



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

**2 NORTH MAIN STREET
3rd FLOOR – CONFERENCE ROOM**

**JOINT MEETING
TEMPLE CITY COUNCIL
&
CITY OF TEMPLE EMPLOYEE BENEFITS TRUST**

THURSDAY, NOVEMBER 21, 2013

2:30 P.M.

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, November 21, 2013.
2. Discuss purchase of a 15 acre tract of land near the City of Temple's landfill.

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

3. Discuss the fourth quarter financial results to include the FY13 Fund Balance.
4. Receive presentation on Solid Waste Routes and Chapter 15 amendments.
5. Discuss the East Temple Redevelopment Plan, and Greenfield Initiative.
6. Discuss Future Land Use Plan and West Temple.

ADJOURN THE WORKSHOP OF THE TEMPLE CITY COUNCIL AND CONVENE THE CITY OF TEMPLE EMPLOYEE BENEFITS TRUST MEETING.

CITY OF TEMPLE EMPLOYEE BENEFITS TRUST

7. [2013-7155-R](#): Conduct a meeting of the City of Temple Employee Benefits Trust to purchase substitute Medicare supplement insurance for City of Temple over 65 retirees from the Scott & White Health Plan for calendar year 2014.

ADJOURN THE MEETING OF THE CITY OF TEMPLE EMPLOYEE BENEFITS TRUST AND RECONVENE THE WORKSHOP OF THE TEMPLE CITY COUNCIL.

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. Presentation by Jon Burrows, Bell County Judge, and Sharon Long, Tax Assessor/Collector, of [Child Safety Funds](#) collected in the amount of \$78,260.10
4. Presentation of the 2013 Corporate Challenge Game Awards.

III. 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.

IV. CONSENT AGENDA

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

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

Minutes

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

Contracts, Leases, & Bids

- (B) [2013-7156-R](#): Consider adopting a resolution ratifying the purchase of a Data Backup System from Dell Marketing, LP of Round Rock utilizing a State of Texas Department of Information Resources contract, in the amount of \$38,006.37.
- (C) [2013-7157-R](#): Consider adopting a resolution authorizing a purchase agreement with Iteris Inc. of Santa Ana, CA for the purchase of video detection equipment for the traffic signal projects for W Adams Avenue & Westfield Boulevard (\$13,845) and South 5th Street & FM 93 (\$17,360) utilizing a State of Texas contract, in the amount of \$31,205.
- (D) [2013-7158-R](#): Consider adopting a resolution authorizing a construction contract with R.T. Schneider Construction Company, Ltd., of Belton for construction services required for extension of Westfield Boulevard from Stone Hollow to Prairie View, to include extension of a wastewater line and related appurtenances, in the amount of \$1,586,277.47, as well as, declare an official intent to reimburse the expenditure related to the utility portion of this project with the issuance of 2014 Utility Revenue Bonds.
- (E) [2013-7159-R](#): Consider adopting a resolution authorizing a contract with the Department of Veterans Affairs, Veterans Industries/Compensated Work Therapy for the provision of temporary workers for the Parks and Leisure Services Department in an estimated amount of \$73,500.
- (F) [2013-7160-R](#): Consider adopting a resolution committing to sharing the costs of constructing a gateway to the Temple Medical Education District along Spur 290 at Loop 363 and improvements to the eastbound Loop 363 frontage road, with the sharing at 50%/50% with TXDOT in an estimated amount of \$4,820,000.
- (G) [2013-7161-R](#): Consider adopting a resolution authorizing an amendment to the professional services agreement with Turley Associates, Inc. for Inspection Services related to the construction of the Westfield Boulevard roadway and wastewater main extension project in an amount not to exceed \$44,420.
- (H) [2013-7162-R](#): Consider adopting a resolution authorizing a Services Agreement with GSMS – 2005 GG4 Temple Retail, LLC to provide Temple police officers for patrol work in and around the Temple Mall.
- (I) [2013-7163-R](#): Consider adopting a resolution authorizing a lease agreement with Marvin Brenek for lease of approximately 91 acres of City-owned land located at the intersection of Panda Drive and Lorraine Drive.
- (J) [2013-7164-R](#): Consider adopting a resolution authorizing a lease agreement with the Law Office of Ginese Simmons-Gilbert, PLLC and the Law Office of Atonya McClain, PLLC, for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).

Ordinances – Second & Final Reading

- (K) [2013-4619](#): SECOND READING - Z-FY-13-34: Consider adopting an ordinance authorizing a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption where sales will be less than 75% of the gross revenue for a Longhorn Steakhouse Restaurant in the Gateway Center located at 4507 South General Bruce Drive.
- (L) [2013-4620](#): SECOND READING - Z-FY-13-35: Consider adopting an ordinance authorizing a zone change from General Retail District (GR), Single-Family Two District (SF-2), and Planned Development District (PD-GR) to General Retail District (GR) on 29.953 ± acres of land situated in the Nancy Chance Survey, Abstract No. 5, City of Temple, Bell County, Texas, located at the southeast corner of West Adams Avenue and Old Waco Road.

Misc.

- (M) [2013-7165-R](#): Consider adopting a resolution authorizing the Police Department to apply for and accept funding for the G.R.E.A.T. Foundation, Inc. Training Travel Grant available through funds provided by Motorola Solutions, Inc.
- (N) [2013-7166-R](#): Consider adopting a resolution authorizing payment for the FY 12-13 medical/prescription insurance Administration Run-Off period with BlueCross Blue Shield of Texas in the amount of \$29,960.64.
- (O) [2013-7167-R](#): Consider adopting a resolution approving fourth quarter financial results for the fiscal year ended September 30, 2013.
- (P) [2013-7168-R](#): Consider adopting a resolution authorizing the carry forward of FY 2012-2013 funds to the FY 2013-2014 budget and consider adopting a resolution authorizing budget adjustments for FY 2012-2013.
- (Q) [2013-7169-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2013-2014.

V. REGULAR AGENDA

ORDINANCES

- 6. [2013-4621](#): FIRST READING - PUBLIC HEARING: Consider adopting an ordinance amending Chapter 15, "Garbage and Refuse," of the Code of Ordinances of the City of Temple, Texas to incorporate residential curbside recycling.
- 7. [2013-4622](#): FIRST READING - PUBLIC HEARING: Consider adopting an ordinance closing and vacating the 1st Street railroad crossing (DOT no. 022966C) to vehicular traffic.

RESOLUTIONS

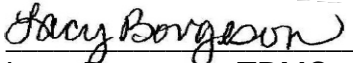
8. [2013-7170-R](#): Consider adopting a resolution authorizing the purchase of a 15 acre tract of land near the City of Temple's landfill.

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

9. [2013-7171-R](#): Consider adopting a resolution authorizing a contract with Scott & White Health Plan and establishing rates for substitute Medicare supplement insurance for City of Temple over 65 retirees and the City's contribution thereto for calendar year 2014.

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 2:30 PM, on November 15, 2013.



Lacy Borgeson, TRMC
City Secretary

I certify that this Notice of Meeting Agenda was removed by me from the outside bulletin board in front of the City Municipal Building at _____ on the _____ day of _____ 2013. _____.



EMPLOYEE BENEFITS TRUST AGENDA ITEM MEMORANDUM

11/21/13
Item #7
EBT Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Denny Hainley, Benefits Specialist

ITEM DESCRIPTION: Conduct a meeting of the City of Temple Employee Benefits Trust to purchase substitute Medicare supplement insurance for City of Temple over 65 retirees from the Scott & White Health Plan for calendar year 2014.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City issued a Request for Proposal in October of 2012 requesting a 3 year contract with a successful vendor to be awarded one year at a time. On November 8, 2012, the City received one (1) proposal. The City's consultant, Burke Sunday of City-County Benefit Services, reviewed the proposal received and recommended award to the Scott & White Health Plan.

Scott & White Health Plan, the recommended carrier, offers SeniorCare as its substitute Medicare supplement. In 2012 and 2013, SeniorCare offered twenty Medicare supplement plans to over 65 retirees through the City and will offer those same plans in 2014.

Scott & White has performed well and Staff desires to extend the contract for another year. Staff recommends that for calendar year 2014, the City will continue to contribute at the same level as during calendar year 2013.

ACTION REQUIRED: The Mayor shall recess the Council meeting and convene a meeting of the trustees of the City of Temple Employee Benefits Trust. The Trustees (all Councilmembers) will conduct the business of the Trust as shown on the Trust Agenda, including awarding a contract to the named vendor. Once business has been concluded, the Mayor will adjourn the Trust meeting and reconvene the Council meeting. No action is required of the Council on this item. All action is performed by the Trustees.

FISCAL IMPACT: Budgeted amount: \$182,250 in account 110-2700-515-1231*
Estimated amount for FY13-14: \$71,013**

* Budget includes all retirees' insurance

** Maximum contribution during FY 2014 for the new plan costs calculated as \$102.00 x 59 # Medicare eligible retirees (as of 10/01/13) x 9 months (Jan - Sept) = \$54,162; the number of retirees could change over the course of the year. The cost incurred for the Medicare Supplemental insurance from October through December was \$16,851.00.

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF TEMPLE, TEXAS, EMPLOYEE BENEFITS TRUST, AUTHORIZING A CONTRACT WITH SCOTT & WHITE HEALTH PLAN AND ESTABLISHING RATES FOR SUBSTITUTE MEDICARE SUPPLEMENTAL INSURANCE FOR CITY OF TEMPLE RETIREES AND THE CITY'S CONTRIBUTION THERETO FOR CALENDAR YEAR 2014; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the trustees of the City of Temple Employee Benefits Trust adopted rates for health and dental insurance for all active employees and retirees not eligible for Medicare;

Whereas, City policy requires that when retirees turn 65, if they are eligible, they must enroll in the substitute Medical supplement plan(s) offered through the City in order to receive the City's contribution;

Whereas, Scott & White Health Plan offers SeniorCare as its substitute Medicare supplement – in 2012-2013, SeniorCare offered twenty Medical supplement plants to over 65 retirees through the City and will off those same plants in 2014;

Whereas, funds for substitute Medicare supplement insurance are budgeted in Account No. 110-2700-515-1231 in the estimated amount of \$71,013 for fiscal year 2013-2014; and

Whereas, the City of Temple Employee Benefits Trust has considered the matter and deems it in the public interest to authorize this action.

NOW THEREFORE BE IT RESOLVED BY THE CITY OF TEMPLE, TEXAS, EMPLOYEE BENEFITS TRUST, THAT:

Part 1: The City of Temple Employee Benefits Trust authorizes a contract with Scott & White Health Plan and establishes rates for substitute Medicare supplemental insurance for the City of Temple retirees and the City's contribution thereto for calendar year 2014, in the estimated amount of \$71,013.

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 **21st** day of **November**, 2013.

CITY OF TEMPLE, TEXAS, EMPLOYEE
BENEFITS TRUST

DANIEL A. DUNN, Trustee

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/21/13
Item #3
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Presentation by Jon Burrows, Bell County Judge, and Sharon Long, Tax Assessor/Collector, of Child Safety Funds collected in the amount of \$78,260.10

STAFF RECOMMENDATION: Accept presentation as presented in item description.

ITEM SUMMARY: Presentation by Bell County Judge Jon Burrows and Sharon Long, Tax Assessor/Collector of child safety funds for the period October 1, 2012 through September 30, 2013 in the amount of \$78,260.10.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

11/21/13
Item #5(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

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

STAFF RECOMMENDATION: Approve minutes as presented in item description.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

[November 7, 2013 Special Called and Regular Meeting](#)

TEMPLE CITY COUNCIL

NOVEMBER 7, 2013

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, November 7, 2013 at 3:30 PM, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

Present:

Councilmember Perry Cloud
Councilmember Timothy Davis
Mayor Pro Tem Judy Morales
Mayor Daniel A. Dunn

Absent:

Councilmember Russell Schneider

- 1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, November 7, 2013.**

Item 4(P) Consent Agenda - Choices O8 Plan: Mr. Melton advised the recommendation made at the first reading of this item has changed. Staff recommends keeping Case Road as a collector street.

- 2. Receive a City Council continuing education briefing on Code Enforcement.**

Brynn Myers, Director of Administrative Services provide a brief overview to the Council. Ms. Myers noted that Code Enforcement investigates reports of most code violations and ensures that the standards required by City codes are met. She then reviewed some statistics related to common code violations; with Grassy Lots being more than 2,080 for FY 2013. Ms. Myers then discussed the multi-step process for Code Enforcement with either self initiated cases or complaints received. The Proactive Code Enforcement Program proposes 20 Proactive Code Enforcement Zones; each officer will have five zones; and a 14 calendar day cycle. The FY 2014 Budget includes funding for an additional Code Enforcement Officer (\$67,420); a Neighborhood Clean-up Program (\$20,000); and Continued funding of the Demolition Program (\$75,000 GF/ & \$80,000/ CDBG).

Councilmember Cloud asked that the recycling program be added to the partners.

Mayor Pro Tem asked that Neighborhood Watch/ Police Department be added as partners.

Mayor Dunn, stated the proactive approach is great and will be of benefit to the City.

Mr. Blackburn added, this is a new approach and with Code Enforcement engaged it will help to mitigate some long term issues, but could also cause short term issues. It will be important that we develop relationships with the residents of the City.

3. Receive briefing on an on-line criminal activity reporting software.

Corporal Chris Wilcox gave a brief presentation to the Council and Staff regarding Raids On-Line. He noted that currently, he dedicates more than 15 hours a week processing this information for media requests; and with this new application he will be able to redirect this time. Cpl. Wilcox stated that the public wants to feel safe and know what is happening in their city. This application will be available via our City Webpage for easy access to the public.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, November 7, 2013 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

Councilmember Perry Cloud
Councilmember Timothy Davis
Mayor Pro Tem Judy Morales
Mayor Daniel A. Dunn

Absent:

Councilmember Russell Schneider

I. CALL TO ORDER

1. Invocation

Kathleen Person, Municipal Court Judge, voiced the Invocation.

2. Pledge of Allegiance

Judge Kathleen Person and Municipal Court Staff led the Pledge of Allegiance.

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. (A) Municipal Courts Week November 4 - 8, 2013

Mayor Dunn presented this Proclamation to Judge Kathleen Person and the Municipal Court Staff.

III. PUBLIC COMMENTS

Mr. CJ Grisham - 4365 Airport Trail, addressed the council with regards to the Police Department and distrust. Mr. Grisham stated his trial was over as of two weeks ago, and a jury was unable to find him guilty of any crime. He stated that during the trial it was made clear that Officer Ermis lied on his sworn affidavit; to his supervisor Sgt. Menix; as well as the entire department lied about what really happened on the side of the road that day. Mr. Grisham believes the Army initiated their investigation due to the article that was printed in the Army Times; which Corporal Wilcox gave false statements. Mr. Grisham stated he received a General Letter of Reprimand from the US Army due to the false affidavits provided by the Temple Police Department and its Officers. Mr. Grisham stated he now believes Deputy Chief Tobin needs to also be fired along with Chief Smith. He stated it has been brought to his attention that Deputy Chief Tobin has records of police misconduct in his office that have not been released per request of his legal team. Mr. Grisham stated he knew for a fact that Officer Ermis has numerous complaints filed against him. Mr. Grisham stated that by keeping these officers on the force, the City is opening themselves up to a major degree of liability and public trust. Why isn't the City Council acting on this issue?

Emily Grisham - 4365 Airport Trail, addressed the CC in regards to the arrest of her husband, CJ Grisham, for openly carrying his AR-15. Mrs. Grisham then stated that during the trial, Officer Steve Ermis admitted to falsifying the police report from that day; and when Sgt. Menix took that stand, he too admitted that Officer Ermis' report didn't match up with what the dash-cam video reports. She also stated that Officer Ermis filed two separate incident reports (sworn affidavits) ten days apart from each other; and Sgt. Menix testified this was not normal procedure. Mrs. Grisham then stated the 'courtesy drop off', false imprisonment, and interrogation of their minor son will never be forgotten or accepted. She stated that a family friend and attorney David Carter spoke with Officer Ermis on March 16, 2013, and was also lied to. Mrs. Grisham stated the article in the Army Times, a magazine read by Mr. Grisham's peers has negatively impacted his career. How many times has Officer Ermis lied prior to March 16, 2013? Why do disciplinary files disappear in Deputy Chief Tobin's office? Why do you allow your Police Chief to condone these actions? Why do you as a Council not look into these issues? This whole issue has been a disgrace and should have ended.

RS Gates - 467 Valley Drive, addressed the City Council in regards to the CJ Grisham arrest, the public information act and his complaint he filed with the Attorney General's Office against the City of Temple. He spoke

about the recent Attorney General's opinion issued to the Bell County Attorney indicating that they (Bell County) failed to follow the procedures within public information act. Mr. Gates stated he notified the City Council of a similar complaint he filed with the Attorney General's office alleging the same procedural violations had occurred in Temple. Mr. Gates indicated that it was his opinion that in light of the recent AG Opinion issued to Bell County, that the Attorney General's Opinion Committee would be revisiting that complaint against the City of Temple. Mr. Gates encouraged the Council to review this matter.

IV. CONSENT AGENDA

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

(A) October 17, 2013 Special Called and Regular Meeting

(B) 2013-7139-R: Consider adopting a resolution authorizing a construction contract with K & S Backhoe Services, Inc. of Gatesville for construction of a new 12" water line along Pin Oak Drive from Hickory Road to Oakdale Drive in the amount of \$188,335.46.

(C) 2013-7140-R: Consider adopting a resolution authorizing the purchase of a 0.178 acre tract of land abutting the west side of Old Waco Road near West Adams Avenue (FM 2305).

(D) 2013-7141-R: Consider adopting a resolution authorizing the purchase of a yearly 2013-2014 maintenance contract with Sungard Public Sector in the amount of \$141,121.55.

(E) 2013-7142-R: Consider adopting a resolution authorizing the purchase, utilizing a Houston-Galveston Area Council cooperative contracts, of a Chevrolet 4500 van from Caldwell Country Chevrolet of Caldwell in the amount of \$36,485 and a Cues camera and data collection system from Cues, Inc. of Orlando, Florida, in the amount of \$144,000, for a total combined purchase of \$180,485.

(F) 2013-7143-R: Consider adopting a resolution authorizing the purchase of two (2) Case 580 Super N Backhoes from Associated Supply Co dba ASCO Equipment of Belton utilizing a BuyBoard contract, in the amount of \$191,293.10.

(G) 2013-7144-R: Consider adopting a resolution authorizing the purchase of one (1) Cat CW14 Pneumatic Compactor from Holt Cat of Irving utilizing a BuyBoard contract, in the amount of

\$85,210.

(H) 2013-7145-R: Consider adopting a resolution authorizing the purchase of one (1) Toro 5900 Batwing Mower from Professional Turf Products Inc. of San Antonio utilizing a BuyBoard contract, in the amount of \$82,525.42.

(I) 2013-7146-R: Consider adopting a resolution authorizing a renewal to the purchase agreement with Casco Industries for the purchase of fire fighting protective clothing utilizing the City of North Richland Hills annual contract in the estimated amount for FY 2014 of \$41,677.

(J) 2013-7147-R: Consider adopting a resolution authorizing the purchase of 32 H45 Carbon Fiber SCBA Cylinders from Casco Industries, Inc. of Shreveport, LA the sole source provider, in the amount of \$27,520.

(K) 2013-7148-R: Consider adopting a resolution ratifying the purchase of 110 modules for the Membrane Water Treatment Plant from Pall Advanced Separation Systems of Cortland, NY, in the amount of \$310,580.32.

(L) 2013-7149-R: Consider adopting a resolution authorizing a 4-year conditional sale agreement commencing January 1, 2014, for 65 electric golf cars, one (1) gas beverage car, and one (1) gas utility car from Yamaha Golf-Car Company, utilizing a BuyBoard contract, with an annual payment of \$55,170.

(M) 2013-7150-R: Consider adopting a resolution authorizing an agreement with Kasberg, Patrick, & Associates, LP of Temple for professional services required to design and bid Phase 3 of the Panda TBP Reclaimed Water Line in south and southeast Temple in an amount not to exceed \$749,200.

(N) 2013-7151-R: Consider adopting a resolution authorizing a professional services agreement with Lockwood, Andrews & Newnam, Inc. of Waco for professional services required to provide value engineering related to preliminary design of the Temple-Belton Wastewater Treatment Plant expansion in an amount not to exceed \$86,798.

(O) 2013-7152-R: Consider adopting a resolution authorizing a Chapter 380 Strategic Investment Zone "matching grant" agreement with Vicken International Traders, LLC. for redevelopment improvements located at 14 and 16 South Main Street within the South 1st Street Strategic Investment Zone

corridor in an amount not to exceed \$40,000.

(P) 2013-4618: SECOND READING - Z-FY-13-31: Consider adopting an ordinance authorizing an amendment to Ordinance 2008-4230, the Choices '08, City of Temple Comprehensive Plan, Chapter 5, to amend the Thoroughfare Plan Map.

(Q) 2013-7153-R: A-FY-13-16: Consider adopting a resolution to rescind and replace Resolution No. 2013-7006-R, retaining the easement described in Volume 1927, Page 21, of the real property records of Bell County, Texas, and releasing the easement described in Volume 774, Page 674, being 20 feet in width and approximately 3,400 feet in length, extending from a point starting at South 31st Street and ending at a point near Friar's Creek at the north property line of the Oakbrook Apartments.

(R) 2013-7154-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2013-2014.

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

Motion passed unanimously.

(P) 2013-4618: SECOND READING - Z-FY-13-31: Consider adopting an ordinance authorizing an amendment to Ordinance 2008-4230, the Choices '08, City of Temple Comprehensive Plan, Chapter 5, to amend the Thoroughfare Plan Map.

Phillip Melton, Interim Planner advised Council that it is Staff's recommendation to leave Case Road as is (a Collector Street) and not make the recommended changes, to a Local Street, as they heard at the first reading.

Motion by Councilmember Perry Cloud adopt Ordinance as recommended on first reading with exception to Staff's request to leave Case Road as a Collector Street. seconded by Mayor Pro Tem Judy Morales.

Motion passed unanimously.

V. REGULAR AGENDA

ORDINANCES

5. **2013-4619: FIRST READING - PUBLIC HEARING - Z-FY-13-34: Consider adopting an ordinance authorizing a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption where sales will be less than 75% of the gross revenue for a Longhorn Steakhouse Restaurant in the Gateway Center located at 4507 South General Bruce Drive.**

Phillip Melton, Planner, presented this case to Council. Mr. Melton stated the applicant for this case is LuAron McCormack for Longhorn Steakhouse. The applicant has submitted a building permit application of which as been approved. Mr. Melton noted, the City's Comprehensive Plan/ Future Land Use Plan identifies this property as Auto-Urban Commercial; and is zoned General Retail. Therefore the Conditional Use Permit is required and subject to UDC Section 5.3.15. Mr. Melton reviewed the applicable standards: Traffic Generation/ Area Overcrowding; Licensing from Texas Alcoholic Beverage Commission; Parking; and Distance from Sensitive Uses. He noted the property is located within the Gateway Center and no additional traffic or concerns for area overcrowding are anticipated; there are 81 parking spaces proposed - this meets the parking ratio requirements set by the UDC; and that the property is located 300 feet of a place of worship, elementary or secondary school, public hospital, Public Park, or any residential zoned or developed lot.

There was only one noticed mailed out to the surrounding properties; with it being returned in favor. Staff recommends approval of the request; as it is compatible with the Future Land Use & Character Plan which identifies this area as Auto-Urban Commercial; and the applicant has demonstrated compliance with the specific standards in UDC Section 5.3.15.

At the October 7th meeting of the Planning and Zoning Commission, they recommended approval of the CUP 8/0.

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

Motion by Councilmember Timothy Davis adopt Ordinance as presented, with second and final reading set for November 21, 2013. seconded by Councilmember Perry Cloud.

Motion passed unanimously.

6. **2013-4620: FIRST READING - PUBLIC HEARING - Z-FY-13-35: Consider adopting an ordinance authorizing a zone change from General Retail District (GR), Single-Family Two District (SF-2), and Planned Development District (PD-GR) to General Retail District (GR) on 29.953 ± acres of land situated in the Nancy Chance Survey, Abstract No. 5, City of Temple, Bell County, Texas, located at the southeast corner of West Adams Avenue and Old Waco Road.**

Mark Baker, Planner, presented this case to Council. He noted the applicant is Mike Beevers for Bill Barge. The subject property contains ± 29.953 acres; and is identified as Suburban Commercial District in the City's Comprehensive Plan/ Future Land Use Plan. Mr. Baker pointed out there is a 14" and 4" water line available in West Adams and a 24" water line in Old Waco Road. He also noted the 18" sewer line in West Adams and the 10" sewer line in Old Waco; all of which is available to service the subject property. Mr. Baker reviewed the GR allowed uses as well as the prohibited uses; and the Development Regulations for the subject property.

There were 17 notices mailed out to the surrounding property owners; four were returned in favor, one in opposition, and three undelivered. It is Staff's recommendation to approve the request as submitted, as it is consistent with the Future Land Use Map; it complies with the Thoroughfare Plan; proposed zoning is compatible with the surrounding uses; and public facilities are available.

At there meeting on October 7, 2013, the Planning and Zoning Commission recommended approval 6/0.

Mayor Dunn declared the Public Hearing open with regards to Agenda Item 6 and asked if anyone wished to address this item. There being none, Mayor Dunn declared the Public Hearing closed.

Motion by Councilmember Perry Cloud adopt Ordinance as presented, with second and final reading set for November 21, 2013. seconded by Mayor Pro Tem Judy Morales.

Motion passed unanimously.

Daniel A. Dunn, Mayor

ATTEST:

Lacy Borgeson
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

11/21/13
Item #5(B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Brandon Harris, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution ratifying the purchase of a Data Backup System from Dell Marketing, LP of Round Rock utilizing a State of Texas Department of Information Resources contract, in the amount of \$38,006.37.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Information Technology Department utilizes software from EMC to backup critical servers to magnetic tape cartridges. The volume of data I.T. is required to backup and retain has grown exponentially over the past 15 years, when the current solution was implemented. A full backup of this data now takes 60+ hours to complete. The current software also lacks many features, such as data replication, cross platform recovery and deduplication.

Data replication and cross platform recovery are key features that will help staff restore critical systems should a disaster strike the Data Center. These features replicate backed up data to an offsite location and give the ability to restore backed up servers to dissimilar hardware. Deduplication reduces the amount of backup storage needed by comparing the data to be backed up with existing backup data. If there is a match, the duplicate data is replaced with a reference that points to the data that is already stored. This substantially reduces the amount of storage required. The Information Technology Department has reviewed the Dell AppAssure DL4000 Appliance and has determined this product will sufficiently meet our data backup needs.

On October 31, 2013, Dell offered a 43.8% discount if we placed the order by November 1, 2013. Based on this pricing offer, which would save the City \$29,620.63, the City Manager authorized staff to proceed with this purchase, and as such, we are requesting Council's ratification of this purchase.

FISCAL IMPACT: Funding in the amount of \$50,000 has been appropriated in account 110-5919-519-6218, project 101034, for the replacement of the Data Backup System.

ATTACHMENTS:

[Resolution](#)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING THE PURCHASE OF A DELL BACKUP SYSTEM (DELL APPASSURE DL4000 BACKUP AND RECOVERY APPLIANCE) FROM DELL MARKETING, LP OF ROUND ROCK, TEXAS, UTILIZING A STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR) CONTRACT, IN THE AMOUNT OF \$38,006.37; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Information Technology Department (IT) utilizes software from EMC to backup critical servers to magnetic tape cartridges;

Whereas, the volume of data IT is required to backup and retain has grown exponentially over the past 15 years and a full backup of this data now takes upwards of 60 hours to complete – the current software also lacks many features such as data replication, cross platform recovery and deduplication;

Whereas, data replication and cross platform recovery are key features that will help staff restore critical systems should a disaster strike the Data Center – deduplication reduces the amount of backup storage needed by comparing the data to be backed up with existing backup data;

Whereas, staff has reviewed the Dell AppAssure DL4000 Appliance and determined that this product will sufficiently meet the City's data backup needs;

Whereas, on October 31, 2013, Dell offered a 43.8% discount if the order is placed before November 1, 2013 – staff proceeded with the purchase per approval and now requests the purchase be ratified;

Whereas, funds are available for this purchase in Account No. 110-5919-519-6218, Project No. 101034; 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 ratify the purchase of a Data Backup System from Dell Marketing, LP for Round Rock, Texas (Dell AppAssure DL4000 Backup and Recovery Appliance), after approval as to form by the City Attorney, utilizing a State of Texas Department of Information Resource (DIR) contract, in the amount of \$38,006.37.

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 **21st** day of **November**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/21/13
Item #5(C)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a purchase agreement with Iteris Inc. of Santa Ana, CA for the purchase of video detection equipment for the traffic signal projects for W Adams Avenue & Westfield Boulevard (\$13,845) and South 5th Street & FM 93 (\$17,360) utilizing a State of Texas contract, in the amount of \$31,205.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In the City of Temple's TCIP program is the construction of two (2) signalized intersections at West Adams Avenue and Westfield Boulevard and at South 5th Street and FM 93. Highway I.T.S is the contractor constructing the traffic signals. In an effort to save cost part of the contract is that the City will provide the video detection equipment.

The City has done business with Iteris, Inc in the past and has found them to be a responsible bidder.

FISCAL IMPACT: Currently, funding in the amount of \$65,709.68 is available in account 365-2800-532-6810, project 100956, for the purchase of video detection equipment in the amount of \$13,845 to be utilized at West Adams Avenue and Westfield Boulevard. In addition, funding in the amount of \$70,611.03 is available in account 365-2800-532-6810, project 100504, for the purchase of video detection equipment in the amount of \$17,360 to be utilized at South 5th Street and FM 93.

ATTACHMENTS:

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



Kirk Barnes
1700 Carnegie Ave. Suite 100
Santa Ana, CA 92705-5551
Phone: (979) 571-6120 Fax: (979) 731-1264
email: keb@iteris.com, web site: www.iteris.com

EQUIPMENT QUOTATION

Quote #: 062413-1



Mike Phillips mphillips@templetx.gov
Temple, City of
3210 East Avenue H, Bld A, Ste 107,
Temple, TX 76501



Agency: City of Temple
Project Name: 4 approach

August 1, 2013

Fax or email Purchase Orders to: Marilyn Holden, (949) 270-9441, mdh@iteris.com, please include quote number on your purchase order

Quote Terms: Net 30 days, subject to credit approval and Iteris Standard Terms & Conditions unless negotiated in writing with Iteris, Inc. prior to purchase.

Prices are valid for 30 days from the date of quote unless extended in writing.

FOB Shipping point, freight included, does not include insurance.

Part Number	Description	Qty	Unit	Unit Price	Ext. Price
EDGE2-2N-TX	Iteris Vantage Edge2 Processor - 2 Camera Input, 24VDC	3	ea	\$2,390.00	\$7,170.00
TS2IM	Iteris Vantage TS2 Interface Module (BIU)	1	ea	\$650.00	\$650.00
SURGEPAN-TX	Iteris Surge Panel with mounting clips for up to 6 Supressors (SURGEVAN)	1	ea	\$150.00	\$150.00
SURGEVAN	Video Surge Supressor with one FCABLE	5	ea	\$50.00	\$250.00
DINCLIP	Dinrail Clip for SURGEVAN	5	ea	\$0.00	\$0.00
CAM-RZ4A-WDR-PAK	Iteris Vantage Color Camera Assembly - Model CAM-RZ4A-WDR- RS 170 Motorized Zoom Lens, 115VAC	5	ea	\$950.00	\$4,750.00
PEL-AS0175-5-62	Pelco Signal Mast Arm Camera Bracket Extension- (Pelco P/N: AS-0175-5-62-ALO)	5	ea	\$125.00	\$625.00
Lilliput 319GL-70NP	7" Color Monitor, w/ BNC connector (for use with RZ4C cameras)	2	ea	\$125.00	\$250.00
Y Cable	Adaptor Cable for Lilliput Monitor	2	ea	\$0.00	\$0.00

IMPORTANT NOTES:

Authorized Signature

SUBTOTAL	\$13,845.00
FREIGHT	\$0.00
TAX	\$0.00
DISCOUNT	\$0.00
TOTAL	\$13,845.00



Kirk Barnes
1700 Carnegie Ave. Suite 100
Santa Ana, CA 92705-5551
Phone: (979) 571-6120 Fax: (979) 731-1264
email: keb@iteris.com, web site: www.iteris.com

EQUIPMENT QUOTATION

Quote #: 062413-1



Mike Phillips mphillips@templetx.gov
 Temple, City of
 3210 East Avenue H, Bld A, Ste 107,
 Temple, TX 76501



Agency: City of Temple
 Project Name:

October 4, 2013

Fax or email Purchase Orders to: Marilyn Holden, (949) 270-9441, mdh@iteris.com, please include quote number on your purchase order

Quote Terms: Net 30 days, subject to credit approval and Iteris Standard Terms & Conditions unless negotiated in writing with Iteris, Inc. prior to purchase.

Prices are valid for 30 days from the date of quote unless extended in writing.

FOB Shipping point, freight included, does not include insurance.

Part Number	Description	Qty	Unit	Unit Price	Ext. Price
EDGE2-2N-TX	Iteris Vantage Edge2 Processor - 2 Camera Input, 24VDC	4	ea	\$2,390.00	\$9,560.00
TS2IM	Iteris Vantage TS2 Interface Module (BIU)	1	ea	\$650.00	\$650.00
SURGEPAN-TX	Iteris Surge Panel with mounting clips for up to 6 Supressors (SURGEVAN)	1	ea	\$150.00	\$150.00
SURGEVAN	Video Surge Supressor with one FCABLE	6	ea	\$50.00	\$300.00
DINCLIP	Dinrail Clip for SURGEVAN	6	ea	\$0.00	\$0.00
CAM-RZ4A-WDR-PAK	Iteris Vantage Color Camera Assembly - Model CAM-RZ4A-WDR- RS 170 Motorized Zoom Lens, 115VAC	6	ea	\$950.00	\$5,700.00
PEL-AS0175-5-62	Pelco Signal Mast Arm Camera Bracket Extension- (Pelco P/N: AS-0175-5-62-ALO)	6	ea	\$125.00	\$750.00
Lilliput 319GL-70NP	7" Color Monitor, w/ BNC connector (for use with RZ4C cameras)	2	ea	\$125.00	\$250.00
Y Cable	Adaptor Cable for Lilliput Monitor	2	ea	\$0.00	\$0.00

IMPORTANT NOTES:

Authorized Signature

SUBTOTAL	\$17,360.00
FREIGHT	\$0.00
TAX	\$0.00
DISCOUNT	\$0.00
TOTAL	\$17,360.00

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF VIDEO DETECTION EQUIPMENT FOR THE TRAFFIC SIGNAL PROJECTS FOR WEST ADAMS AVENUE AND WESTFIELD BOULEVARD (\$13,845) AND SOUTH 5TH STREET AND FM93 (\$17,360), FROM ITERIS, INC., OF ROUND ROCK, TEXAS, UTILIZING A STATE OF TEXAS DIR CONTRACT, IN THE COMBINED AMOUNT OF \$31,205; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, as part of the City of Temple's TCIP program is the construction of two (2) signalized intersections at West Adams Avenue and Westfield Boulevard and at South 5th Street and FM93;

Whereas, Highway I.T.S is the contractor constructing the traffic signals and in an effort to save costs, the City will provide the video detection equipment;

Whereas, the City has don't business with Iteris, Inc. of Round Rock, Texas in the past and has found them to be a competent bidder;

Whereas, funding for this purchase is available in Account No. 365-2800-532-6810, Project No. 100956 and Account No. 365-2800-532-6810, Project No. 100504; and

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

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

Part 1: The City Council authorizes the purchase of video detection equipment for the traffic signals project for West Adams Avenue and Westfield Boulevard (\$13,845) and South 5th Street and FM93 (\$17,360), from Iteris Inc., of Round Rock, Texas, utilizing a State of Texas DIR contract, in the combined amount of \$31,205.

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

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

PASSED AND APPROVED this the **21st** day of **November**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/21/13
Item #5(D)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with R.T. Schneider Construction Company, Ltd., of Belton for construction services required for extension of Westfield Boulevard from Stone Hollow to Prairie View, to include extension of a wastewater line and related appurtenances, in the amount of \$1,586,277.47, as well as, declare an official intent to reimburse the expenditure related to the utility portion of this project with the issuance of 2014 Utility Revenue Bonds.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Westfield Boulevard Extension is an integral component of the City's Transportation Capital Improvement Plan (TCIP). This connectivity project will extend Westfield Boulevard from the current terminus at Stonehollow Drive north approximately 3,100 feet to Prairie View Road. In addition to the roadway extension, the project includes extension of a wastewater main from Pecan Pointe Apartments north approximately 3,800 feet to Prairie View Road to serve future residential development and to serve the new Belton Independent School District middle school currently under construction at the southwest corner of Prairie View Road and this extension of Westfield Boulevard.

On October 31, 2013, two bids were received for construction of the project. Per the attached bid tabulation, R.T. Schneider Construction Company submitted the low bid in the amount of \$1,586,277.47. The engineer's opinion of probable cost was \$1,998,404.75. The engineering consultant is familiar with the low bidder, R.T. Schneider Construction Company, Ltd., and recommends them for award.

The construction timeline proposes substantial completion by July 1, 2013.

FISCAL IMPACT: Funding in the amount of \$2,141,967.39 will be available to fund for the construction contract in the amount of \$1,586,277.47 with R.T. Schneider Construction Company, Ltd. The portion of the construction contract for the Westfield Boulevard Extension will be funded in account 365-3400-531-6859, project 100970. The portion of the construction contract related to water and sewer utilities will be funded with the proposed 2014 Utility Revenue bonds to be issued during FY 2014. In the adopted FY 2014 Capital Improvement Plan, Council authorized \$580,000 for TCIP Utilities related to Westfield Phase I. Detail of the funding allocation for construction services is shown below:

Project Description of Non-TCIP Utility Services	Account #	Project #	Amount
Current Available Funds	365-3400-531-6859	100970	\$1,606,387.39
Pending Amendment with Turley Associates, Inc.	365-3400-531-6859	100970	(\$44,420.00)
R.T. Schneider Construction Company, Ltd. (Westfield Boulevard Extension construction contract)	365-3400-531-6859	100970	(\$1,295,107.97)
Remaining Available Funding			\$266,859.42

Project Description of TCIP Utility Services	Account #	Project #	Amount
Council Authorized TCIP Utilities Funding	561-5400-535-6948 Future {Utility Revenue Bonds – 2014}	101084	\$580,000.00
R.T. Schneider Construction Company, Ltd. (Utilities construction contract)	561-5400-535-6948 Future {Utility Revenue Bonds – 2014}	101084	(\$291,169.50)
Remaining Available Funding			\$288,830.50

ATTACHMENTS:

[Engineer's Letter of Recommendation](#)
[Bid Tabulation](#)
[Project Map](#)
[Resolution](#)

**TURLEY ASSOCIATES, INC.**

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

November 4, 2013

City of Temple
Attn: Richard Wilson
Engineering Division
3210 East Avenue H, Building A
Temple, TX 76501

RE: Westfield Boulevard and Sanitary Sewer Line Extension

Dear Mr. Wilson:

On Thursday, October 31, 2013 at 10:00 a.m., the City opened bids on the referenced project, and received two (2) bids from very reputable Contractors. The bids received from R. T. Schneider Construction Company, Ltd. in Belton, Texas and Bell Contractors in Belton, Texas for the Westfield Boulevard and Sanitary Sewer Line Extension with substantial completion scheduled for July 1, 2014 are summarized as follows:

ITEM	DESCRIPTION	R.T. SCHNEIDER CONSTR. CO., LTD AMOUNT	BELL CONTRACTORS AMOUNT
Base Bid	Westfield Boulevard and Sanitary Sewer Line Extension	\$1,586,277.47	\$1,727,478.98

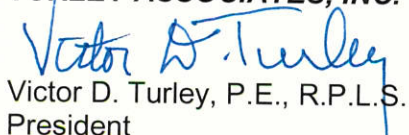
Please refer to the attached "Bid Tabulation" for a detailed accounting of the bid for these Contractors.

We recommend that R. T. Schneider Construction Co., Ltd. be awarded the contract for the Total Base Bid for a total of \$1,586,277.47.

R. T. Schneider Construction Co., Ltd.'s excellent qualifications for doing this type of work are widely known. Schneider has completed several projects for our firm in the past, on-time and within budget.

Should you have any comments or questions regarding this project or related matters, please do not hesitate to call.

Sincerely,
TURLEY ASSOCIATES, INC.


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



VDT/sb

Turley Associates, Inc.
301 N. 3rd Street
Temple, Texas 76501
Phone: (254)773-2400
Fax: (254)773-3998
TAI Job No.: 12-803



BID TABULATION
CITY OF TEMPLE
WESTFIELD BOULEVARD AND SEWER LINE EXTENSION
Bid Date: October 31, 2013
Bid Time: 10:00 a.m.

R.T. Schneider Constr. Co., LTD
P.O. Box 876
Belton, TX 76513

Bell Contractors, Inc.
3082 W. Hwy 190
Belton, TX 76513

ITEM NO.	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
ROADWAY IMPROVEMENTS							
(1)	Mobilization, Bonds and Insurance		1 LUMP SUM				
				\$31,857.00	\$31,857.00	\$38,600.00	\$38,600.00
(2)	Unclassified site excavation to include channel and roadway excavation		13,273 C.Y.	\$4.15	\$55,082.95	\$3.85	\$51,101.05
(3)	Unclassified site fill		10,258 C.Y.	\$2.00	\$20,516.00	\$2.75	\$28,209.50
(4)	Seed, irrigate and establish grass in right-of-way, excavated North and South channels and any other disturbed areas		1 LUMP SUM	\$40,245.00	\$40,245.00	\$13,200.00	\$13,200.00
(5)	Saw cutting/removal/disposal of existing sidewalks, ADA accessible ramps, asphalt pavement, curb/gutter as indicated in various locations		1 LUMP SUM	\$890.00	\$890.00	\$5,280.00	\$5,280.00
(6)	Furnish and install 11" crushed limestone base		23,542 S.Y.	\$8.63	\$203,167.46	\$9.24	\$217,528.08
(7)	Furnish and install 5.5" additional crushed limestone base in fat clay		11,879 S.Y.	\$3.70	\$43,952.30	\$4.95	\$58,801.05
(8)	Furnish and install 3" HMAc asphalt		18,272 S.Y.	\$13.53	\$247,220.16	\$15.40	\$281,388.80

Turley Associates, Inc.
301 N. 3rd Street
Temple, Texas 76501
Phone: (254)773-2400
Fax: (254)773-3998
TAI Job No.: 12-803

BID TABULATION
CITY OF TEMPLE
WESTFIELD BOULEVARD AND SEWER LINE EXTENSION
Bid Date: October 31, 2013
Bid Time: 10:00 a.m.

R.T. Schneider Constr. Co., LTD
P.O. Box 876
Belton, TX 76513

Bell Contractors, Inc.
3082 W. Hwy 190
Belton, TX 76513

ITEM NO.	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
(9)	Obtain a SWPPP Permit from TCEQ, develop and implement a SWPPP in conjunction with the Permit. To include placement and maintenance of all erosion control devices including silt fences, rock berms and construction entrance and the filing of the N.O.T.		1 LUMP SUM	\$11,200.00	\$11,200.00	\$10,752.50	\$10,752.50
(10)	Furnish and install traffic control plan as per Texas Manual on Uniform Traffic Control Devices		1 LUMP SUM	\$1,500.00	\$1,500.00	\$5,610.00	\$5,610.00
(11)	Furnish and install 24" standard curb and gutter		5,783 L.F.	\$8.85	\$51,179.55	\$9.90	\$57,251.70
(12)	Furnish and install 24" spill curb		5,789 L.F.	\$8.85	\$51,232.65	\$9.90	\$57,311.10
(13)	Furnish and install concrete valley gutter		1 EA	\$1,555.00	\$1,555.00	\$1,320.00	\$1,320.00
(14)	Furnish and install "ONLY" pavement marking text		14 EA	\$173.00	\$2,422.00	\$220.00	\$3,080.00
(15)	Furnish and install 10' pedestrian sidewalk per COT standards		4,853 L.F.	\$27.00	\$131,031.00	\$30.80	\$149,472.40
(16)	Furnish and install 4" thick concrete per COT standard sidewalk details		1,720 S.F.	\$3.00	\$5,160.00	\$11.00	\$18,920.00
(17)	Furnish and install ADA accessible ramps		11 EA	\$550.00	\$6,050.00	\$1,045.00	\$11,495.00

Turley Associates, Inc.
301 N. 3rd Street
Temple, Texas 76501
Phone: (254)773-2400
Fax: (254)773-3998
TAI Job No.: 12-803

BID TABULATION
CITY OF TEMPLE
WESTFIELD BOULEVARD AND SEWER LINE EXTENSION
Bid Date: October 31, 2013
Bid Time: 10:00 a.m.

ITEM NO. ITEM DESCRIPTION		UNIT	QUANTITY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
(18)	Furnish and install Stopbar (pavement marking)		1 EA	\$210.00	\$210.00	\$1,540.00	\$1,540.00
(19)	Furnish and install turn only arrows (pavement marking)		14 EA	\$158.00	\$2,212.00	\$275.00	\$3,850.00
(20)	Furnish and install striped island pattern (pavement marking) at Prairie View (Northbound, center lane)		1 EA	\$4,588.00	\$4,588.00	\$3,960.00	\$3,960.00
(21)	Furnish and install crosswalk (pavement marking)		464 L.F.	\$8.20	\$3,804.80	\$19.80	\$9,187.20
(22)	Furnish and install 4" dashed single white road stripe (pavement marking)		5,750 L.F.	\$0.58	\$3,335.00	\$0.66	\$3,795.00
(23)	Furnish and install roadway signs per the Manual of Uniform Traffic Control Devices		5 EA	\$342.00	\$1,710.00	\$440.00	\$2,200.00
(24)	Furnish and install 4" solid white road stripe (pavement marking)		380 L.F.	\$1.32	\$501.60	\$1.65	\$627.00
ROADWAY IMPROVEMENT SUBTOTAL WITHOUT ALTERNATE					\$920,622.47		\$1,034,480.38

Turley Associates, Inc.
301 N. 3rd Street
Temple, Texas 76501
Phone: (254)773-2400
Fax: (254)773-3998

TAI Job No.: 12-803

BID TABULATION
CITY OF TEMPLE
WESTFIELD BOULEVARD AND SEWER LINE EXTENSION

Bid Date: October 31, 2013
Bid Time: 10:00 a.m.

R.T. Schneider Constr. Co., LTD
P.O. Box 876
Belton, TX 76513

Bell Contractors, Inc.
3082 W. Hwy 190
Belton, TX 76513

ITEM NO.	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
DRAINAGE							
(1)	Furnish and install 18" RCP		864 L.F.	\$40.00	\$34,560.00	\$38.00	\$32,832.00
(2)	Furnish and install 24" RCP		272 L.F.	\$51.00	\$13,872.00	\$48.70	\$13,246.40
(3)	Furnish and install 4' x 4' junction box		1 EA	\$2,940.00	\$2,940.00	\$2,800.00	\$2,800.00
(4)	Furnish and install 7' x 4' RCBC pre-cast		448 L.F.	\$304.00	\$136,192.00	\$290.00	\$129,920.00
(5)	Furnish and install 4' x 2' RCBC pre-cast		306 L.F.	\$157.00	\$48,042.00	\$150.00	\$45,900.00
(6)	Furnish and install 4' x 2' RCBC flared wing headwall with apron		1 EA	\$6,000.00	\$6,000.00	\$6,000.00	\$6,000.00
(7)	Furnish and install 4' x 2' RCBC straight wing headwall with apron		1 EA	\$5,800.00	\$5,800.00	\$5,800.00	\$5,800.00
(8)	Furnish and install 7' x 4' RCBC flared wing headwall with apron		1 EA	\$16,900.00	\$16,900.00	\$16,900.00	\$16,900.00
(9)	Furnish and install 7' x 4' RCBC parallel wing headwall with concrete end treatment and baffles per details		1 EA	\$23,200.00	\$23,200.00	\$23,200.00	\$23,200.00
(10)	Furnish and install 20" recessed/depressed pre-cast curb inlets as per COT detail sheets		1 EA	\$7,770.00	\$7,770.00	\$7,400.00	\$7,400.00
(11)	Furnish and install 10" recessed/depressed pre-cast curb inlets as per COT detail sheets		6 EA	\$3,990.00	\$23,940.00	\$3,800.00	\$22,800.00
(12)	Furnish and install 8" diameter rock rip-rap		700 S.F.	\$3.20	\$2,240.00	\$7.30	\$5,110.00
(13)	Furnish and install 10" diameter rock rip-rap		1,105 S.F.	\$2.50	\$2,762.50	\$7.40	\$8,177.00
(14)	Furnish and install 14" diameter rock rip-rap		500 S.F.	\$3.00	\$1,500.00	\$8.60	\$4,300.00

Turley Associates, Inc.
301 N. 3rd Street
Temple, Texas 76501
Phone: (254)773-2400
Fax: (254)773-3998
TAI Job No.: 12-803

BID TABULATION
CITY OF TEMPLE
WESTFIELD BOULEVARD AND SEWER LINE EXTENSION
Bid Date: October 31, 2013
Bid Time: 10:00 a.m.

ITEM NO. ITEM DESCRIPTION		UNIT	QUANTITY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
(15)	Furnish and install Type PR1 pedestrian handrail		223 L.F.	\$65.00	\$14,495.00	\$75.00	\$16,725.00
(16)	Furnish and install Geoweb GW40V slope protection system (or approved equivalent)		1,028 S.Y.	\$8.00	\$8,224.00	\$14.00	\$14,392.00
DRAINAGE IMPROVEMENT SUBTOTAL WITHOUT ALTERNATES					\$348,437.50		\$355,502.40
SEWER							
(1)	Furnish and install 4' diameter manhole (0-10 ft.)		13 EA	\$3,045.00	\$39,585.00	\$2,900.00	\$37,700.00
(2)	Furnish and install 4' diameter manhole (10+ ft.)		3 EA	\$3,885.00	\$11,655.00	\$3,700.00	\$11,100.00
(3)	Furnish and install 10" SDR 26 sewer line (0-10 ft.)		2,956 L.F.	\$42.00	\$124,152.00	\$40.50	\$119,718.00
(4)	Furnish and install 8" SDR 26 sewer line (0-10 ft.)		786 L.F.	\$39.00	\$30,654.00	\$36.80	\$28,924.80
(5)	Furnish and install 18" steel sewer line encasement		230 L.F.	\$115.00	\$26,450.00	\$110.00	\$25,300.00
(6)	Furnish and install 8" diameter clean out		1 EA	\$441.00	\$441.00	\$420.00	\$420.00
(7)	Furnish and install 8" SDR 26 sewer line (10+ ft.)		645 L.F.	\$41.00	\$26,445.00	\$38.90	\$25,090.50
(8)	Pavement repair along Prairie View per CoT specifications		1 LUMP SUM	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00

Turley Associates, Inc.
301 N. 3rd Street
Temple, Texas 76501
Phone: (254)773-2400
Fax: (254)773-3998
TAJ Job No.: 12-803

BID TABULATION
CITY OF TEMPLE
WESTFIELD BOULEVARD AND SEWER LINE EXTENSION

Bid Date: October 31, 2013
Bid Time: 10:00 a.m.

ITEM NO. ITEM DESCRIPTION		UNIT	QUANTITY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
SEWER IMPROVEMENT SUBTOTAL					\$261,882.00		\$250,753.30
WATER							
(1)	Furnish and install 4" Schedule 40 PVC for irrigation		745 L.F.	\$7.50	\$5,587.50	\$14.10	\$10,504.50
(2)	Furnish and install 18" steel encasement for future waterline		300 L.F.	\$79.00	\$23,700.00	\$79.40	\$23,820.00
WATER IMPROVEMENT SUBTOTAL					\$29,287.50		\$34,324.50
LIGHTING							
(1)	Furnish and install 24" diameter pre-cast street light foundations		13 EA	\$880.00	\$11,440.00	\$1,100.00	\$14,300.00
(2)	Furnish and install 2" Schedule 80 PVC conduit		3,152 L.F.	\$4.00	\$12,608.00	\$11.70	\$36,878.40
(3)	Furnish and install secondary connection box		2 EA	\$1,000.00	\$2,000.00	\$620.00	\$1,240.00
LIGHTING SUBTOTAL WITHOUT ALTERNATE					\$26,048.00		\$52,418.40
TOTAL BASE BID:					\$1,586,277.47		\$1,727,478.98

Turley Associates, Inc.
301 N. 3rd Street
Temple, Texas 76501
Phone: (254)773-2400
Fax: (254)773-3998

TAL Job No.: 12-803

BID TABULATION
CITY OF TEMPLE
WESTFIELD BOULEVARD AND SEWER LINE EXTENSION

Bid Date: October 31, 2013
Bid Time: 10:00 a.m.

R.T. Schneider Constr. Co., LTD
P.O. Box 876
Belton, TX 76513

Bell Contractors, Inc.
3082 W. Hwy 190
Belton, TX 76513

ITEM NO.	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
ALTERNATE BID							
ROADWAY							
1A	Furnish and install lime treatment for stabilization of fat clays prior to placement of 1 1/2" limestone base in lieu of Item #7		11,879 S.Y.	\$4.60	\$54,643.40	\$5.50	\$65,334.50
ROADWAY SUBTOTAL WITH ALTERNATE					\$931,313.57		\$1,041,013.83
DRAINAGE							
1A	Furnish and install 7' x 4' RCBC cast-in-place in lieu of Item #4		448 L.F.	\$310.00	\$138,880.00	\$310.00	\$138,880.00
2A	Furnish and install 4' x 2' RCBC cast-in-place in lieu of Item #5		306 L.F.	\$160.00	\$48,960.00	\$160.00	\$48,960.00
3A	Furnish and install 20' recessed/depressed cast-in-place curb inlets as per COT detail sheets in lieu of Item #10		1 EA	\$7,770.00	\$7,770.00	\$7,400.00	\$7,400.00
4A	Furnish and install 10' recessed/depressed cast-in-place curb inlets as per COT detail sheets in lieu of Item #11		6 EA	\$3,990.00	\$23,940.00	\$3,800.00	\$22,800.00
DRAINAGE SUBTOTAL WITH ALTERNATE					\$352,043.50		\$367,522.40

Turley Associates, Inc.
 301 N. 3rd Street
 Temple, Texas 76501
 Phone: (254)773-2400
 Fax: (254)773-3998

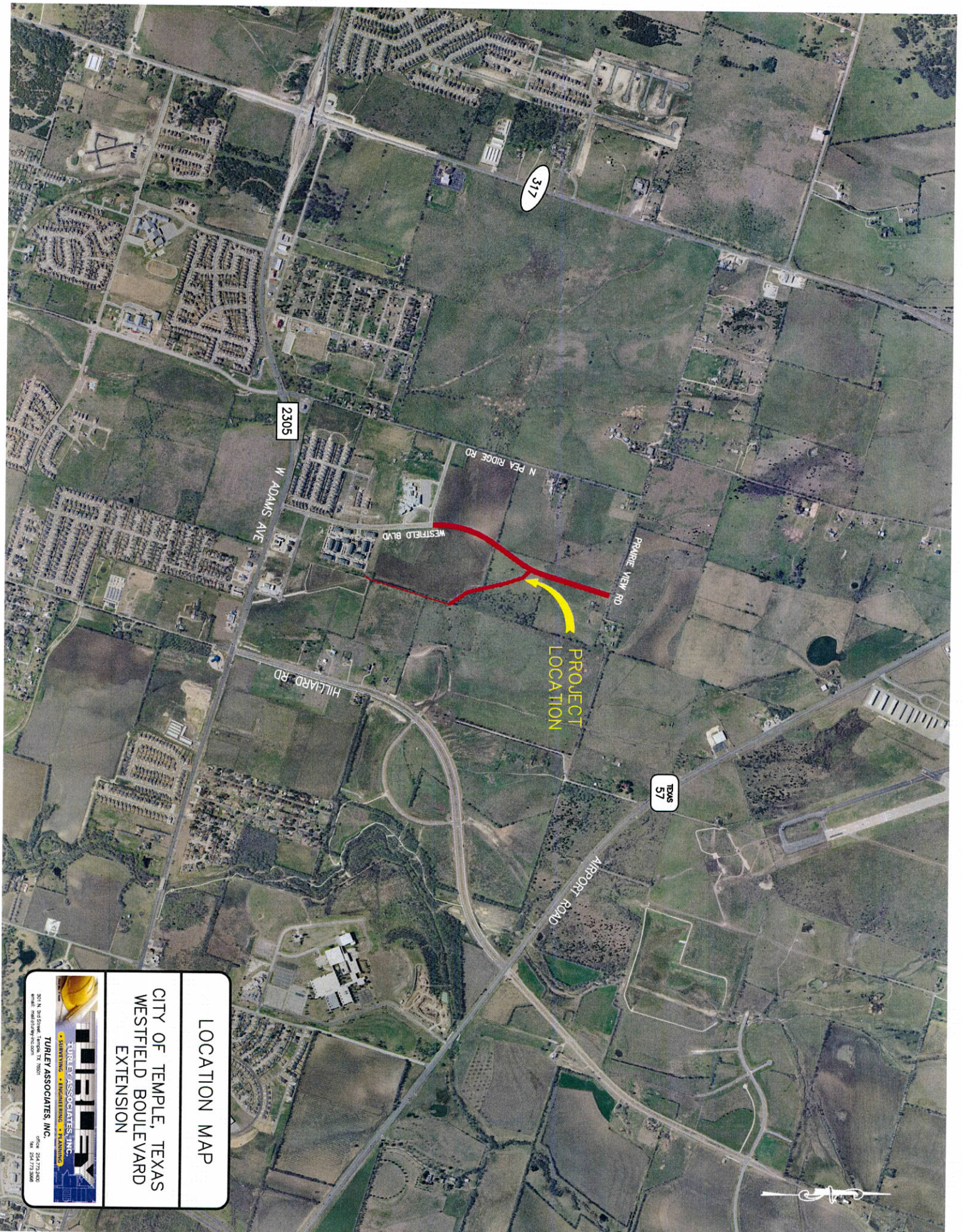
TAI Job No.: 12-803

BID TABULATION

CITY OF TEMPLE
WESTFIELD BOULEVARD AND SEWER LINE EXTENSION

Bid Date: October 31, 2013
Bid Time: 10:00 a.m.

				R.T. Schneider Constr. Co., LTD P.O. Box 876 Belton, TX 76513		Bell Contractors, Inc. 3082 W. Hwy 190 Belton, TX 76513	
ITEM NO.	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1A	Furnish and install 24" diameter cast-in-place light pole foundations. All items needed to construct in light pole foundation including but not limited to conduit and rebar, are subsidiary		13 EA	\$880.00	\$11,440.00	\$1,100.00	\$14,300.00
LIGHTING SUBTOTAL WITH ALTERNATE					\$26,048.00		\$52,418.40



LOCATION MAP

CITY OF TEMPLE, TEXAS
WESTFIELD BOULEVARD
EXTENSION



TURLEY ASSOCIATES, INC.
SURVEYING • ENGINEERING • PLANNING

3021 N. 30th Street, Temple, TX 76705
Phone: 254.773.3400
Fax: 254.773.3406
www.turleyassoc.com

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH R.T. SCHNEIDER CONSTRUCTION COMPANY, LTD, OF BELTON, TEXAS, FOR CONSTRUCTION SERVICES REQUIRED FOR THE EXTENSION OF WESTFIELD BOULEVARD TO INCLUDE EXTENSION OF A WASTEWATER LINE AND RELATED APPURTENANCES, IN THE AMOUNT OF \$1,586,277.47; DECLARING OFFICIAL INTENT TO REIMBURSE THE EXPENDITURE RELATED TO THE UTILITY PORTION OF THIS PROJECT WITH THE ISSUANCE OF 2014 UTILITY REVENUE BONDS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Westfield Boulevard Extension is an integral component of the City's Transportation Capital Improvement Plan (TCIP) and this connectivity project will extend Westfield Boulevard from the current terminus at Stone Hollow Drive, north approximately 3,100 feet to Prairie View Road;

Whereas, in addition to the roadway extension, the project includes extension of a wastewater main from Pecan Pointe Apartments north approximately 3,800 feet to Prairie View Road to serve future residential development and the new Belton Independent School District middle school currently under construction;

Whereas, on October 31, 2013, two (2) bids were received for construction of this project and the engineering consultant as well as staff recommends awarding this contract to R.T. Schneider Construction Company, Ltd., of Belton, Texas in the amount of \$1,586,277.47;

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 contract with R. T. Schneider Construction Company, Ltd., of Belton, Texas, after approval as to form by the City Attorney, for construction services required for the extension of Westfield Boulevard from Stone Hollow to Prairie View, and to include the extension of a wastewater line and related appurtenances, in the amount of \$1,586,277.47, as well as declare an official intent to reimburse the expenditure related to the utility portion of this project in the amount of \$291,169.50 with the issuance of 2014 Utility Revenue Bonds.

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 **21st** day of **November**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/21/13
Item #5(E)
Consent Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Ken Cicora, Parks and Leisure Services Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with the Department of Veterans Affairs, Veterans Industries/Compensated Work Therapy for the provision of temporary workers for the Parks and Leisure Services Department in an estimated amount of \$73,500.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

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

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

FISCAL IMPACT: The FY 2014 budget includes funding in the amount of \$73,500 in account 110-3500-552-2623 for contracted services with the Department of Veterans Affairs, Veterans Industries/Compensated Work Therapy for temporary workers for the Parks and Leisure Services Department.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH THE DEPARTMENT OF VETERANS AFFAIRS, VETERANS INDUSTRIES/COMPENSATED WORK THERAPY FOR THE PROVISION OF TEMPORARY WORKERS FOR THE PARKS AND LEISURE SERVICES DEPARTMENT, IN THE ESTIMATED ANNUAL AMOUNT OF \$73,500; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Whereas, the Veterans Affairs has provided temporary workers to conduct a number of duties including mowing/edging/trimming, restroom cleaning, litter removal, planter bed maintenance, ball field maintenance, painting and carpentry work;

Whereas, the program has been very successful and staff has found that almost every one of the workers the VA assigns to the Parks and Leisure Services Department has worked diligently to do a good job and, as a result, we have chosen to hire several as full-time employees when job opportunities have arisen;

Whereas, staff recommends authorizing a contract with the Department of Veterans Affairs to continue the compensated work therapy program for the Parks and Leisure Services Department in the estimated annual amount of \$73,500;

Whereas, funds are budgeted in Account No. 110-3500-552-2623 for this expenditure; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a contract in the estimated annual amount of \$73,500, with the Department of Veterans Affairs, Veterans Industries/Compensated Work Therapy, after approval as to form by the City Attorney, for the provision of workers for the Parks and Leisure Services Department.

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

PASSED AND APPROVED this the **21st** day of **November**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/21/13
Item #5(F)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution committing to sharing the costs of constructing a gateway to the Temple Medical Education District along Spur 290 at Loop 363 and improvements to the eastbound Loop 363 frontage road, with the sharing at 50%/50% with TXDOT in an estimated amount of \$4,820,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item discussion.

ITEM SUMMARY: A gateway to the TMED along Spur 290 (Veterans Memorial Blvd) at Loop 363 is under design. The project involves alteration of the existing road profile to match a future grade-separated crossing of Loop 363, associated improvements to the eastbound Loop 363 frontage road, landscaping, signage, and lighting. The attached Map depicts the project along with the future grade-separated crossing and a proposed City project to improve Spur 290 in front of the VA Hospital. The following narrative does not include design and construction contracts associated with the recent improvements to South First St. in the immediate vicinity of Temple College.

On March 3, 2011, Council authorized a professional services contract with Kasberg, Patrick & Associates, LP, (KPA) for survey and design services for the First Street Gateway Improvements at Loop 363 in an amount not to exceed \$185,000. On June 7, 2012, Council authorized a professional services contract with KPA for survey and design services for the Loop 363/First Street Frontage Road in an amount not to exceed \$288,800. On July 18, 2013, Council authorized an amendment to a professional services contract with KPA for survey and design services for the eastbound Loop 363 frontage road in an amount not to exceed \$325,090.

TXDOT proposes to share construction costs in an equal match with the City. The current estimate for construction is \$9,640,000. The City's 50% share of this estimate is \$4,820,000.

FISCAL IMPACT: The impact of sharing the cost of this construction is estimated at \$4,820,000. Funding in the amount of \$6,450,000 has been allocated in the Reinvestment Zone No. 1 Financing Plan for the City's share of this project. Funding for ROW/easements, amendment to the design contract and 50% of the construction costs is appropriated in account 795-9800-531-6872, project # 101010.

ATTACHMENTS:

[Map](#)
[Resolution](#)

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Texas Department of Transportation

This document is released for
the purpose of interim review
under the authority of
R. David Patrick, P.E. 82638
on
Nov 15, 2013
It is not to be used for
construction, bidding or permit
purposes.

KASBERG, PATRICK & ASSOCIATES, L.P.
CONSULTING ENGINEERS
TEMPLE, TEXAS 76501
Firm Registration No. F-510

LOOP 363/1ST
STREET/FRONTAGE
RD. IMPROVEMENTS
WITH TMED

PROPOSED R.O.W.



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SCALE: FEE

HORIZ. SCALE

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M
E
D

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, COMMITTING TO SHARING THE COSTS (50%/50%) OF CONSTRUCTING A GATEWAY TO THE TEMPLE MEDICAL EDUCATION DISTRICT (TMED), WITH THE TEXAS DEPARTMENT OF TRANSPORTATION, IN THE ESTIMATED AMOUNT OF \$4,820,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, a gateway to the Temple Medical Education District (TMED) along Spur 290 (Veterans Memorial Boulevard) at Loop 363, is under design and the project involves alteration of the existing road profile to match a future grade separated crossing of Loop 363 which are associated improvements to the eastbound Loop 363 frontage road, landscaping, signage and lighting;

Whereas, on March 3, 2013, Council authorized a professional services agreement with Kasberg, Patrick & Associates, LP (KPA) for survey and design services related to the First Street Gateway Improvements at Loop 363 – on June 7, 2012, Council authorized a professional services agreement again with KPA, for survey and design services for Loop 363/First Street Frontage Road and on July 18, 2013, Council authorized an amendment to a professional services agreement with KPA for survey and design services for the eastbound Loop 363 frontage road;

Whereas, TXDOT proposes to share construction costs in an equal match with the City – the current estimate for construction is \$9,640,000 – the City's 50% share of this estimate is approximately \$4,820,000;

Whereas, funding for this shared construction has been allocated in the Reinvestment Zone No. 1 Financing Plan, Account No. 795-9800-531-6872, Project No. 101010; 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 commit to sharing the costs (50%/50%) of constructing a gateway to the Temple Medical Education District (TMED) with the Texas Department of Transportation, along Spur 290 and Loop 363 and improvements to the eastbound Loop 363 frontage road, in the estimated amount of \$4,820,000.

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 **21st** day of **November**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/21/13
Item #5(G)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing an amendment to the professional services agreement with Turley Associates, Inc. for Inspection Services related to the construction of the Westfield Boulevard roadway and wastewater main extension project in an amount not to exceed \$44,420.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple has adopted a Transportation Capital Improvement Program (TCIP) in which the extension of Westfield Boulevard is identified. Phase 1 of the project is a roadway extension from Stone Hollow to Prairie View Road, scheduled to be complete before school begins in August 2014.

In February 2013, the City executed a professional services agreement with Turley Associates, Inc. in the amount of \$255,225.05 for the design, bid, limited construction administration and construction staking phases of Phase 1 of the project (Stone Hollow to Prairie View Road). Professional Services Amendment #1 included modifications to the roadway cross section in the amount of \$15,797.50, increasing the initial contract amount to \$271,022.50.

Bids for the project were opened Thursday, October 31, 2013. In conjunction with the construction contract award, an amendment to the professional services agreement is presented to add construction phase inspection services to the contract in the amount of \$44,420. The revised resulting contract amount would be \$315,442.55. Construction completion by fall 2014 remains.

FISCAL IMPACT: Currently, funds in the amount of \$1,606,387.34 are available in account 365-3400-531-6859, project 100970, to fund the amendment to the professional services agreement with Turley Associates, Inc. in the amount of \$44,420.

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH TURLEY ASSOCIATES, INC. FOR INSPECTION SERVICES RELATED TO THE CONSTRUCTION OF THE WESTFIELD BOULEVARD ROADWAY AND WASTEWATER MAIN EXTENSION PROJECT, IN AN AMOUNT NOT TO EXCEED \$44,420; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple has adopted a Transportation Capital Improvement Program (TCIP) in which the extension of Westfield Boulevard is identified – phase 1 of the project is a roadway extension from Stone Hollow to Prairie View Road and is scheduled to be completed in August 2014;

Whereas, in February 2013, the City executed a professional services agreement with Turley Associates, Inc. in the amount of \$255,225.05 for the design, bid, limited construction administration and construction staking phases of phase 1 of the project (Stone Hollow to Prairie View Road);

Whereas, an amendment to the professional services agreement with Turley Associates, Inc., will add construction phase inspection services to the contract in the amount of \$44,420;

Whereas, funds are available for this project in the Reinvestment Zone No. 1 Financing Plan, Account No. 365-3400-531-6859, Project No. 100970; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute an amendment to the professional services agreement with Turley Associates, Inc., after approval as to form by the City Attorney, for inspection services related to the construction of the Westfield Boulevard roadway and wastewater main extension project, in an amount not to exceed \$44,420.

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 **21st** day of **November**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/21/13
Item #5(H)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Services Agreement with GSMS – 2005 GG4 Temple Retail, LLC to provide Temple police officers for patrol work in and around the Temple Mall.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: GSMS – 2005 GG4 Temple Retail, LLC (“Owner”) is the owner of the Temple Mall located at 3111 South 31st Street, Temple, Texas. Owner has requested the services of the Temple Police Department and specifically, has requested patrol services be provided in and around the Temple Mall during certain periods of time which will be agreed to by Owner and Temple PD. All police officers will be under the supervision and control of the Temple Police Department. Owner will reimburse the City for overtime salary and benefits paid to the police officers.

Staff recommends entering into a Services Agreement with Owner for the provision of patrol services for a term of one (1) year.

FISCAL IMPACT: The City will be reimbursed 100% for salary and benefits paid which is currently estimated at \$15,840 per year.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AGREEMENT WITH GSMS – 2005 GG4 TEMPLE RETAIL, LLC, TO PROVIDE TEMPLE POLICE OFFICERS FOR PATROL WORK IN AND AROUND TEMPLE MALL; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, GSMS-2005 GG4 Temple Retail, LLC (Owner) is the owner of the Temple Mall located at 3111 South 31st Street, Temple – GSMS has requested the services of the Temple Police Department and specifically requested patrol services be provided in and around the Temple Mall during certain periods of time which will be agreed to by Owner and Temple PD;

Whereas, all Temple police officers will be under the supervision and control of the Temple Police Department and Owner will reimburse the City for overtime salary and benefits paid to the police officers;

Whereas, staff recommends entering into an agreement with GSMS -2005 GG4 Temple Retail, LLC for a term of one (1) year;

Whereas, the City will be reimbursed 100% for salary and benefits paid in the estimated amount of \$15,840 per year; 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 enter into an agreement with GSMS-2005 GG4 Temple Retail, LLC, after approval as to form by the City Attorney, to provide Temple police officers for patrol work in and around the Temple Mall.

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 **21st** day of **November**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/21/13
Item #5(I)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a lease agreement with Marvin Brenek for lease of approximately 91 acres of City-owned land located at the intersection of Panda Drive and Lorraine Drive.

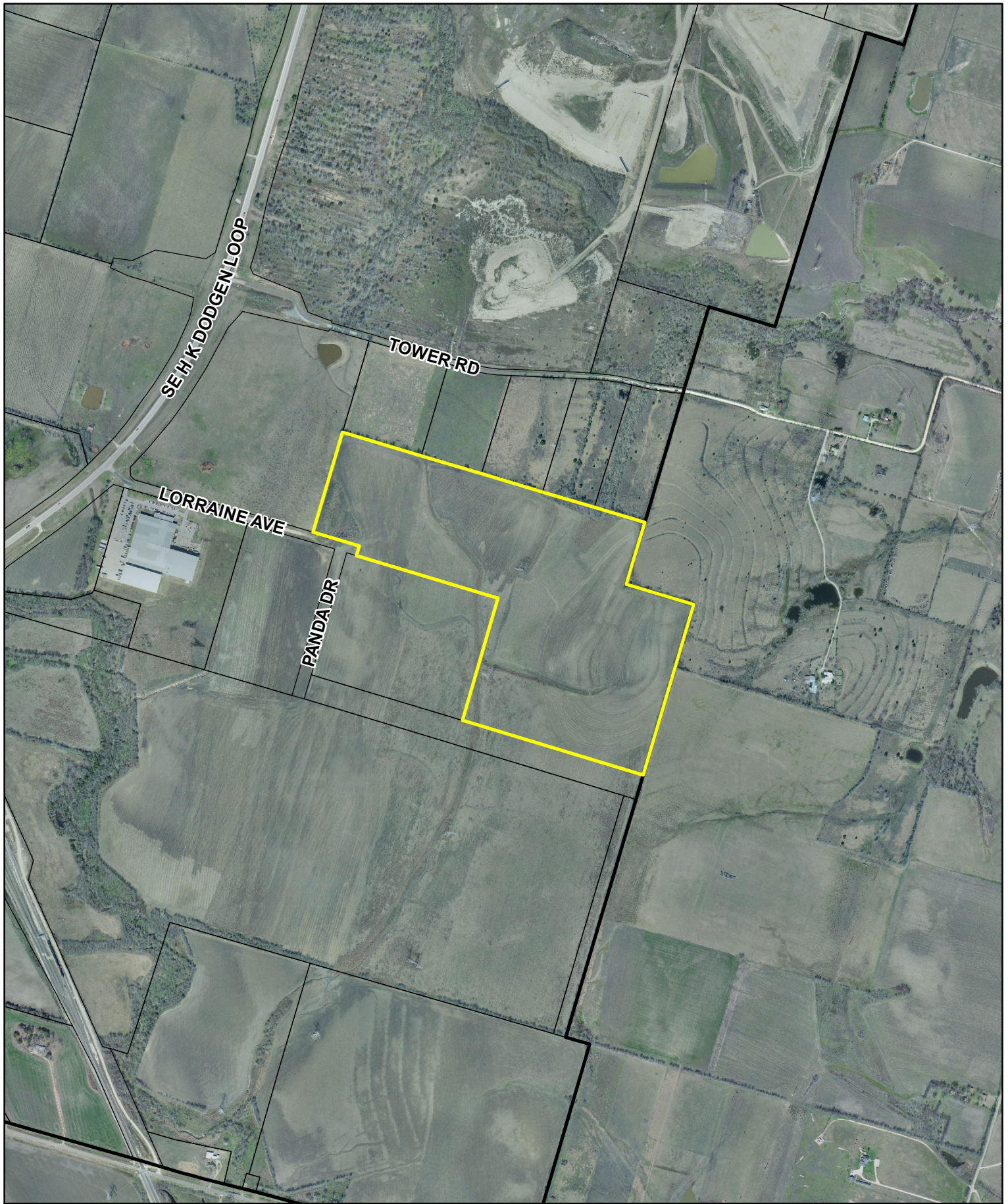
STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Marvin Brenek has requested to lease approximately 91 acres of City-owned property located at the intersection of Panda Drive and Lorraine Drive, as depicted in the attached Exhibit A. Mr. Brenek will use the property for farming. The lease term will run from November 22, 2013 to September 1, 2014. Mr. Brenek will pay \$15 per acre for a total rent payment of \$1,365.

FISCAL IMPACT: The City will receive annual rent in year one of \$1,365. The rent will be deposited into account 795-0000-461-0253 since the land is located within the Reinvestment Zone No. 1.

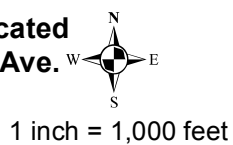
ATTACHMENTS:

[Map](#)
[Resolution](#)



**Approx. 91 Acres of City-owned land located
at Intersection of Panda Dr. & Lorraine Ave.**

Part of County Property ID: 207346



DISCLAIMER:

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A LEASE AGREEMENT MARVIN BRENEK FOR LEASE OF APPROXIMATELY 91 ACRES OF CITY-OWNED LAND LOCATED AT THE INTERSECTION OF PANDA DRIVE AND LORRAINE DRIVE AT A LEASE RATE OF \$15 PER ACRE/\$1,365 ANNUALLY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Marvin Brenek has requested to lease approximately 91 acres of City-owned property located at the intersection of Panda Drive and Lorraine Drive for farming uses, as set forth in Exhibit A attached hereto and incorporated herein;

Whereas, the lease term will run from November 22, 2013 to September 1, 2014 – Mr. Brenek will pay \$15 per acre, for a total rent payment of \$1,365 annually;

Whereas, the lease agreement allows for a 30-day termination clause should the lessee or the City desire to terminate the lease;

Whereas, the City will receive annual rent in the amount of \$1,365 which will be deposited into Account No. 795-0000-461-0253; 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 lease agreement with Marvin Brenek for lease of approximately 91 acres of City-owned land located at the intersection of Panda Drive and Lorraine Drive, as set forth in Exhibit A attached hereto and incorporated herein.

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

PASSED AND APPROVED this the **21st** day of **November**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/21/13
Item #5(J)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a lease agreement with the Law Office of Ginese Simmons-Gilbert, PLLC and the Law Office of Atonya McClain, PLLC, for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Law Office of Ginese Simmons-Gilbert, PLLC and the Law Office of Atonya McClain, PLLC ("Tenants") have requested to lease Suite 323 of the Temple Public Library for a period of one (1) year. The Lease will run from November 22, 2013 to November 21, 2014. Tenants will pay a security deposit of \$548 and will pay \$548 per month in rent.

FISCAL IMPACT: The City will receive annual rent of \$6,576. The rent will be deposited into account 110-0000-461-0937.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY OF TEMPLE AND THE LAW OFFICE OF GINESE SIMMONS-GILBERT, PLLC AND THE LAW OFFICE OF ATONYA MCCLAIN, PLLC, FOR SPACE IN THE E. RHODES AND LEONA B. CARPENTER FOUNDATION BUILDING (TEMPLE PUBLIC LIBRARY) AT A LEASE RATE OF \$548 PER MONTH/\$6,576 ANNUALLY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City currently owns and leases offices in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library);

Whereas, the Law Office of Ginese Simmons-Gilbert, PLLC and the Law Office of Atonya McClain, PLLC have requested to lease Suite 323 of the Temple Public Library for a period of one (1) year;

Whereas, staff recommends entering into a one (1) year lease with the Law Office of Ginese Simmons-Gilbert, PLLC and the Law Office of Atonya McClain, PLLC for office space in the E. Rhodes and Leona B. Carpenter Foundation Building (Temple Public Library);

Whereas, the lease agreement allows for a 30-day termination clause should the lessee or the City desire to terminate the lease;

Whereas, the lease term will run from November 22, 2013 to November 21, 2014 – tenants will pay a security deposit of \$548 and will pay a monthly rent of \$548;

Whereas, the City will receive annual rent in the amount of \$6,576 which will be deposited into Account No. 110-0000-461-0937; 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 (1) year lease agreement with the Law Office of Ginese Simmons-Gilbert, PLLC and the Law Office of Atonya McClain, PLLC for office space in the E. Rhodes and Leona B. Carpenter Foundation Building (Temple Public Library), as set forth in Exhibit A attached hereto and incorporated herein.

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

PASSED AND APPROVED this the **21st** day of **November**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/21/13
Item #5(K)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Phillip Melton, Planning Intern

ITEM DESCRIPTION: SECOND READING - Z-FY-13-34: Consider adopting an ordinance authorizing a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption where sales will be less than 75% of the gross revenue for a Longhorn Steakhouse Restaurant in the Gateway Center located at 4507 South General Bruce Drive.

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

Staff recommends approval of the requested Conditional Use where less than 75% of the gross revenue will be from the sale of alcoholic beverages with on-premise consumption for the following reasons:

1. The request is compatible with the Future Land Use and Character Map;
2. The applicant has demonstrated compliance with the specific standards in Section 5.3.15 of the UDC.

ITEM SUMMARY: The subject property is located on the southeast side of South General Bruce Drive between Gillmeister Lane and Mockingbird Lane. The property is addressed as 4507 South General Bruce Drive. The applicant, LuAron McCormack, proposes establishing a business where it is anticipated that less than 75% of the gross revenue will be from the sale of alcoholic beverages with on-premise consumption. As the applicant is proposing sales of alcoholic beverages other than beer and wine, a conditional use permit will be required. The property is zoned PD(GR) and the Future Land Use Plan designates this area as Auto-Urban Commercial. This Conditional Use Permit would be compatible with the zoning and the Future Land Use Plan.

Establishments with alcoholic beverage sales for on-premise consumption are subject to the standards in Section 5.3.15 of the UDC. A number of the standards applicable to this property have been identified and are discussed as follows:

Traffic Generation / Area Overcrowding: It is not anticipated that there will be an added substantial increase of traffic generation or overcrowding to the Gateway Center area.

Licensing from Texas Alcoholic Beverage Commission: The applicant must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code. This will be required within 6 months from the date of the issuance of the conditional use permit.

Parking: According to the applicant's site plan, 81 parking spaces will be provided, which is in accordance to the UDC Sec. 7.5.

Distance from Sensitive Uses: As provided by UDC Section 5.3.15C, the property is not located within 300 from a place of worship, elementary or secondary school, public hospital, public park, or any residentially zoned or developed lot. The closest distance to any of these listed uses is Harvest Church in the Gateway Center, which measured in a straight, direct line from the property line of the establishment to the door of Harvest Church, is approximately 340 feet.

The applicant has provided a site plan as required per UDC Section 3.5.2B. Staff has reviewed the use permit and the site plan which were considered by the DRC during their September 23, 2013 meeting. Based on the proposal, no issues were identified during the meeting. The applicant has applied for a building permit, and the approved site plan for the building permit will be included in the Ordinance if the conditional use permit is approved by City Council.

SURROUNDING PROPERTY AND USES: The following table shows the subject and surrounding properties existing zoning and current land uses:

<u>Direction</u>	<u>Zoning</u>	<u>Current Land Use</u>
Subject Property	GR	Currently Unoccupied
(N) IH-35	N/A	Freeway
(S) Gateway Center	GR	Retail Uses
(E) Gateway Center	GR	Retail Uses
(W) New Pool's Tires & Rims	GR	Service Uses

PUBLIC NOTICE: One notice of the Planning and Zoning Commission public hearing was sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. The notice was returned with no objection to the Conditional Use Permit.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Site Photos

Aerial Map

Site Plan

Buffer Notification Map

Returned Property Owner Notice

PZ Excerpts

Ordinance



South: Subject Property (in the foreground) and the Gateway Center



North: Interstate 35



East: Gateway Center



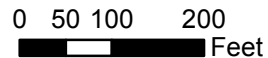
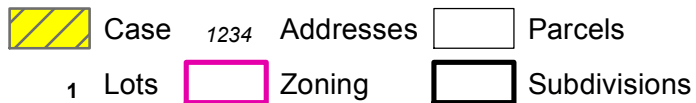
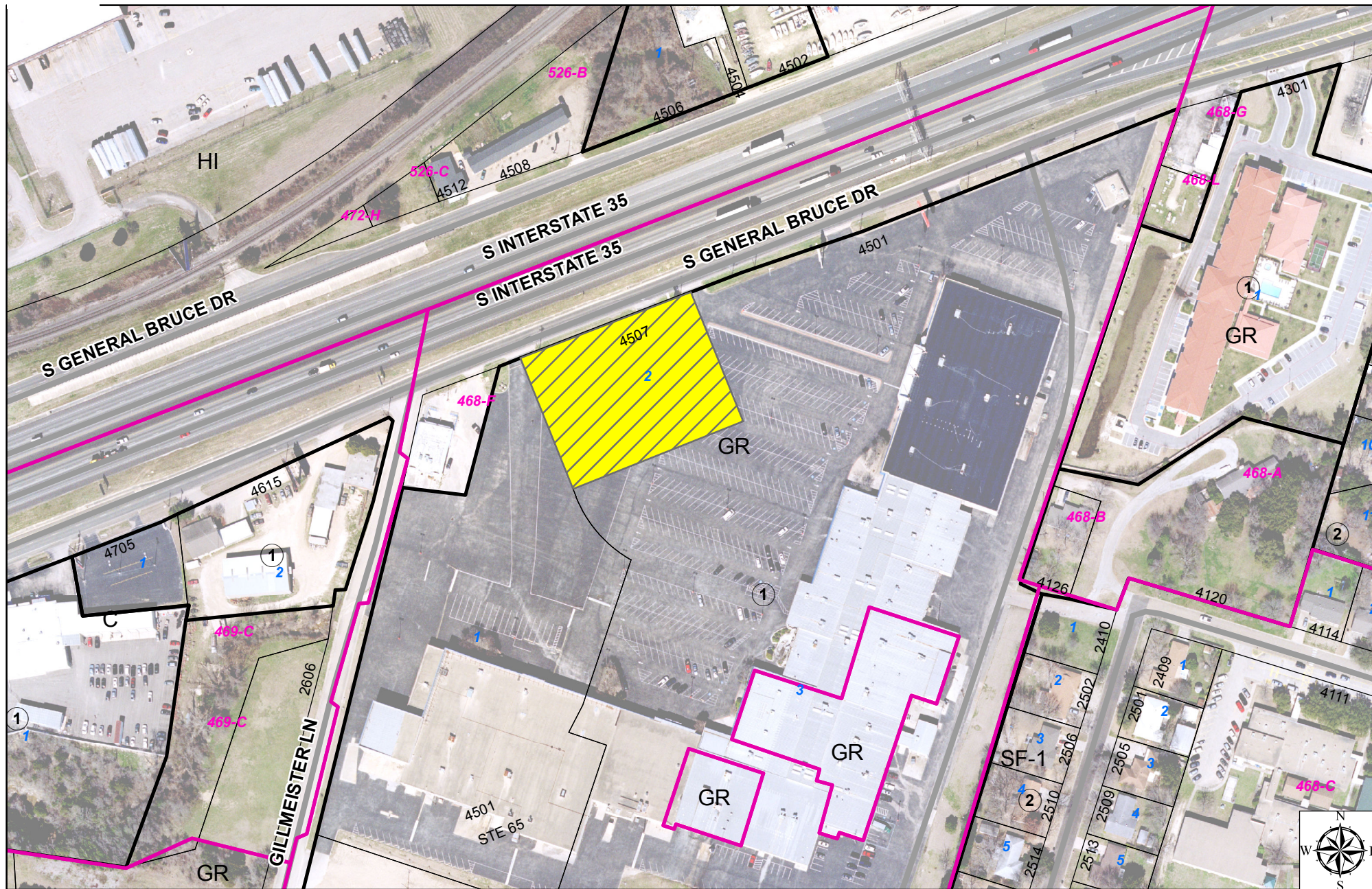
West: Gateway Center Parking Lot and New Pool's Tires and Rims



Z-FY-13-34

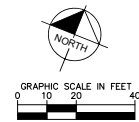
Conditional Use Permit



4507 S General Bruce Dr.



10/1/2013
City of Temple GIS

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



- McIntosh**
- 
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\$899.00 (for A-200
Series) **plus** \$25.00
plus \$2.50 per year
- K&A**
- Kimley-Horn and Associates, Inc.**
- 801 NW LOOP 415, SUITE 350
SAN ANTONIO, TEXAS 78216
PHONE: 210-514-1818
FAX: 210-514-1819
WWW.KIMLEY-HORN.COM
TYPE: FIRM NO. 502
- © 2013 KIMLEY-HORN AND ASSOCIATES, INC.
- KHA PROJECT # 0638070N
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- 95682
KIMLEY-HORN & ASSOCIATES, INC.
PROFESSIONAL ENGINEER
06/06/2013



Restaurant #:	13L0183
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AUTHORIZED FOR: PERMIT/ BID
TEMPLE, TX

C3.1

DIG TESS
CALL: 811 (local)
or 1-800-DIG-TESS
(@ least 72 hours prior to digging)

BENCHMARKS

BM 1
TRIANGLE CUBIT FOUND ON TOP OF CURB LOCATED ON WEST SIDE OF GILLMESPIER LAKE AND 80% SOUTH OF THE INTERSECTION OF S. GENERAL BRUCE DR. AND GILLMESPIER LAKE.
ELEV: 847.54

BM 2
COTTON BULLET FOUND ON THE SOUTH SIDE OF A POWER POLE ON THE SOUTH SIDE OF S. GENERAL BRUCE DR. 30% NORTHWEST OF THE INTERSECTION OF S. GENERAL BRUCE DR. AND GILLMESPIER LAKE.
ELEV: 851.51

BM 3
"X" SET ON THE SOUTHEAST CORNER OF A CURB INLET LOCATION ON THE SOUTH SIDE OF S. GENERAL BRUCE ROAD 34% NORTHWEST OF THE INTERSECTION OF S. GENERAL BRUCE DR. AND GILLMESPIER LAKE.
ELEV: 851.30

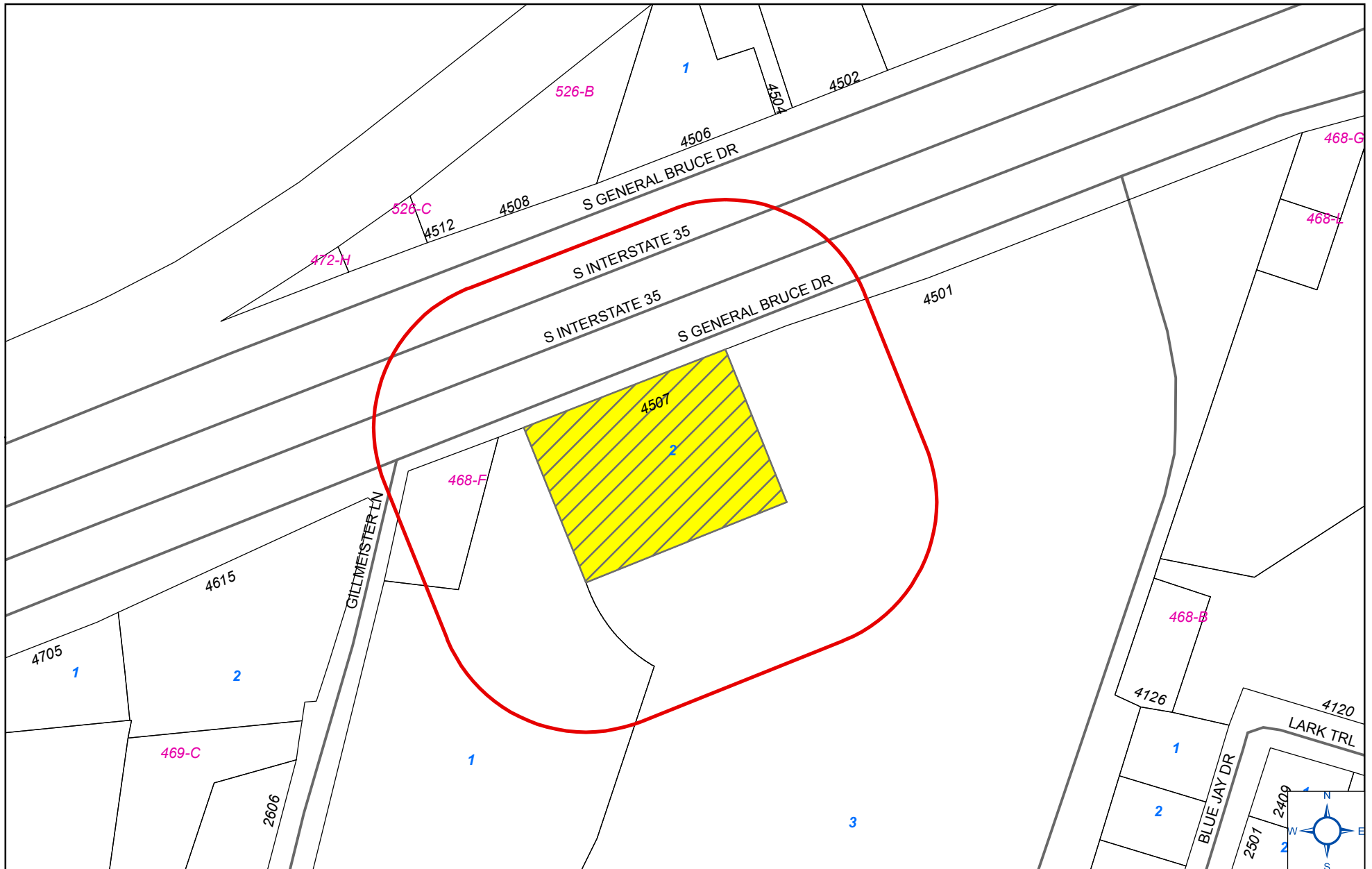
BM 4
"X" SET ON THE NORTHWEST CORNER OF A CONCRETE BASE ON A LIGHT POLE LOCATED 30% WEST OF THE EAST R.O.W. LINE OF GILLMESPIER LAKE AND 20% SOUTH OF THE SOUTH R.O.W. LINE OF S. GENERAL BRUCE DR.
ELEV: 851.71



Z-FY-13-34

Conditional Use Permit

4507 S. General Bruce Dr.



Cases

Historic Lot Lines

Lots

1



Buffer

Outblock

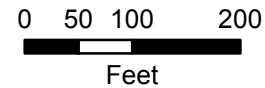
1234-A

Addresses

1234



Parcels



9/11/2013
City of Temple GIS
pmelton

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.



**RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT
CITY OF TEMPLE**

Mohammad Kayani
7208 Rick Drive
Temple, Texas 76701

Zoning Application Number: Z-FY-13-34

Project Manager: Phillip Melton

Location: 4507 South General Bruce Drive

The proposed request for a Conditional Use Permit is the area shown in hatched marking on the attached map. The Conditional Use Permit will allow the sale of alcoholic beverages for on-premise consumption in a restaurant. 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 Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have.

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

Comments:

*In my opinion Alcoholic is Bad for
Human. In my Religion is prohibited. Beside
These Two Things I have no objection.*


(Signature)

10-1-13

Mohammad Kayani
(Print Name)

Please mail or hand-deliver this comment form to the address shown below, no later than October 7, 2012.

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

RECEIVED

OCT 04 2013

City of Temple
Planning & Development

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

ACTION ITEMS

Item 3: Z-FY-13-34: Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption where sales will be less than 75% of the gross revenue for the Longhorn Steakhouse, on Lot 2, Block 1, Gateway Center, located at 4507 South General Bruce Drive. (LuAron McCormack for Jim Powell)

Mr. Phillip Melton, Planning Intern, stated the current site is vacant however, the applicant has submitted an application for a building permit. The Future Land Use and Character Map designate the area as Auto-Urban Commercial.

The property is zoned for GR and a CUP would be required as subject to Section 5.3.15 of the Unified Development Code (UDC).

Applicable standards from UDC Section 5.3.15 include traffic generation/area overcrowding, licensing from Texas Alcoholic Beverage Commission, parking, and distance from sensitive uses.

Surrounding properties include retail use to the south and east, I-35 to the north, and tire retail/service use to the west.

One notice was mailed and was returned in favor of the request.

Staff recommends approval of the requested CUP where less than 75% of the gross revenue will be from the sale of alcoholic beverages with on-premise consumption for the following reasons:

The request is compatible with the Future Land Use & Character Plan which identifies this area as Auto-Urban Commercial; and

The applicant has demonstrated compliance with the specific standards in Section 5.3.15 of the UDC

Commissioner Pitts stated he had concerns about traffic on Bluejay.

Ms. Kim Foutz, Acting Director of Planning, stated the Gateway Center went in through the City Council and had a number of exemptions they requested. This is just a pad site with it. City Council did have discussions about the traffic on Bluejay as well as Gillmeister and they provided an exception for sidewalks on Gillmeister.

Vice-Chair Rhoads asked if the church located there would be going away. Ms. Foutz stated the church was moving outside of the center off of Gillmeister to the south. The measurement for alcohol beverage would not be within the area regulated or be a proximity problem.

Vice-Chair Rhoads opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Magaña made a motion to approve Item 3, Z-FY-13-34, and Commissioner Jones made a second.

Motion passed: (6:0)

Chair Sears and Commissioner Staats absent

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION, WHERE SALES WILL BE LESS THAN 75% OF THE TOTAL GROSS REVENUE FOR A LONGHORN STEAKHOUSE RESTAURANT IN THE GATEWAY CENTER, LOCATED AT 4507 SOUTH GENERAL BRUCE DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the location and zoning classification of the establishment, has recommended that the City Council approve this application; and

Whereas, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted concerning the establishment at 4507 South General Bruce Drive, and has heard the comments and evidence presented by all persons supporting or opposing this matter at said public hearing, and after examining the location and the zoning classification of the establishment finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

Part 1: The City Council approves a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption where sales will be less than 75% of the gross revenue for a Longhorn Steakhouse Restaurant in the Gateway Center located at 4507 South General Bruce Drive, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The owners/applicants, their employees, lessees, agents or representatives, hereinafter called "permittee" shall comply with the following developmental standards and conditions of operation:

- (a) The landscaping plan meets the minimum requirements, however, it is subject to change and staff will offer to bring it back for review if necessary.
- (b) The sale and consumption of alcoholic beverages shall occur only within the designated area, in accordance with the site plan attached as Exhibit B.
- (c) The permittee must design and operate the establishment in such a manner that the proposed use or actual use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
- (d) The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within six (6) months from the date of the issuance of the conditional use permit by the City Council, such limitation in time being subject to review and possible extension by the City.
- (e) The permittee bears the burden of showing that the establishment does not exceed the limitation on gross receipts from sales of alcoholic beverages applicable to its conditional use permit. The permittee must maintain accounting records of the sources of its gross revenue and allow the City to inspect such records during reasonable business hours.
- (f) The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
- (g) The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment premises to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee shall consult with the Chief of Police, who shall act in an advisory capacity to determine the number of qualified employees necessary to meet his obligations hereunder.
- (h) The establishment must provide adequate parking spaces to accommodate its members and their guests. Provided, however, the number of parking spaces shall never be less than those required for similar uses in that zoning district where the establishment is located.
- (i) The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.
- (j) The City Council may deny or revoke a conditional use permit if it affirmatively determines that the issuance of the same is (a) incompatible with the surrounding uses of property, or (2) detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
- (k) A conditional use permit issued under this section runs with the property and is not affected by a change in the owner or lessee of a permitted establishment.

- (1) All conditional use permits issued under this section will be further conditioned that the same may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-609.

Part 3: The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

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

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

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

PASSED AND APPROVED on Second Reading on the 21st day of **November**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/21/13
Item #5(L)
Consent Agenda
Page 1 of 4

DEPT. / DIVISION SUBMISSION & REVIEW:

Mark Baker, Planner

ITEM DESCRIPTION: SECOND READING - Z-FY-13-35: Consider adopting an ordinance authorizing a zone change from General Retail District (GR), Single-Family Two District (SF-2), and Planned Development District (PD-GR) to General Retail District (GR) on 29.953 ± acres of land situated in the Nancy Chance Survey, Abstract No. 5, City of Temple, Bell County, Texas, located at the southeast corner of West Adams Avenue and Old Waco Road.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its October 7, 2013 meeting, the Planning & Zoning Commission voted 6 to 0 to recommend approval of the zone change from General Retail (GR), Single-Family Two (SF-2) and Planned Development (PD-GR) to General Retail (GR) for the above described property.

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

Based on the following discussion, staff recommends approval for a zone change from GR, SF-2 & PD-GR to GR for the following reasons:

1. The proposed zoning is consistent with the Future Land Use Map which identifies this area as Suburban Commercial;
2. The request complies with the Thoroughfare Plan;
3. The proposed zoning is compatible with the surrounding uses; and
4. Public facilities are available to serve the subject property.

ITEM SUMMARY: According to the City of Temple Comprehensive Plan / Future Land Use Plan (FLUP), the property's current Suburban Commercial land use designation is appropriate for office, retail and services uses adjacent to and abutting residential neighborhoods and in other areas where the community's image and aesthetic value is to be promoted, such as "gateways" and high-profile corridor locations. The land use classification is characterized by extensive landscaping and /or open space. The architectural style of buildings, roof, signage and lighting also contribute to a suburban character. The request to a General Retail zoning district (GR) complies with the FLUP. In addition,

the GR zoning designation is compatible with the adjacent land use and will continue the non-residential pattern of development in the immediate area.

The requested GR zoning district is the standard retail district and allows most retail uses including retail sales, restaurants, grocery stores, department stores, or offices and residential uses except apartments. The GR zoning district is intended to serve larger service areas than neighborhoods. The district should be located at the intersection of major arterials and should provide total on-site traffic, maneuvering such that traffic entering and exiting the facility should have room to turn, stack and park within the confines of the retail facility. Adjoining zoning districts should be carefully selected to reduce environmental conflicts.

Although it is anticipated the property will be developed with general retail uses, there are a number of uses that are permitted by right. Those uses include but are not limited to:

Residential uses

Single-Family Dwelling
Duplex
Convent or monastery

Nonresidential uses

Veterinary Hospital (No kennels)
Electrical substation (high voltage bulk power)
Minor vehicle servicing

Prohibited uses include HUD-Code manufactured homes and land lease communities, apartments, boat sales or storage, welding or machine shop, storage warehouse and major vehicle repair. All industrial uses are prohibited, except industrial uses allowed by an approved conditional use permit (i.e. temporary asphalt concrete batching plants).

SURROUNDING PROPERTY AND USES: The following table provides the direction from the property, Future Land Use Plan (FLUP) designation, existing zoning and current land uses:

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Suburban Commercial	GR, PD-GR & SF-2	Undeveloped
North	Suburban Commercial	AG, O-1 & GR	Undeveloped & Commercial Dev.
South	Suburban Commercial	AG	Undeveloped & Scattered SF Residences
East	Suburban Commercial	PD-GR & SF-2	Mini Storage & SF Residences (Crescent View Subdivision).
West	Suburban Commercial	AG, GR & SF-3	Undeveloped & Scattered SF Residences & Dev. (Meadows Subdivision)

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

Document	Policy, Goal, Objective or Map		Compliance
CP	Map 3.1 - Future Land Use and Character (FLUP)	Suburban Commercial is identified for the subject property as well as identified for the immediate and surrounding area. GR zoning is a compatible zoning district and consistent with the Suburban Commercial FLUP designation.	Y
CP	Map 5.2 - Thoroughfare Plan	The subject property will take access from both W. Adams Ave and Old Waco Road. W. Adams Ave is a major arterial and Old Waco is a proposed major arterial as well as the proposed "Outer Loop". In addition to both roads meeting arterial standards, Old Waco Road will require a 120' ROW.	Y
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Water is available to the subject property through a 14" and 4" water line in W. Adams Ave and a 24" water line in Old Waco Road. Sewer is available through an 18" sewer line in W. Adams Ave and a 10" sewer line in Old Waco Road.	Y
STP	Temple Trails Master Plan Map & sidewalks	Master Plan Map has identified a City-Wide Spine Trail in Old Waco Road. Sidewalks are required on both sides of arterials per UDC section 8.2.3.	Required (Addressed through Plat)

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

DEVELOPMENT REGULATIONS: Standard non-residential setbacks in the GR district are:

Minimum lot size	-	N/A
Minimum Lot Width	-	N/A
Minimum Lot Depth	-	N/A
Front Yard Setback	-	15'
Side Yard Setback	-	10'
Corner Side Setback	-	10'
Rear Yard Setback	-	0'

Per UDC Section 4.4.4F.3a, a minimum 10' rear setback is required where a non-residential use abuts a residential zoning district or use.

In addition, any proposed non-residential development will be subject to the general development standards prescribed in UDC Section 7. This section provides for standards for access, circulation, sidewalks, landscaping, off-street parking, signage, screening, buffering and exterior building materials. While several of these items will be addressed through the anticipated plat, the remainder will be addressed through the Construction Document review phase of development.

PUBLIC NOTICE: Nineteen notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Tuesday October 29, 2013 at 10:00 AM, 4 notices for approval, 1 notice for disapproval and 3 listed as undeliverable have been returned.

The newspaper printed notice of the Planning and Zoning Commission public hearing on September 26, 2013, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Subject and Surrounding Property Photos
Zoning Map
Future Land Use and Character Map
Surrounding Use, Zoning & Future FLUP
Buffer Notification Map
Returned Property Owner Notices
PZ Excerpts
Ordinance

Site & Surrounding Property Photos



Site: Undeveloped - Looking South



Site: Undeveloped - Looking West from the Red Barn Mini Storage Property



West: Developed – Texas Partners Federal Credit Union



West: Undeveloped - Across Old Waco Road



East: Developed - Red Barn Mini Storage



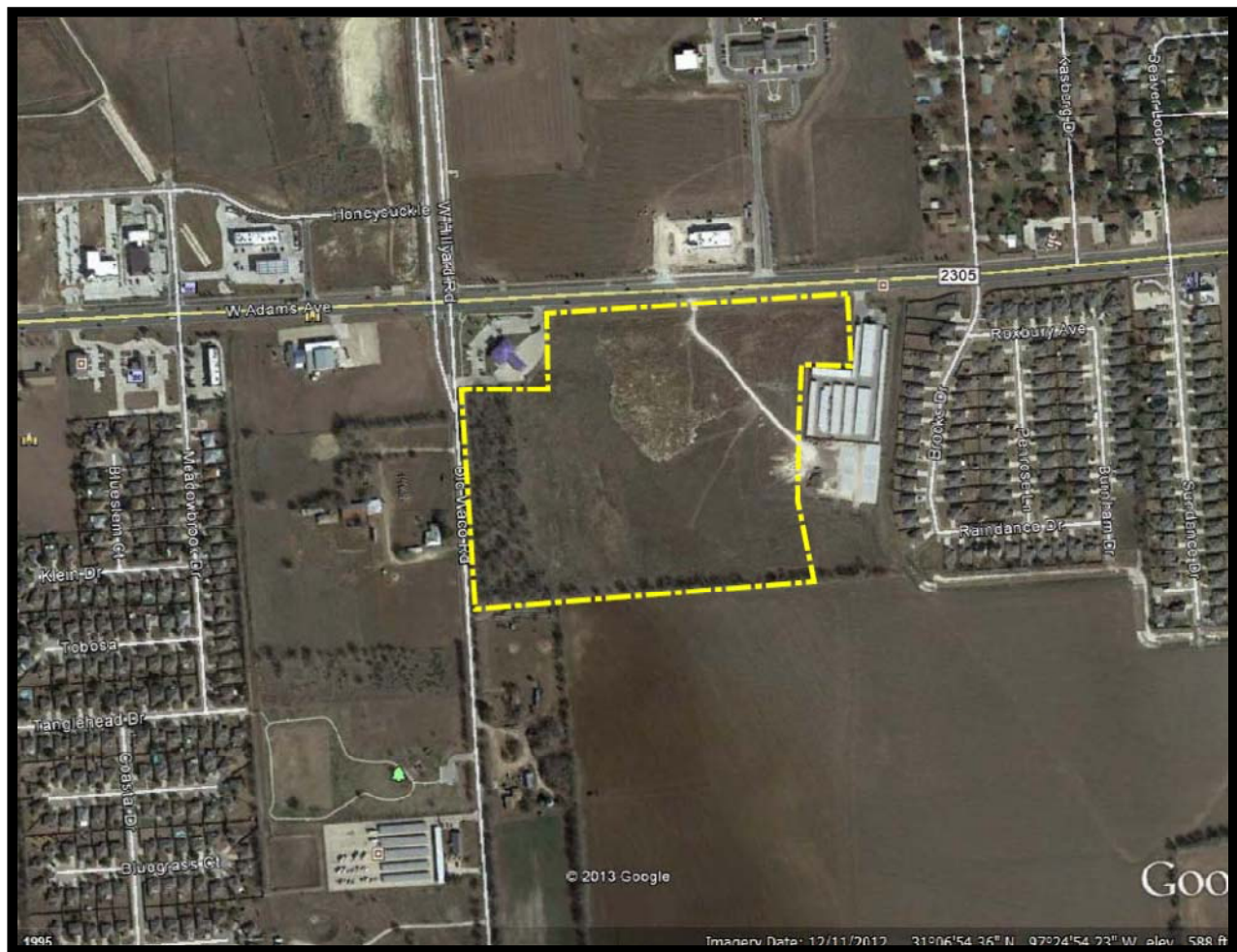
East: Developed - Mini Storage and Single Family Residences



North: Developed & Undeveloped Land

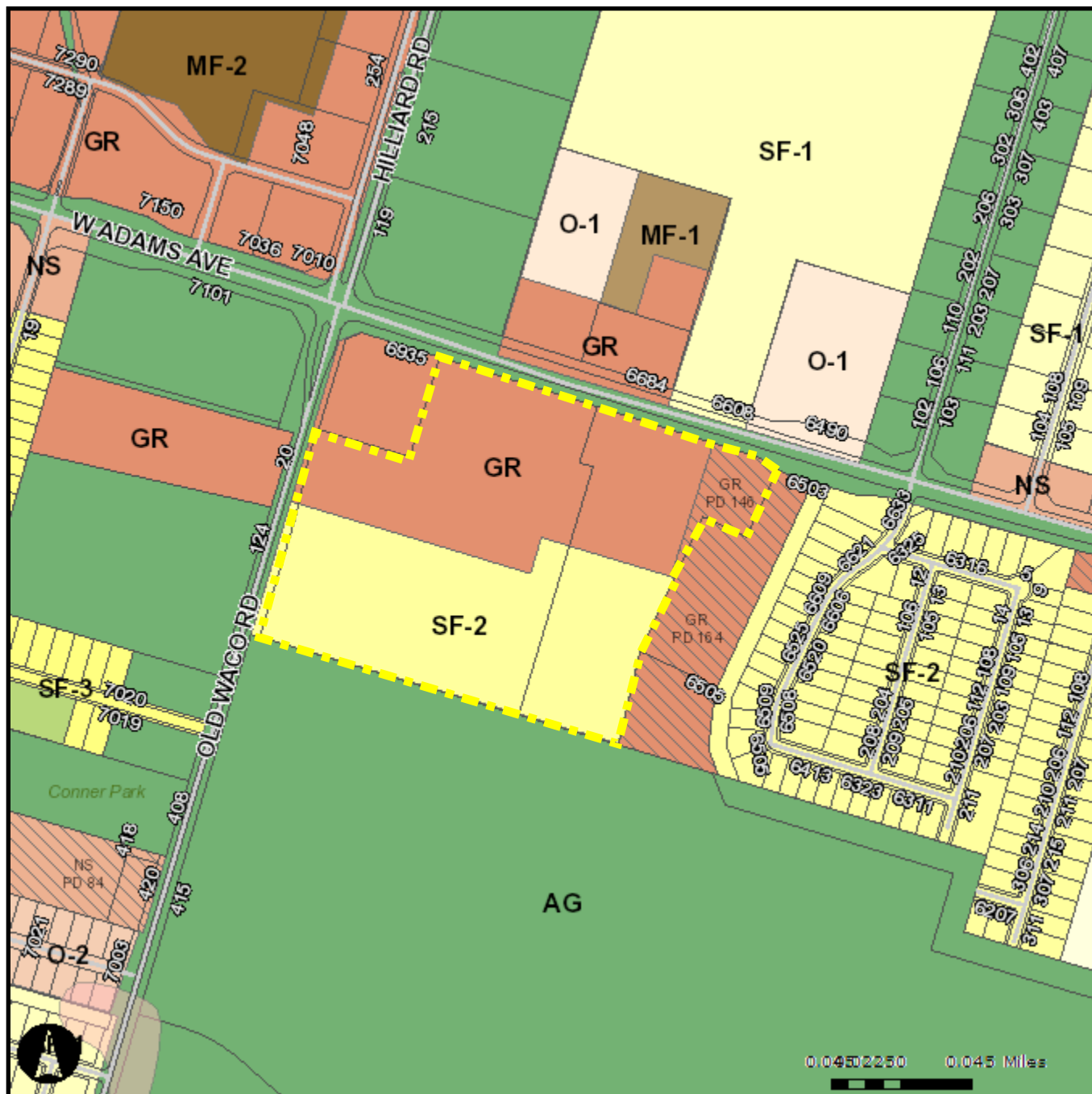


North: Holy Trinity Catholic High School



South: Aerial Map showing area to the south of project site as primarily undeveloped

Map

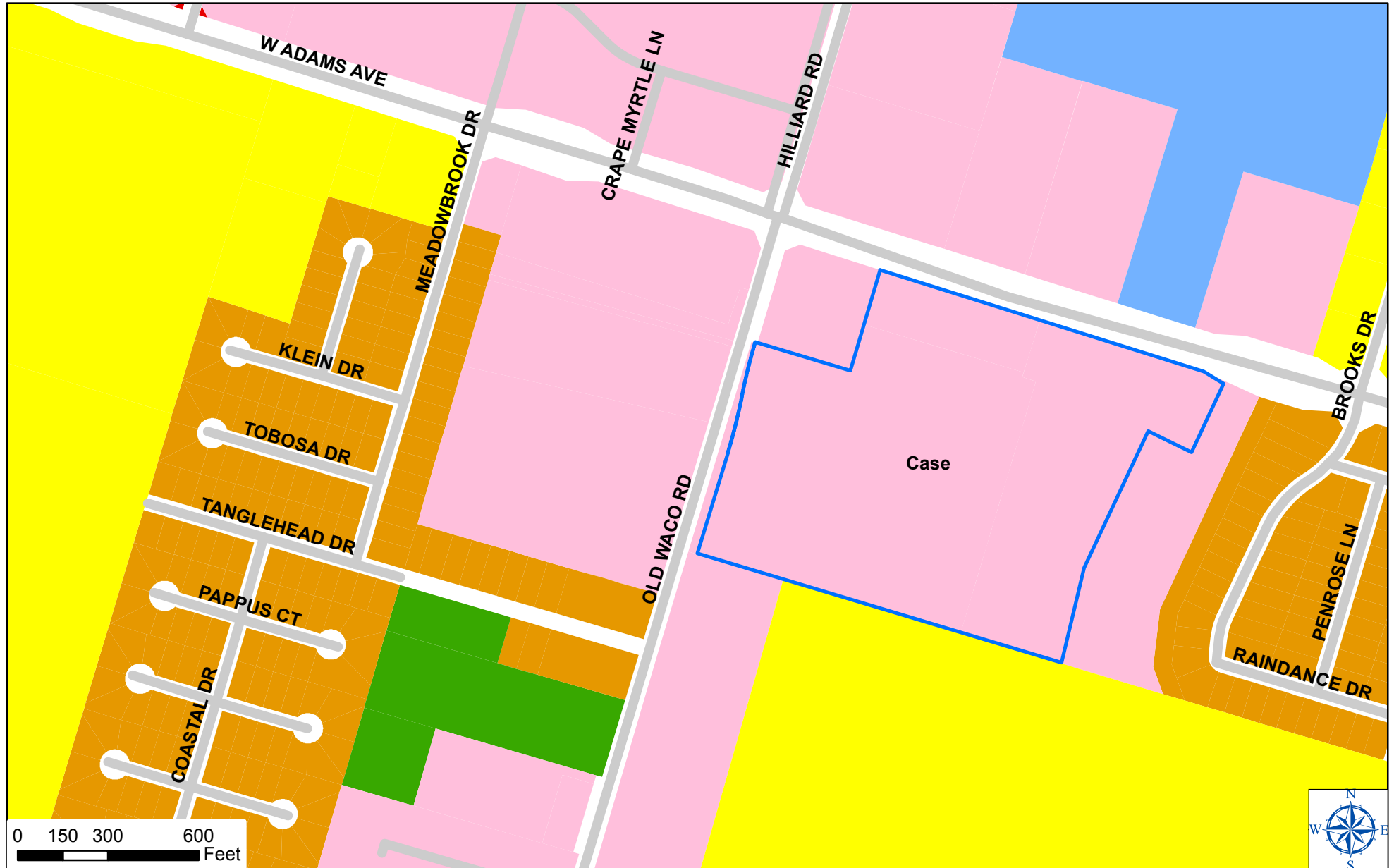




Z-FY-13-35

Zone Change
GR, PD-GR & SF-2 to GR

SEC W. Adams Ave.
& Old Waco Rd.



Future Land Use

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

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

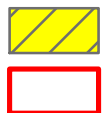
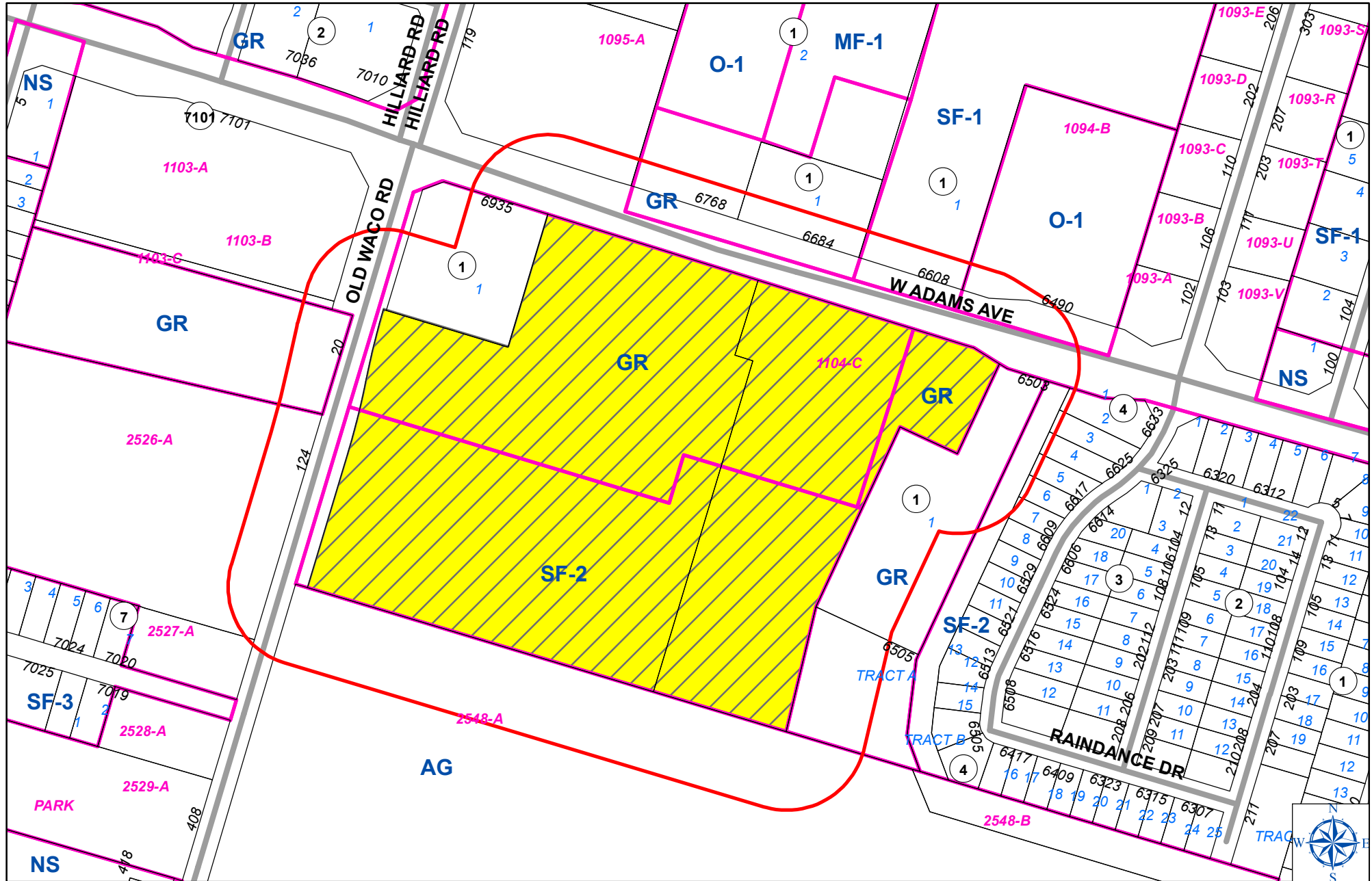
9/13/2013
City of Temple GIS



Z-FY-13-35

GR, GR-PD & SF-2 to GR

SEC W. Adams Ave.
& Old Waco Rd.



Case

Zoning

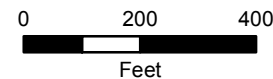
200' Buffer

Outblock Number

Address

Block Number

Lot Number



9/17/2013
City of Temple GIS
mbaker

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.



**RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE**

Big Red Barn III Ltd
P.O. Box 148
Killeen, Texas 76540-148

Zoning Application Number: Z-FY-13-35

Project Manager: Mark Baker

Location: Southeast Corner of Adams Avenue and Old Waco Road

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

I recommend ☒ approval () denial of this request.

Comments:


Signature

Colette Marshall
Print Name

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

City of Temple
Planning Department
Room 102
Municipal Building
Temple, Texas 76501

RECEIVED
OCT 03 2013
City of Temple
Planning & Development



**RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE**

Texas Partners Federal Credit Union
1011 Wales Drive
Killeen, Texas 76549

Zoning Application Number: Z-FY-13-35

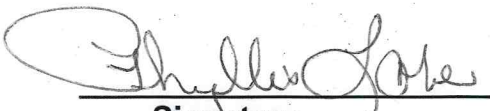
Project Manager: Mark Baker

Location: Southeast Corner of Adams Avenue and Old Waco Road

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

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

Comments:


Signature

Phyllis Love
Print Name

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

City of Temple
Planning Department
Room 102
Municipal Building
Temple, Texas 76501

RECEIVED

OCT 03 2013

City of Temple
Planning & Development



**RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE**

Dretchen Dye
6613 Brooks Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-13-35 **Project Manager:** Mark Baker

Location: Southeast Corner of Adams Avenue and Old Waco Road

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

I recommend () approval ☒ denial of this request.

Comments:



Signature

DRETCHEN DYE

Print Name

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

City of Temple
Planning Department
Room 102
Municipal Building
Temple, Texas 76501

RECEIVED
OCT 03 2013

Number of Notices Mailed: 17

Date Mailed: September 26, 2013

City of Temple
Planning & Development



**RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE**

Lisa Joshlin
486 Valley Drive
Moody, Texas 76557

Zoning Application Number: Z-FY-13-35

Project Manager: Mark Baker

Location: Southeast Corner of Adams Avenue and Old Waco Road

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

I recommend ☒ approval () denial of this request.

Comments:



Signature



Print Name

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

City of Temple
Planning Department
Room 102
Municipal Building
Temple, Texas 76501

RECEIVED

OCT 04 2013

Number of Notices Mailed: 17

Date Mailed: September 26, 2013

City of Temple

Planning & Development



**RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE**

Mary E. McDonald
1846 Hollister St, Apt 15
Houston, Texas 77080

Zoning Application Number: Z-FY-13-35

Project Manager: Mark Baker

Location: Southeast Corner of Adams Avenue and Old Waco Road

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

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

Comments:

no objections

M E McDonald
Signature

Mary McDonald
Print Name

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

City of Temple
Planning Department
Room 102
Municipal Building
Temple, Texas 76501

RECEIVED

OCT 07 2013

City of Temple
Planning & Development

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

ACTION ITEMS

Item 2: Z-FY-13-35: Hold a public hearing to discuss and recommend action on a zone change from General Retail District (GR), Single-Family Two District (SF-2), and Planned Development District (PD-GR) to General Retail District (GR) on 29.953 ± acres of land situated in the Nancy Chance Survey, Abstract No. 5, City of Temple, Bell County, Texas, located at the southeast corner of West Adams Avenue and Old Waco Road. (Michael Beevers for Bill Barge)

Mr. Mark Baker, Planner, stated this item would go forward to City Council for first reading on November 7th and second reading on November 21st.

This is a zone change from General Retail (GR) Planned Development General Retail (PD-GR) and Single Family-Two (SF-2) to a straight GR zoning and the Future Land Use and Character Map identifies the property as Suburban-Commercial District.

A 14-inch and four-inch water lines are available in West Adams Avenue and there is a 24-inch water line available in Old Waco Road. An 18-inch sewer line is available in West Adams and a 10-inch sewer line in Old Waco Road.

The surrounding properties and uses include the following: both developed and undeveloped property to the north, mini-storage and some single family residential to the east, a combination of developed and undeveloped to the west, and undeveloped land to the south.

The allowed and prohibited uses are given along with the development regulations comparisons.

Seventeen notices were mailed out with four returned in favor of the request and one in opposition.

Staff recommends approval of the request for a zone change from “GR”, “PD-GR” and “SF-2” to “GR” for the following reasons:

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

The request complies with the Thoroughfare Plan;

The proposed zoning is compatible with the surrounding uses; and

Public facilities are available to serve the subject property.

Commissioner Johnson asked what the original PD was on the property. Mr. Baker said he believed it was primarily for the mini-storage, but would have to research to see what was put in the PD.

Vice-Chair Rhoads opened the public hearing.

Mr. Mike Beevers, 5101 FM 439, Belton, Texas, stated he was present on behalf of the applicant. Mr. Beevers responded to what was on the original PD and stated the tract was purchased in 2005 and the subject of the mini-storage came up. At that time, Staff recommended it be done under a PD zoning to accommodate the mini-storage rather than come in with GR and come back with a Conditional Use Permit (CUP). The balance of the tract was zoned in anticipation of duplexes or some other low impact, multi-family development.

There being no further speakers, Vice-Chair Rhoads closed the public hearing.

Commissioner Jones made a motion to approve Item 2, Z-FY-13-35, and Commissioner Magaña made a second.

Motion passed: (6:0)

Chair Sears and Commissioner Staats absent

ORDINANCE NO. _____

[PLANNING NO. Z-FY-13-35]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM GENERAL RETAIL DISTRICT (GR), SINGLE-FAMILY TWO DISTRICT (SF-2), AND PLANNED DEVELOPMENT DISTRICT (PD-GR), TO GENERAL RETAIL DISTRICT (GR) ON APPROXIMATELY 29.953 ACRES OF LAND SITUATED IN THE NANCY CHANCE SURVEY, ABSTRACT 5, LOCATED AT THE SOUTHEAST CORNER OF WEST ADAMS AVENUE AND OLD WACO ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from General Retail District (GR), Single-Family Two District (SF-2), and Planned Development District (PD-GR) to General Retail District (GR) on approximately 29.953 acres of land situated in the Nancy Chance Survey, Abstract No. 5, City of Temple, Bell County, Texas, located at the southeast corner of West Adams Avenue and Old Waco Road, 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 **November**, 2013.

PASSED AND APPROVED on Second Reading on the 21st day of **November**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/21/13
Item #5(M)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

David A. Blackburn, City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing the Police Department to apply for and accept funding for the G.R.E.A.T. Foundation, Inc. Training Travel Grant available through funds provided by Motorola Solutions, Inc.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This funding would allow us to send 2 of our new School Resource Officers to the G.R.E.A.T. training in Phoenix, Arizona on December 8 till December 18, 2013. The grant will reimburse us for their airfare and meals. The G.R.E.A.T. Training provides free lodging and registration.

FISCAL IMPACT: The cost to send the 2 officers would be approximately \$2,108. \$100 of the total cost for baggage fees cannot be reimbursed through the grant. This expense will be taken out of 110-2020-521-25-14. A budget adjustment is presented for Council's approval appropriating the expenditures to the Travel & Training account 110-2020-521-25-14 and appropriating revenue to the Police Revenue account 110-0000-442-07-20 in the amount of \$2,008.

ATTACHMENTS:

[Budget Adjustment
Resolution](#)

FY **2014****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	
110-2020-521-25-14		Travel & Training	\$ 2,008			
110-0000-442-07-20		Police Revenue	2,008			
TOTAL.....			\$ 4,016		\$ -	

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

Appropriate expenditures and revenue related to the G.R.E.A.T. Foundation Inc. Training Travel Grant. Funds would be used to allow two School Resource Officers to attend the G.R.E.A.T. training in Phoenix, Arizona.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

11/21/2013

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 THE CITY MANAGER TO APPLY FOR AND ACCEPT FUNDING FOR A G.R.E.A.T. FOUNDATION, INC. TRAINING TRAVEL GRANT (GANG RESISTANCE EDUCATION AND TRAINING) THROUGH FUNDS PROVIDED BY MOTOROLA SOLUTIONS, INC.; AUTHORIZING ACCEPTANCE OF THE GRANT FUNDS, IF AWARDED; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, this grant will allow the Temple Police Department to send three (3) new School Resource Officers to the G.R.E.A.T. training in Phoenix, Arizona;

Whereas, these funds will reimburse the City for airfare and meals – the G.R.E.A.T. training program provides free lodging and registration;

Whereas, the City will be eligible to receive \$2,008 in grant funds with no City match required; and

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

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

Part 1: The City Manager, or his designee, is authorized to execute an application to the for the G.R.E.A.T. Foundation, Inc. Training Travel Grant (Gang Resistance Education and Training) in the amount of \$2,008.

Part 2: The City Manager is authorized to execute any documents which may be necessary for this purpose, after approval as to form by the City Attorney.

Part 3: The City of Temple accepts any grant funds which may be awarded for a G.R.E.A.T. Foundation, Inc. Training Travel Grant (Gang Resistance Education and Training) grant.

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

PASSED AND APPROVED this the **21st** day of **November**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/21/13
Item #5(N)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Denny Hainley, Benefits Specialist

ITEM DESCRIPTION: Consider adopting a resolution authorizing payment for the FY 12-13 medical/prescription insurance Administration Run-Off period with BlueCross Blue Shield of Texas in the amount of \$29,960.64.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The trustees of the City of Temple Employee Benefits Trust awarded BlueCross BlueShield of Texas the contract to provide self-funded medical/prescription insurance for current employees and under age 65 retirees for FY 12-13. Included in that contract was a provision for BCBS to provide a run-off administration period for claims incurred in FY 12-13 but not processed until FY 13-14.

The rate for the run-off administration period is calculated by multiplying the number of employees enrolled in July, August and September by \$16.48. Council's authorization of the payment for the run-off administrative rate will complete the City's contractual obligation with BlueCross BlueShield for self-funded medical/prescription insurance.

<u>FISCAL IMPACT:</u>	Budgeted amount: \$30,000 in account 650-2700-515-2623
July 2013	607 members x \$16.48 = \$10,003.36
August 2013	602 members x \$16.48 = \$ 9,920.96
September 2013	609 members x \$16.48 = <u>\$10,036.32</u>
TOTAL	<u>\$29,960.64</u>

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING PAYMENT FOR THE FISCAL YEAR 2012-2013 MEDICAL/PRESCRIPTION INSURANCE ADMINISTRATION RUN-OFF PERIOD WITH BLUECROSS BLUE SHIELD OF TEXAS, IN THE AMOUNT OF \$29,960.64; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the trustees of the City of Temple Employee Benefits Trust awarded the contract to BlueCross BlueShield of Texas to provide self-funded medical/prescription insurance for current employees and under age 65 retirees for fiscal year 2012-2013;

Whereas, included in the contract was a provision for BlueCross BlueShield to provide a run-off administration period for claims incurred in fiscal year 2012-2013 but not processed until fiscal year 2013-2014;

Whereas, City Council's authorization of payment for the run-off administrative rate will complete the City's contractual obligation with BlueCross Blue Shield for self-funded medical/prescription insurance;

Whereas, funding is available in Account No. 650-2700-515-2623; and

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

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

Part 1: The City Council authorizes payment for the fiscal year 2012-2013 medical/prescription insurance Administration Run-Off period with BlueCross BlueShield of Texas in the amount of \$29,960.64.

Part2: 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 **21st** day of **November**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/07/13
Item #5(O)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution approving fourth quarter financial results for the fiscal year ended September 30, 2013.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item will present in detail the Fiscal 2012/2013 year end results for the General Fund, Water & Sewer Fund, Hotel/Motel Tax Fund, Drainage Fund, Internal Service Fund and the Reinvestment Zone No. 1 Fund as of September 30, 2013.

Included with these 4th quarter results will be various schedules detailing construction contracts, grants, sales tax, capital projects and investments.

As in the past years, we do not feel that there will be any significant variances of ending balances shown here when compared with the final audited financial reports. Final audited reports will be presented to the City Council in February 2014.

FISCAL IMPACT: These reports will establish year-end allocations of fund balances for all funds upon acceptance by the City Council.

ATTACHMENTS:

Quarterly Financial Statements (Dropbox)

[Resolution](#)

RESOLUTION NO. _____

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

Whereas, the fiscal year 2012-2013 year end results for the General Fund, Water & Sewer Fund, Hotel/Motel Tax Fund, Drainage Fund, Internal Service Fund and the Reinvestment Zone No. 1 Fund need to be approved by the City Council;

Whereas, included in the fourth quarter results are various schedules detailing construction contracts, grants, sales tax, capital projects and investments; and

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

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

Part 1: The City Council approves the fourth quarter fiscal year 2012-2013 financial results, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED this the **21st** day of **November**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/21/13
Item #5(P)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing the carry forward of FY 2012-2013 funds to the FY 2013-2014 budget and consider adopting a resolution authorizing budget adjustments for FY 2012-2013.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This agenda item will recognize and carry forward to fiscal year 2013-2014 outstanding purchase orders and contracts that were not completed at the end of fiscal year 2012-2013. These items will be received or completed during fiscal year 2014. Also, all unencumbered Community Development funds and ongoing Capital Projects will be carried forward to fiscal year 2014.

We are also presenting some “clean up” budget adjustments for fiscal year 2013 that need Council approval. These items were identified after the end of the fiscal year, but were not presented to Council prior to September 30, 2013.

Line item expenditure accounts in the fiscal year 2014 budget will be amended to reflect fiscal year 2013 funds that will be carried forward. The total of all expenditure-related carry forwards is \$97,078,814. The total of all expenditure-related carry forwards from prior fiscal year was \$81,592,682. The increase compared to the prior year is due to the issuance of bond proceeds on projects funded in the Capital Improvement Program. Revenue carry forwards related to TXDOT reimbursements, Capital Projects and Federal/State Grant funding, detailed on the attachment, total \$16,715,730.

Itemization by fund is as follows:

<u>Fund</u>	<u>Carry Forward</u>
General Fund	\$ 2,340,635
Hotel/Motel Tax Fund	170,042
Federal/State Grant Fund	8,350,693
Pass Through Financing Fund	26,568,251
Drainage Fund	2,111
Capital Projects	2,271,951
Bond Projects	14,541,821
Water & Sewer Fund	13,202,189
Reinvestment Zone No. 1	<u>29,631,121</u>
Total Carry Forwards	<u>\$97,078,814</u>

FISCAL IMPACT: The fiscal impact will not change the fiscal year results presented in the agenda item detailing year end financial results for FY 2013.

ATTACHMENTS:

[Carry Forward to FY 2013/2014](#)
[Budget Adjustment for FY 2012/2013](#)
[Resolution](#)

CITY OF TEMPLE, TEXAS
PRIOR YEAR ENCUMBRANCES, UNENCUMBERED AMOUNTS & CONTRACTS
CARRY FORWARD TO FY 2013-2014

ACCOUNT #	DESCRIPTION	PROJECT #	APPROPRIATION	
			DEBIT	CREDIT
	GENERAL FUND			
110-1022-511.26-16	PROFESSIONAL		\$ 6,000.00	
110-1122-513.26-16	PROFESSIONAL		1,555.00	
110-1132-513.25-11	PRINTING & PUBLICATIONS		5,000.00	
110-1133-513.25-10	CONTRIBUTION & PRIZES		960.00	
110-1133-513.25-11	PRINTING & PUBLICATIONS		50.00	
110-1200-515.26-16	PROFESSIONAL		7,519.00	
110-1200-515.26-23	OTHER CONTRACTED SERVICES		2,000.00	
110-1200-515.26-30	BANKING FEES		6,000.00	
110-1300-515.25-11	PRINTING & PUBLICATIONS		75.00	
110-1400-511.22-10	FURNITURE & FIXTURES		1,248.00	
110-1400-511.26-23	OTHER CONTRACTED SERVICES		468.00	
110-1500-515.26-92	EMERGENCY REHAB		840.00	
110-1500-515.26-95	SIZ PROGRAM		261,047.00	
110-1600-512.22-10	FURNITURE & FIXTURES		2,804.00	
110-1700-519.21-10	OFFICE SUPPLIES		800.00	
110-1700-519.21-12	FOOD ITEMS/SUPPLIES		500.00	
110-1700-519.22-21	COMPUTER EQUIPMENT		700.00	
110-1700-519.26-16	PROFESSIONAL		20,440.00	
110-1700-519.26-23	OTHER CONTRACTED SERVICES		17,376.00	
110-1700-519.62-21	COMPUTER SOFTWARE	100888	19,822.00	
110-1800-525.21-10	OFFICE SUPPLIES		1,375.00	
110-1932-519.26-10	TELEPHONE		26,803.00	
110-1951-519.23-38	REPAIR & MAINTENANCE		1,300.00	
110-1982-519.23-38	REPAIR & MAINTENANCE		3,425.00	
110-2011-521.21-36	PUBLIC SAFETY EXPENDITURES		5,741.00	
110-2020-521.25-33	DARE EXPENSES		4,944.00	
110-2031-521.21-13	CLOTHING & UNIFORMS		1,118.00	
110-2031-521.62-13	AUTOMOTIVE	100889	359,060.00	
110-2032-521.21-13	CLOTHING & UNIFORMS		625.00	
110-2041-521.25-38	CRIME VICTIM EXPENDITURES		254.00	
110-2057-521.21-21	FIREARMS/MUNITIONS		2,508.00	
110-2210-522.23-36	REPAIR & MAINTENANCE		225.00	
110-2210-522.25-13	SPECIAL SERVICES		861.00	
110-2231-522.21-13	CLOTHING & UNIFORMS		3,762.00	
110-2231-522.23-31	REPAIR & MAINTENANCE		9,157.00	
110-2231-522.23-36	REPAIR & MAINTENANCE		460.00	
110-2232-522.23-36	REPAIR & MAINTENANCE		225.00	
110-2350-540.22-11	INSTRUMENTS/SPECIAL EQUIPMENT		35,175.00	
110-2360-540.22-11	INSTRUMENTS/SPECIAL EQUIPMENT		4,400.00	
110-2431-519.23-11	REPAIR & MAINTENANCE		17,100.00	
110-2700-515.22-10	FURNITURE & FIXTURES		1,603.00	
110-2700-515.22-21	COMPUTER EQUIPMENT		2,166.00	
110-2700-515.26-16	PROFESSIONAL		14,257.00	
110-2840-532.23-34	REPAIR & MAINTENANCE		3,700.00	
110-2840-532.63-23	TRAFFIC SIGNALS	100894	20,080.00	
110-3120-551.62-22	MACHINERY & EQUIPMENT	101096	14,259.00	
110-3130-551.27-25	COST OF GOODS SOLD		366.00	
110-3280-551.25-40	MAYOR'S FITNESS COUNCIL		7,396.00	

CITY OF TEMPLE, TEXAS
PRIOR YEAR ENCUMBRANCES, UNENCUMBERED AMOUNTS & CONTRACTS
CARRY FORWARD TO FY 2013-2014

ACCOUNT #	DESCRIPTION	PROJECT #	APPROPRIATION	
			DEBIT	CREDIT
110-3280-551.25-41	CORPORATE GAMES		765.00	
110-3432-531.63-10	BUILDINGS & GROUNDS	101091	190,000.00	
110-3500-552.22-10	FURNITURE & FIXTURES		2,449.00	
110-3500-552.26-23	OTHER CONTRACTED SERVICES		675.00	
110-3633-560.63-10	BUILDINGS & GROUNDS	101021	5,674.00	
110-3634-560.63-10	BUILDINGS & GROUNDS	100998	338,257.00	
110-3700-524.26-31	LOT CLEAN UP		19,986.00	
110-3700-524.26-49	TIPPING FEES		25,642.00	
110-3810-519.25-14	TRAVEL & TRAINING		1,613.00	
110-3832-519.25-14	TRAVEL & TRAINING		202.00	
110-3842-519.25-14	TRAVEL & TRAINING		975.00	
110-4000-555.22-25	BOOKS & PERIODICALS		311.00	
110-4000-555.22-26	REFERENCE BOOKS		196.00	
110-4100-551.21-38	WELLNESS PROGRAM		23,497.00	
110-4100-551.25-11	PRINTING & PUBLICATIONS		8,888.00	
110-5900-521.62-13	AUTOMOTIVE	100890	3,561.00	
110-5924-519.63-10	BUILDINGS & GROUNDS	100407	25,528.00	
110-5924-519.63-10	BUILDINGS & GROUNDS	100738	40,524.00	
110-5924-519.63-10	BUILDINGS & GROUNDS	100750	117,178.00	
110-5924-519.63-10	BUILDINGS & GROUNDS	100876	41,650.00	
110-5924-519.63-10	BUILDINGS & GROUNDS	100960	11,231.00	
110-5924-519.63-10	BUILDINGS & GROUNDS	100873	2,138.00	
110-5935-552.63-10	BUILDINGS & GROUNDS	100763	50,000.00	
110-5938-519.62-21	COMPUTER SOFTWARE	100878	150,000.00	
110-6020-513.25-11	PRINTING & PUBLICATIONS		1,237.00	
110-6030-513.25-11	PRINTING & PUBLICATIONS		1,237.00	
110-9100-591.81-50	TRANSFER OUT-BOND FUND		190,345.00	
110-9100-591.81-51	TRANSFER OUT-CAPITAL PROJECTS FUND		189,327.00	
110-0000-431.02-61	STATE GRANTS			190,000.00
110-0000-461.08-30	STREET PERIMETER FEES			190,345.00
TOTAL GENERAL FUND			\$ 2,340,635.00	\$ 380,345.00
HOTEL/MOTEL FUND				
240-4400-551.26-16	PROFESSIONAL		326.00	
240-4400-551.62-11	INSTRUMENTS/SPECIAL EQUIPMENT	100977	27,100.00	
240-7000-551.25-24	CURATORIAL		2,000.00	
240-7000-551.26-16	PROFESSIONAL	100915	140,616.00	
TOTAL HOTEL/MOTEL FUND			\$ 170,042.00	\$ -
GRANT FUND				
260-1110-513.25-10	CONTRIBUTIONS & PRIZES		117.00	
260-2000-521.21-36	PUBLIC SAFETY EXPENDITURES		10,264.00	
260-2000-521.62-11	INSTRUMENTS/SPECIAL EQUIPMENT	100982	7,864.00	
260-3500-552.63-16	HIKE & BIKE TRAILS	100629	172,058.00	
260-3600-560.65-24	FAA RUNWAY REHABILITATION	100716	7,514,325.00	
260-6000-515.65-32	CONTINGENCY		19,598.00	
260-6100-571.26-98	CODE ENFORCEMENT		136,783.00	
260-6100-571.63-15	SIDEWALKS/CURBS/GUTTERS	100623	231,729.00	

CITY OF TEMPLE, TEXAS
PRIOR YEAR ENCUMBRANCES, UNENCUMBERED AMOUNTS & CONTRACTS
CARRY FORWARD TO FY 2013-2014

ACCOUNT #	DESCRIPTION	PROJECT #	APPROPRIATION	
			DEBIT	CREDIT
260-6100-571.65-32	CONTINGENCY		217,955.00	
260-9100-591.81-51	TRANSFER OUT-CAPITAL PROJECTS FUND		40,000.00	
260-0000-431.01-63	FEDERAL GRANTS			7,704,628.00
260-0000-431.02-61	STATE GRANTS			40,000.00
260-0000-431.01-31	CDBG FEDERAL GRANT			606,065.00
TOTAL GRANT FUND			\$ 8,350,693.00	\$ 8,350,693.00
PASS THROUGH FINANCING FUND				
261-3400-531.25-87	NW LOOP 363 IMPROVEMENTS	100681	61,794.00	
261-3400-531.25-88	NW LOOP 363 IMPROVEMENTS	100681	26,506,457.00	
261-0000-461.08-65	TXDOT CATEGORY 12 FUNDS			5,402,805.00
TOTAL PASS THROUGH FINANCING FUND			\$ 26,568,251.00	\$ 5,402,805.00
DRAINAGE FUND				
292-2910-534.26-16	PROFESSIONAL		282.00	
292-2923-534.26-16	PROFESSIONAL	100782	1,829.00	
TOTAL DRAINAGE FUND			\$ 2,111.00	\$ -
CAPITAL PROJECTS FUND				
351-1100-513.26-16	PROFESSIONAL		29,310.00	
351-1500-515.26-86	HILL COUNTRY TRANSIT DISTRICT		6,969.00	
351-1800-525.68-49	MUNICIPAL COURT FACILITY	100240	523.00	
351-1900-519.22-21	COMPUTER EQUIPMENT		130.00	
351-1900-519.26-23	OTHER CONTRACTED SERVICES		12,589.00	
351-1900-519.62-18	COMPUTER EQUIPMENT	100407	192.00	
351-1900-519.62-18	COMPUTER EQUIPMENT	100888	3,403.00	
351-1900-519.62-21	COMPUTER SOFTWARE	100407	164.00	
351-1900-519.62-24	COMMUNICATION EQUIPMENT	100407	1,123.00	
351-1900-519.65-19	FINANCIAL SOFTWARE		592.00	
351-2200-522.23-31	REPAIR & MAINTENANCE		4,708.00	
351-2300-540.22-11	INSTRUMENTS/SPECIAL EQUIPMENT		740,279.00	
351-2300-540.62-22	MACHINERY & EQUIPMENT	101093	280,000.00	
351-2300-540.62-22	MACHINERY & EQUIPMENT	101094	180,796.00	
351-2300-540.62-22	MACHINERY & EQUIPMENT	101098	24,000.00	
351-2300-540.63-10	BUILDINGS & GROUNDS	100972	673,524.00	
351-2300-580.73-12	ISSUANCE COSTS		4,185.00	
351-3400-531.61-10	LAND	100346	179,840.00	
351-3400-531.63-15	SIDEWALK/CURB/GUTTER	100943	60,195.00	
351-3500-552.23-11	REPAIR & MAINTENANCE	350009	68,601.00	
351-3500-552.63-10	BUILDINGS & GROUNDS	350009	828.00	
351-0000-490.25-80	TRANSFER IN - GRANT FUND			40,000.00
351-0000-461.08-65	MISCELLANEOUS REIMBURSEMENTS			179,840.00
351-0000-490.25-82	TRANSFER IN - GENERAL FUND			189,327.00
TOTAL CAPITAL PROJECTS FUND			\$ 2,271,951.00	\$ 409,167.00

CITY OF TEMPLE, TEXAS
PRIOR YEAR ENCUMBRANCES, UNENCUMBERED AMOUNTS & CONTRACTS
CARRY FORWARD TO FY 2013-2014

ACCOUNT #	DESCRIPTION	PROJECT #	APPROPRIATION	
			DEBIT	CREDIT
BOND PROJECTS FUND				
361-2400-519.68-07	FACILITY IMPROVEMENTS	100925	1,426.00	
361-2400-519.68-07	FACILITY IMPROVEMENTS	100999	618,755.00	
361-2400-519.68-07	FACILITY IMPROVEMENTS	100925	1,000.00	
361-3400-531.25-88	NW LOOP 363 IMPROVEMENTS	100681	1,855,197.00	
361-3400-531.68-47	TARVER ROAD EXT TO OLD WACO ROAD	100392	62,830.00	
363-2200-522.61-10	LAND	100120	26,395.00	
363-2200-522.68-51	FIRE STATION #8	100896	2,663,875.00	
365-2300-540.61-10	LAND	100197	3,725,581.00	
365-2800-532.68-10	TRAFFIC SIGNALS	100504	73,606.00	
365-2800-532.68-10	TRAFFIC SIGNALS	100926	250,000.00	
365-2800-532.68-10	TRAFFIC SIGNALS	100956	68,705.00	
365-2800-532.68-10	TRAFFIC SIGNALS	100957	250,000.00	
365-2800-532.68-10	TRAFFIC SIGNALS	100504	94,963.00	
365-2800-532.68-10	TRAFFIC SIGNALS	100956	89,757.00	
365-2800-532.68-61	TRAFFIC SIGNAL COMMUNICATION	100983	293,184.00	
365-3400-531.65-27	STREET IMPROVEMENTS	100955	301,425.00	
365-3400-531.65-32	CONTINGENCY		550,000.00	
365-3400-531.68-57	HOGAN ROAD IMPROVEMENTS	100952	77,650.00	
365-3400-531.68-58	WESTERN HILLS ROADWAY IMPROVEMENTS	100967	240,435.00	
365-3400-531.68-59	WESTFIELD BLVD IMPROVEMENTS	100970	1,666,387.00	
365-3400-531.68-60	SOUTH PEA RIDGE ROAD IMPROVEMENTS	100971	1,231,150.00	
365-3400-531.68-62	PRAIRIE VIEW ROAD IMPROVEMENTS	100984	399,500.00	
365-0000-490.25-82	TRANSFER IN-GENERAL FUND			190,435.00
TOTAL BOND PROJECTS FUND			\$ 14,541,821.00	\$ 190,435.00
WATER & SEWER FUND				
520-5000-535.21-13	CLOTHING & UNIFORMS		93.00	
520-5000-535.26-16	PROFESSIONAL		4,411.00	
520-5110-535.62-13	AUTOMOTIVE	101092	19,052.00	
520-5121-535.23-19	REPAIR & MAINTENANCE		553.00	
520-5122-535.23-31	REPAIR & MAINTENANCE		2,538.00	
520-5122-535.26-16	PROFESSIONAL		1,090.00	
520-5122-535.63-10	BUILDINGS & GROUNDS	100912	19,683.00	
520-5122-535.63-10	BUILDINGS & GROUNDS	100913	13,406.00	
520-5122-535.63-10	BUILDINGS & GROUNDS	100912	15,200.00	
520-5122-535.63-10	BUILDINGS & GROUNDS	100913	27,730.00	
520-5260-535.63-57	WATER LINE IMPROVEMENTS	100909	500,000.00	
520-5300-535.26-23	OTHER CONTRACTED SERVICES		4,741.00	
520-5452-535.62-22	MACHINERY & EQUIPMENT	101095	24,051.00	
520-5460-535.63-59	SEWER LINE REPLACEMENT-IN HOUSE CREW	100907	64,941.00	
520-5521-535.26-16	PROFESSIONAL		8,700.00	
520-5521-535.63-10	BUILDINGS & GROUNDS	100799	45,500.00	
520-5521-535.63-10	BUILDINGS & GROUNDS	101100	396.00	
520-5521-535.63-10	BUILDINGS & GROUNDS	100799	2,757.00	
520-5521-535.63-10	BUILDINGS & GROUNDS	101100	11,020.00	
520-5522-535.26-16	PROFESSIONAL		11,100.00	

CITY OF TEMPLE, TEXAS
PRIOR YEAR ENCUMBRANCES, UNENCUMBERED AMOUNTS & CONTRACTS
CARRY FORWARD TO FY 2013-2014

ACCOUNT #	DESCRIPTION	PROJECT #	APPROPRIATION	
			DEBIT	CREDIT
520-5900-535.63-66	WATER LINE EXTENSION	100476	11,730.00	
520-5900-535.63-66	WATER LINE EXTENSION	520004	54,685.00	
520-5900-535.63-68	SEWER LINE EXTENSION	540003	21,025.00	
520-5900-535.63-68	SEWER LINE EXTENSION	100932	374,850.00	
520-5900-535.63-68	SEWER LINE EXTENSION	100970	10,001.00	
520-5900-535.65-21	UTILITY IMPROVEMENTS	100986	2,250,001.00	
520-5900-535.65-21	UTILITY IMPROVEMENTS	100967	92,511.00	
520-5900-535.65-21	UTILITY IMPROVEMENTS	100986	84,701.00	
520-5900-535.66-11	LIFT STATION	100805	51,957.00	
520-5900-535.66-18	WATER & SEWER PROJECTS	100687	65,000.00	
520-5900-535.66-18	WATER & SEWER PROJECTS	100688	64,999.00	
520-5900-535.66-18	WATER & SEWER PROJECTS	100682	62,402.00	
520-5900-535.66-18	WATER & SEWER PROJECTS	100687	49,239.00	
520-5900-535.66-18	WATER & SEWER PROJECTS	100688	26,745.00	
520-5900-535.66-18	WATER & SEWER PROJECTS	100687	366,000.00	
520-5900-535.66-18	WATER & SEWER PROJECTS	100688	316,000.00	
561-5000-535.65-32	CONTINGENCY		108,271.00	
561-5100-535.69-04	TANK REFURBISHMENT		973.00	
561-5100-535.69-04	TANK REFURBISHMENT	100988	429,114.00	
561-5100-535.69-06	EMERGENCY OPERATIONS INFRASTRUCTURE	100679	29,810.00	
561-5100-535.69-06	EMERGENCY OPERATIONS INFRASTRUCTURE	100933	10,700.00	
561-5200-535.69-07	HWY 317 WATERLINE RELOCATION	100223	170,481.00	
561-5200-535.69-09	SOUTH TEMPLE WATER SYSTEM IMPR.	100333	224,804.00	
561-5200-535.69-36	TARVER/OLD WACO RD UTILITY RELOCATION	100391	16,650.00	
561-5200-535.69-39	CHARTER OAKS WATERLINE	100608	1,481,373.00	
561-5200-535.69-40	NW LOOP 363 UTILITY RELOCATION		27,450.00	
561-5200-535.69-42	WATER LINE-PIN OAK	100989	460,376.00	
561-5200-535.69-46	I 35 VALVE IMPROVEMENTS	100987	200,000.00	
561-5400-535.69-05	LIFT STATION IMPROVEMENTS	100991	248,917.00	
561-5400-535.69-05	LIFT STATION IMPROVEMENTS	100799	447,839.00	
561-5400-535.69-05	LIFT STATION IMPROVEMENTS	100991	44,083.00	
561-5400-535.69-20	FM 2305 SEWER LINE EXTENSION		1,000.00	
561-5400-535.69-25	BIRD CREEK SEWER LINE REPLACEMENT	100980	1,585,873.00	
561-5400-535.69-41	LEON RIVER INTERCEPTOR PROJECT	100851	847,600.00	
561-5400-535.69-43	SEWER LINE REPLACEMENT-LENGEFELD	100985	186,900.00	
561-5500-535.69-38	TBRSS PLANT EXPANSION	100584	639,114.00	
561-5500-535.69-44	WWTP SCADA	100992	300,000.00	
561-5500-535.69-45	WWTP RAS REPLACEMENT PUMP	100993	288,903.00	
562-5200-535.69-47	TBP RECLAIM WATERLINE	101097	773,150.00	
520-0000-461.08-65	TXDOT REIMBURSEMENTS			1,419,285.00
TOTAL WATER & SEWER FUND			\$ 13,202,189.00	\$ 1,419,285.00

CITY OF TEMPLE, TEXAS
PRIOR YEAR ENCUMBRANCES, UNENCUMBERED AMOUNTS & CONTRACTS
CARRY FORWARD TO FY 2013-2014

ACCOUNT #	DESCRIPTION	PROJECT #	APPROPRIATION	
			DEBIT	CREDIT
	REINVESTMENT ZONE NO. 1			
795-9500-531.26-16	PROFESSIONAL		39,188.00	
795-9500-531.26-31	LOT CLEAN UP		55,029.00	
795-9500-531.61-10	LAND	100968	3,649.00	
795-9500-531.63-17	STREET IMPROVEMENTS	100693	133,077.00	
795-9500-531.63-17	STREET IMPROVEMENTS	100258	22,475.00	
795-9500-531.65-14	RAIL IMPROVEMENTS	100692	111,799.00	
795-9500-531.65-28	DOWNTOWN IMPROVEMENTS	100697	86,082.00	
795-9500-531.65-28	DOWNTOWN IMPROVEMENTS	100698	131,790.00	
795-9500-531.65-28	DOWNTOWN IMPROVEMENTS	100697	98,000.00	
795-9500-531.65-50	TMED PHASE I	100629	59,046.00	
795-9500-531.65-51	1ST STREET/LOOP 363	100700	71,420.00	
795-9500-531.65-52	FRIAR'S CREEK TRAIL	100585	23,735.00	
795-9500-531.65-53	AVENUE R PROJECT	100696	1,962,640.00	
795-9500-531.65-54	PEPPER CREEK TRAIL EXTENSION @ S&W	100695	29,258.00	
795-9500-531.65-55	AVENUE U PROJECT	100718	19,122.00	
795-9500-531.65-58	AIRPORT IMPROVEMENTS	101021	25,387.00	
795-9500-531.65-60	BIOSCIENCE ROAD & UTILITY IMPROVEMENTS	100867	724,400.00	
795-9500-531.65-62	PEPPER CREEK REGIONAL DETENTION POND	100994	850,000.00	
795-9600-531.65-52	FRIAR'S CREEK TRAIL	100585	7,718.00	
795-9700-531.65-52	FRIAR'S CREEK TRAIL	100585	164,428.00	
795-9800-531.68-63	RESEARCH PARKWAY	101000	2,705,000.00	
795-9800-531.68-64	RESEARCH PARKWAY	101001	5,960,000.00	
795-9800-531.68-65	BIOSCIENCE TRAIL	101002	750,000.00	
795-9800-531.68-66	MCLANE PARKWAY/RESEARCH PKWY	101003	704,680.00	
795-9800-531.68-67	BIOSCIENCE TRAIL	101005	1,750,000.00	
795-9800-531.68-68	SYNERGY PARK ENTRY ENHANCEMENTS	101006	500,000.00	
795-9800-531.68-69	LORRAINE DRIVE	101007	610,000.00	
795-9800-531.68-70	SANTA FE PLAZA	101008	300,000.00	
795-9800-531.68-71	DOWNTOWN MASTER PLAN	101009	125,000.00	
795-9800-531.68-72	LOOP 363 FRONTAGE ROAD	101010	6,326,548.00	
795-9800-531.68-73	MONUMENTATION	101011	520,000.00	
795-9800-531.68-74	AVE U-TMED AVENUE TO 1ST STREET	101012	1,275,000.00	
795-9800-531.68-75	TMED MASTER PLAN	101013	125,000.00	
795-9800-531.68-75	TMED MASTER PLAN	101014	55,000.00	
795-9800-531.68-76	FRIAR'S CREEK TRAIL	101015	486,650.00	
795-9800-531.68-77	AIRPORT IMPROVEMENTS	101016	110,000.00	
795-9800-531.68-78	AIRPORT IMPROVEMENTS	101017	115,000.00	
795-9800-531.68-79	AIRPORT IMPROVEMENTS	101018	230,000.00	
795-9800-531.68-80	AIRPORT IMPROVEMENTS	101019	865,000.00	
795-9800-531.68-81	RESEARCH PARKWAY	101004	1,500,000.00	
795-0000-461.08-65	MISC REIMB-BIOSCIENCE PARK			400,000.00
795-0000-461.08-65	MISC REIMB-PEPPER CK REG DET POND			163,000.00
TOTAL REINVESTMENT ZONE NO. 1			\$ 29,631,121.00	\$ 563,000.00
			\$ 97,078,814.00	\$ 16,715,730.00

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2013 BUDGET
November 21, 2013

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-6010-513-1110		Administrative (Administrative Services)	\$ 9,600	
110-0000-352-1345		General Fund Unallocated Fund Balance		\$ 9,600
<p>This budget adjustment transfers funds to the Administrative Services personnel budget for FY 2013 from the General Fund Unallocated Fund Balance. The Director of Administrative Services was budgeted 75% General Fund and 25% CDBG in the FY 2013 budget. Actual allocation for FY 2013 was 92% General Fund and 8% CDBG. Additional funds are needed to cover the expenditures charged to the General Fund.</p>				
650-0000-490-2520		Transfer In from Water & Sewer Fund		\$ 45,470
650-0000-490-2540		Transfer In from Hotel/Motel Tax Fund		\$ 2,887
650-0000-490-2543		Transfer In from General Fund		\$ 200,012
650-0000-490-2592		Transfer In from Drainage Fund		\$ 4,331
650-2700-515-2565		Employee Claims Filed	\$ 125,000	
650-2700-515-2566		Retiree Claims Filed	\$ 61,655	
650-2700-515-2566		COBRA Claims Filed	\$ 40,000	
650-2700-515-2611		Insurance & Bonds	\$ 14,520	
650-2700-515-2623		Other Contracted Services	\$ 11,525	
110-9100-591-8165		Transfer Out - Health Ins Fund	\$ 200,012	
110-0000-352-1345		Designated Capital - Unallocated		\$ 200,012
240-9100-591-8165		Transfer Out - Health Ins Fund	\$ 2,887	
240-4400-551-6532		Contingency		\$ 2,887
292-9100-591-8165		Transfer Out - Health Ins Fund	\$ 4,331	
292-2921-534-2317		Drainage Systems		\$ 4,331
520-9100-591-8165		Transfer Out - Health Ins Fund	\$ 45,470	
520-0000-373-0411		Retained Earnings		\$ 45,470
650-2700-515-2565		Employee Claims Filed	\$ 23,072	
650-2700-515-2566		Retiree Claims Filed	\$ 25,000	
650-2700-515-2616		Professional	\$ 1,940	
650-0000-353-1110		Self Funded Health Insurance Fund Bal		\$ 50,012
<p>Estimated additional funds needed to pay claims for FY 2013 is \$252,700. \$200,012 is being appropriated from the Designated Capital - Unallocated, \$45,470 is being appropriated from W&S Retained Earnings, and the remaining funds are available from expenditure/contingency accounts within each fund. In addition, remaining fund balance from FY 2012 is the Self-Funded Health Insurance fund is also being appropriated.</p>				
795-0000-490-1518		Bond Premium		\$ 652,695
795-0000-490-1516		Bond Proceeds	\$ 15,000	
795-9800-531-7314		Original Issue Discount	\$ 599,663	
795-9800-531-7312		Bond Issuance Costs		\$ 15,305
795-0000-315-1116		Reserved for Future Expenditures	\$ 53,337	
<p>To appropriate bond premium and bond discount for the 2013 CO bond issue for the Reinvestment Zone #1.</p>				
TOTAL AMENDMENTS			\$ 1,233,012	\$ 1,233,012

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2013 BUDGET
November 21, 2013

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		GENERAL FUND		
		Beginning Contingency Balance	\$	-
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning Judgments & Damages Contingency	\$	80,000
		Added to Contingency Judgments & Damages from Council Contingency		-
		Taken From Judgments & Damages		(39,859)
		Net Balance of Judgments & Damages Contingency Account		40,141
		Beginning Compensation Contingency	\$	403,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(403,000)
		Net Balance of Compensation Contingency Account		-
		Net Balance Council Contingency	\$	40,141
		Beginning Balance Budget Sweep Contingency	\$	-
		Added to Budget Sweep Contingency		-
		Taken From Budget Sweep		-
		Net Balance of Budget Sweep Contingency Account		-
		WATER & SEWER FUND		
		Beginning Contingency Balance	\$	50,000
		Added to Contingency Sweep Account		-
		Taken From Contingency		(11,882)
		Net Balance of Contingency Account		38,118
		Beginning Compensation Contingency	\$	142,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(97,509)
		Net Balance of Compensation Contingency Account		44,491
		Net Balance Water & Sewer Fund Contingency	\$	82,609
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance	\$	147,759
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		(64,904)
		Net Balance of Contingency Account	\$	82,855
		Beginning Compensation Contingency	\$	10,100
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(10,100)
		Net Balance of Compensation Contingency Account		-
		Net Balance Hotel/Motel Tax Fund Contingency	\$	82,855
		DRAINAGE FUND		
		Beginning Contingency Balance	\$	69,100
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	69,100

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2013 BUDGET
November 21, 2013

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Beginning Compensation Contingency		\$ 25,100
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(25,100)
		Net Balance of Compensation Contingency Account		-
		Net Balance Drainage Fund Contingency		\$ 69,100
		FED/STATE GRANT FUND		
		Beginning Contingency Balance		\$ -
		Carry forward from Prior Year		39,839
		Added to Contingency Sweep Account		114,528
		Taken From Contingency		(11,413)
		Net Balance of Contingency Account		\$ 142,954

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CARRY FORWARD OF FISCAL YEAR 2012-2013 FUNDS TO THE FISCAL YEAR 2013-2014 BUDGET AND CONSIDER ADOPTING A RESOLUTION AUTHORIZING BUDGET ADJUSTMENTS FOR FISCAL YEAR 2012-2013; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, there are outstanding purchase orders and contracts that were not completed at the end of fiscal year 2012-2013 which need to be carried forward to fiscal year 2013-2014;

Whereas, these items will be received or completed during fiscal year 2012-2013 - all unencumbered Community Development funds and ongoing Capital Projects also need to be carried forward to fiscal year 2013-2014;

Whereas, several 'clean-up' items were identified after the end of the fiscal year but had not been presented to Council prior to September 30, 2013; and

Whereas, the City Council deems it in the public interest to authorize the carry forward of Fiscal Year 2010-2011 funds to the Fiscal Year 2011-2012 budget.

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

Part 1: The City Council authorizes the Director of Finance to carry forward fiscal year 2012-2013 funds to the fiscal year 2013-2014 budget, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The City Council approves the 'clean-up' items which were identified after the end of the fiscal year, but not presented to Council prior to September 30, 2013.

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 **21st** day of **November**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/21/13
Item #5(Q)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing budget amendments for fiscal year 2013-2014.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2013-2014 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$10,539.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2014 BUDGET
November 21, 2013

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-1600-512-1115		Skilled (Legal)	\$ 4,830	
110-1600-512-1126		Longevity	\$ 42	
110-1600-512-1220		Retirement	\$ 862	
110-1600-512-1221		Social Security (Medicare)	\$ 71	
110-1600-512-1222		Health Insurance	\$ 4,548	
110-1600-512-1223		Worker Compensation	\$ 13	
110-1600-512-1225		Dental Insurance	\$ 97	
110-1600-512-1226		Life Insurance	\$ 27	
110-1600-512-1227		AD&D Insurance	\$ 6	
110-1600-512-1228		Long Term Disability	\$ 43	
110-1500-515-6532		Contingency/Contingency Fund Balance		\$ 10,539

Appropriate expenditures related to a request from the Legal Department to reclassify a part-time Office Assistant I position to a full-time Office Assistant I. Funds are available in Contingency/Contingency Fund Balance.

TOTAL AMENDMENTS	\$ 10,539	\$ 10,539
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GENERAL FUND

Beginning Contingency Balance	\$ 498,072
Added to Contingency Sweep Account	\$ 89,700
Carry forward from Prior Year	\$ -
Taken From Contingency	\$ (126,236)
Net Balance of Contingency Account	<u>\$ 461,536</u>

Beginning Judgments & Damages Contingency	\$ 40,000
Added to Contingency Judgments & Damages from Council Contingency	\$ -
Taken From Judgments & Damages	\$ (1,000)
Net Balance of Judgments & Damages Contingency Account	<u>\$ 39,000</u>

Beginning Compensation Contingency	\$ 288,000
Added to Compensation Contingency	\$ -
Taken From Compensation Contingency	\$ -
Net Balance of Compensation Contingency Account	<u>\$ 288,000</u>

Net Balance Council Contingency	\$ 788,536
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Beginning Balance Budget Sweep Contingency	\$ -
Added to Budget Sweep Contingency	\$ -
Taken From Budget Sweep	\$ -
Net Balance of Budget Sweep Contingency Account	<u>\$ -</u>

WATER & SEWER FUND

Beginning Contingency Balance	\$ 50,000
Added to Contingency Sweep Account	\$ -
Taken From Contingency	\$ -
Net Balance of Contingency Account	<u>\$ 50,000</u>

Beginning Compensation Contingency	\$ 50,000
Added to Compensation Contingency	\$ -
Taken From Compensation Contingency	\$ -
Net Balance of Compensation Contingency Account	<u>\$ 50,000</u>

Net Balance Water & Sewer Fund Contingency	\$ 100,000
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CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2014 BUDGET
November 21, 2013

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance	\$	29,107
		Added to Contingency Sweep Account	\$	-
		Carry forward from Prior Year	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	29,107
		Beginning Compensation Contingency	\$	7,500
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	-
		Net Balance of Compensation Contingency Account	\$	7,500
		Net Balance Hotel/Motel Tax Fund Contingency	\$	36,607
		DRAINAGE FUND		
		Beginning Contingency Balance	\$	-
		Added to Contingency Sweep Account	\$	-
		Carry forward from Prior Year	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	-
		Beginning Compensation Contingency	\$	7,500
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	-
		Net Balance of Compensation Contingency Account	\$	7,500
		Net Balance Drainage Fund Contingency	\$	7,500
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$	-
		Carry forward from Prior Year	\$	-
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	-

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2013-2014 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on the 29th day of August, 2013, the City Council approved a budget for the 2013-2014 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2013-2014 City Budget.

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

Part 1: The City Council approves amending the 2013-2014 City Budget by adopting the budget amendments which are more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED this the **21st** day of **November**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/21/13
Item #6
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: FIRST READING - PUBLIC HEARING: Consider adopting an ordinance amending Chapter 15, "Garbage and Refuse," of the Code of Ordinances of the City of Temple, Texas to incorporate residential curbside recycling.

STAFF RECOMMENDATION: Conduct a public hearing and adopt ordinance as presented in item description on first reading, and schedule a second reading and final adoption for December 5, 2013.

ITEM SUMMARY: Code revisions include a general update of Chapter 15 and the addition of sections covering the City's curbside recycling program. The new sections address:

- Availability of once a week voluntary residential curbside recycling collection by the City;
- A list of acceptable recyclable materials that the City will collect; and
- Establishing rules and regulations for the provision of curbside recycling services.

FISCAL IMPACT: None

ATTACHMENTS:

[Chapter 15 Revisions](#)
[Ordinance](#)

CHAPTER 15

GARBAGE, REFUSE, AND RECYCLING

Section 15-1. Definitions.

"Approved type garbage can" as used herein, means a receptacle furnished by the City of Temple.

"Approved Recycling Container" as used herein, means a recycling receptacle furnished by the City of Temple.

"Business" as used herein, means any commercial operation, or any usage of property for other than residential purposes, involving the employment of any individual, or the sale or manufacture of any product.

"Collection Cycle" as used herein, means those days of the week or month that are specified by the City for the collection of household garbage, brush, shrubs, tree trimmings, yard waste, furniture, appliances, or junk and bulk items.

"Dry garbage" as used herein, means nonputrescible solid waste (excluding ashes), consisting of both combustible and noncombustible waste materials; combustible rubbish includes paper, rags, cartons, wood, excelsior, furniture, rubber (but not tires), plastics, yard trimmings, leaves and similar materials; noncombustible rubbish includes glass crockery, tin cans, aluminum cans, metal furniture, and like materials which will not burn at ordinary incinerator temperatures (1600E-1800E Fahrenheit).

"Out of Cycle Collection" as used herein, means the collection by the City of household garbage, brush, shrubs, tree trimmings, yard waste, furniture, appliances, junk and bulk items on any day other than the specified collection cycle days.

"Recycling" as used herein, means a process by which materials that have served their intended use or are scrapped, discarded, used, surplus, or obsolete are collected, separated, composted, or processed, and returned to use in the form of raw materials in the production of new products.

"Recycling Drop-off Center" as used herein, means a location, either temporary or permanent, established for the receipt of recyclable solid waste including, but not limited to, aluminum, cardboard, metal, paper, glass, and plastic.

"Recycling Program" as used herein, means the organized collection of recyclable materials for the purpose of resource recovery and recycling in pursuit of the goals of the City.

"Small Quantity Commercial Solid Waste Generator" as used herein, means a place of business that generates a volume of non-wet garbage that will not require over two (2) pickups per week of a one-half (2) cubic yard container (an example would be a small barber shop, small fix-it shop, or small business), as determined by the Solid Waste Division.

"Special Pickup" as used herein, means the out of cycle collection of solid waste by the City at the request of the customer and, for which, a fee is assessed.

"Wet (putrescible) garbage" as used herein, means animal or vegetable matter, such as waste material from kitchens, grocery stores, butcher shops, restaurants, cafes, hotels,

rooming and boarding houses, such as scraps of meat, bread, bones, peelings of fruit and vegetables.

Section 15-2. Containers Required--For Wet and Dry Garbage.

- (a) Each owner, occupant, tenant or lessee using and occupying any residence, building, house or structure within the corporate limits of the City as a place of abode or as a place of business is hereby required to keep and maintain, at all times and at a convenient place at his house, dwelling or place of business, if his business is of a type which accumulates wet and dry garbage in connection with the operation of same, adequate disposable garbage containers in sufficient numbers to properly receive and hold all wet and dry garbage, which includes grass clippings and leaves, being disposed of from his premises. Each such garbage container shall be made of plastic or other disposable material and of good sound construction and shall be capable of being secured from leaking and be flytight.
- (b) In areas of the City served by City furnished containers, the disposable containers will be placed, unbroken, into the furnished containers.
- (c) It is the responsibility of the customer to keep their container clean (residential only).

Section 15-3. Wet Garbage to be Placed in Proper Container.

Each person in the City having wet garbage to be disposed of is hereby required to place the same in a garbage container meeting the requirements of Section 15-2, and all wet garbage shall at all times be stored in such a container. It is hereby declared to be unlawful for any person to place any wet garbage on the ground or in an open box or container or to store same in any receptacle other than a container meeting the requirements of Section 15-2.

Section 15-4. Condition of Container

All containers shall be the property of the City and must not be painted, marked, abused, mutilated, altered, or modified in any way. Abuse and damage to a container by customers shall result in an assessment equal to the replacement cost of the container and/or time and materials involved to repair such container. Examples of abuse include, but are not limited to, overloading the container beyond the rated capacity, fire damage caused by hot coals and/or ashes, painting or marking the container in any manner.

Section 15-5. All Containers to be Kept Covered.

All wet and dry garbage that is to be disposed of shall be placed inside the City provided container in such a manner that the lid will close to prevent litter, spillage or entry of vectors. No items shall be draped over, hanging out or protruding from the container. Items that will not fit inside the container shall be broken down into smaller pieces that will fit inside or be placed at the curb for bulk item collection in accordance with Section 15-15. Overloaded containers shall be subject to an additional fee charged to the monthly utility bill for that residence. Lids shall only be opened while emptying additional garbage in such containers or while an authorized person is removing such garbage or unloading the same for disposal.

Section 15-6. Rocks and Dirt not to be Placed in Containers.

No rocks or dirt shall be placed in any containers maintained in accord with this Chapter.

Section 15-7. Disposal of Manure, Offal, Remodeling Material and Other Waste Not Collected by City.

Manure from private stables, offal and refuse from animals and fowl, night soil, dead animals and fowl, refuse from the remodeling of buildings, rocks, dirt, concrete and all other waste not mentioned in Section 15-1 must be kept in a suitable receptacle separate from the containers required by this Chapter for garbage and not dumped in the alleys or retained on the premises so as to become a nuisance, and the same shall be disposed of by the owner thereof. It shall be the duty of the Director of Solid Waste Services to see that such refuse is properly disposed of by the owner when so ordered. Such refuse shall be hauled away from the premises of the owner at his own expense and by his own means; and such refuse shall not be considered "garbage" and shall not be picked up by the garbage trucks of the City except as part of the roll off system.

Section 15-8. Unauthorized Usage of City Furnished Containers.

Any person or persons, firm or corporation placing garbage or refuse in a container not specifically assigned to that person, firm or corporation shall be guilty of a misdemeanor.

Section 15-9. Preparation of Brush, Shrubs, Tree Trimmings and Cuttings for Collection by City.

- (a) Items placed within eight (8) feet of the curb line of the street shall be considered a request for service.
- (b) All leaves and lawn cuttings, tree trimmings and cuttings shall be placed in the City furnished containers insofar as is possible and the container's capacity will allow.
- (c) All other brush, shrubs and tree cuttings that cannot be effectively disposed of in the container shall be placed behind the curb within three (3) feet of the curb line of the street. Items cannot be placed under any low lines or wires or tree limbs and must be at least 6 feet from any other object (mail box, car, garbage containers, etc.).
- (d) Brush and tree trimmings shall be placed in a separate pile from any bagged or boxed items or bulky items. Mixed brush and bulk at the curb will constitute a special pickup and a special pickup fee will be assessed.
- (e) A special pickup may be requested and/or required for out of cycle brush/bulk collection or to pickup items that are not normally collected with this service (remodeling, demolition or building materials or when there is no water service at location). Setting out an item on a "non-cycle" day will constitute a request for service and special pickup charges shall apply. Special pickup charges are set by resolution of the City Council.
- (f) Private (professional/commercial) tree trimmers must register their businesses with the City and will be required to haul their cuttings to the landfill or other site designated by the Director of Solid Waste Services.

- (g) Homeowners are encouraged to practice backyard composting and the *Don't Bag It Programs* for grass clippings, leaves and vegetation.
- (h) Utility companies franchised by the City in easements or right-of-way accepted by the City or otherwise authorized to provide utility service are exempted from the provisions of this ordinance for the purposes of trimming/removing trees for emergency conditions that endanger public safety and welfare by interfering with utility service or during the course of reestablishing utility service. Franchised utilities will coordinate emergency operations with the Director of Solid Waste Services. Utilities will not be charged for disposal of emergency response brush. Utility companies are required to haul their trimmings due to routine maintenance and dispose of or recycle the trimmings.

Section 15-10. Collection by City Generally; Private Collection of Brush, Etc.

The collection of garbage in the City shall be the responsibility of the Solid Waste Division, the employees of which shall make periodic garbage pickups throughout the City from the garbage containers provided by the City as required by this Chapter. It shall be unlawful for any person, firm or corporation other than employees of the Solid Waste Division to collect garbage or refuse in the City without having first obtained written authority, by contract, from the City. Such contract shall provide the extent of collection and other authority to such person, firm or corporation as the City may deem appropriate. All rates of collection shall be regulated by the City Council by resolution. The private collection of brush, shrubs, leaves, grass and tree trimmings and cuttings for hire or otherwise shall be allowed, notwithstanding the provisions of this section. Private (professional/commercial) tree trimmers must register their businesses with the City and are required to haul their cuttings to the landfill or other site designated by the Director of Solid Waste Services.

Section 15-11. Placement of Containers for Collection.

The owner, occupant or lessee of any premises within the corporate limits of the City shall maintain the garbage containers as outlined in this section:

- (a) The City will, in selected locations as determined by the Director of Solid Waste Services and approved by the Director of Public Works, place containers of varying capacity for the collection of garbage. Each person, firm or corporation shall be notified by the Director of Solid Waste Services of the container location assigned to that person, firm or corporation. The use of other containers except by permission of Solid Waste Services is not permitted.

The criteria for placement of containers will be as follows:

- (i) Containers will be placed in the alleys in the central area to serve all business activities.
 - (ii) Additional containers will be placed in the alleys serving residential accounts to the extent that they can economically be serviced.
- (b) City-furnished containers in alleys shall conform to the following requirements:

- (i) The Director of Solid Waste Services shall place the appropriate sized containers in such a manner that they will serve three (3) or more residential accounts.
- (ii) The allocation of containers for commercial activities will be on a volume-needed basis. Where there are a number of small volume businesses contiguously located, the Director of Solid Waste Services shall place an appropriate sized container to serve these commercial accounts. Where the volume of garbage from any commercial account is sufficient to justify a separate container for that establishment, the Director of Solid Waste Services shall so place a container at that location.
- (c) Where there is not an open alley abutting the rear property line of any premises, the occupant shall place the garbage containers for collection within three (3) feet of the curb line of the street immediately abutting the front property line of the premises, or, in the event the premises is a corner lot the containers shall, upon request of the Director of Solid Waste Services, be placed within three (3) feet of the curb line of the side street. Provided, however, no commercial containers shall be allowed on the street right-of-way. In the event the geography of any lot such as slope, etc., prevents garbage containers from being placed as hereinabove provided, the Director of Solid Waste Services may allow said garbage to be placed for collection at a convenient location of said lot. All garbage containers must be placed by the curb by 7:00 a.m. on scheduled garbage days and must be removed from the curb by 8:00 p.m. on scheduled garbage collection days.
- (d) Notwithstanding conflicting provisions herein, apartment projects and mobile home parks may place garbage containers at a designated location within the project or mobile home park for collection. The location shall be subject to the approval of the Director of Solid Waste Services.
- (e) Unless otherwise instructed, garbage containers that are equipped with wheels shall be placed on the street with the wheels against the curb and a clearance of six (6) feet on both sides, two (2) feet to the rear and fourteen (14) feet above. If there is no curb the container shall be placed on the pavement or roadway as close as safely possible to the right of way with the wheels and handle facing away from the road.
- (f) Alley containers will be positioned with the lid or lids opening toward the alley so they may be properly emptied. Turning or moving alley containers is prohibited.
- (g) Containers which were not collected because they were not placed at the curb or collection point as required are considered "missed containers." Customers with "missed containers" can receive collection services for an additional fee.

Section 15-12. Collection Charges.

Collection charges for solid waste services shall be set by resolution of the City Council.

Section 15-13. Billing; Failure to Pay.

The charges fixed in this Chapter for the removal and disposal of garbage and dumping of garbage at the sanitary landfill shall be entered as a charge against each owner, occupant or lessee on the water and wastewater bills of the City. Should any person fail or refuse to pay the charges fixed against him and his place of abode or his place of business when due, the City shall be authorized to cut off and disconnect the water and wastewater services to his place of abode or business against which such garbage pickup fees have been fixed and assessed, and, in addition thereto, shall be authorized to discontinue garbage pickup services until such fees have been paid in full.

Section 15-14. No Credit for Vacancy of Premises.

No credit will be given on the garbage collection charges fixed by this Chapter to any owner, occupant or lessee of any residence or place of business for vacancy thereof, unless the City is notified by such person and such person requests the City to disconnect or stop water, wastewater and garbage service to such premises.

Section 15-15. Junk and Bulk Items.

The Solid Waste Division will collect from residential customers old furniture, appliances, junk, and bulk items placed at the curb on regular brush/bulk collection schedule.

- (a) Small items shall be placed in the City furnished container insofar as is possible and the container's capacity will allow.
- (b) Items that cannot be effectively disposed of in the City container shall be placed behind the street curb within eight (8) feet of the curb line of the street. Items should not be placed under any low wires or limbs and shall be placed at least six feet from any other objects (mailboxes, cars, garbage containers, etc.). Items placed in violation of this provision shall constitute a request for service.
- (c) Bagged, boxed or bulky items, furniture and appliances shall be placed in a separate pile from brush and tree trimmings as they are handled separately. Mixed bulk items with brush and tree trimmings will constitute a special pickup for which a fee will be assessed.
- (d) A special pickup may be requested and/or required for out of cycle collection or collection of items that are not normally collected with this service (remodeling, demolition or building materials or when there is no water service at the location). Items set out on non-collection days will constitute a request for service for which a special pickup charge will be assessed. Special pickup charges are set by resolution of the City Council.

Section 15-16. Streets and Alleys not to be Used for Storage.

It shall be unlawful for any person to place, store or abandon garbage, lumber, junk, refuse, furniture, appliances, leaves or brush within any alley or upon any street within the city limits.

Section 15-17. Salvaging Prohibited.

It shall be unlawful for any person(s) to salvage any items from any refuse container, alley container or curb side container within the city limits of the City of Temple.

Section 15-18. Inspections to Enforce Ordinance.

As a condition of receiving garbage service from the City, the Director of Solid Waste Services or his designee shall have the right to inspect customer containers, as needed, to determine whether garbage is being properly disposed of and to file a complaint against any person violating any provision of this Chapter.

Section 15-19. Hauling Garbage to Sanitary Landfill.

Should any person haul all or part of his garbage to the sanitary landfill, he shall nevertheless be required to:

- (a) Pay garbage collection fees and dumping fees in accordance with the provisions of this Chapter;
- (b) Dump his garbage at the sanitary landfill in accordance with and subject to the rules and regulations of the Solid Waste Division and the Temple Landfill;
- (c) Dump his garbage in the area designated by the Temple Landfill;
- (d) Prevent any garbage from falling onto any street, alley or thoroughfare in the City. All loads of loose material shall be covered, enclosed or secured in such a manner so as to prevent such material from blowing or falling upon public roadways en route. Persons bringing unsecured loads to the landfill will be subject to a twenty dollar (\$20.00) surcharge per load or as set by the City's contractor, Waste Management of Texas, Inc. Properly bagged trash will be considered to be covered.
- (e) All commercial, industrial or institutional haulers are required to prominently mark by painted sign or other easily recognizable method both doors of the passenger compartment of their vehicles with the name of their firm or institution, or in lieu of signs, require their drivers, upon arriving at the sanitary landfill scales, to immediately dismount and report to the scale operator the name of said firm or institution.

Section 15-20. Fees and Use of Sanitary Landfill.

(a) The City of Temple Landfill is operated by Waste Management of Texas, Inc., under a lease agreement between the City of Temple and Waste Management. A copy of the lease agreement, dated March 16, 2011 is on file in the Office of the City Secretary, and available for inspection by the public. Tipping or dumping fees for use of the Landfill are set by Waste Management subject to the terms and conditions of the agreement between the City

and Waste Management. The agreement also authorizes Waste Management to charge additional handling charges for certain types of special waste.

(b) Residents of the City who present a paid City water bill, which includes a garbage collection charge, dated within sixty (60) days of the date of presentment, shall be entitled to dump without charge one (1) time each calendar month garbage that is normally collected by the City from residences. This section does not authorize free dumping of manure, offal, remodeling, demolition, or construction materials or other waste not collected by the City from its residential customers. City customers dumping with a paid water bill under this section are limited to loads not in excess of one pickup truck. Customers may request prior authorization from the City's Director of Solid Waste Services to bring more than one load of garbage to the Landfill under this subsection. Without prior approval of the Director of Solid Waste Services for dumping in excess of once per month, or for loads containing unauthorized solid waste, customers shall pay the current tipping charge. This subsection does not require Waste Management to accept for disposal any materials not authorized for disposal in a Type I landfill.

Section 15-21. Exemption from Residential Service Requirement.

Notwithstanding any other provision of this Chapter, the Director of Solid Waste Services may grant exemptions in areas of the City zoned for agricultural use from the requirement in this Chapter that all residences within the City have garbage service. Residents may request an exemption in writing from the Director of Solid Waste Services. The request signed by the owner of the property in question must demonstrate that the residence is adequately served by an alternate method of solid waste disposal that does not create a public nuisance or threaten public health and safety. The decision by the Director of Solid Waste Services whether to grant an exemption shall be final. The Director of Solid Waste Services shall make regular inspections of any exempted residential property to ensure that a nuisance or threat to public health and safety is not being created.

Section 15-22. Collection of Solid Waste Outside the City.

The Director of Solid Waste Services is authorized to collect solid waste from residential customers outside the City under the conditions contained in this section. The Director of Solid Waste Services must receive a request for service, and the residence to be served must be located on or near a City solid waste collection route for City residents. The decision by the Director of Solid Waste Services whether to provide service outside the City limits to residential customers shall be final. The charge for service outside the City limits shall be 1.25 times the in-City rate for the same service.

Section 15-23. Carry out service for residents.

City residents who for health reasons establish to the satisfaction of the Director of Solid Waste Services that they are unable to physically place their container curbside for collection, and who live alone or have no one residing with them physically able to place the container curbside, are eligible for carry out service. The Director may in appropriate circumstances require a statement from the resident's personal physician verifying the need for carry out service. Re-enrollment shall be required annually. At such time as the situation changes wherein an able-bodied resident becomes available, carry out service terminates and containers must be placed at the point of collection in order to be serviced. The container for carry out service shall be placed near the front of the house, at a point visible from the street so as to be safely accessible by the operator, and not more than fifty feet from the curb of the street. Containers for carry out collection shall not be placed inside fenced areas or a garage without approval from the Director of Solid Waste Services.

Section 15-24. Garbage only accounts.

Residential and commercial customers within the City not serviced by water or wastewater service shall be treated as Garbage Only customers. To arrange for such service, each customer shall provide necessary information to establish such account and pay a deposit at the Utility Business Office. Rates for Garbage Only services are set by Resolution of the City Council of the City of Temple, Texas. Garbage Only accounts are subject to the late payment, disconnection, forfeiture of deposit, returned check, and reconnect provisions pertaining to water and wastewater accounts under Chapter 38 of the City Code.

Section 15-25. Rental Properties, evictions, move-outs.

In cases of rental properties, any charges for special pickups shall be billed to the owner of the property, the responsible party, or the responsible property management office.

Section 15-26. Cul-de-sacs.

There will be no parking allowed in cul-de-sacs or circles on garbage or recycling collection days. Parking blocks collection containers, limiting access or preventing collection. Collection will not be provided when such is the case.

Section 15-27. Lost or Damaged Containers.

A fee may be applied to replace a lost or damaged garbage container or recycling container.

Section 15-28. Recycling Drop-off Center.

(a) The City may operate one or more citizen drop-off sites for recyclable materials. Materials brought to a drop-off site shall be placed in the designated receptacle, or as directed by a site attendant. Materials shall not be left at drop-off sites during non-operational or non-public access hours.

(b) It shall be the duty of any person using City recycling drop-off centers or special collection events, to follow all traffic, safety, and directional signs, site operating rules and verbal directions, or directions posted or given within any City drop-off site at all times. Only materials authorized for acceptance at the site are allowed. Failure to comply will constitute a violation of this chapter and may result in denial of access to these locations.

Section 15-29. Curbside Recycling Program.

(a) Participation in the City's curbside recycling program is voluntary. Anyone who chooses to participate agrees to abide by the rules and requirements set by the Director of Solid Waste Services. Failure to comply with these guidelines may result in forfeiture of all privileges to participate in the curbside recycling program.

(b) A curbside recycling fee is included in the monthly utility fee for residential garbage service. There is no additional fee charged for participation in the residential curbside recycling program.

(c) Recycling containers for the residential curbside recycling program will be provided by the City.

Section 15-30. Recycling Container Placement.

Unless otherwise instructed, recycling containers that are equipped with wheels shall be placed on the street with the wheels against the curb and a clearance of six (6) feet on both sides, two (2) feet to the rear and fourteen (14) feet above. If there is no curb the container shall be placed on the pavement or roadway as close as safely possible to the right of way with the wheels and handle facing away from the road. All recycling containers must be placed by the curb by 7:00 a.m. on scheduled recycling days and must be removed from the curb by 8:00 p.m. on scheduled recycling collection days.

Section 15-31. All Recycling Containers to be Kept Covered.

All recyclables shall be placed inside the curbside recycling container in such a manner that the lid will close to prevent litter, spillage or entry of vectors. No items shall be draped over, hanging out or protruding from the container. Lids shall only be opened while placing additional recyclables in such containers or while an authorized person is removing such recyclables or unloading the same for processing.

Section 15-32. Inspections to Enforce Ordinance.

As a condition of receiving residential curbside recycling service from the City, the Director of Solid Waste Services or his designee shall have the right to inspect customer containers, as needed, to determine whether recyclable materials are being properly disposed of and to file a complaint against any person violating any provision of this Chapter.

Section 15-33. Recycling Collection Outside the City.

If the customer has qualified for garbage collection service as stated in Section 15-22, the customer will also qualify for curbside recycling collection with no additional fee.

Section 15-34. Recycling Carry Out Service for Residents.

If the customer has qualified for garbage carry out service as stated in Section 15-23, the customer will also qualify for curbside recycling carry out service with no additional fee.

Section 15-35. Curbside Recycling for Garbage Only Accounts.

If the customer has qualified for a garbage only account as stated in Section 15-24, the customer will also qualify for curbside recycling collection with no additional fee.

Section 15-36. Curbside Recycling Acceptable Materials.

(a) Customers are provided a green recycling container in which to place specified items ("recyclables" or "recyclable materials"). All items must be acceptable under applicable laws and regulations and the City's contracts with purchasers of recyclable materials. Customers participating in the recycling program receive once-per-week collection of recyclable materials. Specific collection days are designated by the Solid Waste Division.

(b) Acceptable recyclable materials shall be designated by the City, and include:

- (i) Newspaper, mixed office paper, magazines;
- (ii) Corrugated cardboard, pasteboard products (without liners);

- (iii) Aluminum, tin, steel cans;
- (iv) Plastic bottles, and most plastics labeled #1-#7; and
- (v) Other materials as may be designated by the Director of Solid Waste Services.

(c) Recyclables should be rinsed and free of contaminants.

(d) Recyclables shall be placed in the container loosely and not bagged.

(e) At the discretion of the Director of Solid Waste Services or his designee, a recycling container shall not be collected if the recycling container is contaminated with any of the following:

- (i) Garbage
- (ii) Glass
- (iii) Styrofoam
- (iv) Plastic Bags
- (v) Appliances
- (vi) Clothing
- (vii) Toys
- (viii) Dead Animals
- (ix) Yard waste including grass clippings, leaves or trimmings
- (x) Household Hazardous Waste; or
- (xi) Any other materials as may be designated by the Director of Solid Waste Services.

(f) Contamination of a recycling container with any of the materials listed above is considered a violation of this Chapter and may result in confiscation of a customer's recycling container as set forth in Section 15-37.

Section 15-37. City Confiscation of Recycling Container.

(a) If a recycling container is not serviced due to the conditions detailed in Section 15-34, the Solid Waste Division shall notify the customer to which the recycling container is assigned in writing when and for what reason the recycling container was not serviced. Customers receiving notification of no service shall have the option of removing the contaminated material from the container and placing the container out for collection on the next recycling collection day.

(b) If the violation in (a) is observed a second time within six (6) months of the first violation, the customer to which the recycling container is assigned will receive a verbal warning and a second written warning regarding the violation. If the violation is observed a

third time within the same six (6) month period, the customer will receive written notice that his container will be confiscated by the City within forty-eight (48) hours.

(c) A recycling container that has been confiscated as set forth in this section will be returned to the customer upon payment of the re-delivery fee.

Section 15-38. Non-Participation in the Curbside Recycling Program.

Residents not participating in the City recycling program will receive once-per-week collection of garbage. This section includes residents that voluntarily do not wish to participate. It also includes residents that have been removed from the program due to habitual violation of this code.

Section 15-39. Fees.

The City Council authorizes the City Manager, or his designee, to establish the fees to be applied for replacement of a lost or damaged container, to replace a confiscated recycling container, for a second 96-gallon garbage or recycling container, for an overloaded container and for a missed container.

Section 15-40. Curbside Recycling by City Generally.

Residential curbside recycling collection in the City shall be a part of the duties of the Solid Waste Division, the employees of which shall make periodic pickups throughout the City from the recycling containers provided by the City as required by this Chapter. It shall be unlawful for any person, firm or corporation other than employees of the Solid Waste Division to collect residential recyclable materials in the City. Such contract shall provide the extent of collection and other authority to such person, firm or corporation as the City may deem appropriate.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 15, "GARBAGE AND REFUSE," OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Staff recommends amending Chapter 15, "Garbage and Refuse," of the Code of Ordinances;

Whereas, the revisions include a general update of Chapter 15 and the addition of sections covering the City's residential curbside recycling program – the new sections address:

- Availability of once a week voluntary residential curbside recycling collection by the City;
- A list of acceptable recyclable materials that the City will collect; and
- The establishment of rules and regulations for the provision of curbside recycling services.

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

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

Part 1: The City Council amends Chapter 15, "Garbage and Refuse," of the Code of Ordinances of the City of Temple, Texas, which includes a general update of Chapter 15 and the addition of sections covering the City's residential curbside recycling program, as outlined in Exhibit A, attached hereto and incorporated herein for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **21st** day of **November**, 2013.

PASSED AND APPROVED on Second Reading on the **5th** day of **December**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/21/13
Item #7
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: FIRST READING - PUBLIC HEARING: Consider adopting an ordinance closing and vacating the 1st Street railroad crossing (DOT no. 022966C) to vehicular traffic.

STAFF RECOMMENDATION: Conduct a public hearing and adopt ordinance as presented in item description on first reading, and schedule a second reading and final adoption for December 5, 2013.

ITEM SUMMARY: As part of the approved Downtown Rail Safety Zone, the BNSF railroad crossing located on South 1st Street just south of downtown (Exhibit A) must be closed to vehicular traffic.

On March 21, 2011, the City entered into 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. Their attached Downtown Rail Safety Zone Report recommended closing the South 1st Street crossing and constructing Supplemental Safety Measures (SSM's) at the S. Main Street and Martin Luther King Jr. Drive crossings (Exhibit B). October 18, 2012, Council resolved to direct Staff to proceed with implementation of the report.

On April 4, 2013, Council authorized a professional services agreement with KPA to design, bid, and provide construction phase services for the recommended street closure and SSM's in an amount not to exceed \$98,000.

In accordance with BNSF policies and procedures, the City Council must approve an ordinance authorizing the closing of this crossing. Once the closing has been approved, the City will place appropriate end-of-road treatments on both sides of the roadway approaches to the crossing.

FISCAL IMPACT:

ATTACHMENTS:

Exhibit A - South 1st Street Map

Exhibit B – Safety Zone Map

Downtown Rail Safety Zone Report

Ordinance



KPA

AVENUE B

SANTA FE
GARDENS

AVENUE C

COMMUNITY
FARMER'S
MARKET

PROPOSED
CLOSED
RAIL CROSSING

BNSF RAILROAD

1ST STREET



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



DOWNTOWN SAFTEY ZONES

PROPOSED
CLOSED
RAIL CROSSING

PROPOSED
6' WIDE
MEDIANS

PROPOSED
10' WIDE
MEDIANS

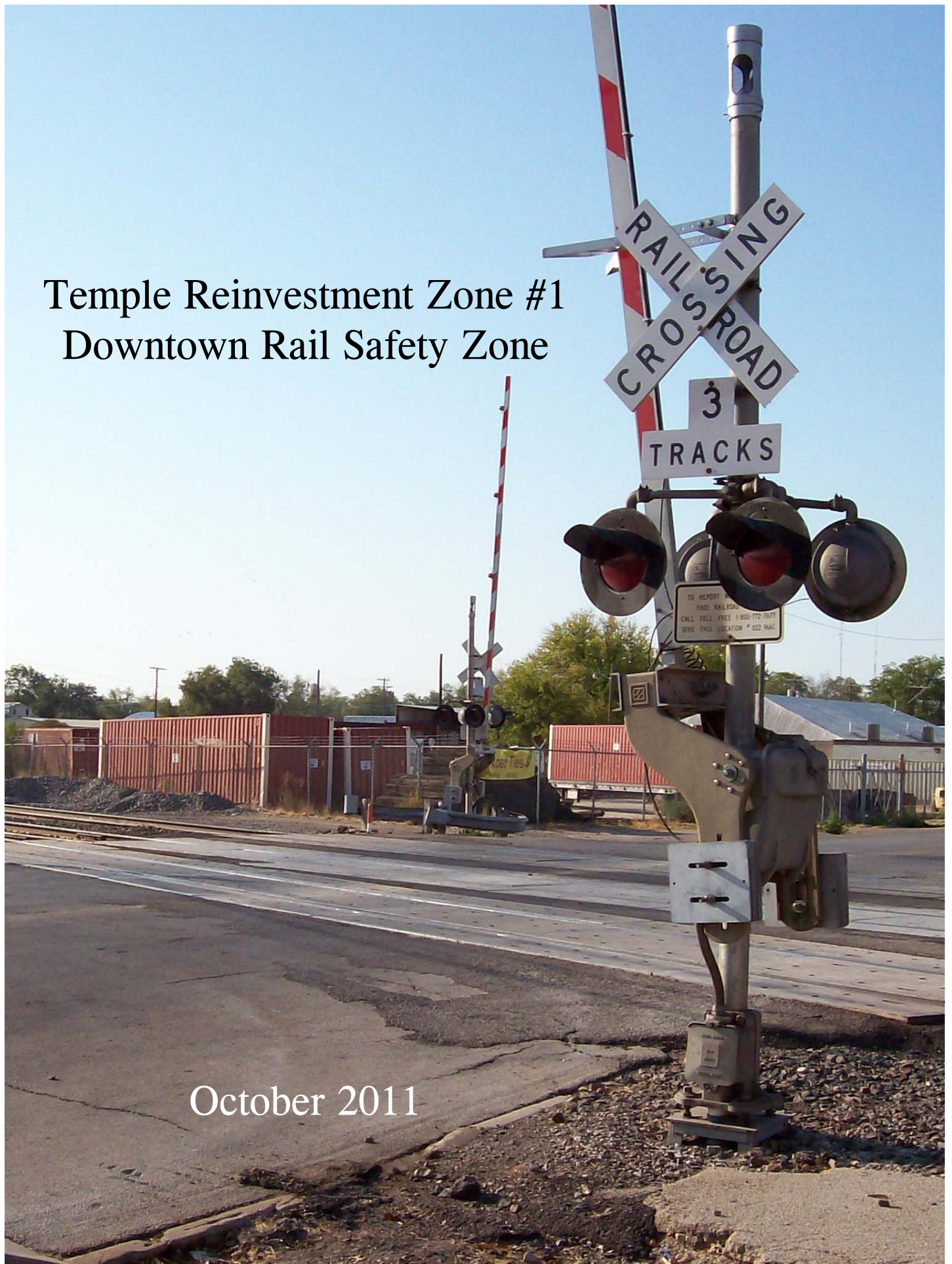
PROPOSED
QUIET ZONES

LEGEND



Temple Reinvestment Zone #1 Downtown Rail Safety Zone

October 2011



INTRODUCTION

A. PURPOSE OF THE STUDY

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

B. SCOPE OF THE STUDY

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

DEVELOPMENT OF FRA QUIET ZONE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Martin Luther King Drive

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

2. Main Street

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

3. First Street

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

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

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

City of Temple - Downtown Quiet Zone

PRELIMINARY OPINION OF PROBABLE CONSTRUCTION COST

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

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

TOTAL PROJECT \$ 433,665.00



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

**PROPOSED
10' WIDE
MEDIANS**

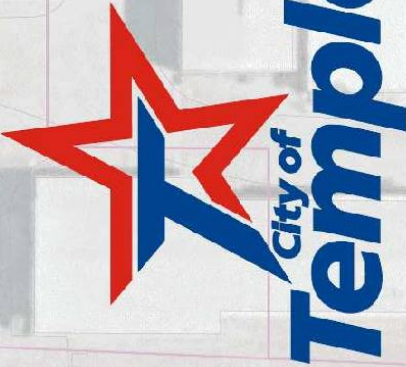
**PROPOSED
CLOSED
RAIL CROSSING**

**PROPOSED
6' WIDE
MEDIANS**

LEGEND

PROPOSED
QUIET ZONES

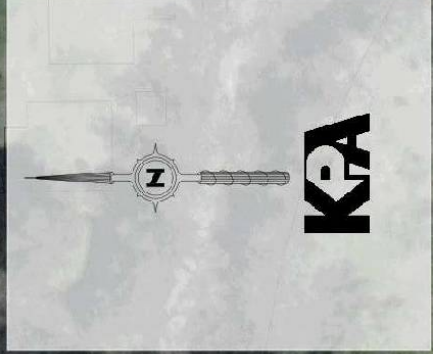




**T.D.D.A.
DOWNTOWN
QUIET ZONES
(1ST STREET)**



**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)**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, CLOSING AND VACATING THE RAILROAD CROSSING (DOT NO. 022966C), RAILROAD MILEPOST 218.055, LOCATED ON 1ST STREET, TO VEHICULAR TRAFFIC; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the BNSF Railway Company and the City of Temple have joined together to consolidate redundant and unnecessary street/railroad crossings;

Whereas, as part of the Downtown Quiet Zone, the railroad crossing located on 1st Street (DOT no. 022966C), Milepost 218.055, as shown on Exhibit A, must be closed to vehicular traffic;

Whereas, in accordance with BNSF policies and procedures, the City Council must approve an Ordinance authorizing the closing of this crossing – once approved, the City will place appropriate end-of-road treatments on both sides of the roadway approaches at a minimum distance of 25 feet from the centerline of the north track and 35 feet from the centerline of the south track; and

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

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

Part 1: The City Council approves the permanent closure of the railroad crossing on 1st Street (DOT no. 022966C), Milepost 218.055, to vehicular traffic and such crossing will be vacated at the time the City of Temple places appropriate end-of-road treatment on both of the roadway approaches at a minimum distance of 25 feet from the centerline of the north track and 35 feet from the centerline of the south track. The City will then remove both roadway approaches between the end-of-road treatment and the track.

Part 2: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 3: This ordinance shall take effect immediately from and after its passage, and it is accordingly so ordained.

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

PASSED AND APPROVED on First Reading on the **21st** day of **November**, 2013.

PASSED AND APPROVED on Second Reading and Public Hearing on the **5th** day of **December**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney

STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the ____ day of November, 2013, by DANIEL A. DUNN, Mayor of the City of Temple, Texas.

Notary Public, State of Texas



COUNCIL AGENDA ITEM MEMORANDUM

11/21/13
Item #8
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of a 15 acre tract of land near the City of Temple's landfill.

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The 15 acre tract of land at issue is located in close proximity to the City's landfill. Acquisition of the property is necessary for future landfill expansion. The seller has proposed a purchase price which the City Staff feels is reasonable. We will provide additional information in executive session.

FISCAL IMPACT: Taxable Certificate of Obligation Bonds were issued in November 2012 to fund costs related to the expansion of the landfill. Funds are available in account 365-2300-540-6110, project 100197 for the purchase of this property.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A 15 ACRE TRACT OF LAND LOCATED NEAR THE CITY OF TEMPLE'S LANDFILL; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the 15 acre tract of land is located in close proximity to the City's landfill, and the City is interested in acquiring the property for future landfill expansion;

Whereas, the seller has proposed a purchase price which City staff believes is reasonable and recommends the purchase of this tract of land; and

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

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

Part 1: The City Council authorizes the purchase of a 15 acre tract of land which is located near the City of Temple's landfill and is necessary for future landfill expansion.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents, after approval by the City Attorney, that may be necessary for the purchase of this parcel, including all closing documents.

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 **21st** day of **November**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/21/13
Item #9
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Denny Hainley, Benefits Specialist

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with Scott & White Health Plan and establishing rates for substitute Medicare supplement insurance for City of Temple over 65 retirees and the City's contribution thereto for calendar year 2014.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Previously the trustees of the City of Temple Employee Benefits Trust adopted rates for health and dental insurance for all active employees and retirees not eligible for Medicare. City policy requires that when retirees turn 65, if they are eligible, they must enroll in the substitute Medicare supplement plan(s) offered through the City in order to receive the City's contribution. These rates are not available until the late Fall of each year, so at this time Council needs to adopt substitute Medicare supplement rates for retirees for 2014. The rates for substitute Medicare supplement insurance run from January 1st through December 31st of each year while rates for our active employees and non Medicare eligible retirees run from October 1st through September 30th of each year.

The Personnel Policies and Procedures Manual states that the City will pay an amount established during the budget process for substitute Medicare Supplement insurance for Medicare eligible retirees who have at least twenty-five (25) years of continuous service with the City of Temple. The City issued a Request for Proposal in October of 2012 requesting a 3 year contract with a successful vendor to be awarded one year at a time. On November 8, 2012, the City received one (1) proposal. The City's consultant, Burke Sunday of City-County Benefit Services, reviewed the proposal received and recommended award to the Scott & White Health Plan.

Scott & White Health Plan, the recommended carrier, offers SeniorCare as its substitute Medicare supplement. In 2012 and 2013, SeniorCare offered twenty Medicare supplement plans to over 65 retirees through the City and will offer those same plans in 2014.

In FY 2010-2011, the City Policy regarding contributions was amended to state that the City will pay an amount toward retiree insurance to be determined each fiscal year. The FY 2014 budget included funding in the amount of \$102.00 to contribute towards the cost of substitute Medicare Supplemental insurance. Staff recommends that Council authorize a contribution of 50% toward all plans up to a maximum contribution of \$102.00.

The new monthly premium recommendations for 2014 are as follows:

Plan	Description	Monthly Premium	City's Contribution	Retiree's Contribution
A	Senior Select – No Rx	\$0.00	\$0.00	\$0.00
B	Senior Select – Value Rx	\$43.70	\$21.85	\$21.85
C	Senior Select – Basic Rx	\$48.60	\$24.30	\$24.30
D	Senior Select – Enhanced Rx	\$81.50	\$40.75	\$40.75
E	Senior Preferred – No Rx	\$87.00	\$43.50	\$43.50
F	Senior Preferred – Value Rx	\$130.70	\$65.35	\$65.35
G	Senior Preferred – Basic Rx	\$135.60	\$67.80	\$67.80
H	Senior Preferred – Enhanced Rx	\$168.40	\$84.20	\$84.20
I	Senior VIP – No Rx	\$147.00	\$73.50	\$73.50
J	Senior VIP– Value Rx	\$190.70	\$95.35	\$95.35
K	Senior VIP – Basic Rx	\$195.60	\$97.80	\$97.80
L	Senior VIP – Enhanced Rx	\$228.40	\$102.00	\$126.40
M	Senior MedOption – No Rx	\$167.00	\$83.50	\$83.50
N	Senior MedOption – Value Rx	\$210.70	\$102.00	\$108.70

Plan	Description	Monthly Premium	City's Contribution	Retiree's Contribution
O	Senior MedOption – Basic Rx	\$215.60	\$102.00	\$113.60
P	Senior MedOption – Enhanced Rx	\$248.40	\$102.00	\$146.40
Q	Senior Premium– No Rx	\$187.00	\$93.50	\$93.50
R	Senior Premium– Value Rx	\$230.70	\$102.00	\$128.70
S	Senior Premium – Basic Rx	\$235.70	\$102.00	\$133.70
T	Senior Premium – Enhanced Rx	\$268.50	\$102.00	\$166.50

FISCAL IMPACT: Budgeted amount: \$182,250 in account 110-2700-515-1231*
Estimated amount for FY13-14: \$71,013**

* Budget includes all retirees' insurance

** Maximum contribution during FY 2014 for the new plan costs calculated as \$102.00 x 59 # Medicare eligible retirees (as of 10/01/13) x 9 months (Jan - Sept) = \$54,162; the number of retirees could change over the course of the year. The cost incurred for the Medicare Supplemental insurance from October through December was \$16,851.00.

ATTACHMENTS:

[Review and Analysis of Response Resolution](#)

2014 Monthly Premiums

	Medical Plan	with Value Rx	with Basic Rx	with Enhanced Rx
Senior Select	\$ 0	\$ 43.70	\$ 48.60	\$81.50
Senior Preferred	\$ 87.00	\$130.70	\$135.60	\$168.40
VIP	\$147.00	\$190.70	\$195.60	\$228.40
MedOption	\$167.00	\$210.70	\$215.60	\$248.40
Premium	\$187.00	\$230.70	\$235.70	\$268.50

You must continue to pay your Part B premium. Eligible beneficiaries can enroll at any time, but may elect the optional SeniorCare (Cost) Medicare Part D prescription plan only during specific times of the year.

The benefit information provided herein is a brief summary, not a complete description of benefits. For more information contact the plan. Limitations, copayments, and restrictions may apply. Benefits, formulary, pharmacy network, provider network, premium and/or, co-payments/co-insurance may change on January 1 of each year. Members must use network pharmacies to access their prescription drug benefit except under non-routine circumstances, and quantity limitations and restrictions may apply. Also, our network of pharmacies has both preferred and non-preferred pharmacies. You can fill prescriptions at either, but you may pay less when you use a preferred pharmacy. You must receive all routine care from plan providers. Members may change plans during the Annual Enrollment Period (October 15 – December 7). Plan changes made during that time will be effective January 1 of the following year.

This information is available for free in other languages. Please contact our Customer Service at 1-866-334-3141, Monday – Sunday, 8 a.m. to 8 p.m., TTY users call 1-800-735-2989 for additional information. Esta información está disponible para libre en otros idiomas. Contacte por favor nuestro número de servicios de atención al cliente en lunes 1-866-334-3141, por el domingo, 8 de la mañana a 8 de la tarde, usuarios de TTY llaman 1-800-735-2989 para la información adicional.

Scott & White Health Plan is a Medicare-approved HMO plan. Enrollment in SeniorCare depends on contract renewal.

H4564_PREMIUM SHEET_2014 Accepted

SENIORCARE (COST) PLANS – 2014 MEDICAL PLANS

	Original Medicare	Select	Preferred	VIP	MedOption	Premium
Monthly Premium (You must continue to pay your Medicare Part B premium.)	\$104.90 (Part B) (The premium may be higher for higher income individuals.)	\$0	\$87	\$147	\$167	\$187
PCP Office Visit	\$147 (Deductible)	\$20	\$15	\$5	\$0	\$0
Specialist Office Visit	20% (after Part B deductible met)	\$50	\$15	\$5	\$0	\$0
Diagnostic Tests, X-Rays, Lab Services & Radiology Services (separate office visit co-pay may apply)	20% visit \$0 lab	\$0 to 20%	\$0 to \$15	\$0 to \$5	\$0	\$0
Inpatient Hospital (A benefit period begins the day you go into a hospital or Skilled Nursing Facility (SNF) and ends when you haven't received any inpatient hospital or SNF care for 60 days in a row.)	\$1,184 (Deductible) Days 1-60: \$0 Days 61-90: \$296/day Days 91-150: \$592/day (Once you have used your lifetime reserve days, you pay for all hospital costs.)	\$325 per day for days 1-5 \$0 per day for days 6-90	\$450 per admit (unlimited benefit period)	\$100 per admit (unlimited benefit period)	\$0 per admit (unlimited benefit period)	\$0 per admit (unlimited benefit period)
Skilled Nursing Facility (SNF)	Days 1-20: \$0/day Days 21-100: \$148/day	Days 1-20: \$0/day Days 21-100: \$125/day	Days 1-20: \$0/day Days 21-100: \$35/day	Days 1-20: \$0/day Days 21-100: \$25/day	Days 1-20: \$0/day Days 21-100: \$15/day	Days 1-20: \$0/day Days 21-100: \$15/day
Outpatient Surgery	20% visit 20% facility	20%	\$100	\$50	\$0	\$0
Ambulance	20%	\$100 (waived if admitted)	\$75 (waived if admitted)	\$50 (waived if admitted)	\$40 (waived if admitted)	\$40 (waived if admitted)

SENIORCARE (COST) PLANS – 2014 MEDICAL PLANS

Emergency Urgent Care	20% doctor / 20% facility 20% (U.S. only)	\$200 \$40 (U.S. only)	\$200 \$40 (Worldwide)	\$100 \$40 (Worldwide)	\$75 \$40 (Worldwide)	\$75 \$40 (Worldwide)
Durable Medical Equipment (DME)	20%	20%	20%	10%	\$0	\$0
Routine Vision Exam	Not Covered	Not Covered	\$15	\$5	\$0	\$0
Eyewear	(Medicare provides one pair of glasses or contact lenses after cataract surgery.)					
1 pair of glasses (every 2 years)	Not Covered	Not Covered	\$5 or \$15	Not Covered	\$5 or \$15	\$5 or \$15
Preventive Dental	Not Covered	Not Covered	Not Covered	Not Covered	Not Covered	Covered
Hearing Aids	Not Covered	Not Covered	Not Covered	Not Covered	50% up to \$1,000 every 2 years	50% up to \$1,000 every 2 years
Out of Pocket Maximum	Unlimited	\$6,700	\$3,400	\$3,400	\$3,400	\$3,400

The benefit information provided herein is a brief summary, not a comprehensive description of benefits. For more information contact the plan. Limitations, copayments, and restrictions may apply. Benefits, formulary, pharmacy network, premium and/or co-payments/co-insurance may change on January 1 of each year. You must continue to pay your Medicare Part B premium. This information is available for free in other languages. Please contact our Customer Service at 1-866-334-3141, Monday – Sunday, 8 a.m. to 8 p.m., TTY users call 1-800-735-2989 for additional information. Esta información está disponible para libre en otros idiomas. Contacte por favor nuestro número de servicios de atención al cliente en lunes 1-866-334-3141, por el domingo, 8 de la mañana a 8 de la tarde, usuarios de TTY llaman 1-800-735-2989 para la información adicional.

Scott & White Health Plan is a Medicare-approved HMO plan. Enrollment in SeniorCare depends on contract renewal.
H4564_MED COMPARE REV Accepted

H4564

City of Temple Employee Benefits Trust



Scott & White Health Plan - 2014 Senior Care Rates

	Select	Preferred	VIP	MedOption	Premium
Medical Only	\$0.00	\$87.00	\$147.00	\$167.00	\$187.00
2013 Medical Only	\$0.00	\$87.00	\$147.00	\$167.00	\$187.00
Difference	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Medical + Value Rx	\$43.70	\$130.70	\$190.70	\$210.70	\$230.70
2013 Medical + Value Rx	\$46.80	\$133.90	\$193.90	\$213.90	\$233.80
Difference	-\$3.10	-\$3.20	-\$3.20	-\$3.20	-\$3.10
Medical + Basic Rx	\$48.60	\$135.60	\$195.60	\$215.60	\$235.70
2013 Medical + Basic Rx	\$44.50	\$131.60	\$191.60	\$211.50	\$231.50
Difference	\$4.10	\$4.00	\$4.00	\$4.10	\$4.20
Medical + Enhanced Rx	\$81.50	\$168.40	\$228.40	\$248.40	\$268.50
2013 Medical + Enhanced Rx	\$98.00	\$185.00	\$244.90	\$264.90	\$284.90
Difference	-\$16.50	-\$16.60	-\$16.50	-\$16.50	-\$16.40

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE YEAR EXTENSION TO THE PURCHASE OF SUBSTITUTE MEDICARE SUPPLEMENTAL INSURANCE FOR CITY OF TEMPLE RETIREES OVER 65 FROM THE SCOTT & WHITE HEALTH PLAN FOR CALENDAR YEAR 2014; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in October 2012, trustees of the City of Temple Employee Benefits Trust awarded the purchase of substitute Medicare supplemental insurance to Scott & White Health Plan, at the recommendation of the City's consultant, Burke Sunday of City-County Benefits Services;

Whereas, Scott & White Health Plan offers SeniorCare as its substitute Medicare supplement, with twenty Medicare supplement plans offered to the City's retirees over age 65;

Whereas, Scott & White Health Plan has performed well and staff desires to extend the contract for another year at the same level as during calendar year 2013;

Whereas, funds are budgeted in Account No. 110-2700-515-1231 in the estimated amount of \$71,013 for fiscal year 2013-2014; and

Whereas, the City of Temple Employee Benefits Trust 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 extension to the purchase of substitute Medicare supplemental for the City's retirees over age 65, after approval as to form by the City Attorney, through Scott & White Health Plan for calendar year 2014 in the estimated amount of \$71,013.

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 **21st** day of **November**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney