



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd FLOOR – CONFERENCE ROOM

THURSDAY, APRIL 4, 2013

3:30 P.M.

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, April 4, 2013.
2. Receive a City Council continuing education briefing on City Boards and Commissions.
3. Discuss the City's strategic plan, to include the FY 2013-2014 budget process and calendar, and various strategic and budget related policy issues.

5:00 P.M.

MUNICIPAL BUILDING

**2 NORTH MAIN STREET
CITY COUNCIL CHAMBERS – 2ND FLOOR
TEMPLE, TX**

TEMPLE CITY COUNCIL

REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. (A) [Fair Housing Month](#) [April 2013](#)
(B) [Healthy Texas Week](#) [April 8 – 14, 2013](#)

III. PUBLIC APPEARANCES

4. Receive comments from [Doug Smith, Parks and Leisure Services Advisory Board](#), and [Scott Allen, Temple Parks Foundation](#), regarding support of funding for park improvements in the 2013-2014 Budget.

IV. PUBLIC COMMENTS

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

V. CONSENT AGENDA

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

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

Minutes

- (A) [January 3, 2013 Special Called and Regular Meeting](#)
- (B) [February 21, 2013 Special Called and Regular Meeting](#)
- (C) [March 7, 2013 Special Called and Regular Meeting](#)
- (D) [March 21, 2013 Special Called and Regular Meeting](#)

Contracts, Leases, & Bids

- (E) [2013-6914-R](#): Consider adopting a resolution ratifying the emergency repair and cleaning of the EVSS chlorine scrubbers at the Water Treatment Plant from Siemen's Industries, Inc., of Sarasota, Florida in the amount of \$37,635.
- (F) [2013-6915-R](#): Consider adopting a resolution authorizing a Design-Build contract for construction of a compressed natural gas fueling station with ZeitEnergy LLC & Freese & Nichols Inc, of Dallas with an initial design services fee of \$100,000 and declaring an official intent to reimburse associated expenditures made prior to the issuance of tax-exempt obligations for this project.
- (G) [2013-6916-R](#): Consider adopting a resolution authorizing the following items with National Signs, LLC of Houston related to the downtown signage:
 - 1. A construction contract in the amount of \$434,290 for kiosk, directional, parking, and informational signage for the downtown area, which includes the base bid and add alternates A, B, C, D, and E; and
 - 2. A deductive change order in the amount of \$32,500 that reduces the scope of services in the base bid making the revised contract value \$401,790.
- (H) [2013-6917-R](#): Consider adopting a resolution authorizing a contract with Total Demolition, Inc. of Elm Mott for demolition services for the former Police, former Municipal Court, and Police Special Investigations Unit buildings in the amount of \$83,750.
- (I) [2013-6918-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP to design, bid, and provide construction phase services for a rail safety zone, per the report KPA was previously contracted to develop, in an amount not to exceed \$98,000.
- (J) [2013-6919-R](#): Consider adopting a resolution authorizing a professional services agreement with Clark & Fuller, PLLC for professional services required to design the reconstruction of residential streets within the Western Hills subdivision in an amount not to exceed \$642,074.28.
- (K) [2013-6920-R](#): Consider adopting a resolution authorizing the purchase of the fourth year of a Microsoft Software Enterprise Agreement with Dell Corporation of Round Rock, Texas, utilizing DIR Contract DIR-SDD-1014 in the amount of \$83,692.
- (L) [2013-6921-R](#): Consider adopting a resolution authorizing a one year lease agreement with the Texas Forest Service for lease of space in the Public Services Building.

Ordinances – Second & Final Reading

- (M) [2013-4582](#): SECOND READING: Consider adopting an ordinance establishing school crosswalks and setting speed limits within school zones to conform to school schedules.

Misc.

- (N) [2013-6922-R](#): Consider adopting a resolution authorizing an interlocal agreement with Bell County for use of the County's software and fiber optic network to process and maintain records regarding early voting, in the amount of \$1,370.
- (O) [2013-6923-R](#): Consider adopting a resolution declaring the candidate for the May 11, 2013 District 4 City Councilmember as unopposed and elected to office, thereby canceling the May 11, 2013 City General Election in District 4.
- (P) [2013-6924-R](#): Consider adopting a resolution appointing election judges and setting their compensation for the City's election to be held on May 11, 2013.
- (Q) [2013-6925-R](#): Consider adopting a resolution supporting HB1472, a bill in the Texas Legislature that provides for an additional mechanism for disposing of certain surplus real property owned by the City of Temple.

VI. REGULAR AGENDA

ORDINANCES

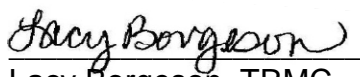
6. [2013-4579](#): SECOND READING - Z-FY-13-10: Consider adopting an ordinance authorizing a zone change from Planned Development with specific uses of shopping center and housing development to Commercial (to permit billboard sign) on 0.52 ± acres of Creekside Planned Development Temple, Bell County, Texas according to the plat recorded in Volume 1528, Page 813, of the real property records of Bell County, Texas, located at 3602 SW H K Dodgen Loop.
7. [2013-4583](#): FIRST READING – PUBLIC HEARING: Consider adopting an ordinance updating the City of Temple's Water Conservation & Drought Contingency Plan.

RESOLUTIONS

8. [2013-6926-R](#): Consider adopting a resolution appointing members to the following City boards and commissions:
- (A) Temple Public Safety Advisory Board – one member to fill unexpired terms through September 1, 2013; and
- (B) Animal Services Advisory Board – one member to fill an unexpired term through September 1, 2015.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 2:20 PM, on March 28, 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

04/04/13
Item #3(A-B)
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamation:

- | | | |
|-----|--------------------|--------------------|
| (A) | Fair Housing Month | April 2013 |
| (B) | Healthy Texas Week | April 8 – 14, 2013 |

STAFF RECOMMENDATION: Present proclamation as presented in item description.

ITEM SUMMARY: (A) This proclamation was requested by Cheryl Maxwell with Central Texas Council of Governments.

(B) This proclamation was requested by Nina M. Cobb, Outreach Education Coordinator, with the Bell County Health Department.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

04/04/13
Item #4
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Receive comments from Doug Smith, Parks and Leisure Services Advisory Board, and Scott Allen, Temple Parks Foundation, regarding support of funding for park improvements in the 2013-2014 Budget.

STAFF RECOMMENDATION: Receive comments as presented in item description.

ITEM SUMMARY: Mr. Doug Smith and Mr. Scott Allen submitted a Request for Placement on the City Council Agenda, please see attached the forms.

FISCAL IMPACT: None

ATTACHMENTS:

Request for placement on agenda – Mr. Doug Smith
Request for placement on agenda – Mr. Scott Allen



CITY OF TEMPLE, TEXAS
CITY COUNCIL MEETINGS

REQUEST FOR PLACEMENT ON AGENDA

___Priority

NAME OF PRESENTER: Doug Smith

ADDRESS: 18 W. Upshaw

TELEPHONE NO. 254-534-2943

DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note – The City Council meets the first and third Thursdays of each month.) 4-4-13

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

I would like to speak in support of PARK Improvements
in the upcoming Budget.

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

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

Doug Smith
SIGNATURE OF PRESENTER

3-28-13
DATE

For Office Use:



CITY OF TEMPLE, TEXAS
CITY COUNCIL MEETINGS

REQUEST FOR PLACEMENT ON AGENDA

___Priority

NAME OF PRESENTER: SCOTT ALLEN

ADDRESS: 818 N. 11th, TEMPLE 76501

TELEPHONE NO. (254) 718 3025

DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note – The City Council meets the first and third Thursdays of each month.) APRIL 4

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

FUNDING FOR ADDITIONAL PARKS AMENITIES

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

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

Scott Allen
SIGNATURE OF PRESENTER

3/28/13
DATE

For Office Use:



COUNCIL AGENDA ITEM MEMORANDUM

04/04/13
Item #5(A-D)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

- (A) January 3, 2013 Special Called and Regular Meeting
- (B) February 21, 2013 Special Called and Regular Meeting
- (C) March 7, 2013 Special Called and Regular Meeting
- (D) March 21, 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:

January 3, 2013 Special Called and regular Meeting
February 21, 2013 Special Called and Regular Meeting
March 7, 2013 Special Called and Regular Meeting
March 21, 2013 Special Called and Regular Meeting

TEMPLE CITY COUNCIL

JANUARY 3, 2013

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, January 3, 2013 at 3:30 PM, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

Present:

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

Absent:

Councilmember Perry Cloud

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, January 3, 2013.

Regular Agenda Item #4 - Zoning Case Z-FY-13-01: Councilmember Schneider stated he would like to see the entire area zoned properly verses piece milling. He asked when it was annexed.

Ms. Speer stated in 1997. She explained the applicant submitted a request for a building permit; of which was denied due to the side yard set back requirements.

Mr. Blackburn stated it is common practice for us to annex as AG, which is th most restrictive zoning. He committed to Council to review all recently annexed areas and the zoning.

Regular Agenda Item #5 & #6 - Zoning Case related to signs: Councilmember Morales requested to have visual for the location of these signs.

Regular Agenda Item #10 - Board Appointment/ Chair of RZ No. 1.

2. Discuss zoning for institutions for alcoholic and narcotic patients.

Ms. Speer stated the Centex Alcohol Rehabilitation Center began in 1972 and was originally located at the 2500 South General Bruce Drive. The Center is a 501 c3 non-profit and is classified as a community corrections facility of which the State provides standards for maintenance, operation, and level of security appropriate for the population served. Currently there

are 75 residential clients perm month at the Center; and 100 outpatient clients. The Center is requesting to relocate from their current location to South 50th and East Adams due to the TxDOT and I-35 Expansion. The proposed location is zoned Commercial which by right allows for 'Institution for Alcoholic or narcotic patients'. Ms. Speer stated that all legal notices have been met by the Center to relocate to the proposed location as well as complying with all other requirements under the state law. At this time there are no additional requirements for the City. Ms. Speer noted, the public meeting to be held on January 4th, will determine if the project continues or not. This decision is made by the state.

Councilmember Morales stated she wants to provide help for the community, but also wants to listen to the concerns of those within the community on this particular issue. She also asked Mr. Jim Cooper about the proximity to Hector P. Garcia and if the Center would be locked.

Mr. Cooper stated no, the residents are free to leave with a pass from the counselor. Most of the residents are non-violent offenders attempting to transition back into the community. East Adams location has minimum foot traffic by students in the area. Mr. Cooper stated this a \$2 million dollar facility and will create 28 jobs. He also noted that TxDOT's 'out-date' is August 1, 2013.

Mayor Pro Tem Dunn also inquired on discipline if there is misbehavior by the residents.

Mr. Cooper stated it depends on the incident or infraction. There are rules and policies in place that sets out consequences; and these are enforced.

Councilmember Cloud asked if there were safe guards in place to keep residents from leaving?

Mr. Cooper stated no, but if they leave without permission they will have consequences with parole or probation officer as well as the judge.

Ms. Speer stated that over 2 years, there have been 47 calls for service; 5 of which were disturbances.

Chief Smith also commented that at the current location, the Center is not a high consumer of services.

Mr. Cooper asked for Council to consider this request.

3. Receive a City Council continuing education briefing on the City Charter.

Mr. Graham, City Attorney provided an overview of the City's Charter. He noted this is another term for constitution. Mr. Graham also noted that the

City of Temple is a 'home rule' city. He provided an overview of some of the articles within the Charter to include Articles 3, 4, 7, & 8.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, January 3, 2013 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

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

Absent:

Councilmember Perry Cloud

I. CALL TO ORDER

1. Invocation

Pastor Dana Wilhelmsen with Immanuel Lutheran Church voiced the Invocation.

2. Pledge of Allegiance

Autumn Speer, Director of Planning and Development, led the Pledge of Allegiance.

II. PUBLIC COMMENTS

Mr. Ricky Lewis, 305 Ben Nevis Lane was present to discuss item #4. Mayor Jones advise Mr. Lewis this item (item 4) was posted on the agenda for a public hearing. Mr. Lewis indicated he would wait.

III. CONSENT AGENDA

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

(A) 2013-6854-R: Consider adopting a resolution authorizing an annual service agreement with Magna Flow Environmental of Humble for hauling and disposal of membrane CIP waste for FY 2013 for \$.07/gallon in the estimated annual amount of \$28,000.

(B) 2013-6855-R: Consider adopting a resolution authorizing a Chapter 380 Strategic Investment Zone "matching grant"

agreement with Ponderosa Food Service Company Inc. for redevelopment improvements to the existing Presidia building located within the MLK Jr. Boulevard Strategic Investment Zone corridor at 306 East Adams in an amount not to exceed \$44,000 plus waiver of permit fees.

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

Motion passed unanimously.

IV. REGULAR AGENDA

ORDINANCES

- 4. 2013-4571: FIRST READING - PUBLIC HEARING - Z-FY-13-01: Consider adopting an ordinance authorizing a permanent zoning from Agricultural District (AG) to Planned Development-Single Family One District (PD-SF-1) at 305 Ben Nevis Lane, located on Lot 4, Block 1, The Highlands Phase 1.**

Autumn Speer, Director of Planning and Development, presented this case to the Council. She stated the applicant is requesting the rezoning from AG to PD-SF1 to allow for a reduced side yard setback at the south property line of the residence. This property was annexed into the City Limits in 1997; the property was platted prior to this annexation and had deed restriction allowing the 5 foot yard setback. The applicant was not aware of the specifics for the agricultural zoning. A building permit was submitted a few months ago and was denied. The applicant then began the process through Planning and Zoning Commission. Ms. Speer stated the shortest route was to allow for the setback through the Zoning Board of Adjustment; and it was denied yet again. Staff then recommended the planned development for Single Family One. The Single Family One zoning does comply and follow our comprehensive plan and Land Use Plan for this area. Ms. Speer provided photos of the subject and surrounding properties. She also noted the applicant has met all the requirements with the exception of the side yard setback; the planned development proposal would allow the 5'-6' side yard setback on the south property line. Ms. Speer provided drawings for the proposed addition to the home. It is proposed to be mason exterior on the front and hardy on the side matching the property as it is now. Ms. Speer stated there were 13 notices mailed out to the surrounding properties; four were

returned in favor and three in opposition. Mr. Lewis provided a letter rescinding his opposition; it is was provided to each Councilmember at the dias. Staff recommends approval of the request. Planning and Zoning heard this case on December 17, 2013 with a vote of 9/0 recommended approval of the zoning change as submitted.

Mayor Jones asked, if the house burned down could it be rebuilt as it's zoned AG?

Ms. Speer replied yes.

Mayor Jones declared the Public Hearing open with regards to Agenda item 4 and asked if anyone wished to address this item. There being no comments, Mayor Jones declared the Public Hearing closed.

Councilmember Schneider stated he wished this had been done differently so that the entire neighborhood had the proper zoning. In fairness to the applicant he didn't see any reason to not approve this request.

Mayor Jones stated we have committment from staff and City Manager to initiate the process in seeing that all the annexed areas are zoned properly.

Motion by Councilmember Russell Schneider adopt Ordinance, with second and final reading set for January 17, 2013. seconded by Councilmember Judy Morales.

Motion passed unanimously.

5. 2013-4572: FIRST READING - PUBLIC HEARING - Z-FY-13-02: 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 3010 South General Bruce Drive.

Autumn Speer, Director of Planning and Development, presented this case to the Council. The currently location of this sign is at 2914 South General Bruce Drive and is proposed to move to 3010 South General Bruce Drive. The Unified Development Code allows for relocation due to TxDOT right-of-way acquisition; but there are spacing requirements that if not meet it must be reviewed by Council. All standards have been met with the exception of the spacing requirments. Ms. Speer stated there were six notice mailed to the surrounding property

owners; with zero responses. Staff's recommendation is to approve the CUP. The Planning and Zoning Commission heard this case on December 17, 2012 and recommended approval of this CUP by 9/0.

Mayor Jones declared the Public Hearing open with regards to Agenda item 5 and asked if anyone wished to address this item. There being no comments, Mayor Jones declared the Public Hearing closed.

Motion by Councilmember Judy Morales adopt Ordinance, with second and final reading set for January 17, 2013. seconded by Mayor Pro Tem Danny Dunn.

Motion passed unanimously.

6. 2013-4573: FIRST READING - PUBLIC HEARING - Z-FY-13-03: 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 2502 North General Bruce Drive.

Autumn Speer, Director of Planning and Development, presented this case to the Council. The currently location of this sign is in front of Kork's Liquor Store on General Bruce and is proposed to move to 2502 North General Bruce Drive. The Unified Development Code allows for relocation due to TxDOT right-of-way acquisition; but there are spacing requirements that if not meet it must be reviewed by Council. All standards have been met with the exception of the spacing requirments. Ms. Speer stated there were three notices mailed to the surrounding property owners; with two returned in favor of relocating. Staff's recommendation is to approve the CUP. The Planning and Zoning Commission heard this case on December 17, 2012 and recommended approval of this CUP by 9/0.

Mayor Jones declared the Public Hearing open with regards to Agenda item 6 and asked if anyone wished to address this item. There being no comments, Mayor Jones declared the Public Hearing closed.

Motion by Councilmember Russell Schneider adopt Ordinance, with second and final reading set for January 17, 2013. seconded by Councilmember Judy Morales.

Motion passed unanimously.

7. **2013-4574: FIRST READING - PUBLIC HEARING - Z-FY-13-04: Consider adopting an ordinance authorizing a zone change from Agricultural District (AG) to Single Family Three District (SF-3) on 64.073 ± acres and Office Two District (O-2) on 9.665 ± acres, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located on the west side of Old Waco Road, adjacent to Westwood Estates and Hills of Westwood, south of Jupiter Drive.**

Autumn Speer, Director of Planning and Development, presented this case to the Council. This is a request for combination zoning for single family three and office two. Ms. Speer provided aerials of the tracts; she stated the surrounding properties are undeveloped rural-residential primarily to the south and east. She reviewed the uses standards for both SF-3 and O-2. The Comprehensive Land Use Plan designates Old Waco Road as suburban commercial; therefore the O2 portion of the site meets the Comprehensive Land Use Plan. Should this request be approved by Council, we'll need to come back with a Comprehensive Land Use Plan amendment later in the year. Staff sent our 23 notice with one response returned in opposition. Staff recommends approval of both the requests to SF-3 and O-2 as they comply with the Thoroughfare Plan and public utilities will be available to the property. The Planning and Zoning Commission heard this request on December 17, 2012 and recommended approval of both zoning changes with a vote of 9/0.

Mayor Jones declared the Public Hearing open with regards to Agenda item 7 and asked if anyone wished to address this item. There being no comments, Mayor Jones declared the Public Hearing closed.

Councilmember Schneider stated he spoke with the applicant and duplexes is not the intent for this request.

Motion by Mayor Pro Tem Danny Dunn adopt Ordinance, with second and final reading set for January 17, 2013. seconded by Councilmember Judy Morales.

Motion passed unanimously.

RESOLUTIONS

8. **2013-6856-R: Z-FY-13-05: 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 and parking improvements for Texas Roadhouse, located at 624 North General Bruce Drive.

Autumn Speer, Director of Planning and Development, presented this case to the Council. Ms. Speer stated the applicant, Texas Roadhouse, wishes to relocate some of their parking to the rear of the building due to TxDOT acquisition. This will trigger some of the I-35 Overlay Standards; primarily the landscaping. They have met majority of the Standards and provided mitigation for those not met with the exception of parking location and lighting. Staff recommends approval of all the appeals as submitted. This was heard by the Planning and Zoning Commission and was recommended with a vote of 9/0 in favor of approval.

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

Motion passed unanimously.

9. 2013-6857-R: Z-FY-13-06: 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 and building improvements for Johnson Brothers Ford located at 503 and 615 North General Bruce Drive.

Autumn Speer, Director of Planning and Development, presented this case to the Council. Ms. Speer stated the applicant, Johnson Brothers Ford, wishes to add a 2,100 sq foot metal addition to the body shop. This will trigger some of the I-35 Overlay Standards due to assessed value of the property. They have met majority of the Standards and provided mitigation for those not met with the exception of the architectural standards. They are requesting that it be the same metal as the existing building. Staff recommends approval of all the appeals as submitted; however it is recommended that this not be final appeal. Any future improvements to this site, that trigger the I-35 Overlay District Standards, would require renegotiation and approval. This was heard by the Planning and Zoning Commission on December 17, 2013, and was recommended approval with a vote of 9/0.

Motion by Councilmember Russell Schneider adopt Resolution. seconded by Mayor Pro Tem Danny Dunn.

Motion passed unanimously.

BOARD APPOINTMENTS

- 10. 2013-6858-R: Consider adopting a resolution designating the Chair of the Tax Increment Financing Reinvestment Zone No. 1 Board of Directors for 2013.**

Mayor Jones presented this item to the Council. He recommended Bob Browder for another term as Chair if Council chooses.

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

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Lacy Borgeson
City Secretary

TEMPLE CITY COUNCIL

FEBRUARY 21, 2013

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, February 21, 2013 at 4:00 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 Judy Morales
Mayor William A. Jones, III

Absent:

Councilmember Russell Schneider

1. **Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, February 21, 2013.**

Item #7 - Regular Agenda, Councilmember Cloud stated he would be abstaining from discussion.

Item #8 - Board Appointments, Mayor Jones reviewed those with Council.

2. **Receive a City Council continuing education briefing on Finance 101.**

Ms. Barnard gave a brief overview to the Council on this item.

3. **Receive first quarter financial results for Fiscal Year 2013.**

Ms. Barnard, Director of Finance gave the Council a brief overview of the first quarter financial report. She provided a summary of information regarding the revenues and expenditures in the General Fund noting revenue focus of sales tax and ad valorem taxes. Wastewater Fund was also discussed.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, February 21, 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 Judy Morales

Mayor William A. Jones, III

Absent:

Councilmember Russell Schneider

I. CALL TO ORDER

1. Invocation

Chief Gary Smith voiced the Invocation.

2. Pledge of Allegiance

Randy Stoneroad, Director of Human Resources/Civil Service, led the Pledge of Allegiance.

II. PUBLIC COMMENTS

Mr. Adam Soorholtz, 208 Richland, Temple thanked the City Council for their participation in the Chamber of Commerce's Leadership Temple program.

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.

Chief Gary Smith provided a brief overview of the 2012 report to Council. He reviewed the data regarding the number of traffic stops, citations and arrests issued during 2012 by the Temple Police Department. This data was based on the U.S. Census Bureau. He noted that data in this report relates to race known prior to stop for citations, arrests, citations with search, citations with search by consent, motor vehicle stops leading to arrests, and arrest and search. Chief Smith concluded with how the Temple Police Department operates in a fair and consistent manner with the diversity within the City's population.

IV. CONSENT AGENDA

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

(A) February 7, 2013 Special Called and Regular Meeting

(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.

(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.

(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.

Motion by Councilmember Judy Morales adopt Resolution approving Consent Agenda, with the exception of item 4(J). seconded by Mayor Pro Tem Danny Dunn.

Motion passed unanimously.

(J) 2013-6889-R: Consider adopting a resolution approving first quarter financial results for Fiscal Year 2013.

Ms. Barnard gave a brief overview to the Council. She reviewed the numbers as they related to both the General Revenue and Wastewater Funds. Ms. Barnard noted that 25% of the year is complete with total General Fund Revenues at 35% budgeted or \$20.2 million. She also commented on General Fund Expenditures being 25% of budget or \$15.1 million. Sales tax at 1/31/2013 was greater than budgeted by 5.38%. Ms. Barnard stated the both Water Wastewater Revenues are at 25% of the total operating budget or \$7.2 million; and Expenditures being 24% of budget or \$6 million.

Mayor Jones thanked the City Staff for their dedicated work.

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

Motion passed unanimously.

V. REGULAR AGENDA

ORDINANCES

5. 2013-4577: FIRST READING - PUBLIC HEARING: Consider adopting an ordinance adopting the Temple Youths' Program Standards of Care.

Ken Cicora, Director of Parks and Leisure Services, presented this item to Council. Mr. Cicora stated that in August 2004, the

Council first adopted the Standards of Care for the youth programs sponsored by the Parks and Leisure Services Department. This is regulated by the Texas Department of Protective and Regulatory Services and they require the standards to be presented at a public meeting and adopted by Ordinance each year. Mr. Cicora reviewed the key elements of the policy to include, defining a participate (5-13 years of age) and determining eligibility; criminal background checks for employees; first aid training; and orientation to name a few. He continued with the 2012 Report, noting that afterschool programs were provided at 4 TISD schools, 3 BISD schools, and St. Mary's School. The average attendance was 283 in 2011 and 297 for 2012. He noted that the summer camp attendance in 2012 declined slightly from 527 to 401.

Mayor Jones declared the Public Hearing open with regards to Agenda Item 5 and asked if anyone wished to address this item. There being none, Mayor Jones declared the Public Hearing closed.

Motion by Mayor Pro Tem Danny Dunn adopt Ordinance, with second and final reading set for March 7, 2013. seconded by Councilmember Perry Cloud.

Motion passed unanimously.

6. 2013-4578: FIRST READING - PUBLIC HEARING: Consider adopting an ordinance re-establishing a curfew for minors.

Chief Gary Smith presented this item to Council. He stated that without Council's action the current ordinance will expire on March 18, 2013. This ordinance must be reviewed every three years to make any necessary changes if desired. The ordinance covers Sunday through Thursday 11:00 p.m. until 6:00 a.m. the following day; and Saturday and Sunday (Friday and Saturday night) 12:01 a.m. until 6:00 a.m. It covers any person under the age of 17; parents and guardians that knowingly permit or fails to control a minor and allows the curfew to be violated; as well as business operator that knowingly allows a minor to remain on premises during curfew. Chief Smith reviewed the defenses to arrest and or prosecution. He explained this curfew is to provide for crime prevention within our City. In 2010 there were 111 violations; 2011, 190 violations; and in 2012, 147 total violations.

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

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

Motion by Councilmember Judy Morales adopt Ordinance, with second and final reading set for March 7, 2013. seconded by Mayor Pro Tem Danny Dunn.

Motion passed unanimously.

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.**

Autumn Speer, Director of Planning and Development, presented this case to Council. Ms. Speer stated the applicant is Larry Neal on behalf of G.S. Diamond S. Holdings, LP. This is for new construction of a 22,000 square foot facility and 30,000 square foot facility for car sales and services. The site is a total of 9.4 acres; and they are requesting an appeal for the parking, landscaping, signs, and architecture. Ms. Speer stated the triggers and applicability for the new construction is 100%. She also provided a summary of standards which have been met by the applicant to be, submitted site plan; parking curb and gutter provided; storage restrictions; screening and wall standards; irrigation for landscaped areas; and lighting. Ms. Speer then reviewed each appeal being requested by the applicant. She stated that Staff's recommendation is to approve all appeals as submitted with the following additions, (1) additional displays not be permitted in the proposed Midway ROW area; (2) additional planting of 6 canopy trees in the I-35 buffer area; 10 ornamental trees along Shallow Ford Road in the detention area; (3) 20% of the landscape buffer areas must have native grass beds or wildflowers in all areas; (4) provide parking screen via hedge row 2.5' to 4' high for all parking areas visible from public view; (5) two canopy tree be provided in each of the six islands along I-35 frontage and two ornamental trees are planted in each of the other; (6) a minimum 6' wide sidewalk is constructed with the development along Midway Drive to meet minimum standards; and (7) I-35 sign requirements be met as they relate to number, height, and base materials. Staff also recommends that 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. The Planning and Zoning Commission heard this case and recommends the additional items set forth by Staff to include addition #1, #2 with exception of 2 Canopy trees verses 6, #3, and #6. The Commission also recommends that the sign appeals come back to Council the second meeting in February as a separate appeal.

Mayor Pro Tem Dunn stated cars and trees don't make sense for this type of business; and feels the applicant has been very accommodating.

Ms. Speer stated the idea is to treat the front of the property and not screen the use, but to soften through landscaping.

Mayor Pro Tem Dunn stated that he has concerns with the requirements for landscaping. This is a high visibility area and that is why the applicant has chosen it.

Mr. Larry Neal, 4720 Ascott Parkway spoke on behalf of the applicant. He stated this is a car dealership and the applicant doesn't want to screen the merchandise. Mr. Neal stated we have tried to meet the needs of the ordinance. Mr. Neal requested support from the council to approve as submitted by the applicant with the addition of the 2 canopy trees at the front entrance; no trees in the islands; no screening; and 10 ornamental trees in the detention area.

Mayor Pro Tem Dunn recommended approval as submitted by the Planning and Zoning Commission.

Councilmember Cloud abstained.

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

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

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

appoint Bob Browder to fill an unexpired term through September 1, 2013 as the TC Representative.

(B) Reinvestment Zone No. 1 Board of Directors - one at-large member to fill an unexpired term through September 1, 2012; and

appoint Randy Harrell for an unexpired term through September 1, 2013

(C) Temple Public Safety Advisory Board - three members to fill unexpired terms through September 1, 2013; and

no recommendations at this time; recommend table

(D) Animal Services Advisory Board - one member to fill an unexpired term through September 1, 2015.

appoint Nancie Etzel for an unexpired term through September 1, 2015.

Mayor Jones presented this item to Council.

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

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Lacy Borgeson
City Secretary

TEMPLE CITY COUNCIL

MARCH 7, 2013

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

Agenda Item 5(I) - support for High Speed Rail. Mayor Jones gave a brief overview of this request. This resolution will support the seamless interconnectivity of High Speed Rail into the operation terminal of the Dallas Fort Worth International Airport.

Agenda Item 6 - Zoning to allow for use of Billboard. Councilmember Cloud expressed his concerns for the placement of this sign.

Mr. Naegele, Lamar Advertising was present to address some of the concerns from the neighboring business and visibility.

Agenda Item 5(G)- support of street closures for the Army Marathon. Mr. Graham stated there was a correction in the name of the street requested for closure.

2. Receive a City Council continuing education briefing on agenda development.

Ms. Borgeson, City Secretary gave a brief overview related to agenda development. She stated this is a combination of legislative and city policies; and is a product of State Law, City Charter, City Policies and Administrative Directive #7. Ms. Borgeson also reviewed the calendar for which staff works from to create the agenda for Council.

3. Discuss and review the zoning of recently annexed properties.

Ms. Speer gave Council a brief overview. She stated between 2002 and 2012, there have been 8 voluntary annexations in the City of Temple. In

2008 there were multiple area and in 2011 it consisted of area around the lake. Ms. Speer then reviewed the multiple areas to include Windmill Farms (2003), Valley Ranch (2004), Witter Lane (2007), Woods Trust (2009), Kent Property (2009), Northcliffe Barge Property (2010), Lawson Storage/ SH 36(2011), Campus at Lakewood (2012), West at Eagle Landing Area (2008), BISD Site (2008), Airport Area (2008), 1237 & Brewster Rd (2008); and Lake Annexation (2011). Ms. Speer stated that at this time Staff is recommending no changes to the zoning of either area.

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

Pastor Jason Hamilton with First United Methodist Church of Temple voiced the Invocation.

2. Pledge of Allegiance

Sandy Marek, Secretary, Waco Chapter 14 NAWC, led the Pledge of Allegiance.

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. (A) National Association of Women in Construction March 3 - 9, 2013

Mayor Jones presented the Proclamation to Sandy Marek.

(B) Recognize the Temple Public Library for receiving the Achievement of Excellence in Libraries Award from the Texas Municipal Library Directors Association.

Lisa Youngblood, Library Director for the City of Harker Heights, recognized the Temple Public Library.

III. PUBLIC APPEARANCES

4. **Receive comments from John Bailey and Allan Einboden regarding Lions Park Amphitheater Project and renovating the current bathroom facilities.**

John Bailey and Allan Einboden presented the Council with a check for \$70,000 from Lion's Foundation. This was raised to help create the Lion's Park Amphitheater. Mr. Einboden also asked the Council to consider renovation the current restrooms, estimated cost to be \$40,000.

IV. PUBLIC COMMENTS

Mr. CJ Grisham, 4365 Airport Trail, Temple, TX addressed the Council and expressed his desire for the City of Temple to protect and defend the Constitutional right to keep and bear arms, by adopting a resolution.

V. CONSENT AGENDA

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

(A) 2013-6893-R: Consider adopting a resolution authorizing a construction contract with APAC TX - Wheeler Company of Belton for the 2013 Overlay Program based on a unit price of \$78.00 a ton for overlay, \$485 a ton for speed humps, and \$2.00 a square yard for milling, in an amount not to exceed \$3,800,000.

(B) 2013-6894-R: Consider adopting a resolution authorizing a construction contract with Austin Traffic Signal Construction Co, Inc of Round Rock for the construction of a traffic signal at Airport Road and Research Parkway in the amount of \$212,292.

(C) 2013-6895-R: Consider adopting a resolution authorizing the purchase of a wireless backhaul radio system from Crystal Communications LTD, of Kingswood utilizing a BuyBoard contract and a State of Texas DIR contract in the amount of \$57,395.

(D) 2013-6896-R: Consider adopting a resolution authorizing the purchase of ten (10) marked police vehicles from Caldwell Country in Caldwell utilizing a BuyBoard contract in the amount of \$354,630.

(E) 2013-4577: SECOND READING: Consider adopting an ordinance adopting the Temple Youths' Program Standards of Care.

(F) 2013-4578: SECOND READING: Consider adopting an ordinance re-establishing a curfew for minors.

(G) 2013-6897-R: Consider adopting a resolution authorizing the City Manager to execute an agreement with TXDOT for the temporary closure of certain streets needed for the Army Marathon.

(H) 2013-6898-R: Consider adopting a resolution authorizing Hill Country Transit District to continue receiving 5310 and 5307 federal funds as the designated representative for the City of Temple urbanized zone area.

(I) 2013-6899-R: Consider adopting a resolution of support for the High Speed Rail and connecting airports in Texas.

(J) 2013-6900-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2012-2013.

Motion by Councilmember Perry Cloud adopt Resolution approving Consent Agenda. seconded by Mayor Pro Tem Danny Dunn.

Motion passed unanimously.

VI. REGULAR AGENDA

ORDINANCES

- 6. 2013-4579: FIRST READING - PUBLIC HEARING - Z-FY-13-10: Consider adopting an ordinance authorizing a zone change from Planned Development with specific uses of shopping center and housing development to Commercial (to permit billboard sign) on 0.52 ± acres of Creekside Planned Development Temple, Bell County, Texas according to the plat recorded in Volume 1528, Page 813, of the real property records of Bell County, Texas, located at 3602 SW H K Dodgen Loop.**

Autumn Speer, Director of Planning and Development, presented this case to Council. Ms. Speer stated the applicant requested the rezoning to allow placement of an off-premise sign; the current zoning does not permit this use. She provided photographs from surrounding properties. The City's Comprehensive Plan designates this area for Auto-Urban Commercial which allows for commercial uses; this is the

dominant development pattern along HK Dodgen Loop. Ms. Speer reviewed some of the other allowed uses as well as those prohibited in this zoning. She stated all standards and requirements have been met by the applicant with the exception of the Zoning. Ms. Speer stated the proposed sign is 10'6" x 36' mono pole. There were 9 notices mailed out to the surrounding property owners, with none returned in favor, and 2 returned in opposition due to visibility. Ms. Speer stated staff is recommending approval of the request as presented as it complies with the Future Land Use Plan and the proposed zoning will eliminate a non-conforming use of the subject property providing appropriate zoning designation for the mini-storage warehouses currently located on the subject tract. The Planning and Zoning Commission heard this case at their February 19, 2013 meeting and recommends approval 6/0.

Mayor asked Council if there were any comments or questions before entering into Public Hearing.

Councilmember Cloud stated he was concerned with the location and visibility by the surrounding property owners.

Mayor Jones declared the Public Hearing open with regards to Agenda Item 6 and asked if anyone wished to address the Council. There being no further comments, Mayor Jones declared the Public Hearing closed.

Councilmember Cloud voted Nay; All others voted Aye

Motion by Councilmember Russell Schneider adopt Ordinance, with second and final reading set for March 21, 2013. seconded by Councilmember Judy Morales.

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

- 7. 2013-4580: FIRST READING - PUBLIC HEARING - Z-FY-13-12: Consider adopting an ordinance authorizing amendments to Ordinance 2010-4413, Temple Unified Development Code, in its entirety to address personnel title changes; Article 1, General Provisions; Article 2, Development Review Bodies; Article 3, Subdivision Plat Review; Article 5, Use Standards; Article 6, Special Purpose and Overlay Zoning Districts; Article 7, General Development Standards; and Article 8, Subdivision Design and Improvements.**

Autumn Speer, Director of Planning and Development, reviewed the proposed text amendments of the UDC with Council. She stated the Planning and Zoning Commission heard this request at their February 19, 2013 and recommends approval 6/0 as presented.

Mayor Jones declared the Public Hearing open with regards to Agenda Item 7 and asked if anyone wished to address the Council. There being no further comments, Mayor Jones declared the Public Hearing closed.

Motion by Councilmember Judy Morales adopt Ordinance, with second and final reading set for March 21, 2013. seconded by Mayor Pro Tem Danny Dunn.

Motion passed unanimously.

8. 2013-4581: FIRST READING - PUBLIC HEARING: Consider adopting an ordinance designating a tract of land consisting of approximately 29.822 acres located at the southeast corner of north Loop 363 and I-35 as City of Temple Tax Abatement Reinvestment Zone Number Twenty-Six for commercial/industrial tax abatement.

Jonathan Graham, City Attorney, presented this item to Council. Mr. Graham stated this property included 29.822 acres located at the southeast corner of North Loop 363 and North I-35. He reviewed with Council what a tax abatement reinvestment zone is. By designation, this zone will have a 5 year life span; would allow tax abatement on increased property value; commercial or industrial tax abatements only. This is regulated by Chapter 312 of the Texas Tax Code. Mr. Graham stated that in order for a property to be eligible for an abatement, it must be a part of either a tax abatement zone or enterprise zone. This proposed zone meets the City's criteria for designation of a tax abatement RZ and the ordinance makes findings that designation will result in benefits to the City (employment and creation of real or personal property improvements). Other taxing entities have been notified of this reading.

Mayor Jones declared the Public Hearing open with regards to Agenda Item 8 and asked if anyone wished to address the Council. There being no further comments, Mayor Jones declared the Public Hearing closed.

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

Councilmember Russell Schneider.

Motion passed unanimously.

BOARD APPOINTMENTS

9. **2013-6901-R: Consider adopting a resolution appointing members to the following City boards and commissions:**

(A) Building and Standards Commission - two members to fill expiring terms through March 1, 2015; three alternate members to fill expiring terms through March 1, 2015

reappoint Kevin Bonner, and Jonathan (Tony) Gallagher through March 1, 2015; and reappoint Alan Horn, Ed Laughlin, and Mary Ann Rojas as alternate members through a term of March 1, 2015.

(B) Building Board of Appeals - two members to fill expiring terms through March 1, 2017

reappoint Ralph Hernandez (Master Plumber) and Ben Mauldin (Master Plumber) through March 1, 2017.

(C) Development Standards Advisory Board - three members to fill expiring terms through March 1, 2016

reappoint Monty Clark through March 1, 2016; and appoint Bruce Flanigan (Utility Construction) and Gary Freytag (General Construction) through term of March 1, 2016.

(D) Electrical Board - three members to fill expiring term through March 1, 2016

reappoint Tonya Degges (Architect) and Craymon Myers (Master Electrician); and appoint Willie Leos (Oncor Area Manager/Rep) through term of March 1, 2016.

(E) Parks and Leisure Services Advisory Board - three members to fill expiring terms through March 1, 2016

appoint Mary McGlory, Elaine McCoy, and Mike Pilkington through term of March 1, 2016.

(F) Temple Public Safety Advisory Board - three members to fill unexpired terms through September 1, 2013

appoint Adam Soorholtz and Joyce Adams through September 1, 2013.

(G) Tree Board - one member to fill an expiring term through March 1, 2016

appoint Kay Lynch through term of March 1, 2016.

(K) Zoning Board of Adjustment - two members to fill expiring terms through March 1, 2015; two alternate members to fill expiring terms through March 1, 2015

reappoint Ed Laughlin and appoint Blake Pitts as regular members; reappoint Joel Amos and Cynthia Martinez as alternate members through terms of March 1, 2015.

Mayor Jones presented this item to Council.

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

William A. Jones, III, Mayor

ATTEST:

Lacy Borgeson
City Secretary

TEMPLE CITY COUNCIL

MARCH 21, 2013

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, March 21, 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, March 21, 2013.

Regular Agenda Item #7 - rezone for use of billboard (Lamar Advertising).

Beverly Zendt, Interim Planning Director gave a brief overview to the Council. She also provided a few additional drawings provided by Lamar Advertising. Ms. Zendt stated the request is for commercial zoning for the use of a billboard.

Mayor Jones inquired on the zoning for the property just opposite of mini-storage.

Ms. Zendt stated it is LI.

Ms. Lange, Lamar Advertising stated the proposed sign will be 10'6" x 36' mono pole, with at 60' Overall Height from the ground. The sign will clear the building top by 29'. She also stated that sign will not obstruct the visibility from the opposing property.

Councilmember Morales inquired on the type of sign being proposed?

Ms. Lange stated it is static billboard. A digital board will require permitting from the State and the City.

Councilmember Schneider stated Mr. Neimeier's concern was the type of sign; and didn't want a flashing digital billboard.

Mayor Pro Tem Dunn stated he would like to give both parties the opportunity to speak and is comfortable with tabling.

Mayor Jones thanked Ms. Lange for the additional drawings, as this gives a

better picture for relation of the sign.

At this time Mayor Jones stated the Council would receive the presentation from Mr. Littlefield (item #2).

2. Receive an I-35 project overview and update from TxDOT.

Mr. Bobby Littlefield, Waco District Engineer for TxDOT gave a brief overview related to the projects on I-35. Sections within Bell County were discussed. Mr. Littlefield stated this is a \$2 billion dollar corridor. He added some of the sections have been completed but others have a completion date as late as summer 2016. Section 2B is the largest project in the history of the Waco District at \$241 million dollars; this is the section from North Loop 363 to Midway Drive and was awarded to James Construction.

Mr. Littlefield also commented on the ROW acquired for the IH-35 project. He stated there are 144 parcels needed with 113 acquired. Total dollars spent to date for ROW is \$46,712,108.47 and is estimated to increase to \$64 million.

Mr. Blackburn inquired on traffic impacts and interruptions.

Mr. Littlefield stated they are still working on the CPM Schedule for the sequence of work and would know more after the 1st of April.

Mayor Jones asked if work would be phased.

Mr. Littlefield stated yes; with plans to start on the North section first.

Mayor Jones stated at this time the Council would go back to item 1 and discuss Item 9 on the Regular Agenda.

Belinda Mattke, Director of Purchasing, presented this item to Council. She stated the FY2013 adopted budget allowed for the purchase of 13 vehicles, excluding patrol cars totaling \$349,407. Bids were opened on February 19th with 9 independent bids for 14 vehicles; and 4 vendors to include Caldwell County Ford, Johnson Brothers Ford II, Ltd, Randall Reed's Prestige Ford, and Reliable Chevrolet. Item 6(D) on the Consent Agenda recommended the purchase of 9 vehicles using five independent bids where Local Preference did not apply; leaving 4 bids which Local Preference implications. Ms. Mattke reviewed with the Council, the City's Local Preference Policy. Ms. Mattke advised Council that Staff was recommending the low bidder at this time for cost of \$308,640. If they chose to go with the Local Preference Option the cost would increase by \$1,575.64 for a total of \$310,215.96.

3. Receive a City Council continuing education briefing on responding to constituent issues and concerns.

Mr. Blackburn gave a brief overview of this item to the Council. He spoke on which were the most types of requests received and where they are initiated from. Mr. Blackburn also commented on the CRM (Citizen Relationship Management) Software. This was purchased in 2007 to help manage requests for resident services. It also allows staff and residents to track their requests. On average, there are 197/ per month, CRM Citizen initiated service requests for 2012. Mr. Blackburn reminded Council that we have processes in place to handle most of the regular requests for service and information. We need to be responsive and efficient in how we respond.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, March 21, 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

Father Chamberlain with Our Lady of Guadalupe Catholic Church voiced the Invocation.

2. Pledge of Allegiance

Kenny Jenkins, Street Outreach Coordinator, with Central Texas Youth Services led the Pledge of Allegiance.

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. (A) Professional Social Work Month March, 2013

Mayor Jones presented the Proclamation to Patricia Lowry and other social workers of the Central Texas Branch.

(B) National Safe Place Week March 17 - 23, 2013

Mayor Jones presented the Proclamation to Kenny Jenkins. Street Outreach Coordinator, Central Texas Youth Services.

III. PUBLIC COMMENTS

Mayor Jones stated that no one signed up to speak during this portion of the meeting.

IV. REPORTS

4. Receive the Planning and Zoning Commission Annual Report.

James Staats, Chair of Planning and Zoning Commission gave a brief overview of the annual report and the activities of the fiscal year 2011-2012 to include annexations, amendments and zoning cases. Mr. Staats stated Temple has experienced steady growth in all areas of the city. He also mentioned the seven I-35 Standard appeals for the year.

5. 2013-6902-R: Consider adopting a resolution accepting the FY2011-2012 Risk Management Annual Report.

Gloria Elder, Risk Manager, presented this report to Council. Ms. Elder stated the report examines the City's loss from October 1, 2011 through September 31, 2012. She covered a variety of topics, to include vehicle, property & Workers' Compensation Insurance premiums; the role of the Vehicle Accident Review Board and the Workers' Compensation Review Board; as well as training and safety. The purpose of risk management is to identify, assess and prioritize the City's risks. Ms. Elder stated that both Police and Street fleet accidents over a three year period have increased, while Solid Waste has decreased, and Fire has remained steady. As for employee injuries, they have decreased. She concluded stating that with support from the City Manager and additional training, we can help to prevent the numbers from increasing in years to come.

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

Motion passed unanimously.

V. CONSENT AGENDA

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

(A) 2013-6903-R: Consider adopting a resolution authorizing the purchase of a 26' X 47' Band Shell utilizing a BuyBoard contract with Exerplay, Inc. of Cedar Crest, New Mexico in the amount of \$36,158.50.

(B) 2013-6904-R: Consider adopting a resolution authorizing a one-year renewal to a professional services agreement with SAI-CCBS, a Division of Gallagher Benefit Services, Inc., for employee benefits consulting services at an annual cost of \$33,693.84.

(C) 2013-6905-R: Consider adopting a resolution authorizing the purchase of three (3) replacement motorcycles for the Police Department from Lone Star BMW of Austin in the amount of \$73,660.50.

(D) 2013-6906-R: Consider adopting a resolution authorizing the purchase of various vehicles in the amount of \$203,958.32.

(E) 2013-6907-R: Consider adopting a resolution authorizing a Chapter 380 Strategic Investment Zone "matching grant" agreement with R.J. Development for redevelopment improvements on West Avenue B in downtown Temple located within the South 1st Street Strategic Investment Zone corridor in an amount not to exceed \$18,000 plus waiver of permits and fees.

(F) 2013-6908-R: Consider adopting a resolution authorizing the execution of Consent Agreements with Panda Temple Power II, LLC and Union Bank, N.A. consenting to the collateral assignment of (1) Panda Temple Power II, LLC's rights and obligations under the 2013 Tax Abatement Agreement and (2) Panda Temple Power II, LLC's rights and obligations under the 2013 Effluent and Water Purchase Agreement.

(G) 2013-6909-R: Consider adopting a resolution authorizing the execution of a Consent Agreement with Panda Temple Power II, LLC and Temple Economic Development Corporation confirming that the benefits and obligations set forth in the 2011 Economic Development Agreement between the City, Temple Economic Development Corporation, and Panda Temple Power, LLC also apply to and bind Panda Temple Power II, LLC.

(H) 2013-6910-R: Consider adopting a resolution authorizing the execution of a Utility and Access Easement granting an easement from the City of Temple to Panda Temple Power II, LLC over the south 778.72 feet of Tract A, Block 1 of the Panda Temple Power Project Plat which is filed in Cabinet D, Slide 335-A, Plat Records of Bell County, Texas.

(I) 2013-4580: SECOND READING - Z-FY-13-12: Consider

adopting an ordinance authorizing amendments to Ordinance 2010-4413, Temple Unified Development Code, in its entirety to address personnel title changes; Article 1, General Provisions; Article 2, Development Review Bodies; Article 3, Subdivision Plat Review; Article 5, Use Standards; Article 6, Special Purpose and Overlay Zoning Districts; Article 7, General Development Standards; and Article 8, Subdivision Design and Improvements.

(J) 2013-4581: SECOND READING: Consider adopting an ordinance designating a tract of land consisting of approximately 29.822 acres located at the southeast corner of north Loop 363 and I-35 as City of Temple Tax Abatement Reinvestment Zone Number Twenty-Six for commercial/industrial tax abatement.

(K) 2013-6911-R: Consider adopting a resolution ratifying the Temple Police Department's application for a Juvenile Justice and Delinquency Prevention Grant through the Criminal Justice Division (CJD) of the Governor's Office for two new School Resource Officers.

(L) 2013-6912-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2012-2013.

Motion by Councilmember Perry Cloud adopt Resolution approving Consent Agenda. seconded by Councilmember Russell Schneider.

Motion passed unanimously.

VI. REGULAR AGENDA

ORDINANCES

- 7. 2013-4579: SECOND READING - Z-FY-13-10: Consider adopting an ordinance authorizing a zone change from Planned Development with specific uses of shopping center and housing development to Commercial (to permit billboard sign) on 0.52 ± acres of Creekside Planned Development Temple, Bell County, Texas according to the plat recorded in Volume 1528, Page 813, of the real property records of Bell County, Texas, located at 3602 SW H K Dodgen Loop.**

Beverly Zendt, Interim Director of Planning and Development, gave a brief overview of this case to the Council. Ms. Zendt stated the applicant has requested a rezoning for the purpose of

placing an off-premise sign. The applicant has met all requirements for the sign with the exception of zoning. Ms. Zendt stated 9 notices were mailed out to the surrounding properties; and 2 were returned in opposition. Staff is recommending approval of the zoning due to the proposed zoning is consistent with the Future Land Use Map and compatible with the surrounding uses; it also eliminates a non-conforming use on the subject property providing appropriate zoning designations for the multi-storage warehouses currently located at the subject tract. This case was heard at the Planning and Zoning Commission meeting held on February 19, 2013. The Commission voted 6/0 in favor of the proposed zone change.

Teresa Lange, Lamar Advertising, 5110 N General Bruce Drive commented on this request. She reminded Council that this is a zoning case and the concern was based on visibility. Ms. Lange provided additional drawings to show that the proposed sign would not obstruct the view of the neighbors.

Councilmember Schneider thanked Lamar Advertising for being forthcoming with all the information relative to the case.

Mayor Pro Tem Dunn stated he'd like to give both the applicant and Mr. Neimeier the opportunity to speak on this case and at this time would like to table the item.

Motion by Mayor Pro Tem Danny Dunn Ordinance as presented, on second and final reading. , be Table, seconded by Councilmember Perry Cloud.

Motion passed unanimously.

8. 2013-4582: FIRST READING - PUBLIC HEARING: Consider adopting an ordinance establishing school crosswalks and setting speed limits within school zones to conform to school schedules.

Nicole Torralva, Public Works Director, presented this item to Council. She stated TISD has requested a new school zone be established for South 25th Street from West Avenue R just south of West Avenue M for Travis Middle School. This would reduce the speed limit from 30 mph to 20 mph during school day during the hours of 6:30 a.m. to 8:30 a.m. and 2:30 p.m. to 4:30 p.m.

Mayor Jones declared the Public Hearing open with regards 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 Judy Morales adopt Ordinance, with second and final reading set for April 4, 2013. seconded by Councilmember Perry Cloud.

Motion passed unanimously.

RESOLUTIONS

9. 2013-6913-R: Consider adopting a resolution authorizing the purchase of various vehicles in the amount of \$104,682.

Belinda Mattke, Director of Purchasing, presented this item to Council. She stated the FY2013 adopted budget allowed for the purchase of 13 vehicles, excluding patrol cars totaling \$349,407. Bids were opened on February 19th with 9 independent bids for 14 vehicles; and 4 vendors to include Caldwell County Ford, Johnson Brothers Ford II, Ltd, Randall Reed's Prestige Ford, and Reliable Chevrolet. Item 6(D) on the Consent Agenda recommended the purchase of 9 vehicles using five independent bids where Local Preference did not apply; leaving 4 bids which Local Preference implications. Ms. Mattke advised Council that Staff was recommending the low bidder at this time for cost of \$308,640. If they chose to go with the Local Preference Option the cost would increase by \$1,575.64 for a total of \$310,215.96.

Mayor Pro Tem Dunn stated that he would recommend the purchase of four vehicles from Johnson Brothers Ford, utilizing the Local Preference Option for an additional cost of \$1,575.64.

Motion by Councilmember Perry Cloud adopt Resolution awarding the Local Preference Option. Motion did not require second.

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Lacy Borgeson
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

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Item #5(E)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Public Works Director
Johnnie Reisner, Director of Water Production Services

ITEM DESCRIPTION: Consider adopting a resolution ratifying the emergency repair and cleaning of the EVSS chlorine scrubbers at the Water Treatment Plant from Siemen's Industries, Inc., of Sarasota, Florida in the amount of \$37,635.

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

ITEM SUMMARY: The chlorine scrubber is a vital part of the water treatment plant chlorine safety scheme. The scrubber is designed to contain chlorine from escaping into the air when a leak occurs. The scrubber is designed to hold up to a 1-ton cylinder.

The annual inspection revealed several items requiring immediate repair including replacement of the caustic acid and acid wash. If the scrubber is not repaired immediately, increased risk of chlorine leak containment would result due to existing solids buildup. Any leak escaping into the air could cause the surrounding areas to be evacuated. The Texas Commission on Environmental Quality requires that any facility housing chlorine cylinders maintain functional scrubbers for emergencies.

Due to the emergency nature of the project (Public Health & Safety), Siemen's Industry, Inc., was contracted to complete the work. As a result, per Local Government Code 252.022, this project is exempt from the competitive bid process. Staff authorized this work as an emergency, with Notice to Proceed issued on March 26, 2013. The project is expected to be totally complete by April 26, 2013.

FISCAL IMPACT: Funding in the amount of \$37,635 is available in account 520-5122-535-6310, project #100976.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING A CONTRACT WITH SIEMEN'S INDUSTRIES, INC., OF SARASOTA, FLORIDA FOR THE EMERGENCY REPAIR AND CLEANING OF THE EVSS CHLORINE SCRUBBERS AT THE WATER TREATMENT PLANT, IN THE AMOUNT OF \$37,635; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the chlorine scrubber is a vital part of the water treatment plant chlorine safety scheme and is designed to contain chlorine from escaping into the air when a leak occurs;

Whereas, the annual inspection revealed several items requiring immediate repair including replacement of the caustic acid and acid wash – if not repaired immediately, the increased risk of chlorine leak containment would result in existing solids buildup, which could cause surrounding areas to be evacuated;

Whereas, the Texas Commission on Environmental Quality requires that any facility housing chlorine cylinders maintain function scrubbers for emergencies;

Whereas, due to the emergency nature of the project, staff authorized this work with a Notice to Proceed issued on March 26, 2013 to Siemen's Industries, Inc., of Sarasota, Florida;

Whereas, funds are available for this project in Account No. 520-5122-535-6310, Project No. 100976; 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 ratifies the contract between the City of Temple and Siemen's Industries, Inc., of Sarasota, Florida and authorizes the City Manager, or his designee, to execute the contract, after approval as to form by the City Attorney, for emergency repair and cleaning of the EVSS chlorine scrubbers at the Water Treatment Plant, in the amount of \$37,635.

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 **4th** day of **April**, 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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Item #5(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 Design-Build contract for construction of a compressed natural gas fueling station with ZeitEnergy LLC & Freese & Nichols Inc, of Dallas with an initial design services fee of \$100,000 and declaring an official intent to reimburse associated expenditures made prior to the issuance of tax-exempt obligations for this project.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On December 20, 2012, the City Council initiated a natural gas alternative fuel program for the City of Temple by authorizing the purchase of fourteen (14) CNG-powered solid waste collection trucks and on January 17, 2013, the City Council authorized the use of the Design-Build project delivery method for the acquisition of services needed to construct the CNG fueling facility.

On February 14, 2013, five (5) firms submitted their qualifications for the project: (1) Transtar Energy Co dba Clean Energy of Seal Beach, CA; (2) ZeitEnergy LLC & Freese & Nichols Inc. of Dallas, TX; (3) Questar Fueling Company of Salt Lake City, UT; (4) CNG Energy Partners, LLC of Dallas, TX; and (5) Mansfield Gas Equipment Systems Corp of Ontario, CA. A committee comprised of staff from Administrative Services, Public Works, Legal, and Finance along with the City's independent engineer for this project evaluated the qualifications. It was determined that all firms were well qualified to perform the work, and as such and in accordance with the Government Code Chapter 2267, additional proposal information was requested from all firms.

After evaluating the additional proposal information received, the evaluation committee determined that ZeitEnergy LLC & Freese & Nichols Inc. offered the best value for the project to the City. The specific construction approach, location, and layout for the station will be determined during the design phase of the project, which ZeitEnergy LLC & Freese & Nichols Inc. is proposing to perform at a cost not to exceed \$100,000.

A Gross Maximum Price (GMP) will be compiled during the design phase of the project. We are anticipating that the GMP for the construction phase will be available late May 2013, at which time it will be presented to the Council for authorization to proceed. The estimated cost to construct the fueling station is \$1,300,000.

The projected timeline related to designing and constructing the CNG fueling facility is as follows:

April 2013 – May 2013- Design Phase
May 2013 - Review and Acceptance of GMP
June 2013 – Sept/Oct 2013- Construction Phase

FISCAL IMPACT: The construction cost of the CNG fueling station is estimated to be \$1,400,000 which includes \$100,000 for design. The simple payback on the capital investment for the CNG fueling station is 6.5 years assuming the following:

| | |
|--|-------------|
| -Capital costs for station and other building improvements | \$1,550,000 |
| -Incremental cost of Vehicles after incentive | \$ 103,509 |
| -Purchase of 2 additional CNG vehicles per year | |

The fueling station, building improvements and eleven (11) CNG solid waste trucks will be financed with Limited Tax Notes. The payback for the notes will be from the combination of fuel savings recognized as a result of the use of CNG and sanitation system revenue.

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

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE USE OF A DESIGN-BUILD CONTRACT FOR CONSTRUCTION OF A COMPRESSED NATURAL GAS (CNG) FUELING STATION WITH ZEITENERGY, LLC AND FREESE AND NICHOLS, INC., OF DALLAS, TEXAS, WITH AN INITIAL DESIGN SERVICE FEE NOT TO EXCEED \$100,000; DECLARING OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS FOR THIS PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on December 20, 2012, City Council initiated a natural gas alternative fuel program for the City of Temple by authorizing the purchase of fourteen compressed natural gas-powered solid waste collection trucks and on January 17, 2013, the City Council authorized the use of the Design-Build project delivery method for the acquisition of services needed to construct the CNG fueling facility;

Whereas, on February 14, 2013, five firms submitted their qualifications for the project and a committee comprised of staff from various departments, evaluated the qualifications – all firms were qualified to perform the work and in accordance with the Government Code Chapter 2267, additional proposal information was requested from all firms;

Whereas, the evaluation committee determined that ZeitEnergy, LLC and Freese & Nichols, Inc. of Dallas, Texas offered the best value for the project and is proposing to perform the design work at a cost not to exceed \$100,000;

Whereas, Local Government Code §252.021 specifies that before a municipality enters into a contract that requires an expenditure of more than \$50,000, the municipality must comply with the competitive sealed bidding process – however, the governing body of a municipality may determine that an alternative procurement method (Design-Build contract) may provide the best value for the municipality;

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

Whereas, certain expenditures relating to the Project will be paid prior to the issuance of the Obligations and the City hereby certifies that such expenditures have not been made prior to the date of passage of this Resolution;

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

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

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a Design-Build contract with ZeitEnergy, LLC and Freese & Nichols, Inc., of Dallas Texas, after approval as to form by the City Attorney, for construction of a compressed natural gas (CNG) fueling station with an initial design service fee not to exceed \$100,000.

Part 2: This Resolution is a declaration of official intent under Section 1.150.2 of the Treasury Regulations by the City that it reasonably expects to reimburse the expenditures described in Part 1 with proceeds of debt to be incurred by the City, such debt to be issued on or before eighteen (18) months after the date of (i) the date the first expenditure is paid; or (ii) the date on which the property is placed in service, but in no event three years after the first expenditure is paid.

Part 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 4th day of **April**, 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

04/04/13
Item #5(G)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing the following items with National Signs, LLC of Houston related to the downtown signage:

1. A construction contract in the amount of \$434,290 for kiosk, directional, parking, and informational signage for the downtown area, which includes the base bid and add alternates A, B, C, D, and E; and
2. A deductive change order in the amount of \$32,500 that reduces the scope of services in the base bid making the revised contract value \$401,790.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This project will result in the construction and installation of a high quality, attractive signage system in the downtown. The signage will direct residents and visitors to, and around, the downtown area of Temple. These signs will be placed in prominent locations to make getting around in downtown easier and more efficient for citizens and visitors alike.

Several different styles of signs will be utilized in this project. Directional signage will be placed strategically on East Adams, West Central, North 3rd, and South 1st Streets to direct people to the downtown area.

Entry Portal signage will define the boundaries of the downtown area, Lot Marker signage will clearly identify public parking facilities; large 4 sided Kiosk style signs that will illustrate the location of elements within the downtown area, numerous directional/informational signs to direct pedestrians throughout the downtown district, and Informational Map Banners to identify current events within downtown Temple.

This project has been a high priority of Temple's Downtown Association and Reinvestment Zone #1.

On February 26, 2013 the City of Temple received two bids for project with National Signs, LLC. providing the low bid of \$213,700 for the base bid and 434,290 for the total bid, including all add alternatives.

This project was presented to and approved for funding by the Temple Reinvestment Zone No.1 on March 27, 2013.

The deductive change order will remove one of the kiosk style signs from the project (\$32,500).

This resolution will also authorize the waving of permit fees for this project.

FISCAL IMPACT: Funding is available within the Reinvestment Zone No. 1 Financing and Project Plans, Line 401, account 795-9500-531-6528, project # 100698 in the amount of \$401,790.

ATTACHMENTS:

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

BID TABULATION
CITY OF TEMPLE
DOWNTOWN SIGNAGE PROJECT
3210 E. Ave H; Bldg C; Temple, TX
February 26, 2013; 2:00 PM

| | | | | BIDDER INFORMATION | | | |
|--|--------------------|------|--|--|-----------------|---|-----------------|
| | | | | National Signs, LLC 2611 El Camino Street Houston TX 77054 | | Walton Signage 3419 E Commerce San Antonio TX 78220 | |
| Item No. | Estimated Quantity | Unit | Bid Data Description | Unit Price | Extended Amount | Unit Price | Extended Amount |
| BASE BID | | | | | | | |
| 1 | 100% | LS | Mobilization, Bonds & Insurance, not-to-exceed 5% of the Total Amount Bid | \$ 4,200.00 | \$ 4,200.00 | \$ 9,358.00 | \$ 9,358.00 |
| 2 | 100% | LS | Preparation of Right-of-Way | 1,150.00 | 1,150.00 | 429.00 | 429.00 |
| 3 | 3 | EA | Kiosk (Type A Sign) including all demolition, removal, substructure, superstructure, supports, sign panels, replacement of grass, sod, brick pavers, asphalt or concrete | 32,500.00 | 97,500.00 | 26,119.00 | 78,357.00 |
| 4 | 2 | EA | Directional Entry (Type C Sign) including all demolition, removal, substructure, superstructure, supports, sign panels, replacement of grass, sod, brick pavers, asphalt or concrete etc & all appurtenances as shown on the plans & detailed on sheets GR-06 & S-C1 | 7,230.00 | 14,460.00 | 5,226.00 | 10,452.00 |
| 5 | 5 | EA | Directional Double Pole (Type D Sign) including all demolition, removal, substructure, superstructure, supports, sign panels, replacement of grass, sod, brick pavers, asphalt or concrete etc & all appurtenances as shown on sheets GR-07 & S-D1 | 4,785.00 | 23,925.00 | 3,845.00 | 19,225.00 |
| 6 | 1 | EA | Directional Pole (Type E Sign) including all demolition, removal, substructure, superstructure, supports, sign panels, replacement of grass, sod, brick pavers, asphalt or concrete etc & all appurtenances as shown on sheets GR-08 & S-E1 | 3,265.00 | 3,265.00 | 2,637.00 | 2,637.00 |
| 7 | 8 | EA | Lot Marker (Type F Sign) including all demolition, removal, substructure, superstructure, supports, sign panels, replacement of grass, sod, brick pavers, asphalt or concrete etc & all appurtenances as shown on sheets GR-09 & S-F1 | 4,400.00 | 35,200.00 | 3,137.00 | 25,096.00 |
| 8 | 8 | EA | Map Banner (Type G Sign) including all demolition, removal, substructure, superstructure, supports, sign panels, replacement of grass, sod, brick pavers, asphalt or concrete etc & all appurtenances as shown on sheets GR-10 & S-G1 | 1,290.00 | 10,320.00 | 1,585.00 | 12,680.00 |
| 9 | 40 | TN | Type C HMAC | 410.00 | 16,400.00 | 3,083.00 | 123,320.00 |
| 10 | 100% | LS | Erosion Control for the Project | 1,700.00 | 1,700.00 | 714.00 | 714.00 |
| 11 | 300 | SY | Hydromulching, including watering to sustain growth | 7.00 | 2,100.00 | *** 5.24 | * 1,571.00 |
| 12 | 100% | LS | Implement Traffic Control | 3,480.00 | 3,480.00 | 500.00 | 500.00 |
| TOTAL AMOUNT BASE BID - (Items 1 - 12) | | | | | \$ 213,700.00 | ** | \$ 284,339.00 |

| Item No. | Estimated Quantity | Unit | Bid Data Description | Unit Price | Extended Amount | Unit Price | Extended Amount |
|--|--------------------|------|---|------------|-----------------|-------------|-----------------|
| ADD ALTERNATE A | | | | | | | |
| A-1 | 100% | LS | Mobilization, Bonds & Insurance, not-to-exceed 5% of the Total Amount Bid | 4,200.00 | \$ 4,200.00 | \$ 3,539.00 | \$ 3,539.00 |
| A-2 | 100% | LS | Preparation of Right-of-Way | 1,150.00 | 1,150.00 | 430.00 | 430.00 |
| A-3 | 2 | EA | Directional Pole (Type E Sign) including all demolition, removal, substructure, superstructure, supports, sign panels, replacement of grass, sod, brick pavers, asphalt or concrete etc & all appurtenances as shown on sheets GR-08 & S-E1 | 3,265.00 | 6,530.00 | 4,294.00 | 8,588.00 |
| A-4 | 3 | EA | Lot Marker (Type F Sign) including all demolition, removal, substructure, superstructure, supports, sign panels, replacement of grass, sod, brick pavers, asphalt or concrete etc & all appurtenances as shown on sheets GR-09 & S-F1 | 4,400.00 | 13,200.00 | 7,173.00 | 21,519.00 |
| A-5 | 3 | EA | Map Banner (Type G Sign) including all demolition, removal, substructure, superstructure, supports, sign panels, replacement of grass, sod, brick pavers, asphalt or concrete etc & all appurtenances as shown on sheets GR-10 & S-G1 | 1,290.00 | 3,870.00 | 2,192.00 | 6,576.00 |
| A-6 | 100% | LS | Remove Existing Signage as Shown on Sheet P-06 of the Plans & Install Concrete | 2,640.00 | 2,640.00 | 430.00 | 430.00 |
| A-7 | 100% | LS | Erosion Control for the Project | 1,700.00 | 1,700.00 | 358.00 | 358.00 |
| A-8 | 100 | SY | Hydromulching, including watering to sustain growth | 7.00 | 700.00 | *** 6.01 | * 601.00 |
| A-9 | 100% | LS | Implement Traffic Control | 3,480.00 | 3,480.00 | 644.00 | 644.00 |
| TOTAL AMOUNT ADD ALTERNATE A - (Items A-1 - A-9) | | | | | \$ 37,470.00 | ** | \$ 42,685.00 |

* Error in Extension of Unit Price and Quantity. Extended Amount has been corrected.
** Total Amount has been corrected.
*** Unit Price Re-Calculated As Directed

BID TABULATION
CITY OF TEMPLE
DOWNTOWN SIGNAGE PROJECT
3210 E. Ave H; Bldg C; Temple, TX
February 26, 2013; 2:00 PM

| | | | | BIDDER INFORMATION | | | |
|--|--------------------|------|---|--|-----------------|---|-----------------|
| | | | | National Signs, LLC 2611 El Camino Street Houston TX 77054 | | Walton Signage 3419 E Commerce San Antonio TX 78220 | |
| Item No. | Estimated Quantity | Unit | Bid Data Description | Unit Price | Extended Amount | Unit Price | Extended Amount |
| ADD ALTERNATE B | | | | | | | |
| B-1 | 100% | LS | Mobilization, Bonds & Insurance, not-to-exceed 5% of the Total Amount Bid | \$ 4,200.00 | \$ 4,200.00 | \$ 2,560.00 | \$ 2,560.00 |
| B-2 | 100% | LS | Preparation of Right-of-Way | 1,150.00 | 1,150.00 | 430.00 | 430.00 |
| B-3 | 1 | EA | Directional Pole (Type E Sign) including all demolition, removal, substructure, superstructure, supports, sign panels, replacement of grass, sod, brick pavers, asphalt or concrete etc & all appurtenances as shown on sheets GR-08 & S-E1 | 3,265.00 | 3,265.00 | 2,637.00 | 2,637.00 |
| B-4 | 2 | EA | Lot Marker (Type F Sign) including all demolition, removal, substructure, superstructure, supports, sign panels, replacement of grass, sod, brick pavers, asphalt or concrete etc & all appurtenances as shown on sheets GR-09 & S-F1 | 4,400.00 | 8,800.00 | 5,155.00 | 10,310.00 |
| B-5 | 100% | LS | Erosion Control for the Project | 1,700.00 | 1,700.00 | 430.00 | 430.00 |
| B-6 | 100 | SY | Hydromulching, including watering to sustain growth | 7.00 | 700.00 | *** 4.30 | * 430.00 |
| B-7 | 100% | LS | Implement Traffic Control | 3,480.00 | 3,480.00 | 430.00 | 430.00 |
| TOTAL AMOUNT ADD ALTERNATE B - (Items B-1 - B-7) | | | | | \$ 23,295.00 | ** | \$ 17,227.00 |

| Item No. | Estimated Quantity | Unit | Bid Data Description | Unit Price | Extended Amount | Unit Price | Extended Amount |
|---|--------------------|------|--|-------------|-----------------|-------------|-----------------|
| ADD ALTERNATE C | | | | | | | |
| C-1 | 100% | LS | Mobilization, Bonds & Insurance, not-to-exceed 5% of the Total Amount Bid | \$ 4,200.00 | \$ 4,200.00 | \$ 3,053.00 | \$ 3,053.00 |
| C-2 | 100% | LS | Preparation of Right-of-Way | 1,150.00 | 1,150.00 | 430.00 | 430.00 |
| C-3 | 2 | EA | Directional Entry (Type C Sign) including all demolition, removal, substructure, superstructure, supports, sign panels, replacement of grass, sod, brick pavers, asphalt or concrete etc & all appurtenances as shown on the plans & detailed on sheets GR-06 & S-C1 | 7,230.00 | 14,460.00 | 5,226.00 | 10,452.00 |
| C-4 | 2 | EA | Directional Double Pole (Type D Sign) including all demolition, removal, substructure, superstructure, supports, sign panels, replacement of grass, sod, brick pavers, asphalt or concrete etc & all appurtenances as shown on sheets GR-07 & S-D1 | 4,785.00 | 9,570.00 | 3,845.00 | 7,690.00 |
| C-5 | 1 | EA | Directional Pole (Type E Sign) including all demolition, removal, substructure, superstructure, supports, sign panels, replacement of grass, sod, brick pavers, asphalt or concrete etc & all appurtenances as shown on sheets GR-08 & S-E1 | 3,265.00 | 3,265.00 | 2,637.00 | 2,637.00 |
| C-6 | 1 | EA | Lot Marker (Type F Sign) including all demolition, removal, substructure, superstructure, supports, sign panels, replacement of grass, sod, brick pavers, asphalt or concrete etc & all appurtenances as shown on sheets GR-09 & S-F1 | 4,400.00 | 4,400.00 | 3,137.00 | 3,137.00 |
| C-7 | 100% | LS | Remove Existing Signage as Shown on Sheet P-20 of the Plans, Including Installing Concrete | 2,640.00 | 2,640.00 | 644.00 | 644.00 |
| C-8 | 100% | LS | Erosion Control for the Project | 1,700.00 | 1,700.00 | 430.00 | 430.00 |
| C-9 | 100 | SY | Hydromulching, including watering to sustain growth | 7.00 | 700.00 | *** 5.72 | * 572.00 |
| C-10 | 100% | LS | Implement Traffic Control | 3,480.00 | 3,480.00 | 215.00 | 215.00 |
| TOTAL AMOUNT ADD ALTERNATE C - (Items C-1 - C-10) | | | | | \$ 45,565.00 | ** | \$ 29,260.00 |

| Item No. | Estimated Quantity | Unit | Bid Data Description | Unit Price | Extended Amount | Unit Price | Extended Amount |
|--|--------------------|------|--|-------------|-----------------|-------------|-----------------|
| ADD ALTERNATE D | | | | | | | |
| D-1 | 100% | LS | Mobilization, Bonds & Insurance, not-to-exceed 5% of the Total Amount Bid | \$ 4,200.00 | \$ 4,200.00 | \$ 2,809.00 | \$ 2,809.00 |
| D-2 | 100% | LS | Preparation of Right-of-Way | 1,150.00 | 1,150.00 | 430.00 | 430.00 |
| D-3 | 1 | EA | Entry Portal (Type B Sign) including all demolition, removal, substructure, superstructure, electrical, supports, sign panels, replacement of grass, sod, brick pavers, asphalt or concrete etc & all appurtenances as shown on the plans & detailed on sheets GR-01 - GR-03 & S-A1 - S-A2 | 22,150.00 | 22,150.00 | 19,696.00 | 19,696.00 |
| D-4 | 100% | LS | Erosion Control for the Project | 1,700.00 | 1,700.00 | 144.00 | 144.00 |
| D-5 | 50 | SY | Hydromulching, including watering to sustain growth | 7.00 | 350.00 | *** 8.60 | * 430.00 |
| D-6 | 100% | LS | Implement Traffic Control | 3,480.00 | 3,480.00 | 215.00 | 215.00 |
| TOTAL AMOUNT ADD ALTERNATE D - (Items D-1 - D-6) | | | | | \$ 33,030.00 | ** | \$ 23,724.00 |

* Error in Extension of Unit Price and Quantity. Extended Amount has been corrected.
** Total Amount has been corrected.
*** Unit Price Re-Calculated As Directed


BID TABULATION
CITY OF TEMPLE
DOWNTOWN SIGNAGE PROJECT
3210 E. Ave H; Bldg C; Temple, TX
February 26, 2013; 2:00 PM

| | | | | BIDDER INFORMATION | | | |
|--|--------------------|------|--|--|-----------------|---|-----------------|
| | | | | National Signs, LLC 2611 El Camino Street Houston TX 77054 | | Walton Signage 3419 E Commerce San Antonio TX 78220 | |
| Item No. | Estimated Quantity | Unit | Bid Data Description | Unit Price | Extended Amount | Unit Price | Extended Amount |
| ADD ALTERNATE E | | | | | | | |
| E-1 | 100% | LS | Mobilization, Bonds & Insurance, not-to-exceed 5% of the Total Amount Bid | \$ 4,200.00 | \$ 4,200.00 | \$ 4,436.00 | \$ 4,436.00 |
| E-2 | 100% | LS | Preparation of Right-of-Way | 1,150.00 | 1,150.00 | 430.00 | 430.00 |
| E-3 | 3 | EA | Entry Portal (Type B Sign) including all demolition, removal, substructure, superstructure, electrical, supports, sign panels, replacement of grass, sod, brick pavers, asphalt or concrete etc & all appurtenances as shown on the plans & detailed on sheets GR-01 - GR-03 & S-A1 - S-A2 | 22,150.00 | 66,450.00 | *** 19,696.00 | * 59,088.00 |
| E-4 | 100% | LS | Erosion Control for the Project | 1,700.00 | 1,700.00 | 430.00 | 430.00 |
| E-5 | 50 | SY | Hydromulching, including watering to sustain growth | 7.00 | 350.00 | *** 8.60 | * 430.00 |
| E-6 | 100% | LS | Implement Traffic Control | 3,480.00 | 3,480.00 | 215.00 | 215.00 |
| E-7 | 100% | LS | Relocation of 4 Crepe Myrtles & other Vegetation in Front of Entry Portal | 3,900.00 | 3,900.00 | 1,572.00 | 1,572.00 |
| TOTAL AMOUNT ADD ALTERNATE E - (Items E-1 - E-7) | | | | | \$ 81,230.00 | ** | \$ 66,601.00 |

| Item No. | Unit | Bid Data Description | | |
|-----------------------------------|------|---|--------------|--------|
| ADD ALTERNATE SIGN SPECIFICATIONS | | | | |
| S-1 | EA | Kiosk (Type A Sign) including all demolition, removal, substructure, superstructure, supports, sign panels, replacement of grass, sod, brick pavers, asphalt or concrete etc & all appurtenances as shown on the plans & detailed on sheets GR-01 - GR-03 & S-A1 - S-A2, Using Alternate Sign Specifications | \$ 32,500.00 | No Bid |
| S-2 | EA | Entry Portal (Type B Sign) including all demolition, removal, substructure, superstructure, electrical, supports, sign panels, replacement of grass, sod, brick pavers, asphalt or concrete etc & all appurtenances as shown on the plans & detailed on sheets GR-01 - GR-03 & S-A1 - S-A2, Using Alternate Sign Specifications | \$ 22,150.00 | No Bid |
| S-3 | EA | Directional Entry (Type C Sign) including all demolition, removal, substructure, superstructure, supports, sign panels, replacement of grass, sod, brick pavers, asphalt or concrete etc & all appurtenances as shown on the plans & detailed on sheets GR-06 & S-C1, Using Alternate Sign Specifications | \$ 7,230.00 | No Bid |
| S-4 | EA | Directional Double Pole (Type D Sign) including all demolition, removal, substructure, superstructure, supports, sign panels, replacement of grass, sod, brick pavers, asphalt or concrete etc & all appurtenances as shown on sheets GR-07 & S-D1, Using Alternate Sign Specifications | \$ 4,785.00 | No Bid |
| S-5 | EA | Directional Pole (Type E Sign) including all demolition, removal, substructure, superstructure, supports, sign panels, replacement of grass, sod, brick pavers, asphalt or concrete etc & all appurtenances as shown on sheets GR-08 & S-E1, Using Alternate Sign Specifications | \$ 3,265.00 | No Bid |
| S-6 | EA | Lot Marker (Type F Sign) including all demolition, removal, substructure, superstructure, supports, sign panels, replacement of grass, sod, brick pavers, asphalt or concrete etc & all appurtenances as shown on sheets GR-09 & S-F1, Using Alternate Sign Specifications | \$ 4,400.00 | No Bid |
| S-7 | EA | Map Banner (Type G Sign) including all demolition, removal, substructure, superstructure, supports, sign panels, replacement of grass, sod, brick pavers, asphalt or concrete etc & all appurtenances as shown on sheets GR-10 & S-G1, Using Alternate Sign Specifications | \$ 1,290.00 | No Bid |

| | | |
|--|-----|-----|
| Did Bidder Acknowledge Addenda No. 1? | YES | YES |
| Did Bidder provide Bid Security? | YES | YES |
| Did Bidder provide required documents? | YES | YES |

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


R. David Patrick, PE, CFM
Kasberg, Patrick & Associates, LP

3/26/13
Date



* Error in Extension of Unit Price and Quantity. Extended Amount has been corrected.
** Total Amount has been corrected.
*** Unit Price Re-Calculated As Directed

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH NATIONAL SIGNS, LLC, OF HOUSTON, TEXAS, FOR THE CONSTRUCTION OF KIOSK, DIRECTIONAL, PARKING AND INFORMATIONAL SIGNAGE FOR THE DOWNTOWN AREA, IN THE AMOUNT OF \$434,290 AND APPROVING A DEDUCTIVE CHANGE ORDER IN THE AMOUNT OF \$32,500 FOR A TOTAL OF \$401,790; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, high quality, attractive signage will direct residents and visitors to the downtown area of Temple - these signs will be placed in prominent locations to make getting around downtown Temple easier and more efficient for citizens and visitors;

Whereas, several styles of signs will be utilized in this project and will be placed strategically on East Adams, West Central, North 3rd and South 1st Streets;

Whereas, on February 26, 2013, the City received two bids for the signage project with National Signs, LLC providing the low bid - staff recommends accepting the bid of \$434,290, which includes the base bid of \$213,700 and bid alternate A, B, C, D and E in the amount of \$220,590, and approving a deductive change order in the amount of \$32,500, to reduce the scope of services in the base bid, for a net contract award of **\$401,790**;

Whereas, funds are available within the Reinvestment Zone No. 1 Financing and Project Plans, Line 401, Account No. 795-9500-531-6528, Project No. 100698; 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 between the City of Temple and National Signs, LLC, of Houston, Texas, after approval as to form by the City Attorney, for the construction of kiosk, directional, parking and informational signage for downtown Temple, in the amount of \$434,290.

Part 2: The City Council authorizes a deductive change order in the amount of \$32,500 that reduces the scope of services in the base bid, for a net contract award for this project of **\$401,790**.

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 **4th** day of **April**, 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

04/04/13
Item #5(H)
Consent Agenda
Page 1 of 1

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 Total Demolition, Inc. of Elm Mott for demolition services for the former Police, former Municipal Court, and Police Special Investigations Unit buildings in the amount of \$83,750.

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. A fourth building is recommended for consideration as an add alternate to this contract if the City takes possession of the property within the necessary timeline.

On March 26, 2013, competitive sealed bids were opened for the demolition services. As shown on the attached Bid Tabulation five (5) bids were received. The low bidder is Total Demolition, Inc. of Elm Mott, Texas. Staff recommends award of these demolitions to the lowest bidder.

Asbestos abatement work is currently underway in the former Police and Municipal Court building and is anticipated to be completed in April. Demolition is anticipated to begin after the asbestos abatement work is complete.

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 March 26, 2013 at 2:30 p.m.
Demolition of Four (4) Commercial Properties in the Downtown Area
Bid # 95-04-13

| | Bidders | | |
|--|--|--------------------------------------|--|
| | Midwest Wrecking Company of Texas, Inc. Ft. Worth , TX | JTB Services Inc. Houston, TX | Lindamood Demolition Inc. Irving, TX |
| Description | | | |
| Total Bid Price for Demolition of Three (3) Commercial Properties | \$164,840.00 | \$176,643.00 | \$132,500.00 |
| Add Alternate (17 South 7th Street) | \$8,840.00 | \$14,260.00 | \$16,500.00 |
| Acknowledged Addendum | Yes | No | Yes |
| Exceptions | None | None | Yes |
| Bid Bond | 5% | 5% | 5% |
| Bond Requirement Affidavit | Yes | Yes | Yes |
| Credit Check Authorization | Yes | Yes | Yes |

| | Bidders | |
|--|------------------------------|---------------------------------------|
| | AAR Inc. Liberty Hill, TX | Total Demolition Inc. Elm Mott, TX |
| Description | | |
| Total Bid Price for Demolition of Three (3) Commercial Properties | \$182,900.00 | \$83,750.00 |
| Add Alternate (17 South 7th Street) | \$14,800.00 | \$14,500.00 |
| Acknowledged Addendum | Yes | Yes |
| Exceptions | None | None |
| Bid Bond | 5% | 5% |
| Bond Requirement Affidavit | Yes | Yes |
| Credit Check Authorization | 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

26-Mar-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 TOTAL DEMOLITION, INC., OF ELM MOTT, TEXAS, FOR DEMOLITION SERVICES OF THE FORMER POLICE, FORMER MUNICIPAL COURT, AND POLICE SPECIAL INVESTIGATIONS UNIT BUILDINGS, IN THE AMOUNT OF \$83,750; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, included in the Reinvestment Zone's Project Plan is the redevelopment of the block north of the Santa Fe Railroad & Heritage Museum, currently occupied by the former Police Facility, former Municipal Court, and the Police Special Investigations Unit buildings;

Whereas, on March 26, 2013, competitive sealed bids were opened for the demolition services and Total Demolition, Inc., of Elm Mott, Texas was the low bidder;

Whereas, Staff recommends awarding this contract to Total Demolition, Inc., of Elm Mott, Texas in the amount of \$83,750;

Whereas, funds are budgeted for this project in Account No. 795-9500-531-2631; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a contract with Total Demolition, Inc., of Elm Mott, Texas, after approval as to form by the City Attorney, for demolition services of the former Police, former Municipal Court and former Police Special Investigations Unit buildings, in the amount of \$83,750.

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 4th day of **April**, 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

04/04/13
Item #5(I)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, PE, Public Works Director
Don Bond, PE, CFM, Interim City Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP to design, bid, and provide construction phase services for a rail safety zone, per the report KPA was previously contracted to develop, in an amount not to exceed \$98,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On March 3, 2011, the City Council approved execution of a contract with KPA to develop options and alternatives to create a downtown rail safety zone, allowing locomotive traffic to operate without the use of horns. The completed report (attached) outlines recommended procedures for creation of the safety zone to prohibit traffic from traversing existing crossings of the Burlington Northern Santa Fe (BNSF) railroad at South 1st Street, South Main Street and Martin Luther King Jr. Drive during rail traffic. Closure of the South 1st Street crossing and construction of Supplemental Safety Measures at the South Main Street and Martin Luther King Jr. Drive crossings are improvements associated with establishing the safety zone. A map of the project locations is attached.

On October 18, 2012, Council resolved to direct Staff to proceed with implementation of the Downtown Rail Safety Zone Report. This professional services contract is revised to include an additional \$11,000 of landscaping design. It will provide for preparation of design documents, bidding, construction administration, and on-site representation during construction. Final design will be completed within 120 calendar days after the notice to proceed. Consultant services recommended under this resolution include the following tasks and costs:

Professional Services

| | |
|-----------------------------|-------------------------|
| Design Surveys | \$ 6,900 |
| Final Design | \$ 32,700 |
| BNSF Coordination | \$ 8,500 |
| Landscape Design | \$ 11,000 |
| Bidding | \$ 5,500 |
| Construction Administration | \$ 14,500 |
| On Site Representation | <u>\$ 18,900</u> |
| TOTAL | <u>\$ 98,000</u> |

This revised contract was approved by the Reinvestment Zone Board on March 27, 2013. Total project cost is estimated at approximately \$450,000.

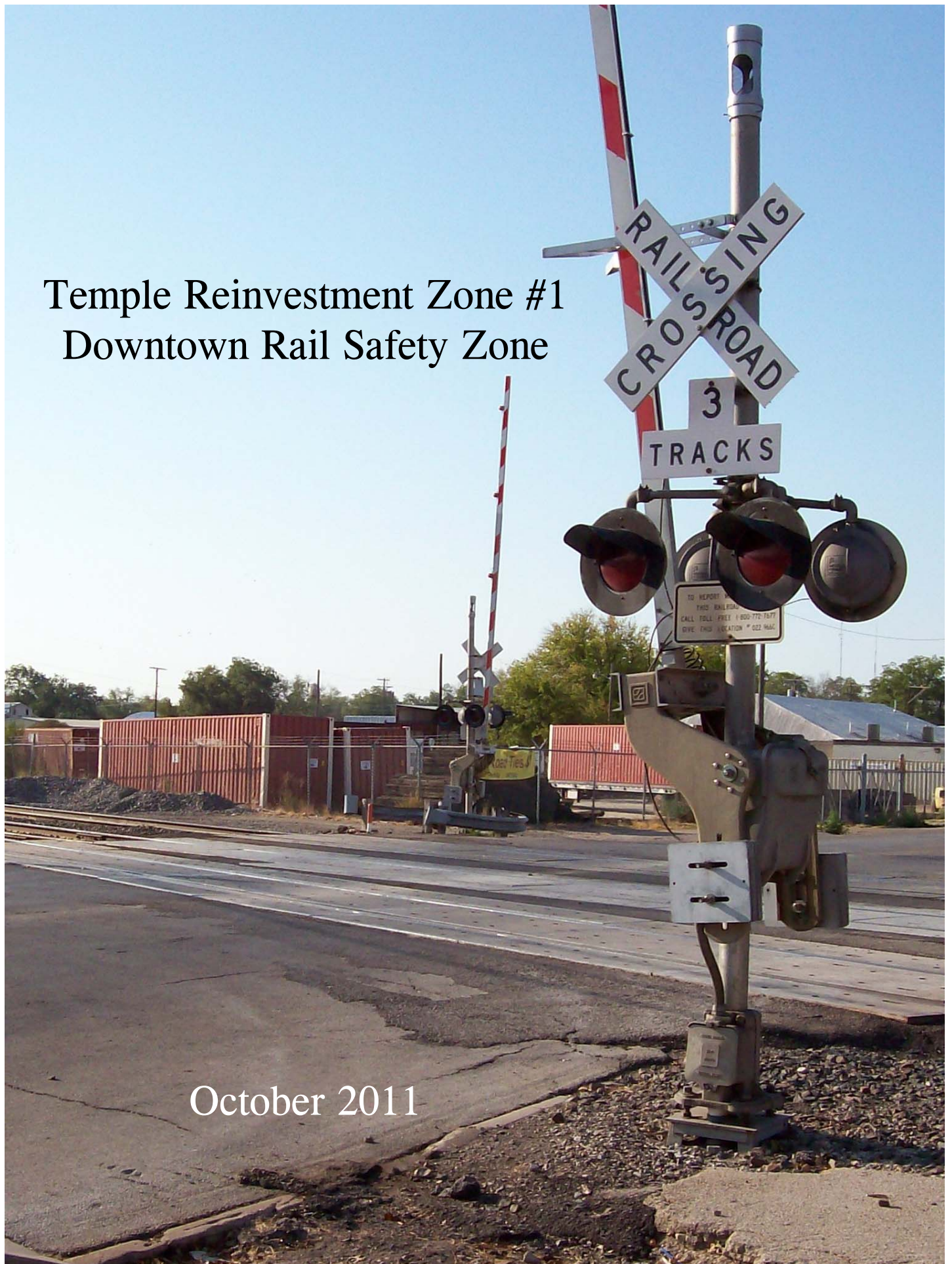
FISCAL IMPACT: Funding is available within the Reinvestment Zone No. 1 Financing and Project Plans, Line 401, account 795-9500-531-6528, project # 100697 to fund this agreement.

ATTACHMENTS:

[Downtown Rail Safety Zone Report](#)
[Project Map](#)
[Engineer's Proposal](#)
[Resolution](#)

Temple Reinvestment Zone #1 Downtown Rail Safety Zone

October 2011



INTRODUCTION

A. PURPOSE OF THE STUDY

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

B. SCOPE OF THE STUDY

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

DEVELOPMENT OF FRA QUIET ZONE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Martin Luther King Drive

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

2. Main Street

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

3. First Street

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

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

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

**PRELIMINARY OPINION
OF
PROBABLE CONSTRUCTION COST**

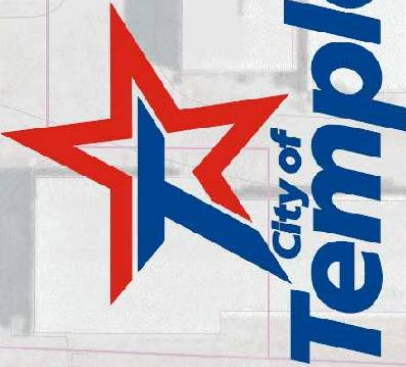
| | | |
|-----------------------|----|------------|
| Construction Cost | \$ | 315,150.00 |
| Contingencies | \$ | 31,515.00 |
| Professional Services | \$ | 87,000.00 |

| | | |
|----------------------|-----------|-------------------|
| TOTAL PROJECT | \$ | 433,665.00 |
|----------------------|-----------|-------------------|



T.D.D.A. DOWNTOWN QUIET ZONES

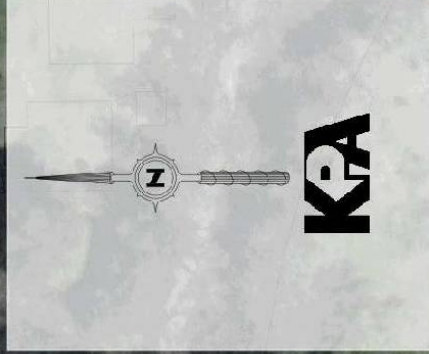




**T.D.D.A.
DOWNTOWN
QUIET ZONES
(1ST STREET)**



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



MARTIN LUTHER KING, JR. DRIVE

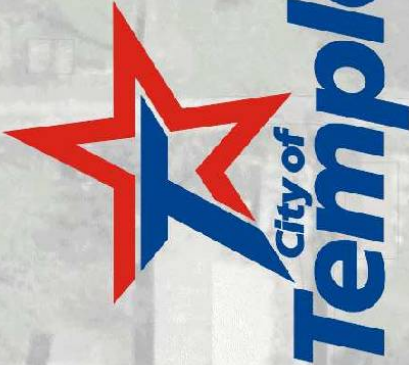
AVENUE E

BNSF RAILROAD

AVE F

PROPOSED
10' WIDE
MEDIANS

EXISTING
CROSSING
GATE



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



DOWNTOWN SAFTEY ZONES

PROPOSED
10' WIDE
MEDIANS

PROPOSED
CLOSED
RAIL CROSSING

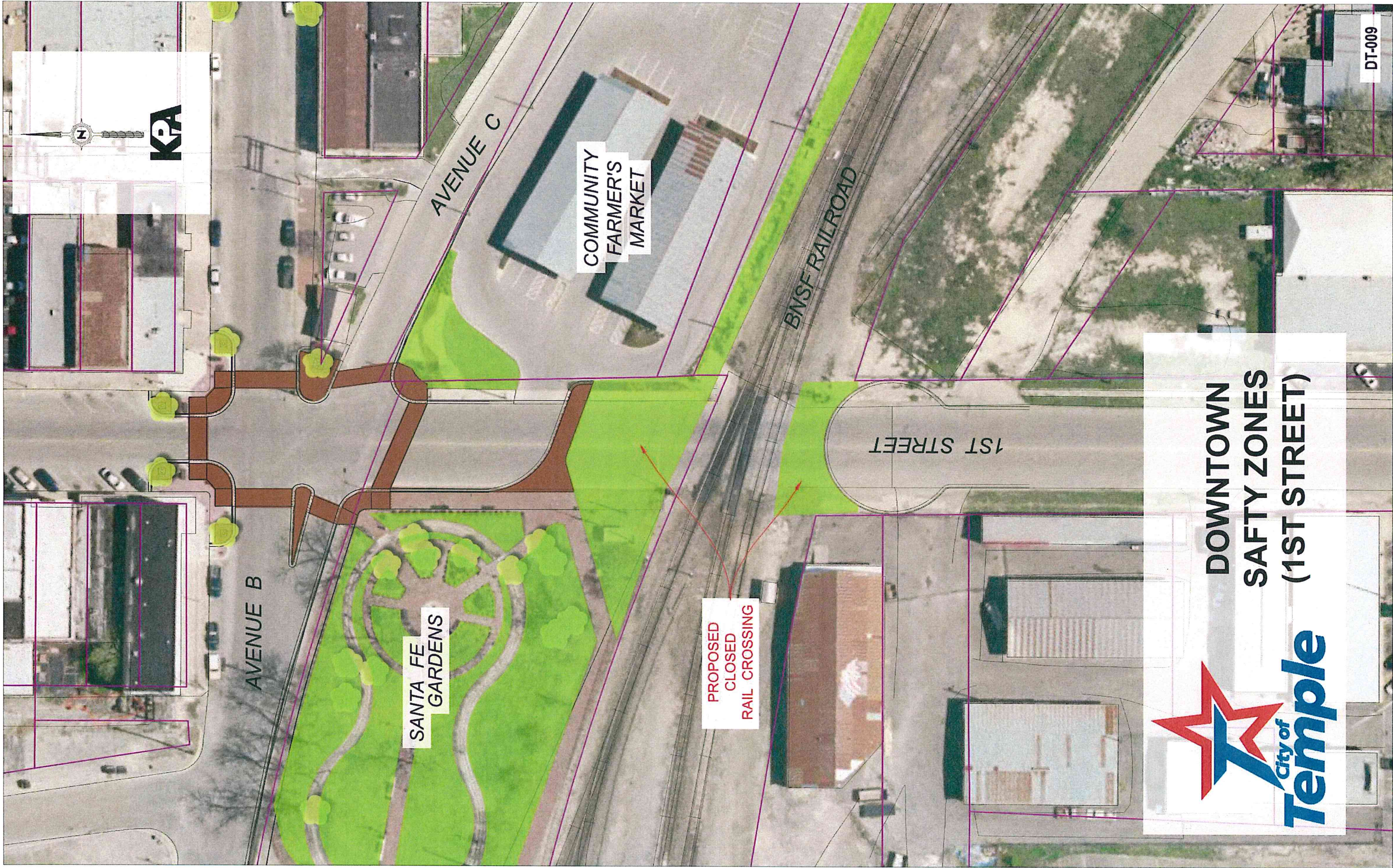
PROPOSED
6' WIDE
MEDIANS

KPA

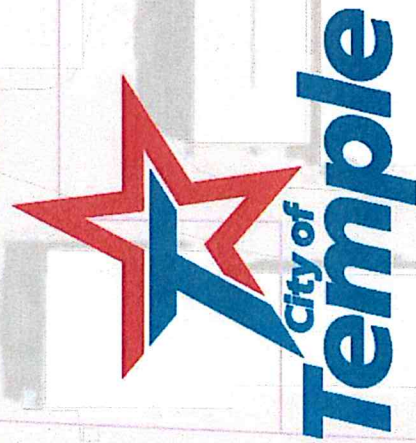
LEGEND

PROPOSED
QUIET ZONES

DT-008



**DOWNTOWN
SAFTY ZONES
(1ST STREET)**





DOWNTOWN SAFETY ZONES (MAIN STREET)



AVENUE E

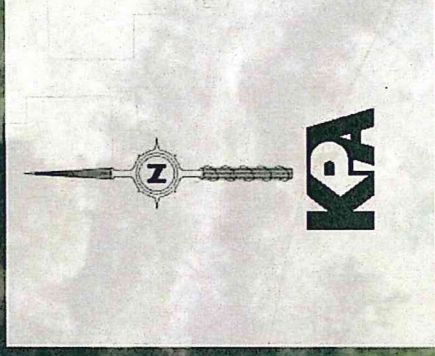
MARTIN LUTHER KING, JR. DRIVE

BNSF RAILROAD

AVE F

PROPOSED
10' WIDE
MEDIANS

EXISTING
CROSSING
GATE



**DOWNTOWN
SAFETY ZONES
(M.L.K. DRIVE)**

DT-01



KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
Texas Firm F-510

RICK N. KASBERG, P.E.

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

THOMAS D. VALLE, P.E.

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

Georgetown
1008 South Main Street
Georgetown, Texas 78626
(512) 819-9478

February 14, 2013

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

Re: City of Temple, Temple Reinvestment Zone #1
Downtown Rail Safety Zones

Dear Mr. Bond:

At the request of the City of Temple Reinvestment Zone #1 (TRZ), we are submitting this proposal for the above referenced project. This project will design the downtown rail safety zones by developing a road crossing closure and construction of Supplemental Safety Measures (SSMs). (See attached exhibit). The final product will be construction ready plans, specifications and estimates. Also included in the project are bidding, construction administration and on site representation.

This project will design, prepare specifications, develop construction estimates, bid the project, administer construction administration and provide on-site representation for the project. Meetings and discussions with City of Temple Staff, The Temple Reinvestment Zone #1, and The Burlington Northern Santa Fe Railroad (BNSF) are included in the work. Included in the scope of the project will be surveying, landscape architecture design, horizontal roadway design, vertical roadway design, design of roadway closure at South 1st Street, development of construction plans, development of specifications, bidding documents, construction administration and on site representation. We will coordinate this project with the City of Temple, Temple Reinvestment Zone, and BNSF.

This project will be developed in accordance with the Temple Reinvestment Zone 2022 Master Plan and the Downtown Rail Safety Zone Study completed in October 2011. It will include intense coordination with the BNSF to develop the Safety Zone. The Safety Zone will include elements to prohibit traffic from traversing the existing crossings of the BNSF Railroad at South 1st Street, South Main Street and Martin Luther King Jr. Drive during BNSF rail traffic at these locations. By accomplishing this, the intersections will qualify for a quiet zone eliminating the need for locomotives to regularly sound their horn prior to traversing these crossings. Accomplishment of the Safety Zone will be achieved by closing South 1st Street and providing SSMs at the crossings of South Main Street and Martin Luther King Jr. Drive. There may be a need to close or prohibit driveway access adjacent to the crossings to develop the Safety Zone. Submittals to BNSF of the final construction documents will be required and any comments or input will be incorporated into the final construction plans. We will develop construction plans and specifications to be advertised

and bid through the City of Temple Purchasing Department. Official bid documents will be certified and tabulated to determine the low bidder. Construction phase services will also be supplied under this contract and include Construction Administration and On Site Representation. We will keep City Staff, members of the TRZ and BNSF included in the entire project process. Final design is anticipated to be complete within one hundred and twenty calendar days after the notice to proceed and coordination with BNSF is anticipated to be completed within two hundred and forty calendar days after completion of the design. This anticipates responsive efforts from the BNSF. If the BNSF is not responsive these dates may be delayed. Our Preliminary Opinion of Probable Cost is \$450,000.

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

Final Design and Project Documents

- Design surveys.
- Horizontal design of barrier medians for both Martin Luther King Jr. Drive and South Main Street to include outside barrier to accomplish satisfactory Supplemental Safety Measures.
- Vertical design of barrier medians for both Martin Luther King Jr. Drive and South Main Street to include outside barrier to accomplish satisfactory Supplemental Safety Measures.
- Horizontal design for South 1st Street to accomplish removing the BNSF crossing from the BNSF inventory.
- Vertical design for South 1st Street to accomplish removing the BNSF crossing from the BNSF inventory.
- Hydrologic and Hydraulic Drainage analysis for all crossings with the proposed improvements.
- Design of enhancements for the closing of South 1st Street.
- Landscape Architecture Design for the 1st Street closing area.
- Traffic flow design for the closing of South 1st Street.
- Traffic control design for construction of the project.
- Meetings with City of Temple Staff, the Temple Reinvestment Zone and BNSF.
- Project plans and specifications construction of the Project.
- Bidding of the project.
- Construction Administration of the project.
- On Site Representation for the project.

Downtown Safety Zones

| | | |
|-------------------------------|-----------|---------------|
| Design Surveys | \$ | 6,900 |
| Final Design | \$ | 32,700 |
| BNSF Coordination | \$ | 8,500 |
| Landscape Architecture Design | \$ | 11,000 |
| Bidding | \$ | 5,500 |
| Construction Administration | \$ | 14,500 |
| On Site Representation | \$ | 18,900 |
| Total Design Services | \$ | 98,000 |

Mr. Don Bond, P.E., CFM
February 14, 2011
Page Three

Please see the attached exhibit for location of the project

We can complete all the tasks represented for the lump sum cost of \$98,000 for plans and specifications, bidding, construction administration and on site representation. As always, we look forward to working with you on the project and to the enhancement that it will bring to the City of Temple.

Sincerely,

A handwritten signature in black ink, appearing to read "R. David Patrick", with a stylized flourish at the end.

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

RDP/crc

EXHIBIT "B"

Charges for Additional Services

**City of Temple
Downtown Rail Safety Zones
Final Design**

| <u>POSITION</u> | <u>MULTIPLIER</u> | <u>SALARY COST/RATES</u> |
|----------------------------|--------------------------|---------------------------------|
| Principal | 2.4 | \$ 60.00 – 80.00/hour |
| Project Manager | 2.4 | 45.00 – 58.00/hour |
| Project Engineer | 2.4 | 40.00 – 45.00/hour |
| Engineer-in-Training | 2.4 | 32.00 – 40.00/hour |
| Engineering Technician | 2.4 | 22.00 – 40.00/hour |
| CAD Technician | 2.4 | 18.00 – 40.00/hour |
| Clerical | 2.4 | 13.00 – 25.00/hour |
| Expenses | 1.1 | actual cost |
| Computer | 1.0 | 15.00/hour |
| Survey Crew | 1.1 | 95.00 – 120.00/hour |
| Registered Public Surveyor | 1.0 | 110.00/hour |
| On-Site Representative | 2.1 | 30.00 – 40.00/hour |

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP, TO DESIGN, BID AND PROVIDE CONSTRUCTION PHASE SERVICES FOR A RAIL SAFETY ZONE, IN AN AMOUNT NOT TO EXCEED \$98,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on March 3, 2011, City Council approved execution of a contract with Kasberg, Patrick & Associates, LP (KPA) to develop options and alternatives to create a downtown rail safety zone, allowing locomotive traffic to operate without the use of horns;

Whereas, the report outlines recommended procedures for creation of the safety zone to prohibit traffic from traversing existing crossings of the Burlington Northern Santa Fe railroad at south 1st Street, south Main Street and Martin Luther King Jr. Drive, during rail traffic;

Whereas, on October 18, 2012, City Council directed staff to proceed with implementation of the Downtown Rail Safety Zone Report;

Whereas, funds are available for this project in the Reinvestment Zone No. 1 Financing and Project Plans, Line 401, Account No. 795-9500-531-6528, Project No. 100697; 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 Kasberg, Patrick & Associates, L.P., after approval as to form by the City Attorney, for professional services required to design, bid and provide construction phase services for a rail safety zone, in an amount not to exceed \$98,000.

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 4th day of **April**, 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

04/04/13
Item #5(J)
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 Clark & Fuller, PLLC for professional services required to design the reconstruction of residential streets within the Western Hills subdivision in an amount not to exceed \$642,074.28.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple has adopted a Transportation Capital Improvement Plan (TCIP) in which some roads within the Western Hills subdivision have been identified for reconstruction. Some residential streets within Western Hills have deteriorated to the point of significantly reduced drivability. Poor underlying soils have exhibited substantial subsidence and heave, and the roadways now require reconstruction. The scope of work for this contract includes design of road reconstruction for Geronimo Trail and portions of Antelope, Chisholm, and Deer Trails. Utility relocations and replacements are included in the fees. It is anticipated that no additional ROW will be required.

In December of last year, the City executed a professional services agreement in the amount of \$17,050 to conduct a geotechnical investigation and preliminary street cross section design. Clark & Fuller's preliminary design recommends use of a concrete pavement cross section to minimize adverse impacts of the expansive soil subgrade. This section will also be durable and rigid, inhibiting groundwater penetration which also contributes to deteriorating pavements.

Professional fees related to reconstruction of the road and storm sewer for design through contract phases are \$402,120.74. Professional fees related to water and sanitary sewer relocation and replacement for design through construction phases are \$239,953.54. The Engineer's preliminary Opinions of Probable Cost for construction are \$3,854,634 for the road and storm sewer and \$1,803,571 for the water and sanitary sewer. Design will be completed within 240 calendar days. Consultant services recommended under this resolution include the following tasks and costs:

Professional Fees

| | |
|-----------------------------|------------------|
| Surveying | \$ 51,150 |
| Design | \$ 473,874 |
| Bidding | \$ 5,350 |
| Construction Administration | \$ 32,650 |
| Inspection Services | <u>\$ 79,050</u> |

TOTAL **\$ 642,074**

The timeline for design of this project is approximately 240 days, with project bidding and construction of utilities to occur during the winter of 2014. Roadway reconstruction will be properly coordinated and sequenced following completion of underground utility work.

FISCAL IMPACT: Funding in the amount of \$402,121 is available in account # 365-3400-531-6858, project #100967 to fund the professional services related to the reconstruction of the road and storm sewer design. This project was approved as part of the 2013 TCIP.

A budget adjustment is presented for Council's approval appropriating \$239,954 of Unreserved Water & Sewer Retained Earnings to account # 520-5900-535-6521, project #100967 to fund the professional services agreement related to the water and sewer relocation.

ATTACHMENTS:

Preliminary Design Recommendation Letter
Project Map
Engineer's Proposal Letter
Budget Adjustment
Resolution

March 13, 2013

City of Temple
Interim City Engineer
Don Bond, P.E.
3210 E. Ave. H, Bldg. A
Temple, TX 76501

Re: City of Temple - 2013 Western Hills Roadway Replacement Project Design Recommendations

Dear Mr. Bond,

This letter is written to briefly discuss the Western Hills Roadway and Utility Replacement Project and give our design recommendations.

The city has decided to reconstruct approx. 6,250 linear feet of existing streets of flexible pavement in the Western Hills subdivision that were originally built in the 1970's. The streets have been over-laid, patched, and otherwise repaired since the original construction. Performance problems are believed due substantially to the highly expansive clay subgrade that exists under all but a small portion of the streets studied. In addition to rebuilding streets that are adequate for supporting the typical Temple street design loads, the city desires to minimize the adverse impacts of the expansive soil subgrade. Three design options are proposed which, in our opinion, offer low, moderate, and high risk of undesirable performance. The lowest risk design recommends removing and replacing the existing fat clay to 10 feet with inert material. This is considered impractical. The moderate risk design recommends 6 inches of reinforced concrete pavement over 6 inches of cement treated base, over 1 foot of select fill. (Our estimates using this pavement section for reconstruction, including storm sewer, will cost approx. \$617.00 per linear foot.) The highest risk design of these 3 options involves reconstructing the existing streets with 2 inches of hot mix asphaltic concrete (HMAC) over 10 inches of cement treated base. (Our estimates using this pavement section for reconstruction, including new storm sewer, will cost approx. \$434.00 per linear foot.)

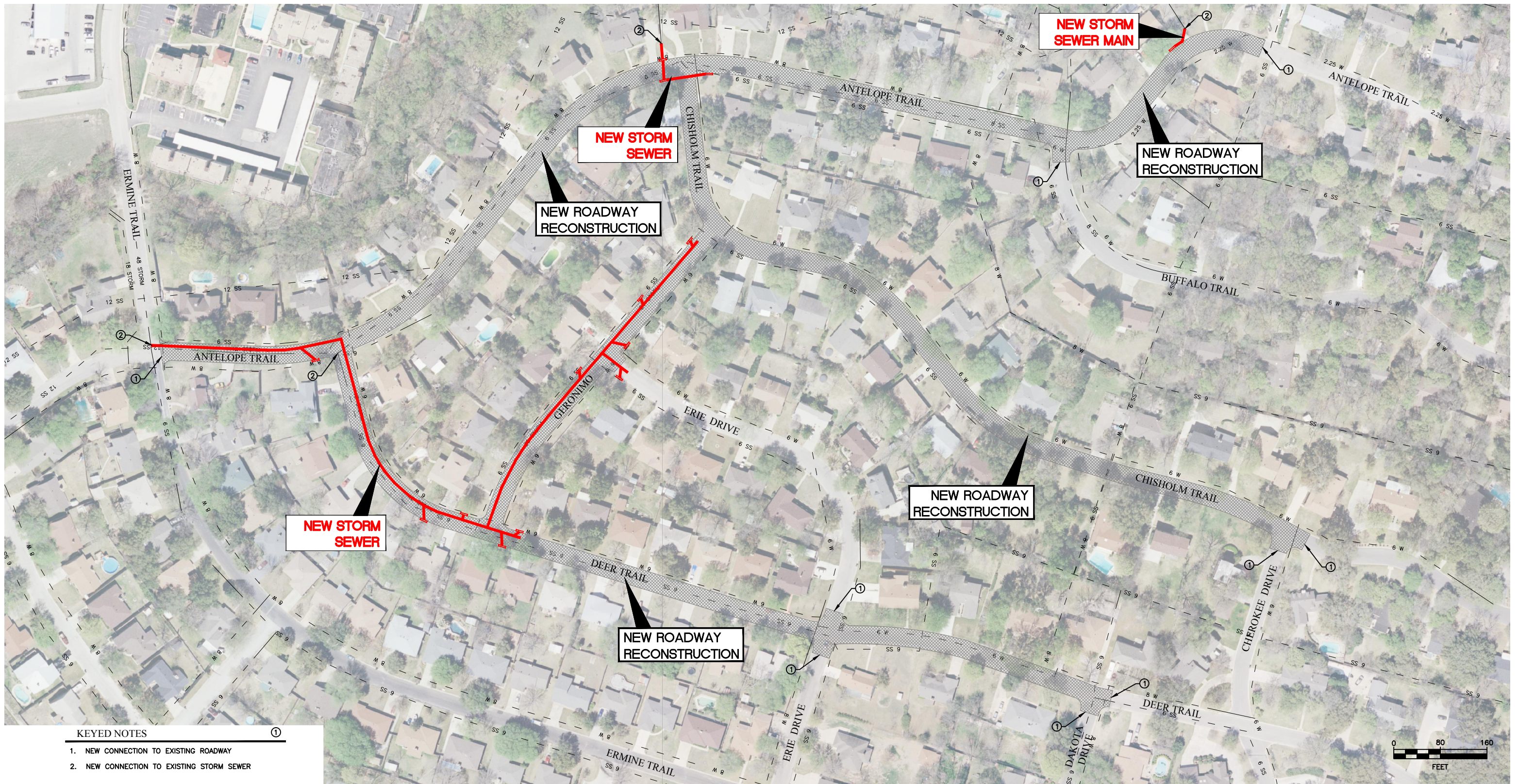
We are recommending that the City of Temple remove the existing streets in their entirety and reconstruct using the Moderate Risk Pavement Section. We have observed similar pavement sections, constructed within other cities, performing well under very similar soil and geologic conditions. The moderate risk pavement section reduces some of the risk due to the highly expansive soils and also provides a durable and rigid pavement section. In addition, the cement treated base material will inhibit groundwater penetration. We also recommend using root barriers, adjacent to existing encroaching trees, to inhibit root growth and penetration into the new pavement sections. To further reduce groundwater penetration, we are recommending installing new French drains adjacent to areas where the existing topography is flat and allows groundwater to stand freely for long durations of time.

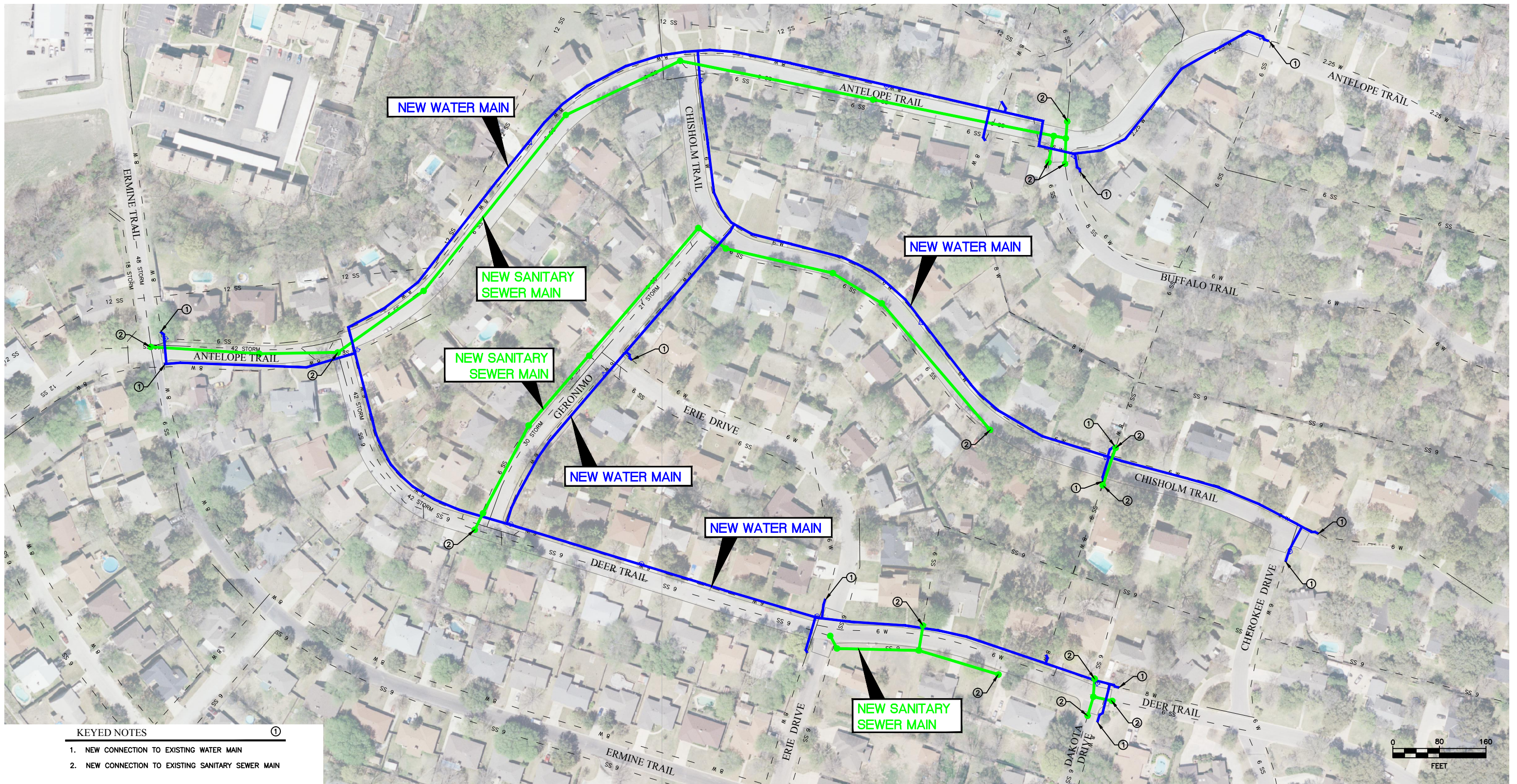
Sincerely,



Monty L. Clark, P.E., CPESC







KEYED NOTES

①

1. NEW CONNECTION TO EXISTING WATER MAIN
2. NEW CONNECTION TO EXISTING SANITARY SEWER MAIN

LEGEND:

- NEW PVC WATER MAIN
- ◆ NEW STANDARD FIRE HYDRANT ASSEMBLY
- NEW SANITARY SEWER MAIN
- NEW 4' DIAMETER ECCENTRIC CONCRETE MANHOLE

March 13, 2013

City of Temple
Director of Public Works
Nicole Torralva, P.E.
3210 E. Ave. H, Bldg. A
Temple, TX 76501

Re: Proposal for the City of Temple - 2013 Western Hills Roadway and Utility Replacement Project

Dear Mrs. Torralva,

We would like to thank the City of Temple for the opportunity to submit a preliminary opinion of probable cost and engineering fee proposal for the City of Temple - 2013 Western Hills Roadway and Utility Replacement Project. (Please refer to attached maps and documents for further information).

This project will consist of approximately 6,250 linear feet of existing roadway demolition and replacement, 1,900 linear feet of new storm sewer reconstruction, approximately 16 new storm sewer curb inlets, 1800 linear feet of new 12" Sanitary Sewer Main, 1800 linear feet of new 8" Sanitary Sewer Main, and 6485 linear feet of new Water Main construction to replace existing utility mains that are beginning to fail. In addition, the new utilities will be re-constructed at a depth and location to facilitate the Western Hills Roadway Reconstruction Project.

Clark & Fuller, PLLC will complete design topography surveys, new sanitary sewer and water main designs, construction document preparation, assist the City of Temple with project bidding, and provide construction administration and post construction record drawings. In addition, at the City of Temple's request, Clark & Fuller, PLLC can also provide daily on-site project representation and inspection services.

The proposed timeline for the project design phase is 240 calendar days from the authorization of notice to proceed.

Clark & Fuller, PLLC, hereinafter Engineer, proposes to the City of Temple, hereinafter Client, Professional Engineering and Surveying Services for a Lump Sum Amount not to exceed \$642,074.28. We estimate the total cost of construction to be \$5,658,205.30 and we estimate the total cost of construction including professional services and contingencies to be \$6,300,279.58. (Please refer to attached Maps, Exhibits, and the Preliminary Opinion of Probable Cost for an itemized breakdown and scope of services.)

Please contact us if you require additional information or have further questions regarding this proposal.

Sincerely,



Monty L. Clark, P.E., CPESC

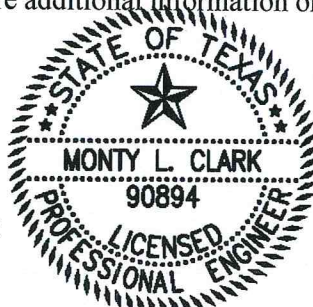


EXHIBIT "A"
Proposal for City of Temple - 2013 Western Hills Roadway and Utility Replacement Project
Scope of Professional Services

Surveying Services:

\$ 51,150.00

- Provide Project Elevation Benchmark
- Locate Existing Rights of Ways and Property Boundaries
- Prepare Design Topography Surveys
- Provide Construction Staking
 - Rough Cut
 - Final Curb and Gutter, and Inlet Boxes
 - Final Utility and Manhole Locations

Civil Engineering Design Phase:

\$ 473,874.28

- Research Existing Utilities
- Prepare Final Design Construction Documents
- Technical Specifications
- Provide Engineers Opinion of Construction Cost and Probable Days to Complete Project Construction
- Attend and Facilitate Project Coordination with the City Staff
- Attendance at Property Owner/Neighborhood Meetings
- Provide Miscellaneous Maps and Exhibit Drawings

Project Bidding Phase:

\$ 5,350.00

- Prepare Bid Schedule and Coordinate Bidding with the City of Temple Purchasing
- Provide copies of Construction Documents to facilitate Bidding
- Attend and facilitate a Pre-Bid Meeting
- Prepare and Issue Necessary Addenda

Construction Phase:

\$ 32,650.00

- Attend and facilitate a Pre-Construction Meeting
- Review all Contractor Submittals
- Provide Construction Administration and Project "Site" Visits to assist contractor with field construction questions
- Assist the City of Temple with Construction Questions and Respond to Requests for Information (RFI's)
- Phase II Geotechnical Services and Site Visits
- Review Contractor Applications for Payment and insure conformance with percentage of construction complete
- Execute Necessary Change Orders
- Attend Final Project Inspection
- Provide Final Inspection Punch List
- Prepare Record Drawings

Daily Onsite Construction Inspection Services

\$ 79,050.00

- Provide Daily On-Site Project Representation and Inspection Services

PROFESSIONAL FEE SCHEDULE

| | |
|--|---------------|
| Licensed Professional Engineer | \$ 110.00/hr. |
| Licensed Professional Architect | \$ 125.00/hr. |
| Design Technician | \$ 70.00/hr. |
| CADD Technician | \$ 60.00/hr. |
| CADD Draftsman | \$ 50.00/hr. |
| Clerical | \$ 35.00/hr. |
| Licensed Professional Land Surveyor | \$ 105.00/hr. |
| Field Crew & Total Station | \$ 130.00/hr. |
| Survey Research and Schematic Production | \$ 90.00/hr. |
| Daily On-Site Inspection Services | \$ 40.00/hr. |



Moderate Risk
31' BOC-BOC
CONCRETE

PRELIMINARY OPINION OF PROBABLE COST

City of Temple - Western Hills Roadway & Storm Sewer Replacement Project

Located in Temple, Texas

Date: 3-13-2013

New Roadway Construction

| Item Description | Unit | Unit Cost | Quantity | Total |
|--|------|---------------|----------|-----------------|
| 1. Site Preparation and Clearing (incl. sod/landsc. removal & replace) | STA. | \$ 950.00 | 65 | \$ 61,750.00 |
| 2. Site Mobilization, Bonding, and Insurance | L.S. | \$ 120,000.00 | 1 | \$ 120,000.00 |
| 3. Demolish & Remove Ex. Pavement, Base, & Sub. (Approx. 2' Depth) | C.Y. | \$ 20.00 | 16204 | \$ 324,080.00 |
| 4. Demolish and Remove Reinforced Concrete Pavement | S.Y. | \$ 19.75 | 3900 | \$ 77,025.00 |
| 5. Traffic Control Plan & Implementation | L.S. | \$ 17,500.00 | 1 | \$ 17,500.00 |
| 6. Erosion Control Plan & Implementation | L.S. | \$ 9,850.00 | 1 | \$ 9,850.00 |
| 7. Miscellaneous Watering | L.S. | \$ 8,500.00 | 1 | \$ 8,500.00 |
| 8. Sawcut, Remove, & Replace Concrete Curb and Gutter | L.F. | \$ 25.00 | 11800 | \$ 295,000.00 |
| 9. Sawcut, Remove, and Replace Concrete Flatwork | S.Y. | \$ 65.00 | 350 | \$ 22,750.00 |
| 10. 6" Reinforced Concrete Pavement | S.Y. | \$ 48.50 | 22000 | \$ 1,067,000.00 |
| 11. 6" Cement Stabilized Crushed Limestone Base Pavement | C.Y. | \$ 90.00 | 4051 | \$ 364,590.00 |
| 12. Compacted Select Fill Material (Approx. 1' Depth) | C.Y. | \$ 58.00 | 8101 | \$ 469,858.00 |
| 13. Subgrade Preparation | S.Y. | \$ 3.75 | 26700 | \$ 100,125.00 |
| 14. Remove and Replace Mail Box | EA. | \$ 250.00 | 103 | \$ 25,750.00 |
| 15. Remove and Replace Street Signage | L.S. | \$ 2,500.00 | 1 | \$ 2,500.00 |
| 16. Miscellaneous Utility Bracing and Removal and Relocation | L.S. | \$ 17,000.00 | 1 | \$ 17,000.00 |

SUBTOTAL: \$ 2,983,278.00

New Storm Sewer

| Item Description | Unit | Unit Cost | Quantity | Total |
|--|------|-------------|----------|---------------|
| 1. Miscellaneous Storm Sewer Demolition | L.F. | \$ 35.00 | 1900 | \$ 66,500.00 |
| 2. Demolish and Remove Existing Storm Inlet | EA. | \$ 1,800.00 | 16 | \$ 28,800.00 |
| 3. Demolish and Remove Existing Junction Box | EA. | \$ 1,950.00 | 5 | \$ 9,750.00 |
| 4. Connection to Existing Storm Sewer | EA. | \$ 1,750.00 | 3 | \$ 5,250.00 |
| 5. 10' Precast Curb Inlet | EA. | \$ 3,850.00 | 16 | \$ 61,600.00 |
| 6. Precast Storm Sewer Junction Box with Heavy Duty Lid Assembly | EA. | \$ 4,950.00 | 5 | \$ 24,750.00 |
| 7. 42" RCP Storm Sewer | L.F. | \$ 200.00 | 840 | \$ 168,000.00 |
| 8. 36" RCP Storm Sewer | L.F. | \$ 160.00 | 65 | \$ 10,400.00 |
| 9. 30" RCP Storm Sewer | L.F. | \$ 135.00 | 485 | \$ 65,475.00 |
| 10. 24" RCP Storm Sewer | L.F. | \$ 85.00 | 470 | \$ 39,950.00 |
| 11. 18" RCP Storm Sewer | L.F. | \$ 74.00 | 40 | \$ 2,960.00 |
| 12. Miscellaneous RCP Fittings and Bends | EA. | \$ 2,500.00 | 15 | \$ 37,500.00 |

SUBTOTAL: \$ 520,935.00

SUBTOTAL CONSTRUCTION: \$ 3,504,213.00

10% CONSTRUCTION CONTINGENCY: \$ 350,421.30

TOTAL CONSTRUCTION: \$ 3,854,634.30



215 North Main Street, Temple, TX 76501
254.899.0899 www.clark-fuller.com F-10384

PRELIMINARY OPINION OF PROBABLE COST

City of Temple - Western Hills Roadway & Storm Sewer Replacement Project

Located in Temple, Texas

Date: 3-13-13

PRELIMINARY OPINION OF PROBABLE COST TO CONSTRUCT DRAINAGE, ROADS, & UTILITIES

\$ 3,854,634.30

Design, Analysis, and Construction Document Preparation

| | |
|---|---------------|
| 8.0% Professional Civil Engineering Services | \$ 308,370.74 |
| Professional Surveying Services (Topographic Survey - To be completed within Western Hills Utility Replacement Project) | |
| Geotechnical Engineering Services | \$ 7,500.00 |
| Coordination with City Staff, Attendance at Property Owner Meetings, & Misc. Map Preparation | \$ 2,500.00 |
| Bid Document Preparation, Bidding Assistance, and Advertising | \$ 2,850.00 |
| Construction Staking (Rough Cut and Final Curb & Gutter) | \$ 16,850.00 |
| Construction Administration (As Required) & Record Drawings | \$ 22,800.00 |
| Inspection Services | \$ 41,250.00 |

TOTAL PROFESSIONAL SERVICES: \$ 402,120.74

TOTAL CONSTRUCTION AND PROFESSIONAL SERVICES: \$ 4,256,755.04



3/13/2013

Not Included within this cost estimate:
* Easement Procurement
* Temporary Construction Easements Preparation and/or Procurement



PRELIMINARY OPINION OF PROBABLE COST
City of Temple - Western Hills Utility Replacement Project
Located in Temple, Texas

Date: 3-13-13

Mobilization, Site Prep, and Traffic Control

| Item Description | Unit | Unit Cost | Quantity | Total |
|--|------|--------------|----------|--------------------------------|
| 1. Site Preparation and Clearing (incl. sod/landsc. removal & replace) | STA. | \$ 550.00 | 65 | \$ 35,750.00 |
| 2. Site Mobilization, Bonding, and Insurance | L.S. | \$ 47,500.00 | 1 | \$ 47,500.00 |
| 3. Traffic Control Plan & Implementation | L.S. | \$ 17,500.00 | 1 | \$ 17,500.00 |
| 4. Erosion Control Plan & Implementation | L.S. | \$ 9,850.00 | 1 | \$ 9,850.00 |
| | | | | SUBTOTAL: \$ 110,600.00 |

New Sanitary Sewer

| Item Description | Unit | Unit Cost | Quantity | Total |
|--|------|--------------|----------|--------------------------------|
| 1. Sawcut, Remove, and Replace HMAc Pavement | S.Y. | \$ 46.00 | 2500 | \$ 115,000.00 |
| 2. Demolish and Remove Existing Sanitary Sewer Manhole | EA. | \$ 1,400.00 | 31 | \$ 43,400.00 |
| 3. 12" PVC SDR 26 Sanitary Sewer Main By Open Cut | L.F. | \$ 65.00 | 1800 | \$ 117,000.00 |
| 4. 8" PVC SDR 26 Sanitary Sewer Main By Open Cut | L.F. | \$ 48.00 | 1800 | \$ 86,400.00 |
| 5. Connection to Existing Sanitary Sewer Main | EA. | \$ 1,500.00 | 17 | \$ 25,500.00 |
| 6. 4' Dia. Precast Concrete Manhole with 32" Ring and Lid Assembly | EA. | \$ 3,750.00 | 31 | \$ 116,250.00 |
| 7. Sanitary Sewer Service Connection and Cleanout Boxes | EA. | \$ 1,500.00 | 98 | \$ 147,000.00 |
| 8. Miscellaneous Sanitary Sewer Service Replacement | L.F. | \$ 38.00 | 1200 | \$ 45,600.00 |
| 9. Bypass Pumping | L.S. | \$ 9,500.00 | 100% | \$ 9,500.00 |
| 10. Testing per COT & TCEQ Requirements | L.S. | \$ 9,750.00 | 100% | \$ 9,750.00 |
| 11. Trench Safety Plan and Implementation | L.S. | \$ 12,500.00 | 100% | \$ 12,500.00 |
| 12. Incidentals (As required) | L.S. | \$ 8,250.00 | 1 | \$ 8,250.00 |
| | | | | SUBTOTAL: \$ 736,150.00 |

New Water Main

| Item Description | Unit | Unit Cost | Quantity | Total |
|--|------|--------------|----------|--------------------------------|
| 1. Remove and Salvage Existing Fire Hydrant | EA. | \$ 1,250.00 | 10 | \$ 12,500.00 |
| 2. Disconnect, Cap, and Abandon Existing Water Main | EA. | \$ 850.00 | 17 | \$ 14,450.00 |
| 3. Sawcut, Remove, and Replace HMAc Pavement | S.Y. | \$ 46.00 | 2885 | \$ 132,710.00 |
| 3. Connection to Existing Water Main | EA. | \$ 1,800.00 | 17 | \$ 30,600.00 |
| 4. Std. Tapping Sleeve Assembly | EA. | \$ 2,850.00 | 4 | \$ 11,400.00 |
| 5. 8" PVC Class 150 Water Main | L.F. | \$ 45.00 | 6485 | \$ 291,825.00 |
| 6. Water Sampling Stations | EA. | \$ 1,800.00 | 1 | \$ 1,800.00 |
| 7. Fire Hydrant Assembly | EA. | \$ 3,950.00 | 16 | \$ 63,200.00 |
| 8. 8" MJ Gate Valve | EA. | \$ 1,500.00 | 36 | \$ 54,000.00 |
| 9. MJ Tee | EA. | \$ 850.00 | 16 | \$ 13,600.00 |
| 10. Miscellaneous MJ Fittings | EA. | \$ 375.00 | 55 | \$ 20,625.00 |
| 11. Service Connection | EA. | \$ 1,300.00 | 103 | \$ 133,900.00 |
| 12. Testing per TCEQ and City of Temple Requirements | L.S. | \$ 12,250.00 | 100% | \$ 12,250.00 |
| | | | | SUBTOTAL: \$ 792,860.00 |

SUBTOTAL CONSTRUCTION: \$1,639,610.00
10% CONSTRUCTION CONTINGENCY: \$ 163,961.00

TOTAL CONSTRUCTION: \$1,803,571.00



PRELIMINARY OPINION OF PROBABLE COST
City of Temple - Western Hills Utility Replacement Project
Located in Temple, Texas

Date: 3-13-13

PRELIMINARY OPINION OF PROBABLE COST TO CONSTRUCT UTILITIES

\$1,803,571.00

Design, Analysis, and Construction Document Preparation

| | |
|--|---------------|
| 8.5% Professional Civil Engineering Services | \$ 153,303.54 |
| Professional Surveying Services (Topographic Survey) | \$ 24,800.00 |
| Coordination with City Staff, Attendance at Property Owner Meetings, & Misc. Map Preparation | \$ 2,200.00 |
| Bid Document Preparation, Bidding Assistance, Advertising | \$ 2,500.00 |
| Construction Staking (New Utilities) | \$ 9,500.00 |
| Construction Administration (As Required) & Record Drawings | \$ 9,850.00 |
| Inspection Services | \$ 37,800.00 |

TOTAL PROFESSIONAL SERVICES: \$ 239,953.54

TOTAL CONSTRUCTION AND PROFESSIONAL SERVICES: \$2,043,524.54



Not Included within this cost estimate:
* Easement Procurement
* Temporary Construction Easements Preparation and/or Procurement

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 |
| 520-5900-535-65-21 | 100967 | Utility Improvements | \$ 239,954 | |
| 520-0000-373-04-11 | | Water & Sewer Unreserved Ret Earnings | | 239,954 |
| | | Do Not Post | | |
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| TOTAL..... | | | \$ 239,954 | \$ 239,954 |

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

This budget adjustment appropriates funds to partially fund the professional services agreement with Clark & Fuller, PLLC for the services related to the water & sewer portion of the Western Hills Roadway project. The total contract amount is \$642,074 of which \$402,120.74 is related to the roadway construction that was funded as part of the FY 2013 TCIP.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

April 4, 2013

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

Disapproved

Finance

Date

☐

Approved

Disapproved

City Manager

Date

☐

Approved

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CLARK & FULLER, PLLC, OF TEMPLE, TEXAS, FOR SERVICES REQUIRED TO DESIGN THE RECONSTRUCTION OF RESIDENTIAL STREETS WITHIN THE WESTERN HILLS SUBDIVISION, IN AN AMOUNT NOT TO EXCEED \$642,074.28; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple has adopted a Transportation Capital Improvement Plan in which some roads within the Western Hills subdivision have been identified for reconstruction – some residential streets have deteriorated to the point of reduced drivability;

Whereas, the scope of work for the design services includes design of road construction for Geronimo Trail and portions of Antelope, Chisholm and Deer Trails;

Whereas, in December 2012, the City executed a professional services agreement with Clark & Fuller, PLLC of Temple, Texas, to conduct a geotechnical investigation and preliminary street cross section design – Clark & Fuller, PLLC’s preliminary design recommended the use of concrete pavement cross sections to minimize adverse impacts of expansive soil subgrade;

Whereas, staff recommends authorizing a professional services agreement with Clark & Fuller, PLLC, for services required to design the reconstruction of residential streets within the Western Hills subdivision, in an amount not to exceed \$642,074.28 which will be broken down as follows:

- Professional fees related to reconstruction of the road and storm sewer for design through contract phases - **\$402,120.74**;
- Professional fees related to water and sanitary sewer relocation and replacement for design through construction phases - **\$239,953.54**;
- Engineer’s preliminary Opinions of Probable Cost for construction for road and storm sewer - **\$3,854,634**;
- Engineer’s preliminary Opinions of Probable Cost for construction for water and sanitary sewer - **\$1,803,571**;

Whereas, funds are available to fund the professional services related to the reconstruction of the road and storm sewer design in Account No. 365-3400-531-6858, Project 100967;

Whereas, funds are available to fund the professional services agreement related to the water and sewer relocation in Account No. 520-5900-535-6521, Project No. 100967; 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 Clark & Fuller, PLLC, for services required to design the reconstruction of residential streets within the Western Hills subdivision, in an amount not to exceed \$642,074.28 which will be broken down as follows:

- Professional fees related to reconstruction of the road and storm sewer for design through contract phases - **\$402,120.74;**
- Professional fees related to water and sanitary sewer relocation and replacement for design through construction phases - **\$239,953.54;**
- Engineer's preliminary Opinions of Probable Cost for construction for road and storm sewer - **\$3,854,634;**
- Engineer's preliminary Opinions of Probable Cost for construction for water and sanitary sewer - **\$1,803,571;**

Part 2: The City Council approves an amendment to the FY2012-2013 budget, substantially in the form of the copy attached as Exhibit A, for this project.

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

PASSED AND APPROVED this the 4th day of **April**, 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

04/04/13
Item #5(K)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of the fourth year of a Microsoft Software Enterprise Agreement with Dell Corporation of Round Rock, Texas, utilizing DIR Contract DIR-SDD-1014 in the amount of \$83,692.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple currently uses Microsoft for all of our office applications as well as database servers throughout the City. The software we currently use include Microsoft Word, Powerpoint, Excel, Sharepoint, Outlook, and Publisher as well as Enterprise solutions for SQL Server, Exchange Server, Operating systems and enterprise server software.

After reviewing some of the Volume Licensing programs that were presented, we decided to request a Microsoft Enterprise Agreement that covers Microsoft Office Professional and the Microsoft Core Client Access License (CAL) Suite—including the Windows Server® 2012 operating system, Microsoft Exchange Server, Microsoft Systems Management Server, and Microsoft Office SharePoint® Portal Server—for all of the City computers. The agreement also covers a wide variety of additional technologies including Windows Server, Exchange Server, Internet Security and Acceleration Server, SQL Server™, and Microsoft Operations Manager licenses for 25 servers. This year due to more storage and security issues we are upgrading to the Microsoft System Center Manager which will help us to better manage these issues but it will also increase our cost.

This is the fourth year of the City's Enterprise Agreement and through the Enterprise Agreement, we are able to more effectively standardize software across all desktops and take advantage of many of the included Software Assurance benefits, including New Version Rights, Desktop Deployment Planning Services, Training Vouchers, Microsoft eLearning, Home Use Program, 24x7 Problem Resolution Support, a TechNet Plus subscription, and Extended Hotfix's.

Prior to 2010, it was the Information Technology Department's practice of purchasing new licenses every 3 to 4 years through a select agreement program because we felt the Enterprise Agreement was more expensive over the 3 to 4 year period, but the pricing now has reversed in the sense that it is less costly to go through a yearly Enterprise Agreement. We also felt that the cycle for software upgrades by Microsoft was about every 3 to 4 years but that has changed in the past 4 years in that

software upgrades are on a more frequent basis. This also helps solve a problem in that we would be on the same Enterprise Agreement with many other State and local agencies that currently upgrade their software on a more frequent basis.

If we were to purchase based on the select agreement today we would have to spend about \$350,000 for all of our licensing needs on servers and the desktops and in another 3 years we would spend another \$350,000 to upgrade again. With the Enterprise Agreement we spent \$100,905.92 per year in 2010, 2011 and 2012, we are proposing to spend approximately \$83,692 in 2013, and expect to spend \$83,692 per year for 2014 and 2015 for a six year cost of approximately \$556,000 versus \$700,000 for the same six year period if we purchased the software outright.

Originally we projected spending \$61,000 for years 2013 thru 2015 but due to more storage requirements, use of virtualization and security issues, we are upgrading to the Microsoft System Center Manager which will help us to better manage these issues. This in turn increases our six year cost to \$556,000 from our original projection of \$489,000 but still is much better than purchasing the software outright for \$700,000 over a 6 year period.

FISCAL IMPACT: A budget adjustment is presented for Council's approval appropriating \$83,692 of General Fund Technology funds to account 351-1900-519-6221, project 100973 for the purchase of software with Dell Corporation. This is the second year of a six year Enterprise Agreement.

ATTACHMENTS:

[Budget Adjustment
Resolution](#)

FY 2013**BUDGET ADJUSTMENT FORM**

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

Adjustments should be rounded to the nearest \$1.

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| ACCOUNT NUMBER | PROJECT # | ACCOUNT DESCRIPTION | INCREASE | | DECREASE | |
|--------------------|-----------|---------------------------------------|-------------------|--|------------------|--|
| 351-1900-519-62-21 | 100973 | Computer Software | 83,692 | | | |
| 351-0000-490-25-82 | | Transfer In - Desg Capital Proj Fund | 83,692 | | | |
| 110-0000-351-09-43 | | Designated Capital - Technology Funds | | | 83,692 | |
| 110-9100-591-81-51 | | Transfer Out - Desg Capital Proj Fund | 83,692 | | | |
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| TOTAL..... | | | \$ 251,076 | | \$ 83,692 | |

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

This is to pay for yearly Microsoft Enterprise Agreement for the City. a Microsoft Enterprise Agreement covers Microsoft Office Professional and the Microsoft Core Client Access License (CAL) Suite—including the Windows Server® 2012 operating system, Microsoft Exchange Server, Microsoft Systems Management Server, and Microsoft Office SharePoint® Portal Server—for over 650 computers. The agreement also covers a wide variety of additional technologies including Windows Server, Exchange Server, Internet Security and Acceleration Server, SQL Server™, and Microsoft Operations Manager licenses for 25 servers.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

4/4/2013

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

3/13/2013

Date

☒ Approved
☐ Disapproved

Finance

Date

☐ Approved
☐ Disapproved

City Manager

Date

☐ Approved
☐ Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF THE FOURTH YEAR OF A MICROSOFT SOFTWARE ENTERPRISE AGREEMENT WITH DELL CORPORATION OF ROUND ROCK, TEXAS, UTILIZING DIR CONTRACT DIR-SDD-1014, IN THE AMOUNT OF \$83,692; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City currently uses Microsoft for all office applications as well as database servers throughout the City;

Whereas, on March 18, 2010, the City Council approved a Microsoft Software Enterprise Agreement with Dell Corporation – through the enterprise agreement, it was found that the City could more effectively standardize software across all desktops and take advantage of many of the Software Assistance benefits at a much lower price;

Whereas, the Staff recommends that the City purchase the fourth year of a Microsoft Software Enterprise Agreement with Dell Corporation utilizing DIR Contract DIR-SDD-1014, in the amount of \$83,692;

Whereas, funds are available for this purchase in Account No. 351-1900-519-6221, Project No. 100973, but an amendment to the FY2012-13 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to purchase the fourth year of a Microsoft Software Enterprise Agreement with Dell Corporation of Round Rock, Texas, utilizing DIR Contract DIR-SDD-1014, in the amount of \$83,692.

Part 2: The City Council approves an amendment to the FY2012-13 budget, substantially in the form of the copy attached as Exhibit A, 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 4th day of **April**, 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

04/04/13
Item #5(L)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one year lease agreement with the Texas Forest Service for lease of space in the Public Services Building.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Texas Forest Service has requested to renew its lease of approximately 157 sq. ft. of office space in the Public Services Building at 102 East Central Avenue. Under the lease, the Texas Forest Service will be responsible for all utilities, janitorial services, and other daily maintenance. This is an “as-is” lease since the City will not be making any adjustments or upgrades to the space. The rent will be \$0.65 per square foot.

FISCAL IMPACT: The tenant will pay \$102.10 plus \$20 for utilities per month, for a total monthly rental fee of \$122.10.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE YEAR LEASE AGREEMENT WITH THE TEXAS FOREST SERVICE FOR LEASE OF SPACE IN THE PUBLIC SERVICES BUILDING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Texas Forest Service has requested to renew its lease of approximately 157 sq. ft. of office space in the Public Services Building at 102 East Central Avenue;

Whereas, the Texas Forest Service will be responsible for all utilities, janitorial services, and other daily maintenance - this is an 'as-is' lease and the City will not be making any adjustments or upgrades to this space;

Whereas, the tenant will pay \$102.10 (\$.65 per sq. ft.) plus \$20 for utilities per month, for a total monthly rental fee of \$122.10; 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 one year lease agreement with the Texas Forest Service, after approval as to form by the City Attorney, for the renewal of lease of space in the City's Public Service Building located at 102 East Central in the monthly amount of \$102.10, plus \$20 per month for utilities, for a total monthly lease amount of \$122.10.

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 4th day of **April**, 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

04/04/13
Item #5(M)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, Director of Public Works

Kenny Henderson, Director of Street and Drainage Services

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

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

ITEM SUMMARY: In January of 2012 the City adopted an ordinance establishing school crosswalk and setting limits within school zones as agreed upon by the City, TISD and BISD. TISD has requested a new school zone be established on South 25th Street from West Avenue R just south of West Avenue M for Travis Middle School reducing the speed limit from 30 mph to 20 mph from 6:30 am to 8:30 am and 2:30 pm to 4:30 pm on school days.

TISD is constructing a new addition to the Travis Middle School campus this will make the main parent entrance to the school on South 25th Street.

FISCAL IMPACT: Funding in the amount of \$36,000 is available in account #110-2840-532-6323, project #100894 for school zones. It is estimated that it will cost \$18,000 for the additional school zone at Travis Middle School.

ATTACHMENTS:

[List of school crossings](#)

[Map](#)

[Ordinance](#)

**City of Temple
School Zones**

| Schools | Cones | Flags | Zone Times |
|--|-------|-------|---|
| Bethune Elementary 510 E Ave J A. Crossing guard works crosswalk on MLK Blvd and Ave J B. School Zone is on E Ave J and S 10th St. The front and westside of school C. One Way on S 10th St from E Ave I to E Ave J | Yes | Yes | School Zone Signs 6:30 to 8:30 14:45 to 16:30 One Way Time as Posted 7:00 to 8:30 14:00 to 15:30 |
| Cater Elementary 4111 Lark Trail A. Crossing guard works Crosswalk in school parking area B. School Zone is on Lark Trail in front of School | Yes | Yes | |
| Emerson Elementary 1400 E Ave B A. Crossing Guard works Crosswalk Works E Ave B and S 24th ST | Yes | Yes | |
| Hector P. Garcia Elementary 2525 Lavendusky Dr A. No Crosswalk B. Flasing lights on Lavendusky just West of HK Dodgen Lp and just east of S 50th. St. | No | No | Flashing Lights 06:30 to 08:30 14:45 to 16:30 |
| Jefferson Elementary 400 W. Walker Ave A. Crossing Guards (2) Works Crosswalk At N 3rd St and W. Walker Ave B. Crossing Guard works Crosswalk at N 3rd ST and Industrial Blvd this is a controlled signal light. C. Flashing lights on N 3rd St are North of W. Walker Ave and North of W Shell Ave. | Yes | Yes | Flashing Lights 06:30 to 08:30 14:45 to 16:30 |
| Kennedy-Powell Elementary 3707 W. Nugent Ave A. Crossing Guard will work Crosswalks W. Nugent Ave and Cearley Rd. B. Flashing lights on W. Nugent Ave west and east of Cearley Rd | Yes | Yes | Flashing Lights 06:30 to 08:30 14:45 to 16:30 |
| Dickson Elementary 1100 S 33rd St A. One way south from W Ave K to W Ave L | | | One Way Time as Posted 7:00 to 8:30 14:00 to 15:00 |

| | | | |
|---|-----|-----|---|
| Meridith-Dunbar 1717 E Ave J A. Crossing Guard will work Crosswalks at S 30th St and E. Ave J B. Flashing lights on S 30th St C. One Way on E Ave J from S 30th St to S 34th St at posted times | Yes | Yes | Flashing Lights 06:30 to 08:30 14:45 to 16:30 One Way Time as Posted 7:00 to 8:30 14:00 to 15:00 |
|---|-----|-----|---|

**City of Temple
School Zones**

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

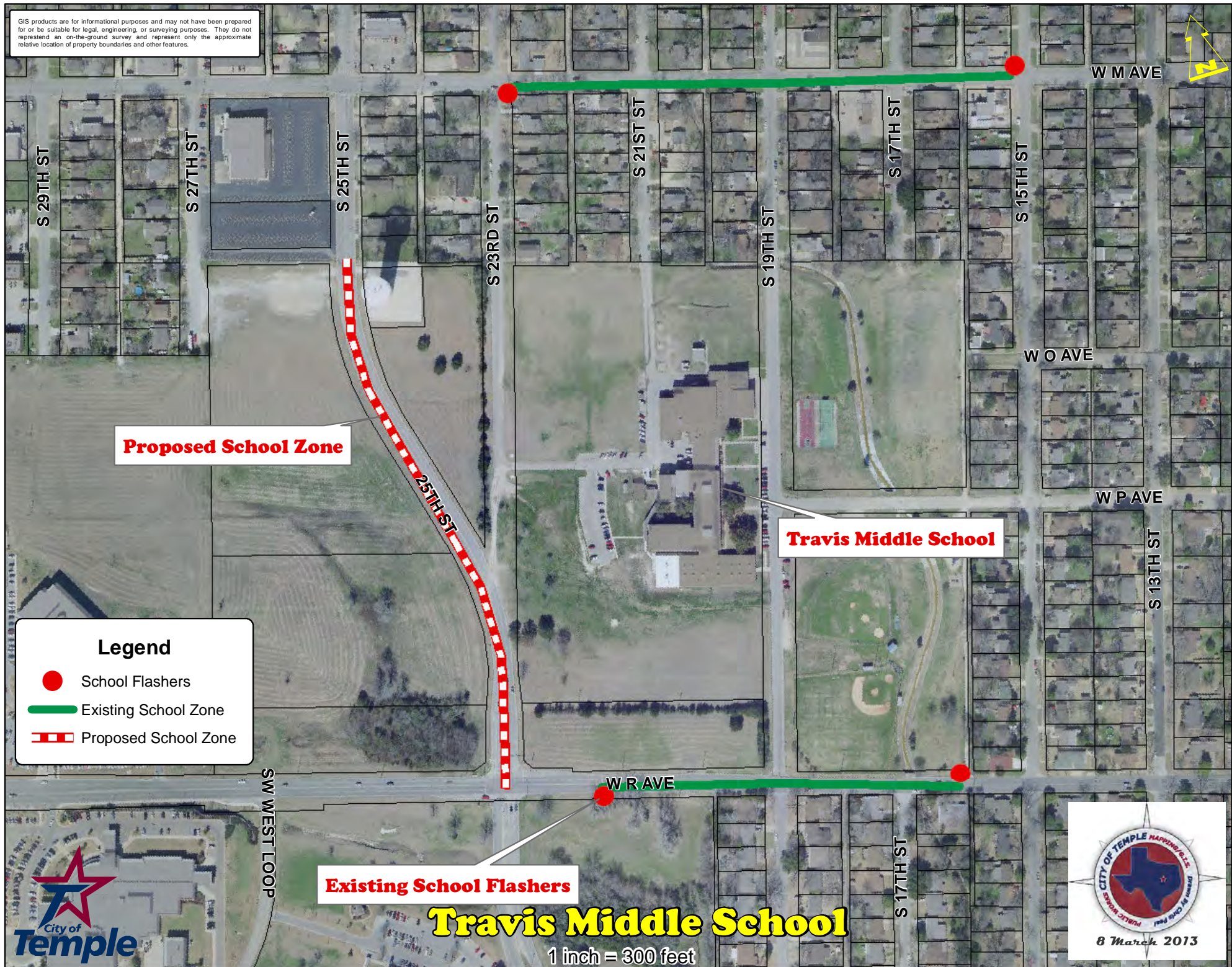
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|--|--|--|---|
| A. Flashing lights on N 3rd St are North of W. Walker Ave and North of W Shell Ave. B. One way on N 1st St from W Park Ave to W. Virginia Ave at posted times | | | 06:30 to 08:30 14:45 to 16:30 One Way Time as Posted 7:30 to 8:30 15:00 to 16:00 |
|--|--|--|---|

**City of Temple
School Zones**

| Schools | Cones | Flags | Zone Times |
|---|-------|-------|---|
| Travis Middle School 1500 S 19th St A. Crossing Guard will work Crosswalk on W Ave M @ S 19th St B. One way on S 19th St from W Ave R to W Ave M C. Flashing lights on W Ave M from S 15th to S 23rd D. Flashing lights on W Ave R from S 15th to S 25th E. Flashing lights on S 25th from W Ave R to just south of W Ave M | | | One Way Time as Posted 6:30 to 8:30 14:30 to 16:00 Flashing lights 6:30 to 8:30 14:30 to 16:30 |
| Temple High School 415 N 31st St A. Flashing Lights on N 31st St north of W Barton Ave and North of W Houston Ave | | | Flashing Lights 07:00 to 16:00 |
| Temple High School Campus 1414 W Barton Ave A. School Zone on Barton from N 31st St to North 27th St | | | School Zone Signs 07:00 to 16:30 |
| <u>B.I.S.D</u> Lakewood Elementary 11200 FM 2305 A. Flashing lights on FM 2305 in front of school | | | Flashing Lights 7:15 to 8:00 14:15 to 15:00 |
| Joe M. Pirtle Elementary 714 South Pea Ridge Rd A. Flashing lights on South Pea Ridge in from of school | | | Flashing Lights 7:15 to 8:00 14:15 to 15:00 |
| Tarver Elementary 7949 Shone Hollow Dr A. School Zone on Stone Hollow Dr in front of school. | | | School Zone Signs 7:00 to 8:30 14:30 to 16:00 |

| | | | |
|--|--|--|--|
| B. School Zone on Prairie Lark on northside of school | | | |
| B. School Zone on on Westfield on southside of school | | | |
| Lake Belton Middle School 8815 Tarver A. Flashing lights on Tarver in front of school. B. School zone on Cedar Ln from Tarver to just north of school | | | Flashing Lights 7:00 to 8:30 14:30 to 16:30 |
| | | | School Zone Signs 7:00 to 8:30 14:30 to 16:30 |

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.



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ESTABLISHING SCHOOL CROSSWALKS AND SETTING SPEED LIMITS WITHIN SCHOOL ZONES TO CONFORM TO SCHOOL SCHEDULES; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in January of 2012, the City adopted an ordinance establishing school crosswalks and setting speed limits within school zones as agreed upon by the City, Temple Independent School District (“TISD”) and Belton Independent School District (“BISD”);

Whereas, TISD has requested a new school zone be established on South 25th Street from West Avenue R just south of West Avenue M for Travis Middle School – reducing the speed limit from 30 mph to 20 mph from the hours of 6:30 a.m. to 8:30 a.m. and 2:30 p.m. to 4:30 p.m. on school days;

Whereas, TISD is constructing a new addition to the Travis Middle School campus which will become the main parent entrance to the school on South 25th Street; and

Whereas, the City Council has considered the matter and deems it in the public interest to establish this school zone for the benefit of the citizens for the promotion of the public health, welfare, and safety.

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

Part 1: The City Council finds that a school zone shall be established on South 25th Street from West Avenue R just south of West Avenue M for Travis Middle School – reducing the speed limit from 30 mph to 20 mph from the hours of 6:30 a.m. to 8:30 a.m. and 2:30 p.m. to 4:30 p.m. on school days, more fully shown on Exhibit A which is attached hereto and made a part hereof for all purposes.

Part 2: It shall be unlawful for any person to drive or operate a motor vehicle, bicycle, or other vehicle of any kind, whether or not motor powered, on that portion of the roadways described above under the conditions described herein, at a speed greater than is reasonable and prudent under the circumstances then existing, but any speed in excess of the reasonable and prudent prima facie maximum speed limits as set forth in Part 1 hereof shall be prima facie evidence that such speed is not reasonable or prudent and that it is unlawful.

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

Part 4: 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 on the **21st** day of **March**, 2013.

PASSED AND APPROVED on Second Reading on the **4th** day of **April**, 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

04/04/13
Item #5(N)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution authorizing an interlocal agreement with Bell County for use of the County's software and fiber optic network to process and maintain records regarding early voting, in the amount of \$1,370.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In 2002, an agreement was entered into with Bell County for the City to use the County's early voting system. This system includes computer software developed by the County to process and maintain records regarding early voting, as well as the County's fiber optic network to access the computer programs and voter registration data throughout the year. In 2013 Bell County purchased new software VOTEK for voter registration database. The City's cost will be increase by \$170 for the addition technical support required from Bell County. This is calculated at \$85 per hour/ 2 hours annually.

This system will be used in all City elections and is the same system used in all elections conducted by Bell County. The County continues to provide staff training and modifications to the programs and reports to meet our needs for each election. Utilization of this automated system saves time for both employees and voters by streamlining the early voting process. It also allows us to maintain an electronic database of voters for each election.

We recommend approval of this interlocal agreement with Bell County for a period of one year, at a cost of \$1,370.

FISCAL IMPACT: Funds are available in 110-1400-511-2517 for this contract in the amount of \$1,370.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN INTERLOCAL AGREEMENT WITH BELL COUNTY FOR USE OF THE COUNTY'S SOFTWARE AND FIBER OPTIC NETWORK TO PROCESS AND MAINTAIN RECORDS REGARDING EARLY VOTING, IN THE AMOUNT OF \$1,370; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in 2002, the City entered into an interlocal agreement with Bell County for the City to use the County's early voting system;

Whereas, the system includes computer software developed by the County to process and maintain records regarding early voting, as well as the County's fiber optic network to access the computer programs and voter registration data - in 2013, Bell County purchased new software, VOTEK, for voter registration which causes a cost increase of \$170 for additional technical support required;

Whereas, this system will be used in all City elections and is the same system used in all elections conducted by Bell County – utilization of this automated system saves time for both employees and voters by streamlining the early voting process;

Whereas, the Staff recommends approving an interlocal agreement with Bell County for this purpose for \$1,370 per year for a one year period and funds are available for this contract in Account No.110-1400-511-2517; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute an interlocal agreement between the City of Temple and Bell County, after approval as to form by the City Attorney, for use of the County's software and fiber optic network to process and maintain records regarding early voting, in the amount of \$1,370 for a one year period.

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 4th day of **April**, 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

04/04/13
Item #5(O)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution declaring the candidate for the May 11, 2013 District 4 City Councilmember as unopposed and elected to office, thereby canceling the May 11, 2013 City general election for District 4 only.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Election Code permits the cancellation of an election under certain circumstances. This is the fourth opportunity the City of Temple has had to cancel an election.

In order to cancel an election in the City, the City Secretary must certify in writing to the City Council that only one candidate's name is to appear on the ballot for the election in a particular district; that no write-in candidates have filed to be placed on the list of write-in candidates for this place; and that no proposition is to appear on the ballot. These certifications have been made on the attached *Certification of Unopposed Candidates* regarding the District 4 Councilmember election.

Since there is only one candidate for District 4 Councilmember, incumbent, Russell T. Schneider, the Council can declare the unopposed candidates for District 4 elected to office, thereby canceling the May 11, 2014 election in Districts 4. The *Order of Cancellation*, also attached, will be posted on Election Day at these polling places. The Certificate of Election will be presented to Mr. Schneider and following the May 11th election date.

Two candidates filed for a place on the ballot in the General Election for District 1, Scott Allen and Tim Davis, and two candidates filed for place on the ballot in the Special Election, Lamar Collins and Danny Dunn. Therefore, the election in District 1 and the Special Election for Mayor cannot be canceled and will be held as ordered on May 11, 2013.

FISCAL IMPACT: Funds in the amount of \$26,000 are available in 110-1400-511-25-17.

ATTACHMENTS:

[Certificate of Unopposed Candidate](#)
[Order of Cancellation](#)
[Resolution](#)

**CERTIFICATION OF UNOPPOSED CANDIDATES
CERTIFICACIÓN DE CANDIDATOS ÚNICOS**

To: Presiding Officer of Governing Body

Al: Presidente de la entidad gobernante

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 11, 2013.

Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el 11 de mayo de 2013.

List offices and names of candidates:

Lista de cargos y nombres de los candidatos

Office(s) Cargo(s)

District 4 Councilmember

Candidate(s) Candidato(s)

Russell Schneider

Signature (*Firma*)

Lacy Borgeson

Printed name (*Nombre en letra de molde*)

City Secretary

Title (*Puesto*)

April 4, 2013 (Seal) (*sello*)

Date of signing (*Fecha de firma*)

ORDER OF CANCELLATION
EJEMPLO DE ORDEN DE CANCELACIÓN

The City Council of the City of Temple hereby cancels the election scheduled to be held on May 11, 2013 in accordance with Section 2.053(a) of the Texas Election Code. The following candidates have been certified as unopposed and are hereby elected as follows:

La Ciudad Temple, Texas por la presente cancela la elección que, de lo contrario, se hubiera celebrado el 11 de mayo de 2013 de conformidad, con la Sección 2.053(a) del Código de Elecciones de Texas. Los siguientes candidatos han sido certificados como candidatos únicos y por la presente quedan elegidos como se haya indicado a continuación:

Candidate (Candidato)

Russell Schneider

Office Sought (Cargo al que presenta candidatura)

Councilmember District 4

A copy of this order will be posted on Election Day at each polling place that would have been used in the election.

El Día de las Elecciones se exhibirá una copia de esta orden en todas las mesas electorales que se hubieran utilizado en la elección.

Mayor (Presidente)

Secretary (Secretario de ciudad)
(seal) (sello)

April 4, 2013
Date of adoption (Fecha de adopción)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DECLARING THE CANDIDATE FOR THE MAY 11, 2013 DISTRICT 4 CITY COUNCILMEMBER AS UNOPPOSED AND ELECTED TO OFFICE, THEREBY CANCELLING THE MAY 11, 2013 GENERAL ELECTION FOR DISTRICT 4 ONLY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Election Code permits the cancellation of an election under certain circumstances and this is the fourth opportunity the City of Temple has had to cancel an election;

Whereas, since there is only one candidate for the District 4 Councilmember position, incumbent Russell T. Schneider, the City Council can declare the unopposed candidate for District 4 as elected to office, thereby cancelling the May 11, 2013 election for District 4;

Whereas, in order to cancel an election, the City Secretary must certify in writing to the City Council that:

- 1) only one candidate's name is to appear on the ballot for the election in a particular district;
- 2) no write in candidates have filed to be placed on the list of write-in candidates for this district;
- 3) no proposition is to appear on the ballot;

Whereas, these certification have been made on the attached *Certification of Unopposed Candidates* regarding the District 4 Councilmember election, attached as Exhibit A hereto and the *Order of Cancellation*, attached hereto as Exhibit B, will be posted on Election day at all polling places; 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 declares the candidate for the May 11, 2013 District 4 Councilmember election as unopposed and elected to office, thereby canceling the May 11, 2013 City general election.

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 **4th** day of **April**, 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

04/04/13
Item #5(P)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution appointing election judges and setting their compensation for the City's election to be held on May 11, 2013.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This proposed resolution recommends the appointment of election judges and sets their compensation for the City's general election to be held on Saturday, May 11, 2013.

On February 7, 2013, the City Council ordered a General Election for the election of the District 1 and District 4 Councilmembers for three year terms; and a Special Election to fill an unexpired term for the Mayor at-large through May 2014. The district 4 election will be cancelled as Mr. Schneider was unopposed. Both District 1 General Election and the Special Election for Mayor had two candidates file for a place on the ballots, so these elections will be conducted as ordered.

Both TISD and The Bioscience District cancelled their elections for May 2013 due to each candidate being unopposed. The City of Temple will be the only entity conducting an election on May 11th.

Please see the attached resolution for election judges being recommended for appointment at each of the four election day polling places and for the Early Voting Ballot Board. The compensation for election judges and clerks is recommended to be set at \$10.00 per hour in accordance with provisions in §32.091 of the Election Code. The election judge or clerk who delivers the precinct election records, keys to ballot boxes or other election equipment, and unused election supplies after an election is entitled to compensation for that service in an amount not to exceed \$25.

The election judge and members of the early voting ballot board are entitled to the same compensation as presiding election judges, in accordance with provisions in §87.005 of the Election Code, however, the minimum compensation to each member of the early voting ballot board is recommended to be \$50.

FISCAL IMPACT: Funds in the amount of \$2,600 remain in account 110-1400-511-25-17, Election Expenses, for 2013.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPOINTING THE ELECTION JUDGES AND ALTERNATE JUDGES AND SETTING THEIR COMPENSATION FOR THE MAY 11, 2013, CITY OF TEMPLE – GENERAL AND SPECIAL ELECTION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on February 7, 2013 the City Council ordered a General Election for the election of District 1 and District 4 Councilmembers for three year terms and a Special Election to fill an unexpired term for the Mayor at-large through May 2014;

Whereas, the election judges for the May 11, 2013, General and Special Election need to be appointed and their compensation needs to be set by the City Council;

Whereas, compensation for election judges and clerks is in accordance with the provisions of §32.091 of the Election Code; 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 following persons are hereby appointed presiding judges and alternate presiding judges, respectively, for the May 11, 2013, election:

| | |
|---|---|
| <i>City Council District No. 1</i> | Frank Mayborn Civic and Convention Center, 3303 North 3 rd Street |
|---|---|

| | |
|---------------------------|-----------------|
| Presiding Judge | Alicia Prado |
| Alternate Presiding Judge | Amanda Schuetze |

| | |
|---|---|
| <i>City Council District No. 2</i> | Meredith-Dunbar Elementary School 1717 East Avenue J |
|---|---|

| | |
|---------------------------|-------------------|
| Presiding Judge | Jeannette Compean |
| Alternate Presiding Judge | Lorena Ortiz |

| | |
|---|--|
| <i>City Council District No. 3</i> | Thornton Elementary School 2900 Pin Oak Drive |
|---|--|

| | |
|---------------------------|-------------|
| Presiding Judge | Laura Cloud |
| Alternate Presiding Judge | Joan Howell |

| | |
|---|---|
| <i>City Council District No. 4</i> | Holy Trinity Catholic High School 6608 West Adams Avenue (FM 2305) |
|---|---|

Presiding Judge
Alternate Presiding Judge

Shelley DeLoera
Patricia Simms

Early Voting Location

Municipal Building,
2 North Main Street
(between Central and Adams)

Presiding Judge
Alternate Presiding Judge

??this will be provided prior to adoption
??this will be provided prior to adoption

Part 2: In the case of death, inability or refusal of any person appointed as a presiding judge to act, the Mayor shall have the authority and he is hereby directed to appoint some suitable person or persons to act instead. The presiding judges for each city council election district are authorized to appoint not less than two or more than three election clerks to assist the judge in the conduct of the election at the polling place served by the judge. The Early Voting Ballot Board shall count the ballots cast during early voting for the election in accordance with the requirements of chapter 87 of the Texas Election Code. Early voting ballots will in every case be treated as a separate precinct and a separate set of returns will be made for early voting ballots.

Part 3: As compensation for services rendered at the precinct polling place, election judges and clerks shall receive \$10.00 per hour in accordance with provisions in §32.091 of the Election Code. The election judge or clerk who delivers the precinct election records, keys to ballot boxes or other election equipment, and unused election supplies after an election is entitled to compensation for that service in an amount not to exceed \$25.

Part 4: The election judge and members of the early voting ballot board are entitled to the same compensation as presiding election judges, in accordance with provisions in §87.005 of the Election Code, however, the minimum compensation to each member of the early voting ballot board shall be \$50.

Part 5: 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 4th day of **April**, 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

04/04/13
Item #5(Q)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager

ITEM DESCRIPTION: Consider adopting a resolution supporting HB1472, a bill in the Texas Legislature that provides for an additional mechanism for disposing of certain surplus real property owned by the City of Temple.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City recently completed an inventory of property owned by the City. This property inventory identified multiple properties that the City has acquired over the years thru various means, including donations and right-of-way purchases for projects. Some of the properties that the City holds are remnants of right-of-way acquisitions; some were acquired via sheriff's sales for delinquent taxes; and some were acquired for unknown reasons.

Many of these properties have little or no value to the City. In fact, many are a liability to the City as the City is responsible for maintenance of the properties. However, abutting property owners might have an interest in some of these properties if the cost to them for acquisition were either nominal or nothing.

However, the current process under state law for disposing of surplus property by a city requires appraisals and 'fair market value' to be received. This process, when applied to these particular surplus properties, does not work for disposing of them because the costs of the process typically outweigh the value of the property.

The City has asked our State Representative to file a bill (HB1472) that would amend Section 253.013 of the Local Government Code to allow the donation of certain surplus real property by certain municipalities (Temple) under certain terms and conditions. These terms and conditions include that the property may not have any improvements on it, a finding by the city that there is no 'identifiable positive benefit' to the city, that the property is not likely to provide any 'identifiable positive benefit', and the cost of maintaining the property is a substantial burden to the city.

HB 1472 would provide the City with an additional, local option process that would be beneficial in returning certain surplus properties into private ownership and lessening the costs to the taxpayers.

FISCAL IMPACT: As stated above, many of these properties have little or no value to the City. In fact, many are a liability to the City as the City is responsible for maintenance of the properties. Once the surplus properties are no longer owned by the City, the maintenance of the properties will no longer be the City's responsibility. In addition, when the properties become privately owned, they return to the tax rolls and will generate future property tax revenue for the City.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ADOPTING HOUSE BILL 1472, A BILL IN THE TEXAS LEGISLATURE THAT PROVIDES FOR AN ADDITIONAL MECHANISM FOR DISPOSING OF CERTAIN SURPLUS REAL PROPERTY OWNED BY THE CITY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, recently, an inventory of property owned by the City was completed and the property inventory identified multiple properties that the City has acquired over the years thru various means, including donations, right-of-way purchases for projects, sheriff's sales for delinquent taxes and some were acquired for unknown reasons;

Whereas, many of these properties have little or no value to the City and, in fact, many are a liability to the City as the City is responsible for maintenance of the properties;

Whereas, the current process under state law for disposing of surplus property by a city requires appraisals and 'fair market value' to be received and this process, when applied to these particular surplus properties, does not work for disposing of them because the costs of the process typically outweigh the value of the property;

Whereas, the City has asked our State Representative to file a bill (HB1472) that would amend Section 253.013 of the Local Government Code to allow the donation of certain surplus real property by certain municipalities (Temple) under certain terms and conditions - these terms and conditions include that the property may not have any improvements on it, a finding by the city that there is no 'identifiable positive benefit' to the city, that the property is not likely to provide any 'identifiable positive benefit', and the cost of maintaining the property is a substantial burden to the city;

Whereas, House Bill 1472 would provide the City with an additional, local option process that would be beneficial in returning certain surplus properties into private ownership and lessening the costs to the taxpayers; 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 adoption of House Bill 1472 in the Texas Legislature that provides for an additional mechanism for disposing of certain surplus real property owned by the City.

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 4th day of **April**, 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

04/04/13
Item #6
Regular Agenda
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DEPT. /DIVISION SUBMISSION & REVIEW:

Beverly Zendt, Interim Director of Planning and Development

ITEM DESCRIPTION SECOND READING - Z-FY-13-10: Consider adopting an ordinance authorizing a zone change from Planned Development with specific uses of shopping center and housing development to Commercial (to permit billboard sign) on 0.52 ± acres of Creekside Planned Development Temple, Bell County, Texas according to the plat recorded in Volume 1528, Page 813, of the real property records of Bell County, Texas, located at 3602 SW H K Dodgen Loop.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its February 19, 2013 meeting, the Planning and Zoning Commission voted 6/0 (Commissioners Martin, Magana, and Johnson were absent) in accordance with staff recommendation to recommend approval of a zone change from Planned Development with specific uses of shopping center and housing development to Commercial.

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

Staff recommends approval of the requested rezoning for the following reasons:

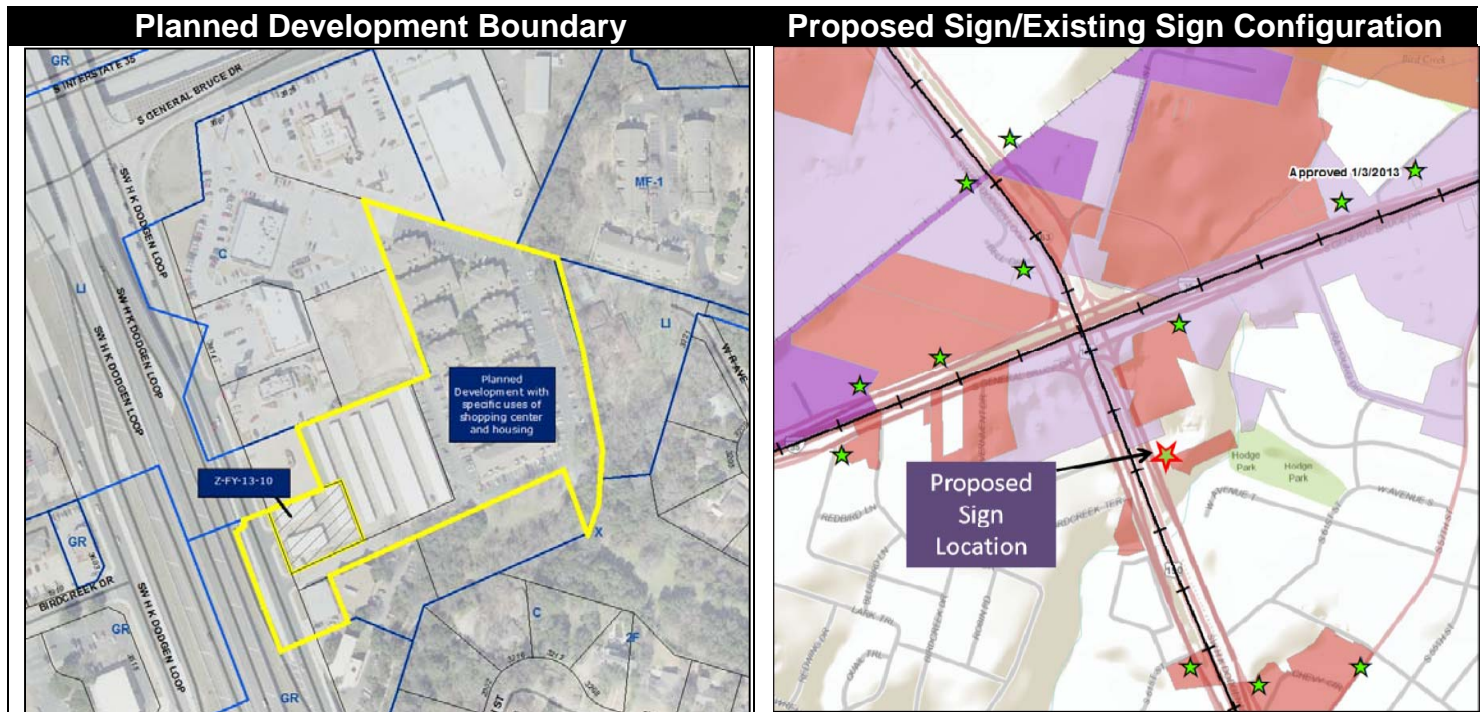
- The proposed zoning is consistent with the Future Land Use Map which identifies this area as Auto-Urban Commercial;
- The proposed zoning is compatible with the surrounding uses; and
- The proposed zoning eliminates a non-conforming use on the subject property providing an appropriate zoning designation for the mini-storage warehouses currently located on the subject tract.

ITEM SUMMARY: The applicant, Lamar Advertising, has requested a rezoning for the subject property for the purpose of relocating an off-premise sign located at 2500 North General Bruce Drive affected by the Texas Department of Transportation I-35 expansion project. The subject tract was originally platted as portion of a larger planned development project that allowed for shopping center and housing development uses. The .52 acre subject tract was subsequently subdivided out of the larger tract, both of which now serve as a location for mini-storage warehouses.

The site proposed for the new sign is currently zoned Planned Development (PD) with specific uses of shopping center and housing development. Off-premise signs are allowed in Light Industrial, Heavy Industrial, and Commercial zoning districts. The applicant has proposed rezoning the proposed site Commercial to allow for the off-premise sign and to provide appropriate zoning for a portion of the existing use of mini-storage warehouses. The purpose of the Commercial zoning district is to permit all retail and most commercial land uses including auto dealerships with complete servicing facilities, building material sales, light manufacturing and heavy machinery sales and storage. Off-premise signs are permitted in Commercial zoning district subject to the requirements and limitations identified in Article 7 of the Unified Development Code. Mini-storage warehouses are allowed in the Commercial zoning district provided that the size of each individual storage unit is limited to a maximum of 2,000 cubic feet. All the mini-storage warehouses in the subject tract provide a maximum of 400 cubic feet of storage.

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 provided that dimensional requirements, design standards and spacing requirements have all been met.

The proposed sign complies with dimensional, setback, and design standards governing off-premise signs located on HK Dodgen Loop. The proposal is for the relocation of a metal, monopole sign setback 17'- 20' from the right-of-way. The height of the new sign will be no taller than 42.5'. The face of the sign will be 10.6' X 36' meeting the dimensional requirements established for signs located along HK Dodgen Loop. Section 7.5.11 of the Unified Development Code (UDC) states that signs located on HK Dodgen Loop may not be erected within 2000' of one another off-premise sign. The proposed sign will be approximately 2,700' from the nearest sign to the west and approximately 2,000' from the nearest sign to the east.



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

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

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

Future Land Use and Character Plan (FLUP) (CP Map 3.1)

The future land use and character map designates the subject property as Auto-Urban Commercial. This area, according the Temple Comprehensive Plan, is appropriate for commercial uses, generally concentrated at intersections versus strip development along the major roads. The Comprehensive Plan identifies Auto-Urban Commercial and the dominant development pattern along H.K. Dodgen Loop. The plan calls for better landscaping along frontages and around and within parking areas and a build-to-line rather than large setbacks.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates HK Dodgen Loop as an Expressway which is appropriate for commercial and industrial development. The rezoning request is compatible with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

Public facilities have already been established in this area and are available at this site.

Temple Trails Master Plan Map and Sidewalks Ordinance

SW HK Dodgen Loop has not been identified on the Trails Master Plan adopted on October 18, 2012.

DEVELOPMENT REGULATIONS: The proposed sign and existing mini-storage warehouses comply with dimensional and setback standards for the Commercial zoning district. The proposed sign complies with all design standards identified in Section 7.5.11 of the UDC. All the mini-storage warehouses on the subject tract provide a maximum of 400 cubic feet of storage in compliance with Section 5.3.8 of the UDC. The Director of Planning and Development has permitted an Administrative Adjustment (up to 10 percent) per Section 3.12 of the Unified Development Code as the proposed spacing for the proposed off-premise sign is deficient by 19' (1%) of the required spacing requirement.

PUBLIC NOTICE: Nine notices of the Planning and Zoning Commission public hearing were sent to surrounding property owners. As of Thursday February 21, 2013 at 3:00 PM, two notices have been returned in opposition to the proposed rezoning and no notices have been returned in favor of the proposed rezoning. The newspaper printed notice of the Planning and Zoning Commission public hearing on February 8, 2013 in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

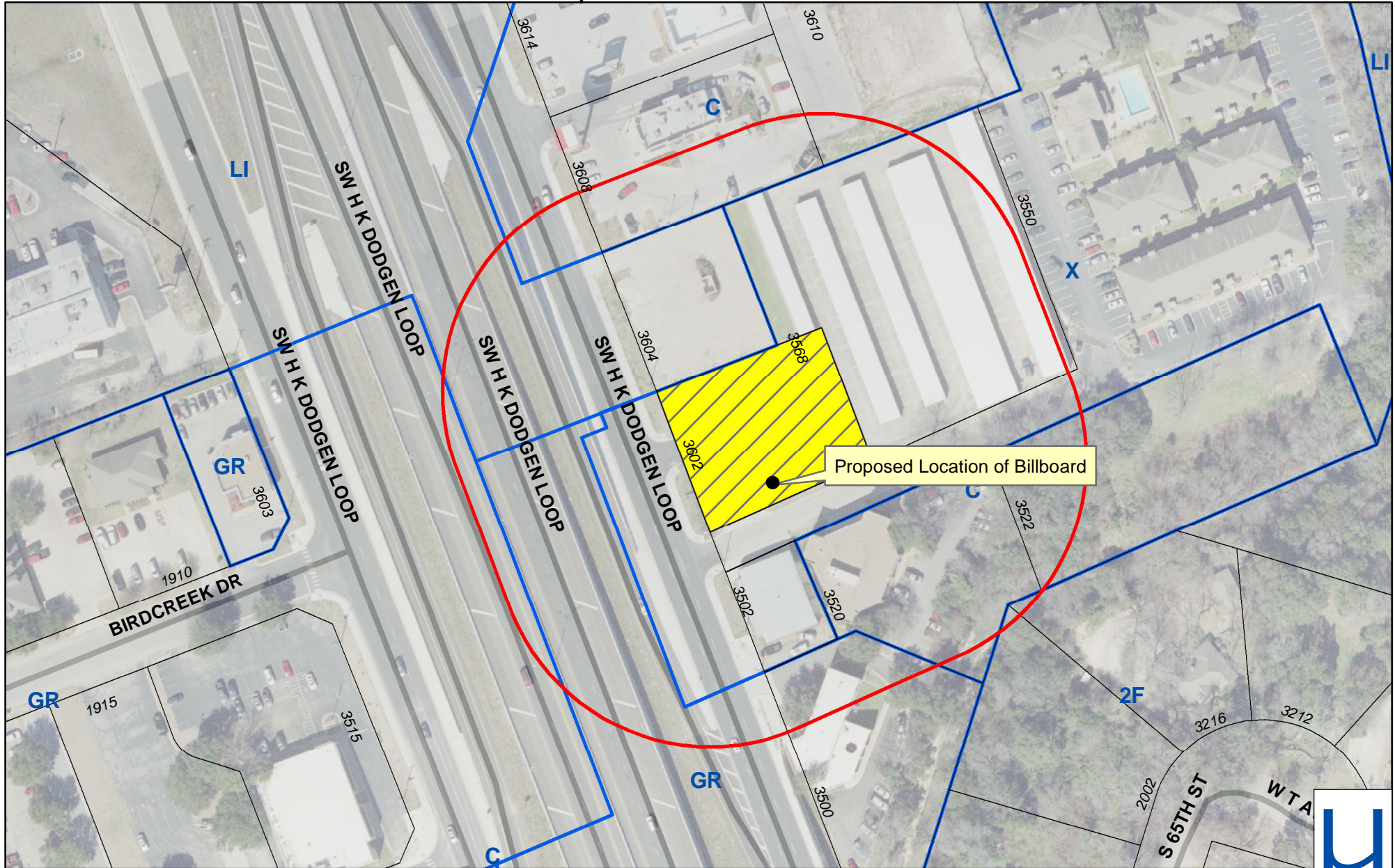
[Aerial and Notification Map](#)
[Surrounding Property Owners](#)
[Response Letters](#)
[PZ Excerpts](#)
[Ordinance](#)



Z-FY-13-10

Planned Development with Specific Uses of Shopping Center and Housing Development to Commercial

3602 SW
HK Dodgen Loop



Case

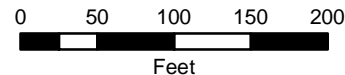


Buffer_200



Zoning

1234 Address



City of Temple Planning
January 23, 2013
bzndt

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.

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- with specific uses for shopping center and housing development | Developed land – mini-storage warehouses |  |
| North | PD- with specific uses for shopping center and housing development | Developed land – mini-storage warehouses and housing |  |
| South Across SW HK Dodgen Loop | PD-GR | Developed Land- professional office uses |  |

| Direction | Zoning | Current Land Use | Photo |
|-----------|--|---|---|
| East, | PD- with specific uses for shopping Center and housing development | Developed land/ professional office |  |
| West | Light Industrial | Developed land/ professional office/ retail |  |



**RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE**

Bird Creek Properties Ltd
3520 SW H K Dodgen Loop
Temple, Texas 76504

Zoning Application Number: Z-FY-13-10

Project Manager: Beverly Zendt

Location: 3602 SW H K Dodgen Loop

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

I recommend () approval

☒ denial of this request.

Comments:

*The billboard would diminish the
value and visibility of our property.*

Stephen H. Niemcier
Signature

Stephen H. Niemcier
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than February 19, 2013

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

RECEIVED

FEB 13 2013

City of Temple
Planning & Development

Number of Notices Mailed: 9

Date Mailed: February 8, 2013



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Rebecca L. Trimble-Valenzuela
3216 West Avenue T
Temple, Texas 76504

Zoning Application Number: Z-FY-13-10

Project Manager: Beverly Zendt

Location: 3602 SW H K Dodgen Loop

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

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

Comments:

This area is saturated with bill boards, lighted signs
+ traffic lights + businesses crowded up.
this sign will add to traffic diversion hazards.

Becky Trimble Valenzuela
Signature

Becky Trimble Valenzuela
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than February 19, 2013

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

RECEIVED

FEB 20 2013

City of Temple
Planning & Development

Number of Notices Mailed: 9

Date Mailed: February 8, 2013

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, FEBRUARY 19, 2013**

ACTION ITEMS

Item 2: Z-FY-13-10: Hold a public hearing to discuss and recommend action on a zone change from Planned Development with specific uses of shopping center and housing development to Commercial on 0.52 ± acres of Creekside Planned Development Temple, Bell County, Texas according to the plat recorded in Volume 1528, Page 813, of the real property records of Bell County, Texas, located at 3602 SW H K Dodgen Loop. (Applicant: Lamar Advertising)

Ms. Beverly Zendt, Assistant Planning Director, stated the applicant is Lamar Advertising on behalf of V. W. Barge. City Council will consider this matter on first reading on March 7, 2013 and second reading on March 21, 2013.

The applicant is requesting zoning from Planned Development (PD) for shopping center housing development for the purpose of an off-site premise sign. The current zoning does not permit off-premise signs. The PD dates back to 1978.

Uses on the current PD include multi-family towards the rear, a mini-storage warehouse, and professional office building.

The proposed sign will be set back 17 to 20 feet off of the right-of-way.

The Unified Development Code (UDC) Section 7.5.11 identifies standards for off-premise signs. This proposed sign meets most of the standards but falls short of the spacing requirements by approximately 15 to 18 feet. The Director of Planning and Development has approved an administrative adjustment per Section 3.1.2 of the UDC as it is within ten percent of the requirement. As billboards are only allowed in Commercial (C), Light Industrial (LI) or Heavy Industrial (HI) zoning districts, the applicant is requesting rezoning.

Surrounding uses include additional mini-storage warehouses and multi-family use to the north, PD-GR (Planned Development General Retail) retail and professional uses to the south, PD (professional office) with specific uses to the east, and LI (retail and professional office) to the west.

The Future Land Use and Character Map designate this area as Auto-Urban Commercial. According to the Comprehensive Plan Auto-Urban Commercial is appropriate for commercial uses and is the dominant pattern along H K Dodgen Loop.

The UDC states Commercial districts should permit most retail and commercial land uses and is intended to serve citywide or regional service areas and should be located along major highways and major intersections.

Prohibited uses in Commercial districts include most industrial such as asphalt, concrete batch plants, wrecking yards, refinery or chemical plants to name a few.

Nine notices were mailed out with zero notices received in favor and one notice received in opposition.

Staff recommends approval for the following reasons:

The proposed zoning is consistent with the Future Land Use Map which identifies this area as Auto-Urban Commercial;

The proposed zoning is compatible with the surrounding uses; and

The proposed zoning eliminates a non-conforming use on the subject property providing an appropriate zoning designation for the mini-storage warehouses currently located on the subject tract.

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

Vice-Chair Sears made a motion to approve Item 2, **Z-FY-10-13**, as proposed and Commissioner Rhoads made a second.

Motion passed: (6:0)

Commissioners Magaña, Martin, and Johnson absent

ORDINANCE NO. _____

(PLANNING NO. Z-FY-13-10)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONE CHANGE FROM PLANNED DEVELOPMENT WITH SPECIFIC USES OF A SHOPPING CENTER AND HOUSING DEVELOPMENT, TO COMMERCIAL, ON APPROXIMATELY 0.52 ACRES OF CREEKSIDE PLANNED DEVELOPMENT, TEMPLE, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 1528, PAGE 813, OF THE REAL PROPERTY RECORDS OF BELL COUNTY, TEXAS AND LOCATED AT 3602 SW HK DODGEN LOOP; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zone change from Planned Development with specific uses of a shopping center and housing development, to Commercial on approximately 0.52 acres of Creekside Planned Development, Temple, Texas according to the plat recorded in Volume 1528, Page 813 of the real property records of Bell County, Texas, and located at 3602 SW HK Dodgen Loop, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 7th day of **March**, 2013.

PASSED AND APPROVED on Second Reading on the 4th day of **April**, 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

04/04/13
Item #7
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, Director of Administrative Services

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance updating the City of Temple's Water Conservation & Drought Contingency Plan.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance presented in item description, on first reading, and schedule second reading and final adoption for April 18, 2013.

ITEM SUMMARY: Title 30, Texas Administrative Code, Chapter 288 requires wholesale public water suppliers and retail public water suppliers serving 3,300 connections or more to adopt and submit drought contingency plans to the Texas Commission on Environmental Quality. In March 2000, the Temple City Council adopted the City's initial Water Conservation & Drought Contingency Plan. The City's Plan provides a mechanism for the conservation of available water supply, protection of the integrity of water supply facilities, and protection of the public health, safety, and welfare.

The proposed plan update recommends collapsing water conservation stages from five (5) to four (4) to more closely coordinate with the Brazos River Authority's Water Conservation & Drought Contingency Plan. The four proposed stages of the plan are based upon triggering criteria. The proposed plan update recommends adding triggering criteria based on water supply and time of year, maintaining the triggering criteria based on system usage, and eliminating the triggering criteria based on storage capacity.

Stage 1 is a voluntary conservation stage for mild water shortage conditions in which customers are simply asked to voluntarily limit their water usage. Stages 2 through 4 are gradual in nature and provide mandatory conservation measures for water customers with Stage 4 being an 'emergency water shortage' that requires only essential water usage and authorizing the city manager to implement any actions or restrictions necessary to protect the public health, safety, and welfare. The proposed plan recommends updates to the water use restrictions in each phase including updated language to clarify water restrictions and requirements.

FISCAL IMPACT: There is no direct fiscal impact with regard to expenditures for this ordinance.

ATTACHMENTS:
[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ADOPTING AN UPDATE TO THE CITY OF TEMPLE'S WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Title 30, Texas Administrative Code, Chapter 288 requires wholesale public water suppliers and retail public water suppliers serving 3,300 connections or more to adopt and submit drought contingency plans to the Texas Commission on Environmental Quality;

Whereas, in March 2000, City Council adopted the City's initial Water Conservation and Drought Contingency Plan which provides a mechanism for the conservation of available water supply, protection of the integrity of water supply facilities, and protection of the public health, safety, and welfare;

Whereas, the proposed plan update recommends collapsing water conservation stages from five (5) to four (4) to more closely coordinate with the Brazos River Authority's Water Conservation and Drought Contingency Plan – these four proposed stages of the plan are based upon the following triggering criteria:

- Stage 1 is a voluntary conservation stage for mild water shortage conditions in which customers are simply asked to voluntarily limit their water usage;
- Stages 2 through 4 are gradual in nature and provide mandatory conservation measures for water customers with Stage 4 being an 'emergency water shortage' that requires only essential water usage and authorizing the City Manager to implement any actions or restrictions necessary to protect the public health, safety, and welfare;

Whereas, the proposed plan recommends updates to the water use restrictions in each phase including updated language to clarify water restrictions and requirements; 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 an update to the City of Temple's Water Conservation and Drought Contingency Plan which recommends collapsing water conservation stages from five (5) to four (4) to more closely coordinate with the Brazos River Authority's Water Conservation and Drought Contingency Plan – these four proposed stages of the plan are based upon the following triggering criteria:

- Stage 1 is a voluntary conservation stage for mild water shortage conditions in which customers are simply asked to voluntarily limit their water usage;

- Stages 2 through 4 are gradual in nature and provide mandatory conservation measures for water customers with Stage 4 being an ‘emergency water shortage’ that requires only essential water usage and authorizing the City Manager to implement any actions or restrictions necessary to protect the public health, safety, and welfare.

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 **4th** day of **April, 2013**.

PASSED AND APPROVED on Second Reading on the **18th** day of **April, 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

04/04/13
Item #8
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution appointing members to the following City boards and commissions:

- (A) Temple Public Safety Advisory Board – one member to fill unexpired terms through September 1, 2013; and
- (B) 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: In accordance with the City Council adopted policies governing the appointment and training of citizens to City boards, appointments to the above stated boards are to be made with an effective date of March 1, 2011.

Please see the attached board summary forms, which list current board members, purpose, membership requirements, term and meeting time/place for the boards. Also attached is a summary listing of all applications received for board appointments. Individual board application forms on file for these boards have already been provided. New application forms received will be forwarded to the Council as received.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Board Summary Forms](#)
[Board Applications](#)
Resolution

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 st Street, Apt. 515 Temple, Texas 76502 kkolbe@hot.rr.com | 512-771-4132 C 254-231-3445 H |
| Sonny Jaramillo | 06/11 Unexp | 2015 | 512 W. Oakland Dr., 76501 sjv@swbell.net | 724-1392 W 760-7502 C |
| Rebecca Rucker | 07/11 | 2013 | 212 Tanglewood Rd. 76502 rebeccar@fsbcentex.com | 899-6602 W 231-2766 C |
| John Bush | 09/09 | 2013 | 1302 North 13 th , 76501 Jbush83498@sbcglobal.net | 774-8899 W 773-1416 H 760-9313 C |
| James Conley Sr. **NO E-Mail | 09/12 | 2015 | 1519 N. 18 th Street Temple, TX 76501 **NO E-Mail | 771-9904 H 228-9281 C |
| Joyce Adams O/ OMA | 03/13 Unexp term | 2013 | 4601 Hickory Road Temple, 76502 Joyceadams9@rotsape.com | 742-1325 H 718-8922 C |
| Adam Soorholtz O/OMA | 03/13 Unexp term | 2013 | 208 Richland Drive Belton, TX 76513 adam@soorholtzlaw.com | 742-1814 W 742-1036 F |
| VACANT | 03/11 | 2013 | | |
| Angela McGeHee | 12/12 Unexp. Term | 2015 | 463 Westfield Blvd, #1222, 76502 Mcgehee24@gmail.com | (254) 724-1080 W (254) 534-4581 C |
| Margaret Goodwin | 06/10 | 2013 | 3206 Keller Road, 76504 mag47goo@msn.com | 541-0894 C |
| Jeff Blackwell | 11/10 | 2014 | 8520 Oak Crossing, 76502 jblackwell@swmail.sw.org | 228-5609 H 541-8874 C |
| Steve Hubbard | 09/10 | 2014 | 8716 Laurel Ridge, 76504 sthubbard@swmail.sw.org | 654-3828 -C |
| David Carter | 12/12 Unexp. term | 2014 | 69 Runway Lane, 76504 dcarter@datarecall.net | (409)715-2268-C |
| Billy Rowton | 07/11 | 2014 | 3008 W. Ave T 76504 b.rowton@sbcglobal.net | 771-2400 H 541-1775 C |
| John Barina | 09/08 | 2014 | 2109 Stagecoach Trl 76502 johnbarina@hot.rr.com | 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 03.07.13

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 amc@vvm.com | 778-5246 W 913-8450 M 778-6327 F |
| Carole Owen | 09/10 | 2013 | 1203 North 9 th Temple, TX 76501 ritescot@aol.com | 791-1365 H 760-1437 C |
| Paula Seibel (unxp term) Animal Welfare Org. Rep. | 11/12 | 2014 | 913 Crockett Ct. Temple, TX 76501 seibelpaula@aol.com | 254-231-2486 C |
| Bill Jones,III, Mayor Municipal Official | 05/11 | standing | 2 North Main Street Temple, TX 76501 bjones@templetx.gov | 298-2951 W 760-6488 C |
| Amy Strunk, Animal Shelter Operator - Chair | 09/09 | 2015 | Animal Shelter 620 Mama Dog Circle Temple, TX 76504 astrunk@templetx.gov | 298-5732 W |
| Nancie Etzel (unexp term) | 02/13 | 2015 | 329 Big Timber Drive, Temple, TX 76502 NEtzel27@aol.com | 780-9898 H (443)742-1478 C |
| Fabian Gomez – Forfeit to due attendance | 09/12 | 2015 | | |
| Walter Hetzel, Animal Services Director | Ex-Officio | | Animal Shelter 620 Mama Dog Circle Temple, TX 76504 whetzel@templetx.gov | 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:** 2nd 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: 02.21.13



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

AIRPORT ADVISORY BOARD
BUILDING & STANDARDS COMMISSION
CIVIL SERVICE COMMISSION
ELECTRICAL BOARD
ZONING BOARD OF ADJUSTMENT
LIBRARY BOARD
PLANNING & ZONING COMMISSION
REINVESTMENT ZONE NUMBER ONE
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD
BUILDING BOARD OF APPEALS
COMMUNITY SERVICES ADVISORY BOARD
TEMPLE PUBLIC SAFETY ADVISORY BOARD
DEVELOPMENT STANDARDS ADVISORY BOARD
PARKS & LEISURE SERVICES ADVISORY BOARD
TRANSIT ADVISORY COMMITTEE
CENTRAL TEXAS HOUSING CONSORTIUM

- If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.
- If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci.temple.tx.us.

Name Bill Bogucki Residence Address (See Attached)

Mailing Address _____ Phone Number (Business) _____ (Home) _____

Fax Number _____ Cell Phone Number _____ E-Mail Address _____

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: CYRUS - SUPERVISORY THERAPIST

What City Boards have you served on before & When? _____

Name, in priority order, the Board or Boards on which you would prefer to serve: 1) Temple Economic Dev't;
2) PARKS & LEISURE SERVICES; 3) PLANNING & ZONING COMMISSION

What experience and/or educational background do you have that could be applied to community service?

MPA 91 BS 80
(See ATTACHED PAGE)

Comments (Attach additional page if desired): _____

Signed: Bill Bogucki Date: 8-6-09

PLEASE NOTE: All information supplied on this form is public information.

BILL BOGUCKI CTRS
3105 W. AVE. T.
Temple, TX 76505
FAX: 743 0028
Cell: 598 9847
E mail: GOWL@clearwire.net

Education: BS U.W. Wis. La Crosse 1980

Employment: Department of Veterans Affairs – 7/17/81 to present
4/21/01 to present Supervisory Recreation Therapist, (Temple/Waco/Austin)
10/1/94 to 4/21/01 Chief of Residential Rehabilitation Therapy Programs
Dayton, Ohio VAMC
2/87 to 10/94 Chief of Recreation Therapy, Phoenix Arizona VAMC
5/86 to 2/87 Management Trainee, Phoenix Arizona VAMC
3/84 to 5/86 Recreation Therapist, Bath New York VAMC
7/81 to 3/84 Recreation Therapist, Danville Illinois VAMC

Additional Information:

OE/OIF Welcome Home Planning Committee
Project Manager, Building Renovation
Standards Development/w/JCAHO for Residential Rehab. Sids. Development
Coordinate four (4) National Chief Education Conferences
Coordinate Decision Support System (DSS) Training
Satellite Education Coordinator, Phoenix VAMC
Past Chair of Patient Education Committee
Past Chair of Space Resource Committee
Instructor, Intro to TR, Arizona State Univ.
Past President Arizona State Therapeutic Recreation Association
Past Chair, National Chapter Affiliate Council, ATRA

My apologies for hand writing application form. Would not accept electronic input on your web sight, only print option.

Sincerely,


Bill Bogucki



CITY OF TEMPLE
CITY BOARD APPLICATION FORM

RECEIVED
MAR 14 2013
CITY OF TEMPLE, TX
CITY SECRETARY

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

AIRPORT ADVISORY BOARD
BUILDING & STANDARDS COMMISSION
CIVIL SERVICE COMMISSION
ELECTRICAL BOARD
ZONING BOARD OF ADJUSTMENT
LIBRARY BOARD
PLANNING & ZONING COMMISSION
REINVESTMENT ZONE NUMBER ONE
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD
BUILDING BOARD OF APPEALS
COMMUNITY SERVICES ADVISORY BOARD
TEMPLE PUBLIC SAFETY ADVISORY BOARD
DEVELOPMENT STANDARDS ADVISORY BOARD
PARKS & LEISURE SERVICES ADVISORY BOARD
TRANSIT ADVISORY COMMITTEE
CENTRAL TEXAS HOUSING CONSORTIUM

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- If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or lborgeson@templetx.gov

Name Shirlene Lykins Residence Address 1402 S. 3rd St Temple 7650

Mailing Address Same Phone Number (Business) _____ (Home) _____

Fax Number _____ Cell Phone Number (254) 833-4119 E-Mail Address CarolKinsly@yahoo.co

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: NONE

What City Boards have you served on before & When? Animal Services Advisory Board

Name, in priority order, the Board or Boards on which you would prefer to serve: _____

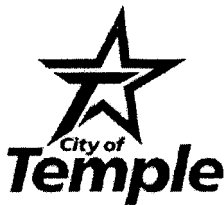
Animal Services Advisory Board

What experience and/or educational background do you have that could be applied to community service?
Volunteer at Temple Animal Shelter Sept 2011 to present.

Comments (Attach additional page if desired):

Signed: [Signature] Date: March 13, 2013.

PLEASE NOTE: All information supplied on this form is public information.



CITY OF TEMPLE
CITY BOARD APPLICATION FORM

RECEIVED
MAR 18 2013
CITY OF TEMPLE, TX
CITY SECRETARY

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

AIRPORT ADVISORY BOARD
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CIVIL SERVICE COMMISSION
ELECTRICAL BOARD
ZONING BOARD OF ADJUSTMENT
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REINVESTMENT ZONE NUMBER ONE
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PARKS & LEISURE SERVICES ADVISORY BOARD
TRANSIT ADVISORY COMMITTEE
CENTRAL TEXAS HOUSING CONSORTIUM

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- If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or lborgeson@templetx.gov

Name Russell Stenman Residence Address 4220 Hampton Dr

Mailing Address — Phone Number (Business) (512) 635-0189 (Home) Same

Fax Number — Cell Phone Number Same E-Mail Address roadhand@msn.com

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: Protection One - marketing, sales, installation, servicing security and life safety systems.

What City Boards have you served on before & When? —

Name, in priority order, the Board or Boards on which you would prefer to serve: 1) Planning & Zoning Commission
2) Building & Standards Commission 3) Parks & Leisure Services Advisory Board

What experience and/or educational background do you have that could be applied to community service?
BBT Degree, 1 1/2 years law school, Many years of youth athletics involvement, 15 years
Working with business owners, general contractors, builders and security managers
Comments (Attach additional page if desired): —

Signed: Russell Stenman Date: 3/10/13

PLEASE NOTE: All information supplied on this form is public information.