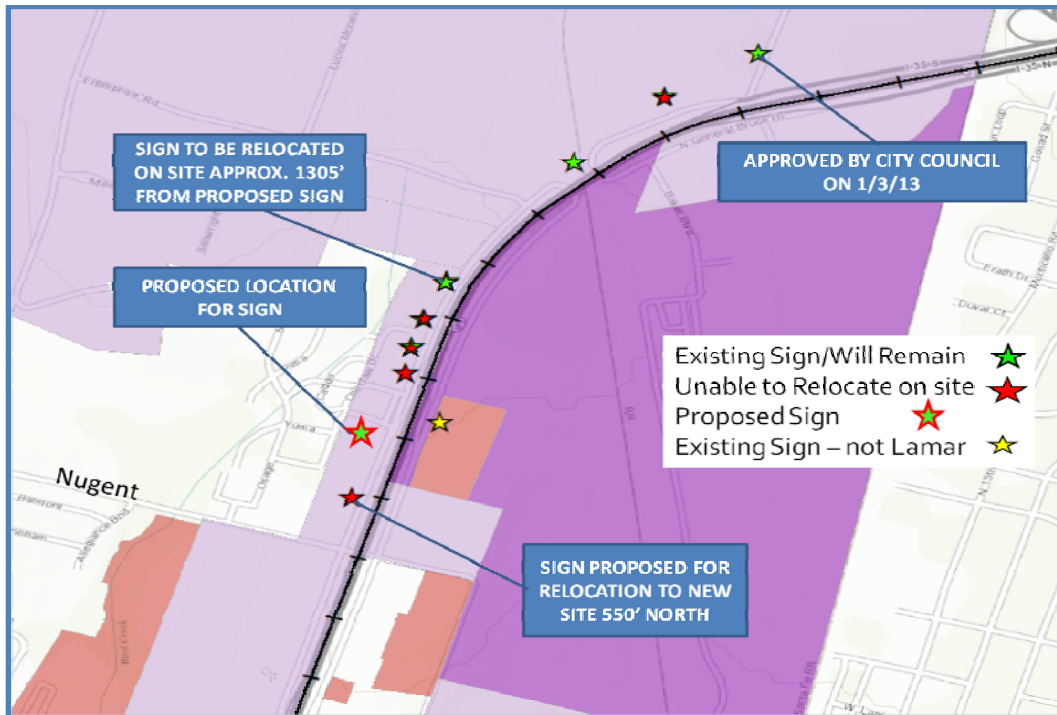
**ITEM DESCRIPTION:** SECOND READING - Z-FY-13-08: Consider adopting an ordinance authorizing a Conditional Use Permit to allow an off-premise sign relocation closer than 1,500 feet from another off-premise sign at 1612 North General Bruce Drive.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** At its January 7, 2013 meeting, the Planning and Zoning Commission voted 7/0 (Commissioners Martin and Harrell absent) in accordance with staff recommendation to recommend approval of the Conditional Use Permit to allow for decreased spacing between off-premise signs.

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

Staff recommends approval of the requested Conditional Use Permit. Based on current City spacing requirements of 1,500', this area - approximately 1.3 miles (approx 6,984 linear feet) from West Nugent Avenue to Industrial Blvd. - should not exceed 4-5 billboards on each side if an average spacing were calculated. Currently, the west side of I-35 (of this 1.3 mile area) has eight off-premise signs. **Three** of those signs are expected to locate on site or within the immediate area maintaining a presence along I-35 at the same approximate locations. One off-premise sign has already been approved for a CUP approximately 4,300' from the proposed location but within the 1.3 mile area between Nugent and Industrial Blvd. The east side of I-35 has one off-premise sign within the focus area.

The proposed sign location would place a new sign approximately 1,305' from the closest off-premise sign to the north and approximately 3,174' from the closest off-premise sign to the south. Although the proposed sign would be within 1500' of an existing sign that is expected to remain, the overall number of signs for this 1.3 mile area is expected to decrease by four, eliminating some existing clustering in this general location and keeping within an acceptable number of signs for this area. Based on average spacing calculations and the number of signs expected to remain in this general area, additional requests to relocate signs (that do not meet spacing requirements) to this area would not likely receive a favorable recommendation from staff. Below is a summary of the number of signs expected to remain (including sign proposed) in the approximate 1.3 mile area from Nugent to Industrial Blvd.



**ITEM SUMMARY:** The Unified Development Code (UDC) limits the number of off-premise signs to the number of signs in existence on March 7, 2002. The UDC provides standards for the erection of replacement signs and for sign relocations necessitated by Texas Department of Transportation (TxDOT) road improvement projects. Specifically Section 7.5.11L of the UDC states,

*If a sign located within the proposed public street right-of-way of a state highway is to be relocated to accommodate a regulated highway project and the Texas Department of Transportation issues a permit for relocation of the sign, the Director of Construction Safety **may** also issue a Sign Permit if the sign meets all current City standards, except that the relocated sign:*

- 1. Does not require payment of a permit fee;*
- 2. May be erected a minimum of five feet from any highway right-of-way line;*
- 3. May be constructed with the same number of poles and same type of materials as the existing sign; and*
- 4. May be erected without enlarging the sign face.*

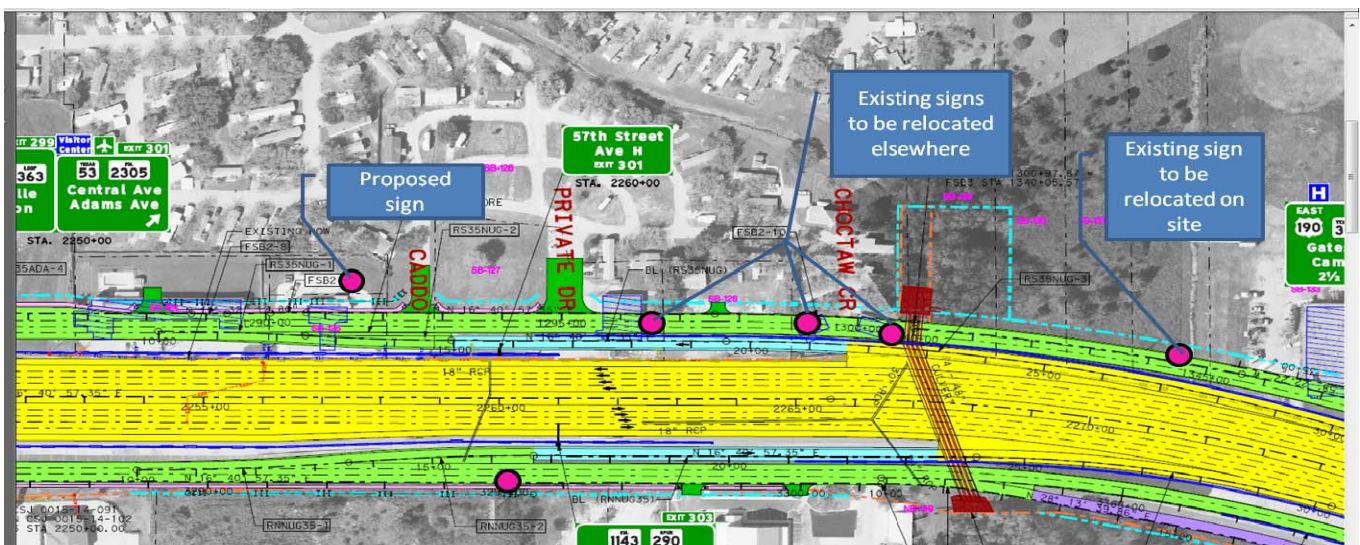
The I-35 expansion project and the subsequent TxDOT right-of-way acquisition have resulted in the displacement of numerous billboards. Lamar Advertising, the applicant, currently has a billboard located at 1602 North General Bruce Drive that will be affected by TxDOT right-of-way acquisition. The applicant is proposing relocating the sign 550' to the north to 1612 North General Bruce Drive. City staff has maintained the position that if an existing off-premise sign on I-35 must be relocated because of the I-35 expansion, City staff will approve the sign relocation on the same site. If the existing zoning is not correct the City will consider processing a zoning change to allow compliance or a Planned Development if the straight zoning is not a positive option for the City. Per Section 7.5.11 of the UDC, a sign may be relocated, with the approval of the Director of Planning and Development, if the following standards are met:

- Proposed relocation is zoned either Commercial, Light Industrial and Heavy Industrial;
- Dimensional requirements (total area per face of 672 square feet or less and no more than 42.5' tall);
- Design standards (faces, light, material etc.); and
- Spacing requirements (1,500 feet of another off-premise sign).

A Conditional Use Permit is required when any of the criteria above cannot be met. The area proposed for relocation is zoned Light Industrial. The proposed sign complies with dimensional standards and with setback and design standards governing TxDOT initiated relocations. The proposal is for the relocation of a 14' x 48' (area) metal, V-monopole sign setback 17' from the right-of-way (after expansion is complete). The height of the new sign will be no taller than 42.5'. The proposed location does not meet spacing requirements.



The proposed sign will be erected approximately 594', 799', 1053' and 1305' from existing signs to the north of the proposed location. Lamar Advertising has informed staff the signs located approximately 594', 799', and 1053' to the north of the proposed sign location will be relocated to other sites not in this general area. Lamar Advertising has indicated that the sign located approximately 1305' north of the proposed sign location will be relocated on site, maintaining a presence at the same approximate location along I-35 frontage.



**Current Location**  
1602 North General Bruce Drive

**Proposed Location**  
1612 N. General Bruce Drive

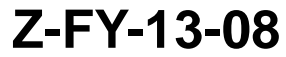


**PUBLIC NOTICE:** Three notices of the Planning and Zoning Commission public hearing were sent to surrounding property owners. As of Thursday January 24, 2013 at 12:00 PM, no notices had been returned either in favor or in opposition to the proposed Conditional Use Permit. The newspaper printed notice of the Planning and Zoning Commission public hearing on December 27, 2012, in accordance with state law and local ordinance.

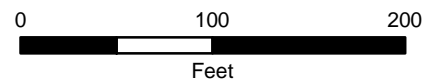
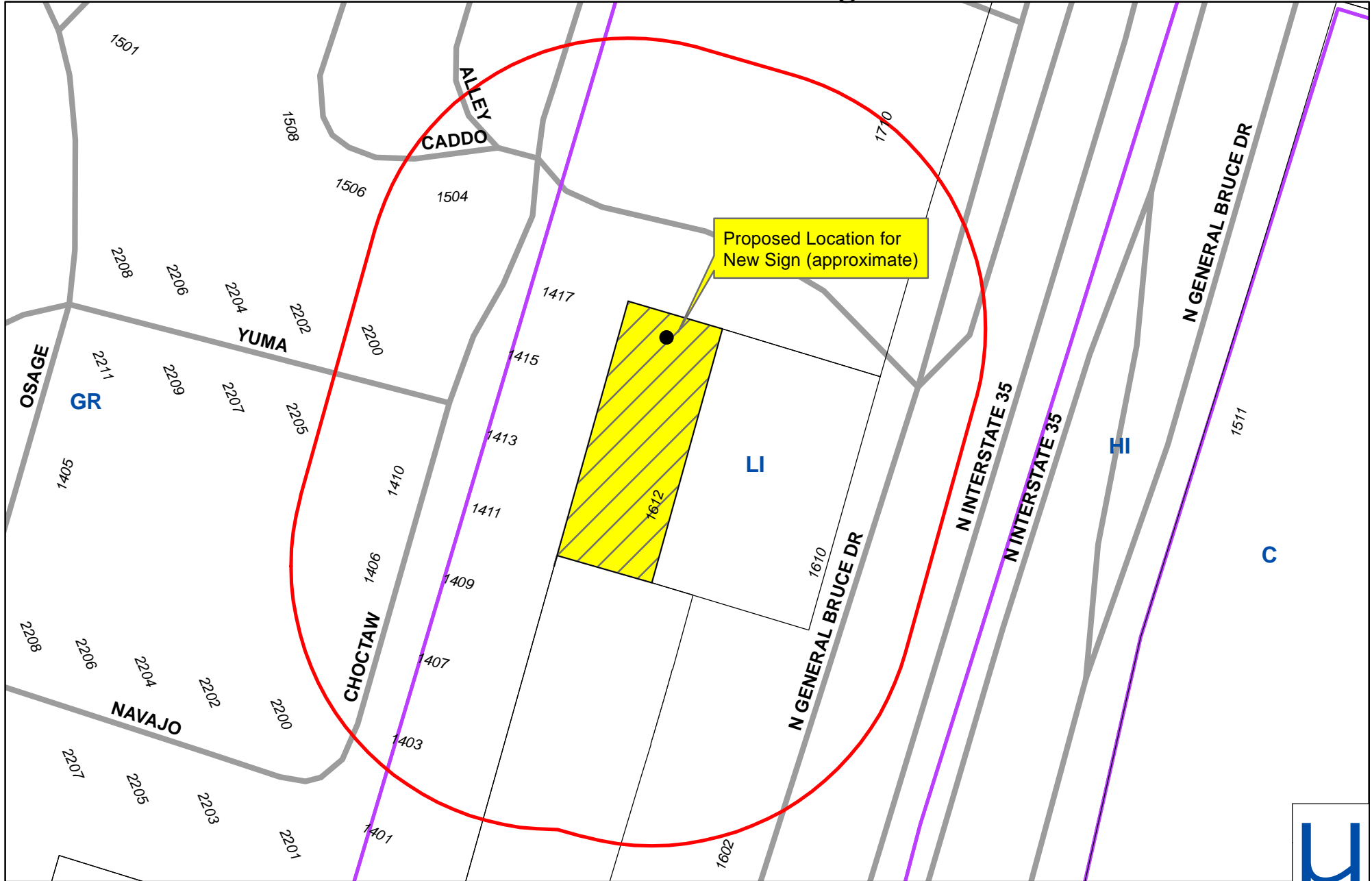
**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Aerial and Notification Map](#)  
[P&Z Excerpts](#)  
[Ordinance](#)



1612 North  
General Bruce Dr.



City of Temple Planning Dept.  
bzendt  
12/19/12

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.

**EXCERPTS FROM THE**  
**PLANNING & ZONING COMMISSION MEETING**  
**MONDAY, JANUARY 7, 2013**

**ACTION ITEMS**

**Item 5: Z-FY-13-08:** Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow an off-premise sign (billboard) on 3.43± acres, part of the A.G. Moore Survey, Abstract # 596, City of Temple, Bell County, Texas, located at 1612 North General Bruce Drive.

Ms. Beverly Zendt, Assistant Planning Director, stated this request is brought since the spacing is within 1500 feet of an existing sign. The location of the sign is 1612 North General Bruce Drive and the applicant is Lamar Advertising. This request is due to the TxDOT expansion of I-35.

Off premise signs standards are located in Section 7.5.11 A-K of the UDC which sets out dimensional standards, design standards, new sign standards, the number of signs allowed, credits, etc.

Section 7.5.11 L lays out standards for relocation resulting from TxDOT actions such as right-of-way or road acquisition and/or projects.

Section 7.5.11 A-K sets out the minimum spacing of 1500 feet on I-35, that the sign location must be in a Commercial (C), Light Industrial (LI) or Heavy Industrial (HI) district, the sign area of the face may be no larger than 14 feet by 48 feet, maximum height should be 42 feet, setback should be 20 feet from right-of-way and the number of signs is limited to those in place as of March 7, 2002.

Section 7.5.11 L provides that no permit fees are required for relocations, can be erected five feet from the right-of-way, may keep same number of poles and same materials, and may be erected without enlarging the sign face.

All signs that do not meet these requirements must apply for a Conditional Use Permit (CUP) along with the appropriate zoning designation.

The subject sign will be moved approximately 550 feet to the north near the Shell station.

Ms. Zendt stated the materials standards have been met, dimensional standards have been met, the setback standards have been per I-35 standards, and the zoning requirement is LI. The spacing requirements have not met. The proposed sign will be approximately 1300 feet from an existing sign. There are four signs within 1500 feet of the new proposed relocated sign. Three of those signs will be relocated off site out of the area. One sign will remain on site approximately 1300 feet from the proposed sign.

Staff has been working diligently on tracking what signs are existing or been removed or relocated in and/or out of the area. Ms. Zendt gives an overview of what signs are currently in the area and what signs will be removed.



Surrounding properties include the Stratford Inn to the south (where current sign is located) and the KL Comfort Park (Bird Creek Mobile Home Park) to the north.

Three notices were mailed out with zero responses received.

Staff recommends approval of this CUP request because:

- Spacing requirements permit 4-5 billboards (per side) in a 1.3 mile area between West Nugent Ave. and Industrial Blvd;

- Currently –west side has 8 (3 to remain);

- New sign will bring total to 4;

- Currently – east side has 1; and

- Existing clustering of signs in this area will be improved with TxDOT taking- new sign will not impact that reconfiguration.

Chair Staats opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Talley made a motion to approve Item 5, Z-FY-13-08, and Commissioner Johnson made a second.

*Motion passed: (7:0)*

Commissioners Martin and Harrell absent

[Z-FY-13-08]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW AN OFF-PREMISE SIGN RELOCATION CLOSER THAN 1,500 FEET FROM ANOTHER OFF-PREMISE SIGN AT 1612 NORTH GENERAL BRUCE DRIVE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

WHEREAS, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of 1612 North General Bruce Drive, recommends that the City Council approve the application for this Conditional Use Permit to allow an off-premise sign relocation closer than 1,500 feet from another off-premise sign; and

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

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

**Part 1:** The City Council approves a Conditional Use Permit to allow an off-premise sign relocation closer than 1,500 feet from another off-premise sign at 1612 North General Bruce Drive, more fully shown on Exhibit A, attached hereto and made a part of for all purposes.

**Part 2:** The owner/applicant, his employees, lessees, agents or representatives, hereinafter called "permittee" shall comply with the following developmental standards and conditions of operation:

- (A) The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
- (B) The City Council may cancel, suspend, deny or revoke this CUP, in accordance with the revocation clause set forth in Section 7-608 of the Zoning Ordinance.
- (C) The CUP runs with the property. Changes in the owner or lessee of a permitted establishment do not affect the permit.
- (D) The CUP may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-608 of the Zoning Ordinance.

**Part 3:** The Director of Planning is hereby directed to make the necessary changes to the City Zoning Map accordingly.

**Part 4:** 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 5:** 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 6:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

PASSED AND APPROVED on First Reading and Public Hearing on the 7<sup>th</sup> day of February, 2013.

PASSED AND APPROVED on Second Reading on the **21<sup>st</sup>** day of **February**, 2013.

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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02/21/13  
Item #4(J)  
Consent Agenda  
Page 1 of 1

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

Traci L. Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution approving first quarter financial results for Fiscal Year 2013.

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

**ITEM SUMMARY:** This item will present in detail the first quarter ending December 31, 2012, for the General, Water & Sewer, Hotel/Motel Tax, Drainage, and Internal Service Funds.

Included with these first quarter results will be various schedules detailing grants, sales tax, capital projects, investments and an update on redevelopment grants and incentive programs within the Strategic Investment Zones.

**FISCAL IMPACT:** N/A

### **ATTACHMENTS:**

Quarterly Financial Statements- provided electronically  
[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE FIRST QUARTER FINANCIAL RESULTS FOR THE FISCAL YEAR 2012-2013; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the first quarter 2012-2013 fiscal year financial results need to be approved by the City Council and will detail the first quarter ending December 31, 2012, for the General, Water & Sewer, Hotel/Motel Tax, Drainage, and Internal Service Funds;

**Whereas**, included in the first quarter results are various schedules detailing grants, capital projects, investments and an update on redevelopment grants and incentive programs within the Strategic Investment Zones; and

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

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

**Part 1:** The City Council approves the first quarter 2012-2013 fiscal year financial results, 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 **21<sup>st</sup>** day of **February**, 2013.

THE CITY OF TEMPLE, TEXAS

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

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clydette Entzminger  
City Secretary

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



## **COUNCIL AGENDA ITEM MEMORANDUM**

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02/21/13  
Item #4(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 \$528,514.

### **ATTACHMENTS:**

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

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2013 BUDGET**  
**February 21, 2013**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-1400-511-1118		Extra Help/Seasonal (City Secretary's Office)	\$ 13,645	
110-1400-511-1220		Retirement/Pension	\$ 2,456	
110-1400-511-1221		Social Security (Medicare)	\$ 198	
110-1400-511-1223		Workers Compensation	\$ 33	
110-1400-511-1224		Unemployment Insurance	\$ 270	
110-0000-318-0000		<b>Fund Balance Reserved/Vital Statistic Preservation Fund</b>		<b>\$ 16,602</b>
<p>Increase personnel expenditure accounts to cover the cost of a Records Assistant part-time position for October 1, 2012 thru September 30, 2013. Funds are available from fund balance reserve for the monies collected from prior years for Vital Statistic Preservation.</p>				
110-2035-521-2229		OCU Seized Funds/State - K-9 (Police)	\$ 4,940	
110-0000-313-0330		<b>Reserved for Seized Funds</b>		<b>\$ 4,940</b>
<p>State seized funds are needed to purchase ballistic vest with lights for our three K-9's in the K-9 unit.</p>				
110-3300-519-2584		EDC - Matrix Component (Economic Development)	\$ 358,719	
110-3300-519-2584		EDC - O&M Funding Component	\$ 16,685	
110-0000-352-1345		<b>Designated Capital Projects - Unallocated</b>		<b>\$ 375,404</b>
<p>Per the 2007 Funding and Operating Agreement between the City of Temple and the Temple Economic Development Corporation (TEDC), the City shall contribute a portion of its annual revenue from sales tax to TEDC. The City's contribution shall include a "Base Contribution" which is comprised of two components: (1) an "Operating Expense Component" and (2) an "Incentive Matrix Component". This budget adjustment appropriates additional funds for the FY 2013 "Operating Expense Component" and the "Incentive Matrix Component" to TEDC as a result of an adjustment to the amount of economic development incentives paid by TEDC. Funds are available in Designated Capital Projects - Unallocated.</p>				
110-6010-513-1115		Skilled (Administrative Services)	\$ 8,706	
110-6010-513-1220		Retirement/Pension	\$ 1,567	
110-6010-513-1221		Social Security (Medicare)	\$ 126	
110-6010-513-1223		Worker Compensation	\$ 21	
110-6010-513-1224		Unemployment Insurance	\$ 261	
110-3700-524-1110		Administrative (Construction Safety)		\$ 8,706
110-3700-524-1220		Retirement/Pension		\$ 1,567
110-3700-524-1221		Social Security (Medicare)		\$ 126
110-3700-524-1223		Worker Compensation		\$ 21
110-3700-524-1224		Unemployment Insurance		\$ 261
<p>This budget adjustment transfer funds from Construction Safety Division to the Administrative Services Division to cover the cost of hiring a part-time Administrative Assistant I position. Funds are available in Construction Safety from hiring lag of an administrative position.</p>				
110-1010-511-2611		Insurance & Bonds - City Council	\$ 696	
110-1110-513-2611		Insurance & Bonds - City Manager	\$ 71	
110-1200-515-2611		Insurance & Bonds - Finance	\$ 441	
110-1300-515-2611		Insurance & Bonds - Purchasing	\$ 443	
110-1600-512-2611		Insurance & Bonds - Legal	\$ 46	
110-1700-519-2611		Insurance & Bonds - Planning	\$ 115	
110-1900-519-2611		Insurance & Bonds - ITS	\$ 1,500	
110-2011-521-2611		Insurance & Bonds - Police		\$ 7,747
110-2100-529-2611		Insurance & Bonds - Animal Services	\$ 72	



**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2013 BUDGET**  
**February 21, 2013**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-2210-522-2611		Insurance & Bonds - Fire	\$ 13,370	
110-2310-540-2611		Insurance & Bonds - Solid Waste Admin	\$ 1,135	
110-2320-540-2611		Insurance & Bonds - Solid Waste Brush/Bulk	\$ 3,734	
110-2330-540-2611		Insurance & Bonds - Solid Waste Residential	\$ 6,062	
110-2350-540-2611		Insurance & Bonds - Solid Waste Frontload	\$ 2,554	
110-2360-540-2611		Insurance & Bonds - Solid Waste Sideload	\$ 2,439	
110-2370-540-2611		Insurance & Bonds - Solid Waste Rolloffs	\$ 2,417	
110-2380-540-2611		Insurance & Bonds - Solid Waste Recycling	\$ 2,675	
110-2400-519-2611		Insurance & Bonds - Facility Services		\$ 6,069
110-2800-532-2611		Insurance & Bonds - Traffic Signals	\$ 879	
110-3120-551-2611		Insurance & Bonds - Golf Course - Course Maintenance	\$ 1,205	
110-3150-551-2611		Insurance & Bonds - Golf Course - General Admin	\$ 1,319	
110-3210-551-2611		Insurance & Bonds - Recreation		\$ 3,404
110-3410-551-2611		Insurance & Bonds - Streets		\$ 1,354
110-3500-552-2611		Insurance & Bonds - Parks	\$ 11,035	
110-3610-560-2611		Insurance & Bonds - Airport	\$ 353	
110-3700-524-2611		Insurance & Bonds - Construction Safety	\$ 27	
110-3810-519-2611		Insurance & Bonds - Fleet Services	\$ 2,443	
110-3910-533-2611		Insurance & Bonds - Engineering	\$ 256	
110-4000-555-2611		Insurance & Bonds - Library	\$ 1,848	
110-4100-555-2611		Insurance & Bonds - PALS Admin	\$ 12	
110-6010-513-2611		Insurance & Bonds - Administrative Services	\$ 786	
110-1500-515-6531		<b>Contingency - Judgments &amp; Damages</b>		<b>\$ 39,359</b>
240-4400-551-2611		Insurance & Bonds - Mayborn Center	\$ 2,182	
240-4600-551-2611		Insurance & Bonds - Tourism	\$ 48	
240-7000-551-2611		Insurance & Bonds - Railroad Museum	\$ 8	
240-4400-551-6532		<b>Contingency</b>		<b>\$ 2,238</b>
520-5000-535-2611		Insurance & Bonds - Public Works Admin	\$ 4,275	
520-5110-535-2611		Insurance & Bonds - Water Treatment Plant	\$ 2,636	
520-5300-535-2611		Insurance & Bonds - Metering	\$ 481	
520-5400-535-2611		Insurance & Bonds - Sewer Collection	\$ 1,524	
520-5000-535-6532		<b>Contingency</b>		<b>\$ 8,916</b>
<p>This budget adjustment appropriates additional funds to the insurance and bond accounts for multiple departments and divisions. The additional cost is due to multiple factors including the addition of Auto Physical Damage for large, expensive equipment such as Fire Trucks and an increase to some premiums for TML to handle all claims. With TML handling all of the claims, we no longer have a deductible for certain insurance types such as vehicles and equipment.</p>				
110-0000-352-1345		<b>Designated Capital Projects - Unallocated</b>	<b>\$ 51,800</b>	
110-0000-352-1345		<b>Designated Capital Projects - Jaycee Park Trail Grant Match</b>		<b>\$ 19,300</b>
110-0000-352-1345		<b>Designated Capital Projects - Water SMART Grant Match</b>		<b>\$ 32,500</b>
<p>This budget adjustment undesignates the City's 50% match of \$32,500 for the Water SMART: Water and Energy Efficiency Grant through the U.S. Dept of the Interior, Bureau of Reclamation and the City's 20% match of \$19,300 for the Texas Recreational Trail Fund grant through the Texas Parks and Wildlife Department. The City was not awarded either grant.</p>				
<b>TOTAL AMENDMENTS</b>			<b>\$ 528,514</b>	<b>\$ 528,514</b>

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2013 BUDGET**  
**February 21, 2013**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		<b>GENERAL FUND</b>		
		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	\$	(39,359)
		Net Balance of Judgments & Damages Contingency Account	\$	40,641
		Beginning <b>Compensation</b> Contingency	\$	403,000
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(203,000)
		Net Balance of Compensation Contingency Account	\$	200,000
		<b>Net Balance Council Contingency</b>	\$	<b>240,641</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	\$	(11,882)
		Net Balance of Contingency Account	\$	38,118
		Beginning <b>Compensation</b> Contingency	\$	142,000
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(53,065)
		Net Balance of Compensation Contingency Account	\$	88,935
		<b>Net Balance Water &amp; Sewer Fund Contingency</b>	\$	<b>127,053</b>
		<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	\$	(21,999)
		Net Balance of Contingency Account	\$	125,760
		Beginning <b>Compensation</b> Contingency	\$	10,100
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(5,100)
		Net Balance of Compensation Contingency Account	\$	5,000
		<b>Net Balance Hotel/Motel Tax Fund Contingency</b>	\$	<b>130,760</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

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2013 BUDGET**  
February 21, 2013

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Beginning <b>Compensation</b> Contingency	\$	25,100
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(19,567)
		Net Balance of Compensation Contingency Account	\$	5,533
		<b>Net Balance Hotel/Motel Tax Fund Contingency</b>	\$	<b>74,633</b>
		<b>FED/STATE GRANT FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	-
		Carry forward from Prior Year	\$	39,839
		Added to Contingency Sweep Account	\$	114,528
		Taken From Contingency	\$	(11,413)
		Net Balance of Contingency Account	\$	142,954

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.

---

**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 21<sup>st</sup> day of **February**, 2013.

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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02/21/13  
Item #5  
Regular Agenda  
Page 1 of 2

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

Ken Cicora, Parks and Leisure Services Director

**ITEM DESCRIPTION:** FIRST READING - PUBLIC HEARING: Consider adopting an ordinance adopting the Temple Youths' Program Standards of Care.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented in item description on first reading, and schedule a second reading and final adoption for March 7, 2013.

**ITEM SUMMARY:** On August 19, 2004, City Council first adopted the Standards of Care for youth programs sponsored by the Parks and Leisure Services Department. The standards were developed after the department was contacted by the Texas Department of Protective and Regulatory Services (TDPRS).

One of the requirements of the TDPRS is for cities that conduct youth programs to adopt a Standards of Care policy annually by ordinance and after a public hearing. The purpose of the policy is to assure the community that when they place their child/children in one of our programs our facilities are safe, a background check has been conducted on our staff and that they are properly trained for the program they will be conducting.

Some of the key elements of the Temple policy include:

- Defining a participant as a youth, ages 5-13, whose parent(s) have completed all required registration procedures and is determined to be eligible for a Temple Youth Program;
- Ensuring that criminal background checks will be conducted on prospective youth program employees;
- Stating that as soon as possible after employment all appropriate staff will complete a course in first aid and Cardiopulmonary Resuscitation (CPR);
- Stating that the Parks and Leisure Services Department will provide training and orientation to program employees and that staff will be provided with a program manual specific to each Youth Program;

- Indicating that in a Temple youth recreation program, the number of participants may not exceed leaders by a minimum ratio of 1 Leader per 20 participants for children 5 years to 13 years of age;
- Assuring parents that they will be notified immediately if a:
  - (1) participant is injured;
  - (2) participant has a sign or symptom requiring exclusion from the site (i.e. communicable disease, fever, illness); or
  - (3) if there is an outbreak of any communicable disease that is reportable to the State Department of Health;
- Confirming that all program site(s) will have an annual fire inspection by the City Fire Marshall prior to September 1 of each year; and
- Requiring the Parks and Leisure Services Director to provide an annual report to the City Council on the overall status of the Youth Programs and their operation relative to compliance with the adopted Standards of Care. The 2012 Child Care Standards Report is attached.

In 2012, average daily attendance at our 8 afterschool sites grew from a daily average of 283 children to 297. The summer camp average for 2012 was 346. In 2011, it was 441. All training and inspection requirements were met.

Each year we are required to review the previous year's afterschool and camp programs and develop an annual report, including making any recommendations we believe necessary to change the Child Care Standards of Care. City Council is then asked to conduct a public hearing, approve the report and adopt the Standards of Care after conducting a public hearing.

We are not recommending any changes to the current (and proposed) Temple Youths' Program Standards of Care.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

[2012 Child Care Standards Report](#)  
[2013 Child Care Standards](#)  
[Ordinance](#)



Parks and Leisure Services Department  
Child Care Standards Annual Report  
2012

Throughout the 2012 school year, the City of Temple Parks and Leisure Services Department provided after-school programs for boys and girls ages 5-13 at four Temple I.S.D campuses, three Belton I.S.D campuses and St. Mary's Catholic School. The department also organized three summer camps, a spring break camp (Camp Adventure), and a holiday camp (Camp Holidayze) for children ranging from 5 to 13 at the Wilson Recreation Center.

**After School Programs**

The after-school programs run concurrent with each of the schools including holidays and teacher workdays. Children attended the programs from 3:00 p.m. to 6:00 p.m. Monday through Friday. On teacher workdays and school holidays, the program was offered from 7am – 6pm at Wilson Park Recreation Center.

The children are provided with a quality recreation program that includes activities such as arts and crafts, athletics, tutoring, etc. The children are also provided a healthy snack. The after school programs are staffed with part-time employees but supervised by a full time Program Coordinator and Recreation Specialist.

<b><u>Location</u></b>	<b><u>Attendance (daily average)</u></b>	
	2011	2012
Thornton Elementary	40	42
Western Hills	25	23
Kennedy Powell	45	45
Cater	15	19
Lakewood	45	45
Pirtle	44	45
Tarver	37	46
St. Mary's	32	32

**Camps**

In addition to Camp Heatwave, which took place at the Wilson Recreation Center, Camp Horizon was held at Tarver Elementary School and Campstastic was held at the Summit Family Fitness Center. Camp Heatwave and Horizon were 12 week programs and Campstastic was an 11 week program. All three sites were staffed with part-time recreation leaders and a full-time Recreation Specialist and supervised by a Recreation Coordinator. The same staffing format also occurred with Camp Holidayze and Camp Adventure

The summer camp schedule was 7:00 a.m. to 6:00 p.m. Monday through Friday. The children participated in a variety of activities including arts and crafts, athletics, swimming, field trips, hiking, disc golf, archery, outdoor adventure programs, etc. The children at Heatwave and Horizon were provided a lunch and an afternoon snack from the Temple I.S.D. and Belton I.S.D. summer lunch programs.

Each participant submitted a signed waiver, registration form and emergency contact information.

**Camp Name****Attendance (daily average)**

	<u>2011</u>	<u>2012</u>
Camp Holiday (Christmas Break)	86	55
Camp Adventure (Spring Break)	92	99
Camp Heatwave (Summer Camp)	247	126
Camp Horizon (Summer Camp)	65	77
Campastic (Summer Camp)	37	44

**Scholarships**

Parents who are in need of financial support are provided the opportunity to apply for assistance. Based upon the guidelines adopted by The Parks and Leisure Services Advisory Board, 61 participants received aid in the form of reduced fees.

After School Program

28 – 50% reduced (Parents paid \$17 per child, weekly)

2 – 20% reduced (Parents paid \$28 per child, weekly)

Camp Heatwave, Quest, Horizon

17 – 80% reduced (Parents paid \$13 per child, weekly)

7 – 60% reduced (Parents paid \$26 per child, weekly)

7 – 40% reduced (Parents paid \$39 per child, weekly)

At the beginning of the 2012-2013 school year, the Parks and Leisure Services Advisory Board adopted new guidelines for scholarships.

**Inspection Schedule**

The Wilson Recreation Center was inspected in January and May 2012 for any hazards or potential problems by the Recreation Superintendent. None were noted.

The Wilson Recreation Center passed the annual fire inspection in October, 2012

All school sites were inspected by the Fire Marshall.

To comply with the guidelines, the Health Department was contacted twice by staff, once in May and once in July to do an inspection. No inspections were conducted.

**Training**

Per the adopted Childcare Standards, all staff are CPR/First trained within one year of their hire date. Training is twice a year.

All staff who worked with children attended a minimum of 10 hours of training pertinent to their programming responsibilities.

All staff was given quarterly safety training.

All training requirements were met.

**Recommendations**

No recommendations are requested at this time

# **EXHIBIT “A”**

## **TEMPLE YOUTH PROGRAMS’ STANDARDS OF CARE**

The following Standards of Care have been adopted by the City Council of the City of Temple, Texas to pursuant to with Texas Human Resources Code Section 42.041(14). The Standards of Care are the minimum standards by which the City of Temple Parks and Leisure Department will operate the City’s Youth Programs.

### ***General Administration***

#### **1. Organization**

- A. The governing body of the City of Temple youth programs is the Temple City Council.
- B. Implementation of the Youth Program Standards of Care is the responsibility of the Superintendent of Recreation.
- C. Youth Programs (“Program”) to which these Standards will apply are the programs held at the Wilson Recreation Center and other “Outreach” programs currently operated by the City of Temple. Other programs may be subsequently designated by the City of Temple.
- D. Each Youth Program site will have available for public and staff review a current copy of the Standards of Care.
- E. Standards of Care will be made available on the Parks and Leisure Services Website [www.Temple-Parks.net](http://www.Temple-Parks.net).
- F. Criminal background checks will be conducted on prospective Youth Program employees. If results of that criminal check indicate that an applicant has been convicted of any of the following offenses, he or she will not be considered for employment:
  - (1) felony or a misdemeanor classified as an offense against a person or family;
  - (2) felony or misdemeanor classified as public indecency;
  - (3) felony or misdemeanor violation of any law intended to control the possession or distribution of any controlled substance;
  - (4) offense involving moral turpitude;
  - (5) offense that would potentially put the City of Temple at risk.

## 2. Definitions

- A. City: City of Temple
- B. City Council: City Council of the City of Temple
- C. Department: Recreation Division of the Parks and Leisure Services Department of the city of Temple
- D. Youth Programs or Program: City of Temple youth programs held at the Wilson Recreation Center, and “Outreach” programs currently operated by the City of Temple. Other programs may be subsequently designated by the City of Temple.
- E. Program Manual: Notebook of policies, procedures, required forms, and organizational and programming information relevant to Temple Youth Programs
- F. Director: City of Temple Director of Parks and Leisure Services or his or her designee
- G. Recreation Superintendent: person responsible for the overall oversight of the Parks and Leisure Services
- H. Program Coordinator or Coordinator: City of Temple, Parks and Leisure Services Department full-time recreation staff person who has been assigned administrative responsibility for a Temple Youth Program
- I. Recreation Specialist: City of Temple, Parks and Leisure Services Department full-time recreation staff person who has been assigned day to day responsibilities to implement the City’s Youth Program.
- J. Recreation Leader or Leaders: City of Temple, Parks and Leisure Services Department part-time employee who has been assigned responsibility to conduct the City’s Youth Programs
- K. Program Site: Any area or facility where Temple Youth Programs are held
- L. Participant: A youth, ages 5-14, whose parent(s) have completed all required registration procedures and determined to be eligible for a Temple Youth Program
- M. Parent(s): This term will be used to represent one or both parent(s) or guardian(s) who have legal custody and authority to enroll their child(ren) in Temple Youth Programs
- N. Employee(s): Term used to describe people who have been hired to work for the City of Temple, Parks and Leisure Services Department and have been assigned responsibility for managing, administering, implementing or conducting some portions of the Temple Youth Programs.

### 3. Inspections/Monitoring/Enforcement

- A. A bi-annual inspection report will be initiated by the Recreation Superintendent to confirm the Standards of Care are being adhered to.
  - (1) Inspection reports will be sent to the Director for review and kept on record for at least two years.
  - (2) The Director will review the report and establish deadlines and criteria for compliance with the Standards of Care.
- B. The Recreation Superintendent will make visual inspections of the facilities based on the following schedule:
  - (1) pre-summer check in May of each year
  - (2) winter check in January
- C. Complaints regarding enforcement of the Standards of Care will be directed to the Coordinator. The Coordinator will be responsible to take the necessary steps to resolve the problems. All complaints regarding enforcement of the Standards of Care and their resolution will be recorded by the Coordinator. Unresolved complaints regarding enforcement of the Standards of Care will be addressed by the Recreation Superintendent, and should they still not be resolved, by the Director. The complaint and the resolution will be documented.
- D. The Director will provide an annual report to the City Council on the overall status of the Youth Programs and their operation relative to compliance with the adopted Standards of Care.

### 4. Enrollment

- A. All children participating in the program must be 5 years of age. Before a child can be enrolled, the parents must sign registration forms that contain the child's:
  - (1) name, address, home telephone number;
  - (2) name and address of parents and telephone during program hours;
  - (3) names and telephone numbers of people to whom the child can be released;
  - (4) statement of the child's special problems or needs;

- (5) proof of residency when appropriate;
- (6) liability waiver which also includes permission for field trips and emergency medical authorization.
- (7) any medicines the child may be taking

## 5. Suspected Abuse

Program employees will report suspected child abuse in accordance with the Texas Family Code.

## *Staffing-Responsibilities and Training*

### 6. Youth Program Coordinator Qualifications

- A. Coordinators will be full-time, employees of the Temple Parks and Leisure Services Department and will be required to have all Program Leader qualifications as outlined in Section 8 of this document.
- B. Coordinators must be at least 21 years old.
- C. Coordinators must have two years experience planning and implementing recreation activities.
- D. Coordinators must be able to pass a background investigation including testing for illegal substances.
- E. As soon as possible after employment with the City of Temple , but within one year, Coordinators must successfully complete a course in first aid and Cardiopulmonary Resuscitation (CPR) offered by either: the City of Temple, American Red Cross, American Heart Association, Medic First-Aid Training Program of America, National Safety Council, any agency of the State of Texas authorized to provide Emergency Medical Technician or Emergency Care Attendant certification, or any other agency recognized by any agency of the U.S. Department of Labor to provide certification.
- F. Coordinators must be able to furnish proof of a clear tuberculosis test within 12 months prior to their employment date.

### 7. Coordinator's Responsibilities

- A. Coordinators are responsible to administer the Programs' daily operations in compliance with the adopted Standards of Care.



- B. Coordinators are responsible to recommend for hire, supervise, and evaluate Leaders.
- C. Coordinators are responsible to plan, implement, and evaluate programs.

#### 8. Recreation Leader (“Leader”) Qualifications

- A. Leaders will be full-time, part-time or temporary employees of the Parks and Leisure Services Department.
- B. Leaders working with children must be age sixteen (16) or older.
- C. Leaders should be able to consistently exhibit competency, good judgment, and self-control when working with children.
- D. Leaders must relate to children with courtesy, respect, tolerance, and patience.
- E. As soon as possible, but within one year of hiring, all of the Leaders at each site must have successfully completed a course in first aid and Cardiopulmonary Resuscitation (CPR) offered by either: the City of Temple, American Red Cross, American Heart Association, Medic First-Aid Training Program of America, National Safety Council, any agency of the State of Texas authorized to provide Emergency Medical Technician or Emergency Care Attendant certification, or any other agency recognized by any agency of the U.S. Department of Labor to provide certification.
- F. Each Leader applicant must be able to furnish proof of a clear tuberculosis test within the 12 months prior to their employment date.
- G. Leader must pass a background investigation including testing for illegal substances.

#### 9. Leader Responsibilities

- A. Leaders will be responsible to provide participants with an environment in which they can feel safe, can enjoy wholesome recreation activities, and can participate in appropriate social opportunities with their peers.
- B. Leaders will be responsible to know and follow all City, Departmental, and Program standards, policies, and procedures that apply to Temple Youth Programs.
- C. Leaders will ensure that participants are released only to a parent or an adult designated by the parent. All Program sites will have a copy of the Department approved plan to verify the identity of a person authorized to pick up a participant if that person is not known to the Leader.

- D. A leader must be with participants at all times or aware of the participants location.

#### 10. Training/Orientation

- A. The Department is responsible to provide training and orientation to Program employees in working with children and for specific job responsibilities. Coordinators will provide each Leader with a Program manual specific to each Youth Program.
- B. Leaders must be familiar with the Standards of Care for Youth Program operation as adopted by the City Council.
- C. Program employees must be familiar with the Program's policies including discipline, guidance, and release of participants as outlined in the Program Manual.
- D. Program employees will be trained in appropriate procedures to handle emergencies.
- E. Program employees will be trained in areas including City, Departmental, and Program policies and procedures; provision of recreation activities; safety issues; and organization.
- F. All program employees will receive 10 hours of training annually.
- G. Program employees will be required to sign an acknowledgment that they received the required training.

#### ***Operations***

#### 11. Staff-Participant Ratio

- A. In a Temple Youth Program, the number of participants may not exceed leaders by a minimum ratio of 1 Leader per 20 participants for children 5 years to 14 years of age.
- B. Each participant should have a Program employee who is responsible for him or her and who is aware of details of the participant's habits, interests, and any special problems as identified by the participant's parents during the registration process.

#### 12. Notification

- A. Parents must be notified immediately if:
  - (1) Participant is injured; or
  - (2) Participant has a sign or symptom requiring exclusion from the site (i.e. communicable disease, fever, illness).
- B. All parents must be notified if there is an outbreak of any communicable disease that is

reportable to the State Department of Health.

### 13. Discipline

- A. Program employees will implement discipline and guidance in a consistent manner based on the best interests of Program participants.
- B. There will be no cruel or harsh punishment or treatment.
- C. Program employees may use brief, supervised separation from the group if necessary.
- D. As necessary, Program employees will initiate discipline reports to the parent(s) of participants. Parents will be asked to sign participant discipline reports to indicate they have been advised about a specific problem or incident.
- E. A sufficient number and/or severe nature of discipline reports as detailed in the Program manual may result in a participant being suspended from the Program.
- F. In instances where there is a danger to participants or staff, offending participants will be removed from the Program site as soon as possible.

### 14. Programming

- A. Program employees will attempt to provide activities for each group according to the participants' ages, interests, and abilities. The activities must be appropriate to participants' health, safety, and well-being. The activities also will be flexible and promote the participants' emotional, social, and mental growth.
- B. Program employees will attempt to provide indoor and outdoor time periods to include:
  - (1) alternating active and passive activities,
  - (2) opportunity for individual and group activities, and
  - (3) outdoor time each day weather permits.
- C. Program employees will be attentive and considerate of the participants' safety on field trips and during any transportation provided by the Program.
  - (1) During trips, Program employees supervising participants must have immediate access to emergency medical forms and emergency contact information for each participant.
  - (2) Program employees must have a written list of the participants in the

group and must check the roll frequently.

- (3) Program employees must have first aid supplies and a guide to first aid and emergency care available on field trips.
- (4) Notice of any field trips will be displayed at a prominent place at each site.

#### 15. Communication

- A. Each Program site will have access to a telephone for use in contacting the Recreation Center or making emergency calls.
- B. The Coordinator will post the following telephone numbers adjacent to a telephone accessible to all Program employees at each site:
  - (1) Temple ambulance or emergency medical services.
  - (2) Temple Police Department.
  - (3) Temple Fire Department.
  - (4) Poison Control.
  - (5) The telephone number for the site itself.
  - (6) Numbers at which parents may be reached.

#### 16. Transportation

- A. First aid supplies and a first aid and emergency care guide will be available in all Program vehicles that transport children.
- B. All Program vehicles used for transporting participants must have available a 6-BC portable fire extinguisher which will be installed in the passenger compartment of the vehicle and which must be accessible to the adult occupants.
- C. A notebook containing the names and telephone numbers of Parents and Physicians shall be available in all Program vehicles that transport Participants.

#### ***Facility Standards***

#### 17. Safety

- A. Program employees will inspect Youth Program sites daily to detect sanitation and safety

concerns that might affect the health and safety of the participants. A daily inspection report will be completed by the Program staff and kept on file by the Program Coordinator.

- B. Buildings, grounds, and equipment on the Program site will be inspected, cleaned, repaired, and maintained to protect the health of the participants.
- C. Program equipment and supplies must be safe for the participant's use.
- D. Program employees must have first aid supplies available at each site, during transportation, and for the duration of any off-site activity.
- E. Program air conditioners, electric fans, and heaters must be mounted out of participants' reach or have safeguards that keep participants from being injured.
- F. Program porches and platforms more than 30 inches above the ground must be equipped with railings participants can reach.
- G. All swing seats at Program sites must be constructed of durable, lightweight, relatively pliable material.
- H. Program employees must have first aid supplies readily available to staff in a designated location. Program employees must have an immediately accessible guide to first aid and emergency care.
- I. The list of Program sites will be provided to the Bell County Health District-Environmental Health Division so that the Health Division can conduct health inspection (s).

#### 18. Fire

- A. In case of fire, danger of fire, explosion, or other emergency, Program employees' first priority is to evacuate the participants to a designated safe area.
- B. The Program site(s) will have an annual fire inspection by the City Fire Marshall prior to September 1 of each year, and the resulting report will detail any safety concerns observed, the report will be forwarded to the Director who will review and establish deadlines and criteria for compliance. Information from this report will be included in the Director's annual report to the Council.
- C. Each Program site must have at least one fire extinguisher approved by the Fire Marshall readily available to all Program employees. The fire extinguisher is to be inspected monthly by the Program Coordinator, and a monthly report will be forwarded to the Coordinator's supervisor who will keep the report on file for a minimum of two years. All Youth Program staff members will be trained in the proper use of fire extinguishers.

## 19. Health

### A. Illness or Injury

- (1) A participant who is considered to be a health or safety concern to other participants or staff will not be admitted to the Program.
- (2) Illnesses and injuries will be handled in a manner to protect the health of all participants and employees.
- (3) Program employees will follow plans to provide emergency care for injured participants or for participants with symptoms of an acute illness as specified in the Program manual.
- (4) Program employees will follow the recommendation of the Texas Department of Health concerning the admission or readmission of any participant after a communicable disease.

### B. Program employees will administer medication only if:

- (1) Parent(s) or guardian(s) complete and sign a medication form that provides authorization for staff to dispense medication with details as to time and dosages. The form will include a hold harmless clause to protect the City.
- (2) Prescription medications are in the original containers labeled with the child's name, a date, directions, and the physician's name. Program staff members will administer the medication only as stated on the label. Program staff will not administer medication after the expiration date.
- (3) Nonprescription medications are labeled with the child's name and the date the medication was brought to the Program. Nonprescription medication must be in the original container. The Program staff will administer it only according to label direction.
- (4) Medications dispensed will be limited to routine oral ingestion not requiring special knowledge or skills on the part of Program employees. No injections will be administered by the Program employees.
- (5) Program employees must ensure medications are inaccessible to participants or, if it is necessary to keep medications in the refrigerator (when available), medications will be kept separate from food.



C. Toilet Facilities

- (1) The Program site will have inside toilets located and equipped so children can use them independently and program staff can supervise as needed.
- (2) There must be one flush toilet for every 30 children. Urinals may be counted in the ratio of toilets to children, but must not exceed 50% of the total number of toilets.
- (3) An appropriate and adequate number of lavatories will be provided.

D. Sanitation

- (1) The Program site must have adequate light, ventilation, and heat.
- (2) The Program must have an adequate supply of water meeting the standards of the Texas Department of Health for drinking water and ensure that it will be supplied to the participants in a safe and sanitary manner.
- (3) Program employees must see that garbage is removed from sites daily.

- E. The City will contact the Health Department and request an annual health inspection by the Health Department prior to September 1 of each year, and the resulting report will detail any safety concerns observed, the report will be forwarded to the Director who will review and establish deadlines and criteria for compliance. Information from this report will be included in the Director's annual report to the Council.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,  
ADOPTING THE TEMPLE YOUTHS' PROGRAM STANDARDS OF CARE  
POLICY FROM THE PARKS AND LEISURE SERVICES DEPARTMENT;  
PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE;  
AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on August 19, 2004, City Council first adopted the Standards of Care for youth programs sponsored by the Parks and Leisure Services Department which were developed after the department was contacted by the Texas Department of Protective and Regulatory Services (TDPRS);

**Whereas**, one of the requirements of the TDPRS is for cities that conduct youth programs to adopt a Standards of Care policy annually – the purpose is to assure the community that when they place their child/children in one of the City of Temple's programs, the facilities are safe, a background check has been conducted on the staff and they are properly trained for any program they conduct;

**Whereas**, the Temple Youths' Program Standards of Care policy is attached hereto as Exhibit A and the 2012 Child Care Standards Report, which outlines the average daily attendance at all eight afterschool sites for 2012, is attached hereto as Exhibit B; and

**Whereas**, the City Council has considered these matters and deems it in the public interest to authorize these actions.

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

**Part 1:** The City Council adopts the Temple Youths' Program Standards of Care Policy from the Temple Parks and Leisure Services Department which is required by the Texas Department of Protective and Regulatory Services (TDPRS) and which assures the community that the City of Temple's facilities are safe, a background check has been conducted on the staff and they are properly trained for any program they conduct, as outlined in Exhibit A attached hereto, as well as the average daily attendance at all eight afterschool sites for 2012, which is also attached hereto and incorporated herein for all purposes.

**Part 2:** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **21<sup>st</sup>** day of **February, 2013**.

PASSED AND APPROVED on Second Reading on the **7<sup>th</sup>** day of **March, 2013**.

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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02/21/13  
Item #6  
Regular Agenda  
Page 1 of 1

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

Gary O. Smith, Chief of Police

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING: Consider adopting an ordinance re-establishing a curfew for minors.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented in item description on first reading, and schedule a second reading and final adoption for March 7, 2013.

**ITEM SUMMARY:** The Temple Police Department seeks council approval for a renewed juvenile curfew ordinance. The original curfew ordinance was enacted in September 1994. Without council action the current ordinance will expire on March 18, 2013. The ordinance will allow the Temple Police Department to continue to intervene when police officers encounter curfew violations. This intervention will be in the best interests of the health, safety and welfare of the general public. The curfew is a valuable tool that helps the community in several ways. First, it helps provide for the protection of minors, both from each other and from other persons. Next, it helps to promote parental control and responsibility for their children. Finally, it is intended to reduce the incidence of juvenile criminal activities. In the past three years, the Temple Police Department cited 448 curfew violations.

The current curfew hours are proposed for continuation:

(A) 11:00 P.M. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 A.M. of the following day; and

(B) 12:01 A.M. until 6:00 A.M. on any Saturday or Sunday.

**FISCAL IMPACT:** There is no direct fiscal impact with regard to expenditures for this ordinance. However, fines will be assessed to violators that may result in revenue through Municipal Court.

### **ATTACHMENTS:**

[Ordinance](#)

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

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, RE-ESTABLISHING CURFEW HOURS FOR MINORS, DEFINING TERMS, CREATING OFFENSES FOR MINORS, PARENTS AND GUARDIANS OF MINORS, AND BUSINESS ESTABLISHMENTS PROVIDING FOR ENFORCEMENT BY THE POLICE DEPARTMENT; PROVIDING FOR WAIVER BY THE MUNICIPAL COURT OF JURISDICTION OVER A MINOR WHEN REQUIRED UNDER THE TEXAS FAMILY CODE; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City council approved a Curfew Ordinance in September, 1994 which expires March 18, 2013;

**Whereas**, the ordinance will allow the Temple Police Department to continue to intervene when police officers encounter curfew violations and it will be in the best interests of the health, safety and welfare of the general public;

**Whereas**, the current curfew hours are proposed for continuation as outlined:

1. 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day; and
2. 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.

**Whereas**, Staff recommends re-establishing the curfew for minors;

**Whereas**, the City of Temple desires to continue to provide for the protection of minors from each other and from other persons, to promote parental control over and responsibility for children, in order to protect the general public, and reduce the incidence of juvenile criminal activities; and

**Whereas**, a curfew for minors is in the interest of the public health, safety, and general welfare and will help to attain the foregoing objectives and to diminish the undesirable impact of such conduct on the citizens of the City of Temple.

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

**Part 1**: The City Council of the City of Temple, Texas, finds that it is in the interest of the public health, safety, and general welfare of the general public, to re-establish the curfew hours for minors in an effort to continue to provide for the protection of minors from each other and from other persons, to promote parental control over and responsibility for children, in order to protect the general public, and to reduce the incident of juvenile criminal activities.

**Part 2**: The following curfew requirements for minors are hereby adopted:

1. 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day; and
2. 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.

**Part 3:** 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 4:** 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 5:** 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 6:** 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 **21<sup>st</sup>** day of **February**, 2013.

PASSED AND APPROVED on Second Reading on the **7<sup>th</sup>** day of **March**, 2013.

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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02/21/13  
Item #7  
Regular Agenda  
Page 1 of 3

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

Autumn Speer, Director of Planning and Development

**ITEM DESCRIPTION:** Z-FY-13-11: Consider adopting a resolution authorizing an Appeal of Standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for landscaping, parking, signs and architectural standards, for Garlyn Shelton Car Dealership at the SE corner of Midway Drive and South General Bruce Drive.

**P&Z COMMISSION RECOMMENDATION:** At its meeting on February 4, 2013, the Planning and Zoning Commission voted 8/0 to recommend approval of the requested appeals with the following conditions:

- Additional display is not permitted in the proposed Midway row area.
- Additional planting of 2 canopy trees in I-35 buffer area; 10 ornamental trees along Shallow Ford Road in Detention area.
- 20% of the landscape buffer areas must have native grass beds
- 6' wide sidewalk constructed with this development along Midway Drive to meet minimum standards.
- Signs to come back at the second meeting in February as a separate appeal.

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

Staff recommends approval of an Appeal of Standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for landscaping and building improvements as presented in this appeal request as submitted in the attached plans with the following amendments:

- Staff recommends additional display not be permitted in the proposed Midway row area.
- Staff recommends applicants add an additional planting of 6 canopy trees in I-35 buffer area; 10 ornamental trees along Shallow Ford Road in Detention area.
- Staff recommends 20% of the landscape buffer areas must have native grass beds or wildflowers in all areas.
- Staff recommends applicant provides a parking screen via hedge row 2.5 to 4' high for all parking areas visible from public view.

- Staff recommends two canopy trees be provided in each of the six islands along I-35 frontage and two ornamental trees are planted in each of the others.
- Staff recommends minimum 6' wide sidewalk is constructed with this development along Midway Drive to meet minimum standards.
- Staff recommends the I-35 sign requirements be met as they relate to number, height and base materials.

**ITEM SUMMARY:** The project is located in the I-35 Corridor Overlay District in the Freeway Retail/Commercial Sub-District. The applicant is proposing a new 22,000 sq ft facility and a 30,000 square foot facility for car sales and service. The entire site is approximately 9.4 acres.

In accordance with Article 6 of the Unified Development Code relating to Interstate 35 Corridor Overlay, all new construction is required to conform to the standards of the I-35 Overlay District.

The following list summarizes all standards that are applicable to this project.

- Site Plan Review
- Tree Preservation
- Parking
- Screening and Wall Standards
- Architectural design
- Landscape
- Signs
- Lighting
- Utilities

This proposal will be the final proposal for I-35 compliance.

The applicant desire to pursue a request for relief from complying with all standards in the form of this appeal as outlined below:

**FISCAL IMPACT:** NA

**ATTACHMENTS:**

Summary of Appeals  
Site Plan  
Landscape Plan  
Elevation Exhibits  
Sign Plan  
Sign Exhibit  
P&Z Excerpts  
Resolution

I-35 Requirements					Standard	Mitigation/		Planning	and
Freeway District	Retail/Commercial	Sub-	Proposed	Met?	Rationale Exception	for	Zoning Commission Recommendation		
SITE PLAN REVIEW									
Applicant has submitted site plans for review on this project.			MET	YES	NA		NA		
TREE PRESERVATION									
Tree preservation									
PARKING (GENERAL)									
Parking Spaces required 7.4 = 1 per 200 sq ft = 260 required			619 plus 8 handicap Provided	YES	NA		NA		
Curb and gutter, 6" in height, required around perimeter and all parking islands			MET	YES	NA		NA		
Parking aisles must be designed to be perpendicular to entry			Both provided	PARTIAL	Staff recommends approval. The owner is requesting to have parking isles parallel to street for display.		Approve submitted as		
Parking areas must be planned so that vehicles are not required to back out of parking spaces directly into a public or private street			MET	YES	NA		NA		
Parking lots must be designed to preserve the maximum amount of existing trees on site as possible			NA	NA	NA		NA		
Parking spaces that face and are adjacent to a building must utilize wheel stops			Increased curb depth provided	YES	NA		NA		
Wheel stops are required adjacent to all landscaped areas Wheel stops are required adjacent to all sidewalks, except for raised sidewalks at least 6 feet in width (8 feet if parking spaces front both sides)			Increased curb depth provided	YES	NA		NA		
No parking is allowed in the landscape buffer			Parking is shown in landscape buffer area	NO	Staff recommends approval for the		Recommends approval for the		

<b>I-35 Requirements</b>	<b>Freeway District</b>	<b>Retail/Commercial</b>	<b>Sub-Proposed</b>	<b>Standard Met?</b>	<b>Mitigation/ Rationale Exception</b>	<b>for</b>	<b>Planning and Zoning Commission Recommendation</b>
			along Midway. In addition, applicant is requesting three concrete pads for display of cars		parking shown along Midway with the understanding this area will be landscaped in accordance with I-35, however, staff recommends additional display not be permitted in this area.		parking shown along Midway with the understanding this area will be landscaped in accordance with I-35, recommends additional display not be permitted in this area.
<b>SCREENING AND WALL STANDARDS (GENERAL)</b>							
No storage in connexes, shipping containers or portable buildings.			MET	YES	NA		NA
Loading zones and mechanical equipment must not be clearly visible at eye level from any public street.			MET	YES	NA		NA
All ground mounted service equipment must be located at the rear of buildings (unless rear faces I-35), integrated into the building envelope, or enclosed service area.			MET	YES	NA		NA
Roof mounted equipment must be screened from a vantage point of 6' above finished grade.			MET – Parapet provided	YES	NA		NA
Garage and service bays must be located to rear of building or on side not visible to traffic flow on abutting side of I-35.			All service bays are inside the service building	YES	NA		NA
Refuse storage/compactors/vehicle loading and unloading must not be clearly visible at eye level from any public street or located within 100' of any public street.			MET	YES	NA		NA
<b>LANDSCAPING GENERAL</b>							
Areas not covered by building or			MET	YES	NA		NA

I-35 Requirements Freeway District	Retail/Commercial District	Sub-Proposed	Standard Met?	Mitigation/ Rationale Exception	for	Planning Zoning Commission Recommendation	and
pavement must be landscaped							
Landscape Area 15% (61,364 sq ft required)		12.4% landscape area is provided which includes the detention pond + 12,000 SF controlled by street license on the corner of midway and IH 35	NO	Staff recommends approval of the landscape area shown in efforts to increase surface parking needed for the site. <b>However staff recommends additional planting in the buffer area and parking islands to mitigate.</b>		Approve submitted	as
Foundation Plantings required along 70% of the length of any visible façade in a bed a minimum 6' deep		Foundation plantings provided for 54% of the building areas	Partial	Staff recommends approval. Overall foundation plans meet intent of the ordinance.		Approve submitted	as
Landscape Buffer Area 25' adjacent to street row on I-35 20' adjacent to street row – Midway and Shallow Ford		15' adjacent to I-35 25' adjacent to I-35  None shown adjacent to Shallow Ford Road  None shown at Midway Drive Applicant is requesting the buffer line adjacent to Midway will be established by a Street Use License Request to landscape.	NO	Staff recommends approval of the landscape buffer areas shown in efforts to increase surface parking needed for the site. <b>However staff recommends additional planting in the buffer areas and parking islands to mitigate.</b>		Approve submitted	as

I-35 Requirements Freeway District	Retail/Commercial	Sub-	Proposed	Standard Met?	Mitigation/ Rationale Exception	for	Planning and Zoning Commission Recommendation
<p>Landscape Buffer Plantings- One min. 3" caliper canopy tree must be planted for every 30' of frontage along public ROW.</p> <p>I-35 = 25 canopy trees required or 100 ornamental trees</p> <p>Midway = 6 canopy trees required</p> <p>Shallow Ford Road South Side = 20 canopy trees required</p> <p>Shallow Ford Road East Side = 13 canopy trees required</p> <p>If power lines are present four ornamental trees may be substituted for one canopy tree</p> <p>Must be not be planted in intervals but in clusters.</p>			<p>I-35 (25 canopy required) = 15 Trees provided 7 canopy 8 ornamental</p> <p>Midway (6 canopy trees required) = 16 Trees provided (off-site) 7 canopy 9 ornamental</p> <p>Shallow Ford Road (33 canopy required) 12 Trees provided 9 canopy 3 ornamental</p> <p>49 total trees 23 canopy trees</p> <p>Power lines are in the front row. Canopy trees will be placed to miss power lines</p>	NO	<p>Staff recommends the additional planting of 6 canopy trees in I-35 buffer area; 10 ornamental trees along Shallow Ford Road in Detention area;</p>		<p>Recommends the additional planting of 2 canopy trees in I-35 buffer area; 10 ornamental trees along Shallow Ford Road in Detention area;</p>
<p>20% Required landscape buffer must have native grass beds or wildflowers</p>			<p>Gulf muhly grass is planted in the terminal islands</p>	NO	<p>Staff recommends this requirement be met in all landscaped areas.</p>		<p>20% Required landscape buffer must have native grass beds</p>
<p>Parking screen of hedge row 2.5 to 4' high for all parking areas visible from public view</p>			<p>None provided</p>	NO	<p>Staff recommends screening be required 2.5' to 4' tall.</p>		<p>Approve as submitted</p>



I-35 Requirements Freeway District	Retail/Commercial	Sub-	Proposed	Standard Met?	Mitigation/ Rationale Exception	for	Planning and Zoning Commission Recommendation
Interior parking islands 1 per every 10 spaces minimum 170 sq ft (1 3" tree required in each) = +/- 62 required			15 terminal islands are proposed	NO	Staff recommends approval. Specific application of the standard would decrease display spaces significantly.		Approve submitted as
Terminal parking islands at the end of each row minimum 360 sq ft Auto dealerships are permitted to use evergreen shrubs in place of trees			15 Islands are provided with shrubs	YES	<b>Staff recommends two canopy trees be provided for in each of the six islands along I-35 frontage and two ornamental trees are planted in each of the others. To mitigate for buffer area lack of trees.</b>		<b>Approve submitted as</b>
Median islands minimum 10' in width must be located after every third parking bay ( 3" tree required every 30')			None proposed	NO	Staff recommends approval. Specific application of the standard would decrease parking spaces significantly.		Approve submitted as
60% Required Trees must be evergreen			53% of trees are evergreen	NO	Staff recommends approval, and recommends that this ratio be maintained for the additional trees that may be required as a result of this		Approve submitted as

<b>I-35 Requirements</b>	<b>Freeway Retail/Commercial District</b>	<b>Sub-Proposed</b>	<b>Standard Met?</b>	<b>Mitigation/ Rationale Exception</b>	<b>for Planning Zoning Commission Recommendation</b>
				appeal process.	
Minimum 2' tall berm must be installed for minimum 50% of the buffer area	Approximately 40% berms of 1.5' to 2' height	NO		Staff recommends approval of this appeal, <b>however recommends parking screen of hedge row 2.5 to 4' high along I-35 frontage</b>	
All proposed landscape areas will be irrigated	Irrigation is provided	YES		NA	NA
Sidewalks – Not required on General Bruce Community Wide Collector trail is shown on Midway – 8-10' wide Arterial streets require 6' wide sidewalk	Not shown	NO		Staff recommends minimum 6' wide sidewalk is constructed with this development along Midway Drive to meet minimum standards.	Recommends minimum 6' wide sidewalk is constructed with this development along Midway Drive to meet minimum standards.
<b>SIGNS GENERAL</b>					
Permitted Sign Types: • Wall Signs • Monument Signs • Pylon Signs • Multi-Tenant Pylon Signs	Pole signs are proposed			Staff recommends the I-35 sign requirements be met. Pole signs are not permitted.	Secondary Appeal Date 2/19/2013
Permitted Sign Types: Wall Signs – Number allowed one per façade	Three proposed for front façade on one building and 2 on smaller structure	NO		Staff recommends approval. Two separate dealerships are provided in each building.	Secondary Appeal Date 2/19/2013
Maximum Sign Per Site (1/300' frontage along I-35) = 2	Applicant proposes 5 pole signs	NO		Staff recommends the I-35 sign	Secondary Appeal Date 2/19/2013

I-35 Requirements		Standard Met?	Mitigation/ Rationale Exception	for	Planning and Zoning Commission Recommendation
Freeway District	Retail/Commercial Sub-Proposed				
			requirements be met. Two signs are permitted.		
Freestanding Sign materials – must be same as primary masonry building material	Applicant proposes 5 pole signs - Does not meet standards for sign materials or type	NO	Staff recommends the I-35 sign requirements be met. Pole signs are not permitted and must be enclosed with base materials.		Secondary Appeal Date 2/19/2013
All illuminated signs must be lighted internally or lighted by top-mounted lights pointed downward. A sign may not be illuminated with fixtures that are unshielded from upward transmission of light. On-site signs must be turned off upon closing if closing occurs after 10:30p.m. Lights that flash, pulse, rotate, move or simulate motion are not permitted.	MET	YES	NA		NA
Pylon Sign Provisions – 1:15 minimum height to width ratio for support structure or base. Maximum is 25' for this use	Using existing signs – 30' 24' 36' 28' and 21' Tall They do not meet pylon sign provisions – all are pole signs; only 2 meet height requirements	NO	Staff recommends the I-35 sign requirements be met. Pole signs are not permitted and must be enclosed with base materials with appropriate height to width ratio.		Secondary Appeal Date 2/19/2013
<b>LIGHTING GENERAL</b>					
All luminaires of 1,800 or more lumens	WILL MEET	YES	NA		NA

I-35 Requirements				Standard Met?	Mitigation/ Rationale Exception	for	Planning and Zoning Commission Recommendation
Freeway District	Retail/Commercial	Sub-	Proposed				
<p>must be full-cutoff as installed. For luminaires under 1,800 the bulb must be frosted glass or installed behind a translucent cover. Floodlights must be aimed no higher than 45 degrees below horizontal. This can be accomplished by the use of full-cutoff fixture design, shielding, visors, louvers or other devices. Exterior lighting must have soft, indirect illumination concealed behind landscaping or placed in outdoor lighting fixtures that do not produce direct glare. Lighting must be focused and provide the minimum amount of illumination required for safety.</p> <p>On-site lighting design must be used to identify and illuminate entries, walks and parking areas. Site lighting used for building illumination must be down wall washing only. No flood lighting or up lighting is permitted.</p> <p>Security lighting must be designed to avoid glare, and must direct light toward the building or storage area instead of away.</p>							
<p>Maximum allowable total lumens generated on each parcel are 80,000 lumens per net acre with full-cutoff lighting. Parcels less than one net acre are allowed full-cutoff lumens in a portion equal to the parcel's portion of a net acre. Lights mounted on the underside of a roof 15 or more feet from any edge of the roof count one-quarter toward the limit. Lights</p>				WILL MEET	YES	NA	NA

I-35 Requirements						Planning and
Freeway District	Retail/Commercial	Sub-Proposed	Standard Met?	Mitigation/ Rationale Exception	for	Zoning Commission Recommendation
<p>on the underside of a roof less than 15 feet from the edge of the roof count one-half toward total lumens.</p> <p>Exterior lighting must have soft, indirect illumination concealed behind landscaping or placed in outdoor lighting fixtures that do not produce direct glare.</p> <p>Lighting must be focused and provide the minimum amount of illumination required for safety.</p> <p>Outdoor lighting fixtures must be a maximum of 30 feet in height. All light fixtures located within 50 feet of any residential use must not exceed 15 feet in height.</p> <p>Lighting that flashes, blinks or moves in any way is not allowed.</p> <p>Mercury vapor lighting is not allowed.</p>						
<p>The maximum illumination at five feet inside an adjacent residential parcel or public street right-of-way, or beyond, from light emitted from an artificial light source is 0.1 horizontal foot-candles and 0.1 vertical foot-candles. Such illumination at 10 feet inside an adjacent nonresidential parcel or on a public roadway, or beyond, must not exceed 0.1 horizontal foot-candles or 0.1 vertical foot-candles.</p> <p>No line of sight to a bulb is permitted five feet or more beyond a residential property line or public street right-of-way by an observer viewing from a position that is level with or higher than the ground below the fixture. Compliance is achieved with</p>		WILL MEET	YES	NA		NA

I-35 Requirements				Standard Met?	Mitigation/ Rationale Exception	for	Planning and Zoning Commission Recommendation
Freeway District	Retail/Commercial	Sub-	Proposed				
fixture shielding, directional control designed into the fixture, fixture location, fixture height, fixture aim or a combination of these factors.							
ARCHITECTURAL DESIGN – FREEWAY RETAIL /COMMERCIAL SPECIFIC							
All buildings must be architecturally finished on all sides with same materials, detailing and features- higher level of finish on primary facades.  Facades not visible from the street may reflect only similar colors if screened with single row of trees planted along the building or in the landscape buffer on offset 30' centers in min. 10' landscape edge where 50% of trees are evergreen.				Cadillac side of the building will be Architectural stone panels; the Buick GMC side will have architectural metal panels and trim , the service building behind will be stucco The second structure has not been designed but will meet the intention of the ordinance.	YES	NA	NA
All buildings must incorporate no less than 3 architectural elements. > 50,000 SF must incorporate 5 elements; > 100,000 SF 7 elements (UDC 6.7.D2c)				The primary structure has been designed, but the second has not.	NO	Staff recommends approval. The dealership buildings will be the automobile manufacturer's standard design and look.	Approve as submitted
All buildings must be designed and constructed in tri-partite architecture to express base, mid-section and top.				NO. The second structure has not been designed but will meet the intention of the ordinance.	NO	Staff recommends approval. This type of use is not typically done in the tri-partite scheme.	Approve as submitted
All retail and commercial buildings with facades greater than 200' in length,				The back side of the service building will have	NO	Staff recommends approval for this	Approve as submitted

I-35 Requirements Freeway District	Retail/Commercial	Sub-	Proposed	Standard Met?	Mitigation/ Rationale Exception	for	Planning Zoning Commission Recommendation	and
visible from a public street right of way must incorporate wall plane projects or recesses that are at least 6' deep. Projections and recessed must be at least 25% of the length of the façade. No uninterrupted length of facade may exceed 100' in length.			a flat stucco façade. The second structure has not been designed but will meet the intention of the ordinance.		façade.			
Windows must be a minimum of 40% up to a maximum of 80% on each building elevation.			Windows are 48% on front, 20% left side, and 17% right side. The second structure as not been designed but will meet intention of the ordinance.	PARTIAL - Front Only	Staff recommends approval.		Approve submitted	as
Color of structures must be earth-tone in hue. (Planning Dir. may approve 10% variation).			As required by manufacturer. The second structure has not been designed but will meet the intention of the ordinance.	NO	Staff recommends approval the colors are muted and typical for auto dealers.		Approve submitted	as
No more than three materials for facades of buildings			The right side has a 4th material being architectural metal at the service entrance, which is recessed. The second structure has not been designed but will meet the intention of the ordinance.	PARTIAL	Staff recommends approval.		Approve submitted	as
No single building material may cover more than 80% of the front of any building (except for on-site service or utility structures).			MET The second structure has not been designed but will meet the intention of the ordinance.	YES	NA		NA	



I-35 Requirements							Planning and
Freeway District	Retail/Commercial	Sub-	Proposed	Standard Met?	Mitigation/ Rationale Exception	for	Zoning Commission Recommendation
Windows must not be glazed or re-glazed with mirrored/ reflective glass.			MET The second structure has not been designed but will meet the intention of the ordinance.	YES	NA		NA
Must select from list of approved building materials (max 90%; min 70%) Stone, Architectural metal, brick, stucco, granite, marble, painted tilt wall and accent materials (max 30% and min 10%) (UDC 6.7.9 D. 3.g) cast stone, wood, glass block, tile, granite, marble, textured or patterned concrete			MET The second structure has not been designed but will meet the intention of the ordinance.	YS	NA		NA



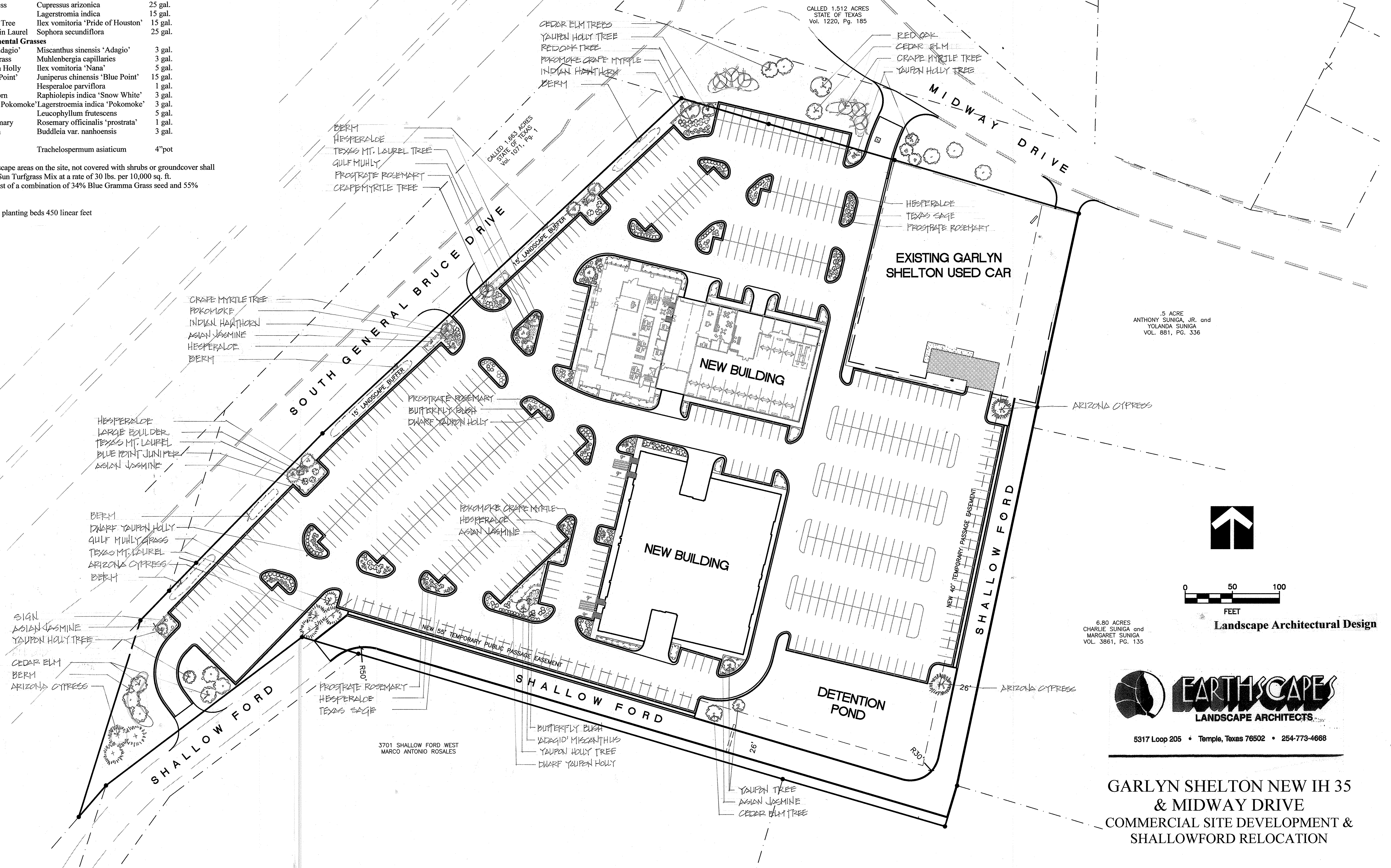


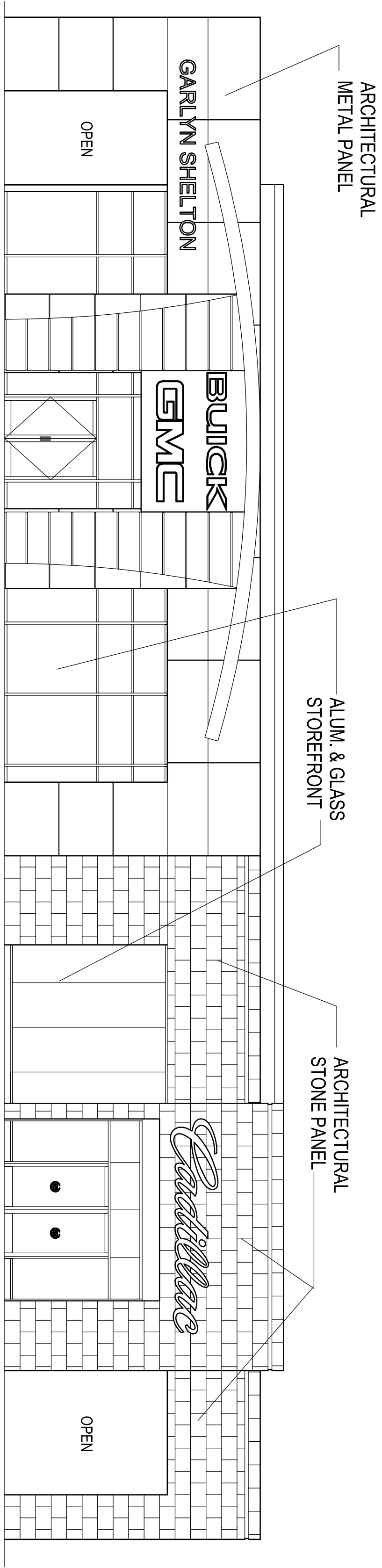


## Plant List

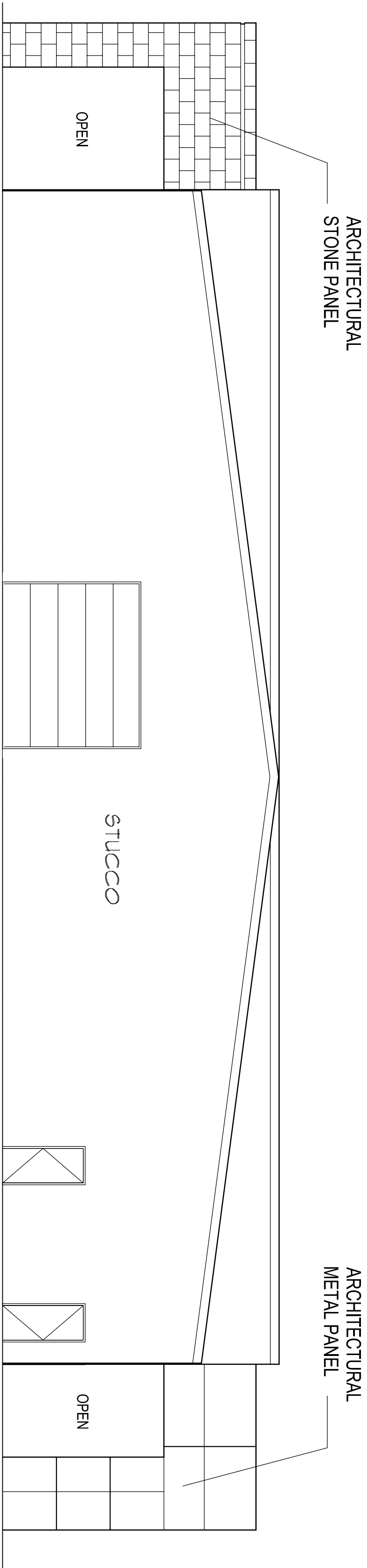
**Other** All other landscape areas on the site, not covered with shrubs or groundcover shall be seeded a Native Sun Turfgrass Mix at a rate of 30 lbs. per 10,000 sq. ft. This mix shall consist of a combination of 34% Blue Gramma Grass seed and 55% Buffalograss seed.

Building foundation planting beds 450 linear feet

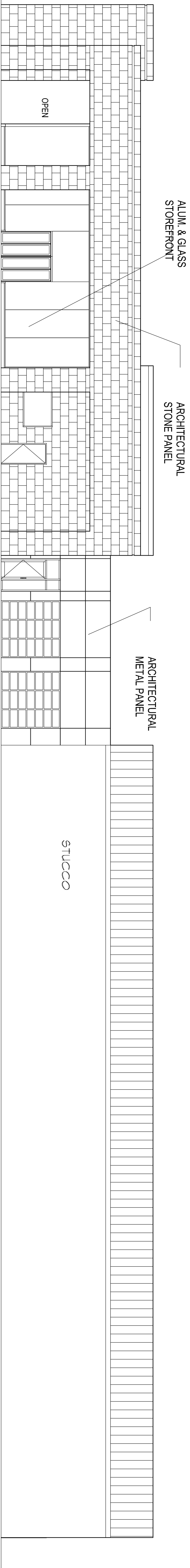




1 WEST ELEVATION  
SCALE: 1/8" = 1' - 0"

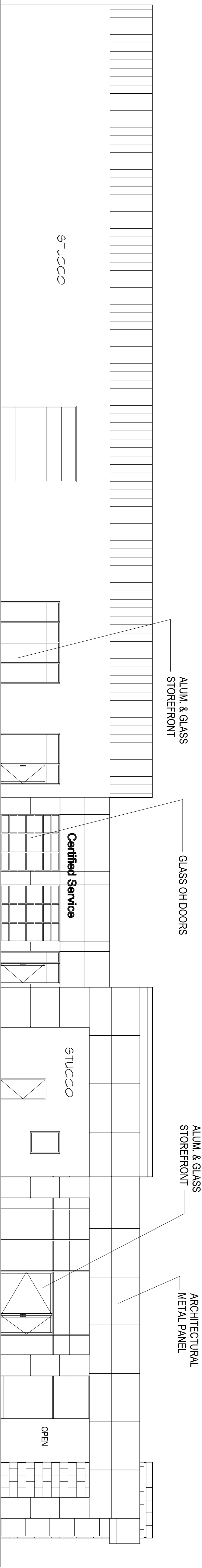


2 EAST ELEVATION  
SCALE: 1/8" = 1' - 0"



1 SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



2 NORTH ELEVATION

SCALE: 1/8" = 1'-0"



RELOCATED 30' VOLKSWAGEN SIGN

RELOCATED 24' BMW SIGN

RELOCATED 36' CADILLAC, BUICK, AND GMC SIGN

RELOCATED 28' GMC PRE-OWNED SIGN

RELOCATED 21' GMC SERVICE SIGN

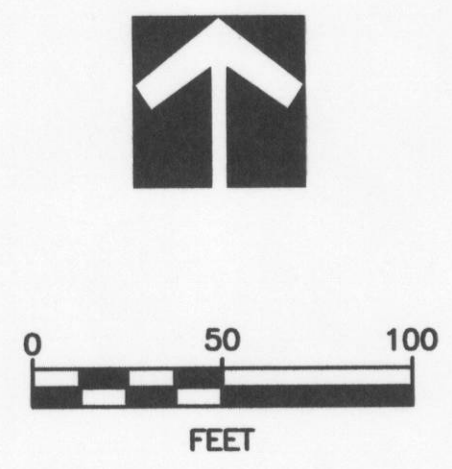
EXISTING GARLYN SHELTON USED CAR

NEW BUILDING

NEW BUILDING

DETENTION POND

**GARLYN SHELTON NEW IH 35  
& MIDWAY DRIVE  
COMMERCIAL SITE DEVELOPMENT &  
SHALLOWFORD RELOCATION**



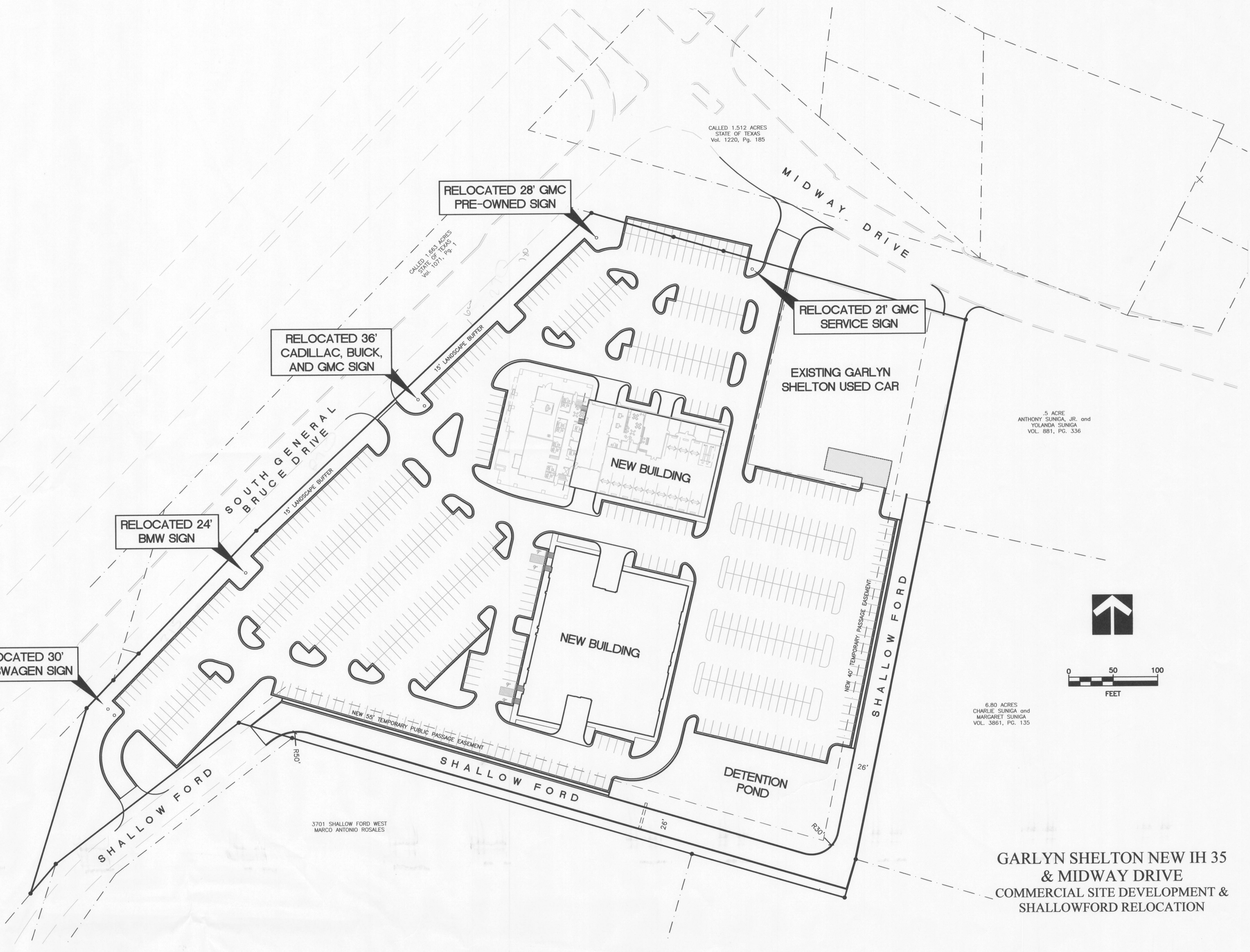
CALLED 1.512 ACRES  
STATE OF TEXAS  
Vol. 1220, Pg. 185

CALLED 1.893 ACRES  
STATE OF TEXAS  
Vol. 1071, Pg. 1

5 ACRE  
ANTHONY SUNIGA, JR. and  
YOLANDA SUNIGA  
VOL. 881, PG. 336

6.80 ACRES  
CHARLIE SUNIGA and  
MARGARET SUNIGA  
VOL. 3861, PG. 135

3701 SHALLOW FORD WEST  
MARCO ANTONIO ROSALES







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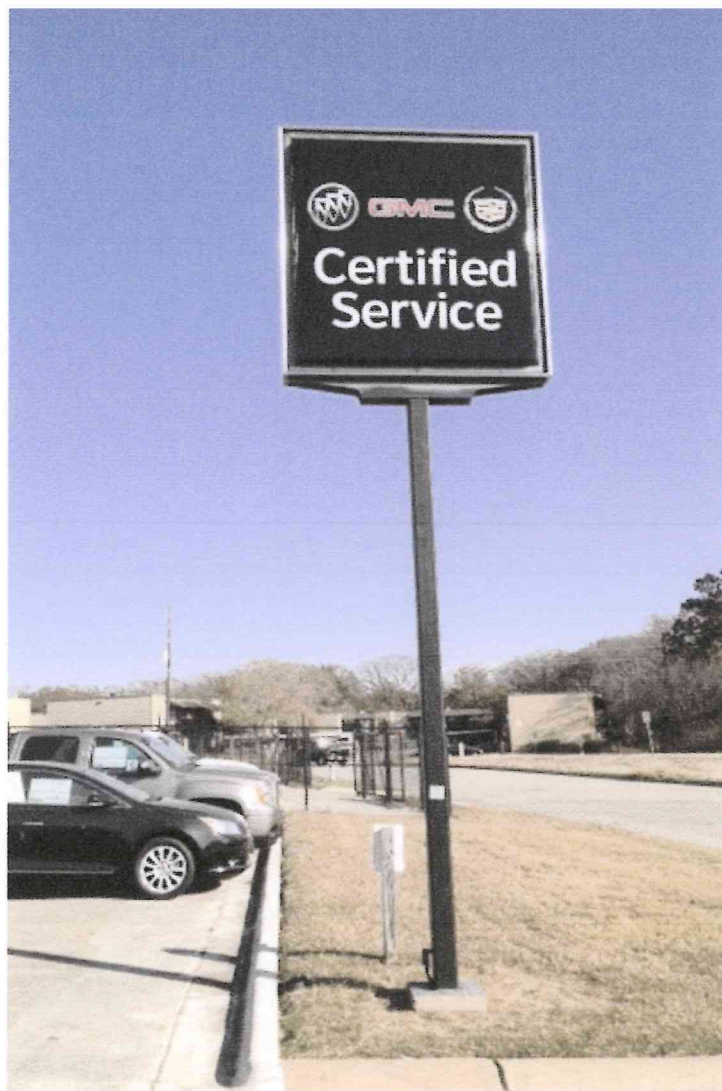


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**EXCERPTS FROM THE**  
**PLANNING & ZONING COMMISSION MEETING**  
**MONDAY, FEBRUARY 4, 2013**

**ACTION ITEMS**

**Item 4: Z-FY-13-11:** Consider and make a recommendation on an Appeal of Standards in Section 6.7, Unified Development Code related to the I-35 Corridor Overlay Zoning District for Garlyn Shelton Cadillac-Buick/GMC, located on Lot 1, Block 1, Diamond S. Addition, on the SE corner of Midway Drive & IH 35. (Applicant: Larry Neal)

Ms. Autumn Speer, Director of Planning & Development, stated this was a request from Garlyn Shelton car dealership who is proposing two new structures; 22,000 square feet facility and a 30,000 square feet facility. The site is just under ten acres in size. The appeal is for parking, landscaping, sign and architectural standards.

Shallow Ford Road is being rerouted to go around the property.

New construction in I-35 triggers all standards. The standards met by applicant include site plan submittal, parking, curb and gutter, irrigation, lighting, screening and wall standards and storage restrictions.

An appeal to the parking requirement includes parking in the landscape buffer and a potential for up to three pad sites for display parking along Midway. Staff is comfortable with the parking in the landscape buffer and even in the right-of-way. The applicant will submit a Street Use License for that but Staff does not recommend the three pad sites for display.

Landscaping appeals are the majority of the appeals. The overall landscaped area required in I-35 is 15 percent; the applicant has provided 12.4 percent including the detention pond. Staff has no issue with this appeal but would recommend additional plantings.

Foundation plantings are met with 54 percent of the required 70 percent and Staff recommends approval of this.

The landscape buffer area has deviated quite a bit from the I-35 requirements. Twenty-five feet is required along I-35, 20 feet is required along Midway and Shallow Ford. Applicant is requesting 15 feet on I-35 and none on Shallow Ford. The Midway area is in the right-of-way. Staff recommends approval of the decrease in the landscape buffer area but would request more plantings.

Sixty-four canopy trees are required in the buffers; applicant has provided 23 canopy trees, 49 total trees along the frontage, 15 trees are provided along I-35. Staff recommends applicant plant an additional six canopy trees along I-35 frontage (approximately 760 feet of frontage) and 10 ornamental trees along Shallow Ford and the detention pond area.

Twenty percent required landscape buffer must include native grass or wildflowers which Applicant could meet.

Parking screen requirement of a hedge row should be met. A berm is provided on both sides of the entryway off General Bruce and the hedge row would be appropriate to add there.

Interior parking islands require one for every 10 spaces so 62 would be required. Applicant has shown 15 terminal islands, less than the standard but Staff recommends approval. If this were increased, applicant would lose quite a bit of display space.

The terminal islands that are required do require two canopy trees in each. Applicant has proposed 15 islands with only shrubs. Staff would like to see canopy trees along the front (there are six along I-35) and ornamental trees in the other parking islands.

Staff is not concerned with median islands. They are required but not provided.

Required evergreen trees are 60 percent for I-35. Applicant has come close with 53 percent. Staff recommends approval of this.



A six foot citywide sidewalk requirement along Midway Drive has not been met.

The sign appeals are rather extensive. The I-35 sign requirements were updated in the summer of 2012 and pole signs were prohibited. A pylon sign is allowed in I-35 and must have a height to width ratio on the base with masonry or materials that matches the façade of the main structure. Applicant is proposing five pole signs. Staff recommends that the I-35 sign requirements be met. Applicant has also proposed an additional wall sign because of the different uses in the building and Staff is comfortable with this sign. The maximum number of signs per site is one for 300 feet of frontage and applicant's frontage would allow two freestanding signs.

Applicant is proposing five signs that do not meet the requirements:

- 1) 30 foot tall Volkswagen sign (would need to reduce by five feet and enclose the base with appropriate materials);
- 2) 24 foot tall BMW sign (height is appropriate but the base would need to be enclosed with appropriate materials);
- 3) 36 foot tall Cadillac/Buick/GMC sign (would need to reduce 11 feet and enclose the base with appropriate materials);
- 4) 28 foot GMC Pre-Owned sign (would need to reduce three feet and enclose the base with appropriate materials); and
- 5) 27 foot true pole sign (it is too tall as well as being a prohibit sign).

Several of the architectural appeals do not meet the requirements of the Ordinance but do meet the intent. Staff recommends approval of the architectural appeals.

Staff recommends approval of all appeals as submitted with the following additions:

Additional display not be permitted in the proposed Midway right-of-way area;

Additional planting of six canopy trees in I-35 buffer area; 10 ornamental trees along Shallow Ford Road in detention area;

20% of the landscape buffer areas must have native grass beds or wildflowers in all areas;

Provide parking screen via hedge row two and a half to four feet high for all parking areas visible from public view along I-35;

Two canopy trees be provided in each of the six islands along I-35 frontage and two ornamental trees are planted in each of the others;

Minimum six foot wide sidewalk is constructed with this development along Midway Drive to meet minimum standards;

I-35 sign requirements be met as they relate to number, height and base materials; and

All future new construction will need to be compliant with the I-35 standards, however Staff recommends that these appeals be granted in perpetuity and not be subject to renegotiation should these standards be triggered again with future development.

Mr. Larry Neal, Larry Neal Architects, 4720 Ascot Parkway, Temple, Texas, stated Mr. Ed Whittle, Owner, was suppose to attend the meeting but was unable to make it. Mr. Neal stated this is a car dealership going along I-35. Applicant is trying to meet the intent of the landscape ordinance.

Mr. Neal finds difficulties with the I-35 Ordinance when it comes to car dealerships since the cars are the product and screening the cars does not help the dealership. This applies to two of the items Mr. Neal objects to; however, several of requirements he agrees with.

Additional display not be permitted in the proposed Midway right-of-way area: Mr. Neal agrees since the area would not be used for anything.

Staff recommends applicant install additional plantings of 16 trees as an I-35 buffer area and 10 ornamental trees along Shallow Ford Road. Mr. Neal stated there was no problem with the 10 ornamental trees. However, applicant would prefer not to put the additional canopy trees along the right-of-way because once the trees really start to grow the building cannot be seen from the highway. The applicant wants his buildings to be seen.

Mr. Neal questions the native grass and wildflowers. Wildflowers can be very attractive but they cannot be mowed until June in order to reseed. Applicant is willing to do some type of grass that would qualify.

Parking screens two and a half to four feet high. The applicant is definitely against this screening. The reason car dealerships are going along I-35 is so the product can be seen from I-35. By putting a two and a half to four foot screen up it shields the product and the cars are the product being shown and sold. Mr. Neal stated this type of screening is more appropriate for a restaurant or something like that.

Staff recommends two canopy trees be provided in each of the six islands along I-35 frontage and two ornamental trees planted in each of the others. The applicant does not want to do this. Mr. Neal stated car dealerships do not want any trees. The applicant has suggested bushes in all the intermediate islands because trees attract birds and they create a mess on the product. Mr. Neal feels car dealerships should have a separate ordinance since the display of cars is different from regular parking which creates an unsightly view. Brushes or shrubs would be more appropriate than trees.

Applicant is agreeable to a six foot sidewalk on the outside border.

Signage: The recommendation is that the I-35 signage requirements be met. Mr. Neal stated the applicant would rather not do that. Mr. Shelton currently has dealerships on the Loop and has the signage there. Buick, GMC and Cadillac have a combined sign. The other dealership, BMW/Volkswagen cannot have the same sign, they are required to be separate. The GMC/Cadillac sign is an existing sign and the applicant would prefer not incurring additional expense for new signs. The applicant would also like to keep the same sign height because he has concerns about traffic on the overpass not seeing the signage. The applicant would be willing to do some decorative bases on the signs but not necessarily 15 to 18 feet high which would block the view. The Certified Used Vehicles sign would be on the north end of the facility. The sign on Midway would be a relocated Service sign for both facilities.

Mr. Neal stated he would be happy to compromise on most issues, but the four foot buffer is excessive, applicant would prefer no trees within the property, and would prefer not putting more canopy trees on the front.

Discussion about each sign, possible combination of signs, or relocation of signs since the Commissioners stated there were too many signs along I-35.

Ms. Speer suggested possibly moving one sign to the corner and turning it into a monument sign and add some base requirements to the other three. Mr. Neal agreed it was a better solution.

Chair Staats stated that none of the signs were in compliance and Mr. Neal agreed and stated even if they had bases they would not be in compliance. These are signs the applicant already owns and does not want to buy new signs; the applicant prefers not to be in compliance and use existing owned signs.

Discussion about base sizes on existing signs.

Commissioner Harrell asked if it was possible to shorten the signs and Mr. Neal stated it was; however, the owner feels they need to be taller due to the location of the site and the overpass.

Commissioner Jones asked if the sign portion of the appeal could be broken out for Staff and applicant to renegotiate in order for the rest of the appeals to proceed. Staff and Mr. Neal stated that would be acceptable.

More discussion about signs and bases.

Commissioner Magaña understood the reasons for not wanting canopy trees in the parking lot; however, he did ask if four additional trees could be put along I-35 frontage. Mr. Neal stated the applicant is having a problem with other car dealerships not having to do what he is being asked to do.

Chair Staats agreed that a two and a half to four foot hedge was not a good idea especially for this type of business. Chair Staats asked the other Commissioners to go against Staff on this particular requirement since the inventory is the product and the front face of the business.

Mr. Lloyd Thomas, Aldrich-Thomas Realty, 18 N. 3<sup>rd</sup> Street, Temple, stated the size of the applicant's site, in relationship to Wrangler or Johnson Brothers, is considerably smaller. Having open signs allows for more visibility and less obstruction when driving down the interstate. Staying with the current style of signs is an effort to keep it looking more open and less cluttered. Mr. Thomas stated the height of the signs is truly an issue with the applicant since I-35 goes over Midway and the elevation blocks the visibility of this location (north to south). Mr. Thomas also stated massive bases on the signs would hinder the plantings around the bases and he did not want to lose the greenery.

Ms. Speer stated the next P&Z meeting would be on February 19<sup>th</sup> and that would be when the signs would come back.

Additional discussion about the buffer screen.

Mr. Neal stated 24 canopy or ornamental trees are proposed in the buffer now, and when you turn the corner there are approximately seven to eight more. Forty percent of them are ornamental trees. Ms. Speer stated 15 trees were proposed along I-35, 7 are canopy and 8 are ornamental. Commissioner Magaña asked if some more trees could be put along the I-35 frontage, on the main side. Mr. Neal stated yes.

Ms. Speer summarizes the outcome of what the applicant is willing to go with;

- Additional display not permitted;

- 10 ornamental trees along Shallow Ford;

- 20 percent of the landscape plan for native grass;

- Six foot wide sidewalk;

- Postpone signage until next meeting.

Overall, Staff is asking for 18 more canopy trees, 18 more ornamental trees.

Commissioner Magaña made a motion to approve Item 4, **Z-FY-13-11**, to include no parking along Midway Road, add two additional canopy trees at the entrance on both sides, 20 percent of the landscaped buffer area must be native grass, no parking screen required, no canopy trees in the parking lot, the six foot sidewalk will be installed, move the signage to the next P&Z meeting scheduled on February 19, 2013 and Commissioner Talley made a second.

*Motion passed: (8:0)*

Vice-Chair Sears absent

Commissioner Talley asked if it was possible for the Staff to look at the Unified Development Code regarding car dealerships. Ms. Speer stated there would be a City Council retreat on February 14, 2013 and part of the presentation is on the appeals that have been taken forward and if things are headed in the right direction.

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

[PLANNING NO. Z-FY-13-11]

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN APPEAL OF STANDARDS IN SECTION 6.7 OF THE UNIFIED DEVELOPMENT CODE RELATED TO THE I-35 CORRIDOR OVERLAY ZONING DISTRICT FOR LANDSCAPING, PARKING, AND ARCHITECTURAL STANDARDS FOR GARLYN SHELTON CAR DEALERSHIP, LOCATED AT THE SOUTHEAST CORNER OF MIDWAY DRIVE AND SOUTH GENERAL BRUCE DRIVE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on February 4, 2013, the Planning and Zoning Commission approved an appeal of standards of Section 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for landscaping, parking, and architectural standards for Garlyn Shelton Car Dealership, located at the southeast corner of Midway Drive and south General Bruce Drive;

**Whereas**, the applicant is requesting an appeal of the standards relating to a proposed 22,000 square foot facility and a 30,000 square foot facility for car sales and service – the entire site is approximately 9.4 acres;

**Whereas**, in accordance with Article 6 of the Unified Development Code relating to the Interstate 35 Corridor Overlay, all new construction is required to conform to the standards;

**Whereas**, staff recommends approval of the appeals shown on Exhibit A and the site plan shown on Exhibit B for landscaping, parking, and architectural standards for Garlyn Shelton Car Dealership, located at the southeast corner of Midway Drive and south General Bruce Drive; and

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

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

**Part 1:** The City Council authorizes an appeal of standards to Section 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for landscaping, parking, and architectural standards for Garlyn Shelton Car Dealership, located at the southeast corner of Midway Drive and south General Bruce Drive, as outlined in Exhibit A and B attached hereto and incorporated herein.

**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 **21<sup>st</sup>** day of **February**, 2013.

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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02/21/13  
Item #8  
Regular Agenda  
Page 1 of 1

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

William A. Jones, III, Mayor

### **ITEM DESCRIPTION:** Consider adopting a resolution appointing the following City Boards:

- (A) Reinvestment Zone No. 1 Board of Directors - one member to fill an unexpired term as the Temple College representative, through September 1, 2013; and
- (B) Reinvestment Zone No. 1 Board of Directors - one at-large member to fill an unexpired term through September 1, 2012; and
- (C) Temple Public Safety Advisory Board – three members to fill unexpired terms through September 1, 2013; and
- (D) Animal Services Advisory Board – one member to fill an unexpired term through September 1, 2015.

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

**ITEM SUMMARY:** The City Council adopted a resolution in June, 2003, establishing policies governing the appointment and training of citizens to City boards.

### **FISCAL IMPACT:** N/A

### **ATTACHMENTS:**

[Board Summary](#)



# REINVESTMENT ZONE NUMBER ONE

TERM EXPIRATION: SEPTEMBER - 2 YEAR TERMS

APPOINTED BY: C.C., TJC, BELL COUNTY, & TISD

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
John Howe <a href="mailto:john@omegabuilders.com">john@omegabuilders.com</a>	09/12	2014	11104 Lake Whitney Dr. Temple, TX 76502	773-9966W 541-3090 M 780-1101 H
Pat Patterson <a href="mailto:Pat.patterson@patcoconstructionllc.com">Pat.patterson@patcoconstructionllc.com</a>	09/11	2013	2116 West Avenue H Temple, TX 76504	771-2228 W 760-6062 C
Larry Neal <a href="mailto:arcneal@hotmail.com">arcneal@hotmail.com</a>	12/20 Unxp term	2013	4609 Willowood Lane Temple, TX 76504	778-1466 - W 773-7564 - H 913-8498 - C
At- Large/ Vacant- unexpired term		2013		
Bob Browder, Chair (Temple College Rep.) <a href="mailto:bobbrowder@bcswlaw.com">bobbrowder@bcswlaw.com</a>	10/08 Appt by TC 02/13	2013	4101 Briar Cliff Road Temple, TX 76502	774-8333 ext 255 W 778-8956 H 760-6164 C
Wendell Williams <a href="mailto:wwilliams@cnbtemple.com">wwilliams@cnbtemple.com</a>	09/11	2013	104 Coleta Court Belton, TX 76512	743-6960 W 913-1806 C
Hugh Shine <a href="mailto:hughdshine@yahoo.com">hughdshine@yahoo.com</a>	09/12	2014	P.O. Box 793 Temple, TX 76503	742-1885 W 774-9685 H 760-6007 C
Kenny Paysse <a href="mailto:Kenny@paysseins.com">Kenny@paysseins.com</a>	09/12	2014	3409 Whispering Oak Temple, Texas 76502	778-7892 H/W 493-2000 M
Steve Wright (TISD Rep.) <a href="mailto:steve@wrightbuilders.com">steve@wrightbuilders.com</a>	6/06 appt.by TISD	2013	Wright Builders 5640 Kegley Place Ln Temple, TX 76502	778-4495 W 541-5124 M
Thomas Baird <a href="mailto:thomasbaird@bcswlaw.com">thomasbaird@bcswlaw.com</a>	06/11	2013	15 N. Main Temple, TX 76501	743-7310 W 913-2170 M
Commissioner, Bill Schumann (Bell Co. Rep.) *unexp term <a href="mailto:Bill.schumann@co.bell.tx.us">Bill.schumann@co.bell.tx.us</a>	01/13 appt.by Bell Co.	2013	101 E Central Avenue Belton, 76513 Mailing: POB 768 Belton, 76513	254-933-5103 W
Steve Wolfe <a href="mailto:swolfe@extracobanks.com">swolfe@extracobanks.com</a>	09/12	2014	2810 Wickersham Dr. Temple, TX 76502	774-5819 W 771-5386 H 718-8361 C 774-5848 F
John Kiella (BISD Rep.) <a href="mailto:jkiella@kiella.com">jkiella@kiella.com</a>	09/05	2014	P O Box 1344 Temple, TX 76503	778-0085 W 774-7231 Fax 541-3360 M
Gary Schmidt (Troy ISD Rep.) <a href="mailto:gschmidt@cnb-temple.com">gschmidt@cnb-temple.com</a>	02/2000	2014	Central National Bank P O Box 4107 Temple, TX 76505	743-6965 W 938-2429 H 770-3186 Fax
Edward Coufal (Elm Crk) <a href="mailto:edwardc@cpetem.com">edwardc@cpetem.com</a>	05/05	2013	8576 FM 3117 Temple, Texas 76501	721-9696 773-9916 W

Created pursuant to Section 311.004(a)(2) of the Tax Increment Financing Act; Ordinance 1457, December 16, 1982. **Purpose:** Make recommendations to the City Council concerning the administration of the Zone. The board of directors exercise powers necessary to implement the project plan which is delegated by ordinance of the Council. **Membership:** 15 directors - 9 appointed by the Council; 1 director each of every taxing entity with levies taxes within the Zone, currently: TC, TISD, BISD, Troy ISD, Bell County and Elm Creek Water District. To be eligible for appointment to the board an individual

must be a qualified voter of the municipality or be at least 18 years of age and own real property in the zone, whether or not the individual resides in the municipality.**Term:** 2 years

Revised 09/06/12

# TEMPLE PUBLIC SAFETY ADVISORY BOARD

TERM EXPIRATION: SEPTEMBER - 3 YEAR TERMS

APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Karl Kolbe O	03/12 Unexp	2015	4208 S. 31 <sup>st</sup> Street, Apt. 515 Temple, Texas 76502 <a href="mailto:kkolbe@hot.rr.com">kkolbe@hot.rr.com</a>	512-771-4132 C 254-231-3445 H
Sonny Jaramillo	06/11 Unexp	2015	512 W. Oakland Dr., 76501 <a href="mailto:sivj@swbell.net">sivj@swbell.net</a>	724-1392 W 760-7502 C
Rebecca Rucker	07/11	2013	212 Tanglewood Rd. 76502 <a href="mailto:rebeccar@fsbcentex.com">rebeccar@fsbcentex.com</a>	899-6602 W 231-2766 C
John Bush	09/09	2013	1302 North 13 <sup>th</sup> , 76501 <a href="mailto:Jbush83498@sbcglobal.net">Jbush83498@sbcglobal.net</a>	774-8899 W 773-1416 H 760-9313 C
James Conley Sr. **NO E-Mail	09/12	2015	1519 N. 18 <sup>th</sup> Street Temple, TX 76501 **NO E-Mail	771-9904 H 228-9281 C
VACANT	09/10	2013		
VACANT	09/10	2013		
VACANT	03/11	2013		
Angela McGeHee	12/12 Unexp. Term	2015	463 Westfield Blvd, #1222, 76502 <a href="mailto:Mcgehee24@gmail.com">Mcgehee24@gmail.com</a>	(254) 724-1080 W (254) 534-4581 C
Margaret Goodwin	06/10	2013	3206 Keller Road, 76504 <a href="mailto:mag47goo@msn.com">mag47goo@msn.com</a>	541-0894 C
Jeff Blackwell	11/10	2014	8520 Oak Crossing, 76502 <a href="mailto:jblackwell@swmail.sw.org">jblackwell@swmail.sw.org</a>	228-5609 H 541-8874 C
Steve Hubbard	09/10	2014	8716 Laurel Ridge, 76504 <a href="mailto:sthubbard@swmail.sw.org">sthubbard@swmail.sw.org</a>	654-3828 -C
David Carter	12/12 Unexp. term	2014	69 Runway Lane, 76504 <a href="mailto:dcarter@datarecall.net">dcarter@datarecall.net</a>	(409)715-2268-C
Billy Rowton	07/11	2014	3008 W. Ave T 76504 <a href="mailto:b.rowton@sbcglobal.net">b.rowton@sbcglobal.net</a>	771-2400 H 541-1775 C
John Barina	09/08	2014	2109 Stagecoach Trl 76502 <a href="mailto:johnbarina@hot.rr.com">johnbarina@hot.rr.com</a>	760-6525 W/C 773-9580 H

Created by Resolution 94-641-R February 3, 1994; previously under authority of resolution adopted September 1, 1983 as Temple Law Enforcement Advisory Board.

**Purpose:** Advise the Council on matters of law enforcement, fire, emergency medical service, communications and emergency management.

**Membership:** 15 members - all residents of the City;  
Ex-Officio members - Chief of Police, Fire Chief

**Term:** 3 years

**City Staff:** Police Chief Gary Smith/Fire Chief Lonzo Wallace

**Meeting Time/Place:** 2nd Tuesday of each month at 6:00 p.m., Temple Police Department. Revised 09/06/12

# ANIMAL SERVICES ADVISORY BOARD

TERM EXPIRATION: SEPTEMBER - 3 YEAR TERMS

APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE APOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Dr. Lance Crews, Veterinarian	01/03	standing	Animal Medical Care 1604 W. Avenue H Temple, TX 76502 <a href="mailto:amc@vvm.com">amc@vvm.com</a>	778-5246 W 913-8450 M 778-6327 F
Carole Owen	09/10	2013	1203 North 9 <sup>th</sup> Temple, TX 76501 <a href="mailto:ritescot@aol.com">ritescot@aol.com</a>	791-1365 H 760-1437 C
Paula Seibel (unxp term) Animal Welfare Org. Rep.	11/12	2014	913 Crockett Ct. Temple, TX 76501 <a href="mailto:seibelpaula@aol.com">seibelpaula@aol.com</a>	254-231-2486 C
Bill Jones,III, Mayor Municipal Official	05/11	standing	2 North Main Street Temple, TX 76501 <a href="mailto:bjones@templetx.gov">bjones@templetx.gov</a>	298-2951 W 760-6488 C
Amy Strunk, Animal Shelter Operator - Chair	09/09	2015	Animal Shelter 620 Mama Dog Circle Temple, TX 76504 <a href="mailto:astrunk@templetx.gov">astrunk@templetx.gov</a>	298-5732 W
Margarita Stefano-Rios (Forfeit/ Attendance)	09/12	2015	2419 East Adams Avenue Temple, TX 76501 <a href="mailto:Rjose2513@aol.com">Rjose2513@aol.com</a>	493-9085 C
Fabian Gomez	09/12	2015	1806 S. 45 <sup>th</sup> Street Temple, TX 76504 <a href="mailto:fgomez@kpaengineers.com">fgomez@kpaengineers.com</a>	773-3731 W 493-4864 M
Walter Hetzel, Animal Services Director	Ex-Officio		Animal Shelter 620 Mama Dog Circle Temple, TX 76504 <a href="mailto:whetzel@templetx.gov">whetzel@templetx.gov</a>	298-5742

Created July 3, 1975 by Ordinance #830; reorganized in 1988 under Ordinance #1892; board repealed and re-established as Animal Services Advisory Board under Resolution No. 2003-3589-R, January 16, 2003.

**Purpose:** To advise the City Council and City staff on matters relating to the City's Animal Services Division and its operations. The Board is specifically charged with ensuring that the City complies with State law requirements relating to the operation of animal shelters (currently found in Chapter 823 of the Texas Health and Safety Code. The Board shall submit each March a report to the City Council describing the Board's activities during the preceding year.

**Membership:** 7 members - to include 1 licensed veterinarian, 1 representative from an animal welfare organization, 1 municipal official, 1 person who duties include the daily operation of an animal shelter and 3 additional members that are residents of the City of Temple. **Chair to be appointed by Council annually.**

**Terms:** 3 years **Meeting Time/Place:** 2<sup>nd</sup> Monday of every other month; 11:00 am; Board must meet at least 3 times per year.

**City Staff:** Walter Hetzel, Animal Services Director

Revised: 11/15/2012