



TEMPLE CITY COUNCIL

MUNICIPAL BUILDING

2 NORTH MAIN STREET

TEMPLE, TX

NOTICE OF MEETING

THURSDAY, OCTOBER 4, 2007

4:00 P.M.

3RD FLOOR CONFERENCE ROOM

WORKSHOP AGENDA

1. Discuss Sister Cities.
2. Briefing and discussion relating to sign ordinance.
3. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, October 4, 2007 as follows:

5:00 P.M.
CITY COUNCIL CHAMBERS – 2ND FLOOR

TEMPLE CITY COUNCIL

REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. (A) Community Planning Month October, 2007
- (B) Fire Prevention Week October 7-13, 2007
- (C) Domestic Violence Awareness Month October, 2007
- (D) Czech Heritage Month October, 2007

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.

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

Minutes:

- (A) September 20, 2007 Special Called Meeting
- (B) September 20, 2007 Regular Called Meeting

Contracts, Leases & Bids:

- (C) [2007-5189-R](#): Consider adopting a resolution authorizing a professional services agreement with Brown and Caldwell for services required to conduct a Wastewater Treatment Facility Alternatives Evaluation in the amount of \$62,300.
- (D) [2007-5190-R](#): Consider adopting a resolution authorizing an FY 2008 annual contract with Austin Asphalt, LP of Irving, Texas, and Woodard Construction Company of Gatesville, Texas, as the primary and secondary supplier, respectively, for the purchase of hot mix asphalt at a price of \$45.00 per ton with an estimated annual purchase of \$50,000.
- (E) [2007-5191-R](#): Consider adopting a resolution authorizing a FY 2008 annual purchase agreement to Screenprint Plus of Cape Coral, Florida for the design and printing of t-shirts in the estimated annual amount of \$25,000.
- (F) [2007-5192-R](#): Consider adopting a resolution authorizing a one year renewal of a professional services agreement with Mr. Tommy Wright for consultant services relating to commercial solid waste collection, not to exceed \$65,000.
- (G) [2007-5193-R](#): Consider adopting a resolution authorizing a contract with Austin Traffic Signal Construction of Round Rock for the construction of a traffic signal at W Adams Ave and Pea Ridge Road in the amount of \$194,932.75 and declare an official intent to reimburse this expenditure with the issuance of tax-exempt obligations for this project.
- (H) [2007-5194-R](#): Consider adopting a resolution authorizing a contract amendment to a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) for engineering services, including design and design surveys, required to implement design revisions for Phase II of the Industrial Rail Park within the TIF Reinvestment Zone #1 in an amount not to exceed \$173,000 and declare an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this project.

Misc:

- (I) [2007-5195-R](#): Consider adopting a resolution authorizing payment of \$25,125 to First Southwest Asset Management, Inc., an affiliate of First Southwest Company, for computational fees incurred in connection with the arbitrage calculations prepared for outstanding tax exempt bonds.
- (J) [2007-5196-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.

V. REGULAR AGENDA

ORDINANCES

5. [2007-4173](#): FIRST READING – PUBLIC HEARING – Consider adopting an ordinance amending the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2008-2022 to include redesignation of projects within the Project Plan, bond proceeds, and future year bond payments.
6. [2007-4174](#): FIRST READING – PUBLIC HEARING –Consider adopting an ordinance establishing the City's Economic Development Policy, setting out a program for promoting economic development within the City by authorizing loans and grants of public money and providing personnel and services of the municipality, to promote local economic development and to stimulate business and commercial activity.
7. [2007-4175](#): FIRST READING – PUBLIC HEARING -Z-FY-07-53: Consider adopting an ordinance amending the City of Temple Zoning Ordinance Section 13 regarding Fence and Wall Regulations, Display for Sale, Open Storage and add Metal Building Regulations to the Title and create Section 13-200, Regulations for Residential Primary and Accessory Metal Buildings.
8. [2007-4176](#): FIRST READING – PUBLIC HEARING - Z-FY-07-58: Consider adopting an ordinance authorizing a site plan approval for an existing Planned Development General Retail District on Lot 3, Block 1, J.A.J. Addition, located at 8774 West Adams Avenue.
9. [2007-4177](#): FIRST READING – PUBLIC HEARING - Z-FY-07-59: Consider adopting an ordinance authorizing an amendment to the Planned Development Light Industrial District Ordinance 2003-3878 by adding the barber shop or beauty shop uses on the west ½ of Lot 2, Block 1, Bentley Bellview Addition at 1614 West Avenue H.

RESOLUTIONS

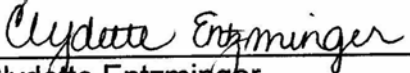
10. [2007-5197-R](#): P-FY07-50: Consider adopting a resolution authorizing the final plat of Harris Subdivision, two lots on a 12.0 acre tract of land located south of the US Hwy 190 and Pritchard Road intersection and on the west side of Pritchard Road in Temple Eastern ETJ.
11. [2007-5198-R](#): P-FY-07-56: Consider adopting a resolution authorizing the final plat of Maddux Subdivision, a 10.34 acre, two lot residential plat located on Oscar Lane in Temple's eastern Extraterritorial Jurisdiction.
12. [2007-5199-R](#): P-FY-07-57: Consider adopting a resolution authorizing the final plat of Water Works Landing, with nine single family lots on a 9.04 acre tract of land located north of the Sparta Road and Water Works Road intersection, south of Westcliffe Park in Temple's Western ETJ.

BOARDS

13. [2007-5200-R](#): Consider adopting a resolution nominating three people to serve as Community Directors on the Ida Olliffe Foundation for Animal Care.
14. [2007-5201-R](#): Consider adopting resolutions appointing members to the following City boards and commissions:
 - (A) Comprehensive Plan Advisory Committee – one member representing Planning Commission.
 - (B) Transit Advisory Committee – one member to fill expiring term through September 1, 2010.

***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 1:50 PM, on September 28, 2007.


Clydette Entzminger
City Secretary

I certify that this Notice of Meeting Agenda was removed by me from the outside bulletin board in front of the City Municipal Building on _____ day of _____ 2007. _____



COUNCIL AGENDA ITEM MEMORANDUM

10/04/07
Item #3(A)-(D)
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamations:

- | | | |
|-----|-----------------------------------|--------------------|
| (A) | Community Planning Month | October, 2007 |
| (B) | Fire Prevention Week | October 7-13, 2007 |
| (C) | Domestic Violence Awareness Month | October, 2007 |
| (D) | Czech Heritage Month | October, 2007 |

STAFF RECOMMENDATION: Present proclamations as presented in item descriptions.

ITEM SUMMARY:

(A) This proclamation was requested by Tim Dolan, Planning Director. It will be received by the City's Planning Department along with representatives from the Planning & Zoning Commission and the Comprehensive Plan Advisory Committee (CPAC). In addition, several Temple High School students will be recognized for their CPAC participation as part of their advanced placement community project.

(B) This proclamation was requested by Temple Fire & Rescue and will be received by Thomas Pechal. The Department requests to have the Junior Fire Cadets "quiz" the Council members on their fire safety knowledge. Questions and answers will be submitted in advance.

(C) This proclamation was requested by, and will also be received by, Suzanne Armour, the Community Relations Manager for Families in Crisis, Inc.

(D) This proclamation was requested by the Parks & Leisure Services Department and will be received by representatives from the department. It will recognize Czech Heritage Month as well as the City's first Czech Fest which is scheduled for November 3, 2007, in the Community Market and Santa Fe Gardens.

FISCAL IMPACT: N/A

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

10/04/07
Item #4(A)-(B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydetta Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

- (A) September 20, 2007 Special Called Meeting
- (B) September 20, 2007 Regular Called Meeting

STAFF RECOMMENDATION: Approve minutes as presented in item description.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

September 20, 2007 Special Called Meeting – hard copy to be provided
September 20, 2007 Regular Called Meeting – hard copy to be provided



COUNCIL AGENDA ITEM MEMORANDUM

10/04/07
Item #4(C)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce A. Butscher, P.E., Director of Public Works

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Brown and Caldwell for services required to conduct a Wastewater Treatment Facility Alternatives Evaluation in the amount of \$62,300.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Temple-Belton Regional Sewerage System (TBRSS) treatment facility that provides wastewater services for the south/central portions of the City of Temple and for the City of Belton was put into operation in 1975, and it currently receives wastewater flows from three (3) lift stations, two (2) of which are operated by Brazos River Authority (BRA) and the third by the City of Temple.

Existing plant and collection system capacity limitations, odor and corrosion issues, and projected growth brought about a facility planning study by Kasberg, Patrick & Associates in July 2005. This study provided for the expansion of the TBRSS facility and the upgrade of the existing lift stations.

At this time, the City of Temple staff wishes to investigate other possible alternatives available to provide wastewater services for the southern portion of the City. The purpose of the Brown and Caldwell study would be to perform a conceptual level comparative evaluation of the following:

- 1) Expansion of existing Temple-Belton Regional Sewage Treatment Facility;
- 2) Construction of a new Temple Sewage Treatment Facility in southeast Temple; and,
- 3) Evaluate diverting wastewater flows from the BRA plant to the City-owned Doshier Farm Wastewater Treatment Plant.

The evaluation will be a collaborative process requiring input from multiple levels within the City's organization. Brown and Caldwell's attached proposal further outlines the scope of services and project approach details.

With approval of this contract, it is expected that the evaluation and reporting process could be completed in about 90 days after receiving Notice to Proceed, depending upon participation and receipt of information from City staff.

FISCAL IMPACT:

In order that Brown and Caldwell provide the services required for completion of this evaluation, the following is a list of costs associated with this project:

Tasks	Hours	Total
Kickoff Meeting	16	\$ 3,040
Analyze Alternatives	240	\$33,560
Recommendations and Draft Report	112	\$16,400
Finalize Report	36	\$ 3,200
Presentation	24	\$ 3,600
Expenses		<u>\$ 2,500</u>
Total Fee		\$62,300

A budget adjustment is attached for Council's approval appropriating \$12,300 from account 520-5400-535-6532, Sewer Contingency, to account 520-5000-535-2616, Professional, to supplement the \$50,000 that is available in that account to fund the professional services agreement with Brown and Caldwell in the amount of \$62,300.

ATTACHMENTS:

[Brown and Caldwell Proposal](#)
[Budget Adjustment](#)
[Resolution](#)

**Proposal to the
City of Temple
For a
Wastewater Treatment Facility Alternatives Evaluation**

August 14, 2007

Background

Wastewater services for the south/central portions of the City of Temple and for the City of Belton are currently being provided by the Temple-Belton Regional Sewerage System (TBRSS) treatment facility. Put into operation in 1975, this facility is operated by the Brazos River Authority (BRA). The facility receives wastewater flows from three lift stations, two of which are operated by the BRA and the third by the City of Temple.

Recent drivers including existing plant and collection system capacity limitations, odor and corrosion issues and projected growth have brought about a facility planning study and evaluation to expand the TBRSS and its supporting collection system infrastructure (*Temple-Belton Regional Facilities Planning Study and Evaluation, July 2005, KPA & Associates*). This study includes the expansion of the existing regional sewage treatment facility and the upgrade of the existing lift stations.

At this time the City of Temple wishes to investigate other possible alternatives available to provide wastewater services for the southern portion of the City. One alternative is the construction of a new sewage treatment facility in southeast Temple and the flow transfer from the existing lift stations to the new facility. The second additional alternative is diversion of wastewater flows from the BRA facility to the existing city owned Doshier Farms Wastewater Treatment Plant. The purpose of this study to perform a conceptual level comparative evaluation of the three options:

1. Expansion of the existing Temple-Belton Regional Sewage Treatment Facility
2. Construction of a new Temple Sewage Treatment Facility in southeast Temple
3. Evaluate diverting wastewater flows from the BRA plant to the city owned Doshier Farms Wastewater Treatment Plant (via the city's wastewater master plan).

Project Approach

Brown and Caldwell will develop information that allows a comparison of the alternative treatment facilities to the planned expansion of the regional sewage treatment facility. This evaluation will allow a relative comparison of alternatives based on costs and non-cost factors such as regulatory compliance, ease of implementation, risk, and schedule.

The evaluation will be a collaborative process requiring input from multiple levels within the City's organization. To create ownership in the outcomes, both Brown and Caldwell

August 14, 2007

and City staff will be responsible for contributing information throughout the entire process. The following is the proposed scope of work and budget for this effort:

SCOPE OF SERVICES

Task 1 Kickoff Meeting

The formation of an evaluation team of key stakeholders is paramount for project success. Team members within the City should include staff from operations, engineering, planning, and finance. This Team will be the internal driver throughout the evaluation process and will have direct input and a clear understanding of the final evaluation findings.

The kickoff meeting will clarify and refine the three alternatives that are to be evaluated and to develop a clear understanding of the City's concerns and issues that will be incorporated into the evaluation. The City will provide input on the following issues to further define the alternatives for evaluation:

- Probable new treatment plant site
- Probable new interceptor/force main alignment
- New treatment plant effluent requirements
- Current and future flows and capacities for the new plant and for Doshier Farms plant.
- Implementation schedule
- Political/institutional requirements
- Community issues

This input from the City staff will form the basis of the evaluation and comparison of alternatives performed by Brown and Caldwell. Other factors may be included as identified by Brown and Caldwell or the City during the evaluation.

Deliverables

- Kickoff Meeting Agenda
- Meeting Summary
- Summary of alternatives requirements identified by the City

Task 2 Evaluation Alternatives

Utilizing the input provided by the City staff in Task 1, BC will conduct an evaluation of the two alternatives and compare those alternatives to the planned expansion of the regional treatment plant.

August 14, 2007

Brown and Caldwell will evaluate and estimate the following information for the two alternatives. This evaluation and estimates will be qualitative and conceptual for comparison of alternatives and should not be viewed as comprehensive or complete requirements or costs:

- Facility sizing such as interceptor diameter and treatment plant capacity.
- Treatment processes necessary to meet the effluent requirements.
- Interceptor pumping stations requirements, if any, including capacities and facility requirements such as odor control facilities.
- Capital costs
- O&M costs
- Implementation requirements and schedule including land and ROW acquisition if necessary.

We will provide a discussion and comparison of risks and risk costs, as appropriate, for all three alternatives. This discussion will include such things as ability to complete on time, acceptance by the community, ease of implementation, and risk of cost overrun for all three alternatives.

Deliverables

Technical report providing the findings of the evaluation and summary tables comparing costs and non-cost factors including risks, for all three alternatives will be reviewed and commented on by Team.

Task 3 Draft Report

BC will prepare a draft final report describing the work of the Team and including the descriptive, qualitative, and quantitative materials the Team has developed. The report will include analyses for Construction of a new Temple Sewage Treatment Facility in southeast Temple, Expansion of the existing Temple-Belton Regional Sewage Treatment Facility and evaluation analysis of diverting wastewater flows from the BRA plant to the city owned Dosier Farms Wastewater Treatment Plant. The draft report will be distributed to the Team for review.

Deliverables

- 5 Hard Copies Draft Report
- Conduct Meeting With Team to Review Draft Report

Task 4 Finalize Report

***Temple Sewerage System Treatment Alternative
Evaluation***

August 14, 2007

The Team will provide final comments on the draft report and suggest any changes needed. BC will incorporate any changes from the draft report required by the Team and will reflect the Team's action recommendations in the final report.

Deliverables

- 5 Hard Copies Final BCE Report
- 1 Electronic Copy of Final BCE Report

Task 5 Presentation

BC will prepare a presentation to educate City staff, City Council, and other interested parties about the BCE process and inform them of the alternatives reviewed and final recommendations. Effort for this task includes one presentation.

Deliverables

- Electronic copy of presentation

Budget

Tasks	Hours	Total
1 Kickoff Meeting	16	\$ 3,040
2 Analyze Alternatives	240	\$33,560
3 Recommendations and Draft Report	112	\$16,400
4 Finalize Report	36	\$ 3,200
5 Presentation	24	\$ 3,600
Expenses		\$ 2,500
Total Fee		\$62,300

Project Schedule

Brown and Caldwell is prepared to begin work upon Notice to Proceed and estimate completing activities in about 90 days, depending upon participation and receipt of information from City staff.

FY **2008****BUDGET ADJUSTMENT FORM**

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

Adjustments should be rounded to the nearest \$1.

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
520-5000-535-26-16		Professional	\$ 12,300			
520-5400-535-65-32		Contingency			12,300	
TOTAL.....			\$ 12,300		\$ 12,300	

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

To appropriate additional funds needed in the amount of \$12,300 to supplement the funding available in account 520-5000-535-2616 in the amount of \$50,000 to fund the professional services agreement with Brown and Caldwell for services required to conduct a Wastewater Treatment Facility Alternatives Evaluation. Total cost of the agreement is \$62,300.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

10/4/2007

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

Disapproved

Finance

Date

☐

Approved

Disapproved

City Manager

Date

☐

Approved

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH BROWN AND CALDWELL, FOR SERVICES REQUIRED TO CONDUCT A WASTEWATER TREATMENT FACILITY ALTERNATIVES EVALUATION IN THE AMOUNT OF \$62,300; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Temple-Belton Regional Sewerage System (TBRSS) treatment facility that provides wastewater services for the south/central portions of the City of Temple and for the City of Belton was put into operation in 1975, and it currently receives wastewater flows from 3 lift stations, 2 of which are operated by Brazos River Authority (BRA) and the third by the City of Temple;

Whereas, existing plant and collection system capacity limitations, odor and corrosion issues, and projected growth brought about a facility planning study by Kasberg, Patrick & Associates in July, 2005 – this study provided for the expansion of the TBRSS facility and the upgrade of the existing lift stations;

Whereas, the Staff recommends entering into a professional services agreement with Brown and Caldwell to investigate other possible alternatives available to provide wastewater services for the southern portion of the City;

Whereas, funds are available for this services but an amendment to the FY2007-08 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a professional services agreement with Brown and Caldwell, after approval as to form by the City Attorney, for services required to conduct a Wastewater Treatment Facility Alternatives Evaluation, for a cost not to exceed \$62,300.

Part 2: The City Council approves an amendment to the FY2007-2008 budget, substantially in the form of the copy attached as Exhibit A, for this project.

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

PASSED AND APPROVED this the **4th** day of **October**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/07
Item #4(D)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce Butscher, Director of Public Works
Kenny Henderson, Director of Street Services
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an FY 2008 annual contract with Austin Asphalt, LP of Irving, Texas, and Woodard Construction Company of Gatesville, Texas, as the primary and secondary supplier, respectively, for the purchase of hot mix asphalt at a price of \$45.00 per ton with an estimated annual purchase of \$50,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 18, 2007, the City received three (3) bids for the purchase of hot mix asphalt. The bids are shown on the attached bid tabulation.

The bid was stated to be awarded to a primary and secondary vendor with the secondary vendor to be only used in the event the primary vendor cannot provide the asphalt when needed. The bid was also stated to be awarded to the companies providing the "best value" to the City as allowed by Chapter 252 of the Local Government Code. The evaluation criteria as defined for this bid were price, location where the product will be picked up, and reputation of the bidder and the bidder's product.

Two of the bidders, Austin Asphalt, LP of Irving with delivery of their product from Belton and Woodard Construction Company of Gatesville, submitted a bid of \$45 per ton. Based on Austin Asphalt's pickup point being closer than Woodard Construction (i.e. Belton vs. Gatesville), staff is recommending award of a primary supplier contract to Austin Asphalt and a secondary supplier contract to Woodard Construction.

Staff is pleased with the products provided in the past by Austin Asphalt, LP and Woodard Construction Company.

The proposed purchase agreements will commence immediately and will expire on September 30, 2008. The agreements will provide for four (4) additional one-year extensions, if so agreed to by the City and each company.

FISCAL IMPACT: Sufficient funds are available within proposed departmental budgets for FY07-08.
Estimated expenditure: \$50,000

ATTACHMENTS:

[Bid Tab](#)
[Resolution](#)

Tabulation of Bids Received
on September 18, 2007 at 2:30 p.m.
Hot Mix Asphalt

	Bidders		
	Ironhorse Asphalt, Ltd Belton, TX	Austin Asphalt, LP Irving, TX	Woodard Construction Co. Gatesville, TX
Description			
Hot Mix Asphalt - price per ton for 1,000 tons	\$48.00	\$45.00	\$45.00
Delivery within 48 hours	yes	yes	yes
Local Preference	no	no	no
Exceptions	none	none	none
Pickup Point	Kempner, Texas	2200 Taylors Valley Rd, Belton	1411 N. Hwy 36, Gatesville

Note:

YELLOW- highlighted bid is recommended as Primary supplier

BLUE-highlighted bid is recommended as Secondary supplier

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

Belinda Mattke

18-Sep-07

Amy M. Olson, Director of Purchasing

Date

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ANNUAL PURCHASE AGREEMENTS WITH AUSTIN ASPHALT, LP, OF IRVING, TEXAS, AND WOODARD CONSTRUCTION COMPANY OF GATESVILLE, TEXAS, AS THE PRIMARY AND SECONDARY SUPPLIER, RESPECTIVELY, FOR THE PURCHASE OF HOT MIX ASPHALT AT A PRICE OF \$45 PER TON, WITH AN ESTIMATED ANNUAL PURCHASE FOR FY2007-2008 OF \$50,000; PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 18, 2007, the City received 3 bids for the purchase of hot mix asphalt for Fiscal Year 2007-2008;

Whereas, the staff recommends annual purchase agreements with Austin Asphalt, LP, of Irving, Texas, and Woodard Construction Company of Gatesville, Texas, as the primary and secondary supplier, respectively, for the purchase of hot mix asphalt at a price of \$45 per ton;

Whereas, sufficient funds are available within departmental budgets for this expense – the estimated annual expenditure is \$50,000; 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 annual purchase agreements with Austin Asphalt, LP, of Irving, Texas, and Woodard Construction Company of Gatesville, Texas, as the primary and secondary supplier, respectively, for the purchase of hot mix asphalt at a price of \$45 per ton for Fiscal Year 2007-2008 in the estimated annual amount of \$50,000.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents which may be necessary for these purchases, subject to approval as to form by the City Attorney.

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

PASSED AND APPROVED this the 4th day of **October**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/07
Item #4(E)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a FY 2008 annual purchase agreement to Screenprint Plus of Cape Coral, Florida for the design and printing of t-shirts in the estimated annual amount of \$25,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On August 28, 2007, the City received seven (7) bids for the design and printing of t-shirts. The bids are shown on the attached tabulation sheet.

The bid was stated to be awarded to the company providing the “best value” to the City. This means that we can consider other factors in addition to price including quality of service, reputation of the bidder and his services, and the bidder’s design capabilities.

Staff recommends award to Screenprint Plus of Cape Coral, Florida for the following reasons:

- (1) Screenprint Plus has provided one of the lowest bids and can perform the design services requested;
- (2) Screenprint Plus complied with all requirements of the bid;
- (3) Since the City has not done business with Screenprint Plus before, references were consulted and responses were received indicating that Screenprint Plus is a responsible vendor.

FISCAL IMPACT: Budgeted amount: sufficient funds in various account*
Estimated annual expenditure: \$25,000

* These shirts will be ordered on an as-needed basis and departments will make sure sufficient funds are available for their purchases. The majority of the shirts are used by the Recreation department in their athletic events, and others are used by various City departments as uniform shirts.

ATTACHMENTS:

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

Tabulation of Bids Received
on August 28, 2007 at 3:15 p.m.
T-Shirt Design and Printing

Description	Bidders						
	Designlab Inc Greenville, SC	Transgraphics Waco	H&H T-Shirts Belton	Safari Sun Altamonte Springs, FL	Holloway's Sports Ctr Tempe	Screenprint Plus Cape Coral, FL	All Custom Apparel Colorado Springs, CO
SS T-Shirt - 1 color - White YS-XL	\$1.89	\$4.24	\$4.50	\$3.25	\$5.00	\$2.14	\$2.50
SS T-Shirt - 1 color - White XXL	\$2.79	\$5.44	\$5.50	\$4.25	\$7.00	\$2.95	\$3.25
SS T-Shirt - 1 color - White XXXL	\$2.79	\$6.60	\$6.50	\$5.25	\$8.00	\$3.05	\$4.25
SS T-Shirt - 2 color - White YS-XL	\$2.14	\$4.60	\$4.75	\$3.40	\$6.25	\$2.72	\$2.50
SS T-Shirt - 2 color - White XXL	\$3.04	\$5.80	\$5.75	\$4.40	\$8.00	\$3.53	\$3.25
SS T-Shirt - 2 color - White XXXL	\$3.04	\$7.00	\$6.75	\$5.40	\$9.00	\$3.63	\$4.25
SS T-Shirt - 3 color - White YS-XL	\$2.39	\$4.96	\$5.50	\$3.55	\$7.00	\$3.30	\$2.50
SS T-Shirt - 3 color - White XXL	\$3.29	\$6.16	\$6.50	\$4.55	\$9.00	\$4.11	\$3.25
SS T-Shirt - 3 color - White XXXL	\$3.29	\$7.36	\$7.50	\$5.55	\$10.00	\$4.21	\$4.25
SS T-Shirt - 4 color - White YS-XL	\$2.64	\$5.32	\$5.90	\$3.70	\$8.00	\$3.88	\$2.50
SS T-Shirt - 4 color - White XXL	\$3.54	\$6.52	\$6.90	\$4.70	\$10.00	\$4.69	\$3.25
SS T-Shirt - 4 color - White XXXL	\$3.54	\$7.72	\$7.90	\$5.70	\$11.00	\$4.79	\$4.25
SS T-Shirt - 1 color - Light YS-XL	\$2.30	\$4.60	\$4.90	\$3.65	\$5.00	\$2.48	\$3.10
SS T-Shirt - 1 color - Light XXL	\$3.04	\$5.80	\$5.90	\$4.65	\$7.00	\$3.32	\$3.90
SS T-Shirt - 1 color - Light XXXL	\$3.04	\$7.00	\$6.90	\$5.65	\$8.00	\$3.42	\$4.75
SS T-Shirt - 2 color - Light YS-XL	\$2.55	\$4.96	\$5.10	\$3.80	\$6.25	\$3.06	\$3.10
SS T-Shirt - 2 color - Light XXL	\$3.29	\$6.16	\$6.10	\$4.80	\$8.00	\$3.90	\$3.90
SS T-Shirt - 2 color - Light XXXL	\$3.29	\$7.36	\$7.10	\$5.80	\$9.00	\$4.00	\$4.75
SS T-Shirt - 3 color - Light YS-XL	\$2.80	\$5.32	\$6.30	\$3.95	\$7.00	\$3.64	\$3.10
SS T-Shirt - 3 color - Light XXL	\$3.54	\$6.52	\$7.30	\$4.95	\$9.00	\$4.48	\$3.90
SS T-Shirt - 3 color - Light XXXL	\$3.54	\$7.72	\$8.30	\$5.95	\$10.00	\$4.58	\$4.75
SS T-Shirt - 4 color - Light YS-XL	\$3.05	\$5.69	\$6.60	\$4.10	\$8.00	\$4.22	\$3.10
SS T-Shirt - 4 color - Light XXL	\$3.79	\$6.89	\$7.60	\$5.10	\$10.00	\$5.06	\$3.90
SS T-Shirt - 4 color - Light XXXL	\$3.79	\$8.09	\$8.60	\$6.10	\$11.00	\$5.16	\$4.75
SS T-Shirt - 1 color - Dark YS-XL	\$2.73	\$4.96	\$5.50	\$3.95	\$6.25	\$2.71	\$3.55
SS T-Shirt - 1 color - Dark XXL	\$3.77	\$6.16	\$6.50	\$4.95	\$8.00	\$3.76	\$4.45
SS T-Shirt - 1 color - Dark XXXL	\$3.77	\$7.36	\$7.50	\$5.95	\$9.00	\$3.86	\$4.95
SS T-Shirt - 2 color - Dark YS-XL	\$2.98	\$5.32	\$5.80	\$4.10	\$7.00	\$3.29	\$3.55
SS T-Shirt - 2 color - Dark XXL	\$3.88	\$6.52	\$6.80	\$5.10	\$9.00	\$4.34	\$4.45
SS T-Shirt - 2 color - Dark XXXL	\$3.88	\$7.72	\$7.80	\$6.10	\$10.00	\$4.44	\$4.95
SS T-Shirt - 3 color - Dark YS-XL	\$3.23	\$5.69	\$6.10	\$4.25	\$8.00	\$3.87	\$3.55
SS T-Shirt - 3 color - Dark XXL	\$4.13	\$6.89	\$7.10	\$5.25	\$10.00	\$4.92	\$4.45
SS T-Shirt - 3 color - Dark XXXL	\$4.13	\$8.09	\$8.10	\$6.25	\$11.00	\$5.02	\$4.95
SS T-Shirt - 4 color - Dark YS-XL	\$3.48	\$6.05	\$6.30	\$4.40	\$9.00	\$4.45	\$3.55
SS T-Shirt - 4 color - Dark XXL	\$4.38	\$7.25	\$7.30	\$5.40	\$11.00	\$5.50	\$4.45
SS T-Shirt - 4 color - Dark XXXL	\$4.38	\$8.45	\$8.30	\$6.40	\$12.00	\$5.60	\$4.95
LS T-Shirt - 1 color - White YS-XL	\$3.53	\$6.24	\$6.15	\$4.65	\$8.00	\$3.50	\$5.00
LS T-Shirt - 1 color - White XXL	\$4.61	\$7.44	\$7.15	\$5.65	\$10.00	\$4.44	\$6.00
LS T-Shirt - 1 color - White XXXL	\$4.88	\$8.64	\$8.15	\$6.65	\$11.00	\$4.54	\$6.50
LS T-Shirt - 2 color - White YS-XL	\$3.78	\$6.60	\$6.30	\$4.80	\$8.50	\$4.08	\$5.00
LS T-Shirt - 2 color - White XXL	\$4.86	\$7.80	\$7.30	\$5.80	\$10.50	\$5.02	\$6.00
LS T-Shirt - 2 color - White XXXL	\$5.13	\$9.00	\$8.30	\$6.80	\$11.50	\$5.12	\$6.50
LS T-Shirt - 3 color - White YS-XL	\$4.03	\$6.96	\$6.60	\$4.95	\$9.00	\$4.66	\$5.00
LS T-Shirt - 3 color - White XXL	\$5.11	\$8.16	\$7.60	\$5.95	\$11.00	\$5.60	\$6.00
LS T-Shirt - 3 color - White XXXL	\$5.38	\$9.36	\$8.60	\$6.95	\$12.00	\$5.70	\$6.50
LS T-Shirt - 4 color - White YS-XL	\$4.28	\$7.32	\$6.90	\$5.10	\$10.00	\$5.24	\$5.00
LS T-Shirt - 4 color - White XXL	\$5.36	\$8.52	\$7.90	\$6.10	\$12.00	\$6.18	\$6.00
LS T-Shirt - 4 color - White XXXL	\$5.63	\$9.72	\$8.90	\$7.10	\$13.00	\$6.28	\$6.50
LS T-Shirt - 1 color - Light YS-XL	\$3.98	\$6.60	\$6.15	\$4.95	\$8.00	\$3.84	\$5.50
LS T-Shirt - 1 color - Light XXL	\$5.07	\$5.80	\$7.15	\$5.95	\$10.00	\$4.82	\$6.50
LS T-Shirt - 1 color - Light XXXL	\$5.38	\$7.00	\$8.15	\$6.95	\$11.00	\$4.92	\$7.00
LS T-Shirt - 2 color - Light YS-XL	\$4.23	\$6.96	\$6.30	\$5.10	\$8.50	\$4.42	\$5.50
LS T-Shirt - 2 color - Light XXL	\$5.32	\$8.16	\$7.30	\$6.10	\$10.50	\$5.40	\$6.50
LS T-Shirt - 2 color - Light XXXL	\$5.63	\$9.36	\$8.30	\$7.10	\$11.50	\$5.50	\$7.00
LS T-Shirt - 3 color - Light YS-XL	\$4.48	\$7.32	\$6.30	\$5.25	\$9.00	\$5.00	\$5.50
LS T-Shirt - 3 color - Light XXL	\$5.57	\$8.52	\$7.30	\$6.25	\$11.00	\$5.98	\$6.50
LS T-Shirt - 3 color - Light XXXL	\$5.88	\$9.72	\$8.30	\$7.25	\$12.00	\$6.08	\$7.00
LS T-Shirt - 4 color - Light YS-XL	\$5.73	\$7.96	\$6.60	\$5.40	\$10.00	\$5.58	\$5.50
LS T-Shirt - 4 color - Light XXL	\$5.82	\$9.16	\$7.60	\$6.40	\$12.00	\$6.56	\$6.50
LS T-Shirt - 4 color - Light XXXL	\$6.13	\$10.36	\$8.60	\$7.40	\$13.00	\$7.56	\$7.00
LS T-Shirt - 1 color - Dark YS-XL	\$4.38	\$6.96	\$5.90	\$5.25	\$8.00	\$4.18	\$5.80
LS T-Shirt - 1 color - Dark XXL	\$5.06	\$8.16	\$6.90	\$6.25	\$10.00	\$5.27	\$6.80
LS T-Shirt - 1 color - Dark XXXL	\$5.96	\$9.36	\$7.90	\$7.25	\$11.00	\$5.37	\$7.30
LS T-Shirt - 2 color - Dark YS-XL	\$4.63	\$7.32	\$6.15	\$5.40	\$9.00	\$4.76	\$5.80
LS T-Shirt - 2 color - Dark XXL	\$5.31	\$8.52	\$7.15	\$6.40	\$11.00	\$5.85	\$6.80
LS T-Shirt - 2 color - Dark XXXL	\$6.21	\$9.72	\$8.15	\$7.40	\$12.00	\$5.95	\$7.30

	Bidders						
	Designlab Inc Greenville, SC	Transgraphics Waco	H&H T-Shirts Belton	Safari Sun Altamante Springs, FL	Holloway's Sports Ctr Temple	Screenprint Plus Cape Coral, FL	All Custom Apparel Colorado Springs, CO
LS T-Shirt - 3 color - Dark YS-XL	\$4.88	\$7.69	\$6.30	\$5.55	\$9.50	\$5.34	\$5.80
LS T-Shirt - 3 color - Dark XXL	\$5.56	\$9.16	\$7.30	\$6.55	\$11.50	\$6.43	\$6.80
LS T-Shirt - 3 color - Dark XXXL	\$6.46	\$10.36	\$8.30	\$7.55	\$12.50	\$6.53	\$7.30
LS T-Shirt - 4 color - Dark YS-XL	\$5.13	\$8.05	\$6.60	\$5.70	\$10.00	\$5.92	\$5.80
LS T-Shirt - 4 color - Dark XXL	\$5.81	\$9.25	\$7.60	\$6.70	\$12.00	\$7.01	\$6.80
LS T-Shirt - 4 color - Dark XXXL	\$6.71	\$10.45	\$8.60	\$7.70	\$13.00	\$7.11	\$7.30
SS Pocket T-Shirt - 1 color - White YS-XL	\$3.46	\$5.45	\$5.20	\$4.25	\$8.00	\$2.97	\$4.15
SS Pocket T-Shirt - 1 color - White XXL	\$4.88	\$6.65	\$6.20	\$5.25	\$10.00	\$4.28	\$5.50
SS Pocket T-Shirt - 1 color - White XXXL	\$5.33	\$7.85	\$7.20	\$6.25	\$11.00	\$4.38	\$6.00
SS Pocket T-Shirt - 2 color - White YS-XL	\$3.71	\$5.85	\$5.10	\$4.40	\$8.50	\$3.55	\$4.15
SS Pocket T-Shirt - 2 color - White XXL	\$5.13	\$7.05	\$6.10	\$5.40	\$10.50	\$4.86	\$5.50
SS Pocket T-Shirt - 2 color - White XXXL	\$5.58	\$8.25	\$7.10	\$6.40	\$11.50	\$4.96	\$6.00
SS Pocket T-Shirt - 3 color - White YS-XL	\$3.96	\$6.21	\$5.10	\$4.55	\$9.00	\$4.13	\$4.15
SS Pocket T-Shirt - 3 color - White XXL	\$5.38	\$7.41	\$6.10	\$5.55	\$11.00	\$5.44	\$5.50
SS Pocket T-Shirt - 3 color - White XXXL	\$5.83	\$8.61	\$7.10	\$6.55	\$12.00	\$5.54	\$6.00
SS Pocket T-Shirt - 4 color - White YS-XL	\$4.21	\$6.57	\$5.50	\$4.70	\$10.00	\$4.71	\$4.15
SS Pocket T-Shirt - 4 color - White XXL	\$5.63	\$7.77	\$6.50	\$5.70	\$12.00	\$6.02	\$5.50
SS Pocket T-Shirt - 4 color - White XXXL	\$6.08	\$8.97	\$7.50	\$6.70	\$13.00	\$6.12	\$6.00
SS Pocket T-Shirt - 1 color - Light YS-XL	\$3.92	\$5.85	\$6.10	\$4.85	\$8.00	\$3.55	\$4.65
SS Pocket T-Shirt - 1 color - Light XXL	\$5.11	\$7.05	\$7.10	\$5.85	\$10.00	\$4.64	\$6.00
SS Pocket T-Shirt - 1 color - Light XXXL	\$5.36	\$8.25	\$8.10	\$6.85	\$11.00	\$4.74	\$6.50
SS Pocket T-Shirt - 2 color - Light YS-XL	\$4.17	\$6.21	\$6.40	\$5.00	\$8.50	\$4.13	\$4.65
SS Pocket T-Shirt - 2 color - Light XXL	\$5.36	\$7.41	\$7.40	\$6.00	\$10.50	\$5.22	\$6.00
SS Pocket T-Shirt - 2 color - Light XXXL	\$5.61	\$8.61	\$8.40	\$7.00	\$11.50	\$5.32	\$6.50
SS Pocket T-Shirt - 3 color - Light YS-XL	\$4.42	\$6.57	\$6.60	\$5.15	\$9.00	\$4.71	\$4.65
SS Pocket T-Shirt - 3 color - Light XXL	\$5.61	\$7.77	\$7.60	\$6.15	\$11.00	\$5.80	\$6.00
SS Pocket T-Shirt - 3 color - Light XXXL	\$5.86	\$8.97	\$8.60	\$7.15	\$12.00	\$5.90	\$6.50
SS Pocket T-Shirt - 4 color - Light YS-XL	\$4.67	\$6.94	\$6.90	\$5.30	\$10.00	\$5.29	\$4.65
SS Pocket T-Shirt - 4 color - Light XXL	\$5.86	\$8.14	\$7.90	\$6.30	\$12.00	\$6.38	\$6.00
SS Pocket T-Shirt - 4 color - Light XXXL	\$6.11	\$9.34	\$8.90	\$7.30	\$13.00	\$6.48	\$6.50
SS Pocket T-Shirt - 1 color - Dark YS-XL	\$4.41	\$6.21	\$5.80	\$5.05	\$8.00	\$3.77	\$4.75
SS Pocket T-Shirt - 1 color - Dark XXL	\$5.28	\$7.41	\$6.80	\$6.05	\$10.00	\$4.92	\$5.75
SS Pocket T-Shirt - 1 color - Dark XXXL	\$5.80	\$8.61	\$7.80	\$7.05	\$11.00	\$5.02	\$6.25
SS Pocket T-Shirt - 2 color - Dark YS-XL	\$4.66	\$6.57	\$6.10	\$5.20	\$9.00	\$4.35	\$4.75
SS Pocket T-Shirt - 2 color - Dark XXL	\$5.53	\$7.77	\$7.10	\$6.20	\$11.00	\$5.50	\$5.75
SS Pocket T-Shirt - 2 color - Dark XXXL	\$6.05	\$8.97	\$8.10	\$7.20	\$12.00	\$5.60	\$6.25
SS Pocket T-Shirt - 3 color - Dark YS-XL	\$4.91	\$6.94	\$6.40	\$5.35	\$9.50	\$4.93	\$4.75
SS Pocket T-Shirt - 3 color - Dark XXL	\$5.78	\$8.14	\$7.40	\$6.35	\$11.50	\$6.08	\$5.75
SS Pocket T-Shirt - 3 color - Dark XXXL	\$6.30	\$9.34	\$8.40	\$7.35	\$12.50	\$6.18	\$6.25
SS Pocket T-Shirt - 4 color - Dark YS-XL	\$5.16	\$7.30	\$6.60	\$5.50	\$10.00	\$5.51	\$4.75
SS Pocket T-Shirt - 4 color - Dark XXL	\$6.03	\$8.50	\$7.60	\$6.50	\$12.00	\$6.66	\$5.75
SS Pocket T-Shirt - 4 color - Dark XXXL	\$6.55	\$9.70	\$8.60	\$7.50	\$13.00	\$6.76	\$6.25
Tank Top - 1 color - White YS-XL	\$4.00	\$5.24	\$4.60	\$4.10	\$6.25	\$2.53	\$4.00
Tank Top - 1 color - White XXL	\$5.17	\$6.44	\$5.60	\$5.10	\$8.00	\$3.31	\$5.00
Tank Top - 1 color - White XXXL	\$6.17	\$7.64	\$6.60	\$6.10	\$9.00	\$3.59	\$6.50
Tank Top - 2 color - White YS-XL	\$4.25	\$5.60	\$4.60	\$4.25	\$7.00	\$3.11	\$4.00
Tank Top - 2 color - White XXL	\$5.42	\$6.80	\$5.60	\$5.25	\$9.00	\$3.89	\$5.00
Tank Top - 2 color - White XXXL	\$6.42	\$8.00	\$6.60	\$6.25	\$10.00	\$4.17	\$6.50
Tank Top - 3 color - White YS-XL	\$4.50	\$5.96	\$4.90	\$4.40	\$8.00	\$3.69	\$4.00
Tank Top - 3 color - White XXL	\$5.67	\$7.16	\$5.90	\$5.40	\$10.00	\$4.47	\$5.00
Tank Top - 3 color - White XXXL	\$6.67	\$8.36	\$6.90	\$6.40	\$11.00	\$4.75	\$6.50
Tank Top - 4 color - White YS-XL	\$4.75	\$6.32	\$4.25	\$4.55	\$9.00	\$4.27	\$4.00
Tank Top - 4 color - White XXL	\$5.92	\$7.52	\$5.25	\$5.55	\$11.00	\$5.05	\$5.00
Tank Top - 4 color - White XXXL	\$6.92	\$8.72	\$6.25	\$6.55	\$12.00	\$5.33	No Bid
Tank Top - 1 color - Light YS-XL	\$4.37	\$5.60	\$4.60	\$4.40	\$6.25	\$2.75	\$4.50
Tank Top - 1 color - Light XXL	\$5.61	\$6.80	\$5.60	\$5.40	\$8.00	\$3.54	\$5.00
Tank Top - 1 color - Light XXXL	\$6.67	\$8.00	\$6.60	\$6.40	\$9.00	\$3.92	No Bid
Tank Top - 2 color - Light YS-XL	\$4.62	\$5.96	\$4.90	\$4.55	\$7.00	\$3.33	\$4.50
Tank Top - 2 color - Light XXL	\$5.87	\$7.16	\$5.90	\$5.55	\$9.00	\$4.12	\$5.00
Tank Top - 2 color - Light XXXL	\$6.92	\$8.30	\$6.90	\$6.55	\$10.00	\$4.50	No Bid
Tank Top - 3 color - Light YS-XL	\$4.87	\$6.32	\$5.10	\$4.70	\$8.00	\$3.91	\$4.50
Tank Top - 3 color - Light XXL	\$6.12	\$7.52	\$6.10	\$5.70	\$10.00	\$4.70	\$5.00
Tank Top - 3 color - Light XXXL	\$7.17	\$8.72	\$7.10	\$6.70	\$11.00	\$5.08	No Bid
Tank Top - 4 color - Light YS-XL	\$5.12	\$6.69	\$5.25	\$4.85	\$9.00	\$4.49	\$4.50
Tank Top - 4 color - Light XXL	\$6.37	\$7.89	\$6.25	\$5.85	\$11.00	\$5.28	\$5.00
Tank Top - 4 color - Light XXXL	\$7.42	\$9.09	\$7.25	\$6.85	\$12.00	\$5.66	No Bid
Tank Top - 1 color - Dark YS-XL	\$4.87	\$5.96	\$4.60	\$4.70	\$7.00	\$2.96	\$5.00
Tank Top - 1 color - Dark XXL	\$5.98	\$7.16	\$5.60	\$5.70	\$9.00	\$3.92	\$5.50
Tank Top - 1 color - Dark XXXL	\$7.23	\$8.36	\$6.60	\$6.70	\$10.00	\$4.23	No Bid
Tank Top - 2 color - Dark YS-XL	\$5.12	\$6.32	\$4.90	\$4.85	\$8.00	\$3.54	\$5.00
Tank Top - 2 color - Dark XXL	\$6.23	\$7.52	\$5.90	\$5.85	\$10.00	\$4.50	\$5.50
Tank Top - 2 color - Dark XXXL	\$7.48	\$8.72	\$6.90	\$6.85	\$11.00	\$4.81	No Bid

	Bidders						
	Designlab Inc Greenville, SC	Transgraphics Waco	H&H T-Shirts Belton	Safari Sun Altamante Springs, FL	Holloway's Sports Ctr Temple	Screenprint Plus Cape Coral, FL	All Custom Apparel Colorado Springs, CO
Tank Top - 3 color - Dark YS-XL	\$5.37	\$6.69	\$5.10	\$5.00	\$9.00	\$4.12	\$5.00
Tank Top - 3 color - Dark XXL	\$6.48	\$7.89	\$6.10	\$6.00	\$11.00	\$5.08	\$5.50
Tank Top - 3 color - Dark XXXL	\$7.73	\$9.09	\$7.10	\$7.00	\$12.00	\$5.39	No Bid
Tank Top - 4 color - Dark YS-XL	\$5.62	\$7.05	\$5.25	\$5.15	\$10.00	\$4.70	\$5.00
Tank Top - 4 color - Dark XXL	\$6.73	\$8.25	\$6.25	\$6.15	\$12.00	\$5.66	\$5.50
Tank Top - 4 color - Dark XXXL	\$7.98	\$9.45	\$7.25	\$7.15	\$13.00	\$5.97	No Bid
100% Cotton SS - 1 color - Light YS-XL	\$3.48	\$4.60	\$5.10	\$5.25	\$6.00	\$2.36	\$3.00
100% Cotton SS - 1 color - Light XXL	\$5.52	\$5.80	\$6.10	\$6.25	\$8.00	\$3.33	\$3.80
100% Cotton SS - 1 color - Light XXXL	\$6.31	\$7.00	\$7.10	\$7.25	\$9.00	\$3.43	\$4.65
100% Cotton SS - 2 color - Light YS-XL	\$3.73	\$4.96	\$5.30	\$5.40	\$7.00	\$2.94	\$3.00
100% Cotton SS - 2 color - Light XXL	\$5.77	\$6.16	\$6.30	\$6.40	\$9.00	\$3.91	\$3.80
100% Cotton SS - 2 color - Light XXXL	\$6.56	\$7.36	\$7.30	\$7.40	\$10.00	\$4.01	\$4.65
100% Cotton SS - 3 color - Light YS-XL	\$3.98	\$5.32	\$5.60	\$5.55	\$8.00	\$3.52	\$3.00
100% Cotton SS - 3 color - Light XXL	\$6.02	\$6.52	\$6.60	\$6.55	\$10.00	\$4.49	\$3.80
100% Cotton SS - 3 color - Light XXXL	\$6.81	\$7.72	\$7.60	\$7.55	\$12.00	\$4.59	\$4.65
100% Cotton SS - 4 color - Light YS-XL	\$4.23	\$5.69	\$5.90	\$5.70	\$9.00	\$4.10	\$3.00
100% Cotton SS - 4 color - Light XXL	\$6.27	\$6.89	\$6.90	\$6.70	\$11.00	\$5.07	\$3.80
100% Cotton SS - 4 color - Light XXXL	\$7.06	\$8.09	\$7.90	\$7.70	\$12.00	\$5.17	\$4.65
100% Cotton SS - 1 color - Dark YS-XL	\$4.00	\$4.96	\$5.30	\$5.55	\$7.00	\$2.67	\$3.60
100% Cotton SS - 1 color - Dark XXL	\$5.93	\$6.16	\$6.30	\$6.55	\$9.00	\$3.64	\$4.50
100% Cotton SS - 1 color - Dark XXXL	\$6.68	\$7.36	\$7.30	\$7.55	\$10.00	\$3.74	\$5.00
100% Cotton SS - 2 color - Dark YS-XL	\$4.25	\$5.32	\$5.60	\$5.70	\$8.00	\$3.25	\$3.60
100% Cotton SS - 2 color - Dark XXL	\$6.18	\$6.52	\$6.60	\$6.70	\$10.00	\$4.22	\$4.50
100% Cotton SS - 2 color - Dark XXXL	\$6.93	\$7.72	\$7.60	\$7.70	\$11.00	\$4.32	\$5.00
100% Cotton SS - 3 color - Dark YS-XL	\$4.50	\$5.69	\$5.50	\$5.85	\$9.00	\$3.83	\$3.60
100% Cotton SS - 3 color - Dark XXL	\$6.43	\$6.89	\$6.50	\$6.85	\$11.00	\$4.80	\$4.50
100% Cotton SS - 3 color - Dark XXXL	\$7.18	\$8.09	\$7.50	\$7.85	\$12.00	\$4.90	\$5.00
100% Cotton SS - 4 color - Dark YS-XL	\$4.75	\$6.05	\$5.75	\$6.00	\$10.00	\$4.41	\$3.60
100% Cotton SS - 4 color - Dark XXL	\$6.68	\$7.25	\$6.75	\$7.00	\$12.00	\$5.38	\$4.50
100% Cotton SS - 4 color - Dark XXXL	\$7.43	\$8.45	\$7.75	\$8.00	\$13.00	\$5.48	\$5.00
100% Cotton SS w/pocket- 1 color - Light YS-XL	\$5.82	\$5.85	\$5.80	\$6.45	\$8.25	\$4.24	\$4.65
100% Cotton SS w/pocket- 1 color - Light XXL	\$7.05	\$7.05	\$6.80	\$7.45	\$10.25	\$5.31	\$5.65
100% Cotton SS w/pocket - 1 color - Light XXXL	\$7.73	\$8.25	\$7.80	\$8.45	\$11.25	\$5.41	\$6.00
100% Cotton SS w/pocket - 2 color - Light YS-XL	\$6.08	\$6.16	\$6.10	\$6.60	\$9.00	\$4.82	\$4.65
100% Cotton SS w/pocket - 2 color - Light XXL	\$7.30	\$7.36	\$7.10	\$7.60	\$11.00	\$5.89	\$5.65
100% Cotton SS w/pocket - 2 color - Light XXXL	\$7.98	\$8.56	\$8.10	\$8.60	\$12.00	\$5.99	\$6.00
100% Cotton SS w/pocket - 3 color - Light YS-XL	\$6.33	\$6.57	\$6.10	\$6.75	\$9.50	\$5.40	\$4.65
100% Cotton SS w/pocket - 3 color - Light XXL	\$7.55	\$7.77	\$7.10	\$7.75	\$11.50	\$6.47	\$5.65
100% Cotton SS w/pocket - 3 color - Light XXXL	\$8.23	\$8.97	\$8.10	\$8.75	\$12.50	\$6.57	\$6.00
100% Cotton SS w/pocket - 4 color - Light YS-XL	\$6.58	\$6.94	\$6.10	\$6.90	\$10.00	\$5.98	\$4.65
100% Cotton SS w/pocket - 4 color - Light XXL	\$7.80	\$8.14	\$7.10	\$7.90	\$12.00	\$7.05	\$5.65
100% Cotton SS w/pocket - 4 color - Light XXXL	\$8.48	\$9.34	\$8.10	\$8.90	\$13.00	\$7.15	\$6.00
100% Cotton SS w/pocket - 1 color - Dark YS-XL	\$6.23	\$6.21	\$6.10	\$6.75	\$8.25	\$4.48	\$5.15
100% Cotton SS w/pocket - 1 color - Dark XXL	\$7.62	\$7.41	\$7.10	\$7.75	\$10.25	\$5.65	\$6.15
100% Cotton SS w/pocket - 1 color - Dark XXXL	\$8.31	\$8.61	\$8.10	\$8.75	\$11.25	\$5.75	\$7.00
100% Cotton SS w/pocket - 2 color - Dark YS-XL	\$6.48	\$6.57	\$6.10	\$6.90	\$9.00	\$5.06	\$5.15
100% Cotton SS w/pocket - 2 color - Dark XXL	\$7.87	\$7.77	\$7.10	\$7.90	\$11.00	\$6.23	\$6.15
100% Cotton SS w/pocket- 2 color - Dark XXXL	\$8.56	\$8.97	\$8.10	\$8.90	\$12.00	\$6.33	\$7.00
100% Cotton SS w/pocket- 3 color - Dark YS-XL	\$6.73	\$6.94	\$6.40	\$7.05	\$9.50	\$5.64	\$5.15
100% Cotton SS w/pocket- 3 color - Dark XXL	\$8.12	\$8.14	\$7.40	\$8.05	\$11.50	\$6.81	\$6.15
100% Cotton SS w/pocket- 3 color - Dark XXXL	\$8.81	\$9.34	\$8.40	\$9.05	\$12.50	\$6.91	\$7.00
100% Cotton SS w/pocket- 4 color - Dark YS-XL	\$6.98	\$7.30	\$6.70	\$7.20	\$10.25	\$6.22	\$5.15
100% Cotton SS w/pocket- 4 color - Dark XXL	\$8.37	\$8.50	\$7.70	\$8.20	\$12.25	\$7.39	\$6.15
100% Cotton SS w/pocket- 4 color - Dark XXXL	\$9.06	\$9.70	\$8.70	\$9.20	\$13.25	\$7.49	\$7.00
SS T-Shirt - 5 color front & 1 color back - Dark YS-XL	\$3.88	\$6.77	\$4.90	\$5.00	\$13.00	\$5.90	\$3.95
SS T-Shirt - 5 color front & 1 color back - Dark XXL	\$4.92	\$7.97	\$5.90	\$6.00	\$15.00	\$6.95	\$4.85
SS T-Shirt - 5 color front & 1 color back - Dark XXXL	\$4.92	\$9.17	\$6.90	\$7.00	\$16.00	\$7.05	\$5.35
SS T-Shirt - 5 color front & 1 color back - Light YS-XL	\$2.43	\$6.41	\$4.90	\$4.70	\$12.00	\$5.67	\$3.50
SS T-Shirt - 5 color front & 1 color back - Light XXL	\$3.35	\$7.61	\$5.90	\$5.70	\$14.00	\$6.51	\$4.30
SS T-Shirt - 5 color front & 1 color back - Light XXXL	\$3.35	\$8.81	\$6.90	\$6.70	\$15.00	\$6.61	\$5.05
LS T-Shirt - 5 color front & 1 color back - Dark YS-XL	\$4.38	\$8.77	\$6.90	\$6.30	\$14.00	\$7.37	\$6.20
LS T-Shirt - 5 color front & 1 color back - Dark XXL	\$5.60	\$9.97	\$7.90	\$7.30	\$16.00	\$8.46	\$7.20
LS T-Shirt - 5 color front & 1 color back - Dark XXXL	\$5.96	\$11.17	\$8.90	\$8.30	\$17.00	\$8.56	\$7.80
8" Numbers (per each)	\$1.00	\$2.50	\$2.00	\$1.00	\$1.50	\$2.35	\$1.50
2" Letters (per letter)	\$0.29	\$0.60	\$1.25	\$1.50	\$0.30	\$1.35	\$1.50
Sleeve/Chest Print 1-Color	\$0.35	\$0.75	\$0.50	\$0.50	\$2.00	\$0.87	\$0.40
Sleeve/Chest Print 2-Color	\$0.60	\$1.20	\$0.75	\$0.60	\$3.00	\$1.45	\$0.40
Sleeve/Chest Print 3-Color	\$0.85	\$1.47	\$0.95	\$0.70	\$4.00	\$2.03	\$0.40
Sleeve/Chest Print 4-Color	\$1.10	\$1.74	\$1.05	\$0.80	\$5.00	\$2.61	\$0.40
Delivery	Yes	No	Yes	Yes	Yes	Yes	Yes
CIQ Form	Yes	Yes	Yes	Yes	Yes	No	Yes
Credit Check Authorization	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Bidders							
	Designlab Inc Greenville, SC	Transgraphics Waco	H&H T-Shirts Belton	Safari Sun Altamante Springs, FL	Holloway's Sports Ctr Temple	Screenprint Plus Cape Coral, FL	All Custom Apparel Colorado Springs, CO
Exceptions?	None	Yes	None	None	None	None	None
		Requires minimum order/\$7.50 set-up fee					

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

Belinda Matthe

28-Aug-07

Belinda Matthe, Director of Purchasing

Date

- Did not bid on every item as required in bid
- Did not comply with bid in providing a sample t-shirt as required in order to evaluate design capabilities
- Recommended Award

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL PURCHASE AGREEMENT FOR THE DESIGN AND PRINTING OF T-SHIRTS WITH SCREENPRINT PLUS OF CAPE CORAL, FLORIDA, IN THE ESTIMATED ANNUAL AMOUNT OF \$25,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 28, 2007, the City received 7 bids for the design and printing of t-shirts;

Whereas, the Staff recommends authorizing an annual purchase agreement with Screenprint Plus of Cape Coral, Florida, for an estimated annual expenditure of \$25,000;

Whereas, there are sufficient funds in the various departmental accounts for the purchases – the t-shirts are ordered on an as-needed basis by each department; 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 an annual purchase agreement with Screenprint Plus of Cape Coral, Florida, for an estimated annual expenditure of \$25,000, for the purchase, design, and printing of t-shirts for recreational and municipal activities.

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 **4th** day of **October**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/07
Item #4(F)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce Butscher, P. E., Director of Public Works

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one year renewal of a professional services agreement with Mr. Tommy Wright for consultant services relating to commercial solid waste collection, not to exceed \$65,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In August 2004 a professional services agreement was entered into with Mr. Tommy Wright, formerly the Operations Manager with BFI in Temple, because of his vast knowledge of the existing commercial accounts and system. This contract has resulted in a smooth transition to all services. Mr. Wright's service has also provided insight into some additional reporting methods and practices for Temple to maintain a top rated solid waste service provider in the industry.

The current contract with Mr. Wright that was renewed for FY 2006-2007 has an option for one additional year. Extending the contract for this additional one year period will allow the Solid Waste Department and the City to complete evaluations and changes to operations that might be appropriate.

The following elements will apply to the renewed contract:

1. Consultant will continue to be integrally involved in planning and implementing the City's service to all commercial solid waste accounts within the City limits. In that regard, the Consultant will continue to address training and safety, route analysis and design, customer service response, utility software implementation and department organization to respond to additional commercial service accounts.
2. Consultant shall report directly to the Director of Public Works, Bruce Butscher.
3. Compensation shall be \$65,000 payable in equal monthly installments; this amount is intended as full compensation for the services performed and reimbursement of any out of pocket expenses incurred by the Consultant.
4. Consultant shall prepare a written monthly status report (in a form approved by the Director of Public Works) for the Director of Public Works, City Manager and Finance Director.
5. Consultant shall provide written monthly status reports suitable for the City Council/Mayor in a form approved by the City Manager.

6. The Director of Public Works may authorize the Consultant to be out of the City during normal business hours, subject to the needs of the Solid Waste Services Department.
7. Consultant shall be required to be in the City 30 hours per week and shall provide 6 additional hours of service per week via e-mail and telephone.
8. Consultant will remain available by cell phone during operational hours. When out of town, secondary contacts will be arranged.
9. Consultant shall implement data entry of Solid Waste portion of utility billing software changes.
10. Consultant shall analyze all routes and make recommendations for efficiency and effectiveness.
11. Consultant shall coordinate safety and hiring procedures for the Solid Waste Department.
12. Consultant shall make recommendations to develop and implement additional sources of revenue from solid waste services for the City.
13. The Consultant shall analyze, assess and make recommendations on modifications or improvements to the residential solid waste collection routes.

FISCAL IMPACT: Contracted amount of \$65,000 annually (inclusive of compensation and expenses incurred by the Consultant). Funding is allocated in account 110-2310-540-26-16 (Professional) for FY 2008 Budget in the Solid Waste Department.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH MR. TOMMY WRIGHT FOR CONSULTANT SERVICES RELATING TO COMMERCIAL SOLID WASTE COLLECTION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in August, 2004, the City Council approved a professional services agreement with Mr. Tommy Wright for consultant services relating to commercial solid waste collection;

Whereas, the Staff recommends authorizing a one-year renewal to the agreement, for a cost not to exceed \$65,000, with Mr. Wright whose vast knowledge of the existing commercial accounts and system has resulted in a smooth transition to all services;

Whereas, sufficient funds are allocated in the Solid Waste FY2007-08 budget to fund this professional service agreement;

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a one-year renewal of the professional services agreement, for a cost not to exceed \$65,000, with Mr. Tommy Wright, after approval as to form by the City Attorney, for consultant services relating to commercial solid waste collection.

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

PASSED AND APPROVED this the **4th** day of **October**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/07
Item #4(G)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Bruce Butscher, Director of Public Works

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with Austin Traffic Signal Construction of Round Rock for the construction of a traffic signal at W Adams Ave and Pea Ridge Road in the amount of \$194,932.75 and declare an official intent to reimburse this expenditure with the issuance of tax-exempt obligations for this project.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 11, 2007 the City received one (1) bid for the construction of a traffic signal at West Adams and Pea Ridge Road. The bid is shown on the attached tabulation.

A Warrant study was done by Street Services in August of 2006, and it was determined that there was a need for a traffic signal at this intersection. TxDot approved the installation of the traffic signal after reviewing the warrant study. In March 2007, Alliance Transportation Group, Inc. was contracted to design the traffic signal.

The City has not had any experience with Austin Traffic Construction in the past. A reference check was conducted, favorable comments were received, and Austin Traffic Signal Construction was determined to be a responsible bidder.

FISCAL IMPACT: \$215,000 was allocated for traffic signal projects in FY 2007 from the 2006 certificate of obligations issued in October 2006. Funding in the amount of \$126,986 is currently available in account 361-2800-532-6810, project #100209, to fund the construction contract with Austin Traffic Signal Construction. The additional funding needed of \$67,947 will come from the proposed 2007 Certificates of Obligation bonds to be issued in late winter/early spring of Fiscal Year 2008. In the adopted FY 2008 Capital Improvement Plan, the Council authorized \$385,000 for future traffic signals. After funding the remaining amount needed for this construction contract, there will be \$317,053 remaining to fund future traffic signals.

ATTACHMENTS:

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

Tabulation of Bids Received
on September 11, 2007 at 2:00 p.m.
Traffic Signal Construction - West Adams Avenue and Pea Ridge Road

Bidders	
Austin Traffic Signal Construction Round Rock	
Description	
Total Bid	\$194,932.75
CIQ Form	Yes
Bid Bond	5%
Bond Affidavit	Yes
Insurance Affidavit	Yes
Acknowledged Addendum	Yes
Credit Check Authorization Form	Yes

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

Belinda Mattke

11-Sep-07

Belinda Mattke, Director of Purchasing

Date

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH AUSTIN TRAFFIC SIGNAL CONSTRUCTION OF ROUND ROCK, TEXAS, FOR THE CONSTRUCTION OF A TRAFFIC SIGNAL AT WEST ADAMS AVENUE AND PEA RIDGE ROAD IN THE AMOUNT OF \$194,932.75; DECLARING OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS FOR THIS PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 11, 2007, the City received one bid for the construction of a traffic signal at West Adams Avenue and Pea Ridge Road;

Whereas, the Staff recommends accepting the bid (\$194,932.75) received from Austin Traffic Signal Construction of Round Rock, Texas;

Whereas, funds are available for this project in Account No. 361-2800-532-6810 and the proposed 2007 Certificates of Obligation bonds to be issued in FY2008;

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;

Whereas, 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, not to exceed \$194,932.75, between the City of Temple, Texas, and Austin Traffic Signal Construction of Round Rock, Texas, after approval as to form by the City Attorney, for the construction of a traffic signal at West Adams Avenue and Pea Ridge Road.

Part 2: The findings, determinations and certifications contained in the preamble hereof are incorporated herein for all purposes.

Part 3: 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 4 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 4: The following is a general functional description of the Project for which the expenditures to be reimbursed are paid and a statement of the maximum principal amount of debt expected to be issued for the purpose of paying the costs of the Project.

<u>Project Description</u>	<u>Debt To Be Issued</u>
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Construction of a traffic signal at West Adams Avenue and Pea Ridge Road	\$67,947
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Part 5: The expenditures described in Part 4 is a capital expenditure under general Federal income tax principles or a cost of issuance.

Part 6: Except for the proceeds of the Obligations, no funds are, or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside by the City or by any member of the same controlled group to pay for the expenditures described in Part 4.

Part 7: 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 on this the 4th day of **October**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Bruce A. Butscher, P.E., Director of Public Works
Don Bond, Public Works Engineering Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract amendment to a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) for engineering services, including design and design surveys, required to implement design revisions for Phase II of the Industrial Rail Park within the TIF Reinvestment Zone #1 in an amount not to exceed \$173,000 and declare an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this project.

STAFF RECOMMENDATION: Adopt resolution as presented in item discussion.

ITEM SUMMARY: On December 7, 2006, Council approved professional services with KPA for engineering services required to reconstruct the mainlines of BNSF Railroad to Wilsonart in advance of highway reconstruction by TXDOT and develop a future spur within Phase I of the proposed Industrial Rail Park in an area north of NW Loop 363 within the TIF Reinvestment Zone #1.

Over the past two and half years, the City of Temple has entered into the following contracts with KPA related to Phase I and Phase II of Rail Park development within the TIF Reinvestment Zone #1:

03/17/05	Rail Spur Conceptual Plan	\$42,000
08/17/06	Rail Park Layout	\$32,500
12/06/07	Rail Spur Phase I	\$394,500
04/05/07	Rail Spur Phase II	\$298,400

At the TIF Reinvestment Zone # 1 Board meeting on September 26, 2007, the Board recommended that the City authorize a contract amendment in an amount not to exceed \$173,000 with KPA to incorporate design revisions that will add additional storage for ladder track associated with Phase II of the Rail Park.

The engineering consultant services authorized under this resolution will provide civil design, structural design, electrical design, signal design, and design surveys required to incorporate the

additional track storage. The project redesigned under this contract will consist of approximately 26,600 linear feet of rail.

The proposed timeline for the design phase of the project is 60 days. In order that KPA provide the engineering services required for completion of this project, the following is a list of costs associated with each task:

Basic Services

Civil Design	\$ 92,500
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Special Services

Design Surveys	\$ 14,500
Structural Design	\$ 27,000
Electrical Design	\$ 23,000
Signal Design	\$ 16,000
	\$ 80,500

TOTAL	\$ 173,000
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FISCAL IMPACT: The cost of this contract amendment to the professional services contract is \$173,000. This cost includes engineering fees of \$92,500 and special services of \$80,500.

Initially, funding for this project will come from TIF Reinvestment Zone #1 funding available in account 795-9700-531-6825, project #100256, with the intent to reimburse the Zone from the proposed 2007 Combination Tax & Revenue bonds to be issued in December 2007.

ATTACHMENTS:

[KPA Proposal](#)
[Map](#)
[Resolution](#)



KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS

One South Main
Temple, Texas 76501

(254) 773-3731

Fax (254) 773-6667

mail@kpaengineers.com

RICK N. KASBERG, P.E.
R. DAVID PATRICK, P.E., C.F.M.
THOMAS D. VALLE, P.E.

September 19, 2007

Mr. Don Bond, E.I.T.
CIP Project Manager
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple Reinvestment Zone #1
Railroad Park

Dear Mr. Bond:

At the request of the Temple Reinvestment Zone Board, we were directed to prepare a proposal for re-designing the above referenced project. The project will develop a new connection with BNSF infrastructure and new storage for ladder track for the Rail Park. This will also require changes in the original design to incorporate these requests. We have attached Exhibit A to illustrate the project.

This project will consist of the construction of an approximate 26,600 linear feet of rail for the park. The re-design will comply with the requests that have been made by the Temple Reinvestment Zone Board. Please see the attached exhibit.

Kasberg, Patrick & Associates, LP will complete design surveys, drainage analysis and design of the rail connection to BNSF, design of a crossing at Loop 363, signal design and rail car storage design. The timeline for the design portion of the project is sixty days from the notice to proceed. The project will then be ready to submit to BNSF for review.

Exhibit C outlines rates which would be used to charge for special or additional services authorized beyond the scope as described in this proposal.

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

- Layout of the proposed rail
- Connection to BNSF Infrastructure
- Structural design of culverts
- Drainage design for revised design
- Structural design for crossing of Loop 363
- Signal design at Loop 363
- Electrical design
- Design of siding track
- Design of ladder track
- Detailed design surveys for the project.

Railroad Park

Basic Services

Civil Design	\$	92,500
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Special Services

Design Surveys	\$	14,500
Structural Design	\$	27,000
Electrical Design	\$	23,000
Signal Design	\$	16,000

Total Special Services	\$	80,500
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We are available to discuss the scope of the project at your convenience. As always, we look forward to working with you on the project and to the enhancement that it will bring to the City of Temple.

Sincerely,



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

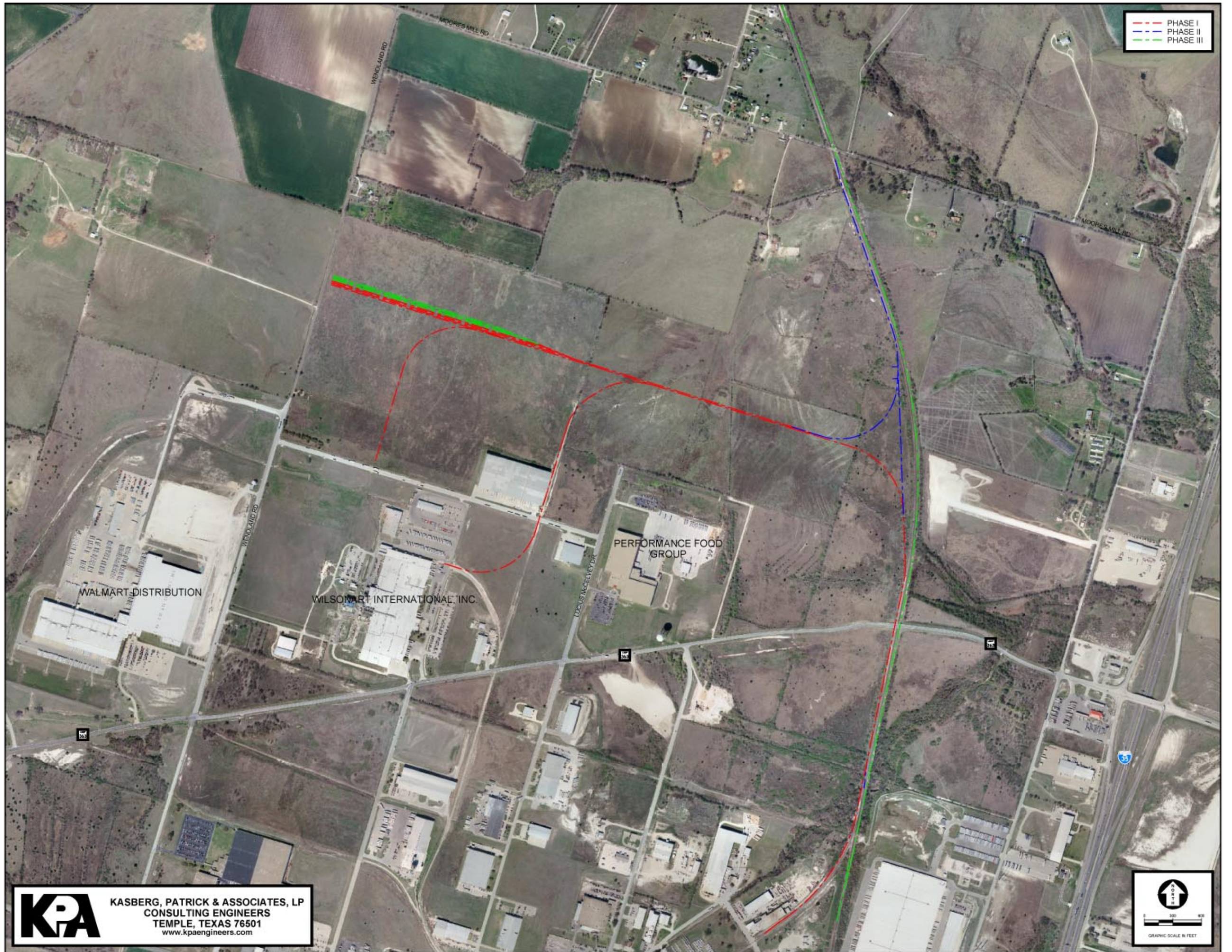
RDP/crc

EXHIBIT C

Charges for Additional Services

Temple Reinvestment Zone #1 Railroad Park

<u>POSITION</u>	<u>MULTIPLIER</u>	<u>SALARY COST/RATES</u>
Principal	2.4	\$ 45.00 – 60.00/hour
Project Manager	2.4	38.00 – 48.00/hour
Project Engineer	2.4	30.00 – 40.00/hour
Engineer-in-Training	2.4	24.00 – 35.00/hour
Engineering Technician	2.4	18.00 – 32.00/hour
CAD Technician	2.4	18.00 – 32.00/hour
Clerical	2.4	10.00 – 16.00/hour
Expenses	1.1	actual cost
Computer	1.0	15.00/hour
Survey Crew	1.1	85.00 – 100.00/hour
Registered Public Surveyor	1.0	60.00/hour
On-Site Representative	2.1	31.00/hour



PHASE I
PHASE II
PHASE III

WALMART DISTRIBUTION

WILSONART INTERNATIONAL, INC.

PERFORMANCE FOOD GROUP

KPA KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
TEMPLE, TEXAS 76501
www.kpaengineers.com

GRAPHIC SCALE IN FEET

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK AND ASSOCIATES, LP (KPA) IN THE AMOUNT OF \$173,000 FOR ENGINEERING SERVICES, INCLUDING DESIGN AND DESIGN SURVEYS, REQUIRED TO IMPLEMENT DESIGN REVISIONS FOR PHASE II OF THE INDUSTRIAL RAIL PARK WITHIN THE TAX INCREMENT FINANCING REINVESTMENT ZONE #1; DECLARING OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS FOR THIS PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Staff recommends approval of a change order to the professional services agreement with Kasberg, Patrick & Associates, LP, for engineering services, including design and design surveys, required to implement design revisions for Phase II of the Industrial Rail Park within the Tax Increment Financing Reinvestment Zone #1;

Whereas, the contract amendment will not exceed \$173,000 and funds are available in Account No.795-9700-531-6825 (Tax Increment Financing Reinvestment Zone #1 funding) with the intent to reimburse the Zone from the proposed 2007 Combination Tax & Revenue bonds to be issued in December, 2007;

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;

Whereas, 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 to execute an amendment to the Professional Services Agreement, not to exceed \$173,000, between the City of Temple, Texas, and Kasberg, Patrick & Associates, LP, after approval as to form by the City Attorney, for engineering services, including design and design surveys, required to implement design revisions for Phase II of the Industrial Rail Park within the Tax Increment Financing Reinvestment Zone #1.

Part 2: The findings, determinations and certifications contained in the preamble hereof are incorporated herein for all purposes.

Part 3: 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 4 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 4: The following is a general functional description of the Project for which the expenditures to be reimbursed are paid and a statement of the maximum principal amount of debt expected to be issued for the purpose of paying the costs of the Project.

<u>Project Description</u>	<u>Debt To Be Issued</u>
Engineering services, including design and design surveys, required to implement design revisions for Phase II of the Industrial Rail Park within the Tax Increment Financing Reinvestment Zone #1	\$173,000

Part 5: The expenditures described in Part 4 is a capital expenditure under general Federal income tax principles or a cost of issuance.

Part 6: Except for the proceeds of the Obligations, no funds are, or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside by the City or by any member of the same controlled group to pay for the expenditures described in Part 4.

Part 7: 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 on this the **4th** day of **October**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/07
Item #4(I)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing payment of \$25,125 to First Southwest Asset Management, Inc., an affiliate of First Southwest Company, for computational fees incurred in connection with the arbitrage calculations prepared for outstanding tax exempt bonds.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The arbitrage rebate requirements have been in effect since 1986 and apply to any issuer of tax-exempt bonds. Due to abuses in the marketplace, a number of strict requirements were implemented related to these tax-exempt bonds, limiting their use to legitimate projects and purposes. Prior to 1986, issuers could issue tax-exempt bonds at interest rates of 7%, invest the proceeds of those bonds at 9 or 10% and make significant profits. In many cases, there were no projects associated with the bonds, and issuers were simply issuing bonds in order to make these profits. Congress imposed the arbitrage rebate requirements in 1986 to stop these types of abuses. The current law states that if an issuer issues bonds with a borrowing cost, or yield of 4%, for example, and invests those proceeds at 5%, thus earning a 1% spread, that 1% spread must be remitted to the IRS in the form of an arbitrage rebate payment. These payments are required to be made every five years from the date the bonds are issued and on the final maturity date of the issue. Failure to comply with the rebate requirements could result in significant penalties, ranging from a 50 percent penalty amount and interest to the loss of the tax-exempt status of the bonds.

While there are some exceptions to the arbitrage rebate requirements, these exceptions are often difficult to meet, and issuers should seek assistance in verifying compliance if they believe an issue may qualify for an exception. The exceptions range from a small issuer exception, which exempts issuers that issue \$5 million or less in tax-exempt debt in a calendar year (up to \$15 million for public school facilities), to various spending exceptions (i.e., 6-month, 18-month or 24-month), which exempt a portion or an entire issue if certain 6-month spending benchmarks are met.

The City contracted with First Southwest Asset Management, Inc. to comply with arbitrage requirements on March 1, 2007 for a period of 5 years. First Southwest Asset Management, Inc. completed and delivered the arbitrage calculations for 11 bond issues. Many of these bond issues

have matured or been refunded, but you are still required to comply with arbitrage requirements during the period they were outstanding. The outcome of those calculations resulted in rebating \$15,322.80 to the Internal Revenue Service. The following bond issues had 'positive' arbitrage:

- General Obligation and Certificate Obligation Bonds, Series 1998 - \$15,322.80

It is important to note that the goal of arbitrage rebate is maximize the earnings on each issue and, if necessary, pay the excess earnings back in the form of a rebate payment. The arbitrage rebate requirements permit issuers to retain earnings up to the bond yield and only pay the extent that money is earned above that yield. Therefore, it is advantageous to earn above the bond yield and pay rebate than earn below the bond yield and not maximize the permitted earnings.

FISCAL IMPACT: The fee due to First Southwest Asset Management, Inc. for the arbitrage computation is \$25,125. The amount of rebatable arbitrage is \$15,322.80. The arbitrage was remitted to the IRS on 10/01/07 and paid from remaining interest earnings in the respective bond funds related to those issues. The ordinance authorizing each bond issues covets that the City will comply with arbitrage requirements and rebate 'excess' earnings to the IRS.

The allocation of the arbitrage invoice is based upon bond issues related to Zone projects, general governmental projects, and water and sewer projects. The total amount due is \$25,125 and is broken down into the following: \$12,915 for the General Fund; \$9,545 for the Water & Wastewater Fund; and \$2,665 for the Reinvestment Zone No. 1.

A balance of \$4,000 is available in account 110-1200-515-26-23, Other Contracted Services for a portion of the General Fund payment. A budget amendment is attached to appropriate the remaining amount needed of \$8,915 from Council Contingency, account 110-1500-515-6532 to account 110-1200-515-26-23, Other Contracted Services. The attached budget amendment also includes transferring \$9,545 from the funds available in the Professional Salary account, 520-5000-535-1112 to account 520-5000-535-26-23, Other Contracted Services to cover the Water & Wastewater's share of the fee. Funds are available in the amount of \$2,665 in the Professional Services account, 795-9500-531-26-16, in the Reinvestment Zone No. 1 to cover the Zone's of the fee.

ATTACHMENTS:

[Exhibit A - Invoice](#)
[Budget Adjustment](#)
[Resolution](#)

INVOICE

**First Southwest Asset Management, Inc.
Arbitrage Rebate Compliance Services**

City of Temple, Texas
P.O. Box 987
Temple, TX 76503

Ms. Traci Barnard, Director of Finance

Invoice Date: 09/18/2007

Invoice Number: R9761

Computational fee incurred in connection with the arbitrage calculations prepared for the attached detailed bond issue(s):

Total Amount Due: \$25,125.00

Please remit payment to:

**First Southwest Asset Management, Inc.
325 North St Paul, Suite 800
Dallas, Texas 75201**

Attention: Arbitrage Rebate Department

INVOICE

First Southwest Asset Management, Inc. Arbitrage Rebate Compliance Services

Invoice Number: R9761

Par Amount	Issue Description	Period From	To	Number of Years	Annual Fee	Current Fee
\$8,600,000	WW & SS Revenue Bonds, Series 1996	07/31/05	08/01/06	1.00	\$1,250.00	\$1,250.00
Notes:	Fee reduced for Reserve fund only.					
\$8,100,000	Cert of Obligation & GO Bonds, Series 1998	02/12/03	08/01/07	4.47	\$750.00	\$750.00
Notes:	Proceeds spent. Liability updated through Final Maturity.					
\$8,200,000	Comb Tax & Rev CO, S99	07/31/05	08/01/07	2.00	\$750.00	\$750.00
Notes:	Proceeds spent. Liability updated through Final Maturity.					
\$5,800,000	Comb Tax & Rev CO, Series 2000	07/31/05	09/30/06	1.17	\$2,000.00	\$2,330.00
\$22,700,000	WW & SS Revenue Bonds, S 2002	07/31/05	09/30/06	1.17	\$2,500.00	\$2,915.00
Notes:	Base + Reserve					
\$22,700,000	WW & SS Revenue Bonds, S 2002	09/30/06	07/22/07	0.81	\$1,250.00	\$1,010.00
Notes:	Fee reduced for Reserve Fund only.					
\$5,100,000	Comb Tax and Rev CO, Series 2002	05/31/05	08/29/07	2.25	\$2,000.00	\$4,490.00
\$23,495,000	GO Rfdg & Improvement Bonds, S 2003	05/31/05	09/30/06	1.33	\$2,000.00	\$2,665.00
\$5,575,000	WW SS Rev Rfdg Bonds, Srs 2003	07/31/05	09/30/06	1.17	\$1,250.00	\$1,455.00
Notes:	Fee reduced for Reserve Fund only.					
\$11,740,000	Comb Tax & Rev CO, Srs 2003	05/31/05	09/30/06	1.33	\$2,000.00	\$2,665.00
\$7,615,000	WW & SS Rev Ref Bonds, Sr 2004	07/31/05	09/30/06	1.17	\$2,500.00	\$2,915.00
Notes:	Base + Reserve					
\$13,960,000	GO Ref Bonds, Srs 2005	03/15/05	09/30/06	1.55	\$1,250.00	\$1,930.00
Notes:	Fee reduced for Escrow Fund only.					
					Total:	\$25,125.00

FY 2007**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	
110-1200-515-26-23		Other Contracted Svcs (Finance)	\$ 8,915			
110-1500-515-65-32		Council Contingency			8,915	
520-5000-535-26-23		Other Contracted Svcs (W&S Admin)	9,545			
520-5000-535-11-12		Professional			9,545	
TOTAL.....			\$ 18,460		\$ 18,460	

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

Appropriate additional funds needed for computational fee incurred in connection with the arbitrage calculations prepared for various outstanding tax exempt bonds.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

October 4, 2007

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division DirectorDate☐

Approved

☐

Disapproved

FinanceDate☐

Approved

☐

Disapproved

City ManagerDate☐

Approved

☐

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING PAYMENT OF \$25,125 TO FIRST SOUTHWEST ASSET MANAGEMENT, INC., AN AFFILIATE OF FIRST SOUTHWEST COMPANY, FOR COMPUTATIONAL FEES INCURRED IN CONNECTION WITH THE ARBITRAGE CALCULATIONS PREPARED FOR OUTSTANDING TAX EXEMPT BONDS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City contracted with First Southwest Asset Management, Inc., to comply with arbitrage requirements which apply to any user of tax-exempt bonds;

Whereas, First Southwest Asset Management, Inc., completed and delivered the arbitrage calculations for 11 bond issues, many of which have matured or been refunded; however, the City is still required to comply with arbitrage requirements during the period the bonds were outstanding;

Whereas, the fee for the arbitrage computation is \$25,125 -- funds are available for this payment but an amendment to the FY2007-08 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

Part 1: The City Council authorizes payment of \$25,125 to First Southwest Asset Management, Inc., an affiliate of First Southwest Company, for computational fees incurred in connection with the arbitrage calculations prepared for outstanding tax exempt bonds.

Part 2: The City Council approves an amendment to the FY2007-2008 budget, substantially in the form of the copy attached as Exhibit A, for this purpose.

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

PASSED AND APPROVED this the 4th day of **October**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/07
Item #4(J)
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 2006-2007.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2006-2007 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$ 98,894.

ATTACHMENTS:

Budget amendments
Resolution

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2006-2007 BUDGET
October 4, 2007

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
110-2200-522-2516		Judgments & Damages (Fire Dept.)	\$ 500	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 500
Settlement of claim filed against the City by Harold Proctor seeking reimbursement for damage to a brick mailbox at 124 Old Waco Road after it was struck by Fire Engine #7 on August 9, 2007				
110-4000-555-6310	400001	Building & Grounds (Library)	\$ 5,750	
110-0000-461-0865		Miscellaneous Reimbursements		\$ 5,750
To appropriate funds to be received from two library tenants to pay 50% of the cost of replacing the signage at the Library. The remaining 50% is available in the Library's operating budget. The total project cost of replacing the signage at the Library is \$11,500.				
110-3600-560-2710		Jet Fuel Cost of Goods Sold (Airport)	\$ 80,000	
110-0000-446-1016		Jet Fuel Revenue		\$ 80,000
110-3600-560-2711		AV GAS Cost of Goods Sold	\$ 11,000	
110-0000-446-1011		AV GAS Revenue		\$ 11,000
110-3600-560-2712		Oil & Prist Cost of Goods Sold	\$ 250	
110-0000-446-1012		Oil & Prist Revenue		\$ 250
To appropriate additional funds needed to cover September cost of goods sold for Airport fuel. Sufficient revenue has been generated to offset these costs.				
520-5400-535-2516		Judgments & Damages (Sewer Collection)	\$ 1,394	
520-5000-535-6532		Contingency		\$ 1,394
Settlement of claim filed against the City of Temple by Francis Pack seeking reimbursement for damage to 2114 East Avenue G from a sewer backup on September 5, 2007				
TOTAL AMENDMENTS			\$ 98,894	\$ 98,894
GENERAL FUND				
Beginning Contingency Balance			\$	38,765
Added to Contingency Sweep Account			\$	-
Carry forward from Prior Year			\$	65,000
Taken From Contingency			\$	(92,282)
Net Balance of Contingency Account			\$	11,483
Beginning Judgments & Damages Contingency			\$	70,000
Added to Contingency Judgments & Damages from Council Contingency			\$	-
Taken From Judgments & Damages			\$	(56,464)
Net Balance of Judgments & Damages Contingency Account			\$	13,536
Beginning Compensation Plan Contingency			\$	650,000
Added to Compensation Plan Contingency			\$	-
Taken From Compensation Plan Contingency			\$	(650,000)
Net Balance of Compensation Plan Contingency Account			\$	-
Net Balance Council Contingency			\$	25,019

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2006-2007 BUDGET
October 4, 2007

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		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	\$	6,359
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(4,396)
		Net Balance of Contingency Account	\$	1,963
		Beginning Compensation Plan Contingency	\$	136,500
		Added to Compensation Plan Contingency	\$	-
		Taken From Compensation Plan Contingency	\$	(136,500)
		Net Balance of Compensation Plan Contingency Account	\$	-
		Net Balance Water & Sewer Fund Contingency	\$	1,963
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance	\$	34,905
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	34,905
		Beginning Compensation Plan Contingency	\$	20,000
		Added to Compensation Plan Contingency	\$	-
		Taken From Compensation Plan Contingency	\$	(16,000)
		Net Balance of Compensation Plan Contingency Account	\$	4,000
		DRAINAGE FUND		
		Beginning Compensation Plan Contingency	\$	11,500
		Added to Compensation Plan Contingency	\$	-
		Taken From Compensation Plan Contingency	\$	(7,200)
		Net Balance of Compensation Plan Contingency Account	\$	4,300
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$	-
		Carry forward from Prior Year	\$	155,068
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(128,096)
		Net Balance of Contingency Account	\$	26,972

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2006-2007
CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.**

Whereas, on the 31st day of August, 2006, the City Council approved a budget for the 2006-2007 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2006-2007 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 2006-2007 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 4th day of **October**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/07
Item #5
Regular Agenda
Page 1 of 4

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Consider adopting an ordinance amending the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2008-2022 to include redesignation of projects within the Project Plan, bond proceeds, and future year bond payments.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for October 18, 2007.

ITEM SUMMARY: The current Tax Increment Financing (TIF) Reinvestment Zone #1 (RZ #1) is established for a term lasting through Year 2022. The RZ #1 gives the City and RZ #1 board a very important economic development tool to build public infrastructure that is essential to attracting sustainable jobs to Temple.

The 2005 Master Plan for the RZ #1 made adjustments to assure that Temple can continue to attract a wide range of business development. The Master Plan determined that it was essential to provide a variety of development sites and business amenities. A key for the development sites is for them to be 'shovel ready'. Broad Categories of land use and business markets included in the plan include the following:

- Manufacturing/Distribution
- Warehouse/Distribution
- Advanced Technology
- Bio-Science and Medical
- Corporate Campus and Office
- Aviation Industrial
- Freeway Commercial/Technology/Industrial
- Downtown: Office, Commercial, Retail, Entertainment, Residential

The RZ #1 Project and Finance Committees have been meeting and discussing proposed projects over the past few months. The Temple Economic Development Corporation (TEDC) has also been very involved in the committee meetings. On September 26, 2007 the proposed projects along with the amendments to the Financing Plan were presented to the RZ #1 Board. The Board unanimously approved the projects and amendments to the Financing Plan.

The proposed plan amendment covers the following:

- Project plan amendments over four years (2008 – 2011) (see attached Project Plan)
 - Bond Projects, including an amendment for bond payments through 2022
- Revenue updates based on a 1% growth in increment values, the addition of expiring abatements, and increased increment values in FY 2008 thru 2022.

The proposed bond issue of \$21,385,000 includes the following ten projects, plus project contingencies and bond issuance costs totaling \$665,815:

Railroad Spur – Phase II: Engineering is substantially complete on Phase I of this project, which entails the reconstruction of the main lines of the BNSF Railroad to Wilsonart in advance of highway reconstruction of Northwest Loop 363 by TX DOT. The proposed Phase II of this project will extend the rail spur approximately 9,500 feet to Wendland Road and open up rail developable sites along Wilsonart Drive. In addition, Phase II will include the construction of approximately 2,600 feet of ladder track that will enable the storage of approximately 40 rail cars. It is anticipated that construction of Phase II will be done in conjunction with the construction of Phase I, with a projected let date of January 2008. Required funding for this project is estimated at \$2,498,400, which includes \$298,400 for engineering and \$2,200,000 for construction.

Railroad Spur – Phase II (Redesign and Expanded Scope): The redesign and expanded scope of Phase II will add additional storage track to the original project. The project redesigned under this will consist of approximately 26,600 linear feet of rail. It is anticipated that construction of Phase II will be done in conjunction with the construction of Phase I, with a projected let date of January 2008. Required funding for this project is estimated at \$3,573,000, which includes \$173,000 for engineering and \$3,400,000 for construction.

Bioscience Park – Phase I: It is anticipated that in the fall 2007 construction will begin on the Outer Loop Phase 2 (i.e. the extension of Old Howard Road from SH 36 south to FM 2305). This new roadway will open up developable sites within the Bioscience Campus, and accordingly, it being recommended that this project be constructed in conjunction with the Outer Loop Phase 2 project. The Bioscience Park Phase I project will include the construction of an approximate 2,700 foot roadway to the east of the Outer Loop Phase 2 into the proposed Bioscience Campus. In addition, to provide utilities to the lots within the proposed park, this project will include the extension from Pepper Creek of approximately 7,000 feet of wastewater line and the extension of approximately 2,500 linear feet of 12-inch water line. Required funding for this project is estimated at \$2,084,500, which includes \$284,500 for engineering and \$1,800,000 for construction.

Airport Park: This project brings forth two projects that have been already engineered: (1) the extension of Industrial Boulevard westward from Old Howard Road to the airport, including a water line, and (2) the extension of a wastewater line from a point south of SH 36 along Pepper Creek to the proposed extension of Industrial Boulevard. In addition, this project includes the platting of proposed lots within the Airport Park, the construction of side roads totaling approximately 2,100 feet, and utility extensions to service the lots. It is anticipated that construction of this project will begin in October 2007. Required funding for this project is estimated at \$2,862,285, which includes \$157,000 for engineering and \$2,705,285 for construction.

Southeast Industrial Park: With the depletion of developable larger lots in the City's Northwest Industrial Park, it is being recommended that infrastructure improvements and extensions be made to the Southeast Industrial Park. The development of the Southeast Industrial Park will include the extension of Lorraine Avenue by approximately 2,100 feet, a wastewater line extension of approximately 2,500 feet, and the extension of an approximate 900-foot waterline along Lorraine Avenue. It is anticipated that construction of this project will begin in November 2007. Required funding for this project is estimated at \$1,385,000, which includes \$185,000 for engineering and \$1,200,000 for construction.

Wendland Road Improvements: Utility infrastructure and street improvements are required to implement the Wendland Road Improvements within the TIF Reinvestment Zone #1. Water service is currently available through a 1.5 inch diameter line along a portion of Wendland Road north of H.K. Dodgen Loop, but is not available long the extent of Wendland Road to the future outer loop. Wastewater service is not available along Wendland Road from the future outer loop to south of Wilsonart Drive. Infrastructure designed with this project will consist of approximately 5700 feet of streets, 4500 feet of water line, and 2000 feet of wastewater line. It is anticipated that construction of this project will begin in January 2008. Required funding for this project is estimated at \$3,876,500, which includes \$276,500 for engineering and \$3,600,000 for construction.

Elm Creek Detention Pond: A detention pond is required for the detention of storm water runoff generated by future development associated with the Rail Park within the TIF Reinvestment Zone #1. The detention pond designed with the project will consist of an approximately 25-acre detention facility. It is anticipated that construction of this project will begin in January 2008. Required funding for this project is estimated at \$2,104,500, which includes \$104,500 for engineering and \$2,000,000 for construction.

Underground Storm Water Improvements: It is anticipated that construction of this project will begin in January 2008. Required funding for this project is estimated at \$925,000, which includes \$125,000 for engineering and \$800,000 for construction.

Wastewater Lift Station: It is anticipated that construction of this project will begin in January 2008. Required funding for this project is estimated at \$460,000, which includes \$60,000 for engineering and \$400,000 for construction.

ROW Acquisition for Public Improvements: Required funding for this project is estimated at \$950,000.

FISCAL IMPACT: The proposed \$21,385,000 Combination Tax and Revenue Bonds will have average annual debt service over the life of the bonds of approximately \$2,120,000. This amount was computed using an assumed interest rate of 4.85% for 15 yrs (the remaining life of the RZ #1).

Available debt capacity was computed using a times coverage ratio of 2.00 and projected future increment growth within the RZ # 1.

A budget amendment will be proposed to Council on the second reading of this item.

ATTACHMENTS:

[Financing Plan](#)
[Summary Financing Plan with Detailed Project Plan](#)
[Ordinance](#)

DESCRIPTION	Y/E 9/30/07 Year 25 (1)	Y/E 9/30/08 Year 26	Y/E 9/30/09 Year 27	Y/E 9/30/10 Year 28	Y/E 9/30/11 Year 29	Y/E 9/30/12 Year 30	Y/E 9/30/13 Year 31	Y/E 9/30/14 Year 32	Y/E 9/30/15 Year 33	Y/E 9/30/16 Year 34	Y/E 9/30/17 Year 35	Y/E 9/30/18 Year 36	Y/E 9/30/19 Year 37	Y/E 9/30/20 Year 38	Y/E 9/30/21 Year 39	Y/E 9/30/22 Year 40
1 Appraised Value	\$ 119,486,508	\$ 123,405,421	\$ 131,160,668	\$ 140,238,369	\$ 144,626,499	\$ 212,822,764	\$ 233,490,991	\$ 235,785,501	\$ 238,143,356	\$ 240,524,790	\$ 242,930,038	\$ 245,359,338	\$ 314,562,931	\$ 336,208,561	\$ 339,570,646	\$ 342,966,353
5 FUND BALANCE, Begin	\$ 12,400,571	\$ 1,077,108	\$ 2,163,313	\$ 2,487,875	\$ 2,890,940	\$ 2,328,163	\$ 1,685,409	\$ 1,656,466	\$ 1,590,649	\$ 1,588,925	\$ 1,652,262	\$ 1,776,990	\$ 1,469,793	\$ 1,649,971	\$ 1,947,290	\$ 1,829,412
SOURCES OF CASH:																
10 Tax Revenues	3,366,807	3,934,637	4,051,439	4,184,297	4,261,354	6,236,977	6,833,461	6,901,327	6,969,871	7,039,100	7,109,022	7,179,643	9,183,450	9,810,408	9,908,043	10,006,655
15 Allowance for Uncoll. Taxes	-	(105,146)	(108,507)	(112,341)	(114,517)	(115,655)	(116,801)	(117,961)	(119,132)	(120,314)	(121,509)	(122,715)	(123,934)	(125,165)	(126,408)	(127,663)
20 Interest Income-Bonds	164,996	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
25 Interest Income-Other	300,000	440,000	40,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	40,000	40,000	30,000	10,000
30 Other Bond Proceeds	-	21,385,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
35 Grant Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
40 TOTAL SOURCES	3,831,803	25,654,491	3,982,932	4,121,956	4,196,837	6,170,322	6,766,660	6,833,366	6,900,739	6,968,796	7,037,513	7,106,928	9,099,516	9,725,243	9,811,635	9,888,992
USES OF CASH:																
Operating Expenses																
50 Prof Svcs/Proj Mgmt	125,740	88,434	90,202	92,007	93,847	95,724	97,638	99,591	101,583	103,615	105,687	107,801	109,957	112,156	114,399	116,687
51 Legal/Audit	1,100	1,100	1,100	1,100	1,100	1,200	1,200	1,200	1,200	1,200	1,300	1,300	1,300	1,300	1,300	1,400
55 Zone Mtc	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000
56 TERC	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
60 TISD-Joint Use facilities	498,816	21,981	22,201	22,423	22,647	22,873	23,102	23,333	23,567	23,802	24,040	24,281	24,523	24,769	25,016	25,267
60 Subtotal-Operating Expenses	800,656	286,515	288,503	290,530	292,594	294,797	296,940	299,124	301,350	303,617	306,027	308,382	310,780	313,225	316,715	318,354
Projects (2)																
100 North Zone (3)	3,594,348	13,863,000	40,000	40,000	-	-	800,000	-	-	-	-	2,700,000	-	-	-	-
100 Western Austin Zone (3)	877,499	2,705,285	-	300,000	1,225,150	2,175,850	1,100,000	-	-	-	-	-	-	-	-	-
100 Western Bio-Science & Medical Zone (3)	6,201,150	3,865,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
400 Southeast Industrial Park Zone (3)	185,000	1,200,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
405 General Roadway Improvements	318,050	200,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
410 Major Gateway Entrances	-	-	400,000	-	400,000	-	-	-	-	-	-	-	-	-	-	-
415 Downtown Improvements	7,197	13,612	185,779	192,113	195,747	197,691	199,655	201,639	203,643	205,667	207,710	209,775	211,860	213,966	216,093	218,241
420 Loop 363 Improvements	2,300,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
430 Reserve for Azar facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
500 Zone Projects - Public Improvements	-	280,815	850,000	1,000,000	750,000	750,000	1,000,000	3,000,000	3,000,000	3,000,000	3,000,000	800,000	5,000,000	5,500,000	6,000,000	7,783,654
600 Subtotal-Projects	13,483,244	22,127,712	1,475,779	1,532,113	2,570,897	3,123,641	3,099,655	3,201,639	3,203,643	3,205,667	3,207,710	3,709,775	5,211,860	5,713,966	6,216,093	8,001,895
Debt Service																
625 2003 Bond Issue	870,166	867,935	866,385	868,545	868,420	867,035	869,055	869,855	868,930	866,530	867,440	866,753	869,240	869,640	868,070	870,070
626 2007 Bond Issue (\$21.385 mi)	-	1,284,924	1,026,503	1,026,503	1,026,503	2,526,503	2,528,753	2,527,365	2,527,340	2,528,435	2,530,408	2,528,015	2,526,258	2,529,893	2,528,435	2,526,885
630 Paying Agent Services	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
635 Subtotal-Debt Service	871,366	2,154,059	1,894,088	1,896,248	1,896,123	3,394,738	3,399,008	3,398,420	3,397,470	3,396,165	3,399,048	3,395,968	3,396,696	3,400,733	3,397,705	3,396,155
650 TOTAL USES	15,155,266	24,568,286	3,658,370	3,718,891	4,759,614	6,813,076	6,795,603	6,899,183	6,902,463	6,905,449	6,912,785	7,414,125	8,919,338	9,427,924	9,929,513	11,718,404
660 FUND BALANCE, End	1,077,108	2,163,313	2,487,875	2,890,940	2,328,163	1,685,409	1,656,466	1,590,649	1,588,925	1,652,262	1,776,990	1,469,793	1,649,971	1,947,290	1,829,412	0
700 AVAILABLE FUND BALANCE	\$ 105,108	\$ 1,195,313	\$ 1,519,875	\$ 1,922,940	\$ 1,360,163	\$ 717,409	\$ 688,466	\$ 622,649	\$ 620,925	\$ 684,262	\$ 808,990	\$ 501,793	\$ 681,971	\$ 979,290	\$ 861,412	\$ 0
800 FUND BALANCE, Begin	12,400,571	1,077,108	2,163,313	2,487,875	2,890,940	2,328,163	1,685,409	1,656,466	1,590,649	1,588,925	1,652,262	1,776,990	1,469,793	1,649,971	1,947,290	1,829,412
805 Revenue over/under/expense	(11,323,463)	1,086,205	324,562	403,065	(562,777)	(642,754)	(28,943)	(65,817)	(1,724)	63,337	124,728	(307,197)	180,178	297,319	(117,878)	(1,829,412)
810 FUND BALANCE, End	\$ 1,077,108	\$ 2,163,313	\$ 2,487,875	\$ 2,890,940	\$ 2,328,163	\$ 1,685,409	\$ 1,656,466	\$ 1,590,649	\$ 1,588,925	\$ 1,652,262	\$ 1,776,990	\$ 1,469,793	\$ 1,649,971	\$ 1,947,290	\$ 1,829,412	\$ 0

SUMMARY FINANCING PLAN										
	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	
5 Beginning Available Fund Balance, Oct 1	\$ 11,624,571	\$ 109,108	\$ 1,195,313	1,519,875	1,922,940	1,360,163	717,409	688,466	622,649	
40 Revenues, net	3,831,803	25,654,491	3,982,932	4,121,956	4,196,837	6,170,322	6,766,660	6,833,366	6,900,739	
45 Less Required Debt Reserve(Increase after FY2006)	(192,000)	-	-	-	-	-	-	-	-	
45 Net Available for Appropriation	15,264,374	25,763,599	5,178,245	5,641,831	6,119,777	7,530,485	7,484,069	7,521,832	7,523,388	
50 General Administrative Expenditures	126,840	89,534	91,302	93,107	94,947	96,924	98,838	100,791	102,783	
55 Zone Maintenance	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	
60 Contractual Payments (TEDC)	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	
65 TISD - Joint Use Facilities	498,816	21,981	22,201	22,423	22,647	22,873	23,102	23,333	23,567	
70 Debt Service - 2003 Issue	871,366	869,135	867,585	869,745	869,620	868,235	870,255	871,055	870,130	
71 Debt Service - Proposed 2007 Issue (\$21.385 mil)	-	1,284,924	1,026,503	1,026,503	1,026,503	2,526,503	2,528,753	2,527,365	2,527,340	
75 Total Operating & Committed Expenditures	1,672,022	2,440,574	2,182,591	2,186,778	2,188,717	3,689,535	3,695,948	3,697,544	3,698,820	
99 Net Available for Projects	\$ 13,592,352	\$ 23,323,025	\$ 2,995,654	\$ 3,455,053	\$ 3,931,060	\$ 3,840,950	\$ 3,788,121	\$ 3,824,288	\$ 3,824,568	

PROJECT PLAN										
	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	
NORTH ZONE (including Enterprise Park):										
100 Railroad Spur Improvements	3,026,348	7,158,000	-	-	-	-	-	-	-	
105 Elm Creek Detention Pond	104,500	2,000,000	-	-	-	-	-	-	-	
110 Railroad Improvements Engineering Analysis	2,000	-	-	-	-	-	-	-	-	
115 Railroad Repairs/Maintenance based on Analysis	200,000	140,000	40,000	40,000	-	-	-	-	-	
120 Enterprise Park Water Tank	-	-	-	-	-	-	800,000	-	-	
121 ROW Acquisition - Public Improvements	-	950,000	-	-	-	-	-	-	-	
125 Wendland Road Improvements	261,500	3,615,000	-	-	-	-	-	-	-	
199 Total North Zone (including Enterprise Park)	3,594,348	13,863,000	40,000	40,000	-	-	800,000	-	-	
WESTERN AVIATION ZONE:										
200 Detention Pond #2 including W 1-A	12,559	-	-	-	-	-	-	-	-	
205 Old Howard Road from Ind Blvd to SH36	-	-	-	-	-	-	-	-	-	
210 Old Howard Road Gateway Entrance Project	520,000	-	-	-	-	-	-	-	-	
215 WWI--Waste Water Ext SH36 to Ind Blvd	33,000	483,644	-	-	-	-	-	-	-	
220 R I-B, W I-B--Industrial Blvd Extension	54,940	1,054,425	-	-	-	-	-	-	-	
221 Airport Park Infrastructure Construction	157,000	1,167,217	-	-	-	-	-	-	-	
225 Airport Study	100,000	-	-	-	-	-	-	-	-	
230 Airport Trail Roadway-Ind Blvd to Pepper Crk (R III)	-	-	-	-	115,500	654,500	-	-	-	
235 Airport Trail Utilities (W-V, W II, W III)	-	-	-	-	109,650	621,350	-	-	-	
240 Old Howard North (R II)	-	-	-	300,000	1,000,000	700,000	-	-	-	
245 Airport Trail Roadway-Pepper Crk to Mouser (R V)	-	-	-	-	-	200,000	1,100,000	-	-	
299 Total Western Aviation Zone	877,499	2,705,285	-	300,000	1,225,150	2,175,850	1,100,000	-	-	
WESTERN BIO-SCIENCE & MEDICAL ZONE:										
300 Greenbelt Development along Pepper Creek	658,000	1,440,000	-	-	-	-	-	-	-	
305 Outer Loop Phase 2	3,383,650	-	-	-	-	-	-	-	-	
306 Bio-Science Park Phase 1	284,500	1,800,000	-	-	-	-	-	-	-	
310 Bio-Science Institute	1,875,000	625,000	-	-	-	-	-	-	-	
399 Total Western Bio-Science & Medical Zone	6,201,150	3,865,000	-	-	-	-	-	-	-	
OTHER PROJECTS:										
400 Southeast Ind Park (Lorainne Drive)	185,000	1,200,000	-	-	-	-	-	-	-	
405 Roadway Maintenance/Improvements	318,050	200,000	-	-	-	-	-	-	-	
410 Gateway Entrance Projects (after Old Howard)	-	-	400,000	-	400,000	-	-	-	-	
415 Downtown Improvements	7,197	13,612	185,779	192,113	195,747	197,691	199,655	201,639	203,643	
420 Loop 363 Improvements (TxDOT commitment)	2,300,000	-	-	-	-	-	-	-	-	
430 Reserve for Acer facility	-	-	-	-	-	-	-	-	-	
499 Total Other Projects	2,810,247	1,413,612	585,779	192,113	595,747	197,691	199,655	201,639	203,643	
500 Undesignated Funding for Public Improvements	-	280,815	850,000	1,000,000	750,000	750,000	1,000,000	3,000,000	3,000,000	
600 Total Planned Project Expenditures	13,483,244	22,127,712	1,475,779	1,532,113	2,570,897	3,123,541	3,099,655	3,201,639	3,203,643	
700 Planned Available Fund Balance at Year End	\$ 109,108	\$ 1,195,313	\$ 1,519,875	\$ 1,922,940	\$ 1,360,163	\$ 717,409	\$ 688,466	\$ 622,649	\$ 620,925	

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE TAX INCREMENT FINANCING REINVESTMENT ZONE #1 FINANCING PLAN FOR FY 2008-2022 TO INCLUDE REDESIGNATION OF PROJECTS WITHIN THE PROJECT PLAN, BOND PROCEEDS, AND FUTURE YEAR BOND PAYMENTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; DECLARING FINDINGS OF FACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City Council (the "Council") of the City of Temple, Texas, (the "City") created Reinvestment Zone Number One, City of Temple, Texas (the "Zone") by Ordinance No. 1457 adopted on September 16, 1982;

Whereas, the Council adopted a Project Plan and Reinvestment Zone Financing Plan for the Zone by Ordinance No. 1525 adopted on December 22, 1983, and thereafter amended such plans by Ordinance No. 1664 adopted on June 20, 1985, Ordinance No. 1719 adopted on November 21, 1985, Ordinance No. 1888 adopted on December 21, 1987, Ordinance No. 1945 adopted on October 20, 1988; Ordinance No. 1961 adopted on December 1, 1988; Ordinance No. 2039 adopted on April 19, 1990; Ordinance No. 91-2119 adopted on December 5, 1991; Ordinance No. 92-2138 adopted on April 7, 1992; Ordinance No. 94-2260 adopted on March 3, 1994; Ordinance No. 95-2351 adopted on June 15, 1995; Ordinance No. 98-2542 adopted on February 5, 1998; Ordinance No. 98-2582 adopted on November 19, 1998; Ordinance No. 99-2619 adopted on March 18, 1999; Ordinance No. 99-2629 adopted on May 6, 1999; Ordinance No. 99-2631 adopted on May 20, 1999; Ordinance No. 99-2647 adopted on August 19, 1999; Ordinance No. 99-2678 adopted on December 16, 1999; Ordinance No. 2000-2682 adopted on January 6, 2000; Ordinance No. 2000-2729 adopted on October 19, 2000; Ordinance No. 2001-2772 adopted on June 7, 2001; Ordinance No. 2001-2782 adopted on July 19, 2001; Ordinance No. 2001-2793 adopted on September 20, 2001; Ordinance No. 2001-2807 on November 15, 2001; Ordinance No. 2001-2813 on December 20, 2001; Ordinance No. 2002-2833 on March 21, 2002; Ordinance No. 2002-2838 on April 18, 2002; Ordinance No. 2002-3847 on June 20, 2002; Ordinance No. 2002-3848 on June 20, 2002; Ordinance No. 2002-3868 on October 17, 2002; Ordinance No. 2003- 3888 on February 20, 2003; Ordinance No. 2003-3894 on April 17, 2003; Ordinance No 2003-3926 on September 18, 2003; Ordinance No. 2004-3695 on July 1, 2004; Ordinance No. 2004-3975 on August 19, 2004; Ordinance No. 2004-3981 on September 16, 2004; Ordinance No. 2005-4001 on May 5, 2005; Ordinance No. 2005-4038 on September 15, 2005; Ordinance No. 2006-4051 on January 5, 2006; Ordinance No. 2006-4076 on the 18th day of May, 2006; Ordinance No. 2006-4118; Ordinance No. 2007-4141 on the 19th day of April, 2007; Ordinance No. 2007-4155 on July 19, 2007; and Ordinance No. 2007-4172 on the 20th day of September, 2007;

Whereas, the Board of Directors of the Zone has adopted an additional amendment to the Reinvestment Zone Financing Plan for the Zone and forwarded such amendment to the Council for appropriate action;

Whereas, the Council finds it necessary to amend the Reinvestment Zone Financing Plan for the Zone to include financial information as hereinafter set forth; and

Whereas, the Council finds that such amendment to the Reinvestment Zone Financing Plan is feasible and conforms to the Comprehensive Plan of the City.

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

Part 1: Findings. The statements contained in the preamble of this ordinance are true and correct and are adopted as findings of fact hereby.

Part 2: Reinvestment Zone Financing Plan. The amendment to the Tax Increment Financing Reinvestment Zone No. One Financing Plan, heretofore adopted by the Board of Directors of the Zone and referred to in the preamble of this ordinance, is hereby approved and adopted, as set forth in the Amendment to Reinvestment Zone Number One, City of Temple, Texas, attached hereto as Exhibit A. This expenditure requires an amendment to the 2007-2008 budget, a copy of which is attached as Exhibit B.

Part 3: Plans Effective. The Financing Plan for the Zone heretofore in effect shall remain in full force and effect according to the terms and provisions thereof, except as specifically amended hereby.

Part 4: Copies to Taxing Units. The City Secretary shall provide a copy of the amendment to the Reinvestment Zone Financing Plan to each taxing unit that taxes real property located in the Zone.

Part 5: Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance 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 6: Effective Date. This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

PASSED AND APPROVED on First Reading on the 4th day of **October**, 2007.

PASSED AND APPROVED on Second and Final Reading on the 18th day of **October**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/07
Item #6
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Consider adopting an ordinance establishing the City's Economic Development Policy, setting out a program for promoting economic development within the City by reestablishing criteria and guidelines for tax abatement, authorizing loans and grants of public money and providing personnel and services of the municipality, to promote local economic development and to stimulate business and commercial activity.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for October 19, 2007.

ITEM SUMMARY: Tax abatement criteria and guidelines are effective upon the date of adoption and remain in force for two years. Ordinance No. 2005-4008, adopted on June 2, 2005, has expired. Adoption of this ordinance will reinstate the tax abatement criteria and guidelines for an additional two years.

The ordinance continues our ability to enter into development agreements with respect to property in the City's tax increment financing reinvestment zone, and to enter into Chapter 380 incentive agreements. Chapter 380 of the Texas Local Government Code is the legislative authority for cities in Texas to make grants or loans of City funds or services to promote economic development. Chapter 380 was enacted by the Legislature after voters approved an amendment to Article 3, Section 52-a of the Texas Constitution that made economic development a public purpose for purposes of expending City funds. A city must locally implement Chapter 380 to make use of the authority outlined in the Chapter. (See Section III. B., "Other Economic Incentives within the City")

FISCAL IMPACT: N/A

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, ESTABLISHING A COMPREHENSIVE ECONOMIC DEVELOPMENT POLICY FOR THE CITY OF TEMPLE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple is committed to establishing long-term economic vitality, an essential key to the growth of any community, by responding and preparing for challenges and changes in an environment characterized by ongoing competition for sustained economic advantage and identity;

Whereas, in an effort to enrich an already substantial diversity of economic activity, the City of Temple desires to establish an *Economic Development Policy* consolidating the City's existing and newly-proposed economic development policies into one comprehensive document;

Whereas, the City has established criteria and guidelines governing tax abatement within the City pursuant to Chapter 312 of the Tax Code, and by ordinance has designated two tax abatement reinvestment zones;

Whereas, the City has by ordinance created a tax increment financing reinvestment zone pursuant to Chapter 311 of the Tax Code, and used the tax increments accrued in said zone to construct public improvements intended to spur economic development of the zone;

Whereas, the City has nominated an area of the City for designation by the State, acting through its Department of Commerce, as an enterprise zone pursuant to Tex. Rev. Civ. Stat. Ann. art 5190.7;

Whereas, Article 3, Section 52-a of the State Constitution, authorizes the Legislature to provide for the creation of programs for the making of loans and grants of public money for the public purposes of development and diversification of the economy of the State;

Whereas, the Legislature, in Tex. Rev. Civ. Stat. Ann. art. 835s, has authorized home rule cities to acquire land and buildings for the purpose of leasing the land or improvements thereto to private companies for use in manufacturing or other commercial activity;

Whereas, the Legislature, in Chapter 380 of the Local Government Code, has authorized home rule cities to establish programs for making loans and grants of public money to promote State or local economic activity within their boundaries; and

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:

Part 1: That a comprehensive *Economic Development Policy* is hereby adopted by the City of Temple, Texas, to read as follows:

ECONOMIC DEVELOPMENT POLICY

FOR THE CITY OF TEMPLE, TEXAS

ADOPTED OCTOBER 18, 2007

I. Criteria and Guidelines Governing Tax Abatement.

A. Definitions.

1. "**Abatement**" means the full or partial exemption from ad valorem taxes of certain real property in a reinvestment zone designated by the City for economic development purposes.

2. "**Agreement**" means a contract between a property owner or lessee and the City.

3. "**Base year value**" means the assessed value of eligible property on January 1st of the year of the execution of the tax abatement Agreement, plus the agreed upon value of eligible property improvements made after January 1 but before the execution of the Agreement.

4. "**Deferred Maintenance**" means those improvements necessary for continued operation but which do not improve productivity or alter any process technology. Exterior improvements (e.g., painting, installing, repairing, removing or replacing a facade) to the exteriors of buildings in the Downtown Development Area which are designed to improve visual appearance of property are not deferred maintenance.

5. "**Downtown Development Area**" is an approximately 43 block area of downtown Temple as shown by the map and description attached hereto as Exhibit "A."

6. "**Eligible Facilities**" means those new, expanded or modernized buildings and structures, including fixed machinery and equipment, which are reasonably likely as a result of granting abatement, to contribute to the retention or expansion of primary employment or to attract major investment in the reinvestment zone that would be a benefit to the property and that would contribute to the economic development within the City Eligible Facilities in all commercial/industrial tax abatement reinvestment zones include manufacturing, distribution and storage facilities, office buildings, transportation facilities, and entertainment complex. Additional Eligible Facilities in reinvestment zones established in the Downtown Development Area include retail stores, apartment buildings, restaurants and entertainment facilities (excluding sexually oriented businesses) facilities.

7. "**Expansion**" means the addition of buildings, structures, machinery, equipment or payroll for purposes of increasing production capacity.

8. "**Facility**" means property improvements completed or in the process of construction which together comprise an integral whole.

9. "**Modernization**" means a complete or partial demolition of Facilities and the complete or partial reconstruction or installation of a Facility of similar or expanded production capacity.

Modernization may result from the construction, alteration, or installation of buildings, structures, machinery or equipment, or both. Modernization in the Downtown Development area includes painting of exterior walls, restoring, removing or installing a facade and related exterior improvements designed to visually improved the exterior of a building or block.

10. **"New Facility"** means a property previously undeveloped which is placed into service by means other than or in conjunction with Expansion and Modernization.

11. **"Productive Life"** means the number of years a property improvement is expected to be in service for a facility.

B. Statement of Purpose.

The City is committed to the promotion of high quality commercial and industrial development in all parts of the City, and an ongoing improvement of the quality of life of its citizens. These objectives may be served by the enhancement and expansion of the local economy. The City will consider, on a case-by-case basis granting property tax abatement as a stimulus for economic development in accordance with the criteria and guidelines established herein. Nothing herein shall imply or suggest that the City is under any obligation to provide tax abatement to any applicant, that any applicant has a property right or interest in tax abatement, or that the City is precluded from considering other options which may be in the best interest of the City.

C. Designation of Tax Abatement Reinvestment Zones.

The City will consider designating areas within the City limits or extraterritorial jurisdiction of the City as commercial-industrial tax abatement reinvestment zones which meet one or more of the criteria for designation of a reinvestment zone under Section 312.202 of the Tax Code, and where the property owner meets the minimum qualifications to qualify for a tax abatement under Part I.D. 1.b. of this Policy. Designation of an area as a tax abatement reinvestment zone is a prerequisite to entering into a tax abatement agreement with the owner of the property in a particular area. Property located within a City created (and State-approved) Enterprise Zone or within the City's Tax Increment Financing Reinvestment Zone is eligible for consideration for tax abatement agreements without the necessity of separate designation as a tax abatement reinvestment zone.

D. Abatement Authorized.

1. **Eligible Facilities.** Upon application, the City will consider granting tax abatement on Eligible Facilities as hereinafter provided.

a. Creation of New Value. The City will consider granting tax abatement only for the additional value of eligible property improvements made subsequent to, and specified in, an abatement agreement between the City and the property owner or lessee, subject to such limitations as the City may require.

b. New and Existing Eligible Facilities. The City will consider granting abatement for new Eligible Facilities and for improvements to existing Eligible Facilities for purposes of Modernization and Expansion.

c. Eligible Property. The City will consider granting abatement to the value of real property improvements (buildings, structures, fixed [permanently attached] machinery and equipment, site improvements, related fixed improvements necessary to the operation and administration of the Facility), and personal property (excluding inventory or supplies) with a Productive Life of ten years or more.

d. Ineligible Property. The following types of property shall remain fully taxable and ineligible for tax abatement: land, supplies, inventory, housing, Deferred Maintenance, property to be rented or leased except as provided in subpart (5) below, and other property which has a Productive Life of less than ten years.

e. Owned/Leased Facilities. If a Leased Facility is granted abatement, the agreement shall be executed with the lessor and the lessee.

2. Standards for Tax Abatement.

a. Minimum Standards. The City will consider tax abatement only on eligible facilities which meet at least two of the following criteria.

(1) The project involves a minimum increase in property value of three hundred percent (300%) for construction of a new facility, or fifty percent (50%) for expansion of an existing facility, with an overall new investment of at least \$1 million in taxable assets. For eligible facilities in any reinvestment zone within the Downtown Development Area, the project must involve either a minimum increase in property value of one hundred and fifty percent (150%) for construction of a new facility, or twenty-five percent (25%) for expansion of an existing facility, with an overall new investment of at least \$50,000 in taxable assets.

(2) The project makes a substantial contribution to redevelopment efforts, special area plans, or strategic economic development programs by enhancing either functional or visual characteristics, e.g., historical structures, traffic circulation, parking facades, materials, signs.

(3) The project has high visibility, image impact, or is of a significantly higher level of development quality.

(4) The project is an area which might not otherwise be developed because of constraints of topography, ownership patterns, site configuration, etc.

(5) The project can serve as a prototype and catalyst for other development of a higher standard.

(6) The project stimulates desired concentrations of employment or commercial activity.

(7) The project generates greater employment than would otherwise be achieved, e.g., commercial/industrial versus manufacturing versus warehousing.

(8) For eligible facilities in any reinvestment zone within the Downtown Development Area, the project improves the aesthetic appearance of the neighborhood, brings new jobs to the Downtown area, increases the availability of public parking, or increases the amount of green space (landscaping).

b. Minimum Required Investment. An applicant requesting tax abatement shall agree as a condition of any tax abatement ultimately approved by the City Council to expend a certain minimum amount of funds on real or personal property improvements, or to provide a certain number of jobs, as provided below:

Percentage of increased value to be abated	Minimum Required Real or Personal Property Investment or Job Creation		
	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation [†]
25%	\$250,000-\$400,000	\$1,000,000-\$1,600,000	25-30 jobs
30%	400,001-550,000	1,600,001-2,200,000	31-35 jobs
35%	550,001-700,000	2,200,001-2,800,000	36-40 jobs
40%	700,001-850,000	2,800,001-3,400,000	41-45 jobs
45%	850,001-1,000,000	3,400,001-4,000,000	46-50 jobs
50%	1,000,001-1,300,000	4,000,001-5,200,000	51-55 jobs
55%	1,300,001-1,600,000	5,200,001-6,400,000	56-60 jobs
60%	1,600,001-1,900,000	6,400,001-7,600,000	61-65 jobs
65%	1,900,001-2,200,000	7,600,001-8,800,000	66-70 jobs
70%	2,200,001-2,500,000	8,800,001-10,000,000	71-75 jobs
75%	2,500,001-3,500,000	10,000,001-14,000,000	76-85 jobs
80%	3,500,001-4,500,000	14,000,001-18,000,000	86-95 jobs
85%	4,500,001-5,500,000	18,000,001-22,000,000	96-105 jobs
90%	5,500,001-6,500,000	22,000,001-26,000,000	106-115 jobs
95%	6,500,001-7,500,000	26,000,001-30,000,000	116-125 jobs
100%	7,500,001-10,000,000	30,000,001-40,000,000	126-175 jobs

Percentage of increased	Inside the Downtown Development Area Minimum Required Real or Personal Property Investment or Job Creation
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	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation
100%	\$25,000 or more	\$100,000 or more	5-25 jobs

Projects involving an investment in real property in excess of \$10,000,000 (\$250,000 in the Downtown Development Area) in eligible personal property of more than \$40,000,000 (\$1,000,000 in the Downtown Development Area), or the creation of more than 175 (25 in the Downtown Development Area) new full time jobs, or requests for tax abatement for more than 5 years, will be individually negotiated.

If a request for tax abatement is justified on the basis of the purchase and maintenance of eligible personal property or on the creation of jobs, the applicant must agree to maintain the personal property or jobs for a period of not less than twice the period for which tax abatement is granted. For example, if an applicant requests and receives 75% tax abatement for five years based on the purchase and maintenance of eligible personal property, the applicant must agree in the tax abatement agreement, subject to recapture of all abated taxes, to maintain the personal property on the property tax roll for not less than ten years.

*Personal property with a useful life of less than ten years is not eligible for tax abatement. Personal property on site prior to the effective date of the tax abatement agreement is not eligible. Supplies and inventory are ineligible for tax abatement under this policy and State law.

[†] As used herein, the creation of jobs refers to the creation of a job paying not less than \$10 per hour, the approximate median salary for employees in Bell County. To qualify for a level of tax abatement, e.g., 25%, based on the creation of a specific number of jobs, you must commit to hiring the required effective number of employees by the end of year 2 of the agreement. To calculate the effective number of jobs created: (1) calculate the total annual payroll created (based on the number of employees you will hire at various annual salaries); (2) divide this annual payroll by \$20,640 (our calculated annual salary for a \$10/hr employee); and (3) round this figure to the nearest whole integer.

c. Additional or Enhancement Factors. In addition to the minimum investment or job creation criteria listed in (2) above, the following factors, among others, shall be considered in determining whether to grant Tax Abatement, and if so, in what percentage of value to be abated and the duration:

- (1) value of land and existing improvements, if any;
- (2) type and value of proposed improvements;
- (3) productive life of proposed improvements;
- (4) number of existing jobs to be retained by proposed improvements;
- (5) number, salary, and type of new jobs to be created by proposed improvements;
- (6) amount of local payroll to be created;
- (7) whether the new jobs to be created will be filled by persons residing or projected to reside within the City;
- (8) amount of local sales taxes to be generated directly;
- (9) the costs, if any, to be incurred by the City to provide facilities or services directly resulting from the new improvements;

- (10) the amount of ad valorem taxes to be paid the City during the Abatement period considering the existing values, the percentage of new value abated, the Abatement period, and the projected property value after expiration of the Abatement period;
- (11) population growth that occurs directly as a result of new improvements;
- (12) the types and value of public improvements, if any, to be constructed and paid for by the applicant seeking Abatement;
- (13) the extent to which the proposed improvements compete with existing businesses;
- (14) the positive or negative impact on the opportunities of existing businesses;
- (15) the attraction of other new businesses to the area;
- (16) the overall compatibility with the City's zoning and subdivision regulations, and over-all comprehensive plan; and
- (17) whether the project is environmentally compatible with the community (no appreciable negative impact on quality-of-life perceptions).

Each Eligible Facility shall be reviewed on its merits utilizing the factors provided above. After such review, abatement may be denied entirely or may be granted to the extent deemed appropriate after full evaluation.

3. Abatement barred in certain circumstances. Neither a reinvestment zone nor an abatement agreement shall be authorized, if the City Council determines that:

- a. there would be a substantial adverse effect on the provision of government service or tax base;
- b. the applicant has insufficient financial capacity to meet the requirements of the proposed abatement agreement;
- c. planned or potential use of the property would constitute a hazard to public safety, health, or morals;
- d. approval of a reinvestment zone or abatement agreement would violate State or Federal laws or regulations; or
- e. there exists any other valid reason for denial deemed appropriate by the City.

4. Property subject to Taxation. From the execution of an Abatement Agreement to the end of the effective abatement period under the Agreement, taxes shall be payable as follows:

- a. the value of ineligible property (Part I.D.1.d.) shall be fully taxable;
- b. the base year value of existing eligible property as determined each year shall be fully taxable;
- c. the additional value of new eligible property shall be taxed in the manner and for the period provided for in the Abatement Agreement; and
- d. the additional value of new, eligible property shall be fully taxable at the end of the Abatement period.

5. Application for Tax Abatement.

a. Any present or potential owner of taxable property in the City of Temple, Texas, may request the creation of a tax abatement reinvestment zone and tax abatement by filing a written request with the City. The application shall then be forwarded to the City Manager for review. After processing the application, the City Manager shall make a recommendation to the City Council of the City for final disposition.

b. The application shall consist of a completed application form, which shall provide detailed information on the items described in Part I.D.2. above; a map and property description; and a time schedule for undertaking and completing the planned improvements. In the case of Modernization, a statement of the assessed value of the facility, separately stated for real and personal property, shall be given for the tax year immediately proceeding the application. The application form may require such financial and other information as may be deemed appropriate for evaluating the financial capacity and other factors of the applicant.

c. The City shall give notice as provided by the Tax Code, i.e., written notice to the presiding officer of the governing body of each taxing unit in which the property to be subject to the agreement is located, no later than the seventh day before the date the City Council considers approval of a tax abatement agreement.

d. The City shall not establish a reinvestment zone for the purpose of Abatement if it finds that the request for the abatement was filed after the commencement of construction of a New Facility, or alteration, Modernization, Expansion of an existing Facility.

6. Tax Abatement Agreements

a. After preliminary approval of an application, the City shall formally pass a resolution authorizing an Agreement with the owner (and lessee, where applicable) of the Facility, which Agreement shall include, but not be limited to:

- (1) The kind, number, and location of all proposed improvements of the property;
- (2) A provision for access to and authorize inspection of the property by municipal employees to ensure that the improvements or repairs are made according to the specifications and conditions of the Agreement;
- (3) Limits for the uses of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period the property tax exemptions are in effect;
- (4) Provide for recapturing property tax revenue lost as a result of the Agreement if the owner of the property fails to make the improvements or repairs as provided by the Agreement;
- (5) Each term agreed to by the owner of the property;
- (6) A requirement that the owner of the property annually certify to the governing body of each taxing unit that the owner is in compliance with each applicable term of the Agreement;

(7) Provide that the City Council may cancel or modify the Agreement if the property fails to comply with the Agreement;

(8) The percentage of value to be abated each year; and

(9) The commencement date and the termination date of Abatement.

b. To be effective, a tax abatement agreement must be approved by the affirmative vote of a majority of the members of the City Council at a regularly scheduled meeting of the City Council.

c. Agreements shall normally be approved or disapproved within sixty (60) days from the date the applicant filed a properly completion application for tax abatement with the City Manager.

7. Recapture of Abated Taxes Upon Default.

a. In the event that the company or individual:

(1) allows its ad valorem taxes owed the City to become delinquent and fails to timely and properly follow the legal procedures for their protest or contest, or

(2) violates any of the terms and conditions of the Abatement Agreement, and fails to cure during the Cure Period hereinafter described,

(3) the Agreement then may be terminated, and the company or individual whose Agreement is terminated shall repay, as liquidated damages, all taxes previously abated by virtue of the Agreement to the City within thirty (30) days of the termination.

b. Should the City determine that the company or individual is in default according to the terms and conditions of its Agreement, the City shall notify the company or individual of such default in writing at the address stated in the Agreement, and if such is not cured within thirty (30) days from the date of such notice ("Cure Period"), then the Agreement may be terminated.

8. Administration.

a. The Chief Appraiser of the Bell County Appraisal District will annually determine an assessment of the real and personal property comprising the reinvestment zone. Each year, the company or individual receiving abatement shall furnish the Appraiser with such information as may be necessary for the Abatement. Once value has been established, the Chief Appraiser will notify the City of the amount of the assessment.

b. An abatement agreement shall stipulate that employees or designated representatives of the City will have access to the reinvestment zone during the term of the Abatement to inspect the Facility to determine if the terms and conditions of the agreement are being met. All inspections will be made only after the giving of twenty-four (24) hours prior notice and will only be conducted in such manner as to not unreasonably interfere with the construction or operation of the Facility. All inspections will be made with one or more representatives of the company or individual and in accordance with its safety standards.

c. Upon completion of construction, the designated representative of the City shall annually evaluate each Facility receiving Abatement to insure compliance with the agreement, and a formal report shall then be made to the City Council of Temple regarding the findings of the evaluation.

9. Assignment of Tax Abatement Agreements.

Abatement may be transferred and assigned by the holder to a new owner or lessee of the same Facility upon the approval by resolution of the City subject to the financial capacity of the assignee and provided that all conditions and obligations in the Abatement Agreement are guaranteed by the execution of a new contractual Agreement with the City. No assignment or transfer shall be approved if the parties to the existing Agreement, the new owner or new lessee, are liable to any jurisdiction for outstanding taxes or other obligations. Approval of assignments will not be unreasonably withheld.

10. Sunset Provision.

These tax abatement criteria and guidelines are effective upon the date of their adoption and will remain in force for two years, unless amended by three-quarters vote of the City Council, at which time all reinvestment zones and tax abatement agreements created pursuant to these provisions will be reviewed to determine whether the goals have been achieved. Based on that review, the criteria and guidelines may be modified, renewed or eliminated.

II. Availability of Tax Increment Financing of Public Improvements.

A. Existence of tax increment financing district.

The City of Temple has previously created Tax Increment Financing District Number One. To be designated as a tax increment financing reinvestment zone (TIFRZ), an area must meet the criteria established for reinvestment zones under Section 311.005 of the Tax Code. Designation of an area of the City as an enterprise zone under Tex. Rev. Civ. Stat. Ann. art. 5190.7, the Texas Enterprise Zone Act, qualifies an area automatically for designation as a tax increment financing reinvestment zone.

B. Development agreements.

The City will consider entering into development agreements with the owners of property within a TIFRZ where construction of a public improvement(s), e.g., a street, sewer or water line, bridge, railroad spur, or drainage project, using tax increment funds is likely to result in the significant expansion or modernization of an existing facility, the construction of a major new facility, the creation of a significant number of new jobs, or otherwise accomplishes one of the major goals of Chapter 311 of the Tax Code. The City Council may by ordinance or resolution, with the advise and recommendation of the Board of Directors of Tax Increment Financing Reinvestment Zone Number One, may establish minimum criteria for consideration of development agreements.

III. Additional Economic Incentives within the City

A. Designation of Enterprise Zone.

The City has nominated an area of the City for designation as an enterprise zone by the State of Texas, acting through its Department of Commerce, under Tex. Rev. Civ. Stat. Ann. art. 5190.7 (the

Texas Enterprise Zone Act). Pending approval of the area as an enterprise zone by the State, the City will consider granting several types of economic incentives with the enterprise zone.

1. Sales and use tax refunds.

a. Minimum qualifications. To encourage development of the Enterprise Zone, the City will consider granting sales and use tax rebates to businesses within the Enterprise Zone which:

- (1) meet the definition of "qualified businesses" for purposes of Section 3(a)(11) of the Enterprise Zone Act;
- (2) meet the qualifications for, and receive designation by the State as an enterprise project as an enterprise project as provided for in Section 10 of the Enterprise Zone Act.

b. Eligible taxes. The City may agree to a refund of its sales and use taxes paid by qualified business designated as a enterprise project on the purchase, lease, or rental of equipment or machinery for use in an enterprise zone or on the purchase of material for use in remodeling, rehabilitating, or constructing a structure in the Enterprise Zone.

c. Agreement required. The City will, by development agreement, consider refunding up to one-half (1/2) of the *eligible* sales and use tax paid by a qualified business and enterprise project for a period of up to three (3) years.

d. Documentation required. A qualified business and enterprise project entitled to a refund of sales and use tax under this Section by agreement shall pay the entire amount of State and local sales and use taxes at the time of purchase. A qualified business and enterprise project entitled to a refund of sales and use tax by agreement may request a refund once each year in writing. A qualified business and enterprise project entitled to a refund of sales and use tax by agreement must provide documentation necessary to support a refund claim in a form prescribed by the City's Director of Finance.

2. Waiver of permit fees.

By resolution, the City Council may adopt a policy to waive certain building, permit, license or development fees to qualified businesses which have been designated as enterprise projects within the Enterprise Zone.

B. Other economic incentives within the City.

1. Pursuant to authority delegated by the Legislature to cities under Chapter 380 of the Local Government Code, and as authorized by Article 3, Section 52-a of the Texas Constitution, the City will consider making loans or grants of public funds or property, or the selling or leasing City property at or below the fair market value of said property, to promote State or local economic development and to stimulate business and commercial activity within the City.

2. Upon application, the City may consider one or more of the following economic tools to encourage economic development:

- (a) The City may purchase tracts of land in the City to encourage economic development if it determines that assembly of smaller tracts into larger tracts will promote the sale or

development of property over the long term. The City may also purchase land to sell or lease to a qualified business in the City, if it determines that a qualified business meets the minimum requirements for additional incentives set out below

- (b) As further authorized by Tex. Rev. Civ. Stat. Ann. art. 5190.7 § 20(b), the City may sell or lease City-owned property to private developers, if the City Council determines that the property is not needed for any other public purpose, and that sale of the property to a private developer will result in capital improvements or the creation of new jobs within the City. The City will generally sell or lease public property at its fair market value, but will consider making a one-time grant to an applicant, or selling or leasing property at less than fair market value, according to the following formula:

Additional Incentives within the City		
Value of grant, or value of reduction in lease payments or sale price	To qualify for additional incentive, a qualified business must agree to the following minimum investment in <u>both</u> improvements to real property (new construction or expansion of existing facility) <u>and</u> the creation of new jobs	
Not to exceed \$150,000	Not less than \$7.5 million	Not less than 125 new jobs
Not to exceed \$300,000	Not less than \$15 million	Not less than 250 new jobs
Not to exceed \$450,000	Not less than \$22.5 million	Not less than 375 new jobs
Not to exceed \$600,000	Not less than \$28 million	Not less than 500 new jobs

Incentives under Chapter 380 of the Local Government Code where the investment and number of jobs exceed the chart above will be individually negotiated.

C. Additional economic incentives in Downtown Development Area.

1. Pursuant to authority delegated by the Legislature to cities under Chapter 380 of the Local Government Code, and as authorized by Article 3, Section 52-a of the Texas Constitution, the City will consider making loans or grants of public funds or property, or the selling or leasing City property at or below the fair market value of said property, to promote State or local economic development and to stimulate business and commercial activity in the Downtown Development Area (as shown on Exhibit "A").

2. Upon application, the City of Temple will consider one or more of the following economic tools to encourage economic development in the Downtown Development Area:

- (a) The City may purchase tracts of land in the Downtown Development Area to encourage economic development if it determines that assembly of smaller tracts into larger tracts will promote the sale or development of property over the long term. The City may also purchase land to sell or lease to a qualified business in the Downtown Development Area, if it determines that a qualified business meets the minimum requirements for additional incentives set out below.
- (b) As further authorized by Tex. Rev. Civ. Stat. Ann. art. 5190.7 § 20(b), the City may sell or lease City-owned property to private developers, if the City Council determines that the property is not needed for any other public purpose, and that sale of the property to a private developer will result in capital improvements or the creation of new jobs in the Downtown Development Area. The City will generally sell or lease public property at its fair market value, but will consider making a one-time grant to an applicant, or selling or leasing property at less than fair market value, according to the following formula:

Additional Incentives in the Downtown Development Area		
Value of grant, or value of reduction in lease payments or sale price or surplus property	To qualify for additional incentive, a qualified business must agree to the following minimum investment in <u>either</u> improvements to real property (new construction or expansion of existing facility) <u>or</u> the creation of new jobs (25% of the holders of which must be residents of zone or economically disadvantaged).	
Not to exceed \$6,000	Not less than \$70,000	Not less than 3 new jobs
Not to exceed \$8,000	Not less than \$100,000	Not less than 5 new jobs
Not to exceed \$10,000	Not less than \$175,000	Not less than 10 new jobs
Not to exceed \$15,000	Not less than \$225,000	Not less than 15 new jobs
Not to exceed \$18,000	Not less than \$300,000	Not less than 20 new jobs

3. In order for a proposal to be considered for the Additional Incentives under this subsection, an applicant is required to submit a Business Plan detailing sufficient information to evaluate the development and the opportunities for success. A development agreement will provide clauses that insure the return of monetary or real incentives granted for a project in the event that the project is not undertaken within a specified time.

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 in accordance with the provisions of the Charter of the City of Temple, Texas, 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 and Public Hearing on the **4th** day of **October**, 2007.

PASSED AND APPROVED on Second on the **18th** day of **October**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/07
Item #7
Regular Agenda
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DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP – Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING -Z-FY-07-53: Consider adopting an ordinance amending the City of Temple Zoning Ordinance Section 13 regarding Fence and Wall Regulations, Display for Sale, Open Storage and add Metal Building Regulations to the Title and create Section 13-200, Regulations for Residential Primary and Accessory Metal Buildings.

P&Z COMMISSION RECOMMENDATION: The Planning and Zoning Commission voted 7/0 to recommend approval of this PD amendment at its meeting on September 17, 2007.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for October 19, 2007.

ITEM SUMMARY: The Commission directed staff to create standards when considering a house as the primary structure. (The Council asked for this item to be included from its work session August 16th the previous draft contained language for only accessory standards.) The City Council directed the City Manager, who then directed Planning Staff to draft regulations for considering building exteriors in both residential and non-residential zoning districts. The non-residential building standards will be considered at another meeting.

The City Manager directed Staff to meet several times and take opinions from stakeholders with the Chamber of Commerce, Temple Economic Development Corporation, Keep Temple Beautiful and the Temple Area Builder's Association. Staff invited them for comment for today's hearing.

Public Notice

The newspaper printed notice of the public hearing on August 24, 2007 in accordance with state law and local ordinance.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Proposed Standards for Metal Exterior Buildings in Residential Districts](#)
[P&Z Staff Report](#)
[P&Z Minutes](#)
[Ordinance](#)

Proposed Standards for Metal Exterior Buildings in Residential Districts

1. Overview of a proposed ordinance.

Ordinance would apply in areas zoned for a residential use, including Urban Estate (UE), Single Family Residential 1 (SF-1), Single Family 2 (SF-2), Single Family Residential 3 (SF-3), Single Family Attached Dwelling (SFA-1), Single Family Attached Dwelling (SFA-2), Single Family Attached Dwelling (SFA-3), Two Family Dwelling (2F), Townhouse District (TH), Multiple Family Dwelling District 1 (MF-1), Multiple Family Dwelling District 2 (MF-2), and Multiple Family Dwelling District 3 (MF-3). Ordinance subject to sunset review by City Council after 180 days.

2. Synopsis. Ordinance places restrictions on exterior metal facades on primary and accessory residential buildings. Some metal facades would be allowed as a matter of right. Others would require a Special Permit subject to administrative approval by the Director of Planning with an appeal to the City Council in the event of a denial.

3. Definition of a Metal Exterior Primary or Accessory Residential Building.

A primary or accessory residential building in which more than 25% of the area of each of the building's exterior walls, bearing or nonbearing, that is used as enclosing wall for a building, other than a fire wall is made with formed steel, structural steel or lightweight metal alloys applied on the exterior side of exterior walls for the purpose of providing a weather-resisting barrier, insulation or aesthetics, siding, exterior insulation and finish systems, architectural trim and embellishments such as cornices, soffits, fascias, gutters and leaders.

Exempt: Doors, windows and roofs are exempt from the percentage equation.

Measurement: The percentage is measured per side.

4. Metal Exterior Accessory Residential Buildings; Where Allowed by Right.

- A. For lots less than two acres, a metal exterior accessory residential building is allowed by right (no Special Permit required), if:
 - a. A City building permit is obtained;
 - b. The metal exterior accessory building is placed on the same lot as the primary residential building;
 - c. The square footage of the metal exterior accessory residential building does not exceed 15 percent of the primary residential building, or a maximum floor area of 320 square feet;
 - d. The metal exterior accessory residential building has a maximum vertical wall height of eight feet;
 - e. There is only one accessory building per lot; and
 - f. The metal exterior accessory residential building is located in the rear yard, and meets all yard setbacks, and coverage maximums as defined by the Zoning Ordinance.
- B. For lots greater than two acres, a metal exterior accessory residential building is allowed by right (no Special Permit required), if:
 - a. A City building permit is obtained;
 - b. The metal exterior accessory building is placed on the a lot with the primary residential building;
 - c. The square footage of the metal exterior accessory building does not exceed 5,000 square feet;
 - d. The metal exterior accessory building has a maximum vertical wall height of sixteen feet;

- e. There is only one accessory building per lot; and
- f. The metal exterior accessory building is located in the rear yard, and meets all yard setbacks, as defined by the Zoning Ordinance.

5. **Metal Exterior Primary Residential Buildings; Where Allowed by Right.**

- A. A new or remodeled metal exterior primary residential building is allowed by right (no Special Permit required,) if:
 - a. A City building permit is obtained;
 - b. It is the first structure placed on a lot;
 - c. The metal exterior primary residential building contains an exterior siding material of an approved steel or a vinyl siding, and applied in a lap joint treatment as recognized by the City of Temple Adopted International Residential Code, or any of its future amendments;
 - d. The new or remodeled exterior primary residential building shall be complimentary to the character of the residential neighborhood served; and
 - e. The new or remodeled exterior primary residential building meets all yard setbacks and coverage maximums, as defined by the Zoning Ordinance.

6. **Residential Metal Exterior Accessory or Primary Buildings; Where Allowed by Special Permit.**

- a. In situations where a metal exterior primary or accessory residential building is not allowed as a matter of right, a metal exterior primary or accessory residential building may only be placed on a lot used for residential uses by Special Permit.
- b. A special permit may be issued administratively by the Planning Director as part of the building permit process.
- c. If a request for a special permit is denied by the Planning Director, the property owner may appeal the decision to the City Council.

7. **Factors to be considered in Approving Special Permits.** In considering whether to approve a SP, the Planning Director or City Council as applicable, shall consider:

- a. Current and future uses of the property for which a permit for a metal exterior primary or accessory residential building is sought in keeping with the City's Comprehensive Plan;
- b. Current and future uses of property adjacent to lot where the proposed metal exterior primary or accessory residential building will be located in keeping with the City's Comprehensive Plan;
- c. Whether other metal exterior primary or accessory residential buildings are currently found within 200 feet of the subject building location;
- d. Visibility of metal sides of proposed metal exterior primary and accessory residential building from public streets or adjoining properties;
- e. Whether twenty-five percent (25.0%) of any exterior wall of the metal exterior primary or accessory residential building is made of metal and visible to the surrounding properties or public streets and
- f. Whether existing or proposed semi-permanent screening (e.g., topography, landscaping, masonry walls, etc.) would shield the metal exterior from adjoining properties or public streets from view.

8. **Sunset review.** The City Council will conduct a sunset review of this ordinance 180 days after adoption. The City Council can repeal ordinance or renew it. The intent of Staff would be to have a replacement policy in effect that tightly integrates with City codes.



PLANNING AND ZONING COMMISSION AGENDA ITEM

09/17/07

Item# 3

Page 1 of 4

APPLICANT / DEVELOPMENT: City of Temple

CASE MANAGER: Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION:

Z-FY-07-53 Hold a public hearing to consider amending the City of Temple Zoning Ordinance Section 13 regarding Fence and Wall Regulations, Display for Sale, Open Storage and add Metal Building Regulations to the Title and create Section 13-200, Regulations for Residential Primary and Accessory Metal Buildings.

STAFF RECOMMENDATION:

Staff requests the Commission to recommend approval for Z-FY-07-53 to amend the City of Temple Zoning Ordinance Section 13 regarding Fence and Wall Regulations, Display for Sale, Open Storage and add Metal Building Regulations to the Title and create Section 13-200, Regulations for Residential Accessory Metal Buildings.

BACKGROUND:

At its meeting, August 20th, the Commission directed staff to create standards when considering a house as the primary structure. (The Council asked for this item to be included from its work session August 16th the previous draft contained language for only accessory standards.) Please consider discussing and taking action on the attached outline considering exterior materials for residential primary and accessory buildings. The City Council directed the City Manager, who then directed Planning Staff to draft regulations for considering building exteriors in both residential and non-residential zoning districts. The non-residential building standards will be considered at another meeting.

The City Manager directed Staff to meet several times and take opinions from stakeholders with the Chamber of Commerce, Temple Economic Development Corporation, Keep Temple Beautiful and the Temple Area Builder's Association. Staff invited them for comment for today's hearing. If recommended for approval by the Commission today, the City Attorney will revise it into ordinance form. Staff will provide the ordinance to the stakeholders for its final review. The City Council would consider the item in a public hearing also, providing a second opportunity for persons or groups to discuss it.

Public Notice

The newspaper printed notice of the public hearing on August 24, 2007 in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS: Outline for Residential Accessory Metal Buildings

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING**

MONDAY, SEPTEMBER 17, 2007

ACTION ITEMS

3. **Z-FY-07-53** Hold a public hearing to consider amending the City of Temple Zoning Ordinance Section 13 regarding Fence and Wall Regulations, Display for Sale, Open Storage and add Metal Building Regulations to the Title and create Section 13-200, Regulations for Residential Metal Buildings. (Applicant: Staff-City of Temple Planning Department)

Mr. Tim Dolan, Planning Director, presented this item as outlined in the Planning and Zoning Commission agenda background. He said this item has been brought back before the Planning Commission from the August 20, 2007 meeting in order to meet and take opinions from stakeholders with the Chamber of Commerce, Temple Economic Development Corporation, Keep Temple Beautiful and the Temple Area Builder's Association. Mr. Dolan went over the proposed standards for Metal Exterior Buildings in Residential Districts. He concluded by saying the City Council will conduct a sunset review of this ordinance 180 days after adoption. The City Council can repeal ordinance or renew it. The intent of Staff would be to have a replacement policy in effect that tightly integrates with City codes.

There was no discussion from the Commissioners on this item.

Chair Luck opened the public hearing asking anyone wishing to speak in favor or against this item to address the Commission.

Mr. Troy Glasson, representing the Temple Area Builder's Association, spoke in favor of this request.

Chair Luck closed the public hearing.

Motion to recommend approval of Z-FY-07-53, by Commissioner Pilkington; seconded by Commissioner Kjelland.

Motion passed (8/0).

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 91-2101, THE ZONING ORDINANCE OF THE CITY OF TEMPLE, TEXAS, AMENDING SECTION 13 REGARDING FENCE AND WALL REGULATIONS, DISPLAY FOR SALE, AND OPEN STORAGE; ADDING “METAL FAÇADE RESIDENTIAL BUILDING REGULATIONS” TO THE TITLE; CREATING SECTION 13-200, “REGULATIONS FOR METAL FAÇADE RESIDENTIAL PRIMARY AND ACCESSORY BUILDINGS;” PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves an amendment to Ordinance No. 91-2101, the Zoning Ordinance of the City of Temple, by amending Section 13, entitled, “Fence and Wall Regulations, Display for Sale, and Open Storage,” to read as follows:

SECTION 13

FENCE AND WALL REGULATIONS, DISPLAY FOR SALE, OPEN STORAGE, AND METAL FAÇADE RESIDENTIAL BUILDING REGULATIONS

...

13-200. Regulations for Metal Façade Residential Primary and Accessory Buildings.

- 1. Definition of a Metal Façade Residential Primary or Accessory Building.** A primary or accessory residential building in which 25% or more of the area of each of the building’s exterior walls, bearing or nonbearing, that is used as enclosing wall for a building, other than a fire wall is made with formed steel, structural steel or lightweight metal alloys applied on the exterior side of exterior walls for the purpose of providing a weather-resistant barrier, insulation or aesthetics, siding, exterior insulation and finish systems, architectural trim and embellishments such as cornices, soffits, fascias, gutters and leaders. For purposes of calculating whether 25% or more of the area of each of the building’s exterior walls are metal, doors, windows and roofs are exempt from the percentage calculation and the percentage is calculated per side of the building.
- 2. Metal Façade Residential Accessory Buildings; Where Allowed by Right.**

(a) For lots of less than two acres, a new or remodeled metal façade residential accessory building is allowed by right (no Special Permit required), if:

1. A City building permit is obtained;
2. The metal façade residential accessory building is placed on the same lot as the primary residential building;
3. The square footage of the metal façade residential accessory building does not exceed 15 percent of the primary residential building, or a maximum floor area of 320 square feet;
4. The metal façade residential accessory building has a maximum vertical wall height of eight feet;
5. There is only one accessory building per lot; and
6. The metal façade residential accessory building is located in the rear yard, and meets all yard setbacks and coverage maximums established by the Zoning Ordinance.

(b) For lots of two acres or more, a new or remodeled metal façade residential accessory building is allowed by right (no Special Permit required), if:

1. A City building permit is obtained;
2. The metal façade residential accessory building is placed on the same lot as the primary residential building;
3. The square footage of the metal façade residential accessory building does not exceed 5,000 square feet;
4. The metal exterior accessory building has a maximum vertical wall height of sixteen feet;
5. There is only one accessory building per lot; and
6. The metal façade residential accessory building is located in the rear yard, and meets all yard setbacks and coverage maximums established by the Zoning Ordinance.

3. Metal Façade Primary Residential Buildings; Where Allowed by Right.

(a) A new or remodeled metal façade primary residential building is allowed by right (no Special Permit required), if:

1. A City building permit is obtained;
2. It is the first structure placed on a lot;
3. The metal façade primary residential building contains an exterior siding material of an approved steel or a vinyl siding, and applied in a horizontal lap joint treatment as recognized by the City of Temple Adopted International Residential Code, or any future amendments;
4. The metal façade primary residential building is complimentary to the character of the residential neighborhood served as

determined by the Director of Planning taking into consideration the factors set out in subsection 5 below; and

5. The metal façade primary residential building meets all yard setbacks and coverage maximums, as defined by the Zoning Ordinance.

4. Metal Façade Residential Accessory or Primary Buildings; Where Allowed by Special Permit Only.

- (a) In situations where a metal façade primary or accessory residential building is not allowed as a matter of right, a metal exterior primary or accessory residential building may only be placed on a lot used for residential uses by Special Permit.
- (b) A Special Permit may be issued administratively by the Planning Director as part of the building permit process. If a request for a special permit is denied by the Planning Director, the property owner may appeal the decision to the City Council, which may grant a Special Permit.

5. Factors to be considered in Approving Special Permits. In considering whether to approve a Special Permit for a metal façade primary or accessory residential building, the Planning Director or City Council, as applicable, shall consider:

- (a) Current and future uses of the property and adjacent property for which a Special Permit for a metal façade primary or accessory residential building is sought in keeping with the City's Comprehensive Plan;
- (b) Whether other metal exterior primary or accessory residential buildings are currently found within 200 feet of the subject building location;
- (c) The visibility of metal sides of proposed metal exterior primary and accessory residential building from public streets or adjoining properties;
- (d) Whether twenty-five percent (25) or more of any exterior wall of the metal façade primary or accessory residential building is made of metal and visible to the surrounding properties or public streets;
- (e) The extent to which the appearance of the metal façade mimics the appearance of wood or masonry products for which no Special Permit is required; and
- (f) Whether existing or proposed semi-permanent screening (e.g., topography, landscaping, masonry walls, etc.) would shield the metal façade from adjoining properties or public streets from view.

6. Documentation. The Director of Planning may require that a person asserting the right to place or construct a metal façade residential building by right or an applicant for a Special Permit for a metal façade residential building submit reasonable documentation in support of their assertion or application and to address the evaluation of the criteria established by this ordinance.

7. **Sunset review.** The City Council will conduct a sunset review of this ordinance 180 days after adoption. The City Council can repeal ordinance or renew it. The intent of Staff would be to have a replacement policy in effect that tightly integrates with City codes.

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: Ordinance No. 91-2101, the Zoning Ordinance of the City of Temple, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **4th** day of **October**, 2007.

PASSED AND APPROVED on Second Reading and Public Hearing on the **18th** day of **October**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/07
Item #8
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Aaron Adel, AICP – Special Projects Planner

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-07-58: Consider adopting an ordinance authorizing a site plan approval for an existing Planned Development General Retail District on Lot 3, Block 1, J.A.J. Addition, located at 8774 West Adams Avenue.

P&Z COMMISSION RECOMMENDATION: The Planning and Zoning Commission voted 7/0 to recommend approval of this Planned Development (PD) amendment at its meeting on September 17, 2007.

STAFF RECOMMENDATION: Staff recommends approval of amending this PD to include the following conditions:

1. The site plan is made an exhibit to the ordinance.
2. The building façade shall be 100% masonry.
3. The site will be landscaped as shown and noted on the site plan
4. All landscape areas will have automatic irrigation.

ITEM SUMMARY: This property is part of an existing Planned Development General Retail (PD-GR) District that extends from SH 317 east to Montpark RD/Adams LN. The PD was established by Ordinance 2005-4025 which states that, "Prior to the issuance of a building permit, the property owner must submit an amendment to the planned development and a site plan to the Planning & Zoning Commission and the City Council." This application for PD amendment is intended to satisfy this requirement.

The applicant proposes a retail shopping center with up to 7 tenant spaces. The building will be a combination of limestone blocks and EIFS with a standing seam metal canopy. The HVAC equipment will be roof mounted and screened by a parapet. The sign will be wall mounted. At this point no free-standing sign is proposed.

The site has one driveway off FM 2305 that is shared with the lot adjacent to the west (Dollar General Store). A 30' cross access easement was established by the plat of J.A.J. Addition to ensure perpetual access to the shared drive. There are two possible detention areas: one adjacent to Adams Lane on the north and one adjacent to the cross access easement on the south. The site plan includes adequate parking, landscaping, irrigation, and dumpster screening.

The proposed PD amendment complies with the West Temple Comprehensive Plan and the Thoroughfare Plan. There are adequate public utilities to serve the site.

Staff mailed 13 notices to property owners within 200'. To date, no notices have been returned in favor of or in opposition to the request. The newspaper printed notice of the public hearing on September 7, 2007 in accordance with state law and local ordinance

Please refer to the Staff Report and draft minutes of case Z-FY-07-58, from the Planning and Zoning Commission meeting, September 17, 2007.

FISCAL IMPACT: NA

ATTACHMENTS:

[Land Use Map](#)

[Zoning Map](#)

[Site Plan](#)

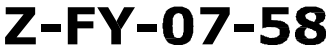
[Landscape Plan](#)

[Elevation Map](#)

[P&Z Staff Report \(September 17, 2007\)](#)

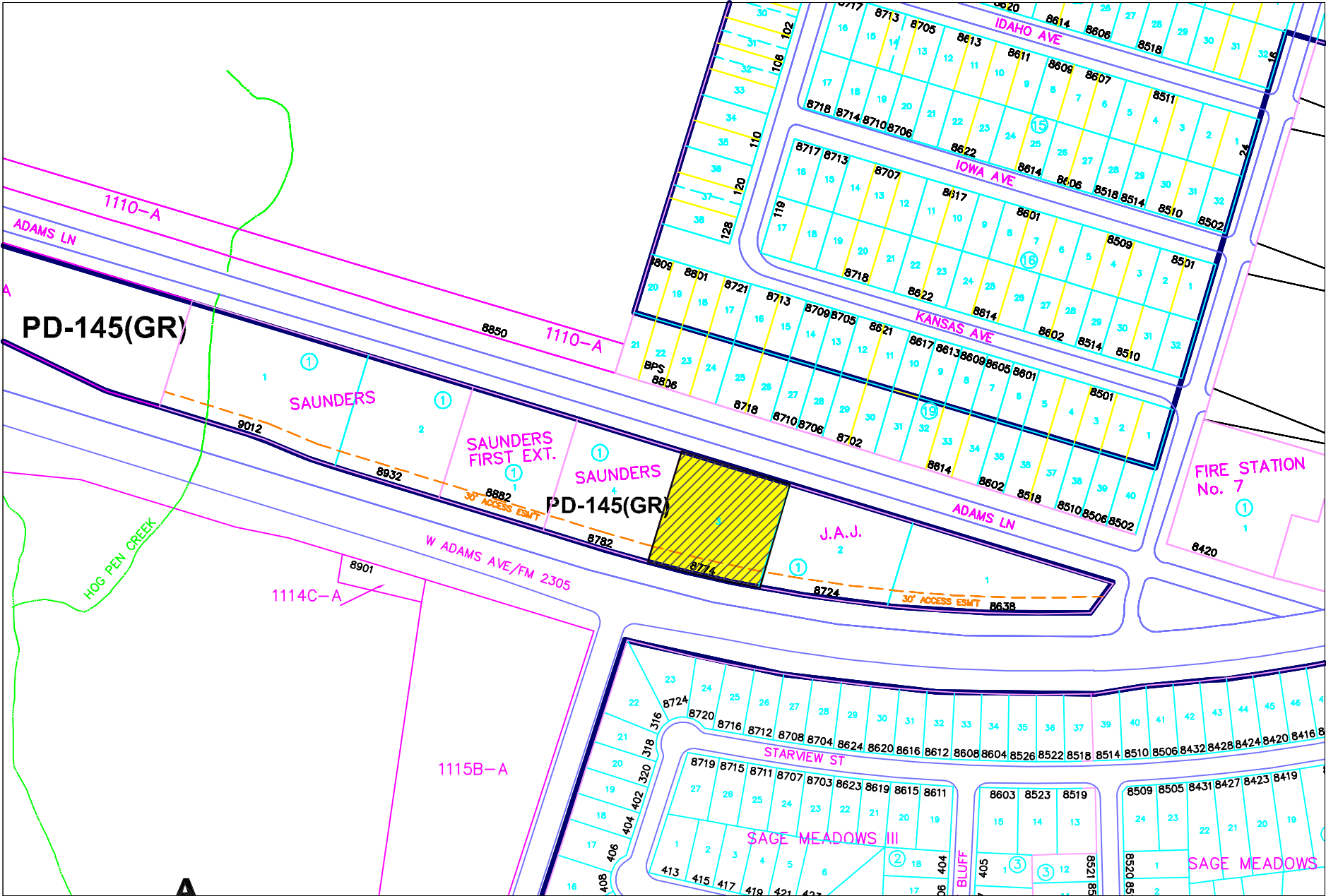
[P&Z Minutes \(September 17, 2007\)](#)

[Ordinance](#)



8774 W Adams Ave

Lot 3, Blk 1, J.A.J. Addition



Area of Proposed Site Plan

Site Plan

J Stone/GIS Mapping
09.04.07
Scale: 1"=200'



Z-FY-07-58

8774 W Adams Ave

Lot 3, Blk 1, J.A.J. Addition

AGRICULTURAL

● Agricultural
(A)

RESIDENTIAL

● Low Density
(0-2 DU/ACRE)
(UE)

● Moderate Density
(2-6 DU/ACRE)
(SF-1, SF-2, SF-3, MH, 2-F)

● Medium Density
(6-12 DU/ACRE)
(MH, 2-F, TH, MF-1)

● High Density
(12-25 DU/ACRE)
(MF-2)

COMMERCIAL

● Neighborhood and
Community Retail
(NS, GR)

● Office
(O-1, O-2)

● Regional Commercial
(C, CA)

MIXED USE

● Mixed Use Areas

INDUSTRIAL

● Light and Heavy
Industrial
(LI, HI)

**COMMUNITY
FACILITIES**

● CF-E (Schools)
● CF-G (General)
● CF-M (Medical)
● CF-R (Religious)

● PARKS

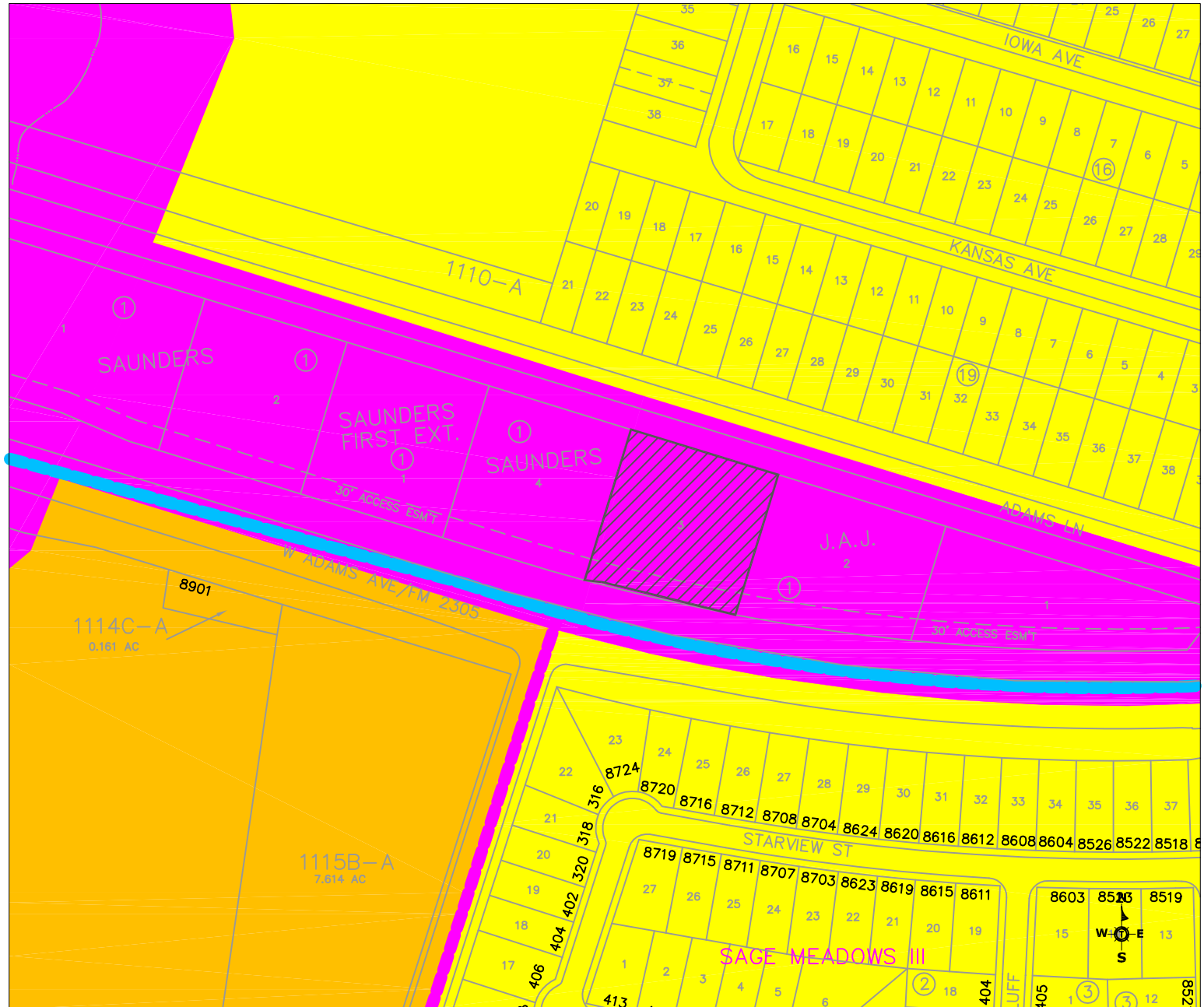
THOROUGHFARE

● Collector

● Minor Arterial

● Major Arterial

● Freeway

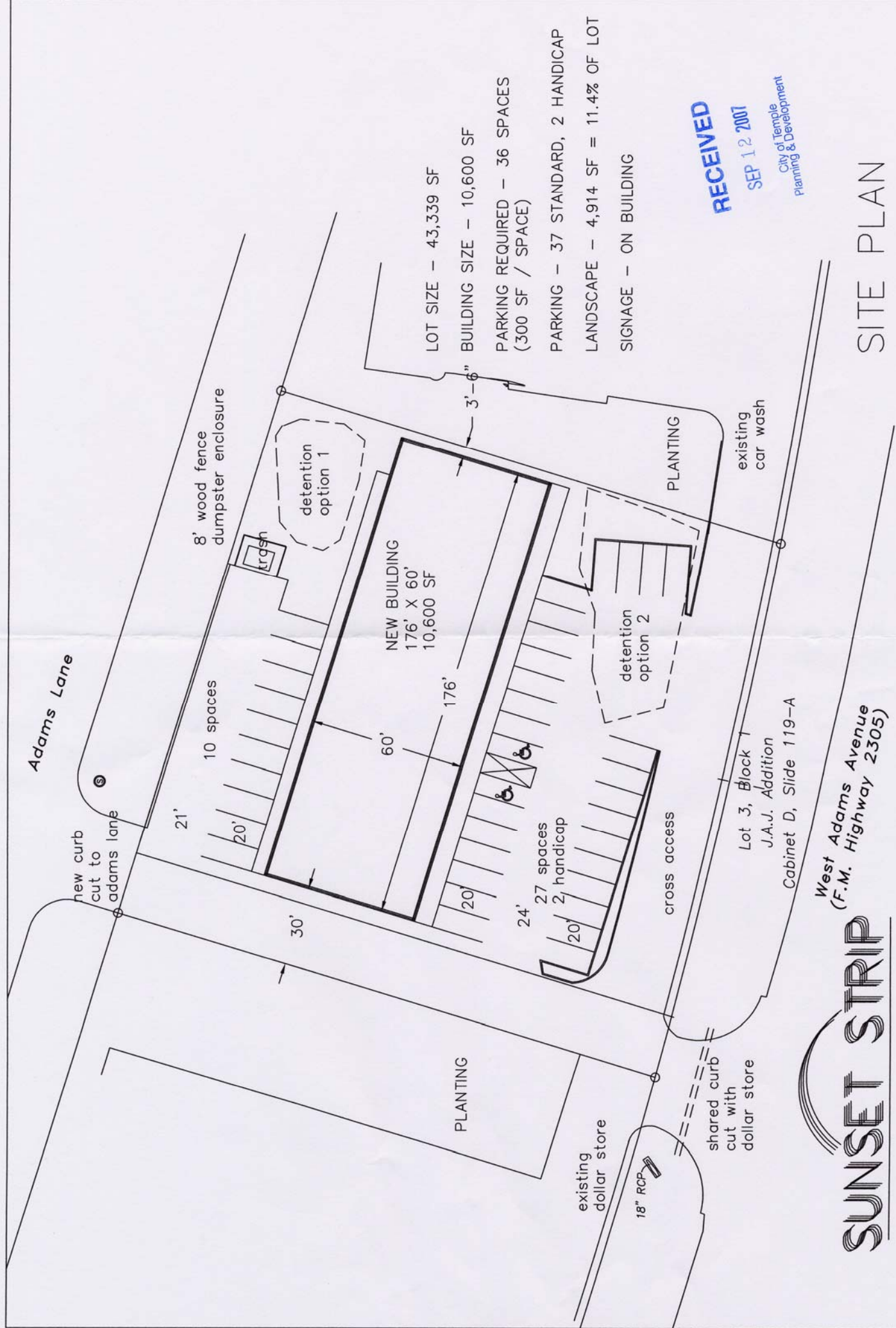


**Area of Proposed
Site Plan**

Site Plan

**J Stone/GIS Mapping
09.04.07**

Scale: 1"=200'

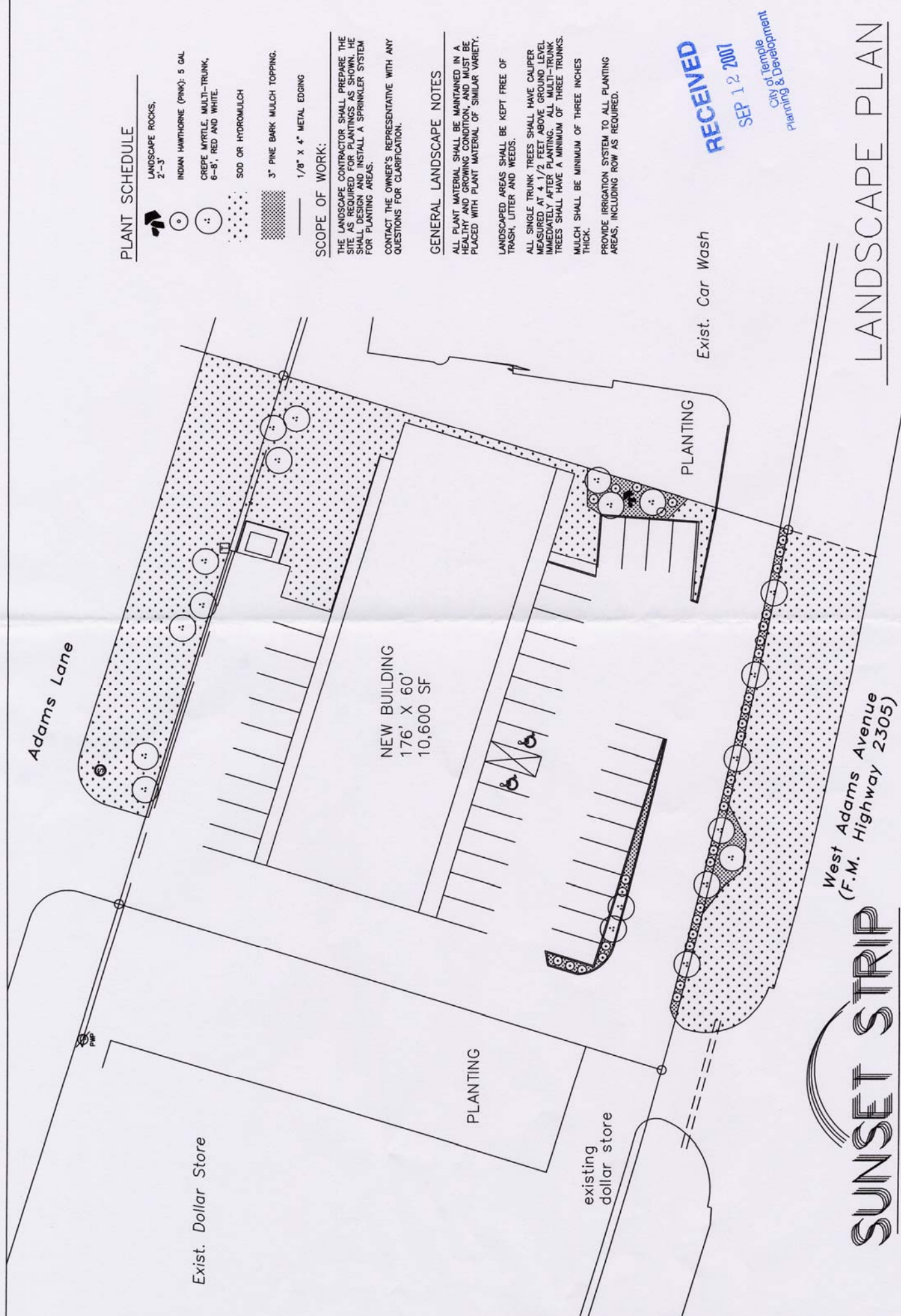


LOT SIZE - 43,339 SF
 BUILDING SIZE - 10,600 SF
 PARKING REQUIRED - 36 SPACES
 (300 SF / SPACE)
 PARKING - 37 STANDARD, 2 HANDICAP
 LANDSCAPE - 4,914 SF = 11.4% OF LOT
 SIGNAGE - ON BUILDING

RECEIVED
 SEP 12 2007
 City of Temple
 Planning & Development

SITE PLAN

SUNSET STRIP
 West Adams Avenue
 (F.M. Highway 2305)
 Lot 3, Block 1
 J.A.J. Addition
 Cabinet D, Slide 119-A



PLANT SCHEDULE

- LANDSCAPE ROCKS, 2'-3'
- INDIAN HAWTHORNE (PINK), 5 GAL
- CREPE MYRTLE, MULTI-TRUNK, 6-8', RED AND WHITE
- SOD OR HYDROMULCH
- 3" PINE BARK MULCH TOPPING
- 1/8" x 4" METAL EDGING

SCOPE OF WORK:

THE LANDSCAPE CONTRACTOR SHALL PREPARE THE SITE AS REQUIRED FOR PLANTINGS AS SHOWN. HE SHALL DESIGN AND INSTALL A SPRINKLER SYSTEM FOR PLANTING AREAS.

CONTACT THE OWNER'S REPRESENTATIVE WITH ANY QUESTIONS FOR CLARIFICATION.

GENERAL LANDSCAPE NOTES

ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY AND GROWING CONDITION, AND MUST BE PLACED WITH PLANT MATERIAL OF SIMILAR VARIETY.

LANDSCAPED AREAS SHALL BE KEPT FREE OF TRASH, LITTER AND WEEDS.

ALL SINGLE TRUNK TREES SHALL HAVE CALIPER MEASURED AT 4 1/2 FEET ABOVE GROUND LEVEL IMMEDIATELY AFTER PLANTING. ALL MULTI-TRUNK TREES SHALL HAVE A MINIMUM OF THREE TRUNKS.

MULCH SHALL BE MINIMUM OF THREE INCHES THICK.

PROVIDE IRRIGATION SYSTEM TO ALL PLANTING AREAS, INCLUDING ROW AS REQUIRED.

RECEIVED

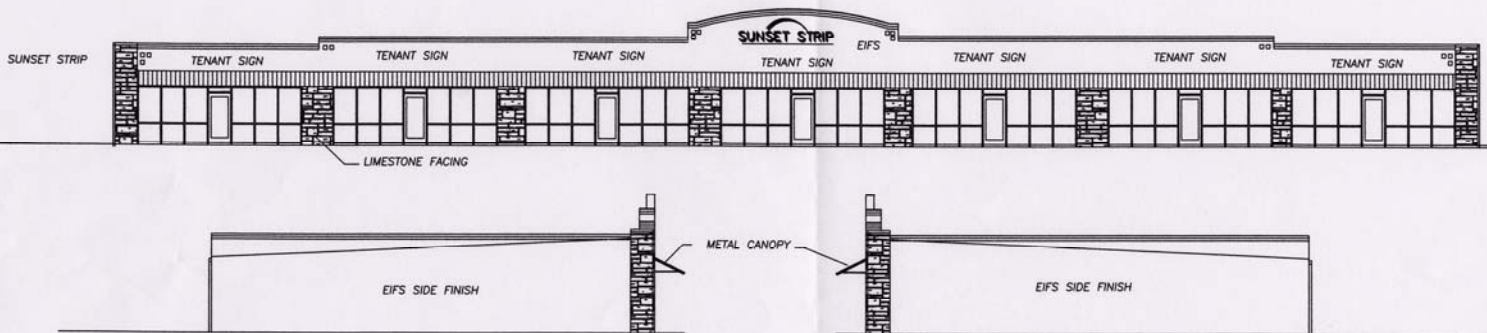
SEP 12 2007

City of Temple
Planning & Development

SUNSET STRIP

West Adams Avenue
(F.M. Highway 2305)

LANDSCAPE PLAN



SCHEMATIC ELEVATIONS



PLANNING AND ZONING COMMISSION AGENDA ITEM

9/7/07
Item # 4
Page 1 of 2

APPLICANT: Larry Neal for Jim Saunders

CASE MANAGER: Aaron Adel, AICP – Special Projects Planner

ITEM DESCRIPTION: Z-FY-07-58 Hold a public hearing and consider a site plan approval for an existing Planned Development General Retail District on Lot 3, Block 1, J.A.J. Addition, located at 8774 West Adams Avenue.

BACKGROUND:

History: This property is part of an existing Planned Development General Retail District that extends from SH 317 east to Montpark RD/Adams LN. The Planned Development (PD) was established by Ordinance 2005-4025 which states that, “Prior to the issuance of a building permit, the property owner must submit an amendment to the planned development and a site plan to the Planning & Zoning Commission and the City Council.” This application for PD amendment is intended to satisfy this requirement.

The property was zoned to a PD in 2005 rather than to a straight zoning district for several reasons. This was one of the first properties along this portion of FM 2305 to request commercial zoning. There was a TXDOT construction project planned for SH 317 and TXDOT would be limiting the number of driveways allowed on FM 2305. Also, the unique position of the property sandwiched between FM 2305 and Adams LN contributed to making this location a good candidate for a PD.

Purpose of a Planned Development: The Planned Development District is an overlay district that goes on top of the underlying base zoning district of a property and modifies the requirements of the base zoning district. The nomenclature used is “PD + (the title of the underlying district)”. For this application, the property is zoned “PD (GR)” which stands for “Planned Development General Retail” so the base zoning district is GR-General Retail. All of the requirements of the base zoning district apply to the property except for those expressly modified in the PD ordinance for the property.

The purpose of a PD District is to encourage a variety in the type, design, and layout of buildings and to conserve open space. To accomplish this, the City can modify the requirements of the underlying district relating to:

- Front, side and rear setbacks
- Maximum height
- Maximum lot coverage
- Off-street parking requirements
- Density (# of dwelling units per acre)
- Sign standards
- Landscape standards
- Accessory building regulations

In general, there are several issues that the Commission and City Council should consider when reviewing a PD proposal and the required site plan. Issues include:

- Environmental impact, preservation and protection of natural resources
- Relationship to adjacent uses
- Safe and efficient vehicular and pedestrian circulation system
- Design and location of off-street parking and loading facilities
- Access for fire fighting and emergency equipment to buildings
- Conformance with the Thoroughfare Plan of the City
- Use of landscaping and screening to provide buffers and integrate the overall site design
- Configuration of open spaces for recreation and conservation uses
- Adequacy of water, drainage, sewer facilities, garbage disposal and other utilities

Once a PD District is established, it can be amended if conditions on the property change. At the time this PD was established in 2005, the owner had no certain land use to propose. The applicant was seeking to rezone the property to a commercial district speculatively to enable them to sell the property to a commercial buyer. Because no use or tenant was known at the time of the original application, the site plan requirement was deferred until a specific land use was known for each lot and prior to the issuance of a building permit. This requirement has necessitated the subject application.

This Application: The applicant for the PD amendment plans to build a retail shopping center with up to 7 tenant spaces. The proposed building will be a combination of limestone blocks and EIFS (stucco) with a standing seam metal canopy. The HVAC equipment will be roof mounted and screened by a parapet. The sign will be wall mounted. At this point no free-standing sign is proposed.

The site has one driveway off FM 2305 that is shares with the lot adjacent to the west (Dollar General Store). A 30' cross access easement was established by the plat of J.A.J. Addition to ensure perpetual access to the shared drive. There are two possible detention areas: one adjacent to Adams Lane on the north and one adjacent to the cross access easement on the south.

The site plan includes adequate parking, landscaping, irrigation, and dumpster screening.

The proposed PD amendment complies with the West Temple Comprehensive Plan and the Thoroughfare Plan. There are adequate public utilities to serve the site.

Public Notice: Staff mailed 13 notices to property owners within 200'. As of September 12th at 5 PM, no notices were returned in favor of or in opposition to the request. The newspaper printed notice of the public hearing on September 7, 2007 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Approval

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Zoning Map
Land Use Map
Application

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING**

MONDAY, SEPTEMBER 17, 2007

ACTION ITEMS

- 4. Z-FY-07-58** Hold a public hearing and consider a site plan approval for an existing Planned Development General Retail District on Lot 3, Block 1, J.A.J. Addition, located at 8774 West Adams Avenue. (Applicant: Larry Neal)

Ms. Aaron Adel, Special Projects Planner, presented this case as depicted in the agenda background. She displayed the site plan that showed the option of the detention pond on either side of the development and included adequate parking, landscaping, irrigation, and dumpster screening. Ms. Adel said thirteen (13) notices were mailed to property owners within 200'. No notices were returned in favor or in opposition to the request. She said City Council has final plat authority on this item.

Chair Luck opened the public hearing asking anyone wishing to speak in favor or in opposition to address the Commission.

Mr. Larry Neal, 4609 Willowood, Temple, representing the owner of the property, spoke in favor of the request.

Chair Luck closed the public hearing.

Motion to recommend approval of Z-FY-07-58 with the Staff recommendations of the on site plan, by Commissioner Kjelland; seconded by Commissioner Pilkington.

Motion passed (8/0).

ORDINANCE NO. _____

(ZONING NO. Z-FY-07-58)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A SITE PLAN FOR AN EXISTING PLANNED DEVELOPMENT GENERAL RETAIL DISTRICT ON LOT 3, BLOCK 1, J.A.J. ADDITION, LOCATED AT 8774 WEST ADAMS AVENUE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 7, 2005, the City Council passed Ordinance No. 2005-4025 approving a Planned Development General Retail District on Lot 3, Block 1, J.A.J. Addition, located at 8774 West Adams Avenue;

Whereas, Ordinance No. 2005-4025 requires that a site plan be reviewed and approved by the Planning and Zoning Commission and the City Council prior to the issuance of a building permit;

Whereas, on September 7, 2007, the Planning and Zoning Commission approved the site plan for the existing Planned Development General Retail District; and

Whereas, the City Council, after notice and a public hearing, finds that it is in the public interest to approve the site plan.

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

Part 1: The City Council approves a site plan, more fully shown in Exhibit A, attached hereto and made a part hereof for all purposes, for an existing Planned Development General Retail District on Lot 3, Block 1, J.A.J. Addition, located at 8774 West Adams Avenue, including the following conditions:

- (a) the building façade shall be 100% masonry;
- (b) the site will be landscaped as shown on noted on the attached site plan; and
- (c) all landscape areas will have automatic irrigation.

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 in accordance with the provisions of the Charter of the City of Temple, Texas, 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.

PASSED AND APPROVED on First Reading and Public Hearing on the **4th** day of **October**, 2007.

PASSED AND APPROVED on Second Reading on the **18th** day of **October**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/07
Item #9
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Aaron Adel, AICP – Special Projects Planner

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-07-59: Consider adopting an ordinance authorizing an amendment to the Planned Development Light Industrial District Ordinance 2003-3878 by adding the barber shop or beauty shop uses on the west ½ of Lot 2, Block 1, Bentley Bellview Addition at 1614 West Avenue H.

P&Z COMMISSION RECOMMENDATION: The Planning and Zoning Commission voted 7/0 to recommend approval of this PD amendment at its meeting on September 17, 2007.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for October 19, 2007.

ITEM SUMMARY: This PD is adjacent to the south side of the City of Temple Animal Shelter west of Mama Dog Circle and is the location of a veterinarian clinic and a vacant house. The Planned Development (PD) ordinance for this property allows only veterinarian and animal related services. The applicant proposes to remodel the vacant house for use as a beauty shop. There are other beauty shops in the surrounding area. The use is compatible with surrounding uses and conforms to the future land use plan.

The beauty shop lot has two curb cuts on Avenue H. At his own risk, the applicant has obtained a building permit and constructed the required paved parking for the proposed beauty shop. There is an existing sidewalk along Avenue H that will remain. There is adequate water and sewer infrastructure to serve the property.

Four notices were sent to property owners within 200'. None were returned in favor of and or in opposition to the request. The newspaper printed notice of the public hearing on September 7, 2007 in accordance with state law and local ordinance. Please refer to the Staff Report and draft minutes of case Z-FY-07-59, from the Planning and Zoning Commission meeting, September 17, 2007.

FISCAL IMPACT: NA

ATTACHMENTS:

Land Use Map

Zoning Map

P&Z Staff Report (September 17, 2007)

P&Z Minutes (September 17, 2007)

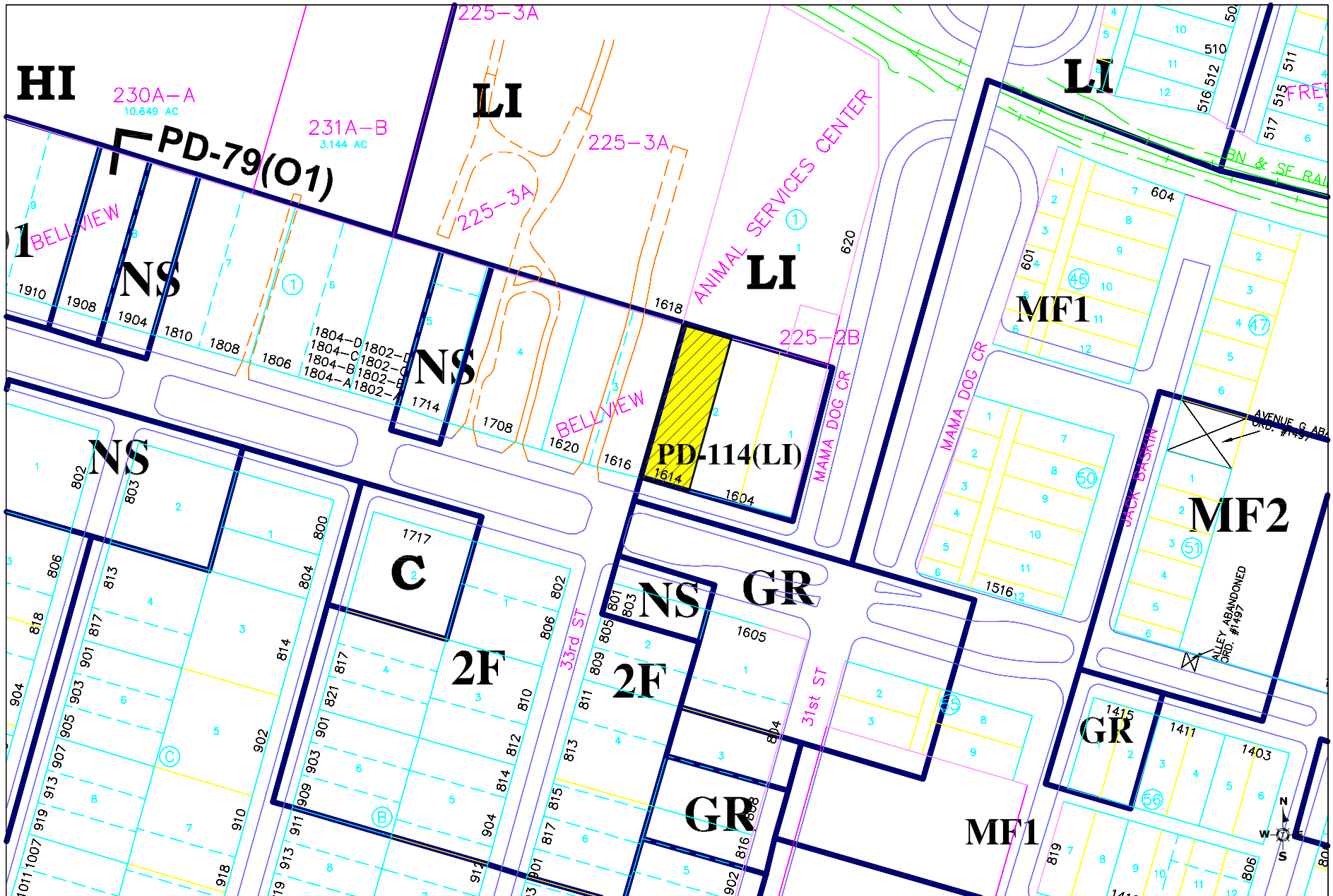
Ordinance



Z-FY-07-59

1614 W Ave H

W 1/2 of Lot 2, Blk 1 Bellview Add.



 **Area of Proposed Zone Change**

Amending PD

J Stone/GIS Mapping
09.04.07
Scale: 1"=200'



Z-FY-07-59

1614 W Ave H

W ½ of Lot 2, Blk 1 Bellview Add.

AGRICULTURAL

● Agricultural
(A)

RESIDENTIAL

● Low Density
(0-2 DU/ACRE)
(UE)

● Moderate Density
(2-6 DU/ACRE)
(SF-1, SF-2, SF-3, MH, 2-F)

● Medium Density
(6-12 DU/ACRE)
(MH, 2-F, TH, MF-1)

● High Density
(12-25 DU/ACRE)
(MF-2)

COMMERCIAL

● Neighborhood and
Community Retail
(NS, GR)

● Office
(O-1, O-2)

● Regional Commercial
(C, CA)

MIXED USE

● Mixed Use Areas

INDUSTRIAL

● Light and Heavy
Industrial
(LI, HI)

**COMMUNITY
FACILITIES**

● CF-E (Schools)
CF-G (General)
CF-M (Medical)
CF-R (Religious)

● PARKS

THOROUGHFARE

● Collector

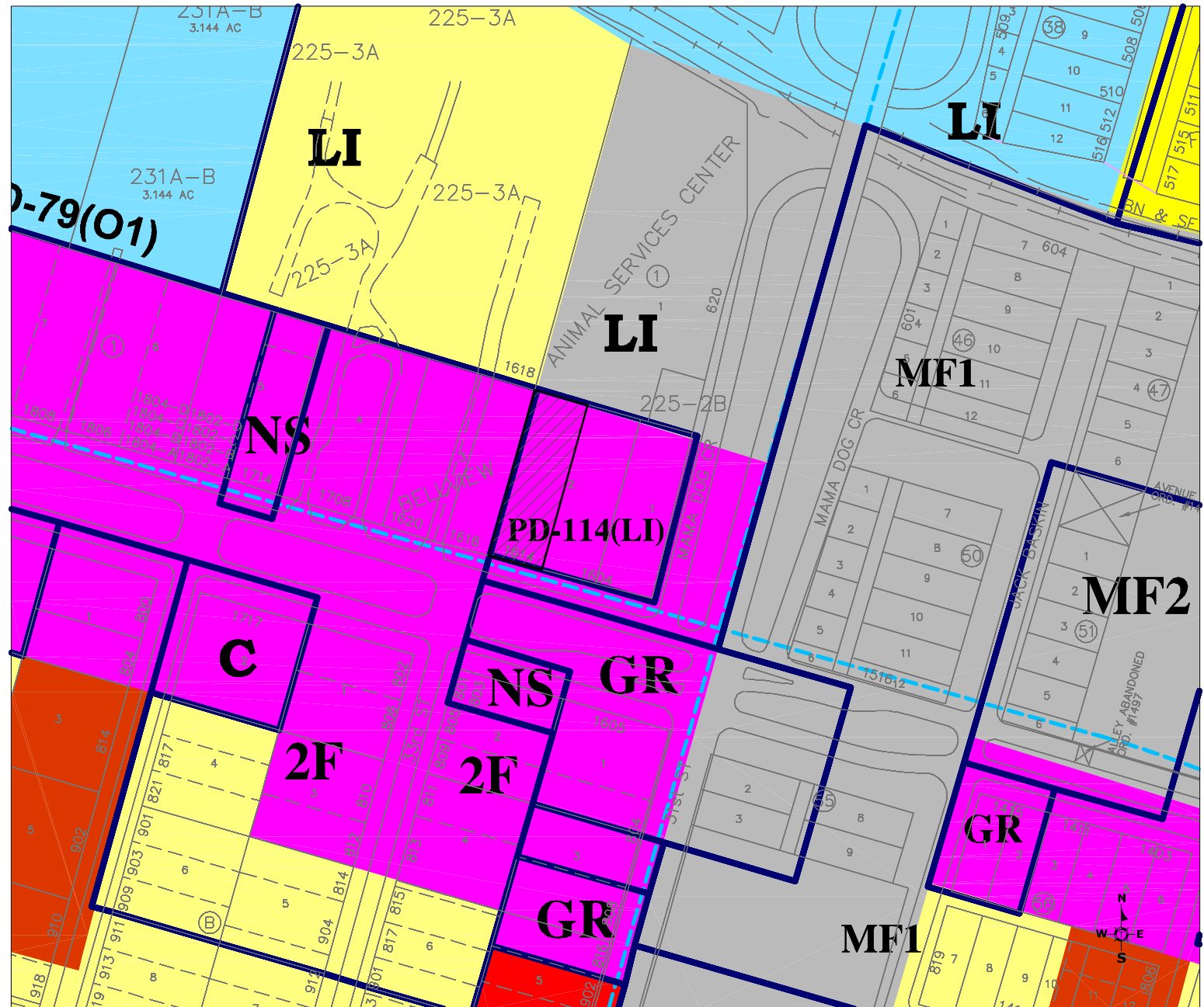
● Minor Arterial

● Major Arterial

● Freeway



**Proposed
Rezone**



Amending PD

**J Stone/GIS Mapping
09.04.07**

Scale: 1"=200'



PLANNING AND ZONING COMMISSION AGENDA ITEM

9/17/07
Item 5
Page 1 of 1

APPLICANT: Dr. Lance Crews

CASE MANAGER: Aaron Adel, AICP – Special Projects Planner

ITEM DESCRIPTION: Z-FY-07-59 Hold a public hearing and consider amending the Planned Development (Light Industrial District) Ordinance 2003-3878 by adding barber shop or beauty shop uses on the west ½ of Lot 2, Block 1, Bentley Bellview Addition at 1614 West Avenue H.

BACKGROUND: The subject property is adjacent to the south side of the City of Temple Animal Shelter and is the location of Dr. Crews' veterinarian clinic and a vacant house. The property is currently zoned Planned Development – Light Industrial by Ordinance 2003-3878. This ordinance allows only veterinarian and animal related services. It is Dr. Crews' intention to do some remodeling work on the house and lease it to a beauty shop operator.

There are a number of other beauty shops and barber shops in the surrounding area. The use is compatible with surrounding uses and conforms to the future land use plan.

The beauty shop lot has two curb cuts on Avenue H. At his own risk, the applicant has obtained a building permit and begun constructing the required paved parking for the proposed beauty shop. The applicant will provide asphalt paving for the driveways and the required parking area. Dr. Crews intends to design the parking lot to avoid having to remove a stand of mature crepe myrtles and another large, mature tree near the front of the house.

There is an existing sidewalk along Avenue H that will remain. There is adequate water and sewer infrastructure to serve the property.

Four notices were sent out to owners of property within 200'. As of September 12th at 5 PM, no notices were returned in favor of and or in opposition to the request. The newspaper printed notice of the public hearing on September 7, 2007 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of amending Ordinance 2003-3878 to add "barber shop or beauty shop" as an allowed use. Staff also recommends adding a requirement that an executed and recorded shared parking agreement between Lot

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Zoning Map
Land Use Map
Application

EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, SEPTEMBER 17, 2007

ACTION ITEMS

5. **Z-FY-07-59** Hold a public hearing and consider amending the Planned Development (Light Industrial District) Ordinance 2003-3878 by adding barber shop or beauty shop uses on the West ½ of Lot 2, Block 1, Bentley Bellview Addition at 1614 West Avenue H. (Applicant: Lance Crews)

Ms. Aaron Adel, Special Projects Planner, presented this case as outlined in the Planning & Zoning Commission background. She said this planned development amendment is different than the previous one because a site plan will not be reviewed. Ms. Adel said the issue to be dealt with in this amendment is the issue of use. She said this planned development is a Light Industrial District established in 2003 to allow for a veterinarian clinic. The way the ordinance is written at this time is that this property only allows for veterinarian type or animal related uses and requires a 6' privacy fence on the west side of the property. Ms. Adel said along with the veterinary clinic, there is a vacant house on the same property. She said the applicant wishes to lease the house for use as a beauty shop. Adequate paved parking has been provided on site for the beauty shop. Ms. Adel stated that Staff recommends approval of amending Ordinance 2003-3878 to add "barber shop or beauty shop" as an allowed use.

There was discussion between the Commission and Ms. Adel in reference to existing curb cuts and if it were common to amend an ordinance to add to a specific use.

Ms. Adel said there were no responses in favor or in opposition to the request mailed out to surrounding property owners within 200' of the proposed amendment.

Chair Luck opened the public hearing asking anyone wishing to speak in favor or in opposition to address the Commission.

Dr. Lance Crews, 409 Woody Oaks, applicant and owner, spoke in favor of the request. He said this was a deep lot and he would like to utilize it to be compatible with the area. Ms. Adel said Dr. Crews has managed to retain existing trees on the property.

Chair Luck closed the public hearing.

Motion to recommend approval of Z-FY-07-59 by Commissioner Carothers; seconded by Commissioner Norman.

Motion passed (8/0)

ORDINANCE NO. _____

(ZONING NO. Z-FY-07-59)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE PLANNED DEVELOPMENT LIGHT INDUSTRIAL DISTRICT ORDINANCE NO. 2003-3878 BY ADDING BARBER SHOP OR BEAUTY SHOP ON THE WEST ½ OF LOT 2, BLOCK 1, BENTLEY BELLVIEW ADDITION AT 1614 WEST AVENUE H; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in 2003, the City Council approved Ordinance No. 2003-3878 authorizing a Planned Development Light Industrial District for property located at 1614 West Avenue H; and

Whereas, the Staff recommends amending the ordinance to add barber shop or beauty shop uses on the west ½ of Lot 2, Block 1, Bentley Bellview Addition.

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

Part 1: The City Council approves an amendment to the Planned Development Light Industrial District Ordinance No. 2003-3878 by adding the barber shop or beauty shop uses on the west ½ of Lot 2, Block 1, Bentley Bellview Addition at 1614 West Avenue H.

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 **4th** day of **October**, 2007.

PASSED AND APPROVED on Second Reading on the **18th** day of **October**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/07
Item #10
Regular Agenda
Page 1 of 1

DEPT./ DIVISON SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: P-FY-07-50: Consider adopting a resolution authorizing the final plat of Harris Subdivision, two lots on a 12.0 acre tract of land located south of the US Hwy 190 and Pritchard Road intersection and on the west side of Pritchard Road in Temple Eastern ETJ.

PLANNING & ZONING COMMISSION AND STAFF RECOMMENDATION: The Commission and Staff recommend approval of the final plat (P-FY-07-50), subject to the following recommendations:

1. Exception to the Subdivision Ordinance requirement of parkland dedication (33-102);
2. Exception to the Subdivision Ordinance requirement of curbs and gutters (33-94); and
3. Exception to the Subdivision Ordinance requirement of sidewalks (33-98).

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Planning Department, Engineering Department and the Parks and Leisure Department support the exception requests. The final plat for the two lot subdivision is located in the ETJ. The lot area has lot access to Pritchard Road. The Subdivision review process requires the Commission approval to the City Council, which upon its approval; the item shall be scheduled with the Bell County Commissioners for its approval. (Inter-local Agreement, L-3215, was approved by Council on April 17, 2002). The Water Supply from East Bell County Water Supply and the Volunteer Fire Department will provide water and fire protection to the proposed three lots. On-site sewage facilities (septic tanks) will provide sanitary sewer service to the site.

The Design Review Committee (DRC) reviewed this plat on August 4, 2007 and considered it administratively complete on August 5, 2007. The application meets the requirements of the Subdivision Ordinance with the exceptions noted in the STAFF RECOMMENDATION. Please refer to the attached Staff Report and draft minutes of case P-FY-07-507. The plat meets all other requirements of the Subdivision Regulations.

ATTACHMENTS:

[Plat Map](#)
[P&Z Staff Report](#)
[Resolution](#)



PLANNING AND ZONING COMMISSION AGENDA ITEM

09/04/07
Item# 3
Page 1 of 1

APPLICANT / DEVELOPMENT: Bill Harris

CASE MANAGER: Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION:

P-FY-07-50 Consider a recommendation to approve the final plat of Harris Subdivision, two lots on a 12.0 acre tract of land located south of the US Hwy 190 and Pritchard Road intersection and on the west side of Pritchard Road in Temple Eastern ETJ.

STAFF RECOMMENDATION: Staff recommends approval of the final plat (P-FY-07-50), subject to the following recommendations:

1. Exception to the Subdivision Ordinance requirement of parkland dedication (33-102);
2. Exception to the Subdivision Ordinance requirement of curbs and gutters (33-94); and
3. Exception to the Subdivision Ordinance requirement of sidewalks (33-98).

BACKGROUND: The final plat for the two lot subdivision is located in the ETJ. The lot area has lot access to Pritchard Road. The Subdivision review process requires the Commission approval to the City Council, which upon its approval; the item shall be scheduled with the Bell County Commissioners for its approval. (Inter-local Agreement, L-3215, approved by Council, April 17, 2002). The Water Supply and the Volunteer Fire Department will provide water and fire protection to the proposed three lots. On-site sewage facilities (septic tanks) will provide sanitary sewer service to the site.

Design Review Committee

This plat was reviewed by the Design Review Committee (DRC) on August 7, 2007 and was considered administratively complete. This final plat meets the requirements of the Subdivision Ordinance subject to the applicant's requested exceptions.

Parkland Dedication Ordinance & the ETJ

The closest park area is 3+ miles away; the City has no plans to extend a park in this area. Staff requests the Commission recommend approval for the applicant's request for exception.

Subdivision Ordinance & the ETJ

The existing street design here is an asphalt-covered road without curbs and gutters – using the rural-sized lot for storm water drainage. The applicant will improve the road to the rural road width of 25 feet. The City of Temple has no plans to extend services here. Staff requests the Commission recommend approval for the applicant's request for exception.

ATTACHMENTS:

Plat Map

RESOLUTION NO. _____

(ZONING NO. P-FY-07-50)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE FINAL PLAT OF HARRIS SUBDIVISION, TWO LOTS ON A 12 ACRE TRACT OF LAND LOCATED SOUTH OF THE US HWY 190 AND PRITCHARD ROAD INTERSECTION AND ON THE WEST SIDE OF PRITCHARD ROAD IN THE TEMPLE EASTERN ETJ, SUBJECT TO THE DEVELOPER'S REQUESTED EXCEPTIONS TO THE SUBDIVISION ORDINANCE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 4, 2007, the Planning and Zoning Commission approved the final plat of Harris Subdivision, two lots on a 12 acre tract of land located south of the US Hwy 190 and Pritchard Road intersection and on the west side of Pritchard road in the Temple eastern ETJ, subject to the developer's requested exceptions to the Subdivision Ordinance regarding parkland dedication, curbs and gutters, and sidewalks;

Whereas, there was no citizen opposition expressed at the September 4, 2007, Planning and Zoning Commission meeting; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve the final plat of Harris Subdivision.

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

Part 1: The City Council approves the final plat of Harris Subdivision, two lots on a 12 acre tract of land located south of the US Hwy 190 and Pritchard Road intersection and on the west side of Pritchard Road in the Temple eastern ETJ, more fully shown on the Plat which is on file in the City's Planning Department, incorporated herein and referred to by reference, and including the following exceptions to the Subdivision Ordinance: *Section 33-102* requiring dedication of parkland; *Section 33-94* to waive the requirement for curbs and gutters; and *Section 33-98* to waive the requirement for sidewalks.

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

PASSED AND APPROVED this the **4th** day of **October**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, MAYOR

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/07
Item #11
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Aaron Adel, AICP - Special Projects Planner

ITEM DESCRIPTION: P-FY-07-56: Consider adopting a resolution authorizing the final plat of Maddux Subdivision, a 10.34 acre, two lot residential plat located on Oscar Lane in Temple's eastern Extraterritorial Jurisdiction.

P&Z COMMISSION RECOMMENDATION: The Planning and Zoning Commission voted 7/0 to recommend approval of this plat at its meeting on September 17, 2007.

STAFF RECOMMENDATION: Staff recommends approval of this plat, subject to the following applicants requested exceptions to the Subdivision Ordinance:

1. Rural local street paving and ribbon curb requirements (Section 33-93(k)(1 & 2))
2. Fire protection requirements (Section 33-97 and Chapter 12-145 & 146)
3. Park fee requirements (Section 33-102)

ITEM SUMMARY: The proposed rural subdivision is located at the far eastern edge of Temple's ETJ. The proposed lots are accessible from Oscar Lane, an asphalt roadway maintained by Bell County. Public water supply is available through East Bell County, however; fire protection is not. The Bell County Sanitarian indicates that this property can be served by a septic system. Park fees are required for this proposed subdivision in the sum of \$450.

The Design Review Committee (DRC) reviewed this plat on September 4, 2007 and considered it administratively complete on September 11, 2007. The application meets the requirements of the Subdivision Ordinance with the exceptions noted in the STAFF RECOMMENDATION. Please refer to the attached Staff Report and draft minutes of case P-FY-07-56.

FISCAL IMPACT: NA

ATTACHMENTS:

[Vicinity Map](#)

[Plat](#)

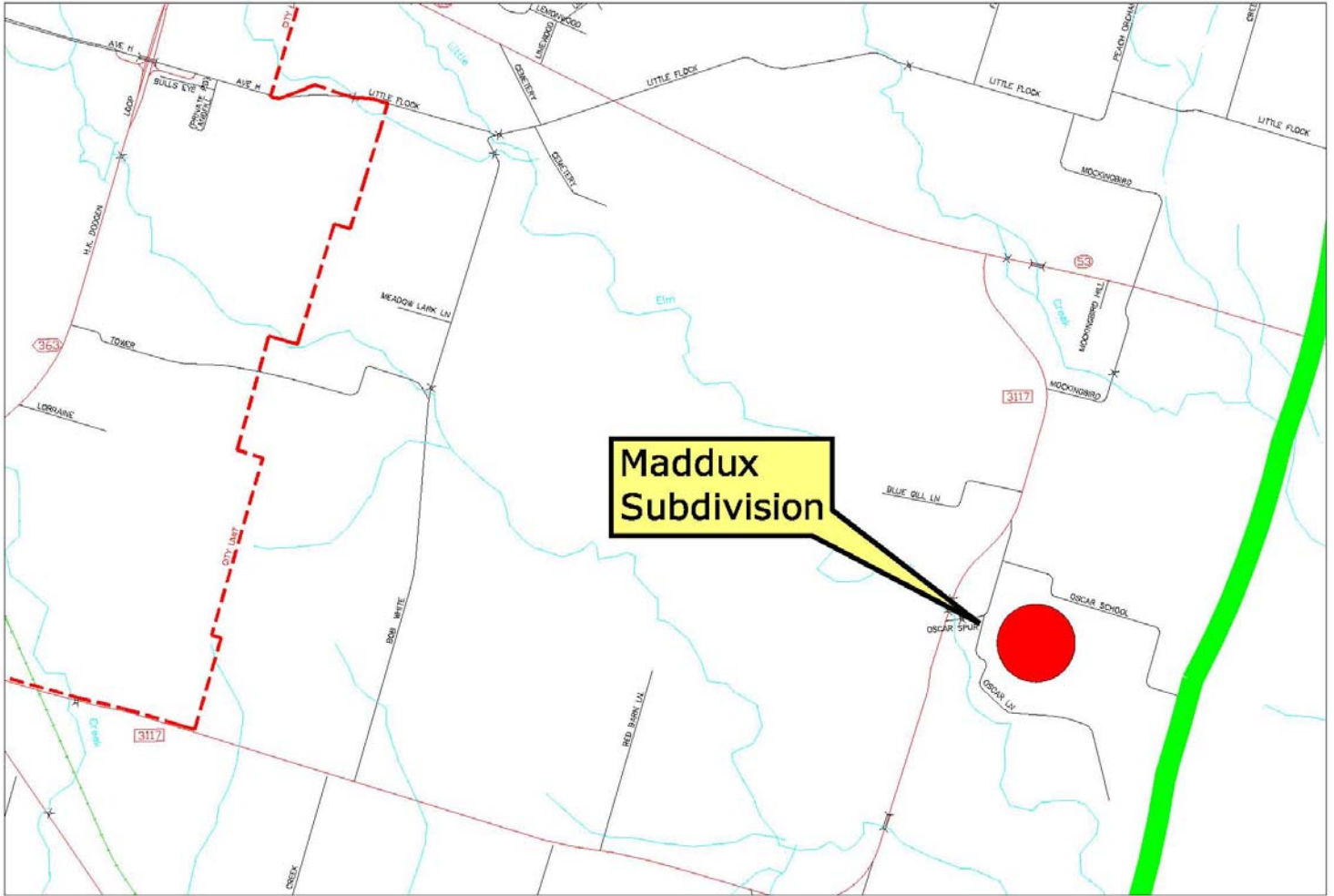
[P&Z Staff Report](#)

[P&Z Minutes](#)

[Resolution](#)



ETJ Plat: Maddux Subdivision



 **Area of Plat**  **Temple ETJ**  **Temple City Limits**

J Stone/GIS Mapping
09.04.07
Scale: 1"=200'

FINAL PLAT of
MADDUX SUBDIVISION
SOUTH OF STATE HIGHWAY 53 AND EAST OF FM 3117, WITHIN
THE E. T. J. (EXTRA TERRITORIAL JURISDICTION) OF THE CITY
OF TEMPLE, BELL COUNTY, TEXAS

Being part of the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, and embracing that called 1.657 acre tract described in a deed to DAVID A. STEWART and wife, JOSEPHINE H. STEWART, of record in Volume 4021, Page 218 of the Official Public Records of Real Property of Bell County, Texas and that certain called 8.483 acre tract described in a deed to DAVID A. STEWART, of record in Volume 5533, Page 26 of the Official Public Records of Real Property of Bell County, Texas.

This plat is to accompany a metes and bounds description of the herein shown 10.34 acre tract.

LOTS - TWO (2)
BLOCKS - ONE (1)
AREA - 10.22 ACRES
AREA IN R.O.W. - 0.176 ACRE

OWNER:

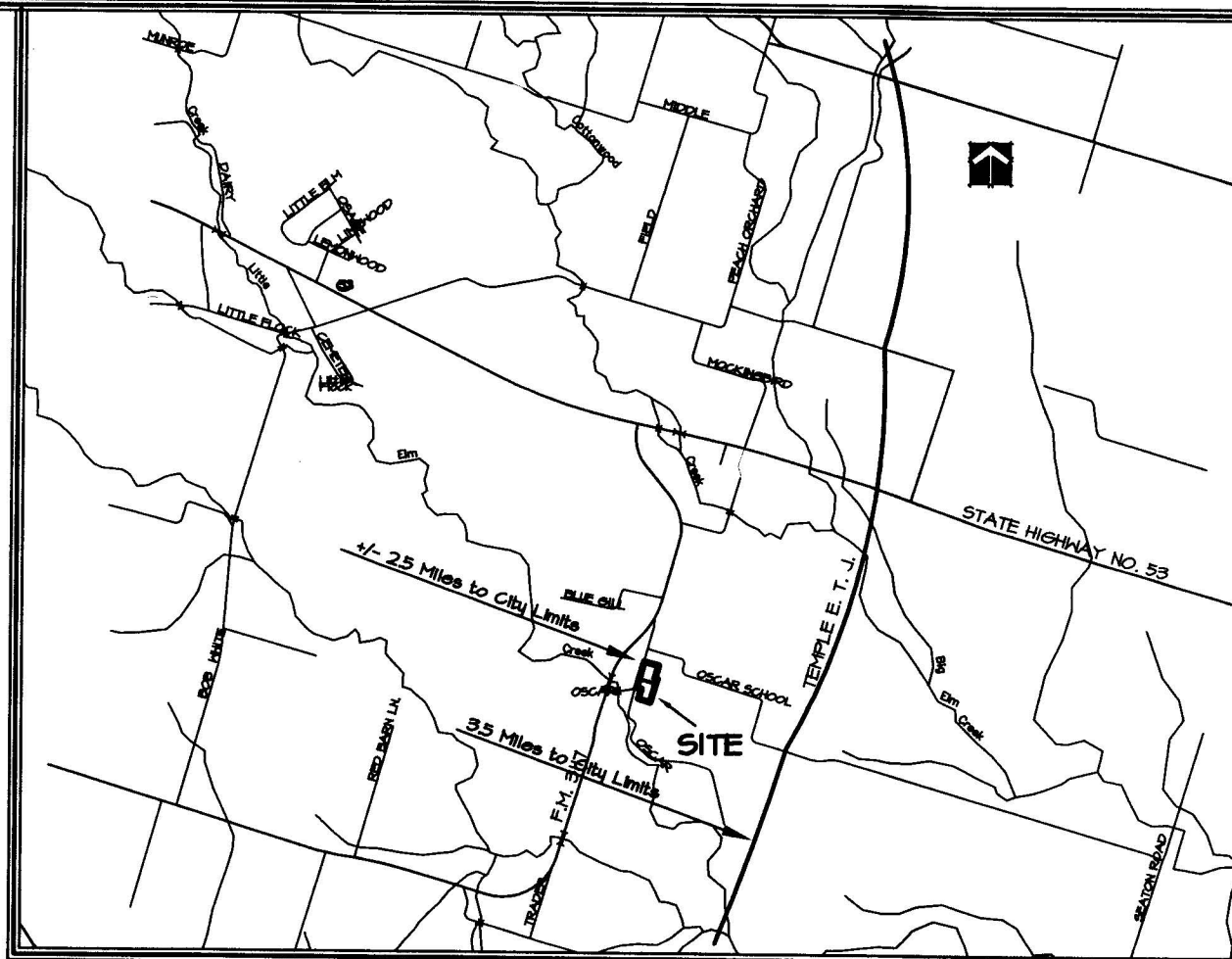
DAVID & JOSEPHINE STEWART
2143 OSCAR LANE
TEMPLE, TEXAS 76501

CITY OF TEMPLE
MONUMENT INFORMATION:

ALL BLOCK CORNERS FOUND OR SET
HAVE BEEN PLACED IN CONCRETE.

ACS MONUMENT ACS-236 AND ACS
237 & CITY OF TEMPLE MONUMENT
COT-248 ARE 3 1/4" ALUMINUM
MONUMENTS MARKED ACCORDINGLY.

COORDINATE TABLE		
MON. NO.	NORTHING	EASTING
ACS-236	10,354,941.11	3,258,376.91
ACS-237	10,354,255.10	3,258,164.26
COT-248	10,310,624.35	3,248,220.75



VICINITY MAP
N.T.S.

STATE OF TEXAS
COUNTY OF BELL

THAT, DAVID A. STEWART AND JOSEPHINE H. STEWART, OWNERS OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS **MADDUX SUBDIVISION** SOUTH OF STATE HIGHWAY 53 AND EAST OF FM 3117, WITHIN THE E. T. J. OF THE CITY OF TEMPLE, BELL COUNTY, TEXAS, AND WHOSE NAMES ARE SUBSCRIBED HERETO, HEREBY DEDICATE THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN HEREON WITHIN THE PLAT BOUNDARIES OF THIS SUBDIVISION.

BY: _____
DAVID A. STEWART
2143 OSCAR LANE
TEMPLE, TEXAS 76501

BY: _____
JOSEPHINE H. STEWART
2143 OSCAR LANE
TEMPLE, TEXAS 76501

STATE OF TEXAS
COUNTY OF BELL

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED DAVID A. STEWART, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, 2007.

NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS
COUNTY OF BELL

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JOSEPHINE H. STEWART, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, 2007.

NOTARY PUBLIC, STATE OF TEXAS

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF **MADDUX SUBDIVISION**, SOUTH OF STATE HIGHWAY 53 AND EAST OF FM 3117, WITHIN THE E. T. J. OF THE CITY OF TEMPLE, BELL COUNTY, TEXAS, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE ON THE _____ DAY OF _____, 2007. SAID SUBDIVISION SHALL BE SUBJECT TO ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE OF THE CITY OF TEMPLE, TEXAS.

WITNESS MY HAND THIS _____ DAY OF _____, 2007.

CHAIRPERSON PLANNING & ZONING COMMISSION

SECRETARY PLANNING & ZONING COMMISSION

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF **MADDUX SUBDIVISION**, SOUTH OF STATE HIGHWAY 53 AND EAST OF FM 3117, WITHIN THE E. T. J. OF THE CITY OF TEMPLE, BELL COUNTY, TEXAS, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE ON THE _____ DAY OF _____, 2007. SAID SUBDIVISION SHALL BE SUBJECT TO ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE OF THE CITY OF TEMPLE, TEXAS.

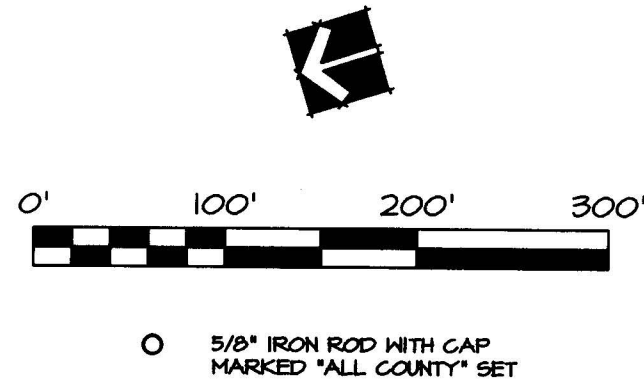
WITNESS MY HAND THIS _____ DAY OF _____, 2007.

CITY SECRETARY

STATE OF TEXAS
COUNTY OF BELL

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS PLAT IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY MONUMENTS ARE CORRECTLY SHOWN THEREON.

CHARLES C. LUCKO, R.P.L.S. DATE SURVEYED: July 5, 2007
REGISTRATION NO. 4636



3/8" IRON ROD WITH CAP
MARKED "ALL COUNTY" SET

8.645 ACRES
DENNIS R. GOTTSCHALK and wife,
SANDRA ANN GOTTSCHALK
Volume 1308, Page 608

17.623 ACRES
DENNIS RAYMOND GOTTSCHALK and wife,
SANDRA ANN GOTTSCHALK
Volume 1502, Page 160

4.544 ACRES
WILLIAM JOE KOTRLA, JR. and wife,
VICKY KOTRLA
Volume 1312, Page 21

1.657 ACRE
DAVID A. STEWART and wife,
JOSEPHINE H. STEWART
Volume 4021, Page 218

8.483 ACRES
DAVID A. STEWART
Volume 5533, Page 226

1.1 ACRE
RALPH RUDOLPH REHBEIN and
BLENDA LEA REHBEIN
Volume 4525, Page 190

Site benchmark - Elevation 511.84
ACS #236 3-1/4" Aluminum monument
marked accordingly.

I hereby certify that this plat was approved this the _____ day of _____, 2007, by the Bell County Commissioners Court and may be filed for record in the Plat Records of Bell County, Texas.

County Judge

Witness my hand this the _____ day of _____, 2007.

Notary Public, State of Texas

BELL COUNTY PUBLIC HEALTH DISTRICT CERTIFICATE

THE BELL COUNTY PUBLIC HEALTH DISTRICT, THE LICENSING AUTHORITY FOR ON-SITE SEWAGE DISPOSAL IN BELL COUNTY, TEXAS, HEREBY CERTIFIES THAT THIS SUBDIVISION HAS BEEN EVALUATED FOR ON-SITE DISPOSAL. IN ITS CURRENT CONDITION, THE PROPOSED SUBDIVISION MEETS OR EXCEEDS THE MINIMUM STANDARDS ESTABLISHED BY THE BELL COUNTY BOARD OF HEALTH.

SANITARIAN

DATE:

AFFIDAVIT:

THE TAX APPRAISAL DISTRICT OF BELL COUNTY, THE TAXING AUTHORITY FOR ALL TAXING ENTITIES IN BELL COUNTY, TEXAS, DOES HEREBY CERTIFY THAT THERE ARE CURRENTLY NO DELINQUENT TAXES DUE OR OWING ON THE PROPERTY DESCRIBED BY THIS PLAT.

DATED THIS THE _____ DAY OF _____, 2007 A. D.

BY: _____
BELL COUNTY TAX APPRAISAL DISTRICT

RECORDATION INFORMATION:

PLAT RECORDED IN CABINET _____, SLIDE _____, PLAT RECORDS OF BELL COUNTY, TEXAS.

DEDICATION RECORDED IN INSTRUMENT NO. _____, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BELL COUNTY, TEXAS.

FILED THIS THE _____ DAY OF _____, 2007.

Based upon what can be scaled from the graphics shown on Federal Insurance Rate Map (FIRM), Community Panel No. 480706 0235 B, dated February 15, 1984, a portion of the herein shown property DOES appear within the "Special Flood Hazard Area", and appears to be situated in Zone C. This Flood statement does not imply that this tract will never flood, nor does it create any liability in such event on the part of this surveyor or company.

This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 243. The theta angle at City Monument No. 243 is 01 deg 33 min 58 sec. The combined correction factor (CCF) is 0.999836. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Reference tie from City Monument No. 243 to the northwest corner of this 14.34 acre tract is 5 43 deg 42 min 42 sec E, 14,725.02 feet. Published City coordinates for project reference point 243 are N = 10,310,624.35 E = 3,248,220.75.

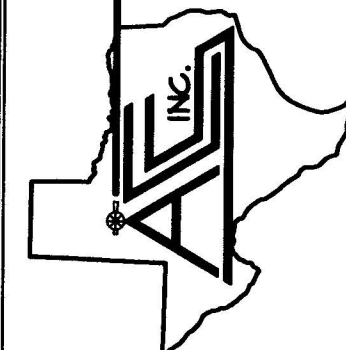
REVISIONS:

FINAL PLAT of
MADDUX SUBDIVISION

SOUTH OF STATE HIGHWAY 53 AND EAST OF FM 3117, WITHIN
THE E. T. J. (EXTRA TERRITORIAL JURISDICTION) OF THE CITY
OF TEMPLE, BELL COUNTY, TEXAS

ALL COUNTY SURVEYING, INC.

1309 South 21st Street, Temple, Texas 76504
(254) 718-2272 FAX (254) 714-7608



Plot Date: 07-05-07

Survey completed 07-05-07
Scale: 1" = 100'
Job No. 997880
Dwg No. 997880P
Drawn by DMF
Surveyor CCL #4636



PLANNING AND ZONING COMMISSION AGENDA ITEM

9/17/07
Item# 7
Page 1 of 1

APPLICANT: All County Surveying for David & Josephine Stewart

CASE MANAGER: Aaron Adel, AICP – Special Projects Planner

ITEM DESCRIPTION: P-FY-07-56 Consider a recommendation to approve the final plat of Maddux Subdivision, a 10.34 acre, two lot residential plat located on Oscar Lane in Temple's eastern Extraterritorial Jurisdiction (ETJ).

STAFF RECOMMENDATION: Staff recommends approval of the final plat with the following exceptions requested by the applicant:

1. Rural local street paving and ribbon curb requirements (Section 33-93(k)(1 & 2))
2. Fire protection requirements (Section 33-97 and Chapter 12-145 & 146)
3. Park fee requirements (Section 33-102)

BACKGROUND: The proposed rural subdivision is located at the far eastern edge of Temple's ETJ, more than three miles from the city limits. The proposed two lots will be accessed from Oscar Lane, an asphalt roadway maintained by Bell County. Bell County has requested 10' of additional right-of-way along Oscar Lane. Public water supply is available through East Bell County. However, East Bell County does not provide water for fire protection. The County Sanitarian with the Bell County Health Department indicates that this property can be served by a septic system. Park fees in the sum of \$450 are required for this proposed subdivision. The proposed subdivision conforms to the Comprehensive Land Use Plan.

The Design Review Committee (DRC) reviewed this plat on September 4, 2007. It was considered administratively complete on September 11, 2007.

The application meets the requirements of the Subdivision Ordinance with the following exceptions requested by the applicant:

1. Rural local street paving and ribbon curb requirements (Section 33-93(k)(1 & 2))
2. Fire protection requirements (Section 33-97 and Chapter 12-145 & 146)
3. Park fee requirements (Section 33-102)

The City Council is the final plat authority since the applicant has requested exceptions to the Zoning Ordinance.

ATTACHMENTS:

Vicinity Map
Plat

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, SEPTEMBER 17, 2007**

ACTION ITEMS

- 7. P-FY-07-56** Consider a recommendation to approve the final plat of Maddux Subdivision, a 10.34 acre, 2-lot residential plat located on Oscar Lane in Temple's Eastern Extra Territorial Jurisdiction. (Applicant: All County Surveying for David & Josephine Stewart)

Ms. Aaron Adel, Special Projects Planner, presented this item as outlined in the Planning and Zoning Agenda background. She said Staff recommends approval of the final plat with the exceptions requested in the agenda background. Ms. Adel said due to exceptions to the Zoning Ordinance, City Council is the final plat authority. She displayed a vicinity map of the area and the proposed final plat.

Motion to recommend approval for P-FY-07-56 to include requested exceptions, by Commissioner Carothers; seconded by Commissioner Pilkington.

Motion passed (8/0).

RESOLUTION NO. _____

(ZONING NO. P-FY-07-56)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE FINAL PLAT OF MADDUX SUBDIVISION, A 10.34 ACRE, TWO LOT RESIDENTIAL PLAT LOCATED ON OSCAR LANE IN TEMPLE'S EASTERN ETJ, SUBJECT TO THE DEVELOPER'S REQUESTED EXCEPTIONS TO THE SUBDIVISION ORDINANCE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 17, 2007, the Planning and Zoning Commission approved the final plat of Maddux Subdivision, a 10.34 acre, two lot residential plat located on Oscar Lane in Temple's eastern ETJ, subject to the developer's requested exceptions to the Subdivision Ordinance regarding rural local street paving and ribbon curb requirements, fire protection requirements, and park fee requirements;

Whereas, there was no citizen opposition expressed at the September 17, 2007, Planning and Zoning Commission meeting; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve the final plat of Maddux Subdivision.

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

Part 1: The City Council approves the final plat of Maddux Subdivision, a 10.34 acre, two lot residential plat located on Oscar Lane in Temple's eastern ETJ, more fully shown on the Plat which is on file in the City's Planning Department, incorporated herein and referred to by reference, and including the following exceptions to the Subdivision Ordinance: *Section 33-93(k)(1&2)* requiring rural local street paving and ribbon curb; *Section 33-97 and Chapter 12-145-146 of the City Code* to waive the requirement for fire protection; and *Section 33-102* to waive the park fee requirements.

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

PASSED AND APPROVED this the 4th day of **October**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, MAYOR

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: P-FY-07-57: Consider adopting a resolution authorizing the final plat of Water Works Landing, with nine single family lots on a 9.04 acre tract of land located north of the Sparta Road and Water Works Road intersection, south of Westcliffe Park in Temple's Western ETJ.

P&Z COMMISSION RECOMMENDATION: The Planning and Zoning Commission voted 7/0 to recommend approval of this plat at its meeting on September 17, 2007.

STAFF RECOMMENDATION: Staff recommends approval of the final plat subject to the applicant's requested exceptions to the Subdivision Ordinance:

1. Rural local street paving and ribbon curb requirements (Section 33-93(k)(1 & 2));
2. Fire protection requirements (Section 33-97 and Chapter 12-145 & 146); and
3. Park fee requirements (Section 33-102).

ITEM SUMMARY: The Parks and Leisure Services Department support the exception request. The applicant has submitted a letter assessing the value of the proposed trail and showing that the value of the trail is greater than that of the park fees that would be assessed on the 9 lots in the subdivision. The Planning Department supports the ribbon curb exception request. The Fire Marshal supports the fire hydrant request. The Design Review Committee (DRC) reviewed this plat on September 4, 2007 and considered it administratively complete on September 5, 2007. The application meets the requirements of the Subdivision Ordinance with the exceptions noted in the STAFF RECOMMENDATION. Please refer to the attached Staff Report and draft minutes of case P-FY-07-57.

The plat meets all other requirements of the Subdivision Regulations.

ATTACHMENTS:

[Water Works Landing Plat Submittal Waiver Request](#)
[P&Z Staff Report](#)
[P&Z Minutes](#)
[Resolution](#)

**ALL COUNTY SURVEYING, INC.**

*Surveying *Mapping *Construction Layout * GPS

September 11, 2007

City of Temple
2 N. Main St.
Temple, TX 76501
Attn: Brian Mabry, AICP

Re: Water Works Landing Plat Submittal Waiver Request

Dear Brian,

Applicant would like to request an exception to the ribbon curb, Section 33-94(a) due to the fact that existing road is in very good condition.

Sincerely,
Charles C. Lucko, President, RPLS
All County Surveying, Inc.

Cc: Extraco Banks, N. A.
Jacob Hendon, Senior Vice President
P.O. Box 6101
Temple, TX 76503

1303 South 21st Street, Temple, Texas 76504
254 778-2272 (Temple) 254 634-4636 (Killeen) 254 774-7608 (Fax)



PLANNING AND ZONING COMMISSION AGENDA ITEM

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APPLICANT / DEVELOPMENT: All County Surveying / Water Works Landing

CASE MANAGER: Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: P-FY-07-57 Consider a recommendation to approve the final plat of Water Works Landing, a 9.04 acre, 9 lot residential subdivision located north of the Sparta Road and Water Works Road intersection, south of Westcliffe Park in Temple's Western ETJ. (Applicant: All County Surveying for Extraco Bank)

STAFF RECOMMENDATION: Staff recommends approval of the final plat.

BACKGROUND: This plat was reviewed by the Design Review Committee (DRC) on 09/04/07, and was considered administratively complete on 09/05/07.

The applicant requests exceptions to the following requirements.

Subdivision Regulations Citation	Requirement
Sec. 3-102(d)(2)	Payment of \$225 in park fees per dwelling unit
Section 33-94(a)	12" ribbon curb required on along rural streets

The Parks and Leisure Services Department support the exception request. The applicant has submitted a letter assessing the value of the proposed trail and showing that the value of the trail is greater than that of the park fees that would be assessed on the 9 lots in the subdivision.

The Planning Department supports the ribbon curb exception request.

The plat meets all other requirements of the Subdivision Regulations.

The City Council is the final plat authority since no exceptions have been requested.

ATTACHMENTS:

Plat
Park Fee Letter

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, SEPTEMBER 17, 2007**

ACTION ITEMS

8. **P-FY-07-57** Consider a recommendation to approve the final plat of Water Works Landing, a 9.04 acre, 9-lot residential subdivision, located north of the Sparta Road and Water Works Road intersection, south of Westcliffe Park in Temple's Western ETJ. (Applicant: All County Surveying for Extraco Bank)

Mr. Tim Dolan, Planning Director, presented this final plat as outlined in the Planning and Zoning Agenda background. He said the applicant has requested two exceptions to the Subdivision Ordinance which Staff supports and recommends approval of the final plat. Mr. Dolan displayed the plat of Water Works Landing. He said due to the exceptions, City Council will be the final plat authority.

Commissioner Pope asked Mr. Dolan to verify the boundaries of the "claw". Mr. Dolan pointed out the boundary lines.

Motion to recommend approval of P-FY-07-57 to include the exceptions requested, by Commissioner Pilkington; seconded by Commissioner Kjelland.

Motion passed (8/0).

RESOLUTION NO. _____

(ZONING NO. P-FY-07-57)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE FINAL PLAT OF WATER WORKS LANDING, WITH NINE SINGLE FAMILY LOTS ON A 9.04 ACRE TRACT OF LAND LOCATED NORTH OF THE SPARTA ROAD AND WATER WORKS ROAD INTERSECTION, SOUTH OF WESTCLIFFE PARK IN TEMPLE'S WESTERN ETJ, SUBJECT TO THE DEVELOPER'S REQUESTED EXCEPTIONS TO THE SUBDIVISION ORDINANCE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 17, 2007, the Planning and Zoning Commission approved the final plat of Water Works Landing, with nine single family lots on a 0.04 acre tract of land located north of the Sparta Road and Water Works Road intersection, south of Westcliffe Park in Temple's western ETJ, subject to the developer's requested exceptions to the Subdivision Ordinance regarding rural local street paving and ribbon curb requirements, fire protection requirements, and park fee requirements;

Whereas, there was no citizen opposition expressed at the September 17, 2007, Planning and Zoning Commission meeting; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve the final plat of Water Works Landing.

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

Part 1: The City Council approves the final plat of Water Works Landing, with nine single family lots on a 0.04 acre tract of land located north of the Sparta Road and Water Works Road intersection, south of Westcliffe Park in Temple's western ETJ, more fully shown on the Plat which is on file in the City's Planning Department, incorporated herein and referred to by reference, and including the following exceptions to the Subdivision Ordinance: *Section 33-93(k)(1&2)* requiring rural local street paving and ribbon curb; *Section 33-97 and Chapter 12-145-146 of the City Code* to waive the requirement for fire protection; and *Section 33-102* to waive the park fee requirements.

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

PASSED AND APPROVED this the 4th day of **October**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, MAYOR

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution nominating three people to serve as Community Directors on the Ida Olliffe Foundation for Animal Care.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Ida Olliffe Foundation for Animal Care was established in 2002, as a result of the generous donation of the estate of Ms. Joan R. Forsdale. The purpose of the Foundation is to contribute to the humane care, treatment, refuge and adoption of domestic pets and animals placed with the Animal Services Department of the City of Temple. In addition, the Foundation may contribute its funds for the operation, capital improvements and new projects, such as the animal shelter and/or animal park.

The Board of Directors consists of 3 Foundation Directors, Patricia O'Connor, Charlene Rockholt and Dr. Lance Crews. In addition, the Board is comprised of four community directors, nominated by the City and appointed by the Foundation Board of Directors. At this time, the following appointments need to be made:

Term to expire 10-31-2011: Board's recommendation is **reappoint Mr. Mike Blackwell**, who is currently serving on that board

Term to expire 10-31-2010: Board's recommendation is to **appoint Ms. Lila McGuire** to fill the position vacated by Mr. Jamie Clements

Term to expire 10-31-2009: Board's recommendation is to **reappoint Mrs. Bonnie Neal**, currently serving on that board

FISCAL IMPACT: N/A

ATTACHMENTS: None.



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

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

- (A) Comprehensive Plan Advisory Committee – one member representing Planning Commission
- (B) Transit Advisory Committee – one member to fill expiring term through September 1, 2010

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City Council made a number of board appointments at its September 20th meeting, in accordance with the resolution establishing policies governing the appointment and training of citizens to City boards. These are the remaining positions that need to be filled at this time.

Please see the attached board summary forms, which list current board members, purpose, membership requirements, term and meeting time/place for the boards. Also attached is a summary listing of all applications received for board appointments. We will present any other Staff recommendations for appointments to you prior to the meeting.

FISCAL IMPACT: N/A

ATTACHMENTS:

Board Application Summary w/
Board Summary Forms – hard copy to be provided