



TEMPLE CITY COUNCIL

MUNICIPAL BUILDING

2 NORTH MAIN STREET

TEMPLE, TX

NOTICE OF MEETING

THURSDAY, FEBRUARY 7, 2008

3:00 P.M.

3RD FLOOR CONFERENCE ROOM

WORKSHOP AGENDA

1. (A) Discuss the market and financial feasibility study for a mixed use development in downtown including a possible hotel and performing arts theater.

(B) Receive an update on the downtown parking study that is currently underway.
2. Discuss standards for construction materials for nonresidential structures, including metal facades and masonry.
3. Discuss the City's Fire/EMS Master Plan Study.
4. Discuss the appointment of the City's standing members on various boards and commissions, to include: the Temple Economic Development Corporation Board of Directors, the Central Texas Council of Governments, and the Killeen-Temple Urban Study Policy Board.
5. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, February 7, 2008 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. PUBLIC COMMENTS

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

III. PUBLIC APPEARANCE

3. Receive comments from [James Hopper](#) regarding keeping our landfill clear of cardboard, waiving City fees to Churches Touching Lives for Christ, and providing a recycling bin and services required to maintain it.

IV. PRESENTATIONS AND RECOGNITIONS

4. Receive presentation from Dr. Diane Pasco, [Families in Crisis Inc.](#) recognizing the members of Leadership Temple for their role in the establishment of the shelter for victims of family and sexual violence, and recognizing one volunteer for painting a wall mural.

V. CONSENT AGENDA

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

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

Minutes:

- (A) [January 17, 2008 Special Called Meeting and Regular Meeting](#)

Contracts, Leases & Bids:

- (B) [2008-5300-R](#): Consider adopting a resolution authorizing a construction contract with Smetana & Associates of Temple, Texas to upgrade the waterline on 17th Street from 2" to 8" in diameter, in the amount of \$236,173.06.
- (C) [2008-5301-R](#): Consider adopting a resolution authorizing a contract amendment to a professional services agreement with Kasberg, Patrick & Associates, LP, of Temple, Texas for bidding and construction phase services, including construction administration, onsite representation, and construction staking, required to implement the Wendland Road Improvements between northwest H.K. Dodgen Loop and the future outer loop, in an amount not to exceed \$124,500 and declare an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this project.
- (D) [2008-5302-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick, & Associates, LP, of Temple, Texas for engineering services required to perform preliminary engineering of the South Temple Water Transmission Main Project, in an amount not to exceed \$157,000.
- (E) [2008-5303-R](#): Consider adopting a resolution authorizing a professional services agreement with Freese & Nichols, Inc. of Austin, Texas for engineering services required to perform preliminary engineering of the South Temple Pump Station and Ground Storage Tank Project, in an amount not to exceed \$233,136.
- (F) [2008-5304-R](#): Consider adopting a resolution authorizing a professional services agreement with Carollo Engineers of Austin, Texas for engineering services required to rehabilitate the mixed media filters at the Conventional Water Treatment Plant (including modifications to the filter backwash process and instrumentation system) and structural repairs to Lagoon #4, in an amount not to exceed \$264,671, and declare an official intent to reimburse this expenditure prior to the issuance of tax-exempt obligations designated for this project.
- (G) [2007-5279-R](#): Consider adopting a resolution authorizing an agreement with PKF Consulting of Houston, Texas to perform a market and financial feasibility study for a mixed use development in downtown Temple including a possible hotel and performing arts theater for an amount not to exceed \$69,500.
- (H) [2008-5305-R](#): Consider adopting a resolution authorizing an agreement with Ogilvy Government Relations for federal legislative services.
- (I) [2008-5306-R](#): Consider adopting a resolution authorizing the purchase and installation of 14 actuators at the Water Treatment Plant from Controls International, Inc. of Dallas, Texas in the amount of \$81,980.

- (J) [2008-5307-R](#): Consider adopting a resolution authorizing the purchase of metal refuse containers for the Solid Waste Division as follows:
 1. Front Loading containers to Wastequip of Beeville, Texas in the amount of \$90,295;
 2. Side Loading containers to Fuqua Industries, Rio Vista, Texas in the amount of \$31,740; and
 3. Roll-off Containers to Roll-offs USA of Durant, Oklahoma in the amount of \$86,526.

- (K) [2008-5308-R](#): Consider adopting a resolution authorizing the purchase of plastic refuse containers for Solid Waste Services as follows:
 1. 300-gallon containers to RMI of Brownwood, Texas in the amount of \$29,775.00; and
 2. 95-gallon containers to Roll-offs USA of Durant, Oklahoma in the amount of \$74,970.

- (L) [2008-5309-R](#): Consider adopting a resolution rejecting bids received for the Water Treatment Plant Clearwell Valve Improvements Project.

- (M) [2008-5310-R](#): Consider adopting a resolution authorizing the purchase of a 400-Gallon Short-Wheel Base Grass and Brush Firefighting Vehicle off of the BuyBoard from Philpott Motor Company of Nederland, Texas, in the amount of \$93,891.

Ordinances - Second and Final Reading

- (N) [2008-4193](#): SECOND READING – Z-FY-08-06: Consider adopting an ordinance authorizing a Conditional Use Permit to allow a proposed crematorium located at 11 North 6th Street.

- (O) [2008-4194](#): SECOND READING – Consider adopting an ordinance amending Chapter 33, Subdivisions, Section 93, Streets, of the Code of Ordinances to provide that permanent monuments shall be placed in accordance with survey and monumentation standards.

Misc:

- (P) [2008-5311-R](#): Consider adopting a resolution authorizing the conveyance of certain property to Temple Economic Development Corporation for the Gulf States Toyota project.

- (Q) [2008-5312-R](#): Consider adopting a resolution supporting the nomination of one regular and one alternate member to the Texas Transportation Commission's Corridor Advisory Committees.

- (R) [2008-5313-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.

VI. REGULAR AGENDA

ORDINANCES

6. (A) [2007-4186](#): FIRST READING – PUBLIC HEARING - Z-FY-08-05(A): Consider adopting an ordinance amending the Temple Comprehensive Plan to reflect commercial uses on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H.

(B) [2007-4187](#): FIRST READING – PUBLIC HEARING - Z-FY-08-05(B): Consider adopting an ordinance authorizing a zoning change from Planned Development (General Retail) District and General Retail District to Commercial District on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H.
7. [2008-4195](#): FIRST READING – PUBLIC HEARING - Z-FY-08-08: Consider adopting an ordinance authorizing a zoning change from Two Family and General Retail Districts to Light Industrial District on approximately 6.38 acres of land known as Outblock 573-B, City Addition, located between Pegasus Drive and North General Bruce Drive, across from PACTIV Corporation.
8. [2008-4196](#): FIRST READING – PUBLIC HEARING - Z-FY-08-14: Consider adopting an ordinance amending Section 13 of the City of Temple Zoning Ordinance to add masonry standards
9. [2008-4197](#): FIRST READING – PUBLIC HEARING - Consider adopting an ordinance changing the posted speed limit on Eagle Landing Drive from FM 2305 to the Centex Sportsman Club Road from 30 mph to 25 mph.
10. FIRST READING – PUBLIC HEARING – Consider adopting ordinances:

(A) [2008-4198](#): Amending Chapter 7, “Buildings,” of the Code of Ordinances of the City of Temple, Texas, adopting the 2006 International Building Code, the 2006 International Residential Code, the 2006 International Plumbing Code, the 2006 International Mechanical Code, the 2006 International Fuel Gas Code, and the 2006 International Energy Conservation Code;

(B) [2008-4199](#): Amending Chapter 10, “Temple Electrical Code,” of the Code of Ordinances of the City of Temple, Texas, adopting the National Fire Protection Association, National Electrical Code, NFPA No. 70, 2005; and

(C) [2008-4200](#): Amending Chapter 21, “Minimum Housing Standards,” of the Code of Ordinances of the City of Temple, Texas, adopting the 2006 International Property Maintenance Code and Amendments.
11. (A) [2008-4201](#): 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.

(B) [2008-5315-R](#): Consider adopting a resolution directing the publication of Notice of Intention to Issue City of Temple, Texas Combination Tax and Revenue Certificates of Obligation, Series 2008; and other matters related thereto.

(C) [2008-5316-R](#): Consider adopting a resolution expressing official intent of the City of Temple, Texas regarding the issuance of Certificate of Obligations.

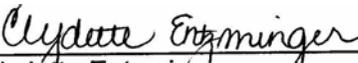
RESOLUTIONS

12. [2008-5317-R](#); [2008-5318](#); [2008-5319-R](#): Consider adopting a resolution appointing members to the Temple Economic Development Corporation Board of Directors, the Central Texas Council of Government's Executive Committee, and the Killeen-Temple Urban Transportation Study Policy Board.
13. [2008-5320-R](#): Consider adopting a resolution authorizing the purchase of land for various municipal interests, to include: parks, public safety, and administrative uses.

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

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 4:20 PM, on February 4, 2008.



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 _____ 2008.



COUNCIL AGENDA ITEM MEMORANDUM

02/07/08
Item #3
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Receive comments from James Hopper regarding keeping our landfill clear of cardboard, waiving City fees to Churches Touching Lives for Christ, and providing a recycling bin and services required to maintain it.

STAFF RECOMMENDATION: Receive public appearance as indicated in item description.

ITEM SUMMARY: Mr. Hopper has requested a public appearance before the Council regarding a recycling bin for the CTLC facility to use. The facility is being assessed a fee to haul off the cardboard boxes, and they are requesting that these fees be waived.

FISCAL IMPACT: None

ATTACHMENTS:

[Request for Placement on Agenda](#)



CITY OF TEMPLE, TEXAS
CITY COUNCIL MEETINGS

REQUEST FOR PLACEMENT ON AGENDA

__Priority

NAME OF PRESENTER: James Hopper

ADDRESS: 3302 Elm Dr Temple,

TELEPHONE NO. 254-228-3934

DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note - The City Council meets the first and third Thursdays of each month.) 2-7-08

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

Keeping ~~our~~ our Landfills clear of cardboard
Waiving CTLC of charges of city, providing
A Recycle bin for CTLC and services required to maintain it

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

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

James Hopper
SIGNATURE OF PRESENTER

1-23-08
DATE

For Office Use:



COUNCIL AGENDA ITEM MEMORANDUM

02/07/08
Item #4
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Receive presentation from Dr. Diane Pasco, Families in Crisis Inc. recognizing the members of Leadership Temple for their role in the establishment of the shelter for victims of family and sexual violence, and recognizing one volunteer for painting a wall mural.

STAFF RECOMMENDATION: Present special recognitions as presented in item description.

ITEM SUMMARY: Dr. Diane Pasco, Executive Director of Families in Crisis, Inc. would like to recognize Leadership Temple for their role in conceptualizing, planning and executing the establishment of a Temple emergency safe shelter for victims of family and sexual violence. A special recognition will be made to Alyssa Conti, a senior at Belton H.S., who provided the naturalistic wall mural in the kid's corner.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

02/07/08
Item #5(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

- (A) January 17, 2008 Special Called Meeting & Regular Meeting

STAFF RECOMMENDATION: Approve minutes as presented in item description.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

[January 17, 2008 Special Called Meeting & Regular Meeting](#)

TEMPLE CITY COUNCIL

JANUARY 17, 2008

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, January 17, 2008 at 3:30 pm in the 3rd Floor Conference Room, Municipal Building, 2 North Main Street.

Present:

Councilmember Russell Schneider
Mayor William A. Jones, III
Mayor Pro Tem Patsy E. Luna

Absent:

Councilmember Tony Jeter

1. Discuss the City's current landscape ordinance.

Tim Dolan, Planning Director, presented the City's current landscaping ordinance. He stated this topic is being discussed because it is a component of the Strategic Plan, the Strategic Investment Zone (SIZ) report, and because the Council has asked staff to review our current requirements. Currently, new development or a 100% increase to the existing building area triggers the requirement for landscaping. A minimum of 5% area of landscaping, including grass, is required. Mr. Dolan explained this yields only 1 to 1.5% of site area due to current exemptions for driveway, parking aisles, paved walkways and alley rights of way. He showed photos of existing businesses that are in compliance with the existing landscaping ordinance, noting both the property lines and rights of way. Currently, remodeled sites are exempt from landscape requirements and Mr. Dolan showed photos of remodeled businesses that have no landscaping.

Next, Mr. Dolan discussed issues relating to enforcement of the ordinance for landscape removal and new commercial permits and landscaping. A review of permits since 2005 show that only 3 businesses have not complied with the landscaping requirements.

Mr. Dolan also reviewed background information concerning the issue of landscaping. The SIZ committee recommended the ordinance be reviewed for improvements. A committee of Keep Temple Beautiful (KTB) also reviewed the current ordinance and drafted a new ordinance which was provided to the City Council in July 2007. Staff has conducted ordinance kick-off meetings with the Temple Area Home Builders Association, Temple Chamber of Commerce, TEDC and KTB. Mr. Dolan discussed the feedback received to date from these stakeholder groups.

Mr. Dolan reviewed some staff recommendations for ordinance changes which include requiring 5% of the total lot area to be covered with plants and turf with no exempted areas. Staff is also proposing a minimum front landscape strip of varying sizes depending

on the type of street which would count toward the total 5% landscape requirement. Other staff suggested changes include requiring maintenance of the landscaped area, including irrigation, as well as 25% expansion or demolition to trigger the landscape requirements. Mr. Dolan stated these proposed changes would be the first phase of implementing changes to the current landscape requirements.

Councilmember Schneider stated he is okay with the current area requirements but he would like to see greater density for trees. He agreed with requiring landscaping for businesses that undergo 25% or more remodeling.

Mayor Jones stated the first phase would be a good place to start. He asked Mr. Dolan to take these recommendations to the stakeholders for feedback and bring back to Council in one month.

2. Receive an update and discuss the City's Compensation Study, including the recommendation for market identification.

David Blackburn, City Manager, presented some background information to the City Council regarding the 2005 market study. He also reviewed the employee compensation committee that was formed and their objectives for the current study. The process for determining peer cities was also discussed, as well as the factors that were determined for the General Government, Police and Fire compensation plans. Each of the four markets will have different peer cities, even though there is some overlap. In addition to the peer cities, the committee is recommending the City consider other comparables such as local public agencies, including cities in close proximity to Temple, and local private sector companies.

In addition to determining the peer cities, the employee compensation committee assigned each position throughout the City to a job family and has recommended which market the position should be compared to. Information on benefits will also be gathered and reviewed. Mr. Blackburn explained the process for the remainder of this project. The target date for the report and recommendations to be presented to the City Council is May 15, 2008.

3. Receive an update and discuss the City's Fire/EMS Master Plan Study.

David Blackburn, City Manager, stated the Fire Master Plan is a collaborative effort of many City employees and department. An overview of the plan was presented to the City Council during a work session On October 18, 2007. The staff has been focusing on the next 3 to 5 years of the plan as it relates to emergency medical services, Station #1, and Station #8, Training Center & EOC. Mr. Blackburn reviewed the goals and objectives of Temple Fire & Rescue, which relate specifically to performance areas and metrics, both current and benchmark.

Mr. Blackburn reviewed the significant ESCi recommendations and the various options associated with each. For the provision of EMS services, the options are to continue with current services, provide first responder and total transport, provide first responder and partial transport, or first responder with quick response vehicles (QRV). The Staff

recommendation is to continue the current service level, continue the paramedic program and continue to outsource transport services.

The ESCi report and staff also recommend the City consider building a new Central Fire Station/Headquarters and the reasons for this recommendation were presented, as well as the space needs assessment history, space allocations, estimated costs and reliability.

The ESCi report recommended several options to improve response times and coverage. Options include maintaining the current number of stations, adding Station #8, and adding Station #8 and #9. Recommendations were also made to either develop a new or improve the current Training Facility and improve EOC facilities and locations. Staff is recommending the Council move forward with Station #8 to increase response time throughout the City, move forward with the new Training Center and EOC, co-locating both with Station #8 to be operationally efficient and cost effective. The estimated cost for such a facility is \$5,925,000. Mr. Blackburn recommended the Council call for a General Obligation bond election in May 2008 in the amount of \$13,995 to fund the construction of a new central fire station, Station #8 (including EOC and training center), engine 8 with air packs, and replacements for engines 1 and 4. He stated these recommendations will be discussed again at the February 7th Council meeting, with a recommendation to call the election on February 21st.

Mr. Blackburn stated there are many other issues and recommendations in the ESCi report that will be addressed during the budget process.

4. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, January 17, 2008.

There was no discussion of this item.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, January 17, 2008 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

Councilmember Tony Jeter
Councilmember Russell Schneider
Mayor William A. Jones, III
Mayor Pro Tem Patsy E. Luna

I. CALL TO ORDER

1. Invocation

Pastor D.S. McBride, Grace Temple Ministries, voiced the Invocation.

2. Pledge of Allegiance

Mr. Norman Sisk led the Pledge of Allegiance.

II. PUBLIC COMMENTS

Mr. Willie Hall, 100 North 7th Street Apt. 707, stated he has lived here for about 6 years. He uses the HOP as his main transportation. The bus driver told him he was a "nobody". Mr. Hall stated he called Robert Ator, the HOP Manager, but Mr. Ator said it was of no concern. Mr. Hall stated he has taken all avenues and now is coming to the City Council for help. No one with disabilities should be afraid to ride the bus. This gives a bad representation of the City.

III. PRESENTATIONS AND RECOGNITIONS

3. (A) Recognition of Texas Senior Games supporters

Ken Cicora, Director of Parks and Leisure Services, recognized the supporters of the Texas Senior Games. This event is a major undertaking and has a great impact on our city. He recognized Mr. Norman Sisk, one of their most valuable players. He organized the volunteers and was truly invaluable. Mr. Cicora also recognized his staff, Kevin Beavers and Anna Foster, for their hard work on this event.

Dr. Angie Hochhalter, an Assistant Professor in the Department of Internal Medicine and the Program on Aging & Care at Scott & White Hospital and the Texas A & M College of Medicine, received the recognition for Scott & White's participation as a corporate partner since this event began. She thanked the Council and staff for showcasing healthy aging in our community.

(B) Presentation regarding the Tree for Me Program

Mr. Cicora gave a brief update on the Tree for Me Program. He explained the goal of this program was to give away 100 trees to within the community. Mr. Cicora showed a brief video about the program and some of the recipients of the trees. The next program will be in April in conjunction with Arbor Day and again in October.

IV. CONSENT AGENDA

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

(A) January 3, 2008 Special Called Meeting and Regular Meeting

(B) 2008-5289-R: Consider adopting a resolution authorizing the purchase of a LeeBoy 685B motor grader from Conley Lott Nichols of Waco in the amount of \$105,835.66.

(C) 2008-5290-R: Consider adopting a resolution authorizing a water system availability agreement with the Brazos River Authority.

(D) 1. 2008-5291-R: Consider adopting a resolution authorizing submission of a Storm Water Management Program to the Texas Commission on Environmental Quality (TCEQ).

2. 2008-5292-R: Consider adopting a resolution authorizing a professional services agreement with Jacobs, Carter and Burgess (JC&B) of Fort Worth for preparing an updated Drainage Master Plan (2008) in an amount not to exceed \$ 199,050.

(E) 1. 2008-4787: SECOND READING - Consider adopting an ordinance setting out the civil service classifications, setting out the requirements for appointment to the positions, and setting out the number of positions in each classification in the Temple Fire Department and the Temple Police Department.

2. 2008-5293-R: Consider adopting a resolution approving a budget amendment to fund the costs associated with the addition of four (4) new Fire Control and Rescue Officers and the costs associated with sending nine (9) firefighters to the paramedic program beginning in January 2008, in the amount of \$176,334.

(F) 2008-5294-R: Consider adopting a resolution setting the fee for processing credit card payments for Municipal Court fees, fines, court costs and other charges.

(G) 2008-5295-R: Consider adopting a resolution accepting the annual Child Care Standards report form Parks and Leisure Services Department.

(H) 2008-5296-R: Consider adopting a resolution authorizing revisions to the City of Temple's Personnel Policies and Procedures Manual.

(I) 2008-5297-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.

Motion by Councilmember Russell Schneider to adopt resolution approving Consent Agenda items, seconded by Councilmember Tony Jeter.

Motion passed unanimously.

V. REGULAR AGENDA

ORDINANCES

5. (A) 2007-4785: FIRST READING - PUBLIC HEARING - Z-FY-08-05(A):

Consider adopting an ordinance amending the Temple Comprehensive Plan to reflect commercial uses on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H.

(B) 2007-4786: FIRST READING - PUBLIC HEARING - Z-FY-08-05(B): Consider adopting an ordinance authorizing a zoning change from Planned Development (General Retail) District and General Retail District to Commercial District on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H.

Brian Mabry, Planner, stated a written request has been received from the applicant asking that this item be tabled.

Mayor Jones declared the public hearing open with regard to agenda items 5(A) & (B) and asked if anyone wished to address this item. There being no comments, Mayor Jones closed the public hearing.

Motion by Mayor Pro Tem Patsy E. Luna to table items 5(A) and (B), seconded by Councilmember Russell Schneider.

Motion passed unanimously.

6. 2008-4788: FIRST READING - PUBLIC HEARING - Z-FY-08-06: Consider adopting an ordinance authorizing a Conditional Use Permit to allow a proposed crematorium located at 11 North 6th Street.

Brian Mabry, Planner, presented this item to the City Council. He provided background information regarding the building. This use requires a Conditional Use Permit (CUP) in all zoning districts where allowed. The building is currently an embalming facility. Mr. Mabry reviewed the purpose of the CUP and showed an aerial map of the location. He noted other surrounding structures and their intended uses. Mr. Mabry also displayed the zoning map of this area, which is Central Area, and showed infrastructure in the ground. The applicant has submitted information about the crematory process and comparison data of emissions.

Mr. Mabry explained Staff recommended stucco or masonry material or a combination be required on the front facade of the building in order to protect the integrity of the downtown area and bring the property into harmony with the neighboring brick building. Staff also recommended the site plan be modified to include additional landscaping along the front facade. Off-street parking is not required in the CA zoning district, however, in order to address some public feedback, Staff recommended adding four 9x18 spaces in front of the building. Ten notices were mailed to surrounding property owners, with 3 being returned for in support and 4 in opposition of the CUP.

The Planning & Zoning Commission recommendation was to approve the CUP with the landscaping and street parking modifications recommended by staff, but not with the requirement for masonry or stucco facade.

Councilmember Schneider asked if the owner is okay with stucco.

Jay Anderson, the applicant, stated they were in the process of upgrading the exterior of the building but put it on hold until this decision. He stated he is okay with the City's recommendation.

Michael Gaskins, co-owner of the building, stated this is just a metal building. He asked that they be able to use materials other than brick.

Councilmember Jeter asked if they plan to expand the facility.

Mr. Anderson stated no, not at this time. They are okay with adding the parking spaces in front of the building.

Mayor Jones declared the public hearing open with regard to agenda item 6 and asked if anyone wished to address this item. There being no comments, Mayor Jones closed the public hearing.

Councilmember Jeter asked the time frame in which these improvements must be made.

Mr. Mabry stated they would be added to the building permit. The CUP is conditional on these improvements if approved by Council.

Councilmember Schneider stated the applicant is already operating in the building. Because they are adding a piece of equipment, we are now requiring them to make improvements to the building.

Mr. Anderson stated they would like a 6-month period to make these improvement.

Councilmember Jeter asked if the applicant can add the equipment now and take 6 months to make the improvements.

Mr. Mabry replied that can be part of the Council motion.

Mr. Anderson stated it will take several months to install the equipment. An EPA inspection is also required.

Councilmember Schneider asked if the applicant has done any research or spoken with an architect about whether they can even put this type of facade on this structure. He stated he would not like to tie approval to that condition.

Mr. Mabry stated if it is not possible to make the improvements authorized by the Council, the applicant could come back and ask for an amendment to change the building material.

Mayor Jones stated he agrees with the Planning & Zoning Commission. You just need a CUP to allow this use. We shouldn't require other changes to the structure.

Mr. Mabry stated the Staff recommendation is based on surrounding structures and pending Hawn Hotel redevelopment.

Motion by Councilmember Russell Schneider to adopt ordinance approving Conditional Use Permit including landscaping and parking requirements, but not building facade improvements, with statement for the record that the applicant wants to improve the front of the building with the recommended materials, with second reading set for February 7, 2008, seconded by Mayor Pro Tem Patsy E. Luna.

Councilmember Jeter asked if the Council takes this action is it setting a precedent for the future on how we handle items. Even though the applicant is on record stating they will use one of the recommended materials, he is not bound if it not included in the Council's motion.

Jonathan Graham, City Attorney, stated for the most part Council is not setting precedent with their action because a Conditional Use Permit is site specific. The motion is to require the landscaping and parking, with just a statement that the applicant intends to make the recommended improvements.

The Council and Staff discussed various options for including the requirement to improve the front of the building that would be viable and not put a hardship on the applicant.

Motion passed unanimously.

7. **2008-4789: FIRST READING - PUBLIC HEARING: Consider adopting an ordinance amending Chapter 33, Subdivisions, Section 93, Streets, of the Code of Ordinances to provide that permanent monuments shall be placed in accordance with survey and monumentation standards.**

Michael Newman, Assistant Director of Public Works, presented this item to the Council. The language in the current ordinance is archaic and needs to be modified. The Development Standards Advisory Board, the Planning & Zoning Commission and staff have recommended that the language be modified to refer to an external document. This will allow changes made by the State board governing land surveyors regarding monumentation standards to be made without coming back to the Council.

Mayor Jones declared the public hearing open with regard to agenda item 7 and asked if anyone wished to address this item. There being no comments, Mayor Jones closed the public hearing.

Motion by Councilmember Russell Schneider to adopt ordinance, with second reading set for February 7, 2008. seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

RESOLUTIONS

8. **2008-5298-R: PUBLIC HEARING - Consider adopting a resolution authorizing an amendment to the Fiscal Year 2006-2007 CDBG Annual Action Plan to fund \$100,000 for the Ferguson Park Splash Pad Expansion project.**

Traci Barnard, Finance Director, presented this item to the Council. The CDBG Action Plan originally included funds for a multi use arena at Wilson Park. Council rejected bids on that project since it was determined the project could not be constructed within budget and the ground was not stable enough in that location for that type of construction. Staff is recommending the funds be reallocated to the Ferguson Park Splash Pad project to expand the facility and make other improvements. On December 14 and 17 public hearings were held and no comments were received. If approved by Council, this project will be submitted to HUD for approval and environmental clearance.

Motion by Mayor Pro Tem Patsy E. Luna to adopt resolution, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

02/07/08
Item #5(B)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Bruce A. Butscher, P.E., Director of Public Works
Nicole Torralva, P.E., Assistant Director of Public Works / Operations

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Smetana & Associates of Temple, Texas to upgrade the waterline on 17th Street from 2" to 8" in diameter, in the amount of \$236,173.06.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In June, 2005, the City entered into an agreement for professional services with Kasberg, Patrick & Associates L.P. (KPA) in the amount of \$45,300 for engineering and design services required for the 17th Street Waterline Project. The waterline on 17th Street from Avenue I south to Avenue M is currently a 2" cast iron, lead poured joint line. There are currently 50 (fifty) homes being served by this 2" line, which offers little to no fire protection. Based on an evaluation conducted by Public Works Utility Services Division personnel, this line was identified as having a critical need for replacement, based on line size, fire protection, age, and lead poured joints. The water line will be upgraded from 2" to 8" increasing fire protection for this area. The new 8" water line will be tied into a 12" line on one end and an 8" line on the other end.

On January 15, 2008, bids were received for construction of the 17th Street Waterline Project. Per the attached bid tabulation, Smetana & Associates submitted the low bid on the project in the amount of \$236,173.06. KPA's opinion of probable construction cost for the project was \$350,000, \$114,000 higher than the recommended bid.

FISCAL IMPACT: Funding in the amount of \$210,000 has been appropriated in account 520-5200-535-6357, project #100309, for construction of this project. Funding of engineering-related services in the amount of \$45,300 was funded from a previous fiscal year. A budget amendment in the amount of \$26,174, is attached, reallocating the projected shortfall for construction of this project from account 520-5200-535-6357, project #100310 (Waterline from Ave G to Ave I between 1st and 3rd Street).

ATTACHMENTS:

Engineer's Recommendation
Project Map
Bid Tabulation
Budget Amendment
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.

January 17, 2008

Mr. Thomas Brown
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple
17th Street Waterline

Dear Mr. Brown:

On January 15, 2008, the City of Temple received competitive bids from seven (7) contractors for the 17th Street Waterline Improvements project. A Bid Tabulation is provided for your reference.

The bids received were for replacing the existing 2" Waterline with an 8" Waterline, along 17th Street, from Ave. I, through Scott and White Park and connecting to the 12" Waterline on 19th Street. The attached Bid Tabulation shows Smetana & Associates Construction Company of Temple, Texas as the low bidder with a total project bid of \$236,173.06. The bids ranged from \$236,173.06 to \$449,111.50 and our Final Opinion of Probable Cost for this project was \$350,000.00.

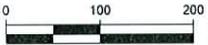
We have reviewed Smetana & Associates' current project workload and recently completed projects. As you know, Smetana & Associates Construction Company has performed numerous projects for the City of Temple and is qualified to complete this project. Therefore, we recommend that a contract in the amount of \$236,173.06 be awarded to Smetana & Associates Construction Company for this project.

Sincerely,


Ginger R. Tolbert, P.E.

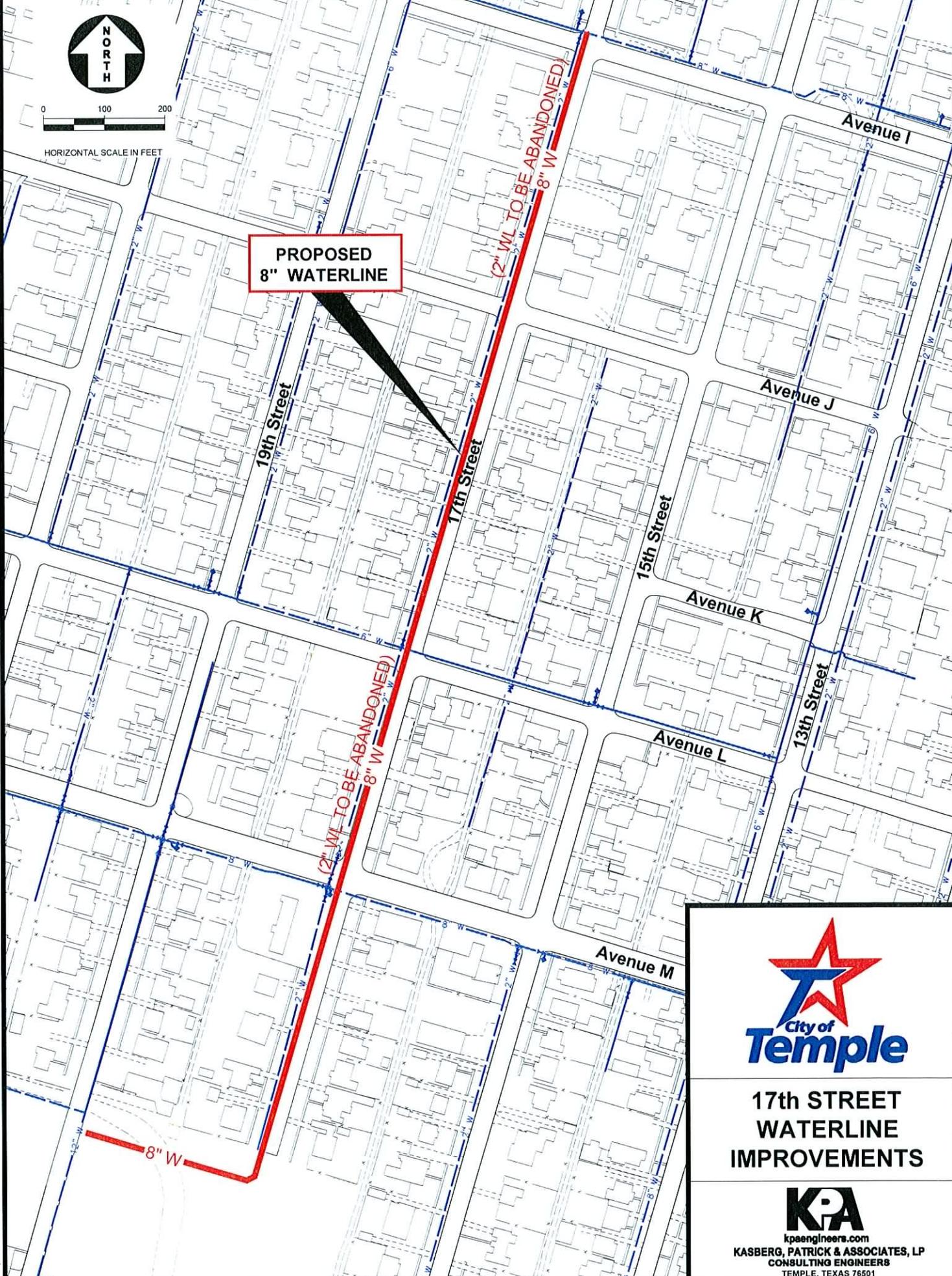
GRT/

xc: Ms. Belinda Mattke, City of Temple (1 copy with Original Bid Documents)
2005-126-40



HORIZONTAL SCALE IN FEET

**PROPOSED
8" WATERLINE**



**17th STREET
WATERLINE
IMPROVEMENTS**



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

BID TABULATION

**CITY OF TEMPLE
2008 WATERLINE IMPROVEMENTS
17th STREET WATERLINE**

January 15, 2008; 2:00 PM
3210 E Avenue H, Building C, Temple, TX 76501

			BIDDER INFORMATION													
			Smetana & Associates Constr. PO Box 794 Temple Texas 76503		TTG Utilites, LP PO Box 299 Gatesville Texas 76528		Bell Contractors Inc 3082 W 190 Belton Texas 76513		McLean Construction PO Box 10759 Killeen Texas 76547-0759		Valles Underground Utilities, Ltd 5333 Yampa Trail Fort Worth Texas 76137		Shelton & Shelton Plumbing, LP 584 W Stagecoach road Killeen Texas 76542		Patin Construction PO Box 431 Taylor Texas 76574	
Item No.	Estimated Quantity	Unit	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
1	100%	LS	Mobilization, Bonds and Insurance, not-to-exceed 5% of the Base Bid Amount													
2	2,271	LF	Labor, Equipment, Tools and Supervision to Complete Preparation of Right-of-way													
3	100%	LS	Prepare Trench Safety Plan in Conformance with State Law & OSHA, Sealed by a Licensed Professional Engineer in the State of Texas													
4	2,271	LF	Implement and Follow Trench Safety Plan (Pipe)													
5	100%	LS	Prepare Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permits from TCEQ													
6	100%	LS	Prepare & Submit a Control Plan for Vehicular Traffic													
7	100%	LS	Implement and Administer Barricade, Signing and Traffic Safety Plan (Vehicular and Pedestrian)													
8	100%	LS	Provide Project Record Drawings (As Built)													
9	100%	LS	Provide DVD of right-of-way pre-construction & post-construction site conditions for project													
10	2,239	LS	Provide and Install 8-inch Diameter Water Line, including Thrust Restraint													
11	32	LF	Provide and Install 6-inch Diameter Water Line, including Thrust Restraint													
12	7	EA	Furnish & Install 8-Inch Gate Valve													
13	2	EA	Furnish & Install 6-Inch Gate Valve													
14	2	EA	Provide and Install 8" x 8" Tee													
15	2	EA	Provide and Install 8" x 6" Tee													
16	1	EA	Provide and Install 8" x 6" Reducer													
17	2	EA	Provide and Install Ductile Iron 45° Bends, 8-inch Diameter													
18	2	EA	Provide and Install Ductile Iron 11 1/4° Bends, 8-inch Diameter													
19	2	EA	Provide and Install Ductile Iron 11 1/4° Bends, 6-inch Diameter													
20	3	EA	Furnish & Install Standard Fire Hydrant													
21	1	EA	Furnish & Install 8" Tapping Sleeve and Valve													
22	1	EA	Furnish & Install 6" Full Body Tapping Sleeve and Valve													
23	1	EA	Connect to Existing 12" Water Line													
24	2	EA	Connect to Existing 8" Water Line													
25	3	EA	Connect to Existing 6" Water Line													
26	100%	LS	Abandonment of Existing 2" Water Line, Including cutting & capping line at all cross connections & removal of valve risers and boxes													
27	18	LF	Provide and Install 18-inch Diameter Steel Encasement by Open Cut													
28	51	EA	Furnish & Install Single Water Service Connections, Including Meter Box and Lid													
29	1	EA	Furnish & Install 2" Water Service Connection, Including Meter Box and Lid													
30	28	SY	Furnishing and Installing Furnish & Install													
31	2,737	LF	Furnish & Install Asphalt Pavement Replacement for the width of the Trenches													
32	100	LF	Furnish, Install, Maintain and Remove Rock Berm as required in the Stormwater Pollution Prevention Plan													
33	400	LF	Furnish, Install, Maintain and Remove Silt Fence as required in the Stormwater Pollution Prevention Plan													
34	1,800	SY	Furnish and Install Hydromulch													
35	2,271	LF	Provide Clean-up and Final Grading Along Final Pipeline Route													
36	100%	LS	Furnish and Install Sampling Stations for Microbiological Testing in accordance with AWWA C-651													
37	100%	LS	Furnish and Install Flush Assembly													
38	100%	LS	Furnish Materials, Equipment, Tools & Labor Necessary for Pressure Testing Water Pipe, Including Any Necessary Repairs													
TOTAL BID AMOUNT (Items 1 - 38)			\$ 236,173.06	\$ 245,973.75	\$ 267,843.15	\$ 268,682.00	\$ 290,453.00	\$ 326,989.26	** \$ 449,111.50							

Did Bidder Acknowledge Addenda No. 1?	YES	YES	YES	YES	YES	YES
Did Bidder provide Bid Security?	YES	YES	YES	YES	YES	YES

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

Ginger R. Tolbert
Ginger R. Tolbert, P.E.
Kasberg, Patrick & Associates, LP



1/16/08
Date

* Extended amount has been corrected.
** Total amount has been corrected

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
520-5200-535-6357	100309	Water Line Improvement Projects	\$ 26,174	
520-5200-535-6357	100310	Water Line Improvement Projects		26,174
TOTAL.....			\$ 26,174	\$ 26,174

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

The water line project came in higher than expected due to the increase cost of fuel and asphalt. This project has higher priority than project #100310, due to the number of customers served by the 2" water line.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL? Yes No

DATE OF COUNCIL MEETING 2/7/2008

WITH AGENDA ITEM? Yes No

	<u>1/28/08</u>	Approved
Department Head/Division Director	Date	Disapproved
Finance	Date	Approved
City Manager	Date	Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH SMETANA & ASSOCIATES OF TEMPLE, TEXAS, TO UPGRADE THE WATERLINE ON 17TH STREET FROM 2 INCHES TO 8 INCHES IN DIAMETER, IN THE AMOUNT OF \$236,173.06; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on January 15, 2008, the City received 7 bids for the project to upgrade the waterline on 17th Street from 2 inches to 8 inches;

Whereas, the Staff recommends accepting the bid (\$236,173.06) received from Smetana and Associates of Temple, Texas;

Whereas, funds are available for this project 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 construction contract, not to exceed \$236,173.06, with Smetana and Associates of Temple, Texas, after approval as to form by the City Attorney, to upgrade the waterline on 17th Street from 2 inches to 8 inches.

Part 2: The City Council approves an amendment to the FY2007-08 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 7th day of **February**, 2008.

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

02/07/08
Item #5(C)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce A. Butcher, P.E., Director of Public Works
Don Bond, Public Works - Engineering

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract amendment to a professional services agreement with Kasberg, Patrick & Associates, LP, of Temple, Texas for bidding and construction phase services, including construction administration, onsite representation, and construction staking, required to implement the Wendland Road Improvements between northwest H.K. Dodgen Loop and the future outer loop, in an amount not to exceed \$124,500, 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 description.

ITEM SUMMARY: 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 along the extent of Wendland Road to the future outer loop. Wastewater service is unavailable along Wendland Road from the future outer loop to south of Wilsonart Drive.

On September 20, 2007, Council authorized a professional services contract with KPA for engineering services, including design, design surveys, and geotechnical services, required to implement streets and wastewater and water utilities for the Wendland Road Improvements in an amount not to exceed \$261,500. Bidding and construction phase services were not included in the original contract at the direction of the Reinvestment Zone Board.

On November 15, 2007, Council authorized Amendment #1 to the professional services contract with KPA for engineering services, construction administration, and onsite representation required to implement the addition of acceleration/deceleration lanes, a lift station, and force main to the scope of the Wendland Road Improvements in an amount not to exceed \$75,000. The construction administration and onsite representation services included in Contract Amendment #1 were incremental costs applicable only to administering and inspecting the increased scope of design and construction.

The services authorized under this resolution will include bidding services, construction administration, onsite representation, and construction staking applicable to the original scope of design and construction required to implement the Wendland Road Improvements from the future outer loop to south of Wilsonart Drive.

The proposed timeline for the construction phase of this project is 330 days. In order that KPA provide the additional services required for completion of this project, the following is a list of costs associated with each task:

Basic Services

Bidding	\$ 6,500
Construction Administration	\$ 41,500
On-Site Representation	<u>\$ 58,500</u>
	\$106,500

Special Services

Construction Staking	\$ 18,000
----------------------	-----------

TOTAL **\$124,500**

FISCAL IMPACT: The cost of this professional services contract amendment is \$124,500. This cost includes basic services of \$106,500 and special services of \$18,000.

Initially, funding for this project will come from TIF Reinvestment Zone #1 funding available in account 795-9700-531-6831, project # 950007, with the intent to reimburse the Zone from the proposed 2008 Combination Tax and Revenue Certificate of Obligation bonds to be issued in March 2008.

ATTACHMENTS:

[RZ Wendland Road Improvements CA2 Proposal](#)
[RZ Wendland Road Improvements 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.

January 16, 2008

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
Wendland Road Improvements

Dear Mr. Bond:

At the request of the Temple Reinvestment Zone Board, we were directed to prepare a proposal for the above referenced project. The project will complete the bidding phase, construction administration phase, provide on-site representation and provide construction staking for the Wendland Road Improvements Project. This project is complete in the design phase and has been reviewed by your office.

This project will consist of approximately 5,700 linear feet of construction of the proposed Wendland Road Improvements (see attached exhibit). There will also be approximately 4,500 linear feet of water line infrastructure associated with this project and 2,000 linear feet of wastewater line.

Kasberg, Patrick & Associates, LP will complete bidding the project, construction staking, construction administration and on-site representation. The proposed timeline for this portion of the project is fourteen (14) months from the notice to proceed.

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

Mr. Don Bond, E.I.T.

January 16, 2008

Page Two

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

- Bidding services.
- Attend the pre-bid conference.
- Attend the bid opening.
- Tabulate and certify bids.
- Recommend award of the project.
- Provide construction administration.
- Provide construction staking.
- Provide on-site representation.

Mr. Don Bond, E.I.T.

January 16, 2008

Page Three

Temple Reinvestment Zone Wendland Road Improvements

Basic Services

Bidding	\$	6,500
Construction Administration	\$	41,500
On-Site Representation	\$	58,500
Total Basic Services	\$	<u>106,500</u>

Special Services

Construction Staking	\$	18,000
Total Special Services	\$	<u>18,000</u>

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.

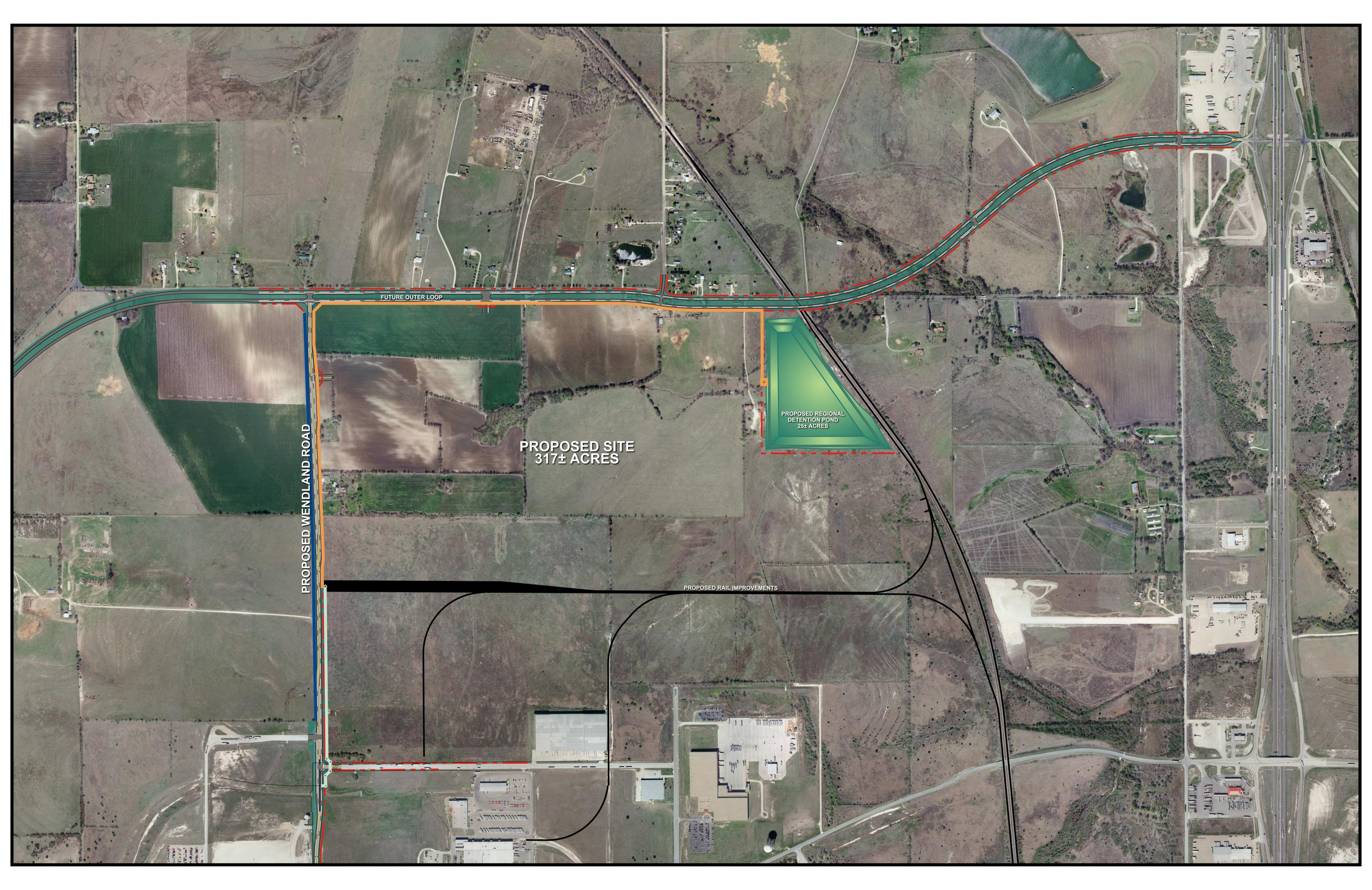
RDP/crc

EXHIBIT C

Charges for Additional Services

**City of Temple
Wendland Road Improvements**

<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



PROPOSED WENDLAND ROAD

FUTURE OUTER LOOP

PROPOSED SITE
317± ACRES

PROPOSED REGIONAL
DETENTION POND
25± ACRES

PROPOSED RAIL IMPROVEMENTS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK AND ASSOCIATES, LP (KPA) FOR BIDDING AND CONSTRUCTION PHASE SERVICES, INCLUDING CONSTRUCTION ADMINISTRATION, ONSITE REPRESENTATION, AND CONSTRUCTION STAKING, REQUIRED TO IMPLEMENT THE WENDLAND ROAD IMPROVEMENTS BETWEEN NORTHWEST H.K. DODGEN LOOP AND THE FUTURE OUTER LOOP, IN AN AMOUNT NOT TO EXCEED \$124,500; 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 entering into an agreement with Kasberg, Patrick & Associates, LP, for bidding and construction phase services, including construction administration, onsite representation, and construction staking, required to implement the Wendland Road Improvements between northwest H.K. Dodgen Loop and the future outer loop;

Whereas, Kasberg, Patrick and Associates, LP, submitted a proposal (\$124,500) and the staff recommends accepting it;

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 Professional Services Agreement, not to exceed \$124,500, between the City of Temple, Texas, and Kasberg, Patrick & Associates, LP, after approval as to form by the City Attorney, for bidding and construction phase services, including construction administration, onsite representation, and construction staking, required to implement the Wendland Road Improvements between northwest H.K. Dodgen Loop and the future outer loop.

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>
Bidding and construction phase services, including construction administration, onsite representation, and construction staking, required to implement the Wendland Road Improvements between northwest H.K. Dodgen Loop and the future outer loop	\$124,500

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 7th day of **February**, 2008.

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

02/07/08
Item #5(D)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce A. Butscher, P.E., Director of Public Works
Nicole Torralva, P.E., Assistant Director of Public Works / Operations

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick, & Associates, LP, of Temple, Texas for engineering services required to perform preliminary engineering of the South Temple Water Transmission Main Project, in an amount not to exceed \$157,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In order to meet increased water demands in the southern growth area of the City and to provide for a redundant water supply, the City of Temple Water Master Plan proposes a transmission main, pump station and ground storage facility to be constructed in the southern portion of the City. The construction of these facilities will allow for a secondary supply point, additional water storage and additional pumping capacity for the 876' and 785' Pressure Zones. These pressure zones serve the Scott & White, King's Daughters and VA Hospitals and the growth areas along 31st Street, FM 93 and 5th Street in the southeast portion of the City.

Recent system investigations related to development of the update to the Water Master Plan has revealed that the City of Temple water distribution system has minimal redundancies. Currently, water is supplied to the City through two aging pipelines located generally along the I-35 corridor. In an effort to provide an alternate water supply to the City, the South Temple Water System Improvements Project (to include construction of a new transmission pipeline, ground storage tank, and pump station) will provide a feed from the south and provide system redundancy to critical tanks and pump stations in the central regions of the City.

The objective of this preliminary engineering phase of the project is to determine an alignment for the transmission main, identify a site for the pump station and ground storage tank and obtain archeological and environmental clearances. The transmission main is outlined in the Water Master Plan and will supply water to both the 876' and 785' pressure zones from the existing 18" southwest transmission line. The route of the project will begin on Shallow Ford Road, continue generally south and west toward 5th Street and then north to Loop 363 where it will be connected to the distribution system.

The proposed timeline for preliminary engineering work is 100 days. Per the attachment, specific tasks are broken down as follows:

Task 1	Obtain Rights of Entry	\$ 15,000
Task 2	Obtain Archeological Clearance	\$ 60,000
Task 3	Obtain Environmental Clearance	\$ 15,000
Task 4	Preliminary Design	\$ 52,000
Task 5	Attend and Coordinate Meetings	\$ 10,000
Task 6	Prepare Preliminary Engineering Report	\$ 5,000
TOTAL		\$ 157,000

The total anticipated project cost for pump station, tank, and waterline is \$15 million. Once preliminary engineering is complete, an updated construction cost estimate and engineering contract amendment will be brought to Council for final design of the facility. Any additional funding necessary to complete the project will be identified as the preliminary engineering phase is completed.

FISCAL IMPACT: Funding in the amount of \$1,600,000 is currently appropriated in account 561-5200-535-6909, Project 100333, for the South Temple Water System Improvements Project (to include the transmission main, storage tank, and pump station) from the 2006 Utility Revenue Bond Issue. Construction of the project will be funded through future Utility Revenue Bond Issues. The adopted Capital Improvement Program proposes an allocation of \$8.66 million of future bond proceeds during FY 2008/2009 for construction of the project.

ATTACHMENTS:

[Engineer's Proposal](#)
[Project 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.

October 9, 2007

Mrs. Nicole Torralva, P.E.
Assistant City Engineer
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple
South Temple Water Transmission Main
Preliminary Engineering

Dear Mrs. Torralva:

This letter proposal is in response to your request for engineering services required to perform preliminary engineering of the South Temple Water Transmission Main. This transmission main is outlined in the Water Master Plan and will supply water to the 876 and 785 Pressure Zones from the Existing 18" Southwest Transmission Line as shown on Exhibit B. Generally it will begin on Shallow Ford Road, continue south and west toward 5th Street and then north to Loop 363 where it will be connected to the distribution system.

The objective of this study is to determine an alignment for the transmission main, identify a site for the pump station and ground storage tank and obtain archeological and environmental clearances. The specific tasks are detailed in Attachment A -- Scope of Services, and are generalized as follows:

- **Task 1 – Obtain Rights of Entry along potential alignments**
- **Task 2 – Obtain Archeological Clearance**
- **Task 3 – Obtain Environmental Clearance**
- **Task 4 – Preliminary Design including alignments and opinion of probable cost**
- **Task 5 – Attend and Coordinate Meetings with Public Works/Engineering**
- **Task 6 – Prepare Preliminary Engineering Report**

Mrs. Nicole Torralva, P.E.

October 9, 2007

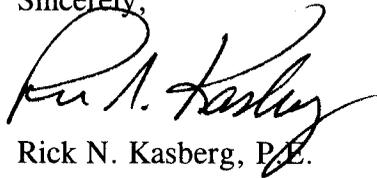
Page Two

The charges for our services and preparation of a report will be a lump sum amount of \$ 157,000. The following is a breakdown of charges by Task:

TASK	KPA Engineers	Sub-Consultant	Total Project
1	\$ 15,000	\$ -	\$ 15,000
2	\$ 3,000	\$ 57,000	\$ 60,000
3	\$ 3,000	\$ 12,000	\$ 15,000
4	\$ 52,000	\$ -	\$ 52,000
5	\$ 10,000	\$ -	\$ 10,000
6	\$ 5,000	\$ -	\$ 5,000
Total	\$ 88,000	\$ 69,000	\$ 157,000

KPA will begin work once a written notice to proceed is issued by the City. The report will be completed within a 100 calendar day period once all rights of entry have been obtained from private property owners. We are available to address any questions or comments that you may have about this proposal.

Sincerely,



Rick N. Kasberg, P.E.

GRT/

ATTACHMENT A
CITY OF TEMPLE, TEXAS
SOUTH TEMPLE WATER TRANSMISSION MAIN
SCOPE OF SERVICES

BACKGROUND

In order to meet increased water demands in the southern growth area of the City and provide for a redundant water supply, the City of Temple Water Master Plan proposes a transmission main, pump station and ground storage facility be constructed in the southern portion of the City. The construction of these facilities will allow for a secondary supply point, additional water storage and additional pumping capacity for the 876 and 785 Pressure Zones. These pressure zones serve the Scott & White, King's Daughters and VA Hospitals and the growth areas along 31st Street, FM 93 and 5th Street in the southeast portion of the City.

SCOPE OF WORK

Task 1 – Obtain Rights of Entry

The purpose of the first task will be to obtain rights of entry from private property owners along the pipeline corridor to assess the terrain for feasibility of construction and allow for archeological and environmental investigations.

- 1.1 Identify property owners along potential routes.
- 1.2 Prepare mailing with letter and right of entry form.
- 1.3 Meet with property owners on site to secure right of entry.

Deliverable: Rights of Entry

Task 2 – Obtain Archeological Clearance

- 2.1 Archeological investigations will be required for Texas Historical Commission (THC) clearance for areas where the recommended construction method is by trench excavation.

Deliverable: Antiquities Permit from Texas Historical Commission

Task 3 – Obtain Environmental Clearance

- 3.1 Phase I Environmental Site Assessment will identify areas with potential for remediation during construction.

Deliverable: Phase I Environmental Report

Task 4 – Provide Preliminary Design

In conjunction with Tasks 1-3, identify and evaluate alignments and prepare opinions of probable cost for the alternatives.

- 4.1 Identify and evaluate alternative routes for the pipeline
- 4.2 Prepare a constraints map
- 4.3 Determine right of way requirements
- 4.4 Explore feasibility of Georgetown Railroad
- 4.5 Identify pump station and ground storage tank location
- 4.6 Prepare Opinions of Probable Cost

Deliverable: Constraints Map with alternatives and associated costs for review by City Staff.

Task 5 – Attend and Coordinate Meetings with City Staff

Meet with City of Temple to review project status and present results.

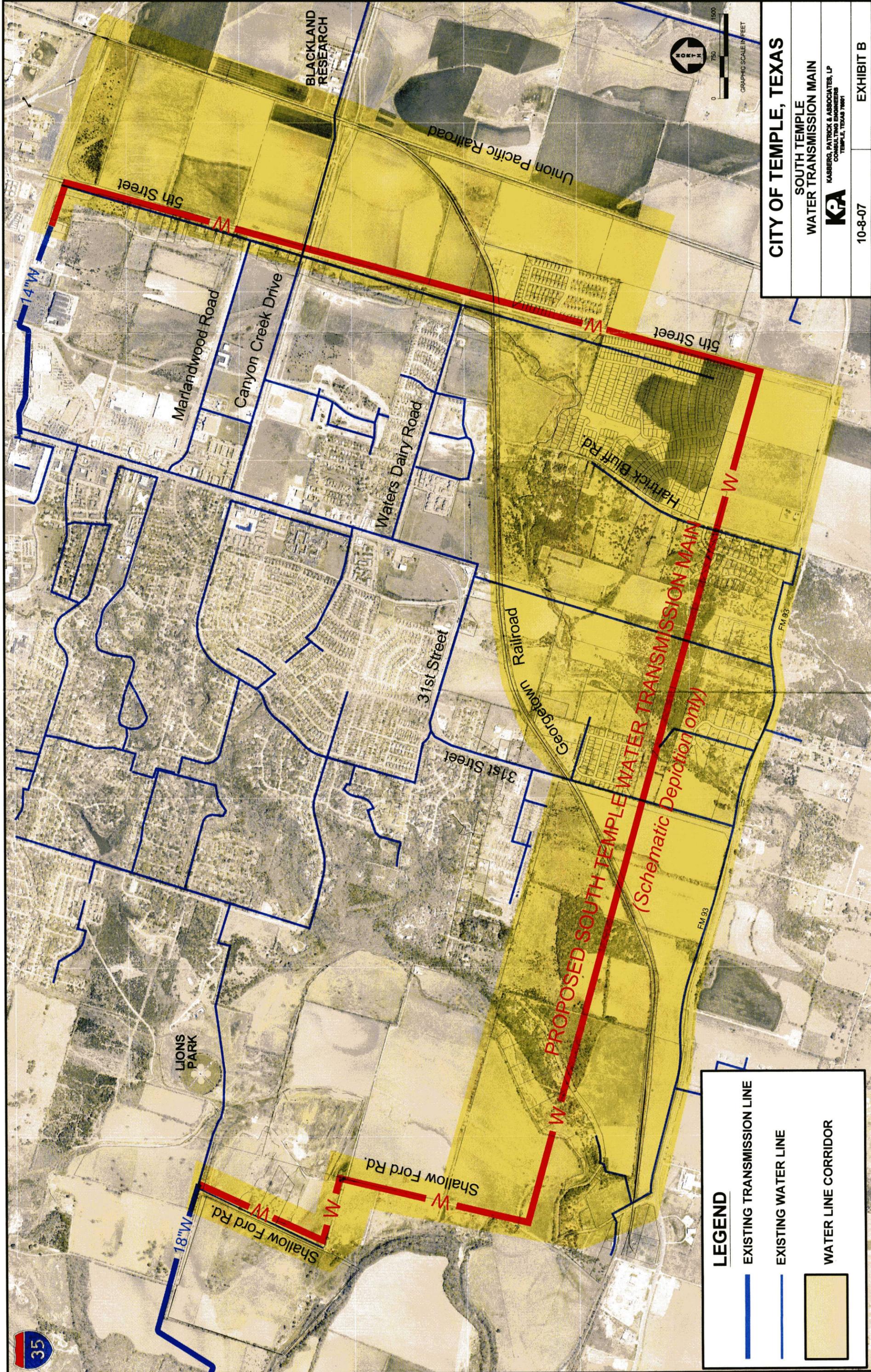
- 5.1 Initial Project Meeting
- 5.2 Alternatives Review Workshop
- 5.3 Receive comments on Draft Report
- 5.4 As required to successfully complete Study.

Task 6 – Prepare Preliminary Engineering Report

Prepare a report which identifies the preferred transmission main alignment and pump station/ground storage facility location. Further the report will contain right of way requirements, discussion of archeological and environmental findings and opinions of probable cost.

- 6.1 Prepare Draft Preliminary Engineering Report.
- 6.2 Provide 5 hard copies of the Draft Report.
- 6.3 Submit to City for review and comment.
- 6.4 Incorporate City comments as appropriate.
- 6.5 Provide 10 hard copies of the Preliminary Engineering Report.

Deliverable: Draft and Final Preliminary Engineering Reports



CITY OF TEMPLE, TEXAS

**SOUTH TEMPLE
WATER TRANSMISSION MAIN**

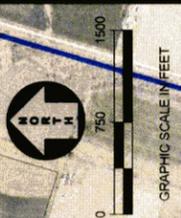
KPA
KASBERG, PATRICK & ASSOCIATES, LP
ENGINEERS
TEMPLE, TEXAS 76781

10-8-07

EXHIBIT B

LEGEND

- EXISTING TRANSMISSION LINE
- EXISTING WATER LINE
- WATER LINE CORRIDOR



PROPOSED SOUTH TEMPLE WATER TRANSMISSION MAIN
(Schematic Depiction only)



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND KASBERG, PATRICK & ASSOCIATES, L.P., FOR ENGINEERING SERVICES REQUIRED TO PERFORM PRELIMINARY ENGINEERING OF THE SOUTH TEMPLE WATER TRANSMISSION MAIN PROJECT, IN AN AMOUNT NOT TO EXCEED \$157,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in order to meet the increased water demands in the southern growth area of the City and to provide for a redundant water supply, the City of Temple Water Master plan proposes a transmission main, pump station and ground storage facility to be constructed in the southern portion of the City;

Whereas, Kasberg, Patrick & Associates, L.P., submitted a proposal for the preliminary engineering required for this project for \$157,000, and the Staff recommends accepting it;

Whereas, funds are available for this project in Account No. 561-5200-535-6909, Project No. 100333; 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, not to exceed \$157,000, between the City of Temple, Texas, and Kasberg, Patrick & Associates, L.P., after approval as to form by the City Attorney, for engineering services required to perform preliminary engineering of the South Temple Water Transmission Main Project.

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 7th day of **February**, 2008.

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

02/07/08
Item #5(E)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce A. Butscher, P.E., Director of Public Works
Nicole Torralva, P.E., Assistant Director of Public Works / Operations

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Freese & Nichols, Inc. of Austin, Texas for engineering services required to perform preliminary engineering of the South Temple Pump Station and Ground Storage Tank Project, in an amount not to exceed \$233,136.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In order to meet increased water demands in the southern growth area of the City and to provide for a redundant water supply, the City of Temple Water Master Plan proposes a transmission main, pump station and ground storage facility to be constructed in the southern portion of the City. The construction of these facilities will allow for a secondary supply point, additional water storage and additional pumping capacity for the 876' and 785' Pressure Zones. These pressure zones serve the Scott & White, King's Daughters and VA Hospitals and the growth areas along 31st Street, FM 93 and 5th Street in the southeast portion of the City.

Recent system investigations related to development of the update to the Water Master Plan has revealed that the City of Temple water distribution system has minimal redundancies. Currently, water is supplied to the City through two aging pipelines located generally along the I-35 corridor. In an effort to provide an alternate water supply to the City, the South Temple Water System Improvements Project (to include construction of a new transmission pipeline, ground storage tank, and pump station) will provide a feed from the south and provide system redundancy to critical tanks and pump stations in the central regions of the City.

The objective of this preliminary engineering phase of the project is to develop project criteria and design standards for design of a dual-zone booster pump station and ground storage tank. This will include an evaluation of alternative pump station configurations and conceptual facility layouts (including power and site acreage requirements and capital cost estimates) to achieve optimal design meeting the requirements of system operations. Specifically, the new pump station will draw water from the new South Temple Water Transmission Main and ground storage tank and provide service to both the 785' and 876' pressure zones through new and existing waterlines. These improvements,

summarized in a final report, will support projected increases in water demands and enhance the reliability of the water system.

This phase of the project will also include an evaluation of existing facilities (ground storage tanks and booster pump station) located at the intersection of Avenue H and 31st Street. These facilities are nearly 70 years old and are in need of rehabilitation. Alternatives will be identified for repairing or rehabilitating the facility in conjunction with improvements being constructed on the South Temple Project. The resulting recommendation will be made and sequenced such that it will possible to rehabilitate the tank and provide the redundancy necessary to allow repairs to be made to the facilities while also supporting projected increases in water demands during the construction period.

The proposed timeline for preliminary engineering work is six months. Per the attachment, specific tasks are broken down as follows:

Task 1	Project Management	\$ 21,486
Task 2	Avenue G Facilities Evaluation	\$ 58,231
Task 3	Preliminary Design	\$ 153,419
TOTAL		\$ 233,136

The total anticipated project cost for pump station, tank, and waterline is \$15 million. Once preliminary engineering is complete, an updated construction cost estimate and engineering contract amendment will be brought to council for final design of the facility. Any additional funding necessary to complete the project will be identified as the preliminary engineering phase is completed.

FISCAL IMPACT: Funding in the amount of \$1,600,000 is currently appropriated in account 561-5200-535-6909, Project 100333, for the South Temple Water System Improvements Project (to include the transmission main, storage tank, and pump station) from the 2006 Utility Revenue Bond Issue. Construction of the project will be funded through future Utility Revenue Bond Issues. The adopted Capital Improvement Program proposes an allocation of \$8.66 million of future bond proceeds during FY 2008/2009 for construction of the project.

ATTACHMENTS:

[Engineer's Proposal
Resolution](#)



Freese

and

Nichols, Inc.

Engineers

Environmental Scientists

Architects

10814 Jollyville Road, Building 4, Suite 100

Austin, Texas 78759

512-451-7955

512-451-7956 fax

www.freese.com

January 16, 2008

Ms. Nicole Torralva, P.E.
Assistant City Engineer
City of Temple
3210 E. Avenue H, Building A
Temple, TX 76501-8402

Subject: Proposal for Professional Services
785/876 Booster Pump Station and Ground Storage
South Temple Water Improvements

Dear Nicole:

As you requested, Freese and Nichols, Inc. is pleased to submit our proposed Scope of Work and Fee for professional services associated with the City of Temple's 785/876 Booster Pump Station and Ground Storage, part of the proposed South Temple Water Improvements.

Project Background

The City of Temple is currently completing an update to its water distribution system master plan. This update has identified certain improvements to the City's water distribution system necessary to support projected increases in water demands and enhance the reliability of the water system. These improvements include construction of a new dual-zone booster pumping station (BPS) and associated ground storage to service the 785 and 876 service zones. Additional pumping capacity is required in the 785 service zone to accommodate projected future demands.

Water demands in the 876 Service Zone are currently provided solely through the City's Avenue G BPS and Avenue H ground storage facilities. The Avenue H facilities are nearly 70 years old and are in need of remedial repairs. The reliability of the Avenue G and H facilities are also being impacted due to ongoing improvements to Interstate 35. The proposed 785/876 BPS will provide additional pumping and ground storage capacity needed to maintain reliable supply to the 876 service zone, provide the redundancy necessary to allow repairs to be made to the Avenue G and H facilities, and support projected increases in water demands.

Summary of Proposed Scope of Work

Our proposed scope of work includes the following major tasks:

- 1) Project Management
- 2) Avenue G BPS and Avenue H Ground Storage Facilities Evaluation
- 3) 785/876 Booster Pump Station and Ground Storage Tank Preliminary Engineering Services, including:
 - a) Project Assumptions, data collection, and system integration (Tasks 3.a, 3.b, and 3.c)
 - b) Conceptual Facility configuration, including power availability and facility siting coordination (Tasks 3.d, 3.e, and 3.f)
 - c) Recommended Project (Tasks 3.g and 3.h)

These tasks are more specifically described in the attached Scope of Work. This scope of work is focused primarily on conceptual design of the new 785/876 Booster Pump Station (BPS) and Ground Storage Tank (GST). However, due to the criticality of the existing Avenue G and H facilities, and the impact the condition of these facilities may have on sizing and cost of the proposed 785/876 Booster Pump Station and Ground Storage Tank, we have also included a task to evaluate the condition and reliability of the existing facilities.

Proposed Schedule

Our proposed schedule for completion of the work is described in Table 1.

Table 1: Proposed Schedule	
Milestone	Projected Completion Date
785/876 BPS and GST	
Preliminary Engineering Phase	March 2008- September 2008
Pre-Design/Design	September 2008 - April 2009
Advertisement and Bid Design	May 2009 - July 2009
Construction Contract Award Design	August 2009
Construction	September 2009 – October 2010
Right of Way Acquisition	September 2008 – April 2009
Avenue G and H Facilities Rehabilitation/Repair	
Facilities Evaluation	March 2008- September 2008
Pre-Design/Design	To Be Determined
Advertisement and Bid Design	To Be Determined
Construction Contract Award Design	To Be Determined
Construction	To Be Determined
Right of Way Acquisition	To Be Determined

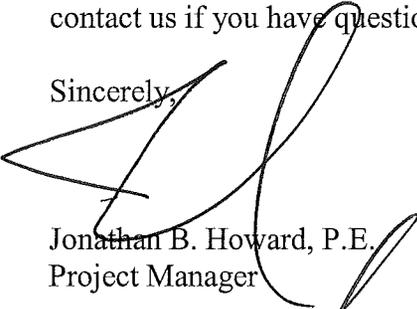
Proposed Fee

We propose to complete the scope of work attached for a lump sum fee of \$233,136.00. Table 2 provides further breakdown of our proposed fee.

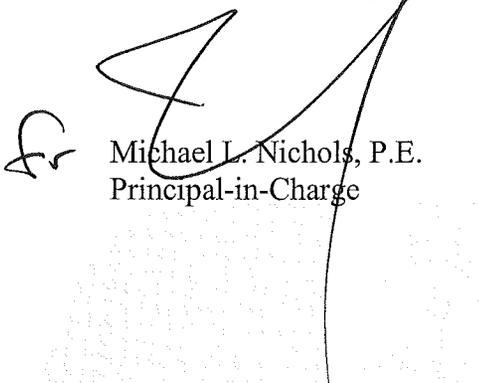
Task	Fee
Project Management	\$21,486
Avenue G and H Facilities Evaluation	\$58,231
785/876 BPS and GST Preliminary Engineering Services	
Project Assumptions, data collection, and system integration (Tasks 3.a, 3.b, and 3.c)	\$49,843
Conceptual Facility configuration, including power availability and facility siting coordination (Tasks 3.d, 3.e, and 3.f)	\$66,770
Recommended Project (Tasks 3.g and 3.h)	\$36,806
Total Proposed Fee:	\$233,136

We appreciate the opportunity to be of service to the City of Temple. We would be pleased to discuss the details of our proposal with you at your convenience. Please contact us if you have questions or need additional information.

Sincerely,



Jonathan B. Howard, P.E.
Project Manager



fr Michael L. Nichols, P.E.
Principal-in-Charge

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND FREESE & NICHOLS, INC., OF AUSTIN, TEXAS, FOR ENGINEERING SERVICES REQUIRED TO PERFORM PRELIMINARY ENGINEERING OF THE SOUTH TEMPLE PUMP STATION AND GROUND STORAGE TANK PROJECT, IN AN AMOUNT NOT TO EXCEED \$233,136; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in order to meet the increased water demands in the southern growth area of the City and to provide for a redundant water supply, the City of Temple Water Master plan proposes a transmission main, pump station and ground storage facility to be constructed in the southern portion of the City;

Whereas, Freese & Nichols, Inc., submitted a proposal for the preliminary engineering required for this project for \$233,136, and the Staff recommends accepting it;

Whereas, funds are available for this project in Account No. 561-5200-535-6909, Project No. 100333; 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, not to exceed \$233,136, between the City of Temple, Texas, and Freese & Nichols, Inc., after approval as to form by the City Attorney, for engineering services required to perform preliminary engineering of the South Temple Pump Station and Ground Storage Tank project.

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 7th day of **February**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

ATTEST:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/07/08
Item #5(F)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce A. Butscher, P.E., Director of Public Works
Nicole Torralva, P.E., Assistant Director of Public Works / Operations

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Carollo Engineers of Austin, Texas for engineering services required to rehabilitate the mixed media filters at the Conventional Water Treatment Plant (including modifications to the filter backwash process and instrumentation system) and structural repairs to Lagoon #4, in an amount not to exceed \$264,671, and declare an official intent to reimburse this expenditure prior to the issuance of tax-exempt obligations designated for this project.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The conventional water treatment plant has been operating in its current location and configuration since the 1960s. Several additions and improvements have taken place since that time, including filter rehabilitation in the late 1990s. Modifications performed in the 1990s did not substantially improve filter operation, and additional work is needed to reduce the loss of media and to correct the backwash process for more efficient operations.

Objectives of the design for the mixed media portion of the project are to evaluate the filter process, backwash pumping, backwash flow measurement, and valve control to identify and design needed improvements. Currently, backwash cycles are run for a longer period of time at a lower flow rate, resulting in a less thorough cleaning cycle. As a result, plant operators have established an aggressive backwash program in which the filters are backwashed directly from the high service pumps, resulting in substantial loss of media to adequately clean the filters. On average, coal is being replaced every two years. Improvements to the process will reduce media loss and provide more thorough and complete cleaning through the rehabilitated filters.

The second objective of the project is to evaluate the structural problems associated with Lagoon #4, recommend alternatives, and complete the design of improvements. Lagoon #4 has experienced several cracks in the concrete structure due to differential settlement in the soil and loss of backfill material. This lagoon is critical to producing water from both the conventional and membrane plants. Currently, the use of this lagoon is dramatically impaired and its condition is continuing to deteriorate. At some point in the near future, the structure without improvements will become unusable and the capacity of the water plant will be diminished.

The proposed timeline for engineering work is six months. Per the attachment, specific tasks are broken down as follows:

Task A	Preliminary Engineering Phase	\$ 26,882
Task B	Design Phase	\$ 145,572
Task C	Bid Phase	\$ 936
Task D	Construction Phase Services	\$ 83,157
Task E	Project Management	\$ 8,124
TOTAL		\$ 264,671

Approximately \$25,000 of the total engineering fee is allocated toward the Lagoon #4 Project, with the remaining \$239,671 allocated for the mixed media filter project. The total budgeted project cost for rehabilitation of the mixed media filters is \$1.3 million dollars. The total budgeted project cost for rehabilitation of Lagoon #4 is \$250,000. To adequately correct the backwash process, instrumentation, and media replacement, additional funding will be needed during the construction phase to replace the existing filter underdrain system. At this time, staff anticipates that funding for this additional work will be available through the master plan recommendation account. Once the preliminary engineering phase is complete, an updated construction cost estimate will be prepared and a recommendation for funding of the construction contract will be provided. Both construction contracts are anticipated to be let during the late summer of 2008, with construction occurring during fall and winter 2008.

FISCAL IMPACT: Funding in the amount of \$1,300,000 is designated for the Mixed Media Filter Project in the proposed 2008 Utility Revenue Bond Issue. Funding in the amount of \$250,000 is designated for the Water Treatment Plant Lagoon #4 Rehabilitation Project in the proposed 2008 Utility Revenue Bond Issue. It is recommended that engineering services for both projects be funded through the Mixed Media Filter Project under one engineering contract, with two subsequent construction contracts being awarded correspondingly as the project moves into construction.

Initially, funding for this contract will come from funding available from the 2006 Utility Revenue Bonds in accounts 561-5100-535-6924, Project 100335, and 561-5100-535-6913, project # 100334, with the intent to reimburse the 2006 Utility Revenue Bonds from the proposed 2008 Utility Revenue Bond issue.

ATTACHMENTS:

[Engineer's Proposal Resolution](#)

January 28, 2008
300.45.000

Ms. Nicole Torralva, P.E.
Assistant City Engineer
City of Temple
3210 E. Avenue H, Building A
Temple, Texas 76501

Subject: City of Temple Water Treatment Plant – Filter Improvements
Engineering Proposal, Revision 1

Dear Ms. Torralva:

This letter presents our proposal to the City of Temple (City) to provide engineering services for preliminary engineering, design, and construction phase services for the filter, backwash, and Lagoon No. 4 improvements for the City of Temple Conventional Water Treatment Plant (WTP).

BACKGROUND

The City has been operating its conventional WTP since the 1960s. Several additions and improvements have taken place since that time, including the installation of ceramic-type filter underdrains for Filters 7 and 8 in 1998.

The plant operation staff has been experiencing challenges for some time during filter backwash operations, demonstrated in the excessive loss of anthracite coal and unclean filters resulting in aggressive backwash practices. Additionally, Lagoon No. 4 has experienced several cracks in the concrete structure due to differential settlement and loss of backfill material. Based on visual observation of Lagoon No. 4, we recommend demolition of the existing one and design of a new one.

OBJECTIVES

Objectives of the design are:

1. Design improvements to filter to include backwash pumping, backwash flow measurement, and valve control at the plant.
2. Develop a summary letter that identified the current problems and recommends solutions.

3. Engineer and design the recommended improvements and prepare construction drawings and project technical specifications.
4. Evaluate bids and proceed with construction phase services.

PROPOSED SCOPE OF WORK AND BUDGET

Proposed Scope

Task A – Initial Evaluation Phase. Collect and analyze technical data and information to evaluate the backwash and lagoon structural problems and submit recommended solution.
\$26,882

Task B – Design Phase. Prepare 50 percent, 90 percent, and 100 percent bid documents, including cost estimate.
\$145,572

Task C – Bid Phase. Attend pre-bid conference and evaluate bids.
\$936

Task D – Construction Phase Services. Assist the City of review of shop drawings, construction schedules and pay estimates. Provide part time construction field observation services.
\$83,157

Task E – Management (All Phases). Coordinate the planning, execution, monitoring and controlling process, and the closing process throughout the project duration.
\$8,124

Total Cost A through E. **\$264,671**

Proposed Schedule

Our schedule was estimated assuming a Notice to Proceed (NTP) will be issued by February 18, 2008.

Ms. Nicole Torralva
City of Temple
January 28, 2008
Page 3

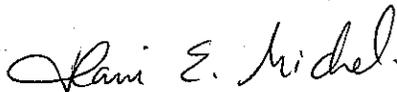
We estimate that the engineering design work effort can be completed within approximately within 6 months of receiving the NTP (Exhibit C).

We look forward to working with you and your staff on this important project and providing assistance where needed.

Should you require any further information, please do not hesitate to contact me at (512) 453-5383.

Sincerely,

CAROLLO ENGINEERS, P.C.



Hani Michel, P.E.
Project Manager

HEM:cap

Enclosures: Exhibits A, B, C

cc: Mary Clyburn (Carollo - DAL)
C.B. Hagar (Carollo - AUS)
Paul Walker (Carollo - AUS)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH CAROLLO ENGINEERS OF AUSTIN, TEXAS, FOR ENGINEERING SERVICES REQUIRED TO REHABILITATE THE MIXED MEDIA FILTERS AT THE CONVENTIONAL WATER TREATMENT PLANT (INCLUDING MODIFICATIONS TO THE FILTER BACKWASH PROCESS AND INSTRUMENTATION SYSTEM) AND STRUCTURAL REPAIRS TO LAGOON #4, IN AN AMOUNT NOT TO EXCEED \$264,671; 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 entering into an agreement with Carollo Engineers of Austin, Texas, for engineering services required to rehabilitate the mixed media filters at the Conventional Water Treatment Plant (including modifications to the filter backwash process and instrumentation system) and structural repairs to Lagoon #4;

Whereas, Carollo Engineers submitted a proposal (\$264,671) and the staff recommends accepting it;

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 Professional Services Agreement, not to exceed \$264,671, between the City of Temple, Texas, and Carollo Engineers of Austin, Texas, for engineering services required to rehabilitate the mixed media filters at the Conventional Water Treatment Plant (including modifications to the filter backwash process and instrumentation system) and structural repairs to Lagoon #4.

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>
Task A	Preliminary Engineering Phase	\$ 26,882
Task B	Design Phase	\$ 145,572
Task C	Bid Phase	\$ 936
Task D	Construction Phase Services	\$ 83,157
Task E	Project Management	\$ <u>8,124</u>
		\$ 264,671

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 7th day of **February**, 2008.

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

02/07/08
Item #5(G)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing an agreement with PKF Consulting of Houston, Texas to perform a market and financial feasibility study for a mixed use development in downtown Temple including a possible hotel and performing arts theater for an amount not to exceed \$69,500.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: As you may recall, this summer Clay Roming, chair of the Hawn Hotel Feasibility Committee made a presentation to Council that recommended a feasibility study be conducted to determine the highest and best use for all properties within the block bounded by Central Avenue, Adams Avenue, 2nd Street, and 4th Street. The Committee recommended that the study include an evaluation of the feasibility of the Hawn being developed as a boutique hotel and evaluate the feasibility of the area as a performing arts complex.

Astin Redevelopment group, the group that was recommended by the Committee to redevelop the Hawn Hotel, has agreed to extend their development proposal for the duration of the feasibility process. This extension included the time it took to conduct an RFP for professional services, performance of the feasibility study, plus the time period necessary for all parties to review the report. The Committee also recommended that the City delay entering into contract negotiations until this process is complete. **Also please note, that Astin's development proposal was contingent upon a feasibility study being conducted for the Hawn as a hotel and restaurant. Astin requested that the City participate in 50% of the cost (\$12,500 Astin and \$12,500 City for a total of \$25,000 for the hotel only).**

It was the opinion of the Committee that, although the Hawn and Arcadia buildings are owned separately and would be addressed separately, the redevelopment of the properties are inseparable. They indicated that one redeveloped and the other in a state of disrepair would jeopardize any project. The **Committee, therefore, recommended the City undertake a feasibility study on its own** which includes both properties and adjacent areas. With the **City being the sole sponsor** of such a study, the Committee believed the conclusion reached would be more objective.

In close cooperation with the Hawn Subcommittee, the City issued an RFQ for a market and financial feasibility study for mixed use development including a possible hotel and performing arts theater. In November a committee comprised of staff and Hawn Committee members (Clay Roming and John Kiella) reviewed four proposals and conducted an interview with its top selection. Based on the written proposal and interview, the Hawn Subcommittee recommends selection of PKF Consulting, in cooperation with CDS Market Research of Houston, as the most qualified firm to do the study. Collectively these two firms have extensive experience working with Texas cities and other cities throughout the nation on similar projects.

The detailed proposal scope and methodology as submitted by PKF and CDS is attached. A summary of the scope of services is as follows:

Hotel

- Interview key representatives of the City and the business community
- Perform research using available planning materials and other census-related, economic, demographic, and transportation data
- Prepare financial projections of estimated annual revenues and expenses for a subject hotel for the first 10 years of operation
- Prepare a written detailed report of conclusions and recommendations
- In the event the hotel is found not to be feasible, the consultants will provide a highest and best use analysis for the property

Performing Arts Theater

- Assess the needs of the performing arts community through surveys and interviews
- Estimate the future performance of the Arcadia for the first five years of operation
- Prepare financial projections of estimated annual revenues and expenses for the performing arts theater for the first 10 years of operation
- Prepare a written detailed report of conclusions and recommendations
- In the event the theater is found not to be feasible, the consultants will provide a highest and best use analysis for the property

Mixed Use Analysis: Retail, Office and Residential Uses

- Prepare an assessment of the market potential for mixed-uses
- Evaluate the short and long term demand for each of the uses and assess likely future supply of developed properties
- Incorporate the implications of the hospitality use on potential mixed use development
- Assess the potential for redevelopment/reuse of the properties within the block and a half

Economic Impact Analysis

- Coordinate the elements of all the study areas into one final report
- Indicate total economic impact as a result of new direct and indirect spending within the local economy

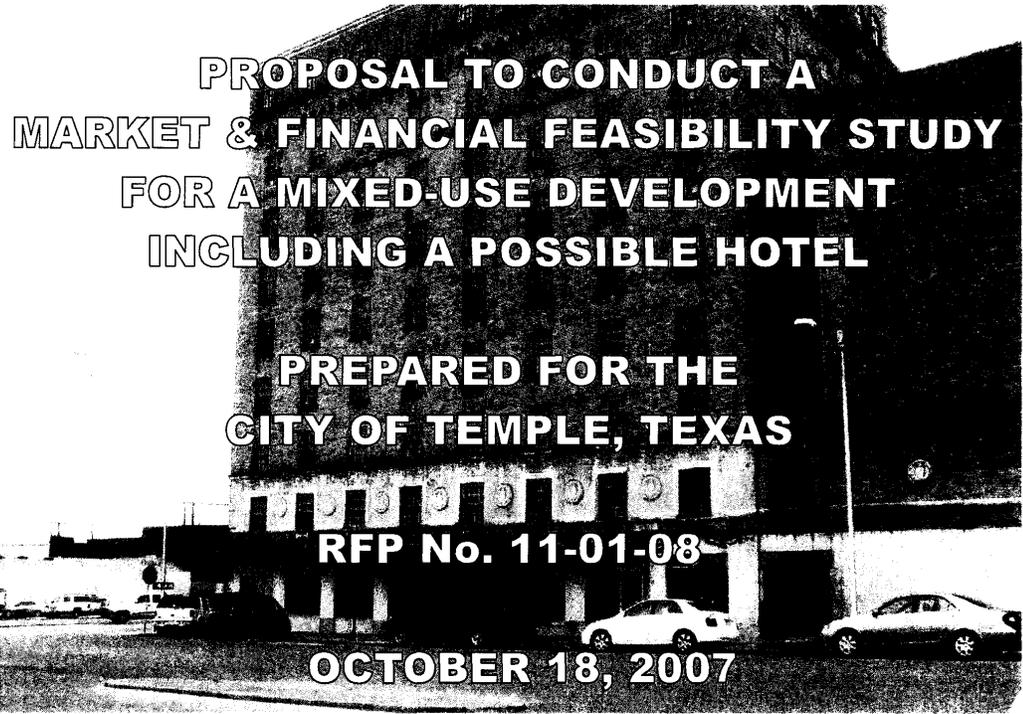
This firm will conduct extensive interviews with existing hoteliers, representatives of the arts community, and real estate professionals who list property in the downtown area.

The timeline for completion is 120 days from issuance of the notice to proceed.

FISCAL IMPACT: A budget amendment is presented for Council's approval appropriating \$69,500 from the General Fund's Designated for Capital Projects-Unallocated Fund Balance, account 110-0000-352-1345, to account 351-1100-513-2616, Professional Services, to fund the agreement with PKF Consulting for the Hawn Hotel, Arcadia and entire block feasibility study. No funding is currently designated for any improvements within this area.

ATTACHMENTS:

[Proposal Scope and Methodology](#)
[Budget Adjustment](#)
[Resolution](#)



**PROPOSAL TO CONDUCT A
MARKET & FINANCIAL FEASIBILITY STUDY
FOR A MIXED-USE DEVELOPMENT
INCLUDING A POSSIBLE HOTEL**

**PREPARED FOR THE
CITY OF TEMPLE, TEXAS**

RFP No. 11-01-08

OCTOBER 18, 2007

PROJECT TEAM:

PKF CONSULTING & CDS MARKET RESEARCH

CONTACT PERSON:

JOHN M. KEELING
PKF CONSULTING
1100 LAMAR, SUITE 400
HOUSTON, TEXAS 77002
(713) 621-5252 EXT 20
FAX: (713) 728-6962



INTRODUCTION

This section of the proposal outlines the work steps that will be used to complete the market and financial feasibility study for the mixed-used development in downtown Temple, Texas. The scope of work has been divided into three sections based on type of use: hotel, performing arts theater, and retail, office and residential uses. An additional section for the economic impact of the total project is presented following these three sections below. PKF Consulting will be responsible for the hotel and performing arts theater analyses and the overall economic impact analysis, while CDS Market Research will be responsible for the retail, office and residential analyses.

BACKGROUND

As we understand, the City of Temple is interested in the economic feasibility, financial viability and highest and best use for redevelopment of 1-1/2 city blocks located in Downtown Temple bounded by 2nd Street, Central Avenue, Adams Avenue and 4th Street, as well as a surface parking lot across 4th Street. The City would like an analysis of the feasibility of multiple uses but are most interested in a comprehensive analysis of a proposed hotel and performing arts theater/complex.

The City of Temple purchased the former historic Hawn Hotel with the intent of attracting a developer to restore and redevelop the building back into a hotel. The City has indicated that it has a private sector proposal for hotel redevelopment, subject to the outcome of the feasibility study. Additionally, the City would like explore the redevelopment of the historic Arcadia Theater, which is attached to the Hawn Hotel, into a performing arts theater. The theater is currently owned by a local arts group.

The City's goals for this redevelopment project are, as follows:

- Rehabilitate the historic Hawn Hotel and Arcadia Theater buildings.
- Increase pedestrian and visitor activity in Downtown Temple.
- Create an "anchor" for future downtown development.
- Develop a successful, attractive and unique project.
- Expand the tax base and generate economic impact.
- Create employment opportunities.
- Incorporate the surrounding resources with compatible uses.

HOTEL

Phase 1 – Market Study

- Review any available planning materials relative to the project and the historic Hawn Hotel. Such materials could include site plans, preliminary drawings, proposed facilities programs, market and financial projections, and other data.
- Meet with the City and its associates prior to commencing fieldwork in order to better understand the site, market, concept and project details. At this meeting, we will discuss any questions related to the aforementioned topics and obtain additional input from you that confirms or amends our understanding of the details of the project and provides additional pertinent information.

- Inspect the subject site and the surrounding area to determine its impact on the performance of the subject hotel. Such determinations will not include any engineering or environmental considerations, but will encompass an evaluation of site accessibility, visibility, aesthetic appeal, location in relation to supply and demand, proximity to food and beverage facilities and demand generators, and physical characteristics which might affect the marketability of the subject hotel.
- Assemble and review economic, demographic, real estate and transportation data pertaining to the Temple area in general and the downtown area in particular to evaluate the present economic climate and future growth potential, particularly as it relates to lodging demand.
- Interview key representatives of area government and the business community to discuss the market potential and operation of the subject hotel.
- Develop a census of competitive lodging facilities for the subject hotel. This census will include the following data:
 - Name / brand / management
 - Location
 - Date opened or last renovated
 - Facilities
 - Rate structure
 - Services and amenities
- Interview representatives of the competitive hotels regarding their properties and historic, current and expected future hotel market conditions.
- To the extent the information is available, identify other proposed lodging developments to assess their probability of completion and the degree to which they will compete with the proposed subject hotel.
- Identify key sources of area lodging demand, including but not limited to, major corporations and businesses, tourist attractions, meeting/training facilities and public sector entities.
- Determine the current competitive market demand for rooms and the share of market demand that is generated by individual business travelers, group meetings, leisure demand and any other identifiable segments.
- Quantify competitive market supply, demand, occupancy, ADR and RevPAR for the prior five year period and year to-date.
- Identify seasonal and day of week variations in lodging demand and room rate present in the market.
- Recommend the brand, size and type of hotel facilities and amenities for the subject hotel that would be appropriate to meet the identified needs of the market.

- Estimate the future performance of the competitive hotel market for the first five years of operation of the subject hotel.
- Estimate the future competitive position of the subject hotel based upon a consideration of location, brand, extent and quality of facilities, rate structure, management, marketing and other factors.
- Estimate the average annual occupancies and attainable ADR and RevPAR for the subject hotel over its first five-year period of operation.
- Meet with you and/or your associates to present key data and analysis for your review and discussion.

Upon your approval of our Phase 1 conclusions, we would proceed with Phase 2.

Phase 2 – Financial Projections

- Prepare estimates of annual revenue and expenses for the subject hotel to the point of cash flow from operations available for debt service and income taxes for the first 10 years of operation. The bases for the prospective financial analysis and key assumptions underlying inflation estimates will be indicated in the financial section of the report.
- Meet with you and/or your associates via teleconference to discuss these estimates.

Upon your approval of our Phase 2 conclusions, we would proceed with Phase 3.

Phase 3 – Written Report

The written report will be either one report that incorporates all of the potential uses or individual reports for each use depending on the outcome of the research for each component and the needs of the City of Temple. We have separated the reports for purposes of this proposal.

- Prepare a detailed report outlining our conclusions and recommendations concerning the project. The report will be presented in a format generally acceptable to major sources of debt and equity financing, credit rating agencies, and franchise and management organizations. Though the exact format of the report will evolve as the engagement progresses, the following probable section headings provide an outline of the expected final report.
 - Introduction
 - Executive Summary
 - Area Economic/Demographic Review
 - Project Description
 - Competitive Hotel Supply and Demand
 - Recommended Facilities
 - Estimated Subject Hotel Performance
 - Prospective Financial Analysis

PERFORMING ARTS THEATER**Phase 1 – Market Study**

- Review any available planning materials relative to the project and the historic Arcadia Theater. Such materials could include site plans, preliminary drawings, proposed facilities programs, market and financial projections, previous performing arts studies and other data.
- Meet with the City and the owners of the Arcadia Theater prior to commencing fieldwork in order to better understand the facilities, market, concept and project details. At this meeting, we would like to discuss the potential renovation and utilization of the theater, Temple performing arts community, existing performing arts/community facilities, key contacts within the performing arts community and appropriate means for assessing the needs of the performing arts community.
- Tour the Arcadia Theater and other existing performing arts facilities to get a better understanding of the potential that the Arcadia Theater has in meeting the needs of the performing arts community.
- Evaluate the location of the Arcadia Theater in Downtown Temple relative to the surrounding area, existing performing arts venues and its access to the Temple community.
- Assess the needs of the performing arts community. Based on the number of performing arts organizations in Temple, we would utilize surveys, a meeting of the various organizations and/or individual interviews with key organizations to assess the needs of the community and the extent to which the Arcadia Theater can meet those needs. We would need the City of Temple to provide a list of the representatives of the performing arts organizations and existing facilities and to facilitate the involvement of these contacts in our study.
- Interview existing performing arts venues to establish an inventory of facilities, identify the strengths and weaknesses of these facilities, determine the unmet needs, understand the cost structure for performing arts groups, determine the utilization of existing facilities and to understand the potential role of the Arcadia Theater in the overall performing arts community.
- Evaluate comparable performing arts venues in similar size cities to be used as a benchmark in evaluating the recommended facilities for the Arcadia Theater.
- Recommend the size and type of performing arts facilities that would be appropriate to meet the identified needs of the performing arts community and the extent to which Arcadia Theater would be able to meet those needs.

- Estimate the future performance of the Arcadia Theater for the first five years of operation, including the potential number and types of performances. We would work with the current owners of the Arcadia Theater and/or any other performing arts representatives that are recommended by the City of Temple to develop these estimates.
- Meet with you and/or your associates to present key data and analysis for your review and discussion.

Upon your approval of our Phase 1 conclusions, we would proceed with Phase 2.

Phase 2 – Financial Projections

- Prepare estimates of annual revenue and expenses for the performing arts theater to the point of cash flow from operations available for debt service and income taxes for the first 10 years of operation. Once again, we would work with the current owners of the Arcadia Theater and/or any other performing arts representatives that are recommended by the City to develop these estimates to assure their reasonableness.
- Meet with you and/or your associates via telecommunications to discuss these estimates.

Upon your approval of our Phase 2 conclusions, we would proceed with Phase 3.

Phase 3 – Written Report

The written report will be either one report that incorporates all of the potential uses or individual reports for each use depending on the outcome of the research for each component and the needs of the City of Temple. We have separated the reports for purposes of this proposal.

- Prepare a detailed report outlining our conclusions and recommendations concerning the project. The report will be presented in a format generally acceptable to major sources of debt and equity financing, credit rating agencies, and franchise and management organizations. Though the exact format of the report will evolve as the engagement progresses, the following probable section headings provide an outline of the expected final report.
 - Introduction
 - Executive Summary
 - Project Description
 - Existing Performing Arts Facilities
 - Needs of the Performing Arts Community
 - Recommended Facilities
 - Estimated Performance
 - Prospective Financial Analysis

RETAIL, OFFICE, AND RESIDENTIAL USES

- Participate in initial and final meetings in Temple
 - CDS Team will participate in the initial meeting and report presentation in Temple
- Gather area population, demographics & economic data
 - Information relevant to the historic and current drivers for the retail, office and residential markets will be gathered and analyzed
 - Project trends for 5 and 10-year futures (with/without the Texas T-Bone High Speed Rail)
- Gather information on area and downtown office, retail and multi-family market trends
 - Gather information on past trends in the Temple area for each use as available including retail sales, absorption of space, occupancy levels, and rents if available.
 - Contact retail establishments in Temple downtown to assess recent sales trends
 - Contact office building owners to assess supply and demand
 - Gather information on competitive downtown multi-family housing projects – market rate, tax credit and other subsidized.
- Interview key stakeholders - officials, business owners, brokers, developers
 - Work with City officials to identify 30-35 key individuals with knowledge of Temple real estate markets including City officials, business owners, real estate brokers and developers.
 - Prepare discussion guides for the interviews
 - Arrange and conduct approximately 20 interviews
- Prepare an assessment of the market potential for mixed-uses
 - Evaluate the short and long-term demand for each of the uses
 - Assess the current and likely future supply of developed properties
 - Incorporate the implications of the hospitality use potential toward integration of potential residential and commercial uses into the mixed-use environment
 - Assess the potential for redevelopment/reuse of the properties within and adjacent to the study area
- Coordination of final report
 - Compile all of the results into a final draft report
 - Receive comments and make changes for the Final Report

ECONOMIC IMPACT

Total economic impact is a product of new direct and indirect spending within the local economy. New direct spending comes from construction wages paid and materials purchased in the local economy, new employee spending and new visitor spending. Each dollar spent (direct) has a multiplied effect on the economy in the form of increased revenues to local businesses, increased employment and increased wages (indirect). These direct and indirect expenditures represent the total impact to the economy.

Following the completion of the analysis of the feasibility of each of the potential components, we will prepare an economic impact analysis for the total project. Our analysis will be presented in a separate section of the final report or as a separate document depending on the results of the analyses and the needs of the City.

MEETINGS

Upon notification of contract award, the PKF and CDS team would request an initial meeting with the appropriate points of contact involved in the project, as outlined above. In addition to the kick-off meeting, we would meet with the City and other designated groups to discuss our preliminary results at the end of Phase 1 and again to discuss our draft report. We would also be available to make a presentation of our findings to the City Council. While we would be pleased to have additional meetings, we have not budgeted for such meetings and they would be billed at our standard hourly rates.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AGREEMENT WITH PKF CONSULTING OF HOUSTON, TEXAS, TO PERFORM A MARKET AND FINANCIAL FEASIBILITY STUDY FOR A MIXED USE DEVELOPMENT IN DOWNTOWN TEMPLE INCLUDING A POSSIBLE HOTEL AND PERFORMING ARTS THEATER FOR AN AMOUNT NOT TO EXCEED \$69,500; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in close cooperation with the Hawn Hotel Feasibility Committee the City issued an RFQ for a market and financial feasibility study for mixed use development in Downtown Temple including a possible hotel and performing arts theater;

Whereas, in November, a committee comprised of Staff and Hawn Committee members reviewed 4 proposals and conducted an interview with its top selection – based on the written proposal and interview, the committee recommends selection of PKF Consulting of Houston, Texas, as the most qualified firm to do the study;

Whereas, funds are available for this project, 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 an agreement, for a cost not to exceed \$69,500, with PKF Consulting of Houston, Texas, after approval as to form by the City Attorney, to perform a market and financial feasibility study for a mixed use development in downtown Temple including a possible hotel and performing arts theater.

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 7th day of February, 2008.

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

02/07/08
Item #5(H)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing an agreement with Ogilvy Government Relations for federal legislative services.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In February 2006, the City of Temple engaged The Federalist Group, LLC, to assist Council and staff with federal legislative issues, which included assistance in development of a clear and focused federal agenda. The term of the agreement was 24 months, with an opportunity to re-negotiate mid-term, for a fee of \$6,250 per month.

The Federalist Group has since merged with Ogilvy Government Relations. Chris Giblin, our primary point of contact and consultant, remains as our primary consultant. Staff is recommending the contract be renewed at this time for a 24-month period, through January 31, 2010, for the same fee of \$6,250 per month.

The City Manager believes the engagement of these services has been beneficial for the City of Temple and has significantly increased the opportunities for the City to be successful at the federal level.

FISCAL IMPACT: The annual contracted amount of \$75,000 was approved in the 2007-2008 budget, account 110-10000-511-26-16.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AGREEMENT WITH OGILVY GOVERNMENT RELATIONS FOR FEDERAL LEGISLATIVE SERVICES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in February, 2006, the City engaged The Federalist Group, LLC, to assist Council and staff with federal legislative issues, which included assistance in development of a clear and focused federal agenda – the term of the agreement was 24 months, with an opportunity to re-negotiate mid-term, for a fee of \$6,250 per month;

Whereas, The Federalist Group has since merged with Ogilvy Government Relations, and the staff recommends that the contract be renewed for a 24 month period through January 31, 2010 for the same fee;

Whereas, this service has been greatly beneficial to the City and will continue to significantly increase the opportunities for the City at the federal level;

Whereas, funds are available for this service in Account No. 110-10000-511-2616; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute an agreement, for a cost not to exceed \$6,250 per month, between the City of Temple and Ogilvy Government Relations, after approval as to form by the City Attorney, for federal legislative services.

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 7th day of **February**, 2008.

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

02/07/08
Item #5(l)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce A. Butscher, P.E., Director of Public Works
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase and installation of 14 actuators at the Water Treatment Plant from Controls International, Inc. of Dallas, Texas in the amount of \$81,980.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Conventional Water Treatment Plant has 58 EIM Control valves in place that are remotely controlled by flow control operators or actuators. Several of the actuators are in need of replacement, and accordingly, included in the adopted FY 2008 budget is funding in the amount of \$85,000 to replace several of the actuators.

Staff is recommending purchase and installation of the following actuators:

Four (4) electric modulating actuators for Clarifiers 1 – 4	\$18,200
Ten (10) actuators for the inlet and drain valves on Filters 1-5	51,780
Estimated installation cost at 10 days @ \$1,200/day	12,000

Total Purchase	\$81,980

It is important from an operability, training, and maintenance standpoint that the valves and actuators at the Water Plant stay uniform with EIM Controls valves and actuators. EIM Controls products are only distributed and installed by certified regional sales representative. Accordingly, this purchase and installation is being recommended as a procurement under the single source guidelines as allowed under the Local Government Code section 252.022. Controls International, Inc. of Dallas is the regional distributor of EIM Controls products for Temple. Accordingly, staff recommends purchase of the actuators and installation of the actuators from Controls International, Inc.

FISCAL IMPACT: Funding in the amount of \$85,000 is budgeted for this purchase in account 520-5100-535-6310, project #100304. The total anticipated funding needed for the purchase and installation of the 14 actuators is \$81,980, assuming that installation of the actuators can be done in ten (10) days.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE AND INSTALLATION OF 14 ACTUATORS AT THE WATER TREATMENT PLANT FROM CONTROLS INTERNATIONAL, INC., OF DALLAS, TEXAS, IN THE AMOUNT OF \$81,980; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Conventional Water Treatment Plant has 58 EIM Control valves in place that are remotely controlled by flow control operators or actuators – several of the actuators are in need of replacement;

Whereas, the Staff recommends purchasing the actuators from Controls International, Inc., of Dallas, Texas, since all the valves and actuators currently in the Conventional Water Treatment Plant were manufactured by EIM Controls and EIM Controls markets its actuators only through regional distributions with Controls International being the distributor for Temple;

Whereas, the cost of the actuators is \$81,980 – funds are budgeted in Account No. 520-5100-535-6310 for this purchase; and

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

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

Part 1: The City Council authorizes the purchase and installation of 14 actuators at the Water Treatment Plant, for a cost not to exceed \$81,980, from Controls International, Inc., of Dallas, Texas.

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 7th day of February, 2008.

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

02/07/08
Item #5(J)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce A. Butscher, P.E., Director of Public Works
Nicole Torralva, P. E. Assistant Director of Public Works / Operations
Lisa A. Sebek, Director of Solid Waste Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of metal refuse containers for the Solid Waste Division as follows:

1. Front Loading containers to Wastequip of Beeville, Texas in the amount of \$90,295;
2. Side Loading containers to Fuqua Industries, Rio Vista, Texas in the amount of \$31,740; and
3. Roll-off Containers to Roll-offs USA of Durant, Oklahoma in the amount of \$86,526.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On January 2, 2008, the City received bids for metal refuse containers. The bids are shown on the attached tabulation sheet.

The low bidder for the front loading containers was Wastequip. Wastequip did take some minor exceptions to the specifications but the exceptions would not adversely affect the operation of the container or our service. The City has done business with Wastequip and finds them to be a responsible vendor.

The low bidder for the side loading containers was also from Wastequip; however, the exceptions taken on the side loading containers would adversely affect the durability of the container. Therefore, the City's recommendation is to accept the bid from the second low bidder, Fuqua Industries, Inc. Fuqua did not take any exceptions to the specifications. The City has done business with Fuqua Industries in the past and finds them to be a responsible vendor.

The low bidder for the roll-off containers was Roll-offs USA. Roll-offs did not take any exceptions to the specifications. The City has done business with Roll-offs in the past and finds them to be a responsible vendor.

FISCAL IMPACT: Funding has been appropriated in the accounts listed below. The Amended Budget listed in the following table reflects the changes after a budget adjustment was processed to transfer appropriations for Instruments/Special Equipment between divisions in order to accommodate the purchases listed below.

Description	Account #	Amended Budget	Proposed Expenditure
Frontload Containers	110-2350-540-2211	\$104,980	\$90,295
Sideload Containers	110-2360-540-2211	34,800	31,740
Roll-off Containers	110-2370-540-2211	87,000	86,526
TOTALS		\$226,780	\$208,561

These purchases do not include the purchase of additional containers for the new annexed areas as immediate service is not required but will be fulfilled upon request.

ATTACHMENTS:

[Bid Tabulation
Resolution](#)

Tabulation of Bids Received
on January 2, 2008 at 2:00 p.m.
Metal Refuse Containers

		Bidders							
		Otto Environmental Systems (NC), LLC Charlotte NC		Roll-Offs USA Inc. Durant, OK		Wastequip Beville, TX		Fuqua Industries, Inc. Rio Vista, TX	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
20 Yd Roll-off Containers	6	No Bid		\$3,252.00	\$19,512.00	\$3,384.00	\$20,304.00	No Bid	
30 Yd Roll-off Containers	12	No Bid		\$3,497.00	\$41,964.00	\$3,629.00	\$43,548.00	No Bid	
40 Yd Roll-off Containers	6	No Bid		\$4,175.00	\$25,050.00	\$4,240.00	\$25,440.00	No Bid	
Subtotal		No Bid		\$86,526.00		\$89,292.00		No Bid	
Replacement lids for 20 Yd Roll-off Containers		No Bid		N/A		N/A		No Bid	
Replacement lids for 30 Yd Roll-off Containers		No Bid		N/A		N/A		No Bid	
Replacement lids for 40 Yd Roll-off Containers		No Bid		N/A		N/A		No Bid	
2 Yd Front Loading Containers	12	\$445.00	\$5,340.00	\$395.00	\$4,740.00	\$375.00	\$4,500.00	\$379.00	\$4,548.00
3 Yd Front Loading Containers	25	\$625.00	\$15,625.00	\$454.00	\$11,350.00	\$450.00	\$11,250.00	\$454.00	\$11,350.00
4 Yd Front Loading Containers	15	\$725.00	\$10,875.00	\$513.00	\$7,695.00	\$508.00	\$7,620.00	\$517.00	\$7,755.00
6 Yd Flat Top Front Loading Containers	10	\$845.00	\$8,450.00	\$695.00	\$6,950.00	\$650.00	\$6,500.00	\$683.00	\$6,830.00
6 Yd Slant Top Front Loading Containers	35	\$845.00	\$29,575.00	\$659.00	\$23,065.00	\$645.00	\$22,575.00	\$643.00	\$22,505.00
8 Yd Flat Top Front Loading Containers	25	\$935.00	\$23,375.00	\$829.00	\$20,725.00	\$758.00	\$18,950.00	\$769.00	\$19,225.00
8 Yd Slant Top Front Loading Containers	25	\$935.00	\$23,375.00	\$809.00	\$20,225.00	\$756.00	\$18,900.00	\$743.00	\$18,575.00
Subtotal		\$116,615.00		\$94,750.00		\$90,295.00		\$90,788.00	
Replacement lid for 2 Yd Front Loading Containers		\$30.00		\$18.00		\$17.32		\$22.00	
Replacement lid for 3 Yd Front Loading Containers		\$30.00		\$19.50		\$18.63		\$22.00	
Replacement lid for 4 Yd Front Loading Containers		\$30.00		\$19.50		\$18.63		\$22.00	
Replacement lid for 6 Yd Flat Top Front Loading Containers		\$30.00		\$24.00		\$21.96		\$22.00	
Replacement lid for 6 Yd Slant Top Front Loading Containers		\$30.00		\$24.00		\$21.96		\$22.00	
Replacement lid for 8 Yd Flat Top Front Loading Containers		\$30.00		\$24.00		\$21.96		\$22.00	
Replacement lid for 8 Yd Slant Top Front Loading Containers		\$30.00		\$24.00		\$21.96		\$22.00	
2 Yd Side Loading Containers	6	No Bid		\$361.00	\$2,166.00	\$380.00	\$2,280.00	\$365.00	\$2,190.00
3 Yd Side Loading Containers	40	No Bid		\$391.00	\$15,640.00	\$390.00	\$15,600.00	\$405.00	\$16,200.00
4 Yd Side Loading Containers	30	No Bid		\$484.00	\$14,520.00	\$439.00	\$13,170.00	\$445.00	\$13,350.00
Subtotal		No Bid		\$32,326.00		\$31,050.00		\$31,740.00	
Replacement lid for 2 Yd Side Loading Containers		No Bid		\$18.00		\$11.50		\$11.95	
Replacement lid for 3 Yd Side Loading Containers		No Bid		\$18.00		\$14.00		\$11.95	
Replacement lid for 4 Yd Side Loading Containers		No Bid		\$18.00		\$14.00		\$11.95	
Delivery		Yes		Yes		Yes		Yes	
Exceptions		Yes		None		Yes		None	
Local Preference		No		No		No		No	
CIQ Form		Yes		No		Yes		Yes	
Credit Check Authorization		Yes		Yes		Yes		Yes	

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

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

Belinda Mattke

02-Jan-08

Belinda Mattke, Director of Purchasing

Date

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF METAL REFUSE CONTAINERS FOR THE SOLID WASTE DIVISION AS FOLLOWS: FRONT LOADING CONTAINERS FROM WASTEQUIP OF BEEVILLE, TX, IN THE AMOUNT OF \$90,295; SIDE LOADING CONTAINERS FROM FUQUA INDUSTRIES OF RIO VISTA, TX, IN THE AMOUNT OF \$31,740; AND ROLL-OFF CONTAINERS FROM ROLL-OFFS USA OF DURANT, OK, IN THE AMOUNT OF \$86,526; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on January 2, 2008, the City received bids for the purchase of metal refuse containers for the Solid Waste Services;

Whereas, the Staff recommends purchasing the front loading containers from Wastequip of Beeville, TX, in the amount of \$90,295; side loading containers from Fuqua Industries of Rio Vista, TX, in the amount of \$31,740; and roll-off containers from Roll-Offs USA of Durant, OK, in the amount of \$86,526;

Whereas, funds are available for these purchases in Account Nos. 110-2350-540-2211, 110-2360-540-2211; and 110-2370-540-2211; 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 accepts the bids from Wastequip of Beeville, TX, in the amount of \$90,295 for front loading containers; Fuqua Industries of Rio Vista, TX, in the amount of \$31,740, for side loading containers; and Roll-Offs USA of Durant, OK, in the amount of \$86,526, for roll-off containers for the Solid Waste Division.

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 these purchases.

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 7th day of **February**, 2008.

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

02/07/08
Item #5(K)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce A. Butscher, P.E., Director of Public Works
Nicole Torralva, P. E. Assistant Director of Public Works / Operations
Lisa A. Sebek, Director of Solid Waste Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of plastic refuse containers for Solid Waste Services as follows:

1. 300-gallon containers to RMI of Brownwood, Texas in the amount of \$29,775.00; and
2. 95-gallon containers to Roll-offs USA of Durant, Oklahoma in the amount of \$74,970.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On January 2, 2008, the City received bids for these containers. The bids are shown on the attached tabulation sheet.

RMI of Brownwood was the only bidder for the 300 gallon containers. The bid price was very close to our estimated costs and came in just under our budgeted amount. The City has done business with RMI of Brownwood in the past and finds them to be a responsible vendor.

Four (4) bids were received for the 95-gallon containers. Roll-offs USA of Durant, Oklahoma was the low bidder in the amount of \$42.50 per cart. Roll-offs is using a new molding process called "Blow Molding" which is similar to the rotational molding process the City specified in its bid. Roll-offs delivered sample containers to the City to try over the past few weeks. The containers withstood our testing during this time and are found to be acceptable. No other exceptions were taken. Our recommendation is to award bid to Roll-offs USA for the 95-gallon carts in the total amount of \$74,970.00.

FISCAL IMPACT: Funding has been appropriated in the accounts listed below. The Amended Budget listed in the following table reflects the changes after a budget adjustment was processed to transfer appropriations for Instruments/Special Equipment between divisions in order to accommodate the purchases listed below.

Description	Account #	Amended Budget	Proposed Expenditure
300-gallon containers	110-2330-540-2211	\$31,200	\$29,775
95-gallon containers	110-2330-540-2211	96,220	74,970
TOTALS		\$127,420	\$104,745

These purchases do not include the purchase of additional containers for the new annexed areas as immediate service is not required but will be fulfilled upon request.

ATTACHMENTS:

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

Tabulation of Bids Received
on January 2, 2008 at 2:00 p.m.
Plastic Refuse Containers

Bidders									
		Rehrig Pacific Company Dallas, TX		Roll-Off USA, Inc. Durant, OK		Rotronics Manufacturing Inc. Brownwood, TX		Ameri-Kart Wichita, KS	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
95 Gal Plastic Containers	1764	\$51.25	\$90,405.00	\$42.50	\$74,970.00	\$51.73	\$91,251.72	\$60.00	#####
Replacement Lids		No Bid		\$16.00		\$27.00		\$16.75	
Replacement Wheels		No Bid		\$6.00		\$9.87		\$5.28	
300 Gal Plastic Containers	150	No Bid		No Bid		\$198.50	\$29,775.00	No Bid	
Replacement Lids		No Bid		No Bid		\$88.00		No Bid	
Delivery		Not Acknowledged		Yes		Yes		Not Acknowledged	
Exceptions		Yes		Yes-Higher Quality		Yes		Yes	
Local Preference		No		No		No		No	
CIQ Form		Yes		Not Complete		Yes		Yes	
Credit Check Authorization		Yes		Yes		Yes		Yes	

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

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

Belinda Mattke

2-Jan-08

Belinda Mattke, Director of Purchasing

Date

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF PLASTIC REFUSE CONTAINERS FOR THE SOLID WASTE DIVISION AS FOLLOWS: 300-GALLON CONTAINERS FROM RMI OF BROWNWOOD, TEXAS, IN THE AMOUNT OF \$29,775, AND 95-GALLON CONTAINERS FROM ROLL-OFFS USA OF DURANT, OKLAHOMA, IN THE AMOUNT OF \$74,970; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on January 2, 2008, the City received bids for the purchase of plastic refuse containers for the Solid Waste Services;

Whereas, the Staff recommends purchasing the 300-gallon containers from RMI of Brownwood, Texas, in the amount of \$29,775, and the 95-gallon containers from Roll-Offs USA of Durant, Oklahoma, in the amount of \$74,970;

Whereas, funds are available for these purchases in Account Nos. 110-2330-540-2211 and 110-2330-540-2211; 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 accepts the bids from RMI of Brownwood, Texas, for purchase of 300-gallon containers in the amount of \$29,775, and from Roll-Offs USA of Durant, Oklahoma, for purchase of 90-gallon containers in the amount of \$74,970.

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 these purchases.

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 7th day of **February**, 2008.

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

02/07/08
Item #5(L)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce A. Butscher, P.E., Director of Public Works
Nicole Torralva, P.E., Assistant Director of Public Works / Operations

ITEM DESCRIPTION: Consider adopting a resolution rejecting bids for the Water Treatment Plant Clearwell Valve Improvements Project.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In June, 2005, Council authorized a professional services agreement with Kasberg, Patrick & Associates L.P. (KPA) for engineering and design services required for replacing two clearwell valves located at the Conventional Water Treatment Plant (WTP) and two chlorine contact drain line valves located at the Doshier Farm Wastewater Treatment Plant (WWTP). Funding for construction of the Water Treatment Plant valves has been budgeted this fiscal year (FY 2007-2008). Funding for construction of the Wastewater Treatment Plant valves is tentatively scheduled for next fiscal year (FY 2008-2009).

The improvements at the WTP include replacing two buried 48" butterfly valves at the WTP between the existing clearwells. The existing clearwell effluent valves were constructed in the 1978 Plant Expansion and are directly downstream of chemical injection points. Currently, these valves are non-functioning and WTP personnel are unable to isolate either tank for maintenance purposes. Replacement of these valves will enable regular maintenance and system operations to occur as needed.

On December 11, 2007, bids were received for replacement of the clearwell valves. Per the attached bid tabulation, TTG Utilities, LP was the only bidder, submitting a bid in the amount of \$218,600. KPA's opinion of probable construction cost for the project was approximately \$100,000. The budgeted amount for the project is \$100,500.

Numerous issues contributed to submission of a bid higher than anticipated, including the existence of a high pressure 24" discharge pipe located in the vicinity of the valves. At this time, no known solution has been identified to resolve the problem. During spring, 2008, staff will be conducting a thorough review of all processes at the water treatment plant to assess plant operations and repairs. Based upon the high bid submitted and issues noted above, staff recommends that this bid be rejected.

FISCAL IMPACT: Funding in the amount of \$100,500 has been appropriated in account 520-5100-535-6310, project #100303 for construction of this project. Engineering services in the amount of \$23,700 were previously funded out of account #520-5100-535-6310 (water improvements) and account #520-5500-535-6313 (sewer improvements) during FY 2004-2005. Staff recommends that this money be reallocated toward the emergency generator project to run the membrane water treatment plant, scheduled to be bid this spring.

ATTACHMENTS:

[Engineer's Recommendation](#)
[Bid Tabulation](#)
[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.

December 11, 2007

Mrs. Nicole Torralva, P.E.
Assistant City Engineer
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple
Water Treatment Plant Clearwell Valve Improvements

Dear Ms. Torralva:

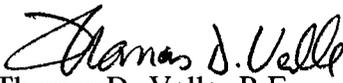
On December 11, 2007, the City of Temple received a competitive bid from a single (1) contractor for the Water Treatment Plant Clearwell Valve Improvements project. There were three contractors at the Non-Mandatory Pre-Bid Meeting. Additionally, KPA contacted three additional contractors to advise them that the project was currently bidding. We attribute the low number of bidders to the relatively small size of the job, the depth (22-feet) of the valves and the specialized nature of isolating the clearwells via a certified dive technician. A Bid Tabulation is provided for your reference.

The bid received was for removing and replacing two (2) 48-inch valves that are used to isolate the potable water clearwells from the high service pump station. The current valves are inoperable which inhibits the City's ability to take one of the clearwells off line for any extended period of time. The replacement of these two valves will allow the City to remove a single Clearwell from service for cleaning, necessary repairs, etc. as required.

The attached Bid Tabulation shows TTG Utilities, LP of Gatesville, Texas as the low bidder with a total project base bid of \$218,600. A deductive alternate bid in the amount of \$2,175, which would allow both valves to be replaced during a single shutdown, was also taken.

We recommend that the full Base Bid contract amount of \$218,600 be awarded to TTG Utilities, LP for this project. A decision on whether or not to allow the replacement to be completed during a single shutdown will be made by City Staff and the Engineer at the time of the actual valve replacement. As you know, TTG Utilities, LP has performed numerous projects for the City of Temple and is well qualified to complete this project.

Sincerely,


Thomas D. Valle, P.E.

TDV/

xc: Ms. Belinda Mattke, City of Temple (1 copy with Original Bid Documents)
2005-134-30

BID TABULATION

2005-134-40
Valves

CITY OF TEMPLE WATER TREATMENT PLANT - CLEARWELL VALVE IMPROVEMENTS

December 11, 2007 10:00AM
3210 E Avenue H, Building C, Temple, TX 76501

BIDDER INFORMATION

TTG Utilities LP
PO Box 299
Gatesville, TX 76528

BASE BID

Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount
1	100%	LS	Mobilization, Bonds & Insurance (not-to-exceed 5% of Total cost of this "Part")	\$ 13,000.00	\$ 13,000.00
2	100%	LS	Developing & Furnishing a Trench Safety Plan as Described in the Specifications	3,600.00	3,600.00
3	2,400	SF	Trench Safety Plan Implementation (structures over 5 feet deep)	15.00	36,000.00
4	2	EA	Remove & Replace 48" Flanged Butterfly Valves, including Excavation, Supporting Existing 24" High Service Line, Plugging Clearwells to isolate Valves, Furnishing & Installing Valve. Riser Box, Lid & Stem Extension, Embedment, Backfill, Surface Restoration & Testing	83,000.00	166,000.00
					\$ 218,600.00

DEDUCTIVE ALTERNATE

DA1	100%	LS	The Bidder further proposes that if the Owner allows the installation of both valves during a single shut down event, removing the requirement of installing and removing the plugs a second time, re-mobilizing welders and utility crews and supporting the 24" High Service Line for an additional week, based upon the Contractor's own estimate of quantities and cost, the total amount of the Base Bid will be reduced by the amount of:	\$ 2,175.00	\$ 2,175.00
TOTAL AMOUNT DEDUCTIVE ALTERNATE					\$ (2,175.00)

BIDDER INFORMATION

BID SUMMARY

BASE BID (Items 1 - 4)	\$	218,600.00
DEDUCTIVE ALTERNATE (Item 1)	\$	(2,175.00)
TOTAL BID AMOUNT (BASE BID, LESS DEDUCTIVE ALTERNATE)	\$	216,425.00

Did Bidder Acknowledge Addenda No. 1?	YES
Did Bidder Acknowledge Addenda No. 2?	YES
Did Bidder provide Bid Security?	YES

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

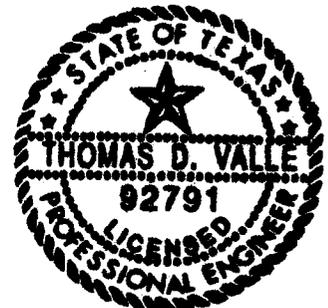
Thomas D. Valle

December 11, 2007

Thomas D. Valle, P.E.

Date

Kasberg, Patrick & Associates, LP



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, REJECTING BIDS FOR THE WATER TREATMENT PLANT CLEARWELL VALVE IMPROVEMENTS PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on December 11, 2007, the City received bids for replacement of clearwell valves at the Water Treatment Plant;

Whereas, only one bid was received and it was significantly higher than the engineer's opinion of probable construction cost and the budgeted amount for the project;

Whereas, for these reasons the Staff recommends rejecting the bid; 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 rejects all bids received for the Water Treatment Plant Clearwell Valve Improvements Project.

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 7th day of **February**, 2008.

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

02/07/08
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Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lonzo Wallace, Jr., Fire Chief

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of a 400-Gallon Short-Wheel Base Grass and Brush Firefighting Vehicle off of the BuyBoard from Philpott Motor Company of Nederland, Texas, in the amount of \$93,891.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Fire Department's Booster 1 is currently in very poor mechanical condition and is limited in its off-road capability due to not being 4-wheel drive. Council approved in the FY 2008 budget funding to replace the current truck with a 350-gallon short-wheel base grass and brush firefighting vehicle.

Staff has identified on the BuyBoard, a local government purchasing cooperative, a 2008 Ford F550 Super Duty 400 gallon brush truck for \$93,891, which includes upgrades for a 4x4, a 6.4L diesel engine, and a few other miscellaneous upgrades.

The City has purchased vehicles from Philpott Motor Company in the past and finds them to be a responsible vendor.

FISCAL IMPACT: Funding in the amount of \$130,000 is designated for the purchase of the replacement Brush truck and equipment in accounts number 110-5900-522-6222, Project# 100276. The Brush Truck purchase price is \$93,891 and additional equipment in an estimated amount of \$36,109 will be required to put the truck into service.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A 400-GALLON SHORT-WHEEL BASE GRASS AND BRUSH FIREFIGHTING VEHICLE OFF THE BUYBOARD FROM PHILPOTT MOTOR COMPANY OF NEDERLAND, TEXAS, IN THE AMOUNT OF \$93,891; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City Council approved purchasing a 350-gallon short-wheel base grass and brush firefighting vehicle in the FY2007-08 budget to replace the Fire Department's Booster 1 which is in very poor mechanical condition and is limited in its off-road capacity due to not being 4-wheel drive;

Whereas, the Staff recommends purchasing the vehicle off the BuyBoard, a local government purchasing cooperative, from Philpott Motor Company of Nederland, Texas, for \$93,891;

Whereas, funds are available for this purchase in Account No. 110-5900-522-6222, Project #100276; and

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

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

Part 1: The City Council authorizes the purchase of a 400-gallon short-wheel base grass and brush firefighting vehicle off the BuyBoard from Philpott Motor Company of Nederland, Texas, in the amount of \$93,891.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents which may be necessary for this purchase, after 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 7th day of **February**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

ATTEST:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/07/08
Item #5(N)
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DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Director of Planning

ITEM DESCRIPTION: SECOND READING – Z-FY-08-06: Consider adopting an ordinance authorizing a Conditional Use Permit to allow a proposed crematorium located at 11 North 6th Street.

P&Z COMMISSION RECOMMENDATION: At its meeting on January 7, 2008, The Planning and Zoning Commission voted 8/1 to recommend approval of the Conditional Use Permit (CUP) for a crematorium subject to the following modifications to the submitted site plan:

1. Landscaped foundation plantings four feet in depth with shrubs shall be provided along the front façade of the main building except for in front of the entryway and garage door; and
2. Four off-street parking spaces shall be striped along the front of the main building.

Chair Luck voted against the motion.

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit for a crematorium subject to the following modifications to the submitted site plan:

1. Stucco or any masonry material allowed by the International Building Code that is installed unit by unit, including but not limited to brick, Exterior Insulation Finishing System (EIFS) or a combination of these materials shall be required on the following facades of the main building:
 - 100% of the front façade and
 - the first 25% of the length of the north and south walls of the building, measuring from front to back;
2. Landscaped foundation plantings four feet in depth with shrubs shall be provided along the front façade of the main building except for in front of the entryway and garage door; and
3. Four off-street parking spaces shall be striped along the front of the main building.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-08-06, from the Planning and Zoning meeting, January 7, 2008, for details on the three parts of the staff recommendation. Staff's first two recommendations would result in the following transformation of the front of the main building.

Existing

Staff Recommendation



The applicant proposes to establish a natural gas- or propane-powered crematorium. The subject property is zoned CA, Central Area. The purpose of a CUP is to allow uses that generally have unusual nuisance characteristics or are of a public or semi-public character often essential or desirable for the general convenience and welfare of the community. Because, however, of the nature of the use or possible adverse impact on neighboring properties, the Planning and Zoning Commission and City Council are required to review and make a final decision on the associated site plan. During such review, the Commission and Council may require any modifications to the submitted site plan that are necessary in order to mitigate potential negative impacts resulting from the use. The impacts may relate to any number of issues including, but not limited to, decreased property values, pollution, impacts on residential properties or visual blight.

At the Planning and Zoning Commission hearing, much discussion was devoted to the appropriateness of requiring a brick façade to the front and a portion of the sides of the building. Although the Zoning Ordinance enables the P&Z to make any recommendations for CUP site plan modification that it deems appropriate (whether such modifications are related to standards found in the Zoning Ordinance or not) some Commissioners were reluctant to require a masonry façade for the building. They did not want to cause a financial hardship on the applicant and they did not want to require masonry when the City's Zoning Ordinance does not address masonry. On the other hand, other Commissioners favored brick or other materials for the façade so that the downtown might continue to improve aesthetically and to compliment brick structures already in the area.

On first reading of the ordinance at the January 17th meeting, the City Council unanimously voted to approve the ordinance requiring only conditions 2 and 3 in the staff recommendation relating to landscaping and off-street parking, which is consistent with the Planning and Zoning Commission recommendation

Public Notice

Ten notices were sent out for the Planning and Zoning Commission hearing. As of Tuesday, January 8 at 3 PM, three notices was returned in favor of and three notices was returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on December 29, 2007 in accordance with state law and local ordinance

FISCAL IMPACT: NA

ATTACHMENTS:

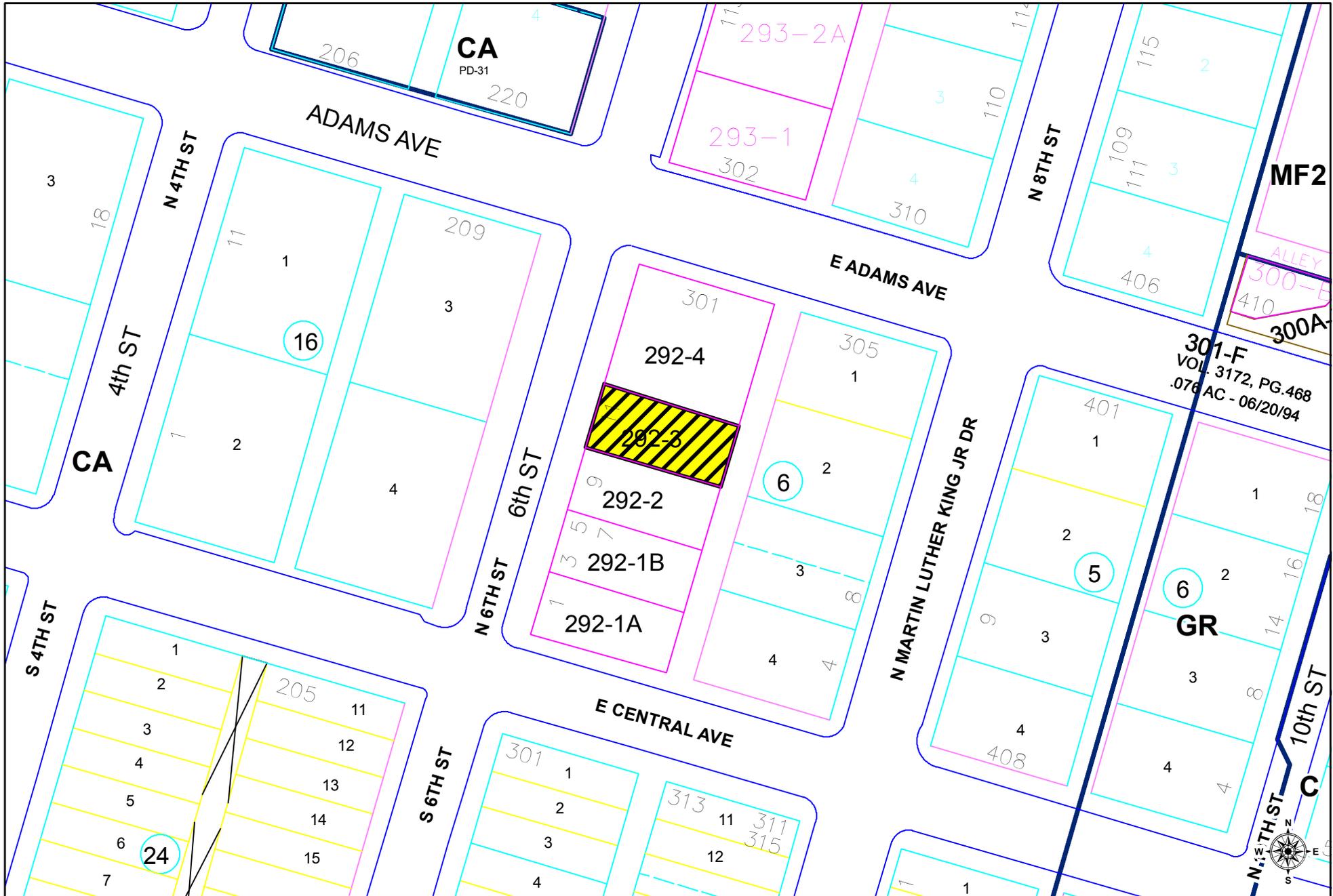
Zoning Map
Aerial
Site Plan (original)
Site Plan (staff recommendation)
Notice Map
Emissions Graph
P&Z Staff Report (Z-FY-08-06)
P&Z Minutes (1/7/08)
Ordinance



Z-FY-08-06

11 North 6th Street

Lot 3, Blk 292, Temple Original Addition



 Proposed Rezone

CA to CA w/ CUP for Crematorium

1 inch equals 100 feet

J Stone 12.07.07



Z-FY-08-06

11 N. 6th St.

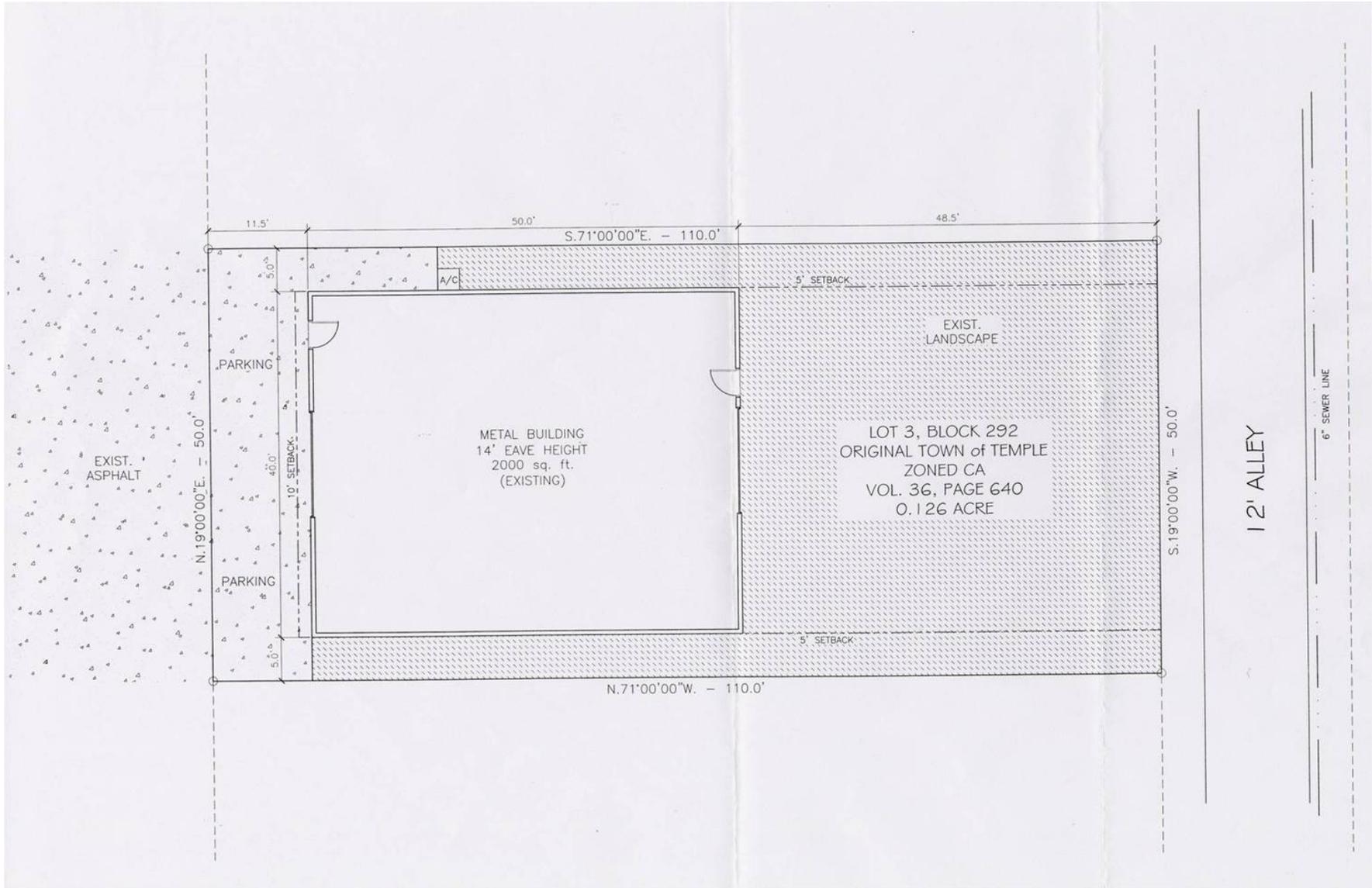


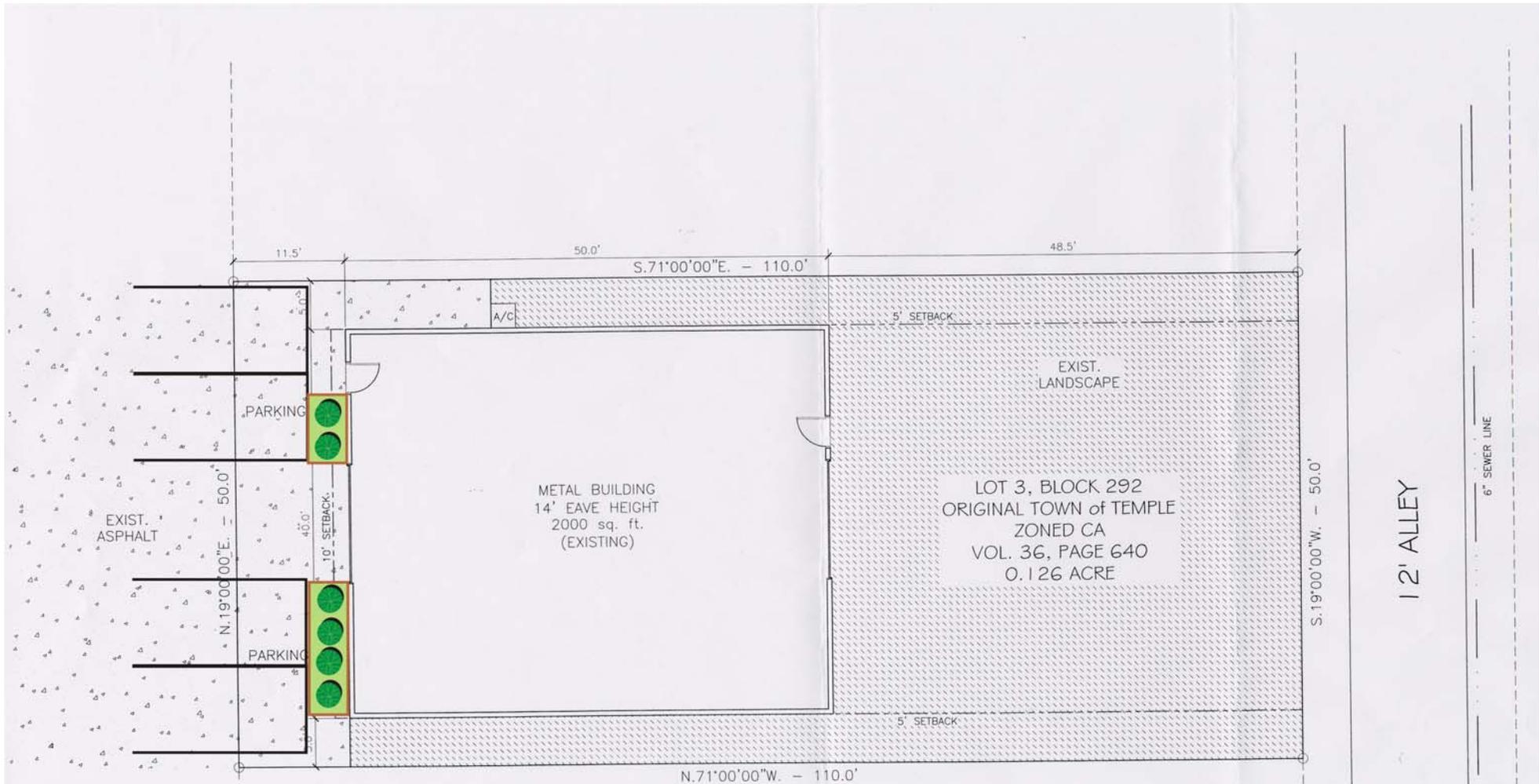
Area of Proposed CUP



Z-FY-08-06 Original Site Plan Submittal

11 N. 6th St.





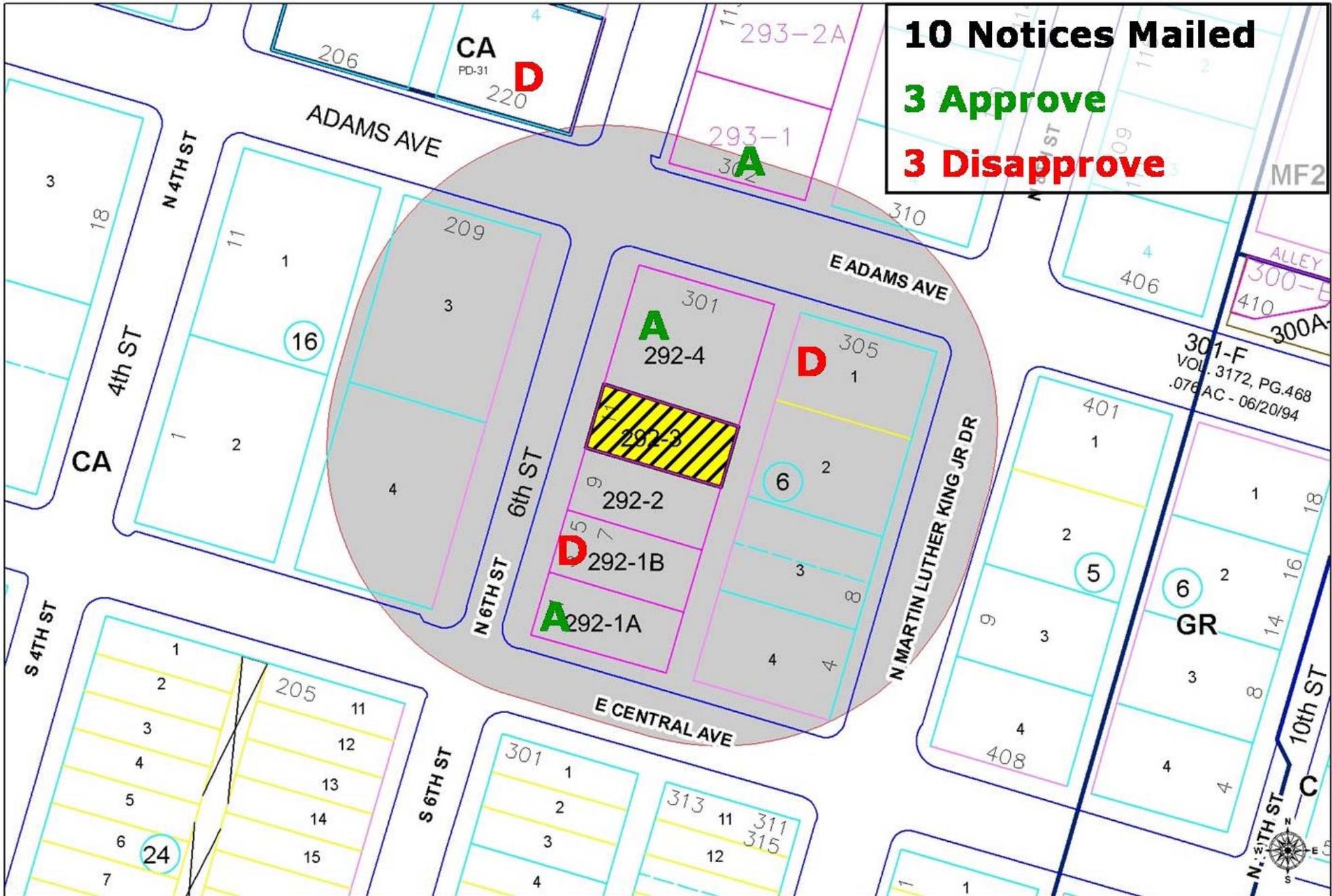
- Note: 1. Stucco or any masonry material allowed by the International Building Code that is installed unit by unit, including but not limited to brick, Exterior Insulation Finishing System (EIFS) or a combination of these materials shall be required on the following facades of the main building:
- 100% of the front façade and
 - the first 25% of the length of the north and south walls of the building, measuring from front to back;
2. Landscaped foundation plantings four feet in depth with shrubs shall be provided along the front façade of the main building except for in front of the entryway and garage door; and
3. Four off-street parking spaces shall be striped along the front of the main building.



Z-FY-08-06

11 North 6th Street

Lot 3, Blk 292, Temple Original Addition



10 Notices Mailed
3 Approve
3 Disapprove

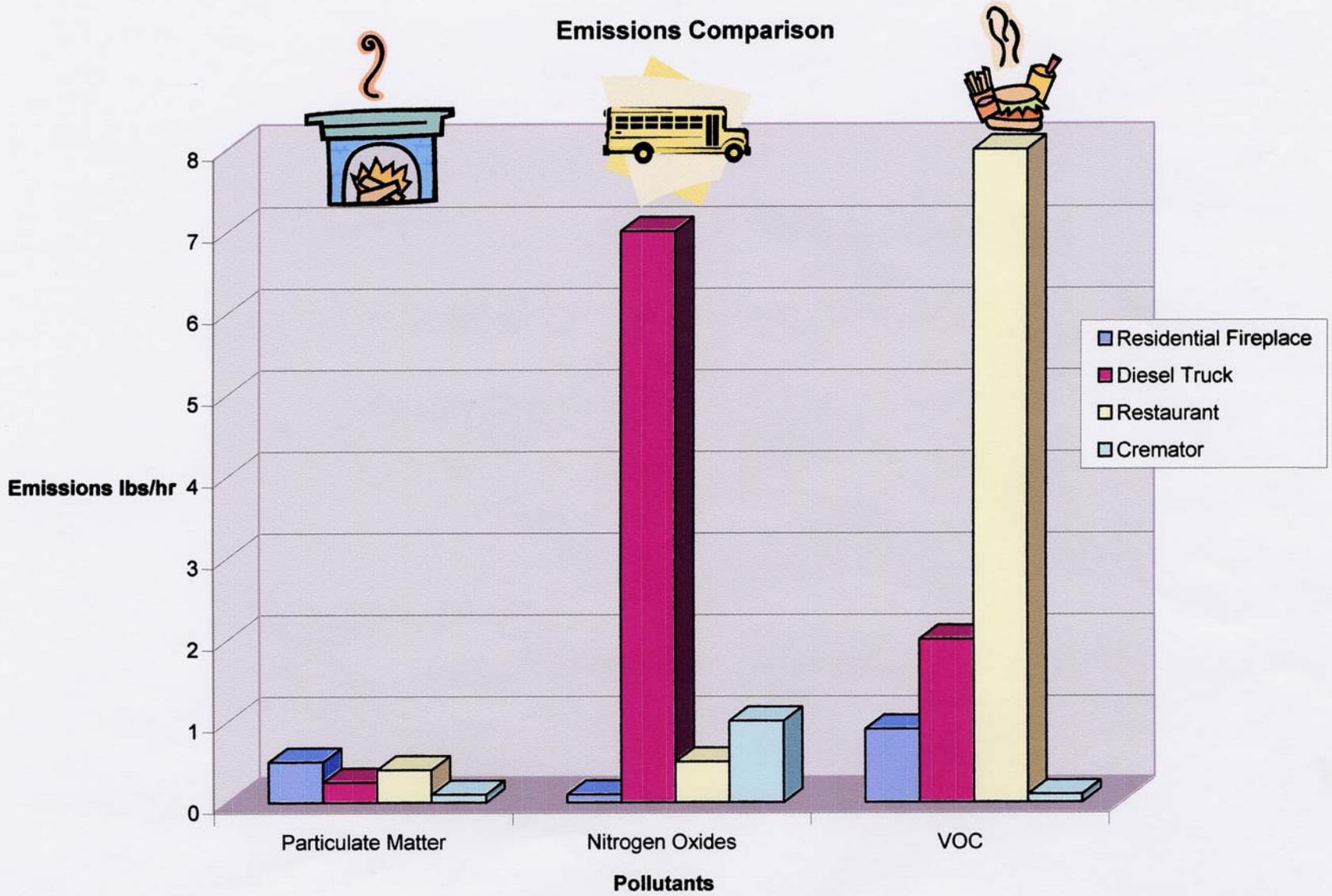
Proposed Rezone 200' Buffer

CA to CA w/ CUP for Crematorium

1 inch equals 100 feet

J Stone 12.07.07

Emissions Comparison





PLANNING AND ZONING COMMISSION AGENDA ITEM

01/07/08
Item #3
Page 1 of 3

APPLICANT / DEVELOPMENT: Central Texas Mortuary Service for Crematorium

CASE MANAGER: Brian Mabry, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-08-06 Hold a public hearing to consider a Conditional Use Permit to allow a proposed crematorium to be located at 11 North 6th Street. (Applicant: Central Texas Mortuary Service)

BACKGROUND: The applicant wishes to establish a crematorium on the subject property. Such use requires a conditional use permit (CUP) in all zoning districts except for the MU, Mixed Use zoning district, where it is prohibited. The subject property is zoned CA, Central Area. The purpose of a CUP is to allow uses that generally have unusual nuisance characteristics or are of a public or semi-public character often essential or desirable for the general convenience and welfare of the community. Because, however, of the nature of the use or possible adverse impact on neighboring properties, Planning and Zoning Commission and City Council review of the associated site plan is required.

Surrounding Property and Uses

The following table shows the existing zoning and current land uses abutting the subject property:

Direction	Zoning	Current Land Use
North	CA	Vacant/unidentified
East		Used auto sales
South		Restaurant
West		Parking lot an dchurch (across 6 th St.)

A zoning request should be reviewed for compliance with the Comprehensive Plan.

Future Land Use Plan – This application conforms to the Future Land Use Plan.

Thoroughfare Plan – This application conforms to the Thoroughfare Plan.

Adequacy of Public Facilities – Adequate public facilities serve this site.

Development Regulations

In addition to the site plan required for a CUP application, the applicant has submitted information on cremation technology. The submitted table shows that crematoriums emit less particulate matter, nitrogen oxides and volatile organic compounds (VOCs) than fireplaces, diesel trucks and restaurants (source: Paul Rahill. *American Funeral Director*. January 1999). Common substances that emit VOCs include: paint strippers, cleaning supplies, pesticides, correction fluids and permanent markers.

Section 7-606 of the Zoning Ordinance sets out criteria for the Planning and Zoning Commission and City Council to consider when reviewing a CUP application. One criterion is “The conditional use permit will be compatible with and not injurious to the use and enjoyment of the property, nor significantly diminish or impair property values within the immediate vicinity.” In order to protect the integrity of the downtown area and to bring the subject property into harmony with the neighboring brick building and the nearby Hawn Hotel that is soon to be restored, staff recommends that the following facades of the main building be completely composed of brick:

- 100% of the front façade and
- the first 25% of the length of the north and south walls of the building, measuring from front to back.

Another review criterion is “There is sufficient landscaping and screening to insure harmony and compatibility with adjacent property.” For this reason, staff recommends that landscaped foundation plantings four feet in depth with shrubs be provided along the front façade of the main building except for in front of the entryway and garage door.

These two recommendations would result in the following transformation of the front of the main building.



In addition, the Zoning Ordinance requires one 9’ wide, 18’ deep parking space per 250 square feet for general retail or personal service uses. Eight parking spaces are required for the subject property; however, four spaces would be adequate considering the close proximity of a nearby underused public parking lot across 6th street from the subject property. See the attached recommended site plan for details.

Public Notice

Ten notices were sent out. As of Thursday, January 3 at 5 PM, one notice was returned in favor of and one notice was returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on December 29, 2007 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of the conditional use permit for a crematorium subject to the following modifications to the submitted site plan:

1. The following facades of the main building be completely composed of brick:
 - 100% of the front façade and
 - the first 25% of the length of the north and south walls of the building, measuring from front to back.
2. Landscaped foundation plantings four feet in depth with shrubs shall be provided along the front façade of the main building except for in front of the entryway and garage door; and
3. Four off-street parking spaces shall be striped along the front of the main building.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Zoning Map

Aerial

Application

Site Plan (original)

Site Plan (staff recommendation)

Notice Map

Responses

Applicant's Exhibits

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

MONDAY, JANUARY 7, 2008

ACTION ITEMS

- 3. Z-FY-08-06** Hold a public hearing to consider a Conditional Use Permit to allow a proposed crematorium to be located at 11 North 6th Street. (Applicant: Central Texas Mortuary Service)

Mr. Brian Mabry, Senior Planner, presented this item as outlined in the Planning and Zoning Agenda Background. He informed the Commission that City Council would be the final authority for the Conditional Use Permit request. Mr. Mabry presented a slide show on the background of the area, surrounding property and uses, Future Land Use Plan, Thoroughfare Plan, adequacy of public facilities, and development regulations. He said the building is now being used as an embalming facility and the proposal is to have a propane or natural gas as opposed to electric crematorium. Mr. Mabry explained the purpose of the Conditional Use Permit which he presented on the screen for the Commissioner's to see. He said the applicant has submitted a site plan which he showed on the screen. The Planning and Zoning Commission and the City Council can impose additional conditions as they see fit if necessary to protect the public interests. Mr. Mabry displayed a graph showing some statistics about the emissions for a crematorium with the point being suggested that they are probably less polluting or have less emissions than what the public may think. He showed the Staff Recommendation for the façade of the building, landscaping, and parking requirements. Mr. Mabry said ten notices were mailed to surrounding property owners within 200 feet of the building. Three notices were returned in opposition to the request and one was returned in favor of the request.

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

Mr. Michael Gaskins, representative for Central Texas Mortuary, 11 N. 6th Street, Temple, addressed the Commission. He said he is in agreement with the landscaping and parking requirements, however, the metal building may not be able to hold up to adding brick to the front and sides. He suggested looking at other options other than brick.

Mr. Mabry said the brick was mentioned in a pre-meeting with the Director of Construction safety. Some other options mentioned were thin veneer

brick that would glue on to the metal building, or to supplement or strengthen the foundation of the building to hold the brick.

Mr. Gaskins replied that the foundation of the building is double the thickness of regular foundation required. He asked Mr. Mabry if these were the only two options available.

Mr. Mabry stated that the Planning and Zoning Commission is not the final decision. They will make a recommendation to the City Council. He said based on that recommendation he and Mr. Gaskins could talk with the Director of Construction Safety or between now and the next Council meeting to modify Staff's recommendation.

There was continued discussion between the applicant, Staff, and the Planning and Zoning Commission about modifying the front and sides of the building, emission control, and considering stucco or EFIS verses brick.

Commissioner Secrest said he would like to sever bullet number one from the Staff recommendation and vote on it separately. He said he is for the change however he does not agree with having the applicant forced to use brick for the front and side façade.

Chair Luck closed the public hearing.

Ms. Trudi Dill, Deputy City Attorney, said that by ordinance a motion could eliminate a part of the Staff recommendation but not sever it from the recommendation. Mr. Mabry said that a Commissioner could make a motion without bullet number 1 and when he takes it before the City Council he would show what the Staff recommendation was and what the Planning and Zoning Commission motioned and voted on.

Chair Luck asked Mr. Mabry to clarify what the Zoning Ordinance means when it says that the Planning and Zoning Commission may recommend and City Council may impose additional conditions necessary to protect the public interest and welfare. Mr. Mabry gave the hypothetical example that if the crematorium were surrounded by 100% brick buildings on all sides, front, and back, a motion could be made that in the public interest of preserving a certain quality of the downtown area that the motion include that this building also be brick in the front and side.

Motion to recommend approval of Z-FY-08-06 as stated in the Staff recommendation for number 2, Landscaping and number 3, parking spaces only, by Commissioner Secrest; seconded by Commissioner Pilkington.

Motion passed. (8/1) Chair Luck voted nay.

Motion to recommend approval of Z-FY-08-06, item number 1 to be determined by the applicant and Mr. Mabry to create a list of approved façade acceptable by City Council and by Planning and Zoning by Commissioner Talley.

Motion failed for lack of a second to the motion.

ORDINANCE NO. 2008-4193

[ZONING NO. Z-FY-08-06]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW A PROPOSED CREMATORIUM LOCATED AT 11 NORTH 6TH STREET; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

WHEREAS, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of land commonly known as 11 North 6th Street, recommends that the City Council approve the application for this Conditional Use Permit for a crematorium; and

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

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

Part 1: The City Council approves a Conditional Use Permit to allow a proposed crematorium located at 11 North 6th Street, said location being more fully shown on Exhibit A, attached hereto and made a part hereof for all purposes.

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

- A. The development of the property shall conform to the site plan, attached hereto as Exhibit B.
- B. Landscaped foundation plantings four feet in depth with shrubs shall be provided along the front façade of the main building except for in front of the entryway and garage door.
- C. Four off-street parking spaces shall be striped along the front of the main building.
- D. The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter, and odors on the establishment or in the surrounding area and shall operate the establishment in such a manner as to minimize disturbance to surrounding property owners.
- E. The conditional use permit runs with the property and is not affected by a change in the owner or lessee of a permitted establishment.
- F. The City Council may revoke, suspend or modify a conditional use permit after notice to property owner and hearing before the City Council if the City Council finds evidence of fraud or deception, violation of conditions of the conditional use permit, or as provided in Sections 7-609 and 7-610 of the Zoning Ordinance.

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

Part 4: The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

Part 5: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **17th** day of **January**, 2008.

PASSED AND APPROVED on Second Reading on the **7th** day of **February**, 2008.

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

02/07/08
Item # 5(O)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director
Michael C. Newman, PE, CFM, Assistant Director of Public Works/City Engineer

ITEM DESCRIPTION: SECOND READING - Consider adopting an ordinance amending Chapter 33, Subdivisions, Section 93, Streets, of the Code of Ordinances to provide that permanent monuments shall be placed in accordance with survey and monumentation standards.

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

ITEM SUMMARY: Staff recommends approval of language change to Chapter 33 Subdivisions, Section 93 Streets, subsection (q) Monuments, subject to City Council's approval with the following recommended language:

"The registered professional land surveyor responsible for the plat shall place permanent monuments in accordance with survey and monumentation standards. A copy of this standard is available in the Office of the Director of Public Works for the City of Temple."

Registered professional land surveyors are bound to abide by state law when practicing land surveying including subdivision of land. In order to avoid potential conflicts with changes in state law potentially requiring city ordinance exception requests and to improve efficiency of land development implementation, the Development Standards Advisory Board and city staff recommend deleting specific language from the Subdivision ordinance related to land survey monuments and replace with language as stated above.

On October 10, 2007 the Development Standards Advisory Board (DSAB) recommended to revise the subdivision ordinance by removing existing language and replacing with language referencing a survey and monumentation standard by name. Local land surveyors were represented at this meeting and were instrumental in developing the survey and monumentation standards language.

The recommended survey and monumentation standard specifies work shall be performed in compliance with the current Minimum Standards of Practice governed by the Texas Board of Professional Land Surveying (TBPLS). The recommended standard provides requirements for perimeter boundary controls, permanent monuments and individual lot corners. It specifies when and where land survey monumentation occurs during subdivision layout and construction.

On December 17, 2007 Planning and Zoning Commission approved recommendation to amend Chapter 33, Subdivision Ordinance, related to land survey monumentation requirements for subdivisions.

FISCAL IMPACT: No fiscal impact to City funds.

ATTACHMENTS:

[Survey & Monumentation Standards](#)

[Current Chapter 33-93 Streets \(q\) Monuments ordinance language Ordinance](#)

Survey & Monumentation Standards

All subdivisions prepared for submittal to City of Temple shall be prepared by a Registered Professional Land Surveyor, licensed in the state of Texas, and all survey work shall be performed in compliance with the current Minimum Standards of Practice governed by the Texas Board of Professional Land Surveying (TBPLS).

- 1.) **CONTROL** - The perimeter boundary of the subdivision must be tied to the City of Temple Horizontal and Vertical Control system, and the physical (measured) tie (grid bearing and surface distance) must be displayed on the subdivision plat, or described thoroughly with a note on the face of the plat.

All elevations shown on construction plans or on the plat (if needed) must be tied to an existing City of Temple Control Point, and the description/location of this control point/benchmark must be noted on the plans, and in some events – on the plat.

- 2.) **BOUNDARY MONUMENTATION** - All subdivisions shall have the perimeter boundary of the subdivision properly marked and said markers must consist of monuments that are set or found (and appropriately described on the plat and in the accompanying surveyor's field notes), and are of sufficient size and depth to retain a stable and distinctive location and to withstand the deteriorating forces of nature, and shall be of such material that, in the surveyor's judgment, will best achieve this goal (this is required in order to comply with TBPLS rules).

All of the perimeter corners of the subdivision must have actual "in the ground" markers that meet the TBPLS minimum standards, or have reference markers in the event of drastic terrain creating a situation where a marker cannot be placed at the actual corner.

All street Rights-Of-Way (ROW) corners (this includes block corners, angle points, points of curvature and points of tangency) must have a marker placed by a surveyor prior to final plat approval by the City of Temple or recording of plat and prior to final acceptance of the subdivision. In accordance with the TBPLS rules, where practical, all monuments/markers set by professional land surveyors to delineate or witness a boundary corner shall be marked in a way that is traceable to the responsible surveyor or associated firm.

- 3.) **INDIVIDUAL LOT CORNERS** - Each and every lot corner is not required to be in place at the time the plat is approved or recorded, unless said corner is a subdivision perimeter corner, block corner, or ROW corner. Prior to commencement of building/structure construction, all lot corner monuments for the lot(s) included in the permit must be in place.

Chapter 33 Subdivision, Section 93 Streets, Subsection (q) Monuments”

- (1) The surveyor responsible for the plat shall place permanent monuments:
 - a. At the centerline intersection point of all streets.
 - b. At the intersection of the centerline of the streets and the subdivision boundary.
 - c. At the center of a cul-de-sac.

The city engineer may modify the number and location of certain points.

- (2) These monuments shall be set in a permanent type post as approved by the city engineer, i.e. similar to City of Temple “Permanent Monument” TC-370. The precise point of intersection shall be indented on the tip of the monument. A description of the location, elevation and monument ties shall be provided the city engineer.
- (3) Block corners shall be an iron rod, pipe, etc., set in concrete. These block corners shall be referenced to the subdivision permanent monuments and the bearings and distances of the reference lines shall be filed in writing with the city engineer.
- (4) The city engineer, through his surveyor, shall maintain a monument and block corner file.
- (5) The location of monuments shall be shown on the final plat.
- (6) All lot corners shall be set with a marker of a permanent nature, i.e. iron rod, pipe, etc.
- (7) All monuments and block corners shall be in place at the time of acceptance of utilities and streets.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 33, "SUBDIVISIONS," OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE, TEXAS, SECTION 33-93, "STREETS," SUBSECTION q, "MONUMENTS," REPLACING LANGUAGE TO ADD *SURVEY AND MONUMENTATION STANDARDS*; 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 amends Chapter 33, "Subdivisions," of the Code of Ordinances of the City of Temple, Texas, by amending Section 33-93, "Streets," subsection "q," "Monuments," to read as follows:

Sec. 33-93. Streets.

(q) *Monuments.*

~~(1) The surveyor responsible for the plat shall place permanent monuments:~~

~~a. At the centerline intersection point of all streets.~~

~~b. At the intersection of the centerline of the streets and the subdivision boundary.~~

~~c. At the center of a cul-de-sac.~~

~~The city engineer may modify the number and location of certain points.~~

~~(2) These monuments shall be set in a permanent type post as approved by the city engineer, i.e. similar to City of Temple "Permanent Monument" TC 370. The precise point of intersection shall be indented on the top of the monument. A description of the location, elevation and monument ties shall be provided the city engineer.~~

~~(3) Block corners shall be an iron rod, pipe, etc., set in concrete. These block corners shall be referenced to the subdivision permanent monuments and the bearings and distances of the reference lines shall be filed in writing with the city engineer.~~

- ~~(4) — The city engineer, through his surveyor, shall maintain a monument and block corner file.~~
- ~~(5) — The location of monuments shall be shown on the final plat.~~
- ~~(6) — All lot corners shall be set with a marker of a permanent nature, i.e. iron rod, pipe, etc.~~
- ~~(7) — All monuments and block corners shall be in place at the time of acceptance of utilities and streets.~~

The registered professional land surveyor responsible for the plat shall place permanent monuments in accordance with survey and monumentation standards. A copy of this standard is available in the Office of the Director of Public Works for the City of Temple.

Part 2: The Code of Ordinances of the City of Temple, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

Part 3: This ordinance shall take effect immediately after the date of 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 **17th** day of **January**, 2008.

PASSED AND APPROVED on Second Reading on the **7th** day of **February**, 2008.

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

02/07/08
Item #5(P)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the transfer of certain property to the Temple Economic Development Corporation for the Gulf States Toyota project.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On November 15, 2007, the City Council authorized the City to enter into a Chapter 380 development agreement with Gulf States Toyota to build a vehicle processing center for Toyota and Scion vehicles on an approximately 317 acre site located at the southeast corner of Moore's Mill Road and Wendland Road in the City's industrial park. The City and TEDC committed to constructing certain public improvements using tax increment funds that will benefit not only Gulf States Toyota but will further development in the northwest portion of the City's Tax Increment Financing Reinvestment Zone Number One.

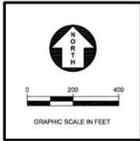
In anticipation of future development in the Reinvestment Zone, the City previously acquired the following properties: (1) Constance Marie Robinson (August 31, 2007), 10.05 acres; (2) Mary L. Anderson (August 31, 2007), 10.08 acres; (3) Robert and Mary Hendricks (July 9, 2007), 6 acres; (4) Kay Hendricks (Trustee Billie Gilmore Living Trust) *aka Gilmore Tract* (May 31, 2007), 97.73 acres; (5) Judith Ann Stewart (October 26, 2006), *Tract 1-* 141.734 acres -- *Tract 2-* 1.244 acres; (6) Irish Family Limited Partnership (December 4, 2006), *Tract 1* – 70.283 acres – *Tract 2* – 6.638 acres; and (7) William and Betty Cloud (August 14, 1995), 87.396 acres.

For the purpose of establishing unity of title for these Reinvestment Zone properties and to meet the commitments made to Gulf States Toyota by the City and TEDC, the Staff recommends approval of this resolution transferring the above-mentioned properties to TEDC.

FISCAL IMPACT: The Reinvestment Zone's purchase price of the land proposed to be transferred to TEDC for the Gulf States Toyota project is approximately \$6,800 per acre. This values the 317 acres at approximately \$2.16 million.

ATTACHMENTS:

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



OLD HOWARD RD.

MOORES MILL RD.

BERGER RD.

35

OLD HIGHWAY 81

LUCY KAY HENDRICKS

HENDRICKS TRACT

CITY OF TEMPLE

ORIGIN BY JOHN JONES
CITY OF TEMPLE
DOCUMENT NO. 2284

ANDERSON TRACT

ROBINSON TRACT

TEMPLE ECONOMIC
DEVELOPMENT CORPORATION

STUART TRACT

WENDLAND RD.

IRISH TRACT

WILSONART DR.

LUCIUS McCELVEY DR.

LOOP 363

LOOP 363

35

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE TRANSFER OF CERTAIN PROPERTY TO THE TEMPLE ECONOMIC DEVELOPMENT CORPORATION FOR THE GULF STATES TOYOTA PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on November 15, 2007, the City Council authorized the City to enter into a Chapter 380 development agreement with Gulf States Toyota to build a vehicle processing center for Toyota and Scion vehicles on an approximately 317 acre site located at the southeast corner of Moore's Mill Road and Wendland Road in the City's industrial park;

Whereas, the City and TEDC committed to constructing certain public improvements using tax increment funds that will benefit not only Gulf States Toyota but will further development in the northwest portion of the City's Tax Increment Financing Reinvestment Zone Number One;

Whereas, the City previously acquired certain properties located within the Reinvestment Zone in anticipation of future development in the Zone – for the purpose of establishing unity of title for these Reinvestment Zone properties and to meet the commitments made to Gulf States Toyota by the City and TEDC, the Staff recommends transferring the properties to TEDC; 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 transfer of the following properties to the Temple Economic Development Corporation:

- (a) 10.05 acres purchased from Constance Marie Robinson on August 31, 2007;
- (b) 10.08 acres purchased from Mary L. Anderson on August 31, 2007;
- (c) 6 acres purchased from Robert and Mary Hendricks on July 9, 2007;
- (d) 97.73 acres purchased from Kay Hendricks (Trustee Billie Gilmore Living Trust) *aka Gilmore Tract* on May 31, 2007;
- (e) 141.734 acres (Tract 1) and 1.244 acres (Tract 2) purchased from Judith Ann Stewart on October 26, 2006;
- (f) 70.283 acres (Tract 1) and 6.638 acres (Tract 2) purchased from the Irish Family Limited Partnership on December 4, 2006; and
- (g) 87.396 acres purchased from William and Betty Cloud on August 14, 1995.

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 7th day of **February**, 2008.

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

02/07/08
Item #5(Q)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager

ITEM DESCRIPTION: Consider adopting a resolution supporting the nomination of one regular and one alternate member to the Texas Transportation Commission's Corridor Advisory Committees.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple has been notified of the establishment of Corridor Advisory Committees by the Texas Transportation Commission. These committees will assist the Texas Department of Transportation with planning and decision-making for major corridors of the State. Initially, two advisory committees will be established, one to focus on the Interstate 35 corridor (including TTC-35) and the other to focus on the planned Interstate 69 corridor (including I-69/TTC).

The Commission will appoint members to these Corridor Advisory Committees in February. Mayor Jones has been asked to consider participating. The Mayor has indicated his interest and desire to serve on one of these committees and we recommend his appointment. We also recommend the appointment of an alternate member in the event Mayor Jones is unable to make any of the committee meetings. We would recommend both these appointments be 'positional' appointments.

The Commission will also establish Corridor Segment Comments within the next few months. Membership on this committee will include one member appointed by the County Judge of each county in which the proposed segment is located and one member appointed by each MPO within whose boundaries all or part of the proposed segment may be located.

FISCAL IMPACT: None

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SUPPORTING THE NOMINATION OF ONE REGULAR AND ONE ALTERNATE MEMBER TO THE TEXAS TRANSPORTATION COMMISSION'S CORRIDOR ADVISORY COMMITTEE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple has been notified of the establishment of the Corridor Advisory Committees by the Texas Transportation Commission – the committees will assist the Texas Department of Transportation with planning and decision-making for major corridors of the State;

Whereas, the Commission will also establish Corridor Segment Comments within the next few months – membership on this committee will include one member appointed by the County Judge of each county in which the proposed segment is located and one member appointed by each MPO within whose boundaries all or part of the proposed segment may be located;

Whereas, the City of Temple supports the nomination of one regular and one alternate member for these committees; 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 supports the positional appointment of the Mayor of the City of Temple, and the _____ of the City of Temple as an alternate member, to the Texas Transportation Commission's Corridor Advisory Committees.

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 7th day of **February**, 2008.

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

02/07/08
Item #5(R)
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 2007-2008.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2007-2008 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$199,326.

ATTACHMENTS:

[Budget amendments
Resolution](#)

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2008 BUDGET
February 7, 2008

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-1800-525-1118		Technical (Municipal Court)	\$ 11,544	
110-1800-525-1220		Retirement/Pension	\$ 1,686	
110-1800-525-1221		Social Security	\$ 168	
110-1800-525-1223		Workers Compensation	\$ 300	
110-1800-525-1224		Unemployment Insurance	\$ 270	
110-1800-525-2113		Clothing & Uniforms	\$ 670	
110-1800-525-2121		Firearms/Munitions	\$ 400	
110-1800-525-2211		Instruments/Special Equipment	\$ 1,000	
110-1800-525-2514		Travel & Training	\$ 500	
110-0000-317-0000		Fund Balance Reserved/Designated - Municipal Court Restricted Security Fees		\$ 16,538
<p>Increase personnel and clothing & uniform expenditure accounts to cover the cost of a Bailiff position for January 28, 2008 thru September 30, 2008. This position will be funded 100% from the Municipal Court Restricted Building Security Fees. These restricted funds are from a \$3.00 fee collected from defendants convicted of a misdemeanor offense and can only be used to enhance security of the court. The hiring of the Bailiff position is part of the implementation of the Marshal Program. By hiring the Bailiff for the Court, the current Police Officer who is providing security for the court will be able to serve warrants.</p>				
110-2000-521-2516		Judgments & Damages (Police Dept.)	\$ 297	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 297
<p>Attorney fees for lawsuit filed against City -- Steven Taylor v. City of Temple</p>				
110-3110-551-2516		Judgments & Damages (Golf Course)	\$ 75	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 75
<p>Settlement of claim filed against City by Jimanne Durkee seeking reimbursement for hospital copayment after claimant injured her ankle while playing golf at Sammons Park.</p>				
110-3700-524-2516		Judgments & Damages (Construction Safety)	\$ 220	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 220
<p>Attorney fees for lawsuits filed against the City -- Centex Investments, Inc. v. City of Temple (\$131.25) and Martinson v. City of Temple (\$87.50)</p>				
260-2000-521-6211	100368	Instruments/Special Equipment (Police Grants)	\$ 15,791	
260-0000-431-0163		Federal Grants		\$ 15,791
<p>Appropriate funds to purchase Centurion Scout Mobile Security Systems for the Police Department. The purchases will be funded by the 2007 Byrne Justice Assistance Grant funds.</p>				
260-6000-515-1112		Professional (CDBG Administration)	\$ 11,046	
260-6000-515-6532		Contingency		\$ 3,374
260-6100-571-6317	100178	Streets/Alleys	\$ 47,559	
260-6100-571-6532		Contingency		\$ 47,991
260-6100-571-6530		Special Projects		\$ 7,240
260-6100-571-6516	100199	Park Improvements - Wilson		\$ 100,000
260-6100-571-6516	100370	Park Improvements - Ferguson	\$ 100,000	

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2008 BUDGET
February 7, 2008

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
Adjust the amounts carried forward for CDBG to reflect the approved annual action plan. Some funds were reallocated and program income from prior years (in the Contingency account) was programmed.				
351-1600-512-2616		Professional Services (Legal - Capital Project)	\$ 3,900	
351-0000-490-2582		Transfer In - General Fund		\$ 3,900
110-9100-591-8151		Transfer Out - Capital Projects Fund	\$ 3,900	
110-0000-352-1345		Designated Capital Projects - Unallocated		\$ 3,900
This budget adjustment appropriates \$3,900 needed to fund a professional services agreement with Earl Bosl for revised property descriptions for the City-Initiated Annexation Areas A, B, C, & D. These funds are available in Designated Capital Projects - Unallocated.				
TOTAL AMENDMENTS			\$ 199,326	\$ 199,326

GENERAL FUND		
Beginning Contingency Balance		\$ -
Added to Contingency Sweep Account		\$ -
Carry forward from Prior Year		\$ -
Taken From Contingency		\$ -
Net Balance of Contingency Account		\$ -
Beginning Judgments & Damages Contingency		\$ 70,000
Added to Contingency Judgments & Damages from Council Contingency		\$ -
Taken From Judgments & Damages		\$ (27,162)
Net Balance of Judgments & Damages Contingency Account		\$ 42,838
Beginning Master Plan Implementation Contingency		\$ 250,000
Added to Master Plan Implementation Contingency		\$ -
Taken From Master Plan Implementation Contingency		\$ (176,334)
Net Balance of Master Plan Implementation Contingency Account		\$ 73,666
Beginning Compensation Plan Contingency		\$ 150,000
Added to Compensation Plan Contingency		\$ -
Taken From Compensation Plan Contingency		\$ -
Net Balance of Compensation Plan Contingency Account		\$ 150,000
Net Balance Council Contingency		\$ 266,504
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		\$ 904,672
Added to Contingency Sweep Account		\$ -
Taken From Contingency		\$ (103,584)
Net Balance of Contingency Account		\$ 801,088
Beginning Compensation Plan Contingency		\$ 30,000
Added to Compensation Plan Contingency		\$ -
Taken From Compensation Plan Contingency		\$ -
Net Balance of Compensation Plan Contingency Account		\$ 30,000

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2008 BUDGET
February 7, 2008

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Beginning Approach Mains Contingency	\$	500,000
		Added to Approach Mains Contingency	\$	-
		Taken From Approach Mains Contingency	\$	(141,419)
		Net Balance of Approach Mains Contingency Account	\$	358,581
		Net Balance Water & Sewer Fund Contingency	\$	1,189,669
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance	\$	20,126
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	20,126
		Beginning Compensation Plan Contingency	\$	8,000
		Added to Compensation Plan Contingency	\$	-
		Taken From Compensation Plan Contingency	\$	-
		Net Balance of Compensation Plan Contingency Account	\$	8,000
		Net Balance Hotel/Motel Tax Fund Contingency	\$	28,126
		DRAINAGE FUND		
		Beginning Contingency Balance	\$	1,495
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	1,495
		Beginning Compensation Plan Contingency	\$	2,000
		Added to Compensation Plan Contingency	\$	-
		Taken From Compensation Plan Contingency	\$	-
		Net Balance of Compensation Plan Contingency Account	\$	2,000
		Net Balance Drainage Fund Contingency	\$	3,495
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$	-
		Carry forward from Prior Year	\$	86,477
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(51,365)
		Net Balance of Contingency Account	\$	35,112

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2007-2008 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on the 23rd day of August, 2007, the City Council approved a budget for the 2007-2008 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2007-2008 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 2007-2008 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 7th day of **February**, 2008.

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

02/07/08
Item #6(A)
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-08-05(A): Consider adopting an ordinance amending the Temple Comprehensive Plan to reflect commercial uses on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H.

STAFF & P&Z COMMISSION RECOMMENDATION: The Planning and Zoning Commission voted 5/0 to recommend **denial** of the requested amendment to the Comprehensive Plan's Future Land Use Map from Neighborhood and Community Retail to Commercial at its meeting on December 4, 2007. Vice-Chair Pope and Commissioners Pilkington, Kjelland and Derek Martin were absent. Staff recommended **approval** of the future land use map amendment request for the following reasons:

1. The request complies Future Land Use Plan;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public facilities serve the site.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-08-05(A), from the Planning and Zoning meeting on December 4, 2007. The Planning and Zoning Commission had no concerns related to the Future Land Use Map amendment. They did, however, have concerns regarding the companion zone change request. These concerns are described in the staff report for Z-FY-08-05(B).

Since the Planning and Zoning Commission recommends denial of the Future Land Use Map amendment, a super-majority of four favorable votes from the City Council is required for the amendment to pass.

Six notices were sent out for the Planning and Zoning Commission meeting. As of Tuesday, December 11, 2007, at 2 PM, one notice was returned in favor of and one notice was returned in opposition to the request. The newspaper printed notice of the Planning & Zoning Commission's public hearing on November 23, 2007 in accordance with state law and local ordinance.

FISCAL IMPACT: NA

ATTACHMENTS:

Future Land Use Map
P&Z Staff Report
P&Z Minutes (12/04/07)
Ordinance



Z-FY-08-05

725 S General Bruce Dr

Lot 16 & 17, Blk 1, Bellview Addition

Proposed Zone Change

CLUP

Agricultural

AGRICULTURE

Residential

- LOW DENSITY (UE)
- MOD DENSITY (SF1, SF2, SF3, MH, 2F)
- MED DENSITY (MH, 2F, TH, MF1)
- HIGH DENSITY (MF2)

Commercial

- OFFICE (O1, O2)
- RETAIL (NS, GR)
- COMMERCIAL (C, CA)

Mixed Use

MIXEDUSE (MU)

Industrial

- INDUSTRIAL (LI, HI)
- Warehouse/Distribution
- Manufacturing/Distribution
- Bio-Science/Technology
- Corporate Capus & Office
- Aviation Industrial Dvmt
- Fwy Com/Tech/Indust
- Intermodal

Community Facilities

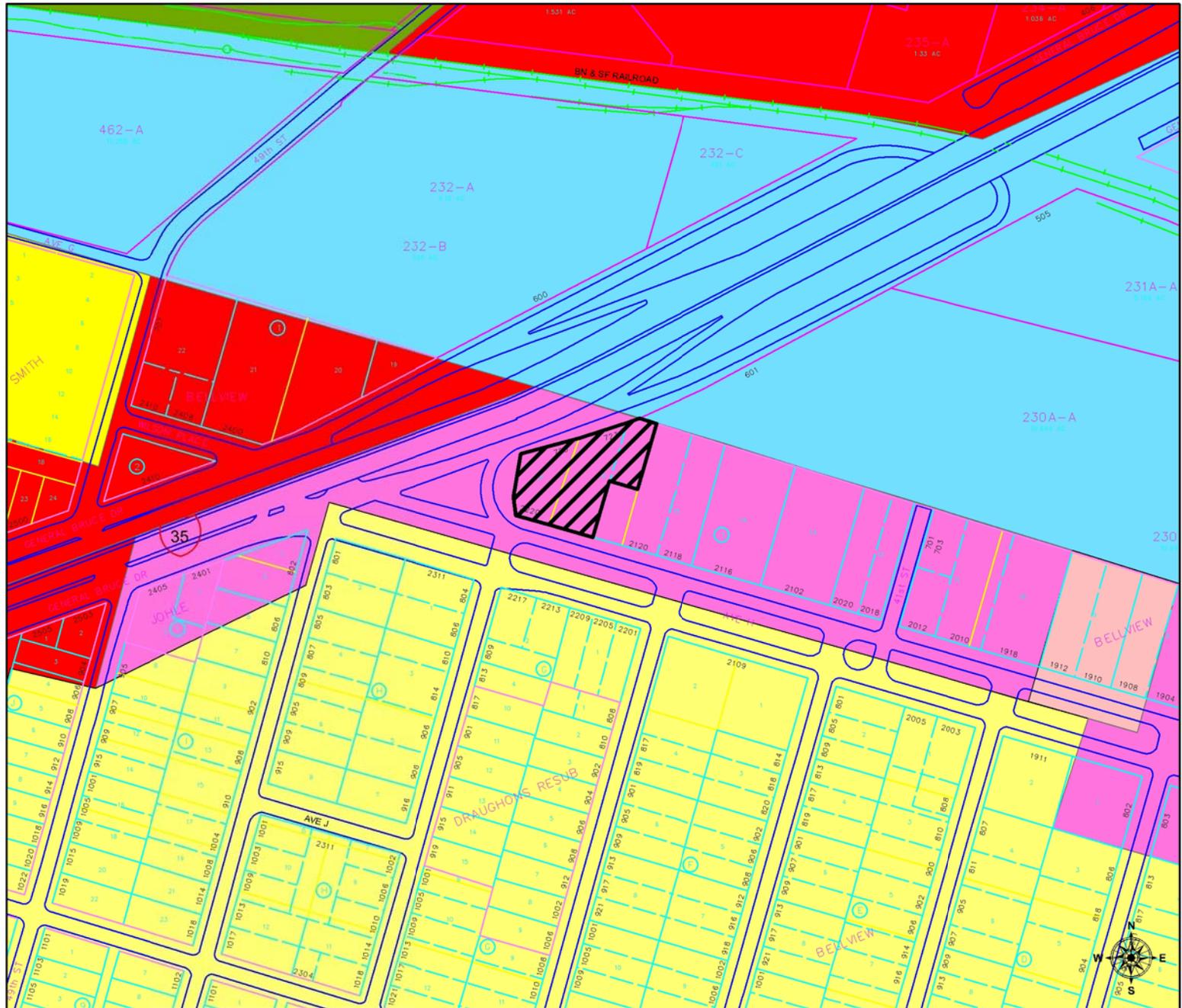
- COMMUNITY FACILITY
- CF-E (EDUCATIONAL)
- CF-G (GENERAL)
- CF-R (RESIDENTIAL)
- CF-M (MEDICAL)

Park Land

- PROPOSED FLOATING PARK
- PARKS

Downtown

DOWNTOWN



PD (GR) to C for Billboard

1 inch equals 300 feet

J Stone 11.15.07



PLANNING AND ZONING COMMISSION AGENDA ITEM

12/04/07
Item 5(A)
Page 1 of 2

APPLICANT / DEVELOPMENT: A.C. Boston

CASE MANAGER: Brian Mabry, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-8-05(A) Hold hearing to consider an amendment to the Temple Comprehensive Plan to reflect commercial uses on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H.

BACKGROUND: This request tracks with Z-FY-08-05(B), a zone change request from the GR, General Retail zoning district to the C, Commercial zoning district.

The Temple Comprehensive Plan was adopted in 1989 and applies to all areas of the City that are not served by area plans such as the West Temple Plan, 25th Street Corridor Plan or the South Temple Plan. Continued intensification of uses along the Interstate warrants consideration of the requested amendment.

Future Land Use Plan

Future land use categories abutting the subject property are as follows:

Direction	Future Land Use Category
North	Neighborhood & Community Retail
Northeast	Industrial
East	Neighborhood & Community Retail
South	Neighborhood & Community Retail
South (across Ave. H)	Moderate Density Residential
West	Neighborhood & Community Retail
West (across I-35)	Commercial and Industrial

The subject property is currently designated with the Neighborhood and Community Retail future land use category. The future land use category accommodates the NS, Neighborhood Services and the GR, General Retail zoning district. The requested Commercial future land use category accommodates the CA, Central Area and the C, Commercial zoning districts. The Comprehensive Plan amendment request complies with the Future Land Use Plan.

DOUBLE SIDED

Thoroughfare Plan

Interstate 35 is designated as a freeway on the Thoroughfare Plan. A freeway is “devoted entirely to large volumes of traffic movement with little or no land service function.” The Comprehensive Plan amendment request complies with the Thoroughfare Plan.

Adequacy of Public Facilities

A six-inch sewer line and six-inch water line serves the property. Adequate public facilities exist to serve the property.

Considering the continued development of Interstate 35 since the drafting of the Comprehensive Plan in 1989 and considering surrounding future land use category designations, amendment of the future land use map is appropriate.

Public Notice

Six notices were sent out. As of Wednesday, November 28 at 5 PM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the public hearing on November 23, 2007 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of the future land use map amendment request from Neighborhood & Community Retail to Commercial for the following reasons:

1. The request complies Future Land Use Plan;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public facilities serve the site.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Land Use Map

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, DECEMBER 4, 2007**

ACTION ITEMS

- 5(A). Z-FY-08-05** Hold a public hearing to consider an amendment to the Temple Comprehensive Plan to reflect commercial uses on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H. (Applicant: A.C. Boston)
- 5(B). Z-FY-08-05** Hold a public hearing to consider a zone change from Planned Development (General Retail) District and General Retail District to Commercial District on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H. (Applicant: A.C. Boston)

Mr. Brian Mabry, Senior Planner, presented both items. He began with Item 5(A), Z-FY-08-05 which tracks with the zone change Item 5(B). Mr. Mabry said the subject property is covered by the Temple Comprehensive Plan which was adopted in 1989 and applies to all areas of the City that are not served by area plans such as the West Temple Plan, 25th Street Corridor Plan or the South Temple Plan. He said continuing intensification of uses along the Interstate warrants consideration of the requested amendment to the Future Land Use Map and the Thoroughfare Plan which he displayed for the Commission to view. Mr. Mabry explained that Interstate 35 is designated as a freeway on the Thoroughfare Plan and a freeway is “devoted entirely to large volumes of traffic movement with little or no land service function.” He said the Comprehensive Plan amendment request to a more intense commercial level complies with the purpose of Interstate 35 and the Thoroughfare Plan. Mr. Mabry displayed a plan of sewer and water facilities in the area. He said Staff recommends approval of the future land use map amendment request from Neighborhood & Community Retail to Commercial for the reasons listed above.

Mr. Mabry continued with the zone change request Item 5(B). He displayed an aerial view of the property which is zoned General Retail and General Retail with a Planned Development attachment. Mr. Mabry said the Planned Development was first approved in 1986 for a bus station with a stipulation that the bus station could not sell alcohol, bus routes would utilize the frontage road for circulation, and gamerooms would not be permitted at the station. He displayed several uses on the property. Mr. Mabry said the original zone change request was to place a billboard on

the property, however after several measurements between the proposed billboard and two existing billboards determination was that there is not sufficient distance between the billboards. He explained that the Zoning Ordinance requires a minimum separation distance of 1,500 feet between billboards along I-35; an existing billboard to the south is only 1,080 feet from the proposed billboard and an existing billboard to the north is only 1,350 feet from the proposed billboard. Mr. Mabry said although the zone change could be approved, the permit for the billboard could be requested to construct the billboard but the permit would not be approved due to the Zoning Ordinance separation requirements. He went over the surrounding property uses, Future Land Use Plan, Thoroughfare Plan, adequacy of public facilities, and development regulations. Mr. Mabry said six notices were sent to surrounding property owners. One notice was returned in favor of the request and one was returned in opposition to the request. Staff recommends approval of the zone change request because the zone change complies with the request to the amendment to the Future Land Use Plan, the Thoroughfare Plan, and adequate public facilities serve the property.

Commissioner Talley asked Mr. Mabry to respond further on the denial to the zone change request. Mr. Mabry replied that the denial response was concerned that if I-35 expands, it would be more expensive for TxDOT and the public to acquire land that would be zoned with this zoning designation because zoning can affect the appraised value of property, therefore if the zone change is approved it would make the property more valuable and more expensive to acquire.

Chair Luck said if the intent of the applicant was initially for the zoning change for the billboard, and knows that the billboard would not be allowed would he still choose to have the zone change. Mr. Mabry replied yes, that approximately a week ago, he let the applicant and Lamar Signs know that the spacing wasn't going to be met and asked if they wanted to withdraw the request. He said they chose not to withdraw the request.

Chair Luck asked if a developer could come in and change a site plan for additional usage and not just restaurant. Mr. Mabry stated that if the I-35 Overlay were to be adopted as it is now, that there are certain uses more intent that require a Conditional Use Permit and that would weight on top of this property as well as others along the interstate, so right now some of the uses that are permitted by right without review by the City Council would be required to obtain a Conditional Use Permit for that use which is submitting a site plan and having it reviewed by the Planning and Zoning Commission and by City Council.

Commissioner Carothers asked if commercial use is the only use that would require a Conditional Use Permit for a restaurant or bar. Mr. Mabry stated that there are others listed in the Zoning Ordinance that would require a CUP, the restaurant or bar was just one example. Mr. Carothers asked if it were normal for this condition to change or zone without an in

use to a property. Mr. Mabry said it has happened before where someone has just requested a zone change and they do not have a specific idea for the use.

Mr. Mabry stated that what specific use the applicant puts down on the application that they are not held to that use. He said it could be another type of use allowable in that zoning district.

Chair Luck opened the public hearing asking anyone wishing to speak in favor or against item 5(A) to address the Commission. Seeing no one, Chair Luck closed the public hearing.

Motion to recommend denial of Z-FY-08-05(A) to consider changing the amendment to the Comprehensive Plan, by Commissioner Carothers; seconded by Commissioner Norman.

Motion passed (5/0).

Chair Luck opened the public hearing asking anyone wishing to speak in favor or against item 5(B) to address the Commission. Seeing no one, Chair Luck closed the public hearing.

Motion to recommend denial of Z-FY-08-05(B) to consider a zone change from Planned Development (General Retail) to Commercial District, by Commissioner Carothers; seconded by Commissioner Secret.

Motion passed (5/0).

ORDINANCE NO. 2007-4186

[ZONING NO. Z-FY-08-05(A)]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE TEMPLE COMPREHENSIVE PLAN TO REFLECT COMMERCIAL USES ON LOT 17 AND A PORTION OF LOT 16, BLOCK 1, BENTLEY BELLVIEW ADDITION AT 723 AND 725 SOUTH GENERAL BRUCE DRIVE AND 2220 WEST AVENUE H; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council authorizes an amendment to the Temple Comprehensive Plan to reflect commercial uses on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing (*tabled*) on the 20th day of **December**, 2007.

PASSED AND APPROVED on First Reading and Public Hearing (*tabled*) on the **3rd** day of **January**, 2008.

PASSED AND APPROVED on First Reading and Public Hearing (*tabled*) on the **17th** day of **January**, 2008.

PASSED AND APPROVED on First Reading and Public Hearing on the **7th** day of **February**, 2008.

PASSED AND APPROVED on Second Reading on the **21st** day of **February**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

ATTEST:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/07/08
Item #6(B)
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-08-05(B): Consider adopting an ordinance authorizing a zoning change from Planned Development (General Retail) District and General Retail District to Commercial District on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H.

STAFF & P&Z COMMISSION RECOMMENDATION: The Planning and Zoning Commission voted 5/0 to recommend denial of the requested zone change at its meeting on December 4, 2007. Vice-Chair Pope and Commissioners Pilkington, Kjelland and Derek Martin were absent. Staff recommended approval of the zone change request for the following reasons:

4. The request complies Future Land Use Plan;
5. The request complies with the Thoroughfare Plan; and
6. Adequate public facilities serve the site.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-08-05(B), from the Planning and Zoning meeting on December 4, 2007. The draft minutes show that the Planning and Zoning Commission had concerns about granting the zone change when the proposed use could not be permitted. In addition, there was concern about approving a set of uses that are permitted by right in the C, Commercial zoning district that may eventually become Conditional Uses if the I-35 Overlay Zoning District is adopted in the future.

Since the Planning and Zoning Commission recommends denial of the zone change, a supermajority of four favorable votes from the City Council is required for the zone change to pass.

Six notices were sent out for the Planning and Zoning Commission meeting. As of Tuesday, December 11, 2007, at 2 PM, one notice was returned in favor of and one notice was returned in opposition to the request. The newspaper printed notice of the Planning & Zoning Commission's public hearing on November 23, 2007 in accordance with state law and local ordinance.

FISCAL IMPACT: NA

ATTACHMENTS:

Land Use Map

Zoning Map

Aerial

Billboard Separation Aerial

Notice Map

P&Z Staff Report (Z-FY-08-05B)

P&Z Minutes (12/04/07)

Ordinance



Z-FY-08-05

725 S General Bruce Dr

Lot 16 & 17, Blk 1, Bellview Addition

Proposed Zone Change

CLUP

Agricultural

AGRICULTURE

Residential

- LOW DENSITY (UE)
- MOD DENSITY (SF1, SF2, SF3, MH, 2F)
- MED DENSITY (MH, 2F, TH, MF1)
- HIGH DENSITY (MF2)

Commercial

- OFFICE (O1, O2)
- RETAIL (NS, GR)
- COMMERCIAL (C, CA)

Mixed Use

MIXEDUSE (MU)

Industrial

- INDUSTRIAL (LI, HI)
- Warehouse/Distribution
- Manufacturing/Distribution
- Bio-Science/Technology
- Corporate Capus & Office
- Aviation Industrial Dvmt
- Fwy Com/Tech/Indust
- Intermodal

Community Facilities

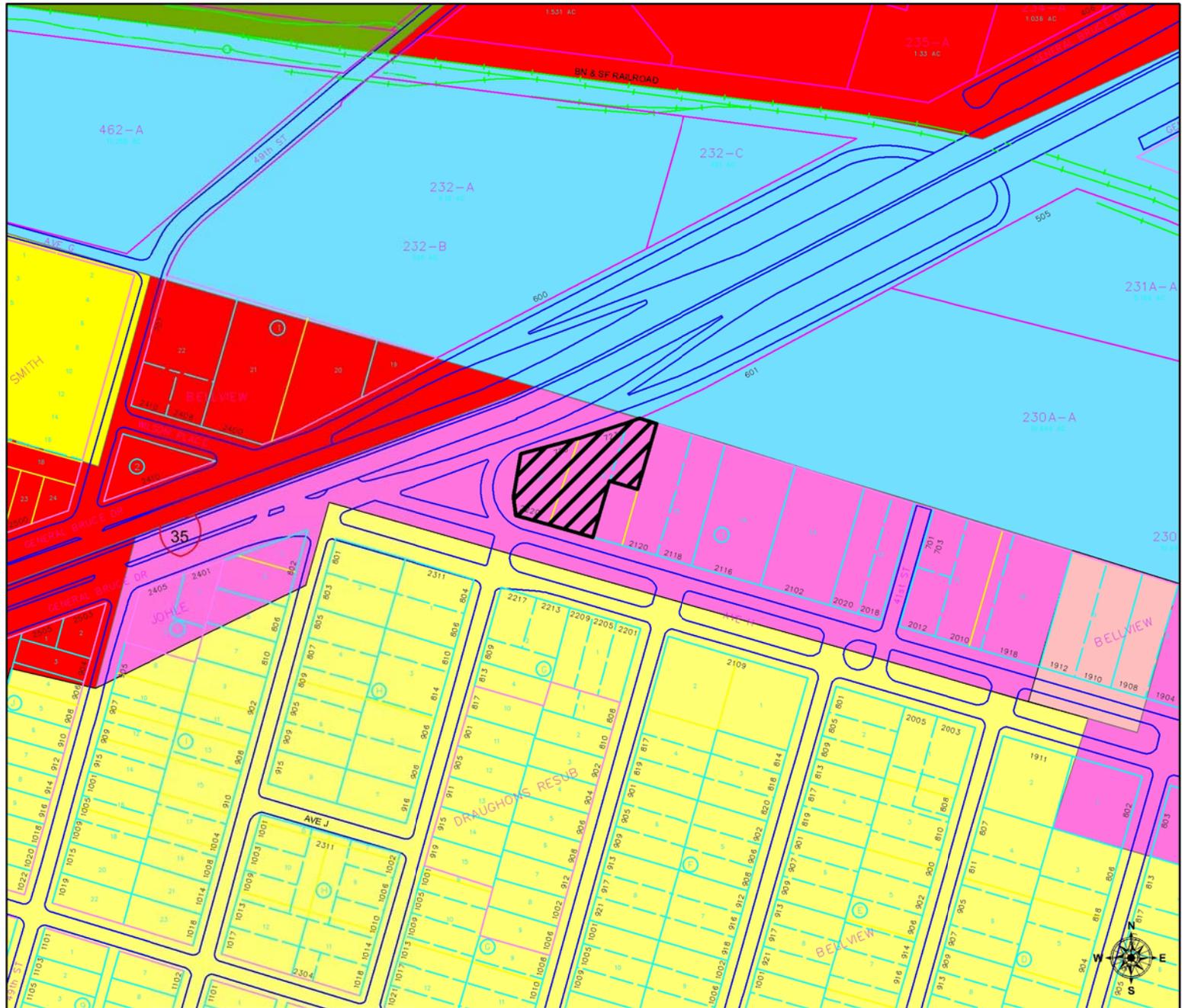
- COMMUNITY FACILITY
- CF-E (EDUCATIONAL)
- CF-G (GENERAL)
- CF-R (RESIDENTIAL)
- CF-M (MEDICAL)

Park Land

- PROPOSED FLOATING PARK
- PARKS

Downtown

DOWNTOWN



PD (GR) to C for Billboard

1 inch equals 300 feet

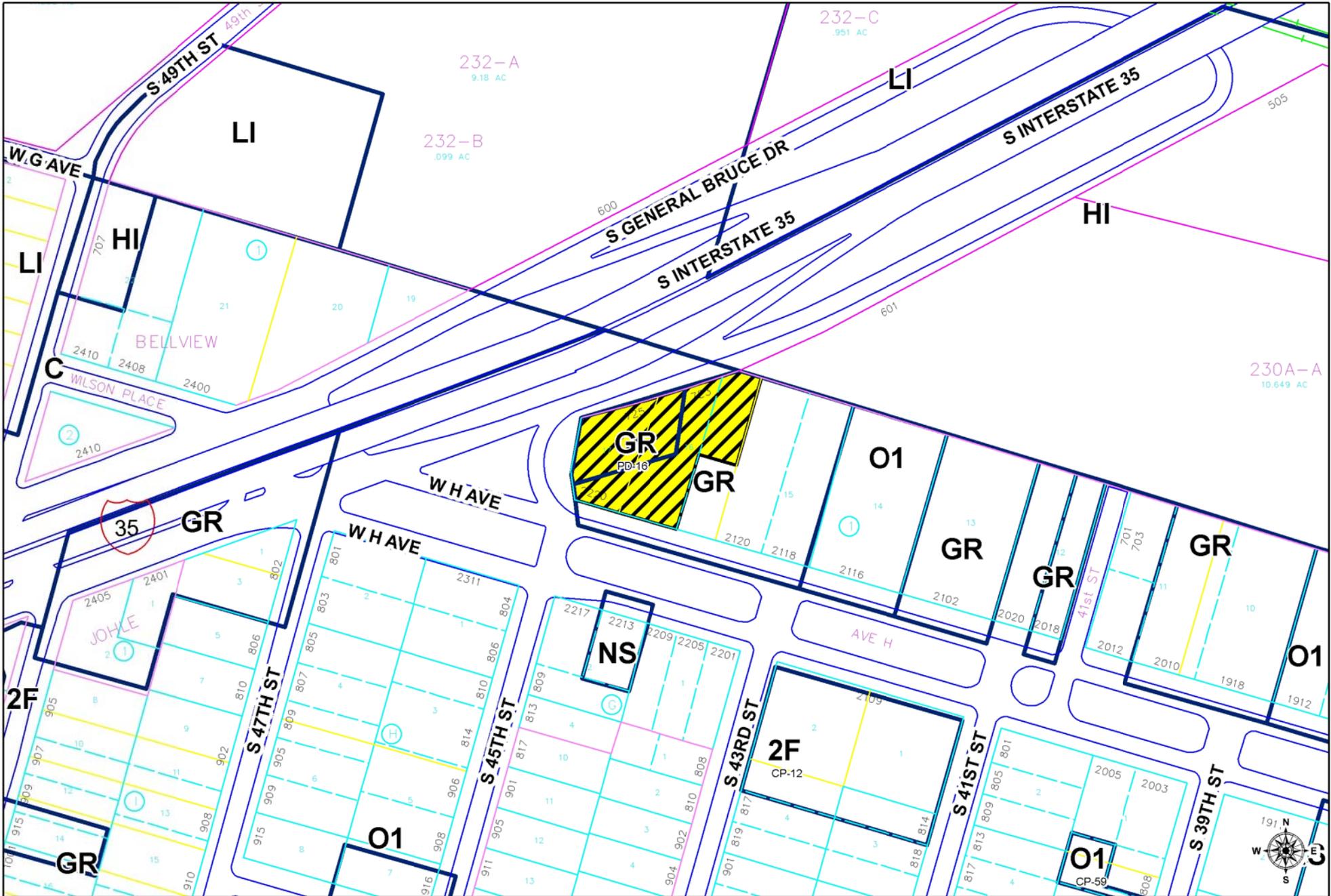
J Stone 11.15.07



Z-FY-08-05

725 S General Bruce Dr

Lot 16 & 17, Blk 1, Bellview Addition



 Proposed Rezone

PD (GR) to C for Billboard

1 inch equals 200 feet

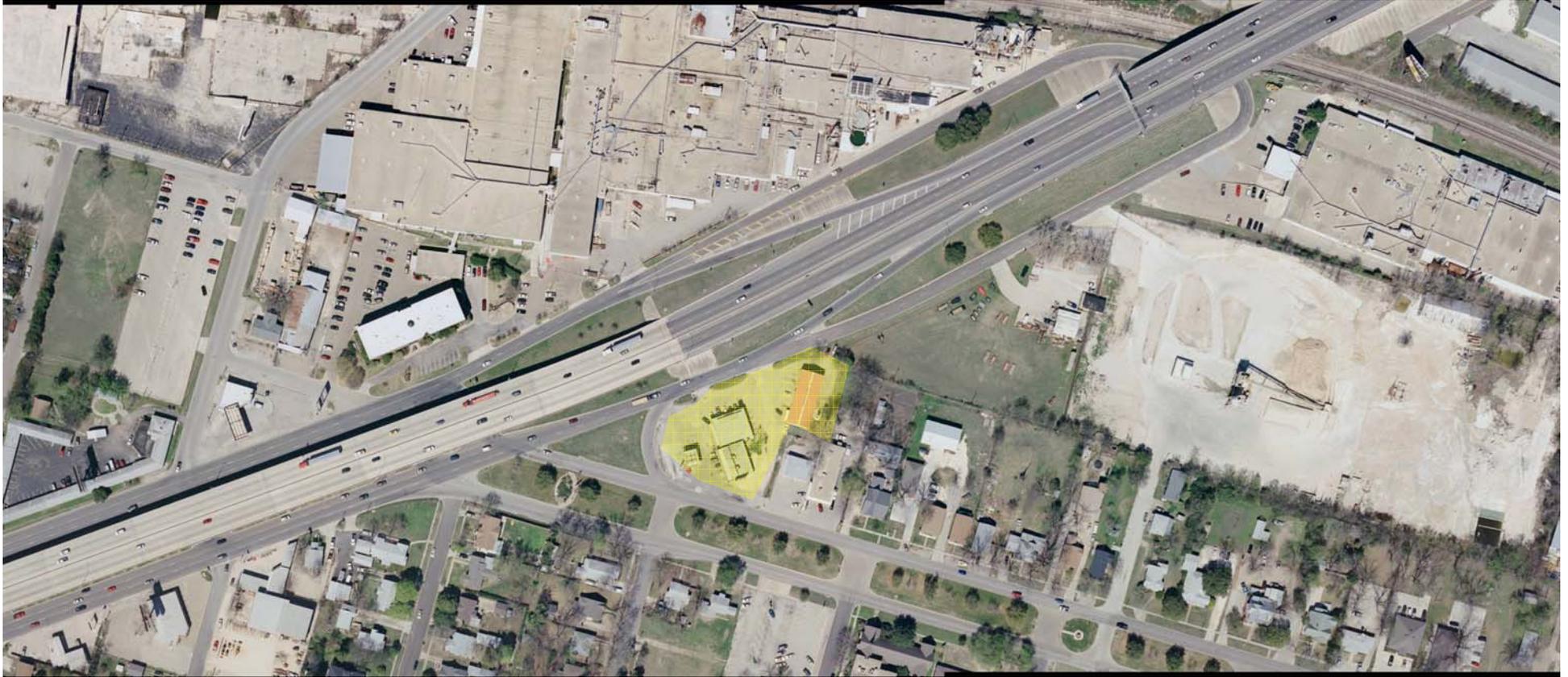
J Stone 11.15.07



Z-FY-08-05

725 S. General Bruce Dr.

Lot 16& 17, Block 1, Bellview Add.



Area of Proposed Zone Change



Billboard Distances

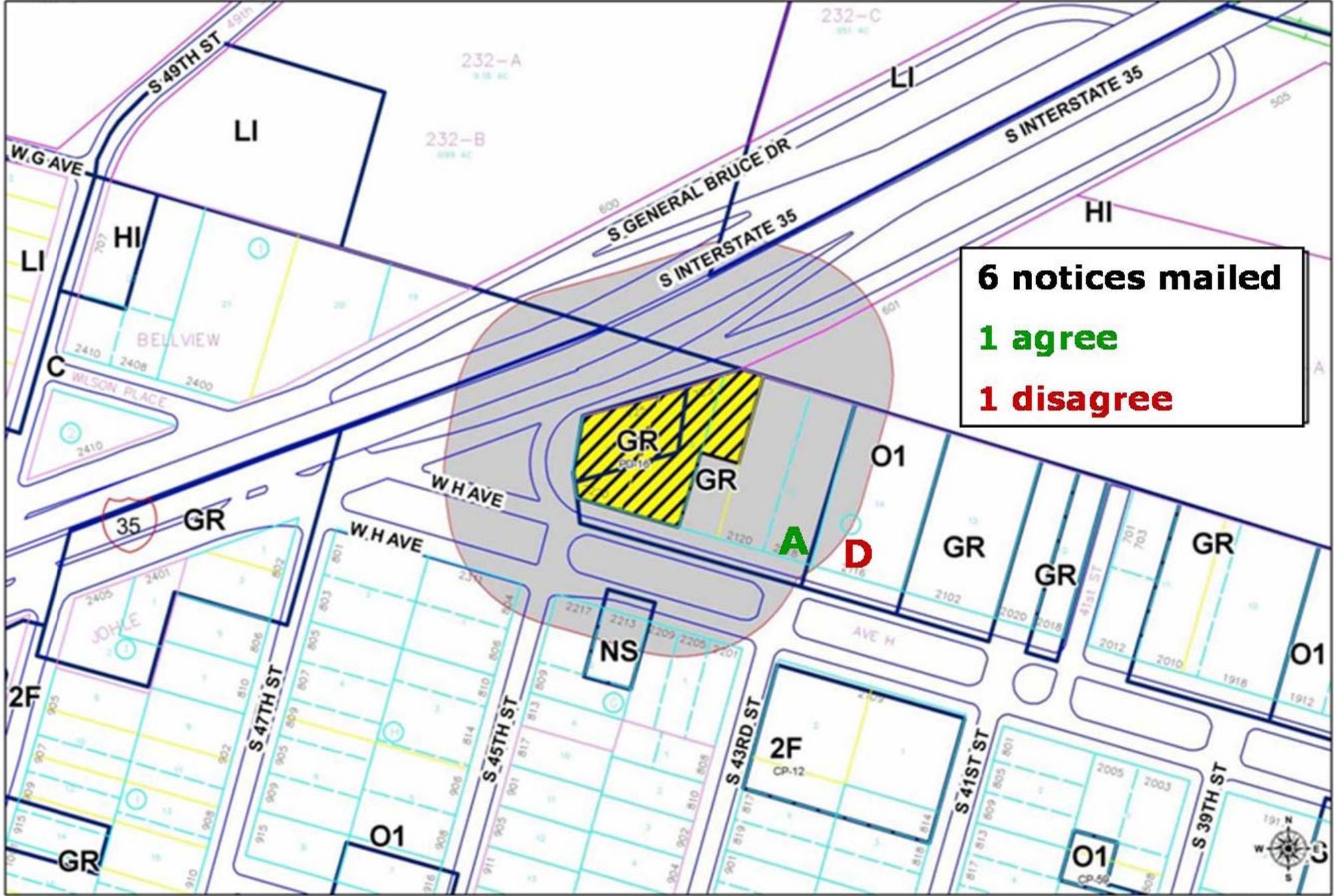




Z-FY-08-05

725 S General Bruce Dr

Lot 16 & 17, Blk 1, Bellview Addition



6 notices mailed
1 agree
1 disagree

 Proposed Rezone  200' Buffer

PD (GR) to C for Billboard

1 inch equals 200 feet
 J Stone 11.15.07



PLANNING AND ZONING COMMISSION AGENDA ITEM

12/04/07
Item 5(B)
Page 1 of 3

APPLICANT / DEVELOPMENT: A.C. Boston

CASE MANAGER: Brian Mabry, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-08-05(B) Hold a public hearing to consider a zone change from Planned Development (General Retail) District and General Retail District to Commercial District on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H. (Applicant: A.C. Boston)

BACKGROUND:

The subject property contains the following uses: office, gasoline station and minor vehicle servicing (stereo installer). A portion of the property is currently zoned GR (PD). The Planned Development was established in 1986 to stipulate that the former bus station at this location would not serve alcohol, that bus routes would utilize the frontage road for circulation and that gamerooms would not be permitted at the station.

The applicant requests the C, Commercial zoning district in order to relocate a billboard on the property. The Zoning Ordinance requires a minimum separation distance of 1,500 feet between billboards along I-35. However, as shown in the attached aerial, there is an existing billboard to the south that is only 1,080 feet from the proposed billboard. There is also an existing billboard to the north that is only 1,350 feet from the proposed billboard. No location along the I-35 frontage of the subject property is of sufficient distance from either billboard to be permitted.

Section 17-167 of the Zoning Ordinance provides some flexibility for relocated signs in that no permit fee is required, the sign may be constructed of the same type of material and have the same number of poles as the original sign and a five-foot setback is permitted instead of the normally required 20 feet. This section does not allow flexibility in spacing standards. If the zone change is granted, a permit for the billboard cannot be issued.

All of the existing uses on the subject property are permitted in the C, Commercial zoning district.

Surrounding Property and Uses

The following table shows the existing zoning and current land uses surrounding the subject property.

Direction	Zoning	Current Land Use
North	2F	I-35 service road
Northeast	HI	Trailer rental
East	GR	Print shop
South	2F	W Ave. H
West	2F	Intersection of I-35 and W. Ave. H

A zoning request should be reviewed for compliance with the Comprehensive Plan.

Future Land Use Plan

The requested Commercial future land use map designation accommodates the C, Commercial and CA, Central Area zoning districts. The zone change request complies with the requested amendment to the Future Land Use Map.

Thoroughfare Plan

Interstate 35 is designated as a freeway on the Thoroughfare Plan. A freeway is “devoted entirely to large volumes of traffic movement with little or no land service function.” The zone change request complies with the Thoroughfare Plan.

Adequacy of Public Facilities

A six-inch sewer line and six-inch water line serves the property. Adequate public facilities exist to serve the property.

Development Regulations

The purpose of the C, Commercial zoning district is to serve citywide or regional service areas. This district should be located along major highways and should provide total on-site traffic maneuvering such that traffic entering and exiting the facility should have room to turn, queue for parking areas, and park within the confines of the facility. This district should also be located at the intersection of major thoroughfares or highways. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The subject property meets all of the recommendations of the zoning district’s purpose statement.

Permitted uses include all retail and most commercial land uses including auto dealerships with complete servicing facilities, building material sales, light manufacturing, and heavy machinery sales and storage. Prohibited uses include, but are not limited to, apartments, heavy industrial uses, sexually oriented businesses, shooting ranges, and wrecker and salvage yards. Restaurants and bars serving alcohol require a conditional use permit.

Commercial (C)	
Min. Lot Area (sq. ft.)	None
Min. Lot Width (ft.)	None
Min. Lot Depth (ft.)	None
Max. Height (stories)	None
Min. Yard (ft)	
Front	30 from street centerline
Side	10 adjacent to residential district, none otherwise
Rear	10 adjacent to residential district, none otherwise

Public Notice

Six notices were sent out. As of Wednesday, November 28 at 5 PM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the public hearing on November 23, 2007 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of the zoning request from GR to C for the following reasons:

1. The request complies with the requested amendment to the Future Land Use Plan;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public facilities serve the site.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Land Use Map
Zoning Map
Aerial
Billboard Separation Aerial
Application

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, DECEMBER 4, 2007**

ACTION ITEMS

- 5(A). Z-FY-08-05** Hold a public hearing to consider an amendment to the Temple Comprehensive Plan to reflect commercial uses on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H. (Applicant: A.C. Boston)
- 5(B). Z-FY-08-05** Hold a public hearing to consider a zone change from Planned Development (General Retail) District and General Retail District to Commercial District on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H. (Applicant: A.C. Boston)

Mr. Brian Mabry, Senior Planner, presented both items. He began with Item 5(A), Z-FY-08-05 which tracks with the zone change Item 5(B). Mr. Mabry said the subject property is covered by the Temple Comprehensive Plan which was adopted in 1989 and applies to all areas of the City that are not served by area plans such as the West Temple Plan, 25th Street Corridor Plan or the South Temple Plan. He said continuing intensification of uses along the Interstate warrants consideration of the requested amendment to the Future Land Use Map and the Thoroughfare Plan which he displayed for the Commission to view. Mr. Mabry explained that Interstate 35 is designated as a freeway on the Thoroughfare Plan and a freeway is “devoted entirely to large volumes of traffic movement with little or no land service function.” He said the Comprehensive Plan amendment request to a more intense commercial level complies with the purpose of Interstate 35 and the Thoroughfare Plan. Mr. Mabry displayed a plan of sewer and water facilities in the area. He said Staff recommends approval of the future land use map amendment request from Neighborhood & Community Retail to Commercial for the reasons listed above.

Mr. Mabry continued with the zone change request Item 5(B). He displayed an aerial view of the property which is zoned General Retail and General Retail with a Planned Development attachment. Mr. Mabry said the Planned Development was first approved in 1986 for a bus station with a stipulation that the bus station could not sell alcohol, bus routes would utilize the frontage road for circulation, and gamerooms would not be permitted at the station. He displayed several uses on the property. Mr. Mabry said the original zone change request was to place a billboard on

the property, however after several measurements between the proposed billboard and two existing billboards determination was that there is not sufficient distance between the billboards. He explained that the Zoning Ordinance requires a minimum separation distance of 1,500 feet between billboards along I-35; an existing billboard to the south is only 1,080 feet from the proposed billboard and an existing billboard to the north is only 1,350 feet from the proposed billboard. Mr. Mabry said although the zone change could be approved, the permit for the billboard could be requested to construct the billboard but the permit would not be approved due to the Zoning Ordinance separation requirements. He went over the surrounding property uses, Future Land Use Plan, Thoroughfare Plan, adequacy of public facilities, and development regulations. Mr. Mabry said six notices were sent to surrounding property owners. One notice was returned in favor of the request and one was returned in opposition to the request. Staff recommends approval of the zone change request because the zone change complies with the request to the amendment to the Future Land Use Plan, the Thoroughfare Plan, and adequate public facilities serve the property.

Commissioner Talley asked Mr. Mabry to respond further on the denial to the zone change request. Mr. Mabry replied that the denial response was concerned that if I-35 expands, it would be more expensive for TxDOT and the public to acquire land that would be zoned with this zoning designation because zoning can affect the appraised value of property, therefore if the zone change is approved it would make the property more valuable and more expensive to acquire.

Chair Luck said if the intent of the applicant was initially for the zoning change for the billboard, and knows that the billboard would not be allowed would he still choose to have the zone change. Mr. Mabry replied yes, that approximately a week ago, he let the applicant and Lamar Signs know that the spacing wasn't going to be met and asked if they wanted to withdraw the request. He said they chose not to withdraw the request.

Chair Luck asked if a developer could come in and change a site plan for additional usage and not just restaurant. Mr. Mabry stated that if the I-35 Overlay were to be adopted as it is now, that there are certain uses more intent that require a Conditional Use Permit and that would weight on top of this property as well as others along the interstate, so right now some of the uses that are permitted by right without review by the City Council would be required to obtain a Conditional Use Permit for that use which is submitting a site plan and having it reviewed by the Planning and Zoning Commission and by City Council.

Commissioner Carothers asked if commercial use is the only use that would require a Conditional Use Permit for a restaurant or bar. Mr. Mabry stated that there are others listed in the Zoning Ordinance that would require a CUP, the restaurant or bar was just one example. Mr. Carothers asked if it were normal for this condition to change or zone without an in

use to a property. Mr. Mabry said it has happened before where someone has just requested a zone change and they do not have a specific idea for the use.

Mr. Mabry stated that what specific use the applicant puts down on the application that they are not held to that use. He said it could be another type of use allowable in that zoning district.

Chair Luck opened the public hearing asking anyone wishing to speak in favor or against item 5(A) to address the Commission. Seeing no one, Chair Luck closed the public hearing.

Motion to recommend denial of Z-FY-08-05(A) to consider changing the amendment to the Comprehensive Plan, by Commissioner Carothers; seconded by Commissioner Norman.

Motion passed (5/0).

Chair Luck opened the public hearing asking anyone wishing to speak in favor or against item 5(B) to address the Commission. Seeing no one, Chair Luck closed the public hearing.

Motion to recommend denial of Z-FY-08-05(B) to consider a zone change from Planned Development (General Retail) to Commercial District, by Commissioner Carothers; seconded by Commissioner Secret.

Motion passed (5/0).

ORDINANCE NO. 2007-4187

[ZONING NO. Z-FY-08-05(B)]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM PLANNED DEVELOPMENT (GENERAL RETAIL) DISTRICT AND GENERAL RETAIL DISTRICT TO COMMERCIAL DISTRICT ON LOT 17 AND A PORTION OF LOT 16, BLOCK 1, BENTLEY BELLVIEW ADDITION AT 723 AND 725 SOUTH GENERAL BRUCE DRIVE AND 2220 WEST AVENUE H; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Planned Development (General Retail) District and General Retail District to Commercial District on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing (*tabled*) on the **20th** day of **December**, 2007.

PASSED AND APPROVED on First Reading and Public Hearing (*tabled*) on the **3rd** day of **January**, 2008.

PASSED AND APPROVED on First Reading and Public Hearing (*tabled*) on the **17th** day of **January**, 2008.

PASSED AND APPROVED on First Reading and Public Hearing on the **7th** day of **February**, 2008.

PASSED AND APPROVED on Second Reading on the **21st** day of **February**, 2008.

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

02/07/08
Item #7
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Aaron Adel, Special Projects Planner

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-08-08: Consider adopting an ordinance authorizing a zoning change from Two Family and General Retail Districts to Light Industrial District on approximately 6.38 acres of land known as Outblock 573-B, City Addition, located between Pegasus Drive and North General Bruce Drive, across from PACTIV Corporation.

P&Z COMMISSION RECOMMENDATION: The Planning and Zoning Commission voted 6/0 to recommend approval of a zone change from Two Family and General Retail to Light Industrial to at its meeting on January 22, 2008. Commissioners Pope, Secrest and Martin were absent.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading and schedule second reading and final adoption for February 21, 2008. Staff recommends approval of the zone change from 2F/GR to LI for the following reasons:

1. The request complies with the Future Land Use Plan and Thoroughfare Plan.
2. The request is consistent with existing development in the vicinity.
3. Adequate public utilities serve the site.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-08-08, from the Planning and Zoning meeting on January 22, 2008.

Because there is an area of 2F residential zoning adjacent to the south side of the property, a 10' side yard will be required along that side of the property adjacent to the 2F district. A 6' fence is also required along the south property line adjacent to the 2F district in accordance with Zoning Ordinance, Section 13-102.

Three notices were sent out for the Planning and Zoning Commission meeting. As of Tuesday, January 29, 2008 at 12:00 noon, two notices were returned in favor of the request. The newspaper printed notice of the Planning & Zoning Commission's public hearing on January 11, 2008 in accordance with state law and local ordinance

FISCAL IMPACT: NA

ATTACHMENTS:

[Land Use Map](#)

[Arial Map](#)

[Notice Map](#)

[P&Z Staff Report \(Z-FY-08-08\)](#)

[P&Z Minutes \(1/22/08\)](#)

[Ordinance](#)



Z-FY-08-08

OB# 573, 6.382 Acres out of Uri Holbrook Abstract

ZFY0808

CLUP

Agricultural

AGRICULTURE

Residential

- LOW DENSITY (UE)
- MOD DENSITY (SF1, SF2, SF3, MH, 2F)
- MED DENSITY (MH, 2F, TH, MF1)
- HIGH DENSITY (MF2)

Commercial

- OFFICE (O1, O2)
- RETAIL (NS, GR)
- COMMERCIAL (C, CA)

Mixed Use

MIXEDUSE (MU)

Industrial

- INDUSTRIAL (LI, HI)
- Warehouse/Distribution
- Manufacturing/Distribution
- Bio-Science/Technology
- Corporate Capus & Office
- Aviation Industrial Dvmt
- Fwy Com/Tech/Indust
- Intermodal

Community Facilities

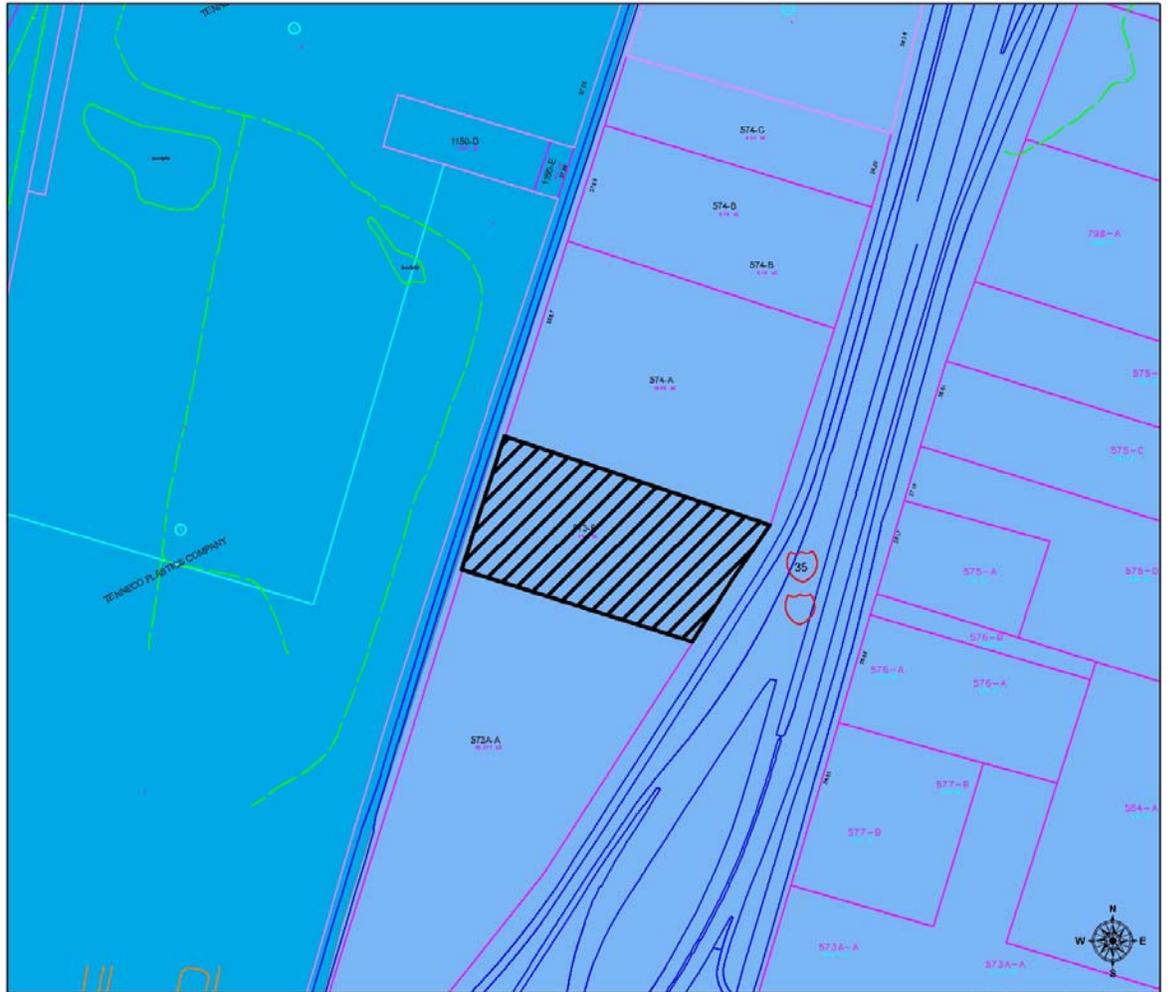
- COMMUNITY FACILITY
- CF-E (EDUCATIONAL)
- CF-G (GENERAL)
- CF-R (RESIDENTIAL)
- CF-M (MEDICAL)

Park Land

- PROPOSED FLOATING PARK
- PARKS

Downtown

DOWNTOWN



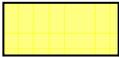
2F & GR to LI

1 inch equals 400 feet

J Stone 12.27.07



Z-FY-08-08

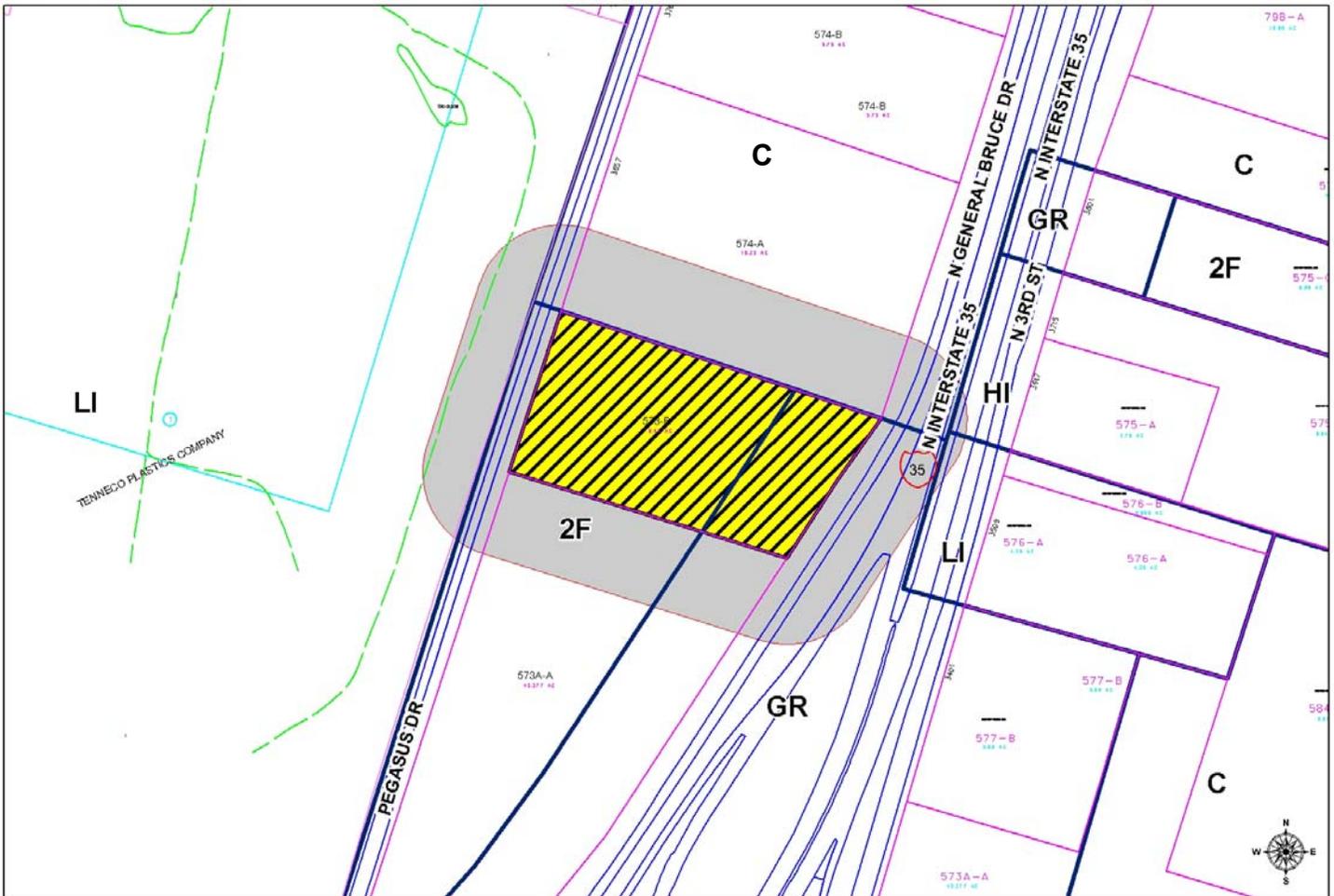


Area of Proposed Zone Change



Z-FY-08-08

OB# 573, 6.382 Acres out of Uri Holbrook Abstract



 ZFY0808  200' Buffer

2F & GR to LI

1 inch equals 300 feet

J Stone 12.27.07



PLANNING AND ZONING COMMISSION AGENDA ITEM

January 22, 2008

Item 3

Page 1 of 2

APPLICANT / DEVELOPMENT: Sam Hendler (Owner)/Scott Minzak (Applicant)

CASE MANAGER: Aaron Adel, AICP – Special Projects Planner

ITEM DESCRIPTION: Z-FY-08-08 Hold a public hearing to consider a zone change from Two Family and General Retail Districts to Light Industrial District on approximately 6.38 acres of land known as Outblock 573-B, City Addition, located between Pegasus Drive and North General Bruce Drive, across from PACTIV Corporation.

BACKGROUND: The applicant intends to develop the property for construction equipment sales, rental and service. The proposed construction will be a metal building with 3 to 6 bay doors. No masonry is planned for the building.

Surrounding Property and Uses - The following table shows the existing zoning and current land uses abutting the subject property:

	Zoning	Use
N	C, Commercial	Transportation - Freight company
S	2F, Two Family and GR, General Retail	Undeveloped
E	N/A	I-35
W	LI, Light Industrial	Pactiv

Future Land Use Plan & Future Trends – This application conforms to the Future Land Use Plan.

Thoroughfare Plan – This application conforms to the Thoroughfare Plan.

Adequacy of Public Facilities – Adequate public facilities serve this site.

Development Regulations - This application conforms to the uses permitted in the LI District (Use Table 7-111: Heavy Machinery Sales, Storage and Repair). This application also conforms to the area requirements of the LI District. Because there is an area of 2F residential zoning adjacent to the south side of the property, a 10’ side yard will be required along that side of the property adjacent to the 2F district. A 6’ fence is also required along the south property line adjacent to the 2F district in accordance with Zoning Ordinance, Section 13-102.

Public Notice - Staff mailed three notices on January 11, 2008. As of January 17th at noon, no notices were returned in favor of or in opposition to the request. The newspaper printed the legal notice of the public hearing on January 12, 2008 in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of the zone change from 2F/GR to LI because it conforms to the future land use plan, is consistent with existing development in the vicinity, and has adequate infrastructure in place.

City Council First Reading..... February 7, 2007
City Council Second Reading & Final Action February 21, 2007

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

- Land Use Map
- Aerial
- Zoning/Notice Map

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

TUESDAY, JANUARY 22, 2008

ACTION ITEMS

3. **Z-FY-08-08** Hold a public hearing to consider a zone change from Two Family and General Retail Districts to Light Industrial District on approximately 6.38 acres of land known as Outblock 573-B, City Addition, located between Pegasus Drive and North General Bruce Drive, across from PACTIV Corporation. (Applicant: Scott Minzak)

Ms. Aaron Adel, Special Projects Planner, presented this item as outlined in the Planning and Zoning Agenda Background. She displayed an aerial map of the area, the Land Use Map, and the Zoning/Notice Map. The applicant intends to use the property for construction equipment sales, rental, and service. Ms. Adel said the applicant is proposing to build a metal building with three (3) to six (6) bay doors. She said the zoning request conforms to the Future Land Use Map. Ms. Adel said platting will not be required for the first building permit; however it will be required for subsequent building permits which the applicant has been made aware of. She said three notices were mailed to surrounding property owners within 200 feet of the property; none were returned in favor or in opposition to the request. Ms. Adel explained Staff's recommendation for approval of the request due to the zone change being consistent with the development in the area, it conforms to the Future Land Use Plan and Thoroughfare Plan, and there is adequate infrastructure in the area. She said in the event this request is approved by the Planning and Zoning Commission, it will go forward to City Council for the 1st reading on February 7, 2008 and 2nd and Final reading at Council on February 21, 2008.

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

Mr. Scott Minzak, 3404 Spennaker Ln., Belton, Tx, addressed the Commission. He said he chose this site because his business fit well with the existing zoning area around his site.

Commissioner Kjelland asked since this site is near the I-35 Overlay, what the Commission can do about addressing the site plan when it comes through to assure they are following required regulations. Ms. Adel said the applicant will be bound to the City's current ordinance since the request has come forward under the conditions of the City's current

ordinance, therefore, when they apply for a building permit a site plan will be required at that time which will then be reviewed to make sure it conforms with the ordinance as it is at this time.

Chair Luck closed the public hearing.

Motion to recommend approval of Z-FY-08-08 by Commissioner Talley;
seconded by Commissioner Carothers.

Motion passed. (6/0)

ORDINANCE NO. _____

(ZONING NO. Z-FY-08-08)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM TWO FAMILY AND GENERAL RETAIL DISTRICTS TO LIGHT INDUSTRIAL DISTRICT ON APPROXIMATELY 6.38 ACRES OF LAND KNOWN AS OUTBLOCK 573-B, CITY ADDITION, LOCATED BETWEEN PEGASUS DRIVE AND NORTH GENERAL BRUCE DRIVE, ACROSS FROM PACTIV CORPORATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Two Family and General Retail Districts to Light Industrial District on approximately 6.38 acres of land known as Outblock 573-B, City Addition, located between Pegasus Drive and North General Bruce Drive, across from Pactiv Corporation, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 7th day of **February**, 2008.

PASSED AND APPROVED on Second Reading on the **21st** day of **February**, 2008.

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

02/07/08
Item #8
Regular Agenda
Page 1 of 3

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-08-14: Consider adopting an ordinance amending Section 13 of the City of Temple Zoning Ordinance to add masonry standards.

STAFF RECOMMENDATION: The Staff recommends the adoption for an ordinance amending Section 13 of the City of Temple Zoning Ordinance to add masonry standards for commercial buildings within certain corridors. If approved today on the first reading, the public hearing, second reading, and adoption of the ordinance will be February 21, 2008.

The item is scheduled also for a public hearing on February 18th with the Planning & Zoning Commission to consider this amendment.

ITEM SUMMARY: The Council will also discuss this item in a workshop to be conducted on February 7th.

The proposed ordinance reflects the stakeholder input received from Keep Temple Beautiful (KTB); Temple Area Builder's Association (TABA); Chamber of Commerce (Chamber) and the Temple Economic Development Corporation (TEDC). Staff met individually with each stakeholder group, and collectively last Friday, February 1st, which resulted in the proposed ordinance. This process follows the instructions from the previous City Council workshop on December 27, 2007, where the Council instructed Staff to meet with stakeholders and discuss the proposed ordinance.

Significant provisions of the proposed ordinance include:

- Allows metal buildings by right when the use is industrial in an industrial zoning district. Masonry requirements apply to all other commercial buildings.
- 80% of the surface area of each façade must be from an approved materials list (includes almost all masonry products including Hardiboard that looks like wood). The remaining 20% of each façade area may be of any material allowed under the building code.
- Applies only to properties in Strategic Corridors
- Ordinance to be reviewed again in one year
- Standards apply to building construction, expansion, reconstruction, and façade changes.
- Maintenance does not trigger masonry requirement.
- If a building expansion is greater than 15%, the new construction portion of the building must comply with masonry requirements

- If a building expansion is greater than 30%, the new construction and existing building must comply with masonry requirements
- Applies only to the first two stories of a building
- Additional standards for larger buildings (10,001 to 20,000 s.f.; 20,001 to 100,000 s.f.; and 100,001+ s.f.)
- Non-masonry materials allowed on rear façade if screened
- Decision and appeal process

At the last collective stakeholder meeting (KTB, TEDC, Chamber and TABA) on February 1st, full stakeholder consensus was not achieved on one issue:

Issue	Staff Recommendation	Stakeholder Recommendation
Areas zoned HI or LI along IH 35, Adams, Central, other corridors	Propose masonry building(s) in areas zoned HI and LI <u>when used for</u> commercial, retail, multi-family, neighborhood service, office or PDD's (40% of the IH 35 area is zoned HI or LI which many shopping centers, restaurants or other commercial uses could be 100% metal without this provision and more area is planned for industrial zoning per Comp Plan)	KTB agrees with Staff recommendation TABA proposes to allow metal buildings by right for <u>all uses</u> in areas zoned HI and LI No additional comments from TEDC or Chamber

After the last collective stakeholder meeting on February 1st, TABA has requested adding different opinions shown in the following table:

Issue	Staff Recommendation	Stakeholder Recommendation
Masonry exterior with aggregate finish	Propose not to allow aggregate finish Upon review of strategic corridors, this material was found only in older construction	KTB agrees with Staff recommendation TABA proposes to allow aggregate to be considered an allowed masonry product No additional comments from TEDC or Chamber
Building expansion equal to or greater than 15%	Propose expansion portion of building to have masonry exterior Proposed ordinance is to have a starting point to improve the physical appearance of corridors	KTB agrees with Staff recommendation TABA wants masonry requirements to apply only to new construction No additional comments from TEDC or Chamber

Issue	Staff Recommendation	Stakeholder Recommendation
Building expansion equal to or greater than 30%	<p>Propose both existing and expansion portion of building to have masonry exterior</p> <p>Proposed ordinance is to have a starting point to improve the physical appearance of corridors</p>	<p>KTB agrees with Staff recommendation</p> <p>TABA wants masonry requirements to apply only to new construction</p> <p>No additional comments from TEDC or Chamber</p>

FISCAL IMPACT: N/A

ATTACHMENTS:

Ordinance (to be provided prior to meeting)



COUNCIL AGENDA ITEM MEMORANDUM

02/07/08
Item #9
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Michael C. Newman, PE, CFM, Assistant Public Works Director/City Engineer

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Consider adopting an ordinance changing the posted speed limit on Eagle Landing Drive from FM 2305 to the Centex Sportsman Club Road from 30 mph to 25 mph.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for February 21, 2008.

ITEM SUMMARY: On January 14, 2008 Eagle Landing Drive was brought in the City of Temple through annexation. Before annexation Bell County Road and Bridge had been studying the need to change the speed limit on Eagle Landing Drive from 30 mph to 25 mph after receiving concerns from the residents of this street. Bell County Road and Bridge performed a speed study which showed that Eagle Landing Drive warranted a speed reduction to 25 mph.

The City of Temple Street Services Division polled residents on Eagle Landing Drive to get citizen feed back on reducing speed limit. Ninety percent (90%) of the residents were polled, with one hundred percent (100%) in favor of reducing the speed limit from 30 mph to 25 mph.

FISCAL IMPACT: Budgeted Amount \$33,200.00 in account 110-3400-531-23-34
Estimated Expenditures \$159.80 for replacement of speed limit signs

ATTACHMENTS:

[Ordinance](#)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, PROVIDING FOR REASONABLE AND PRUDENT PRIMA FACIE MAXIMUM SPEED LIMITS FOR EAGLE LANDING DRIVE FROM FM 2305 TO THE CENTEX SPORTSMAN CLUB; PROVIDING A REPEALER; PROVIDING FOR A PENALTY FOR VIOLATIONS NOT TO EXCEED \$500 FOR EACH VIOLATION; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, an engineering and traffic investigation has been made to determine the reasonable and prudent prima facie maximum speed for motor vehicles on Eagle Landing Drive from FM 2305 to the Centex Sportsman Club;

WHEREAS, these traffic investigations and engineering studies have determined the reasonable and safe prima facie maximum speed limits, as more fully described herein; and

WHEREAS, the City Council has considered the matter and deems it in the public interest to approve these speed limits for the benefit of the citizens for the promotion of the public health, welfare, and safety.

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

Part 1: The City Council finds that the reasonable and prudent prima facie maximum speed limits for vehicular traffic on Eagle Landing Drive from FM 2305 to the Centex Sportsman Club shall be 25 mph.

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

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

Part 4: A person who violates a provision of this ordinance is guilty of a separate offense for each day or portion of a day which the offense is committed, continued, or permitted, and each offense is punishable by a fine not to exceed \$500.

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

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

PASSED AND APPROVED on First Reading on the 7th day of **February**, 2008.

PASSED AND APPROVED on Second Reading on the 21st day of **February**, 2008.

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

02/07/08
Item#10(A)-(C)
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Richard Therriault, Director of Construction Safety

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Consider adopting ordinances:

(A) Amending Chapter 7, “Buildings,” of the Code of Ordinances of the City of Temple, Texas, adopting the 2006 International Building Code, the 2006 International Residential Code, the 2006 International Plumbing Code, the 2006 International Mechanical Code, the 2006 International Fuel Gas Code, and the 2006 International Energy Conservation Code;

(B) Amending Chapter 10, “Temple Electrical Code,” of the Code of Ordinances of the City of Temple, Texas, adopting the National Fire Protection Association, National Electrical Code, NFPA No. 70, 2005; and

(C) Amending Chapter 21, “Minimum Housing Standards,” of the Code of Ordinances of the City of Temple, Texas, adopting the 2006 International Property Maintenance Code and Amendments.

STAFF RECOMMENDATION: Conduct public hearings and adopt ordinances as presented in item description, on first reading, and schedule second reading and final adoption for February 21, 2008. .

ITEM SUMMARY: The City of Temple has historically used Southern Building Code Congress International (SBCCI) as its guide for construction.

The International Code Council was established in 1994 to provide a single set of comprehensive construction codes. Its founders were Building Officials and Code Administrators International Inc. (BOCA), International Conference of Building Officials (ICBO), and Southern Building Code Congress International Inc (SBCCI).

(A) Chapter 7 - Building Code:

Meetings with general contractors and subcontractors were held as follows:

Building Code June 25, 2007
Residential Code June 26, 2007
Plumbing Code June 27, 2007
Fuel & Gas Code June 28, 2007
Mechanical Code June 29, 2007
Energy Code June 30, 2007

The final meeting with the Building Board of Appeals was held on October 26, 2007 with all issues resolved and the board voting unanimously in favor of changes to Chapter 7 and adoption of the 2006 International Building Code.

(B) Chapter 10 - Electrical Code:

Meetings with the Electrical Board were held on:

June 6, 2007
July 6, 2007
August 1, 2007
September 4, 2007

The final meeting with the Electrical Board was held on November 6, 2007 with the board voting unanimously in favor of changes to Chapter 10 and adoption of the 2005 National Electrical Code.

(C) Chapter 21 – Minimum Housing Standards:

Meetings with the Building and Standards Commission were held on:

July 2, 2007
August 6, 2007

The final meeting with the Building and Standards Commission was held on September 10, 2007 with the board voting unanimously in favor of changes to Chapter 21 and adoption of the 2006 International Property Maintenance Code.

FISCAL IMPACT: None.

ATTACHMENTS:
[Ordinances](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 7, "BUILDINGS," OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE, TEXAS, ADOPTING THE 2006 INTERNATIONAL BUILDING CODE, THE 2006 INTERNATIONAL RESIDENTIAL CODE, THE 2006 INTERNATIONAL PLUMBING CODE, THE 2006 INTERNATIONAL MECHANICAL CODE, THE 2006 INTERNATIONAL FUEL GAS CODE, AND THE 2006 INTERNATIONAL ENERGY CONSERVATION CODE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: Chapter 7, "Buildings," of the Code of Ordinances of the City of Temple, Texas, is amended to read as follows:

Chapter 7
BUILDINGS

ARTICLE I. ADMINISTRATION

Section 7-1. Building Official.

Whenever reference is made to the duties of "certain officials" named within the ~~Standard Building Code, Southern Building Code Congress International, Inc., 1997 Edition ("Standard Building Code"); the Standard Mechanical Code, Southern Building Code Congress International, Inc., 1997 Edition ("Standard Mechanical Code"); the 2000 International Residential Codes for One and Two Family Dwelling; the Standard Plumbing Code, 1997 Edition, of the Southern Building Code Congress International, Inc. ("Standard Plumbing Code"); and the Standard Gas Code, 1997 Edition, of the Southern Building Code Congress International, Inc. ("Standard Gas Code");~~ 2006 International Building Code, the 2006 International Residential Code, the 2006 International Plumbing Code, 2006 International Mechanical Code, 2006 International Fuel Gas Code, and the 2006 International Energy Conservation Code, adopted in this chapter, that designated official of Temple, Texas, who has duties corresponding to those of the named official in said Codes shall be deemed to be the responsible official insofar as enforcing the provisions of said Codes are concerned.

Section 7-2. Building Board of Appeals.

(a) *Creation and Appointment.* A Board is hereby established to be called the Building

Board of Appeals (referred to in the ~~Standard Codes~~ **2006 International Building Code** as the *Building Board of Adjustments and Appeals*), which shall consist of nine (9) members. All Board members shall be appointed by the City Council. The City Council shall endeavor to appoint, when possible, two (2) architects or engineers, one person from the mechanical or air conditioning trade, two (2) master plumbers, two (2) persons from the building industry which may include a general contractor, engineer or other person at large from the building industry, and two (2) persons at-large representing no specific trade.

(b) **Term of Office.** All members shall be appointed for terms of four (4) years, except the two (2) at-large positions representing no specific trade shall have an initial term of three (3) years. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. When any member of the Board has been absent from the regular meeting of such Board for three (3) or more consecutive times, without just cause, as determined by the Board or the City Council, the member's office shall become vacant, and the chairman or acting chairman of this Board shall certify such record of absence and vacancy to the City Council which shall appoint a new member to fill the vacancy.

(c) **Procedures and Quorum.** Four (4) members of the Board shall constitute a quorum. In varying the application of any provisions of this Code or in modifying an order of the Building Official, or Plumbing Official, affirmative votes of the majority present, but not less than three (3) affirmative votes, shall be required. A Board member shall not act in a case in which he has a conflict of interest as that term may be defined in the City Charter, in Chapter 171 of the Local Government Code, or in other applicable laws or statutes.

(d) **Records.** The Building Official shall act as secretary of the Building Board of Appeals and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote for each member participating therein, the absence of a member and any failure of a member to vote.

(e) **Procedure.** The Board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this Chapter. The Board shall meet at regular intervals to be determined by the chairman, or, in any event, the Board shall meet within ten (10) days after notice of appeal has been received.

(f) **Advisory Responsibility of the Board.** The Board shall submit to the City Council such recommendations for the improvement and revision of the ~~Standard Building Code, the Standard Mechanical Code, the One and Two Family Dwelling Code, the Standard Plumbing Code, the Standard Gas Code, or the Standard Fire Prevention Code~~ **2006 International Building Code, the 2006 International Mechanical Code, the 2006 International One and Two Family Dwelling Code, the 2006 International Plumbing Code, the 2006 International Gas Code, or the 2006 International Fire Prevention Code** as it may from time to time deem necessary and proper in the light of the development of the new materials, methods or techniques which would result in better and more economical installation, and to keep abreast of new developments in applicable portions of the ~~Standard Building Code, the Standard Mechanical Code, the One and Two Family Dwelling Code, the Standard Plumbing Code, the Standard Gas Code, and the Standard Fire Prevention Code of the Southern Building Code Congress International, Inc.~~ **2006 International Building Code, the 2006 Mechanical Code, the 2006 One and Two Family Dwelling Code, the 2006 International Plumbing Code, the 2006 International Gas Code, and the 2006 International Fire Prevention Code.** All requests for use of materials or methods not covered in this Code shall be fully supported by factual evidence, or prior approval from a recognized testing agency or such other impartial qualified authority acceptable to the Board.

Section 7-3. Appeals; Time Limit.

(a) Whenever the Building Official, or ~~Plumbing Inspector~~ his designee, shall reject or refuse to approve the mode or manner of construction purposed to be followed, or materials to be used in the erection or alteration of a building or structure, or when it is claimed that the provisions of this Code do not apply, or that an equally good more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of this Code, or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure, or his duly authorized agent, may appeal from the decision of the Building Official or ~~the Plumbing Inspector~~ his designee to the Building Board of Appeals. Notice of appeal shall be in writing and filed within ninety (90) days after the decision is rendered by the Building Official. A fee of ten dollars (\$10.00) shall accompany the notice of appeal.

(b) In case of a building or structure, which, in the opinion of the Building Official ~~after consultation with the Plumbing Inspector~~, is unsafe or dangerous, the Building Official may, in his order, limit the time for such appeal to a shorter period. Appeals hereunder shall be on forms provided by the Building Official.

Section 7-4. Decisions of the Building Board of Appeals.

(a) *Variances and Modifications.*

- (1) The Building Board of Appeals, when so appealed to and after hearing, may grant a variance to the application of any provision of the ~~Standard Building Code, the Standard Mechanical Code, the One and Two Family Dwelling Code, the Standard Plumbing Code, the Standard Gas Code, or the Standard Fire Prevention Code~~ 2006 International Building Code, the 2006 International Residential Code, the 2006 International Plumbing Code, the 2006 International Mechanical Code, the 2006 International Fuel Gas Code, and the 2006 International Energy Conservation Code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this Code or public interest, or when, in its opinion, the interpretation of the Building Official or ~~the Plumbing Inspector~~ his designee should be modified or reversed.
- (2) A decision of the Building Board of Appeals to vary the application of any provision of this Code or to modify an order the Building Official ~~Plumbing Inspector, or Fire Official~~ or his designee shall specify in what manner such variance or modification is made, the conditions upon which it is made and the reasons therefor.

(b) *Decisions.*

- (1) Every decision of the Building Board of Appeals shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity. It shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the Office of the Building Official, and shall be open to public inspection; a certified copy shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the Office of the Building Official for two (2) weeks after filing.
- (2) The Building Board of Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay.

- (3) If a decision of the Building Board of Appeals reverses or modifies a refusal, order or disallowance of the Building Official or ~~the Plumbing Inspector~~ his designee, or varies the application of any provisions of this Code, the Building Official or ~~the Plumbing Inspector~~ his designee shall immediately take action in accordance with such decision.

Section 7-5 - 7-20. Reserved.

ARTICLE II. ADMINISTRATION

Section 7-21. Building Code.

The City of Temple adopts, as part of its Building Regulations, the *Standard 2006 International Building Code*, as it now exists and as it may be revised from time to time, including appendices. ~~Save and except sections 102.2.1, 102.2.4, 104.6.3, 108 (inclusive), Chapters 11, 13, Appendices B, E, H, & I and all references to the Standard Unsafe Building Code.~~ A copy of the Standard Building Code shall be maintained in the office of the Building Official.

Revisions to the *Standard 2006 International Building Code* shall automatically become effective ~~sixty (60) days after the date of their publication unless sooner implemented by the City Council~~ 60 days after city council approval.

Section 7-22. Amendments.

The City of Temple adopts certain amendments to the *Standard 2006 International Building Code*, which amendments shall be ~~labeled as Exhibit "A,"~~ and maintained in the Office of the Building Official.

2006 International Building Code.

101.4.1 Electrical (Delete)

Refer to the 2005 National Electrical Code and the City of Temple electrical code.

105.2 Work Exempt From Permit.

Delete 1,2, and 6.

107.3 Temporary Power.

Delete the ICC Electrical Code. Refer to the 2005 National Electrical Code.

108. Permit Fees.

The City Council shall adopt by resolution a schedule of the permit fees required or authorized by the *2006 International Building Code*, a copy of which shall be maintained in the office of the Building Official.

112. Board of Appeals (Delete)

406.1.2 Delete 5 feet, add 10 feet or more.

Section 7-23 - 7-40. Reserved.

ARTICLE III. MECHANICAL CODE

Section 7-41. Adopted.

The City of Temple adopts as part of its buildings regulations the *Standard 2006 International Mechanical Code* and its appendices, as it now exists and as it may be revised from time to time. ~~Save and except Section 108 (inclusive), 102.2.1, 104.6.3, Appendix B, and all references to the *Standard Unsafe Building Code*.~~ A copy of the *Standard 2006 International Mechanical Code* shall be maintained in the office of the Building Official.

Section 7-42. Amendments.

~~The City of Temple adopts certain amendments to the *Standard Mechanical Code*, which amendments shall be labeled as Exhibit "B," and maintained in the Office of the Building Official.~~

Section 7-42 - 7-60. Reserved.

ARTICLE IV. 2000 2006 INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLING

Section 7-61. Adopted.

The City of Temple adopts as part of its buildings regulations the ~~2000~~ *2006 International Residential Code for One and Two Family Dwelling* as it now exists and as it may be revised from time to time. A copy of the ~~2000~~ *2006 International Residential Code for One and Two Family Dwelling* shall be maintained in the office of the Building Official.

Section 7-62. Amendments.

The City of Temple adopts certain amendments to the ~~2000~~ *2006 International Residential Code for One and Two Family Dwelling* which amendments shall be ~~labeled as Exhibit "C," and~~ maintained in the Office of the Building Official.

106 Permits

106.2-7 (Delete)

109 Means of Appeal (Delete)

R 105.2. Work exempt from permit

Delete: 1,2,3,4, and 5

R105.2. Work exempt from permit.

Delete Electrical

R106.1.2. Manufacturer's installation instructions.

Delete on the job site.

ELECTRICAL:

Delete Chapters 34~~3~~ - 39

Delete Chapters 41 - 42

REFER TO 1999 NEC

R106.3.1 Approval of construction documents.

~~Delete: One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or his or her authorized representative.~~

Insert: Construction documents shall be made available and shall be open to inspection by the Building Official or his or her authorized representative.

R109.1.4. Frame and masonry inspection.

Delete: masonry throughout section.

R 110.1. Certificate of Occupancy

Delete R 110.1; R 110.4; R 110.3; R 110.5

R 112. - Board of Appeals

Delete

N 1102.1. Thermal performance criteria.

Delete Maximum Glazing U-Factor column from table N 1102.1

R 403.1.6. Foundation Anchorage

Delete shall extend a minimum of 7” inches (178mm) into masonry or concrete.

Insert: 8” inches in length

~~**R-315.1.**~~ **311.5.6.1** Handrails

Delete 34 and 38 inches

Insert: 28 to 36 inches

R 403.1.7.3. Foundation elevation.

Delete

Insert: Comply with City drainage ordinance.

R 502.11.4. Truss design drawings.

Delete.

R 703.7.6. Weepholes.

Delete 33 inches

Insert: maximum spacing of 48 inches.

R 801.3. Roof drainage.

Delete.

R 905.2.8.3. Crickets and saddles.

Insert: Single piece composite flashing may be used in lieu of cricket.

N 1102.1.6. Slab on grade floors.

Delete.

PLUMBING:

~~P 2904.5. Water distribution pipe.~~

~~Delete: CPVC, Cross-linked PEX, or PB plastic pipe is permitted to be used for both hot and cold water.~~

~~P 2801.5. Required pan.~~

~~Delete: in locations where leakage of the tanks or connections will cause damage.~~

P 2904.5. Water Distribution pipe.

Delete: Brass pipe, Polybutylene (PB) plastic pipe and tubing, Polypropylene (PP) plastic pipe or tubing to be used for both hot and cold water.

Add: Aluminum Shielded pex pipe.

P 2904.5.1. Under Concrete Slab

Delete: Brass, Chlorinated polyvinyl chloride (CPVC), Cross-linked polyethylene (PEX), Galvanized steep pipe, Polybutylene (PB) plastic pipe and tubing, Polypropylene (PP) plastic pipe or tubing, Stainless steel (Type 304/304L), Stainless steel (Type 316/316L) pipe.

Add: Aluminum Shielded pex pipe.

Section 7-63 – 7-80. Reserved.

ARTICLE V. PLUMBING CODE

~~Section 7-81. Adopted.~~

~~The City adopts as part of its Building regulations, the *Standard Plumbing Code* and its appendices, as it now exists and as it may be revised from time to time. Save and except Section 108, inclusive, 102.2.1, 102.2.4, 104.6.3, 708.7 Exception, Table 906.1, Appendix B, and all references to the *Standard Unsafe Building Code*. Delete from the list of approved materials in Chapters 6 and 7, the following items: ASTM F 789-85 Type PS 46 PVC Sewer Pipe, ASSE 1045-87 Aluminum Drain, Waste and Vent Pipe and Components. Delete from the list of approved materials in Chapters 6 and 7, the following items: Type M copper, CPVC, and polybutylene. A copy of the Standard Plumbing Code shall be maintained in the office of the Building Official. Delete all references to the Standard Private Sewage Disposal Code, 1997.~~

Section 7-81. Amendments.

The City of Temple adopts certain amendments to the *Standard 2006 International Plumbing Code*, which amendments shall be labeled as Exhibit "D," and maintained in the Office of the Building Official.

Appendix A. Plumbing Fees.

The City Council shall adopt by resolution a schedule of the permit fees required or authorized by the *Standard 2006 International Plumbing Code*, a copy of which shall be maintained in the office of the Building Official.

Table 906.1. The distance from water closet to vent stack is five feet (5'). If the depth of the flow line of sewer yard is more than 24" at any point, double wyes or combination wyes & 1/8 bends are to be used. A sewer yard line clean out is to be installed at junction of sewer yard line and City sewer.

TABLE 906.1 DISTANCE OF FIXTURE TRAP FROM VENT

Size of Fixture Drain	Size of Trap	Falls Per Foot	Distance from Trap
1 ¼"	1 ¼"	¼"	4'
1 ½"	1 ¼"	¼"	4'
1 ½"	1 ½"	¼"	4'
2"	1 ½"	¼"	5'
2"	2"	¼"	5'
*3"	3"	⅛"	5'
*4"	4"	⅛"	5'

** Floor Drains Only 10' & 12' on 3" and 4"*

Chapters 6, 7, and 9:

Delete use of air admittance valves.

All sinks and washer connections to have a cleanout at or near the foot of each vented waste or soil stack.

A dishwashing machine shall not be directly connected to a drainage system.

Cold water distribution ASTM D3309-85B may be used in readily accessible places only, not in walls, in or under slab foundations, or in attics.

~~Table 710.1(1) Building Drain and Sewers. Under the new code 3" building drains and sewers may have 36 fixture units with 1/8" fall.~~

Section 7-82. Plumbing Installation or Maintenance by Homeowner.

Nothing in this Chapter shall prevent a homeowner from installing or maintaining plumbing within his own property boundaries, providing such plumbing work is done by himself and is used exclusively by him or his family. Such privilege does not convey the right to violate any of the provisions of this Chapter, nor is it to be construed as exempting any such property owner from obtaining a permit and paying the required fees therefor.

Section 7-83. Who May Obtain a Permit.

Permits may be issued *only* to the following:

- (a) Master plumber licensed by the State of Texas Board of Plumbing Examiners;
- (b) Property owner, for plumbing work to be done by him in a building owned and

occupied by him as his home;

- (c) Appliance dealer or dealer's employee, for connecting appliances to existing piping installations;
- (d) Licensed landscape architects and irrigators.

Section 7-84 - 7-93. Reserved.

ARTICLE VI. GAS CODE

Section 7-94. Adopted.

The City of Temple adopts as part of its Building regulations, the *Standard 2006 International Fuel Gas Code*, and its appendices as they exist now and as it may be revised from time to time. ~~Save and except Sections 102.2.1, 102.2.4, 108 (inclusive), Section 104.6.3, Chapter 9, Appendix B, and all references to the *Standard Unsafe Building Code*.~~ A copy of the *Standard 2006 International Fuel Gas Code* shall be maintained in the office of the Building Official.

Section 7-95. Amendments.

The City of Temple adopts certain amendments to the *Standard 2006 International Fuel Gas Code*, which amendments shall be ~~labeled as Exhibit "E,"~~ and maintained in the Office of the Building Official.

The City Council shall adopt by resolution a schedule of the permit fees required or authorized by the *Standard 2006 International Fuel Gas Code*, a copy of which shall be maintained in the office of the Building Official.

~~310.1.1 Gas Shutoff Valves.~~

~~For emergency safety reasons, each building shall have an accessible gas shutoff valve between the meter and the building, and as close as possible to the point the gas service line enters the building.~~

311.3.1 Air Testing Lines.

The test on gas house piping and service lines shall be made by closing all openings and subjecting the pipes to an air pressure that will support a column of mercury ten inches in height. If this column of mercury is support by the air pressure for at least fifteen (15) minutes under a constant temperature, the piping shall be considered sufficiently tight.

Final inspection shall be made on the gas system after water heaters, furnaces, and gas cocks have been installed, and shall be made with air pressure of ten (10) inches of mercury for fifteen (15) minutes. When changes or extensions are made to a gas system from a point where no gas stop has been provided in the original gas system, the plumber must prepare the entire system for test and test the same with air pressure supporting ten (10) inches of mercury for fifteen (15) minutes.

~~Section 7-96. Disconnection.~~

~~The Plumbing Official is authorized to disconnect any gas piping or fixture or appliance for~~

which a certificate of approval is required but has not been issued with respect to same, or which, upon inspection, shall be found defective or in such condition as to endanger life or property. In all cases where such disconnection is made, a notice shall be attached to the piping, fixture, or appliance disconnected by the Plumbing Official, which provides a statement of the reason or reasons therefor. It shall be unlawful for any person to remove said notice or reconnect said gas piping, fixture, or appliance without authorization by the Plumbing Official, and such gas piping, fixture, or appliance shall not be put into service or used until the Plumbing Official has attached his certificate of approval in lieu of his prior disconnection notice.

EXHIBIT "A"

Amendments

to

The Standard Building Code

As Adopted By Ordinance No. 2002-2818

103.1 Permit Fees.

~~— The City Council shall adopt by resolution a schedule of the permit fees required or authorized by the Standard Building Code, a copy of which shall be maintained in the office of the Building Official.~~

103.2 Permit Intent (Repair or Demolition).

~~Notwithstanding the provision of 103.6, the Building Official may impose a time limit as an additional condition of a permit for repair or demolition work, provided that for cause, one or more extensions of time for periods not exceeding 30 days each may be allowed in writing by the Building Official.~~

Bond In Lieu of Deposit

- ~~(1) — In lieu of a deposit, the person, firm or corporation which shall actually perform the work of demolition, may post a bond with the Director of Finance in the same amount as the deposit which would be applicable.~~
- ~~(2) — The bond shall be signed by the applicant and two (2) or more sufficient sureties or by a surety company authorized to make bonds in Texas, payable to the City of Temple and conditioned that the principal on the bond shall complete the demolishing of the structure and shall leave the property in proper and safe condition, as such is defined in this article.~~

Regulations for Proceeding with Work

- ~~(1) — All work of such wrecking or demolition shall be performed in a workmanlike manner and with the least amount of noise possible. Care shall be taken to protect neighboring structures with adequate shoring and whatever else is needful to protect such structures. Signs stating "Wrecking and Demolition Work Going On — No Trespassing," or some similar warning, shall be erected on each side of the building that faces on public street or alley. Adequate protection shall be provided to prevent injury to any city or public utility appurtenances. It shall be the duty of all persons working on or responsible for such wrecking or demolition to make provisions that children are warned away from such premises, and are not permitted to play in or on~~

or frequent such structures.

- ~~(2) — Where a building to be wrecked is adjacent to a street or public place, the sidewalks in front of the same shall be constructed at least four (4) feet in width and eight (8) feet in height and shall be covered with solid plank. Passageways shall be kept well lighted and in a good state of repair and shall comply with Section 2202.2 of this Code.~~
- ~~(3) — In the course of demolition, no material shall be placed upon the floor of any building which will cause overloading of such floor, but the material shall be lowered to the ground immediately upon displacement.~~
- ~~(4) — Blasting, pulling or throwing of masonry walls in the wrecking of a building will not be permitted except in emergencies, and then the work shall be done under a special permit of the Director of Public Works and under his direct supervision.~~
- ~~(5) — No material shall be thrown from a building being wrecked to the sidewalk or pavement, but shall be conveyed to the ground by hand or by properly constructed chutes or other supervised conveyance.~~
- ~~(6) — In the course of wrecking a building, all dusty and loose material shall be thoroughly wetted before demolition and shall be kept wetted until removed from the premises.~~

Supervision of Work

- ~~(1) — The Building Official shall have the right to stop the wrecking or tearing down of any building within the City, when the same is being done in a reckless or careless manner, or in violation of this article or any other ordinance, or in such manner as to endanger life or property, and shall have the authority to order any and all persons engaged in such work to stop and desist therefrom. When such work has been ordered stopped by the Building Official, it shall not be resumed until he is satisfied that adequate precautions have been or will be taken for the protection of life and property.~~

2204.4. Moving Bond Requirements.

(a) Mover's Bond.

~~The Building Official shall require each applicant for a permit under this division to deposit a bond in the sum of One Thousand Dollars (\$1,000) before he issues the permit. This bond shall be signed by the applicant and two (2) or more sufficient sureties or by a surety company authorized to make bonds in Texas, payable to the City of Temple and conditioned that the principal on the bond shall move such building or structure with care, diligence and dispatch in accordance with the provisions of this article and, in case of damage to the City or any street or avenue or other property belonging to the City, or to any other person, through any act of his or those employed by him in moving the house or building, he will pay the City or the person for damage resulting therefrom and also the cost to the City or other person in repairing the streets or other property damaged.~~

~~In the event the applicant is in the house moving business and contemplates moving more than one house or building in the period of one year, he may make a blanket bond in the sum of One Thousand Dollars (\$1,000) payable and conditioned as stated above but covering all~~

buildings and houses for which he may obtain permits during the year, and such bond shall be in force for a period of one year, and it shall apply to any and all houses or buildings that may be moved by the applicant during such year.

All such bonds shall be approved by the Building Official and shall be retained by him in his office.

(b) ~~Owner's Bond~~

~~In those cases which are determined by the City Council to be hardship cases, the owner of the house sought to be moved shall file an owner's house moving bond in the sum of Five Thousand Dollars (\$5,000) with the Director of Finance and approved by the Director of Finance, which shall be in addition to the house mover's bond required by Section 2204.4(a). See owner's House Moving Bond file in Construction & Safety Services Department.~~

~~The following is hereby adopted as Appendix F, to be used in conjunction with the Standard Building Code, 1991 Edition, of the Southern Building Code Congress International, Inc., as adopted above herein, as it applies within the City of Temple, Texas, replacing Appendix G now found in the said Code:~~

~~APPENDIX G~~

~~Fire Limits~~

~~The fire limits of the City of Temple are hereby established as follows:~~

~~Beginning at the point of intersection of the south line of Calhoun Avenue with the east line of North Fifth Street;~~

~~Thence in a southerly direction along the east line of North Fifth Street to the south line of Barton Avenue;~~

~~Thence in a westerly direction along said south line of Barton Avenue to the point of intersection with the east right of way of the Gulf, Colorado and Santa Fe Railroad;~~

~~Thence in a southerly direction along the east line of South Ninth Street, if extended, to the most northerly tract of the Gulf, Colorado and Santa Fe Railroad;~~

~~Thence in a southeasterly direction along said tract to the east line of South Third Street, if extended;~~

~~Thence in a southerly direction with said line to the north line of Avenue D;~~

~~Thence in an easterly direction with said line to the east line of South Fifth Street;~~

~~Thence in a southerly direction along said line to the north line of Avenue E;~~

~~Thence in an easterly direction along said line, if extended, to the west line of Sixth Street, if extended;~~

~~Thence in a northerly direction along said west line of Sixth Street, if extended, to the north~~

line of Avenue A;

~~Thence in an easterly direction along said line to the west line of Eighth Street;~~

~~Thence in a northerly direction with said line to the south line of Central Avenue;~~

~~Thence in a westerly direction with said line to the west line of Sixth Street;~~

~~Thence in a northerly direction along said line to the south line of Adams Avenue;~~

~~Thence in a westerly direction along said line of Fourth Street;~~

~~Thence in a northerly direction along said line to the south line of Barton Avenue;~~

~~Thence in a westerly direction along said line to the west line of Second Street;~~

~~Thence in a northerly direction along said line to the south line of Calhoun Avenue;~~

~~Thence in a westerly direction along said line to the point of beginning.~~

EXHIBIT "B"

Amendments

to

The *Standard Mechanical Code*

As Adopted By Ordinance No. 2002-2818

~~Appendix B. Mechanical Fees.~~

~~The City Council shall adopt by resolution a schedule of the permit fees required or authorized by the Standard Mechanical Code, a copy of which shall be maintained in the office of the Building Official.~~

EXHIBIT "C"

Amendments

to

The *2000 International Residential Codes for One and Two Family Dwelling*

As Adopted By Ordinance No. 2002-2818 and amended by Ordinance No. 2006-4081.

~~The City Council shall adopt by resolution a schedule of the permit fees required or authorized by the 2000 International Residential Codes for One and Two Family Dwelling, a copy of which shall be maintained in the office of the Building Official.~~

2000 International Residential Codes for One and Two Family Dwelling:

EXHIBIT "D"

Amendments

to

The *Standard Plumbing Code*

As Adopted By Ordinance No. 2002-2818

EXHIBIT "E"

Amendments

to

The *Standard Gas Code*

As Adopted By Ordinance No. 2002-2818

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: The Code of Ordinances of the City of Temple, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

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

PASSED AND APPROVED on First Reading and Public Hearing on the **7th** day of **February**, 2008.

PASSED AND APPROVED on Second Reading on the **21st** day of **February**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 10, "TEMPLE ELECTRICAL CODE," OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE, TEXAS, ADOPTING THE NATIONAL FIRE PROTECTION ASSOCIATION, NATIONAL ELECTRICAL CODE, NFPA NO. 70, 2005; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: Chapter 10, "Temple Electrical Code," of the Code of Ordinances of the City of Temple, Texas, is amended to read as follows:

TEMPLE ELECTRICAL CODE

- Art. I General Provisions, Sections 10-101 - 10-104
- Art. II Standards and Requirements, Sections 10-201 - 10-203
- Art. III Fees, Sections 10-301 -10-302
- Art. IV Licenses, Sections 10-401 - ~~10-407~~ 10-402
- Art. V Permits and Inspections, Sections 10-501 -~~10-504~~ 10-503
- Art. VI Electrical Official, Sections 10-601 - 10-603
- Art. VII Electrical Board, Sections 10-701 - 10-709
- Art. VIII ~~Existing Electrical Licenses, Section 10-801~~ Reserved
- Art. IX Miscellaneous Provisions, Sections 10-901 - 10-902

ARTICLE I - GENERAL PROVISIONS

Section 10-101. Short Title.

This ordinance shall be known as the "*Temple Electrical Code*," hereafter referred to as "code" or "this code."

Section 10-102. Purpose.

This code is hereby declared to be remedial, and shall be construed to secure the beneficial interest and purpose thereof, which are the public safety, health, and general welfare, through proper and safe electrical construction and repair and safety to life and property from fire and other hazards incident to faulty electrical construction, alteration and repair.

Section 10-103. Electrical Code Adoption.

(a) There is hereby adopted by the City of Temple, the National Fire Protection Association, National Electrical Code, ~~NFPA No. 70, 2002~~ NFPA No. 70, 2005.

(b) Application.

(1) **New Installations.** This Code applies to new installations. Buildings with construction permits dated after adoption of this Code shall comply with its requirements.

(2) **Existing Installations.** Existing electrical installations that do not comply with the provisions of this Code shall be permitted to be continued in use unless the authority having jurisdiction determines that the lack of conformity with this Code presents an imminent danger to occupants. Where changes are required for correction of hazards, a reasonable amount of time shall be given for compliance, depending on the degree of the hazard.

(3) **Additions, Alterations, or Repairs.** Additions, alterations, or repairs to any building, structure, or premises shall conform to that required of a new building without requiring the existing building to comply with all the requirements of this Code. Additions, alterations, installations, or repairs shall not cause an existing building to become unsafe or to adversely affect the performance of the building as determined by the authority having jurisdiction. Electrical wiring added to an existing service, feeder, or branch circuit shall not result in an installation that violates the provisions of the Code in force at the time the additions are made.

(4) **Changes in Building Occupancy.** Electrical systems and equipment that are part of any building or structure undergoing a change in use or occupancy, as defined in the Building Code, shall comply with all requirements of this code that may be applicable to the new use or occupancy.

(5) **Moved Building.** Electrical systems and equipment that are a part of buildings or structures moved into or within the city shall comply with the provisions of this code for new installations.

Section 10-104. Definitions.

~~(a) An **apprentice electrician** is a natural person who is licensed to perform electrical work under the direct supervision of a master or journeyman electrician. The phrase "direct supervision" when used herein shall mean that the apprentice electrician shall work under the direct authority of a master or journeyman electrician who will be on the job site at all times directly supervising the apprentice electrician's work.~~

~~(b) **Occupancy** shall mean every new and existing building, structure or part thereof, and shall be classified according to its use as a building or structure as outlined in Chapter IV of the Standard Building Code. Occupancy groups are as follows:~~

~~ASSEMBLY (A)~~

~~BUSINESS (B)~~

~~EDUCATIONAL (E)~~

~~HAZARDOUS (H)~~

~~FACTORY INDUSTRIAL (F)
INSTITUTIONAL (I)
MERCANTILE (M)
RESIDENTIAL (R)
STORAGE (S)~~

~~(c) **Electrical contractor** is any person, firm or corporation who is licensed and is engaged in the business of contracting to perform electrical work within the limits of the city.~~

~~(d) **Electrical maintenance work** shall mean the keeping in safe repair of any and all electrical installations, apparatus, and equipment within a building or premises where no additional power will be added and no new or additional switching devices will be installed. This definition shall not include the installation of new or additional wiring, equipment or apparatus.~~

~~(e) An **electrical sign contractor** is any person, firm or corporation who is licensed and is engaged in the business of the manufacture or the installation of electrical signs, outline lighting devices, or the installation of inside lighting with high voltage gas tubes.~~

~~(g) A **journeyman electrician** is a natural person who is licensed to perform electrical work under the general supervision of a master electrician. The term "general supervision" when used herein shall mean that the journeyman electrician shall work under the general authority of a master electrician but this shall not require the master electrician to be on the job site at all times directly supervising the journeyman electrician's job.~~

~~(h) A **journeyman sign electrician** is a natural person who is licensed to perform electrical sign and outline lighting work under the supervision of an electrical sign contractor.~~

~~(i) A **master electrician** is a natural person who is licensed to perform and supervise electrical work.~~

~~(l) **Raceway** is an enclosed channel designed expressly for holding wires, cables, or bus bars with additional functions as permitted by this code.~~

~~(n) A **residential wireman electrician** is a natural person who is licensed to perform residential wiring under the general supervision of a master electrician. The term "general supervision" when used herein shall mean that the residential wireman electrician shall work under the general authority of a master electrician but this shall not require the master electrician to be on the job site at all times directly supervising the residential wireman electrician's job.~~

(a) **Occupancy** shall mean every new and existing building, structure or part thereof, and shall be classified according to its use as a building or structure as outlined in the 2006 International Building Code.

(b) **Feeder panel or sub panel** is any panel located after the main service disconnect consisting of circuit breakers or fuses which provide protection for the branch circuits.

(c) A **mobile home** is a movable or portable dwelling constructed to be towed by a motor vehicle on its chassis over Texas roads and highways under special permit, connected to utilities, and designed without a permanent foundation for year-round living. It may consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or of two or more units, separately towable but designed to be joined into one integral unit.

(d) A **prefabricated home** is a structure intended for residential occupancy which is connected as a whole or in sections at a point other than its final location and which is moved from such point to a site where it is placed on a foundation as a whole or in sections and when finished constitutes an entire structure intended for residential use, and which is neither a residence constructed in a place, a mobile home or a house which is moved.

(e) **Residential wiring** is the wiring of any dwelling, whether single or two family within the limits of the city.

(f) **TDLR** is the Texas Department of Licensing and Regulation.

ARTICLE II - STANDARDS AND REQUIREMENTS

Section 10-201. *Standards and Requirements.*

(a) All electrical construction and all materials and appliances used in connection with the installation, maintenance, and operation of electrical wiring, apparatus or equipment for the utilization of electrical energy for light, heat or power, inside the city limits of Temple, Texas, shall conform to the rules and regulations of the **Temple Electrical Code**, National Electrical Code, and the meter installation specifications of the electrical utility company, ~~and as the latter two (2) exist and~~ as they may be revised from time to time.

~~(b) In the event of a conflict between this code and other codes adopted or referenced, the preference will proceed in the following order:~~

~~1. Temple Electrical Code~~

~~2. National Electrical Code~~

~~3. Energy Delivery Company~~

~~Specifications for electric service and meter installations~~

(b) Where, in any specific case, different sections of the City of Temple Electrical Code, the Building Code, the National Electrical Code, Energy Delivery Company Specifications and UL-Listings and manufacture's specifications specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(c) No person, firm or corporation shall install or cause to be installed electrical conductors/equipment including the installation of electric signs unless they have complied with Section 10-301 and Section 10-302 of this code. *Exception: 90-2(b) National Electrical*

(d) In the event any of the requirements are violated the owner, owners, lessee or renters shall be held responsible and be guilty of violating the aforementioned sections of this code and subject to the penalties set forth.

Section 10-202. General

(a) *Unused Electrical Equipment.* All unused electrical equipment within or on public or private building premises shall be removed if any such equipment, in the opinion of the Electrical Official, constitutes a hazard or danger to life or property.

(b) *Abandoned wiring.* Whenever new wiring is replacing old wiring, the old wiring shall be completely removed where possible. Abandoned wiring that cannot be removed shall be rendered unusable for future use before final approval shall be given for the new wiring.

(c) *Additions to existing wiring.* Where additions or extensions are made, and part of the existing wiring remains in use, and if defects exist in same, the existing wiring must be corrected and shall meet standards for new work.

(d) On any structure which is renovated, remodeled or relocated, the Electrical Official shall have the right of inspection as set out elsewhere herein, and if, upon inspection, the Electrical official shall discover electrical conditions hazardous to health, safety or welfare, he may cause corrections to be made.

Section 10-203. Amendments to the Adopted Code.

The National Electrical Code as adopted by the City of Temple is hereby amended to read as follows:

~~(a) Requirements of Electrical Installations.~~

~~(1) **Conductors.** Conductors used to carry current shall be of copper unless otherwise provided in this code. Where the conductor material is not specified, the sizes given in this code shall apply to copper conductors. If aluminum conductors are installed, according to this article, they must be terminated according to manufacturer's recommendations and have a coating of oxidation inhibitor applied.~~

~~(2) **Service and Service Feeder Panels.** Aluminum or copper clad aluminum #1 AWG and larger may be used where it terminates in an approved service or service feeder panel.~~

~~(3) **Feeders and Branch Circuits** for heating units in one/two and multi-family units shall be copper.~~

~~(b) Branch Circuits.~~

~~Conductors: All conductors shall be size Number Twelve (12) AWG or larger except in control wiring.~~

~~Exception: Number Fourteen (14) AWG conductors may be used for switch legs (dwelling units only).~~

~~(1) **Outlet Devices.**~~

~~Receptacles:~~

~~(a) Commercial buildings shall be 20 Ampere rating or greater.~~

~~(b) Dwelling Units (small appliance, laundry branch circuits, garages and utility rooms) shall be 20 Ampere rating or greater.~~

~~(2) **Branch Circuits and Feeder Calculations.**~~

~~Branch Circuits Required:~~

~~(a) General purpose branch circuits: Maximum number of receptacles as defined by N.E.C. allowed on 120 volt circuit shall not exceed eight (8).~~

~~(1) On rewire of one and two family dwellings, 120 volt circuit shall not exceed ten (10) receptacles as defined by N.E.C.~~

~~(b) Small appliance branch circuits: Maximum number of receptacles allowed shall not exceed four (4).~~

~~(c) **Material.**~~

~~Exception: Flexible metal conduit, flexible metal tubing and liquid tight flexible metal conduit shall not be used as a grounding device. An additional insulated wire shall be provided to satisfy the grounding.~~

~~(d) **Wiring Methods.**~~

~~(1) **Scope.**~~

~~(a) The fixed wiring methods for Assembly, Business, Educational, Institutional, Mercantile, Storage, Hazardous, and Factory Industrial shall be enclosed in an approved raceway.~~

~~Exception: (1) Power and Control Tray Cable (TC)~~

~~Exception: (2) Flat conductor cable (FCC)~~

~~(b) The fixed wiring methods for industrial shall be enclosed in an approved raceway or cable tray system.~~

~~(e) **Conduit Risers.**~~

~~Light and appliance panel boards installed in one and two family dwellings shall have a one inch conduit riser installed from the panel into an accessible space above the panel. (The~~

~~intent here is to make it possible to add a circuit at a later date.)~~

~~(f) **Lighting and Appliance Panel Boards.**~~

~~New lighting and appliance panel boards shall have two (2) spare poles for future use in one and two family dwellings.~~

Section 10-203. Amendments to the Adopted Code.

The National Electrical Code as adopted by the City of Temple is hereby amended to read as follows:

10.203.1 Conductors.

- 1) **Conductors** used to carry current shall be of copper unless otherwise provided in this code. Where the conductor material is not specified, the sizes given in this code shall apply to copper conductors.
- 2) **Aluminum conductors.** Aluminum or copper clad aluminum #1 AWG and larger conductors may be used where the conductors terminate in an approved service or service feeder panel. The conductors shall be terminated according to manufacturer's recommendations and have a coating of oxidation inhibitor applied.
- 3) **Feeders and Branch Circuits** for heating units in one, two and multi-family units shall be copper.

10.203.2 Service Requirements.

- 1) **Minimum building service.** All non-dwelling buildings shall have a minimum of a two hundred (200) ampere service, or be pre-approved by the electrical official.
- 2) **Main Exterior Disconnecting Means.** All new buildings, service upgrades, renovations, etc shall require a main exterior disconnect, manual shunt-trip device, or knox box located outside the building or structure, and shall be pre-approved by the Electrical Official.

Exception: A single family residential occupancy does not require a main exterior disconnecting means if the main panel and meter enclosure are back to back.

- 3) When a remote shunt-trip button is installed, it shall be located on the exterior of the building or structure and shall have a visual indication that the service has been disconnected when the trip has been activated. The shunt-trip button shall be in a sturdy, exterior cabinet that can be secured with a padlock. The cabinet shall be permanently marked on the exterior, stating "shunt-trip disconnect."
- 4) Single family residential service conductors (riser) shall be sized based on the main breaker size or service size and not the calculated load.

- 5) A minimum size of two (2) inches rigid conduit shall be used for service mast. E.M.T. or I.M.C are not acceptable for service masts supports.
- 6) **Electrical service upgrade required.** The electrical service shall be upgraded on a structure when electrical power is disconnected for any of the following conditions:
 - a) Dangerous or unsafe electrical hazards.
 - b) Substantial damage over 50%.
 - c) Change in the occupancy classification of the building.

10.203.3 Branch Circuits.

- 1) Conductors: All conductors shall be size Number Twelve (12) AWG or larger.

Exception 1: For dwelling units only, number Fourteen (14) AWG conductors may be used for lighting switch legs if the branch circuit is protected with a 15 amp breaker.

Exception 2: For dwelling units only, number Fourteen (14) AWG conductors may be used for smoke detector circuits.

Exception 3: control circuits operating line voltage contactors, relay and the like.

10.203.4 Wiring Methods.

1. The fixed wiring methods for commercial and residential buildings over 3-stories tall shall be enclosed in an approved raceway.

Exception: (1) MC Cable when installed per 10.203.9.

Exception: (2) Power and Control Tray Cable (TC)

Exception: (3) Flat conductor cable (FCC)

2. The fixed wiring methods for industrial shall be enclosed in an approved raceway or cable tray system.

10.203.5 Receptacles and Switches.

- 1) Receptacles and switches in commercial buildings shall be rated at 20 Ampere or greater.
- 2) Dwelling unit small appliance branch circuits, laundry branch circuits, garage branch circuits and utility room branch circuits shall have receptacles rated at 20 Ampere or greater.
- 3) For dwelling units, an individual 20 ampere branch circuit shall be provided for the

following: trash compactor, dishwasher, disposal, built-in microwave, vent hood, freezer, washer, or other fixed appliance. The individual branch circuits shall be provided with single receptacles rated 20 Ampere or greater.

- 4) Residential 120 volt general purpose branch circuits shall have a maximum of eight (8) receptacles.

Exception: On rewire of one and two family dwellings, 120 volt general purpose branch circuits shall have a maximum of ten (10) receptacles.

- 5) Residential small appliance branch circuits shall have a maximum of four (4) receptacles.
- 6) GFCI receptacle identification. All receptacles protected by one (1) or more ground fault circuit interrupter (GFCI) devices shall be identified with the manufactures labels.
- 7) In-use covers shall be installed in all exterior locations including porches.

10.203.6 Grounding Electrode System

- 1) **Concrete Encased Electrode.** All new buildings or structures having a concrete footing or foundation shall have a concrete encased electrode as the primary grounding system, and shall comply with all the requirements of article 250 (Grounding and Bonding). The Concrete Encased Electrode shall be installed by the electrical contractor prior to the foundation inspection. The electrode shall be one or more of the following:
 - a) A minimum of 20 feet of bare copper conductor sized in accordance with table 250.66 (Size of Alternating-Current Grounding Electrode Conductors) and not smaller than #4 AWG, encased by at least 2" of concrete, and located within and near the bottom of a concrete footing (primary location) or foundation (location where there is no footing) that is in direct contact (no plastic below or above grounding electrode conductor) with the earth. The grounding electrode conductor shall not be allowed to lie in the dirt on the bottom of a beam or foundation. A non-metallic sleeve shall protect a grounding conductor where it exits the concrete. If steel reinforcing bar is present in a footing or foundation, the copper grounding electrode conductor shall be bonded to the reinforcing bar. Connection shall be made using listed and approved clamps.
 - b) Reinforcing bar that is at least ½" in diameter, twenty feet in length, encased by at least 2" of concrete and located within and near the bottom of a concrete footing (primary location) or foundation (location where there is no footing) that is in direct contact (no plastic below or above grounding electrode conductor) with the earth that is present in a foundation, this portion of the reinforcing bar is permitted to replace the required minimum 20 feet of bare #4 or larger copper conductor. The reinforcing bar shall not be allowed to lie in the dirt on the bottom of a beam or slab. A ½" steel

reinforcing bar in addition to the required 20 foot can be turned up (90 degree bend) where it will be within a wall. The reinforcing bars shall be permitted to be bonded together by the usual steel tie wires or other effective means where they create a tight connection. The connection point of the stubbed up bar and the grounding electrode conductor shall be accessible. The stubbed up portion of the bar shall be painted fluorescent orange at the time of installation for identification purposes. The connection point shall have the paint removed. The copper grounding electrode conductor sized in accordance with table 250.66 (Size of Alternating-Current Grounding Electrode Conductors) and not smaller than #4 AWG shall be connected to the bar using listed and approved clamps. A non-metallic sleeve shall protect a grounding conductor where it exits the concrete.

2) Requirements if the Concrete Encased Electrode was not installed:

- a) If reinforcing bar was installed in the footing or foundation of a non-post tension slab, the slab shall be busted and the reinforcing bar in the footing (primary location) or foundation (location where there is no footing) shall be bonded to a copper conductor sized in accordance with table 250.66 (Size of Alternating-Current Grounding Electrode Conductors) and not smaller than #4 AWG. Connection shall be made using listed and approved clamps.
- b) In addition to #10.203.6 (2)(a), a Plate Electrode shall be installed and shall comply with all the requirements of article 250 (Grounding and Bonding).
- c) These requirements must be completed before a rough-in inspection, and shall be inspected at the same time as the rough-in inspection.

3) Rod and Pipe Electrode. A Rod or Pipe Electrode shall be installed in the general vicinity of the service entrance and shall comply with all the requirements of article 250 (Grounding and Bonding). Rod or Pipe Electrodes shall be installed at or below grade to prevent damage from lawn mowing equipment.

4) All other grounding electrodes as described in 250.52(A)(1) through (A)(6) that are present at each building or structure served shall be bonded together to form the grounding electrode system and shall comply with all the requirements of article 250 (Grounding and Bonding).

5) Minimum of Two Grounding Electrodes. All new buildings or structures, service upgrades, etc, shall have a minimum of two grounding electrodes and shall comply with all the requirements of article 250 (Grounding and Bonding).

6) Splicing of a Grounding Electrode Conductor. Requirements for splicing a grounding electrode conductor:

- a) An irreversible compression type **C- crimp** shall be used in conjunction with a split-bolt.

- b) Crimps and clamps shall be installed per there UL-Listing and Manufacture's instructions.

10.203.7 Grounding.

- 1) Flexible metal conduit, flexible metal tubing and liquid-tight flexible metal conduit shall not be used as a grounding device. An additional insulated wire, sized and installed per the requirements of article 250 (Grounding and Bonding), shall be provided to satisfy the grounding.
- 2) Metallic Service Entrance and Feeder raceways shall not be used as a grounding device. An additional insulated wire, sized and installed per the requirements of article 250 (Grounding and Bonding), shall be provided to satisfy the grounding.

Exception: Rigid Metallic Conduit that has threaded fittings and made wrench tight is permitted to be used as a grounding device when installed per the requirements of article 250 (Grounding and Bonding).

10.203.8 Lighting and Appliance Panel Boards.

1. Lighting and appliance panel boards installed in one and two family dwellings shall have a one inch conduit riser installed from the panel into an accessible space above the panel. (The intent here is to make it possible to add a circuit at a later date.)
2. New lighting and appliance panel boards shall have two (2) spare poles for future use in one and two family dwellings.

10.203.9 Fusible Disconnects

1. Fusible disconnects that are installed in locations that are accessible to the public or unqualified persons, the fusible disconnects shall be of the heavy duty type and shall have door interlocks that will prevent the door from being opened when the switch is on, and prevent the switch from being turned on when the door is opened.

10.203.10 MC Cable:

1. Must be concealed within walls, ceilings and c-channel.
2. Is permitted to be supported under and within counters and cabinets.
3. Type MC Cable outer jacket shall only be cut with an approved rotary-type cutting tool that is calibrated to the manufacture's specifications.
4. An approved anti-short shall be used with MC Cable connectors or be manufactured with anti-short as an integral part of the connector.

5. The end of MC Cable where it terminates in approved connectors shall not be taped or painted.

10.203.11 Cable Connectors:

- 1) The number of NM cables (romex) installed per connector shall be calculated per the UL-listing or manufacture's instructions. If there is no requirement, the number of cables per connector shall be as follows:
 - a) Quantity of 14/2, 14/3, 12/2, 12/3, 10/2 and 10/3 NM Cables (romex) per connector:
 - 1) 3/8"- one 14 AWG through 12 AWG.
 - 2) 1/2"- two 14 AWG through 12 AWG, or one 10 AWG.
 - 3) 3/4"- three 14 AWG through 12 AWG, or two 10 AWG.
 - b) 8 AWG and larger cables shall be installed one per an appropriate sized cable connector.
 - c) Service Entrance Cable shall be installed with an appropriate sized cable connector and there shall be no other cables installed in the connector.

10.203.12 Color Coding of Conductors.

- 1) Color coding of conductors shall be as follows:
 - a) Single phase 120/240 volt wiring systems.

(A)	(B)	(N)
Black	Red	White
 - b) Three phase four wire 120/208 volt wiring systems.

(A)	(B)	(C)	(N)
Black	Red	Blue	White
 - c) Three phase three and four wire 120/240 volt delta wiring systems.

(A)	(B)	(C)	(N)
Black	Orange	Blue	White
 - d) 277-480 wye or 480 volt delta wiring systems.

(A)	(B)	(C)	(N)
Brown	Orange	Yellow	Gray
- 2) Colors shall be consistent throughout each system.

ARTICLE III – FEES

Section 10-301. Adoption.

The City Council shall adopt by resolution a schedule of the ~~license, license renewal,~~ permit and inspection fees required or authorized by the Temple Electrical Code, a copy of which shall be maintained in the Office of the Electrical Official.

Section 10-302.

When electrical work requiring a permit is found to be in progress or completed and no permit has been issued for such work, an Investigation Fee of double the amount of the Inspection Fee shall be charged to the master electrician doing all or part of the work in addition to such fees as are required by this code.

ARTICLE IV—LICENSES

~~Section 10-401. Licenses Required.~~

~~(a) No person, firm or corporation shall perform electrical work in the city unless properly licensed by the city. This section shall not apply to a person to whom a homeowner's permit has been issued in accordance with Section 10-501(a), Exception No. 3.~~

~~(b) Any person, firm or corporation who knowingly employs or allows an unlicensed contractor or electrician to perform work or install electrical conductors/equipment or apparatus shall be guilty of violation of this chapter and subject to the penalties set forth.~~

~~Section 10-402. Types of Licenses.~~

~~Seven (7) types of licenses are issuable under this code. They are:~~

- ~~1. Electrical contractor's license.~~
- ~~2. Electrical sign contractor's license.~~
- ~~3. Master electrician's license.~~
- ~~4. Journeyman electrician's license.~~
- ~~5. Journeyman sign electrician's license.~~
- ~~6. Apprentice electrician's license.~~
- ~~7. Residential wireman electrician license.~~

~~Section 10-403. Requirements for Licenses.~~

~~(a) Electrical Contractor's License.~~

~~Such person, firm or corporation shall:~~

~~(1) Hold a master electrician's license or shall identify a master electrician who will be employed by the electrical contractor prior to the issuance of a permit and shall employ at least one person holding a master electrician's license during the time the electrical work is~~

~~actually being performed. The master electrician shall not be employed by another electrical contractor at the time the electrical work is being performed (a master electrician cannot meet the requirements for two or more electrical contractor's licenses at the same time).~~

~~(2) Work not more than an average of four (4) apprentices for each journeyman.~~

~~(3) Place or affix the name under which electrical business is done in the city on one door of each side of every vehicle that is employed in such electrical business in letters and numbers of at least one inch in height and width.~~

~~(4) Not subcontract or assign any electrical work or contract to any person, firm or corporation.~~

~~(5) Pay an annual renewal license fee.~~

~~(6) Execute and deliver a bond in an amount set by the City.~~

~~(7) Employ licensed master, journeyman and apprentice electricians only to perform electrical work, unless an exception is granted by the Electrical Board.~~

~~(8) The duty of the electrical contractor is the provision of licensed supervision of construction, installation, maintenance and repair of electrical conductors and equipment installed within or on public or private buildings or other structures.~~

~~**(b) *Master Electrician's License.***~~

~~Such person shall:~~

~~(1)~~

~~(a) Have at least six (6) years practical experience in the field of residential, commercial, and industrial electrical construction, three (3) years of which must have been as licensed journeyman electrician under the direct supervision of a Master Electrician; or~~

~~(b) Hold a bachelor's degree in electrical engineering from a college or university accredited with or by the Southern Association of Colleges and Universities, or some similar organization, and have a least one year experience as a licensed Journeyman electrician.~~

~~(2) The applicant shall make application as requested and provide all information requested including documentation of his or her experience in the field of electrical construction including names and addresses of former employers.~~

~~(3) Have passed an International Code Council (ICC) [formerly Southern Building Code Congress International (SBCCI)] or Block and Associates master electrician's examination with a passing score of 75 or above.~~

~~(4) Pay an annual renewal license fee.~~

~~(5) Duty: The duty of a master electrician is the personal supervision of the electrical work~~

~~performed by an electrical contractor within the City of Temple. The master electrician shall be personally responsible for all electrical code violations.~~

~~(6) Have a current license on his/her person at all times while performing electrical work.~~

~~(c) ***Journeyman's Electrician's License.***~~

~~Such person shall:~~

~~(1)~~

~~(a) Have at least four (4) years practical experience as an apprentice; or~~

~~(b) Be a graduate of a recognized Bureau of Apprenticeship and Training (Electrical Training) a (BAT) school with a four year curriculum.~~

~~(c) Provide all requested information to the Construction Safety and Services Division.~~

~~(2) Have passed an International Code Council (ICC) [formerly Southern Building Code Congress International (SBCCI)], or Block and Associates journeyman=s electrician=s examination with a passing score of 70 or above.~~

~~(3) The applicant shall furnish his/her detail experience in the field of electrical construction, including the names and addresses of former employees.~~

~~(3) Pay an annual renewal license fee.~~

~~(4) Have a current license on his/her person at all times while performing electrical work.~~

~~(d) ***Residential Wireman Electrician's License.***~~

~~Such person shall:~~

~~(1)~~

~~(a) Have at least four (4) years practical experience as an apprentice; or~~

~~(b) Be a graduate of a recognized Bureau of Apprenticeship and Training (Electrical Training) a (BAT) school with a four year curriculum.~~

~~(c) Provide all requested information to the Construction Safety and Services Division.~~

~~(2) Have passed an International Code Council (ICC) [formerly Southern Building Code Congress International (SBCCI)], or Block and Associates residential wireman=s examination with a passing score of 70 or above.~~

~~(3) Pay an annual renewal license fee.~~

~~(4) Have a current license on his/her person at all times while performing electrical work.~~

~~(5) Perform wiring according to Section 10-104 (e).~~

~~**(e) *Apprentice Electrician's License.***~~

~~Such person shall:~~

~~(1) Apply for an apprentice electrician license his/her self.~~

~~(2) Pay an application fee.~~

~~(3) Have a current license on his/her person at all times while performing electrical work.~~

~~(4) Pay annually a license renewal fee.~~

~~**(f) *Electrical Sign Contractor Prerequisites.***~~

~~Such person, firm or corporation shall:~~

~~(1) Have a Journeyman Sign Electrician's License and at least four (4) years experience in the manufacture, installation, and maintenance of signs and wiring of signs or employ at least one person with these qualifications.~~

~~(2) Pay an annual renewal license fee.~~

~~(3) Execute and deliver a bond as set out in Section 10-407(b).~~

~~(4) Obtain a permit for each installation or renewal of any sign within the city limits.~~

~~**(g) *Electrical Sign Contractor - Duties.***~~

~~The duty of an electrical sign contractor is the provision of licensed supervision of the manufacture, maintenance, installation, wiring of signs or outline lighting. The conductors for the electrical circuits to the sign or outline lighting shall be installed by a licensed electrical contractor. Existing circuits may be used for signs or outline lighting only with approval of the Electrical Official.~~

~~**(h) *Journeyman Sign Electrician's License.***~~

~~Such person shall:~~

~~(1) Have at least two (2) years' experience in the installation, manufacture or maintenance of electrical signs or outline lighting; or have one year of electrical training with an established trade school and one year of practical experience in the installation, manufacture or maintenance of electrical signs or outline lighting.~~

~~(2) Have passed an International Code Council (ICC) [formerly Southern Building Code Congress International (SBCCI)], or Block and Associates master or journeyman sign examination with a passing score of 70 or above.~~

~~(3) Pay an annual renewal license fee.~~

~~(4) Have his/her license on his/her person at all times while performing electrical work.~~

~~(i) **Shop Inspection.**~~

~~All work performed and all material, apparatus, devices, appliances, fixtures or equipment used shall conform to the requirements of this code. Any electrical sign to be installed within the city shall be subject to inspection by the Electrical Official before the sign is installed.~~

~~**Section 10-404. Application for Licenses.**~~

~~Application for licenses shall be made at the Construction Safety and Services Department, City of Temple. The application procedures shall be as follows:~~

~~(a) The applicant shall obtain an application form from the Construction Safety and Services Department. The application form shall be completed and returned to the Electrical Official together with the required documents evidencing the applicant's experience or training. Any false statement by the applicant on the application form may constitute grounds for denial or revocation of the license for which application has been made.~~

~~(b) Acceptable examinations:~~

~~**Block and Associates:** Must have a letter from the City in which test was taken and signed by the examiner (photocopies not accepted) or a letter from Block and Associates.~~

~~**International Code Council (ICC)** [formerly Southern Building Code Congress International (SBCCI)]: Will furnish the City of Temple a list of people who have passed the test since (1990) Applicant shows proof of social security number and a copy of driver's license.~~

~~(c) The Electrical Official shall review all applications, including the required documents; and, if the documents adequately certify the applicant to have the required experience or training, the Electrical Official and the Superintendent of Construction Safety and Services may then approve applicant for license after all criteria have been met.~~

~~(d) If license is denied, an applicant may, within ten (10) days from the date of said denial, furnish additional documentation or appeal said decision to the Electrical Board. If license is denied by the Electrical Board, an applicant may, within ten (10) days from the date of said denial, furnish additional documentation or appeal said decision to the City Council.~~

~~**Section 10-405. License Non-Assignable.**~~

~~No license issued in accordance with the provisions of this chapter shall be assigned or~~

~~transferred. An electrical contractor's license shall be issued in the name of the applicant. All other licenses shall be issued in the name of the individual applying.~~

~~**Section 10-406. *Renewal of Licenses.***~~

~~(a) All licenses shall be valid for the calendar year in which they were issued and shall expire on the thirty first (31st) day of December of that calendar year, and are thereafter invalid.~~

~~(b) An invalid license may be renewed during the month of January following the date of expiration by paying the appropriate annual renewal fee and furnishing necessary bond (if applicable).~~

~~(c) An invalid license may be renewed during the remainder of the calendar year following expiration by presenting a completed application to the Construction Safety and Services Department, paying the fee prescribed for a new license and furnishing necessary bond (if applicable).~~

~~(d) Licenses which have not been renewed within one (1) year of expiration are null and void. A new license may be issued as authorized in Section 10-403 as if this applicant had never held a license.~~

~~(e) Licenses revoked by Board action are null and void. New licenses may be issued by filing an application and following the procedure as outlined in Section 10-303 as if the applicant had never held a license.~~

ARTICLE IV – LICENSES

Section 10-401. *Licenses Required.*

1. The Texas Department of Licensing and Regulation is responsible for the administration and enforcement of the following regulations:
 - a) Chapter 1305 of the Texas Occupation Code (The Texas Electrical Safety Licensing Act); and
 - b) Texas Administrative Code, Chapter 73 (Administrative Rules of the Texas Department of Licensing and Regulation).
2. State of Texas issued license required. Except those persons who perform the type of electrical work that is exempt from the requirement for licensure in this state, a person may not perform electrical work in this city unless the person holds an appropriate license issued or recognized by the State of Texas. Such license shall be on file in the Electrical Official's office, together with the firm's address, telephone number and copy of insurance, before proceeding with any work. All persons performing electrical work shall obtain the necessary permits for such work and shall have all work inspected by the city in accordance with this Code. This section shall not apply to a person to whom a homeowner's permit has been issued in accordance with Section 10-501(a), Exception No. 3.

- 3) Any person, firm or corporation who knowingly employs or allows an unlicensed contractor or electrician to perform work or install electrical conductors/equipment or apparatus shall be guilty of violation of this chapter and subject to the penalties set forth.

Electrical work shall mean any labor or material used in installing, maintaining, or extending an electrical wiring system and the appurtenances, apparatus, or equipment used in connection with the use of electrical energy in, on, outside, or attached to a building, residence, structure, property, or premises. The term includes service entrance conductors as defined by the National Electrical Code.

Section 10-402. Types of Licenses and requirements.

Electrical contractor.

1. An electrical contractor's license shall entitle the holder thereof to contract for and engage in the business of designing, installing, erecting, repairing or altering electrical wires or conductors to be used for light, heat, power, or signaling purposes. The term installation includes the installation or repair of ducts, raceways, or conduits for the reception or protection of wires or conductors and the installation or repair of any electrical machinery, apparatus, or system used for electrical light, heat, power, or signaling.
2. The duty of the electrical contractor is the provision of licensed supervision of construction, installation, maintenance and repair of electrical conductors and equipment installed within or on public or private buildings or other structures.
3. Employ licensed master, journeyman, residential wireman and apprentice electricians only to perform electrical work, unless an exception is granted by the Electrical Board.
4. Work not more than an average of four (4) apprentices for each journeyman or residential wireman.
5. Not subcontract or assign any electrical work or contract to any person, firm or corporation.

Exception 1: Trenching and other dirt work.

Exception 2: Wiring methods associated with Chapter 6, Chapter 7, and Chapter 8 of the 2005 NEC, when subcontracted to qualified contractors.

Exception 3: When approved by the electrical official.

6. Re-inspection fees shall be paid in-person by the master electrician when requested by the City of Temple.

Electrical sign contractor.

1. An electrical sign contractor's license shall entitle the holder thereof to engage in the business of designing, manufacturing, installing, connecting, reconnecting, or servicing an electric sign, cold cathode, neon gas tubing, or altering electric sign wiring or conductors either inside or outside a building.
2. The duty of an electrical sign contractor is the provision of licensed supervision of the manufacture, maintenance, installation, wiring of signs or outline lighting.
3. Employ licensed master or master sign, journeyman or journeyman sign and apprentice sign electricians only to perform electrical work, unless an exception is granted by the Electrical Board.
4. The conductors for the electrical circuits to the sign or outline lighting shall be installed by a licensed electrical contractor. Existing circuits may be used for signs or outline lighting only with approval of the Electrical Official.
5. Work not more than an average of four (4) apprentices for each sign journeyman.
6. Not subcontract or assign any electrical work or contract to any person, firm or corporation.

Exception 1: Trenching and other dirt work.

Exception 2: When approved by the electrical official.

7. Re-inspection fees shall be paid in-person by the master electrician when requested by the City of Temple.
8. **Shop Inspection.** All work performed and all material, apparatus, devices, appliances, fixtures or equipment used shall conform to the requirements of this code. Any electrical sign to be installed within the city shall be subject to inspection by the Electrical Official before the sign is installed.

Master electrician.

1. The master electrician's license shall entitle the holder thereof to, on behalf of an electrical contractor, superintend and perform all electrical work.
2. Duty: The duty of a master electrician is the personal supervision of the electrical work performed by an electrical contractor within the City of Temple. The master electrician shall be personally responsible for all electrical code violations.
3. Have a current license on his/her person at all times while performing electrical work.

4.

Re-inspection fees shall be paid in-person by the master electrician when requested by the City of Temple.

Master sign electrician.

1. The master sign electrician's license shall entitle the holder thereof to superintend all electrical sign installations under the holder of an electrical sign contractor's license according to the provisions of this article. The holder of a master sign electrician's license shall be entitled to be in general charge and supervision of the business of designing, manufacturing, installing, connecting, reconnecting, or servicing an electric sign, cold cathode, neon gas tubing, or outline gals tubing, or altering electric sign wiring or conductors either inside or outside of a building.
2. Duty: The duty of a master sign electrician is the personal supervision of the electrical work performed by an electrical contractor within the City of Temple. The master sign electrician shall be personally responsible for all electrical code violations.
3. Have a current license on his/her person at all times while performing electrical work.
4. Re-inspection fees shall be paid in-person by the master electrician when requested by the City of Temple.

Journeyman electrician.

1. A journeyman electrician's license shall entitle the holder to do work as an electrician for and under the general supervision of the holder of a responsible master electrician's license, on behalf of an electrical contractor, according to the provisions of this article.
2. Have a current license on his/her person at all times while performing electrical work.

Journeyman sign electrician.

1. A journeyman sign electrician's license shall entitle the holder thereof to do work as a sign electrician for and under the general supervision of the holder of a responsible master sign electrician's license, on behalf of a master sign electrician according to the provisions of this article.
2. Have a current license on his/her person at all times while performing electrical work.

Residential wireman.

1. The holder of a residential wireman license shall be entitled to perform electrical installations in single-family, two-family, three-family, and four-family dwellings

under the general supervision of the holder of a responsible master electrician's license, on behalf of an electrical contractor, according to the provisions of this article.

2. Have a current license on his/her person at all times while performing electrical work.

Apprentice electrician.

1. An apprentice electrician's license shall entitle the holder thereof to work under the direct supervision of a master electrician, a journeyman electrician, or a residential wireman, on behalf of an electrical contractor performing electrical work as defined by this article. The phrase "direct supervision" when used herein shall mean that the apprentice electrician shall work under the direct authority of a master electrician, journeyman electrician, residential wireman who will be on the job site at all times directly supervising the apprentice electrician's work.

2. Have a current license on his/her person at all times while performing electrical work.

Maintenance electrician.

- (1) The holder of a maintenance electrician's license, who works under the general supervision of a master electrician, on behalf of an electrical contractor shall be entitled to engage in the business of replacing, repairing, calibrating, inspecting, or testing of existing electrical appurtenances, apparatus, equipment, machinery, or controls used in connection with the use of electrical energy in, on, outside, or attached to a building, residence, structure, property, or premises. All replacements or repairs must be of the same rating and type as the existing installation. No improvements may be made that are necessary to comply with applicable codes under Texas Occupations Code, Chapter 1305.

- (2) Have a current license on his/her person at all times while performing electrical work.

- (3) Electrical maintenance work does not include the replacement of any raceways, conductors, disconnecting means, or service feeder components.

- (4) It also does not include the installation of any new electrical appurtenances, apparatus, equipment, machinery, or controls beyond the scope of any existing electrical installation.

- (5) The term does not include work exempted by Texas Occupations Code, Chapter 1305.003.

~~Section 10-407. Bond.~~

~~(a) **Electrical Contractors.**~~

~~An electrical contractor shall post with the Construction Safety and Services Department and renew annually a license bond, payable to the City of Temple, for the use and benefit of any persons injured by reason of the contractors' failure to correct work done in violation of the Temple Electrical Code. See fee schedule.~~

~~(b) **Electrical Sign Contractor/Maintenance Electrical Contractor.**~~

~~The contractor shall execute and deliver a bond, payable to the City of Temple, conditioned that the contractor shall comply with the provisions of this code in all respects and with all rules and regulations promulgated by authority hereof and that they will correct all electrical violations. This bond must be renewed annually. See fee schedule.~~

ARTICLE V - PERMITS AND INSPECTIONS

Section 10-501. *Permits Required.*

(a) No electrical wiring/equipment shall be installed, including the installation of signs, or electrical work done within or on any building, structure or premises, public or private, nor shall any alterations or additions be made to any such existing equipment or electrical system without a permit first being secured therefore from the Construction Safety Department.

EXCEPTION NO. 1: Minor repair work such as repairing or replacing flush and snap switches, receptacles and lamp sockets, or minor repairs on permanently connected electrical equipment, apparatus, appliances, lighting fixtures, etc.

EXCEPTION NO. 2: The installation, maintenance, or alteration of wiring apparatus, devices, appliances or equipment for telegraph, telephone, signal service or central station protective service used in conveying signals or intelligence, except where electrical work is done on the primary side of the source of power at a voltage exceeding fifty (50) volts AC.

EXCEPTION NO. 3: Homeowners--Nothing herein contained shall prohibit the owner of a dwelling in which he resides or will reside and is his homestead by Texas law from personally performing electrical work within or on such home; provided that the owner shall apply to the Construction Safety Department for homeowner's electrical permit and file approved plans and specifications that satisfy the City Electrical Official as to his/her ability to satisfactorily perform the work in accordance with this code. The homeowner shall not pay anyone to assist him/her in such work. However, he shall indicate all persons who will help with wiring on the application and apply for and receive a certificate of approval.

EXCEPTION NO. 4: In case of an extensive project, the code in effect at the date of building/electric permit shall prevail until completion.

(b) Even though no permit is required under 10-501(a) (Exception 1 and 2), such installations or repairs shall be performed in conformity with the provisions of this code, if

applicable.

(c) Applications for permits or inspections required by this article shall be made to the Construction Safety Department by a master electrician or his designated representative, in the name of an electrical contractor, electrical sign contractor, or a homeowner, as the case may be.

(d) The application shall include a general description of the work to be done, and such plans, specifications and schedules as may be necessary to determine whether or not the work will be in conformity with the requirements of this code.

(e) If it is found that the installations as described will conform to the requirements of this code, a permit for such installation shall be issued; provided, however, that the issuance of a permit will not be construed as permission or a license to violate any of the requirements of this code or any other ordinance of the City of Temple.

(f) ***Applications and Extensions.*** Applications and extensions of permits shall conform to the following:

(1) The authority having jurisdiction shall be permitted to grant an extension of the permit time period upon presentation by the permittee of a satisfactory reason for failure to start or complete the work or activity authorized by the permit.

(2) Applications for permits shall be made to the authority having jurisdiction on forms provided by the jurisdiction and shall include the applicant's answers in full to inquiries set forth on such forms. Applications for permits shall be accompanied by such data as required by the authority having jurisdiction, such as plans and specifications, location, and so forth. Fees shall be determined as required by local laws.

(3) The authority having jurisdiction shall review all applications submitted and issue permits as required. If an application for a permit is rejected by the authority having jurisdiction, the applicant shall be advised of the reasons for such rejection. Permits for activities requiring evidence of financial responsibility by the jurisdiction shall not be issued unless proof of required financial responsibility is furnished.

(g) ***Cancellations.***

Permits may be canceled by the master electrician upon written request to the Construction Safety Department for a terminating inspection.

(h) ***Permits Not Transferable.***

Each permit issued under this code shall be personal to the permittee. No such permit shall be assigned or transferred to another person, and no person shall allow another person to obtain a permit in his name, or allow any electrical work to be performed under his permit by any person other than a person authorized to do the same.

(i) ***False Statement or Bad Faith.***

(1) Any attempt to defraud or otherwise deliberately or knowingly design, install, service, maintain, operate, sell, represent for sale, falsify records, reports, or applications, or other related activity in violation of the requirements prescribed by this Code shall be a violation of this Code. Such violations shall be cause for immediate suspension or revocation of any related licenses, certificates, or permits issued by this jurisdiction. In addition, any such violation shall be subject to any other criminal or civil penalties as available by the laws of this jurisdiction.

(2) Revocation shall be constituted when the permit tee is duly notified by the authority having jurisdiction.

(3) Any person who engages in any business, operation, or occupation, or uses any premises, after the permit issued therefor has been suspended or revoked pursuant to the provisions of this Code, and before such suspended permit has been reinstated or a new permit issued, shall be in violation of this Code.

(j) ***Duration of Permit.***

Every permit issued under the provisions of this code shall expire ninety (90) days after the date thereof unless the work authorized by such permit shall have commenced within such time; and every permit shall expire if the work authorized by such permit is suspended or abandoned for as long as ninety (90) days after it has been commenced. In every case where a permit is permitted to expire, a new permit shall be obtained before any work is resumed.

(k) ***Application.***

Activity authorized by a permit issued under this Code shall be conducted by the permittee or the permit tee's agents or employees in compliance with all requirements of this Code applicable thereto and in accordance with the approved plans and specifications. No permit issued under this Code shall be interpreted to justify a violation of any provision of this Code or any other applicable law or regulation. Any addition or alteration of approved plans or specifications shall be approved in advance by the authority having jurisdiction, as evidenced by the issuance of a new or amended permit.

Section 10-502. *Certificate of Approval.*

(a) When any electrical wiring, apparatus or fixtures covered by a permit shall be found on inspection by the Electrical Official to conform with the rules and regulations set out in this code, the Electrical Official shall issue a final certificate of inspection that the wiring, apparatus or fixtures have been found to comply with this code. However, a certificate of approval shall not constitute a waiver of responsibility for or approval of defective workmanship or installation.

(b) The Electrical Official may also, before the final certificate of approval is issued, give thirty (30) days temporary permission to connect and furnish electric current to any

wiring, apparatus or fixture if, in the Official's opinion, such wiring, apparatus or fixture is in such condition that current may be safely connected therewith. Valid extensions will be granted upon request by the Master Electrician.

(c) Any person or firm who violates this code and who refuses to correct such violations within five (5) days after notice shall not be issued a permit for other work until the violation is corrected.

Section 10-503. *Type of Inspections.*

The following are the mandatory inspections:

~~(a) TBM: Temporary Building Meter (Electric power service for construction purposes only commonly made after service pole installation).~~

~~(b) Rough In: Inspection made prior to covering or concealment of electric equipment/wiring.~~

~~(c) Phase: Series of rough in inspections.~~

~~(d) Final: Inspection made after the electrical installation is complete.~~

1. **TBM: Temporary Building Meter (Electric power service for construction purposes only).**
2. **Concrete Encased Electrode and under slab raceways.** This inspection is usually performed during the slab inspection.
3. **Rough-In, Wall and Above Ceiling:** Inspection made prior to covering or concealment (including insulation) of electric equipment/wiring. One siding of walls shall be pre-approved by the Electrical Official.
4. **Temporary Final (power release).** The electrical installation shall be 100 percent completed before a temporary final.

Exception 1: Residential- when approved by the Electrical Official.

Exception 2: Commercial- when approved by the Electrical Official and when the following are met:

a) Electrical distribution equipment shall be protected from unqualified individuals by the installation of fencing with a locked gate, wooden walls with a locked door, electrical rooms with a locked door, etc, and the following shall apply:

1) Doors and gates shall be locked at all times when qualified personnel are not present and protecting the entry of unqualified personnel.

2) The electrician responsible for the project shall be the only individual with the key to the locks.

3) If a violation of 10-503(4) (a), or other unsafe conditions exist, the electrical official may have the electrical service disconnected.

b) A letter of liability shall be signed by the General Contractor.

5. **Final:** Inspection made after the electrical installation is completed, hot checked and the building is ready to be occupied.

ARTICLE VI - ELECTRICAL OFFICIAL

Section 10-601. *Designated Officials.*

Within the Temple Electrical Code when reference is made to the duties of certain officials named herein, that designated official of the City of Temple who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of said code is concerned.

Section 10-602. *Qualifications and Appointment.*

The office of Electrical Official is hereby created to administer and enforce this code. The Construction Safety ~~Director and Services Superintendent~~ shall appoint the Official and any assistants necessary to aid him in the discharge of his duties. The person chosen to fill this office shall be of good moral character; shall be possessed of such executive ability, training and experience as is required for the performance of his duties in the enforcement of this code. He shall have a thorough knowledge of electrical materials approved by the Underwriter's Laboratories, Inc., and the methods used in the installation of electrical equipment, shall be well versed in approved electrical construction for safety to persons and property, and the National Electrical Code, shall have at least five (5) years of experience, shall be a graduate in electrical or mechanical engineering from a recognized university or college, or have two (2) years study in the college level in electrical courses and three (3) years practical experience. He shall execute and deliver to the city a surety bond in the principal amount of One Thousand and No/100ths (\$1,000.00) Dollars conditioned upon the diligent and honest performance of the duties required by this code, or any other ordinance or law.

The bond premium shall be paid by the City and the bond shall be satisfactory to the governing body.

Section 10-603. *Authority.*

Where used in this article, the term authority having jurisdiction shall include the chief electrical inspector, **electrical official**, or other individuals designated by the governing body. This Code shall be administered and enforced by the authority having jurisdiction designated by the governing authority as follows:

(1) The authority having jurisdiction shall be permitted to render interpretations of this Code in order to provide clarification to its requirements, as permitted by 90.4.

(2) When the use of any electrical equipment or its installations is found to be dangerous to human life or property, the authority having jurisdiction shall be empowered to have the premises disconnected from its source of electric supply, as established by the Board. When such equipment or installation has been so condemned or disconnected, a notice shall be placed thereon listing the causes for the condemnation, the disconnection, or both. ~~and the penalty under 80.23 for the unlawful use thereof.~~ Written notice of such condemnation or disconnection and the causes therefore shall be given within 24 hours to the owners, the occupant, or both, of such building, structure, or premises. It shall be unlawful for any person to remove said notice, to reconnect the electric equipment to its source of electric supply, or to use or permit to be used electric power in any such electric equipment until such causes for the condemnation or disconnection have been remedied to the satisfaction of the inspection authorities.

(3) The authority having jurisdiction shall be permitted to delegate to other qualified individuals such powers as necessary for the proper administration and enforcement of this Code.

(4) Police, fire, and other enforcement agencies shall have authority to render necessary assistance in the enforcement of this Code when requested to do so by the authority having jurisdiction.

(5) The authority having jurisdiction shall be authorized to inspect, at all reasonable times, any building or premises for dangerous or hazardous conditions or equipment as set forth in this Code. The authority having jurisdiction shall be permitted to order any person(s) to remove or remedy such dangerous or hazardous condition or equipment. Any person(s) failing to comply with such order shall be in violation of this Code.

(6) Where the authority having jurisdiction deems that conditions hazardous to life and property exist, he or she shall be permitted to require that such hazardous conditions in violation of this Code be corrected.

(7) To the full extent permitted by law, any authority having jurisdiction engaged in inspection work shall be authorized at all reasonable times to enter and examine any building, structure, or premises for the purpose of making electrical inspections. Before entering premises, the authority having jurisdiction shall obtain the consent of the occupant thereof or obtain a court warrant authorizing entry for the purpose of inspection except in those instances where an emergency exists. As used in this section, emergency means circumstances that the authority having jurisdiction knows, or has reason to believe, exist and that reasonably can constitute immediate danger to persons or property.

(8) Persons authorized to enter and inspect buildings, structures, and premises as herein set forth shall be identified by proper credentials issued by this governing authority **if credentials are issued.**

(9) Persons shall not interfere with an authority having jurisdiction carrying out any duties or functions prescribed by this Code.

(10) Persons shall not use a badge, uniform, or other credentials to impersonate the authority having jurisdiction.

(11) The authority having jurisdiction shall be permitted to investigate the cause, origin, and circumstances of any fire, explosion, or other hazardous condition.

(12) The authority having jurisdiction shall be permitted to require plans and specifications to ensure compliance with this Code.

(13) Whenever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the authority having jurisdiction shall be permitted to require that such work be exposed for inspection. The authority having jurisdiction shall be notified when the installation is ready for inspection and shall conduct the inspection within 72 hours.

(14) The authority having jurisdiction shall be permitted to order the immediate evacuation of any occupied building deemed unsafe when such building has hazardous conditions that present imminent danger to building occupants.

(15) The authority having jurisdiction shall be permitted to waive specific requirements in this Code or permit alternative methods where it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety. Technical documentation shall be submitted to the authority having jurisdiction to demonstrate equivalency and that the system, method, or device is approved for the intended purpose.

(16) Each application for a waiver of a specific electrical requirement shall be filed with the authority having jurisdiction and shall be accompanied by such evidence, letters, statements, results of tests, or other supporting information as required to justify the request. The authority having jurisdiction shall keep a record of actions on such applications, and a signed copy of the authority having jurisdiction's decision shall be provided for the applicant.

Section 10-604. Appeals.

(1) **Review of Decisions.** Any person, firm, or corporation may register an appeal with the Board for a review of any decision of the Chief Electrical Inspector, **electrical official** or of any electrical inspector; provided that such appeal is made in writing within fifteen (15) days after such person, firm, or corporation shall have been notified. Upon receipt of such appeal, said Board shall, if requested by the person making the appeal, hold a public hearing and proceed to determine whether the action of the Board, or of the Chief Electrical

Inspector, **electrical official** or of the electrical inspector complies with this law and, within fifteen (15) days after receipt of the appeal or after holding the hearing, shall make a decision in accordance with its findings.

(2) **Conditions.** Any person shall be permitted to appeal a decision of the authority having jurisdiction to the Board when it is claimed that any one or more of the following conditions exist:

(a) The true intent of the codes or ordinances described in this Code has been incorrectly interpreted.

(b) The provisions of the codes or ordinances do not fully apply.

(c) A decision is unreasonable or arbitrary as it applies to alternatives or new materials.

(3) **Submission of Appeals.** A written appeal, outlining the Code provision from which relief is sought and the remedy proposed, shall be submitted to the authority having jurisdiction within 15 calendar days of notification of violation.

ARTICLE VII - ELECTRICAL BOARD

Section 10-701. *Created; Qualifications of Members; Terminations; Meetings.*

(a) ***Created.*** There is hereby created an Electrical Board, which shall consist of seven (7) members appointed by the City Council. The Board shall be composed of two (2) masters and one journeyman electrician licensed by the City of Temple, one representative of TU Electric, one person from the construction industry, and one member who is either an architect, engineer, or from the insurance industry, and one attorney. The quorum shall consist of four (4) members. The City Council shall appoint all members for a three (3) year period. At no time shall any two (2) members be members of the same firm or business organization. Any member of the Board shall be subject to removal at the will of the City Council and shall not receive compensation for services. Members of the Electrical Board shall be selected from the businesses and professions in the proportion stated above. If it is not possible to obtain the exact balance from the above professions as indicated, the City Council shall appoint members to the Board from the following businesses and professions, insofar as is practicable: building trade, insurance, legal, electrical contractors, architects, master electricians, journeyman electricians, representatives of TU Electric, and engineers. Members that require licenses (such as legal, architects, engineers, journeyman, master, and electrical contractors) shall be licensed to perform work within the City of Temple.

(b) ***Termination of Office.*** When any member of the Board has been absent from the regular meeting of such Board for three (3) or more consecutive meetings, without just cause as determined by the Electrical Board or City Council, the member's office shall become vacant and the chairman or acting chairman of this Board shall certify such record of absence and vacancy to the City Council which shall appoint a new member to fill the vacancy.

(c) ***Meetings of the Board.*** The Board shall meet as needed to resolve business

requirements scheduled on the agenda. When requirements permit, these meetings will be scheduled on the first Tuesday of each month. If there are no items on the agenda, a meeting will not be called. If there is a Board meeting time more appropriate than the first Tuesday of each month, as dictated by business requirements, then the Board meeting will be scheduled at that time. Appropriate items may be placed on the agenda for resolution by contacting the Construction Safety Department.

Section 10-702. *Suspension or Revocation of Licenses Permit and Permitting Privileges.*

(a) Any permit or permitting privileges ~~license of any class~~ may be suspended or revoked, or a fine may be imposed by the Electrical Board should the holder violate any provisions of this code.

(b) No permit or permitting privileges ~~license~~ shall be suspended or revoked until the permittee ~~licensee~~ shall have been given an opportunity to appear at a meeting of the Electrical Board and be heard, of which meeting the permittee ~~licensee~~ must have had at least ten (10) days written notice by certified mail at the address provided per 10-401 (2). ~~on the license renewal form.~~ Any such revocation or suspension shall not affect any criminal prosecution hereunder or prevent punishment by fine for violation hereof.

(c) Any person whose permit or permitting privileges ~~license~~ has been revoked shall not again be permitted ~~licensed~~ within a period of one (1) year from the date of such action, and then only be re-examined where such is required by this code.

(d) Any person or persons, firm or corporation which violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction by the electrical board, shall be fined not less than fifty (\$50.00) dollars nor more than two thousand (\$2000.00) dollars for each offense and each violation hereof shall be deemed a separate and distinct offense for each of said days and shall be punishable as such.

Section 10-703. *Variance.*

(a) Upon written request and public hearing, the Electrical Board may vary the application of any provision of this code and National Electrical Code, then in effect within the City of Temple to any particular case. Prior to the granting of any such variance, the Electrical Board must find from the evidence presented, that such variance will not work a detriment to the public health, safety or welfare, that the enforcement thereof would be an injustice, and contrary to the spirit and purpose of this code, and that the public interest will be served by granting said variance.

(b) The Electrical Board may, upon written request and public hearing, modify or reverse any decision of the Chief Electrical Inspector, electrical official or of any electrical inspector when it finds, from the evidence, that the provisions of 10-704(a) are applicable, or that the Chief Electrical Inspector, electrical official or of any electrical inspector has misinterpreted the Electrical Code.

Section 10-704. *Decision in Writing.*

A decision of the Electrical Board to vary the application of any provision of this code, or to reverse or modify an order of the Chief Electrical Inspector, electrical official or of any electrical inspector, shall specify in writing in what manner such variation or modification is made, the conditions upon which it is made, and the reasons therefor.

Section 10-705. *Decision to be Prompt.*

The Electrical Board shall, in every case, reach a decision without unreasonable or unnecessary delay. Every decision of the Electrical Board shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the Construction Safety and Services Department and shall be open to public inspection. A certified copy shall be sent by mail or otherwise to the applicant and a copy shall be kept publicly posted in the Construction Safety and Services Department.

Section 10-706. *Action in Accordance with Decision.*

If a decision of the Electrical Board reverses or modifies a refusal, order or disallowance of the Chief Electrical Inspector, electrical official or of any electrical inspector, or varies the application of any provision of this code, the Chief Electrical Inspector, electrical official or of any electrical inspector shall take action immediately in accordance with such decision or may promptly appeal the decision to the City Council.

Section 10-707. *Electrical Board May Propose Amendments.*

The Electrical Board may propose to the City Council, amendments, alterations, changes, additions to, or deletions from the Electrical Code of the City of Temple, Texas.

Section 10-708. *Appeal from Board Action.*

Any person aggrieved by action of the Electrical Board may within fifteen (15) days after such action, file an appeal in writing for a review by the City Manager's Office. The decision of the Electrical Board shall remain effective until a decision is made by the City Manager's Office.

ARTICLE VIII – RESERVED ~~EXISTING ELECTRICAL LICENSE~~

~~Section 10-801.~~

~~All electrical licenses in effect on the date of adoption of this code shall remain in effect under the terms upon which they were issued.~~

ARTICLE IX - MISCELLANEOUS PROVISIONS

Section 10-901. *Mobile Homes.*

All electrical systems installed in mobile homes constructed after March 1, 1970, and used for residential office purposes within the limits of the City shall meet the electrical standards for mobile homes set out in Tex. Rev. Civ. Stat. Ann. art. 221f, being those "standards approved by the United States of America Standards Institute" for installation of electrical systems in mobile homes in Book A-119.1 - 1963, approved March 12, 1963, for mobile homes, and as may be from time to time changed by the Bureau of Labor Statistics, or as may be changed, amended, or modified by the State Legislature from time to time. On all other mobile homes, the Electrical Official shall have the right of inspection as set out elsewhere herein, and if, upon inspection, the Electrical Official shall discover electrical conditions hazardous to health, safety or welfare, he may cause corrections to be made.

Section 10-902. *Prefabricated Buildings.*

(a) For prefabricated buildings constructed outside the city limits of Temple, before final assembly of the prefabricated building at its final location, the Electrical Official shall inspect the electrical installations of such building, which inspections shall be as complete as is allowed by the methods of construction without disassembly of the unit or any of its component parts. In addition, the owner of the prefabricated structure shall furnish the Official a manufacturer's certificate that the wiring and electrical components of the prefabricated structure meet the requirements of the National Electrical Code.

(b) The electrical installations of the prefabricated buildings constructed within the limits of the City of Temple shall meet the standards set out for residential construction in the City of Temple. Manufacturers shall afford the Electrical Official an opportunity to make a "rough-in" inspection and a final inspection.

Section 10-903. *Liability for Damages.*

This ordinance shall not be construed to affect the responsibility or liability of any party owning, designing, operating, controlling, or installing any electric equipment for damages to persons or property caused by a defect therein, nor shall the City of Temple or any of its employees be held as assuming any such liability by reason of the inspection, re-inspection, or other examination authorized.

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: The Code of Ordinances of the City of Temple, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

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

PASSED AND APPROVED on First Reading and Public Hearing on the 7th day of **February**, 2008.

PASSED AND APPROVED on Second Reading on the 21st day of **February**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 21, "MINIMUM HOUSING STANDARDS," OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE, TEXAS, ADOPTING THE 2006 INTERNATIONAL PROPERTY MAINTENANCE CODE AND AMENDMENTS; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: Chapter 21, "Minimum Housing Standards," of the Code of Ordinances of the City of Temple, Texas, is amended to read as follows:

CHAPTER 21

MINIMUM HOUSING STANDARDS

- Art. I Administration, Sections 21-1 – 21-23**
- Art. II Violations, Sections 21-24 – 21-49**
- Art. III Building and Standards Commission, Sections 21-50 – 21-74**
- Art. IV Housing Standards, Sections 21-75 – 21-78**

ARTICLE I. ADMINISTRATION

Section 21-1. Adopted.

The City of Temple adopts, as part of its Standard Housing Regulations, the 1998 2006 International Property Maintenance Code and Amendments, save and except for Sections 107.2, 107.3, 110.2, 111 (in its entirety) the changes which are more fully described in Exhibit A, attached hereto for all purposes.

Section 21-2. Building Official.

Within the *Standard Housing Code* when reference is made to the duties of certain officials named therein, that designated official of the City of Temple who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of said Code is concerned.

Section 21-3. Intent.

The City of Temple declares every substandard building or structure as herein defined to be a public nuisance and subject to repair, vacation or demolition to abate such nuisance as herein provided in order to protect the health, safety and welfare of the occupants and the public.

Section 21-4 - 21-23. Reserved.

ARTICLE II. VIOLATIONS.

Section 21-24. Notice of Violation - Service on Owner.

The Building Inspector shall give notice of a violation of this Code. Such notice shall be in writing and shall be via registered or certified mail to the owner as per the tax rolls of the City. If the owner's address is different than the address shown for the property involved, a notice shall also be sent to the address of the property involved, addressed to the occupant of such address. The notice shall constitute an order based upon findings of fact, directing the owner and occupant to repair, vacate, or demolish such building or otherwise comply with such order.

Section 21-25. Contents of Notice.

The notice shall contain the following:

- (1) The name of the owner, occupant, and other persons with a legal interest in the premises;
- (2) The street address or legal description of the premises;
- (3) A general description of the improvements;
- (4) An itemized statement or list of defects;
- (5) Whether or not repairs or correction of the defects shall be made so that the building will comply with the terms of this Code and, if so, a list of the required repairs, or whether the building shall be demolished;
- (6) Whether or not the building shall be vacated by the occupants and, if so, the date by which such vacation shall be effected;
- (7) Whether or not the building constitutes a fire menace; and
- (8) A statement of the time considered reasonable for the party receiving notice to commence to vacate and/or make repairs or otherwise comply with the requirements of the notice. A reasonable time shall not exceed thirty (30) days, except in cases of unusual or extenuating circumstances. The time to commence may be extended by the building inspector for an additional period of up to sixty (60) days; provided, however, an application for an extension is made by the owner, occupant, or some

other person interested in the property at least five (5) days before the expiration of the time to commence vacation, repairs, or demolition or otherwise comply with the notice. A reasonable time to complete the vacation, repair, or demolition or otherwise comply as provided in the notice and such reasonable time for completion shall not exceed ninety (90) days from the date of notice unless the time is extended by action of the Building and Standards Commission.

Section 21-26. Service of Notice When Owner Absent From City.

When the owner and/or occupant, and/or mortgagee, and/or other interested party, is absent from the City, all notices or orders provided for herein shall be sent, via registered mail or certified mail to the owner, and/or occupant, and/or mortgagee, and/or all other persons having an interest in the dwelling or building, to the last known address of each. Such mailing and, in the case of dangerous or uninhabitable buildings, the below described posting, shall be deemed adequate service.

Section 21-27. Posting of Placard on Uninhabitable, Dangerous Buildings.

(a) If the building inspector shall, upon inspection of any building within the City, find the same to be uninhabitable and dangerous, he shall place a placard on the uninhabitable and dangerous building reading as follows:

WARNING

This building has been found to be an UNINHABITABLE AND DANGEROUS STRUCTURE by the Building Inspector. This building is to be vacated immediately. This placard is to remain on the structure until it is repaired or demolished in accordance with the notice dated _____ which has been mailed to all persons having an interest in this building or property as shown by the Tax Office of the City of Temple. It is a violation of City Code Section 21-28(b), punishable by a fine up to \$2,000, for anyone to remove this placard until such notice has been complied with.

Signed _____
Housing Official

(b) No person shall occupy any building posted with such placard nor shall any person deface, destroy, or remove any such placard.

(c) A copy of such notice shall be posted in a conspicuous place on the uninhabitable and dangerous dwelling or building to which it relates.

Section 21-28. Placarded Building to be Secured.

When the placard authorized by Section 21-27 has been posted on any building in the City found to be a violation of this code, the owner or occupant thereof shall render it secure from entry by unauthorized persons.

Section 21-29. Vacation of Uninhabitable, Dangerous Buildings.

Where any building, or portion thereof, fails to comply with the provisions of this code because of the particular use of such building, it shall be unlawful for any persons to make such use or allow such use to be made of such building or portion thereof. Whenever a building is found to violate Section 21-76 of this code and to present an immediate danger requiring demolition of the premises because of potential injury to the occupants, the building inspector shall order the immediate evacuation of the building and it shall remain vacated until the danger is eliminated.

Section 21-30. Emergency Cases.

In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless an uninhabitable and dangerous building is immediately repaired, vacated or demolished, the building inspector shall cause the immediate repair, vacation or demolition of such uninhabitable and dangerous building or dwelling. The costs of such emergency repair, vacation, demolition or other compliance shall be collected in the same manner as provided in Section 21-77 of this Code.

Section 21-31 - 21-49. Reserved.

ARTICLE III. BUILDING AND STANDARDS COMMISSION

Section 21-50. Adoption of Subchapter C of the Local Government Code.

The City of Temple adopts the provision of Chapter 54 of the Local Government Code of the State of Texas and Subchapter C thereof, and amendments thereto if any, which is entitled "QUASI-JUDICIAL ENFORCEMENT OF HEALTH AND SAFETY ORDINANCES OF HOME-RULE MUNICIPALITY," and does declare the implementation of that Chapter.

Section 21-51. Commission Created; Membership; Term of Office.

Pursuant to the authority vested in the City under Chapter 54, Subchapter C, of the Local Government Code, a Building and Standards Commission is hereby created which shall be composed of five (5) regular members and four (4) alternative members appointed for two year terms. Such alternates shall serve in the absence of one or more regular members when requested by the Mayor or City Manager, or their representatives. In making the initial appointments, the City Council shall appoint two regular members for one year terms, and the remaining members for two year terms. Thereafter, all appointments to the Commission shall be for two year terms.

Section 21-52. Authority of Commission.

(a) The Building and Standards Commission shall have all powers, duties and responsibilities authorized by State law, it being the intent of the City of Temple to fully implement Subchapter C of Chapter 54 of the Local Government Code, including specifically

the authority to hear and determine cases concerning alleged violations of City ordinances:

(1) for the preservation of public safety, relating to the materials or methods used to construct a building or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, entrances, or exits;

(2) relating to the fire safety of a building or improvement, including provisions relating to materials, types of construction or design, warning devices, sprinklers or other fire suppression devices, availability of water supply for extinguishing fires, or location, design, or width of entrances or exits;

(3) relating to dangerously damaged or deteriorated buildings or improvements; or

(4) relating to conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents.

(b) The Building and Standards Commission as created and provided for under the provisions of State law shall, in addition to the statutory duties and responsibilities, have such additional duties and responsibilities as shall be from time to time delegated to it by the City Council of the City of Temple and shall, in addition, determine such issues and render decisions in accordance therewith which may be from time to time required of an appellate body. In such cases, a simple majority of the members of the Building and Standards Commission shall be sufficient to take action, unless by other law or ordinance a greater majority shall be required.

(1) All of the functions of the historic preservation board are hereby assigned and shall be performed by the Building and Standards Commission.

~~(2) The Building and Standards Commission shall serve as the screening committee for the City's Rental Rehabilitation Program (RRP), and for the Community Development Block Grant rehabilitation program for owner-occupied dwellings.~~

Section 21-53. Procedures.

(a) The Building and Standards Commission shall adopt rules and procedures in accordance with this ordinance governing the conduct of hearings before the Commission, providing ample opportunity for the presentation of evidence and testimony by respondents or persons opposing charges brought by the City, acting through the Building Official, relating to the violation of City ordinances.

(b) If the Building and Standards Commission finds after a hearing that a violation has occurred, the Commission may:

(1) order the repair, within a fixed period, of buildings found to be in violation of an ordinance;

(2) declare a building substandard in accordance with the powers granted by Chapter 54, Subchapter C, of the Local Government Code;

(3) order, in an appropriate case, the immediate removal of persons or property found on private property, enter on private property to secure the removal of persons or property if it is determined that conditions exist on the property that constitute a violation of an ordinance, and order action to be taken as necessary to remedy, alleviate, or remove any substandard building found to exist;

(4) issue orders or directives to any peace officer of the State, including a sheriff or constable or the Police Chief, to enforce and carry out the lawful orders or directives of the Commission; and

(5) determine the amount and duration of a civil penalty the City may recover in an amount permitted by State law.

(c) Procedures for removal of substandard structures.

(1) In cases involving the condemnation or removal of substandard structures, the Building and Standards Commission shall conduct a hearing prior to ordering the removal of a structure. The Commission shall hold an initial hearing not less than forty-five (45) days after the Building Official notifies the required parties that a building is condemned as a substandard structure, and posts a notice to that effect on the structure.

(2) At the initial hearing, if removal of the substandard structure is contested by any party of record with an interest in the property, the Building and Standards Commission shall, if it finds that the structure should be condemned, order the property owner to appear at a future date, not less than forty-five days from the date of the first hearing, and show cause why the Commission shall not order the removal of the substandard structure.

(3) If the property owner(s), or any other person interested in the property fails to appear at the initial hearing, and contest the condemnation of the structure, the finding of the Building and Standards Commission shall be final. Provided further, that, in cases involving an immediate, significant threat to the public health, safety, and welfare, the Commission may shorten the time period prior to either hearing when requested by the Building Official, provided that the requirements for notice under State law are met.

(d) The concurring vote of four members of the Commission is necessary to take any action under Chapter 54, Subchapter C, of the Local Government Code.

Section 21-54. Notice of Hearings.

(a) The Building Official shall give notice of all proceedings before the Commission by certified mail, return receipt requested, to the record owners of the affected property, and to each holder of a recorded lien against the property, as shown by the County Clerk's records. The Building Official shall give notice to all unknown owners, by posting a copy of the notice on the front door of each improvement situated on the affected property or as close to the front door as practical.

(b) The Building Official shall mail and post each required notice at least ten (10) days

prior to the date of the scheduled hearing before the Commission. The Building Official shall also cause to be published on one occasion, at least ten (10) days prior to the hearing, notice of the hearing in a newspaper of general circulation in the City.

(c) Notice required to be mailed, posted, or published under this section shall state the date, time, and place of the hearing. In addition, each notice shall contain:

- (1) The name of the owner(s), occupant(s), and other persons interested in the building;
- (2) The street address or legal description of the premises;
- (3) A general description of the improvements;
- (4) A list of defects on the property; and
- (5) A brief statement of the action to be considered by the Commission.

Section 21-55. Appeals; Finality of Decisions.

In each case, the Building and Standards Commission shall mail by first class mail, certified return receipt requested, to all parties entitled to notice of the original hearing, a copy of the final decision of the Commission. All persons aggrieved of a decision of the Building and Standards Commission may present a petition to any district court in Bell County, duly verified, setting forth that the decision is illegal, in whole or part, and specifying the grounds of the illegality. A petition of review must be presented to a district court within thirty (30) calendar days of the date copies of the final decision are sent to interested parties. If no appeals are taken from a decision of the Building and Standards Commission within the required period, the decision of the Commission is, in all things, final and binding.

Section 21-56 - 21-74. Reserved.

ARTICLE IV. HOUSING STANDARDS

Section 21-75. Elimination of Uninhabitable and Dangerous Structures.

All uninhabitable and dangerous structures, including dwellings, are hereby declared to be public nuisances, and shall be repaired, vacated, or demolished.

Section 21-76. Conditions Constituting an Uninhabitable or Dangerous Dwelling.

An uninhabitable and dangerous building or dwelling is defined as any building or dwelling:

- (1) whose walls or other vertical structural members list, lean or buckle in excess of one-eighth (1/8) inch horizontal measurement for each one foot of vertical measurement;
- (2) which, exclusive of the foundation, shows thirty-three (33) percent, or more, of

damage or deterioration of the supporting member or members, or fifty (50) percent of damage or deterioration of the nonsupporting enclosing or outside walls or covering;

- (3) which has been damaged by fire, explosion, wind, vandalism or elements of nature so as to have become dangerous to life, safety, or the general health and welfare of the occupants thereof or the people of the City;
- (4) which has inadequate facilities for egress in case of fire or panic or which has insufficient stairways, elevators, fire escapes or other means of ingress or egress;
- (5) which has parts thereof which are so attached that they may fall and injure members of the public or property;
- (6) which, because of its condition is unsafe, or unsanitary, or dangerous to the health, morals, safety, or general welfare of the people of this City; or
- (7) which exists in violation of any material provision of the City's Building Code, Plumbing Code, Fire Prevention Code, Electrical Code or the statutes of the State of Texas as revised, or that fail to comply with any material provision of this Code. For the purposes of this section, a violation of a "material" provision is a violation of any section that involves a significant risk of personal injury, death, or property damage.

Section 21-77. Guide for Repair, Vacation or Demolition of Uninhabitable Buildings.

The following guide shall be followed by the Building Inspector in determining whether to order or recommend the repair or vacation or demolition of any uninhabitable and dangerous building or dwelling:

- (1) **Repair.** If a building can reasonably be repaired so that it will no longer exist in violation of the terms of this Code, the Building Inspector shall order it repaired within a reasonable time. A reasonable time shall be as defined in Section 21-25(8) of this Chapter. If the owner or occupant fails to make such repairs within the time frame allowed by Section 21-25(8), the Building Official may recommend that the Building and Standards Commission order repairs, impose fines, order the demolition of a building, or take other appropriate action to implement this Chapter.
- (2) **Vacation.** If a building is in such condition as to make it a danger to the health, safety or general welfare of its occupants or the citizens of Temple, the Building Inspector shall order it vacated. If the owner or occupant fails to vacate a building after proper notice, the Building Official may recommend that the Building and Standards Commission order the vacation of the structure, impose a fine, or take other appropriate action to implement this Chapter.
- (3) **Demolition.** The Building Inspector shall recommend that the Building and Standards Commission order a building demolished, if it:
 - (a) Is at least fifty (50) percent damaged or deteriorated, on either a structural or original value basis;

- (b) Is an immediate danger to the life or safety of any person and is not immediately made not an immediate danger;
- (c) Is in need of repair under Section (1) above and is not repaired within the reasonable time set forth therein; or
- (d) Is in such condition as to make it dangerous to the health, safety, or general welfare, has been ordered by vacated by the Building Inspector, and has not been cured of the defects within a reasonable time.

Section 21-78. Demolition of Building or Dwelling in City.

If, at the expiration of the time allowed for compliance with the provisions of this Code, a building or dwelling ordered demolished under the provisions of this Chapter has not been demolished, it shall be demolished by the City or its agents or contractor at the expense of the owner. If the cost of the demolition exceeds the value of the materials of such building, such excess shall be charged as a lien upon the real property on which the building had been situated.

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: The Code of Ordinances of the City of Temple, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

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

PASSED AND APPROVED on First Reading and Public Hearing on the 7th day of **February**, 2008.

PASSED AND APPROVED on Second Reading on the 21st day of **February**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

EXHIBIT A

Changes to the 2006 International Property Maintenance Code

Section 102.3 Change “ICC Electrical Code” to “NEC Electrical Code”

Section 107.1 Delete

Section 107.2 Delete

Section 107.3 Delete

Section 110.2 Delete

Section 111 Delete entire section (111.1, 111.2, 111.2.1, 111.2.2, 111.2.3, 111.2.4, 111.2.5, 111.3, 111.4, 111.4.1, 111.5, 111.6, 111.6.1, 111.6.2, 111.7, 111.8)

Section 201.3 Change “ICC Electrical Code” to “NEC Electrical Code”

Section 302.4 Insert 9 inches where applicable

Section 302.8 Delete

Section 303.2 Delete “at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool” *REPLACE* it with “in compliance with Chapter 34 Section (h) 315 of the City of Temple Code of Ordinances”

Section [F] 304.3 Delete

Section 304.14 Insert January 1 to December 31 where applicable

Section 307.2.1 Delete

Section 307.2.2 Delete

Section 307.3.1 Delete

Section 307.3.2 Delete

Section 404.5 Add the following from the 1998 International Property Maintenance Code:

Table 404.5 Minimum area requirements

SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 Occupants	3-5 occupants	6 or more occupants
Living Room (a,b)	No requirements	120	150
Dining Room (a,b)	No requirements	80	100
Kitchen (b)	50	50	60
Bedrooms	Shall comply with Section 404.4		

For SI: 1 square foot = 0.093 square meters

(a) See Section 404.5.2 for combined living room/dining room spaces.

(b) See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

404.5.1 Sleeping Area. The minimum occupancy area required by table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 404.4

404.5.2 Combined Spaces. Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

Section 602.3 Insert January 1 to December 31 where applicable

Section 602.4 Insert January 1 to December 31 where applicable

Section 604.2 Change “ICC Electrical Code” to “NEC Electrical Code” AND change “60 amperes” to “100 amperes”.



COUNCIL AGENDA ITEM MEMORANDUM

02/07/08
Item #11(A)
Regular Agenda
Page 1 of 2

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 on first reading and schedule second reading and final adoption on February 21, 2008.

ITEM SUMMARY: On October 18, 2007, the Financing Plan was amended to include the issuance of bonds. Subsequent to the amendment, engineering studies, estimates and other events identified the need to make further adjustments to the project plan and financing plan.

The proposed amendment adjusts the following line items on the Financing Plan:

Line 40-Revenues: Reduced tax revenues for years 2012 – 2022. The estimated added increment for Gulf States Toyota (GST) was reduced to \$67,600,000 from \$87,500,000. This was done on the basis that total investment may not necessarily equate to taxable value.

Line 40-Revenues: Added \$925,000 to revenues for the GST's contractual commitment share in the cost of the underground storm water improvements in the Rail Park. **Line 100:** Also added \$925,000 to the expense for the underground storm water improvements.

Line 125-Wendland Road Improvements: Added \$124,500 for onsite representation and other bidding services.

Line 221-Airport Park Infrastructure: Added \$37,300 for onsite representation and other bidding services.

Line 305-Outer Loop Phase II: Added \$2,802,000 for additional funding needed for the construction of the Outer Loop. The original estimate for the Outer Loop II was appropriated in the Financing Plan in FY 2005. Subsequent realignment, expanded scope and escalating construction cost created the need for additional funding.

Line 400-Southeast Industrial Park: Moved \$1,200,000 for the construction of Lorraine Drive to FY 2009.

Line 71-Debt Service: The debt service was adjusted to reflect the amortization of \$22,395,000 for 15 yrs @ a net interest cost of 4.75%.

FISCAL IMPACT: : The proposed amendment was funded by increasing the bond issuance by \$1,010,000, the use of \$761,212 of FY 2008 Fund Balance, and the shifting of \$1,200,000 funding for the Southeast Industrial Park to FY 2009.

The proposed **\$22,395,000** Combination Tax and Revenue Certificates of Obligation, Series 2008 average annual debt service is approximately \$2,180,000. This amount was computed using an assumed interest rate of 4.75% for 15 yrs (the remaining life of the RZ #1).

The repayment of the bonds will be from revenues of the Tax Increment Reinvestment Zone #1. Available debt capacity was computed using a times coverage ratio of 1.70 and projected future increment growth within the RZ # 1. The debt is structured for interest only payments until FY 2012. (Exception of \$460,000 principal payment in FY 2008).FY 2012 is the year that the improvements associated with Gulf States Toyota will be added to the increment for the RZ # 1.

ATTACHMENTS:

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

DESCRIPTION	Y/E 9/30/07		Y/E 9/30/08	Y/E 9/30/09	Y/E 9/30/10	Y/E 9/30/11	Y/E 9/30/12	Y/E 9/30/13	Y/E 9/30/14	Y/E 9/30/15	Y/E 9/30/16	Y/E 9/30/17	Y/E 9/30/18	Y/E 9/30/19	Y/E 9/30/20	Y/E 9/30/21	Y/E 9/30/22
	PLAN	ACTUAL	Year 26	Year 27	Year 28	Year 29	Year 30	Year 31	Year 32	Year 33	Year 34	Year 35	Year 36	Year 37	Year 38	Year 39	Year 40
1 Appraised Value	\$ 119,486,508	\$ 119,486,508	\$ 123,405,421	\$ 131,160,668	\$ 140,238,368	\$ 144,626,499	\$ 212,822,764	\$ 233,450,991	\$ 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	\$ 12,267,431	\$ 8,788,778	\$ 1,655,767	\$ 1,614,919	\$ 2,910,575	\$ 3,000,628	\$ 2,562,668	\$ 2,911,038	\$ 3,723,607	\$ 4,096,263	\$ 4,535,128	\$ 4,541,443	\$ 3,911,559	\$ 4,077,698	\$ 3,740,073	\$ 3,477,768
SOURCES OF CASH:																	
10 Tax Revenues	3,366,807	3,529,948	3,934,627	4,051,439	4,592,298	4,679,594	6,271,181	6,789,596	6,857,023	6,925,124	6,993,906	7,063,376	7,133,540	8,749,666	9,249,246	9,341,269	9,434,212
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	195,707	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
25 Interest Income-Other	300,000	323,864	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	-	-	22,395,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
33 Miscellaneous Reimbursements (GST)	-	-	925,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
34 Sale of Land	-	104,292	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
35 Grant Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
40 TOTAL SOURCES	3,831,803	4,153,811	27,589,481	3,982,932	4,529,957	4,615,077	6,205,526	6,722,795	6,789,062	6,855,992	6,923,592	6,991,867	7,060,825	8,665,732	9,164,081	9,244,861	9,316,549
USES OF CASH:																	
Operating Expenses																	
50 Prof Svcs/Proj Mgmt	125,740	53,400	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	1,100	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	75,000
60 TEDC	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	100,000
65 TISD-Joint Use facilities	498,816	413,289	107,508	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
90 Subtotal-Operating Expenses	800,656	642,789	372,042	288,503	290,530	292,594	294,797	296,940	299,124	301,350	303,617	306,027	308,382	310,780	313,225	315,715	318,354
Projects (2)																	
199 North Zone (3)	3,594,348	2,838,384	15,668,465	40,000	40,000	-	-	800,000	-	-	-	-	2,700,000	-	-	-	-
299 Western Aviation Zone (3)	877,499	600,398	3,028,128	-	300,000	1,225,150	2,175,850	1,100,000	-	-	-	-	-	-	-	-	-
399 Western Bio-Science & Medical Zone (3)	6,201,150	2,298,660	10,569,490	-	-	-	-	-	-	-	-	-	-	-	-	-	-
400 Southeast Industrial Park Zone (3)	185,000	111,500	73,500	1,200,000	-	-	-	-	-	-	-	-	-	-	-	-	-
405 General Roadway Improvements	318,050	267,939	250,111	-	-	-	-	-	-	-	-	-	-	-	-	-	-
410 Major Gateway Entrances	-	-	-	400,000	-	400,000	-	-	-	-	-	-	-	-	-	-	-
415 Downtown Improvements	7,197	2,328	18,481	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	-	2,300,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
430 Reserve for Acer facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
500 Zone Projects - Public Improvements	-	-	280,815	-	500,000	500,000	500,000	500,000	2,000,000	2,500,000	2,500,000	3,000,000	1,000,000	4,500,000	5,500,000	5,500,000	8,778,177
600 Subtotal-Projects	13,483,244	6,119,209	32,188,990	1,825,779	1,032,113	2,320,897	2,873,541	2,599,655	2,201,639	2,703,643	2,705,667	3,207,710	3,909,775	4,711,860	5,713,966	5,716,093	8,996,418
Debt Service																	
625 2003 Bond Issue	870,166	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 mil)	-	-	1,292,325	1,041,913	1,041,913	1,041,913	2,606,913	2,607,575	2,604,675	2,608,213	2,607,713	2,603,175	2,604,600	2,606,513	2,603,675	2,606,088	2,608,275
630 Paying Agent Services	1,200	300	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	870,466	2,161,460	1,909,498	1,911,658	1,911,533	3,475,148	3,477,830	3,475,730	3,478,343	3,475,443	3,471,815	3,472,553	3,476,953	3,474,515	3,475,358	3,479,545
650 TOTAL USES	15,155,266	7,632,464	34,722,492	4,023,780	3,234,301	4,525,024	6,643,486	6,374,425	5,976,493	6,483,336	6,484,727	6,985,552	7,690,710	8,499,593	9,501,706	9,507,166	12,794,317
660 FUND BALANCE, End	1,077,108	8,788,778	1,655,767	1,614,919	2,910,575	3,000,628	2,562,668	2,911,038	3,723,607	4,096,263	4,535,128	4,541,443	3,911,559	4,077,698	3,740,073	3,477,768	-
670 Required Debt Reserve	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	-
700 AVAILABLE FUND BALANCE	\$ 109,108	\$ 7,820,778	\$ 687,767	\$ 646,919	\$ 1,942,575	\$ 2,032,628	\$ 1,594,668	\$ 1,943,038	\$ 2,755,607	\$ 3,128,263	\$ 3,567,128	\$ 3,573,443	\$ 2,943,559	\$ 3,109,698	\$ 2,772,073	\$ 2,509,768	\$ -
800 FUND BALANCE, Begin	12,400,571	12,400,571	8,788,778	1,655,767	1,614,919	2,910,575	3,000,628	2,562,668	2,911,038	3,723,607	4,096,263	4,535,128	4,541,443	3,911,559	4,077,698	3,740,073	3,477,768
Prior period Adjustment-net	(133,140)	(133,140)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
805 Revenue over(under)expense	(11,323,463)	(3,478,653)	(7,133,011)	(40,848)	1,295,656	90,053	(437,960)	348,370	812,569	372,656	438,865	6,315	(629,885)	166,139	(337,625)	(262,305)	(3,477,768)
810 FUND BALANCE, End	\$ 943,968	\$ 8,788,778	\$ 1,655,767	\$ 1,614,919	\$ 2,910,575	\$ 3,000,628	\$ 2,562,668	\$ 2,911,038	\$ 3,723,607	\$ 4,096,263	\$ 4,535,128	\$ 4,541,443	\$ 3,911,559	\$ 4,077,698	\$ 3,740,073	\$ 3,477,768	\$ -

TIF Reinvestment Zone #1
Summary Financing Plan with Detailed Project Plan

Project Plan - 01/23/08

SUMMARY FINANCING PLAN													
	FY 2007 Plan	FY 07 Actual	Open 07 Encum & Carry Forwards	FY 2008 (as currently adopted)	Adj'd FY 2008 (with Carry Forwards)	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	\$ 12,267,431		\$ 8,788,778	\$ 8,788,778	\$ 8,788,778	\$ 1,655,767	1,614,919	2,910,575	3,000,628	2,562,668	2,911,038	3,723,607
40 Revenues, net	3,831,803	4,153,811		25,654,491	25,654,491	27,589,481	3,982,932	4,529,957	4,615,077	6,205,526	6,722,795	6,789,062	6,855,992
45 Less Required Debt Reserve (increase after FY2006)	(192,000)	-		-	-	-	-	-	-	-	-	-	-
49 Net Available for Appropriation	15,264,374	16,421,242		34,443,269	34,443,269	36,378,259	5,638,699	6,144,876	7,525,652	9,206,154	9,285,463	9,700,100	10,579,599
50 General Administrative Expenditures	126,840	54,500		89,534	89,534	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	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	100,000	100,000	100,000
65 TISD - Joint Use Facilities	498,816	413,289	85,527	21,981	107,508	107,508	22,201	22,423	22,647	22,873	23,102	23,333	23,567
70 Debt Service - 2003 Issue	871,366	870,466		869,135	869,135	869,135	867,585	869,745	869,620	868,235	870,255	871,055	870,130
71 Debt Service - Proposed 2007 Issue (\$22.395 mil)	-	-		1,284,924	1,284,924	1,292,325	1,041,913	1,041,913	1,041,913	2,606,913	2,607,575	2,604,675	2,608,213
75 Total Operating & Committed Expenditures	1,672,022	1,513,255	85,527	2,440,574	2,526,101	2,533,502	2,198,001	2,202,188	2,204,127	3,769,945	3,774,770	3,774,854	3,779,693
99 Net Available for Projects	\$ 13,592,352	\$ 14,907,987		\$ 32,002,695	\$ 31,917,168	\$ 33,844,757	\$ 3,440,698	\$ 3,942,688	\$ 5,321,525	\$ 5,436,209	\$ 5,510,693	\$ 5,925,246	\$ 6,799,906

PROJECT PLAN													
	FY 2007 Plan	FY 07 Actual	Open 07 Encum & Carry Forwards	FY 2008 (as currently adopted)	Adj'd FY 2008 (with Carry Forwards)	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	2,791,389	234,960	7,158,000	7,392,960	8,317,960	-	-	-	-	-	-	-
105 Elm Creek Detention Pond	104,500	-	104,500	2,000,000	2,104,500	2,104,500	-	-	-	-	-	-	-
110 Railroad Improvements Engineering Analysis	2,000	1,500	-	-	-	-	-	-	-	-	-	-	-
115 Railroad Repairs/Maintenance based on Analysis	200,000	45,495	155,005	140,000	295,005	295,005	40,000	40,000	-	-	-	-	-
120 Enterprise Park Water Tank	-	-	-	-	-	-	-	-	-	-	800,000	-	-
121 ROW Acquisition - Public Improvements	-	-	-	950,000	950,000	950,000	-	-	-	-	-	-	-
125 Wendland Road Improvements	261,500	-	261,500	3,615,000	3,876,500	4,001,000	-	-	-	-	-	-	-
199 Total North Zone (including Enterprise Park)	3,594,348	2,838,384	755,965	13,863,000	14,618,965	15,668,465	40,000	40,000	-	-	800,000	-	-
WESTERN AVIATION ZONE:													
200 Detention Pond #2 including W 1-A	12,559	-	42,559	-	42,559	42,559	-	-	-	-	-	-	-
205 Old Howard Road from Ind Blvd to SH36	-	-	-	-	-	-	-	-	-	-	-	-	-
210 Old Howard Road Gateway Entrance Project	520,000	466,417	53,583	-	53,583	53,583	-	-	-	-	-	-	-
215 WWI--Waste Water Ext SH36 to Ind Blvd	33,000	6,000	27,000	483,644	510,644	510,644	-	-	-	-	-	-	-
220 R I-B, W I-B--Industrial Blvd Extension	54,940	13,440	41,500	1,054,425	1,095,925	1,095,925	-	-	-	-	-	-	-
221 Airport Park Infrastructure Construction	157,000	84,500	72,500	1,167,217	1,239,717	1,277,017	-	-	-	-	-	-	-
225 Airport Study	100,000	30,041	48,400	-	48,400	48,400	-	-	-	-	-	-	-
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	600,398	285,542	2,705,285	2,990,827	3,028,128	-	300,000	1,225,150	2,175,850	1,100,000	-	-
WESTERN BIO-SCIENCE & MEDICAL ZONE:													
300 Greenbelt Development along Pepper Creek	658,000	128,400	529,600	1,440,000	1,969,600	1,969,600	-	-	-	-	-	-	-
305 Outer Loop Phase 2	3,383,650	120,260	3,263,390	-	3,263,390	6,065,390	-	-	-	-	-	-	-
306 Bio-Science Park Phase 1	284,500	175,000	109,500	1,800,000	1,909,500	1,909,500	-	-	-	-	-	-	-
310 Bio-Science Institute	1,875,000	1,875,000	-	625,000	625,000	625,000	-	-	-	-	-	-	-
399 Total Western Bio-Science & Medical Zone	6,201,150	2,298,660	3,902,490	3,865,000	7,767,490	10,569,490	-	-	-	-	-	-	-
OTHER PROJECTS:													
400 Southeast Ind Park (Lorraine Drive)	185,000	111,500	73,500	1,200,000	1,273,500	73,500	1,200,000	-	-	-	-	-	-
405 Roadway Maintenance/Improvements	318,050	267,939	50,111	200,000	250,111	250,111	-	-	-	-	-	-	-
410 Gateway Entrance Projects (after Old Howard)	-	-	-	-	-	-	400,000	-	400,000	-	-	-	-
415 Downtown Improvements	7,197	2,328	4,869	13,612	18,481	18,481	185,779	192,113	195,747	197,691	199,655	201,639	203,643
420 Loop 363 Improvements (TxDOT commitment)	2,300,000	-	2,300,000	-	2,300,000	2,300,000	-	-	-	-	-	-	-
430 Reserve for Acer facility	-	-	-	-	-	-	-	-	-	-	-	-	-
499 Total Other Projects	2,810,247	381,767	2,428,480	1,413,612	3,842,092	2,642,092	1,785,779	192,113	595,747	197,691	199,655	201,639	203,643
500 Undesignated Funding for Public Improvements	-	-	-	280,815	280,815	280,815	-	500,000	500,000	500,000	500,000	2,000,000	2,500,000
600 Total Planned Project Expenditures	13,483,244	6,119,209	7,372,477	22,127,712	29,500,189	32,188,990	1,825,779	1,032,113	2,320,897	2,873,541	2,599,655	2,201,639	2,703,643
660 Fund Balance at Year End	\$ 109,108	\$ 8,788,778		\$ 9,874,983	\$ 2,416,979	\$ 1,655,767	\$ 1,614,919	\$ 2,910,575	\$ 3,000,628	\$ 2,562,668	\$ 2,911,038	\$ 3,723,607	\$ 4,096,263
670 Required Debt Reserve						(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)
700 AVAILABLE FUND BALANCE						\$ 687,767	\$ 646,919	\$ 1,942,575	\$ 2,032,628	\$ 1,594,668	\$ 1,943,038	\$ 2,755,607	\$ 3,128,263

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
			+	-
795-9700-531-68-31	950007	Wendland Road Improvements	\$ 124,500	
795-9700-531-68-36	100166	Underground Storm Water Improvements	925,000	
795-9700-531-68-28	100258	SE Industrial Park		1,200,000
795-9700-531-68-26	100257	Airport Park	37,300	
795-9700-531-67-73	100150	Outer Loop Phase II	2,802,000	
795-9700-531-73-12		Issuance Costs	10,000	
795-0000-490-15-16		Bond Proceeds	1,010,000	
795-0000-460-08-65		Miscellaneous Reimbursements	925,000	
795-0000-358-11-10		Unreserved Fund Balance		761,212
795-0000-411-01-11		Current Ad Valorem Taxes		11
795-9500-531-71-10		Bond Principal	240,000	
795-9500-531-72-11		Bond Interest		242,599
		Do not post		
TOTAL.....			\$ 6,073,800	\$ 2,203,822

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

To appropriate the changes as amended in the TIF RZ#1's financing plan as adopted by the Zone Board on 01/23/08. First reading presented to Council on 02/07/08 and second reading presented to Council on 02/21/08.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL? Yes No

DATE OF COUNCIL MEETING _____ 2/21/2008 _____

WITH AGENDA ITEM? Yes No

Department Head/Division Director	Date	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved
Finance	Date	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved
City Manager	Date	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved

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; Ordinance No. 2007-4172 on the 20th day of September, 2007; and Ordinance No. 2007-4173 on October 25, 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 7th day of **February**, 2008.

PASSED AND APPROVED on Second and Final Reading on the 21st day of **February**, 2008.

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:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution directing publication of notice of the City's intention to issue Combination Tax and Revenue Certificates of Obligation (C.O.) Series 2008 in the amount not to exceed of \$22,395,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The proposed bond issue of **\$22,395,000** includes the following projects, plus project contingencies of **\$280,815** and bond issuance costs of **\$395,000**:

Railroad Park – 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 March 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 March 2008. Required funding for this project is estimated at **\$3,573,000**, which includes \$173,000 for engineering and \$3,400,000 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 March 2008. Required funding for this project is estimated at **\$3,876,500**, which includes \$276,500 for engineering and \$3,600,000 for construction.

Underground Storm Water Improvements: It is anticipated that construction of this project will begin in April 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 March 2008. Required funding for this project is estimated at **\$460,000**, which includes \$60,000 for engineering and \$400,000 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 April 2008. Required funding for this project is estimated at **\$2,104,500**, which includes \$104,500 for engineering and \$2,000,000 for construction.

Bioscience Park – Phase I: It is anticipated that in the spring of 2008 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 feet 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. Construction of this project will began 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 2008. Required funding for this project is estimated at \$1,385,000, which includes **\$185,000** for engineering and \$1,200,000 for construction. The amount estimated for construction will be funded with RZ #1 revenue in FY 2009. Only the engineering is proposed to be funded with bond proceeds.

Outer Loop Phase II (SH 36 to FM 2305): This project consists of the southward extension of Old Howard Road, extension of a waterline, drainage improvements, sidewalks and landscaping from SH 36 to FM 2305. Total construction cost is estimated to be \$6,060,000. The amount to be funded with the proposed CO's is **\$2,200,000**. The remaining amount is funded through a combination of remaining bond proceeds from the June 2003 bond issue and RZ #1 revenues.

Outer Loop (Northern Phase)Right-of-Way: The proposed bond issue includes funding for right of way acquisition for future phases of the Outer Loop north of Industrial Boulevard in the amount of **\$950,000**.

FISCAL IMPACT: The proposed **\$22,395,000** Combination Tax and Revenue Certificates of Obligation, Series 2008 average annual debt service is approximately \$2,180,000. This amount was computed using an assumed interest rate of 4.75% for 15 yrs (the remaining life of the RZ #1).

The repayment of the bonds will be from revenues of the Tax Increment Reinvestment Zone #1. Available debt capacity was computed using a times coverage ratio of 1.70 and projected future increment growth within the RZ # 1. The debt is structured for interest only payments until FY 2012. (Exception of \$460,000 principal payment in FY 2008).FY 2012 is the year that the improvements associated with Gulf States Toyota will be added to the increment for the RZ # 1.

ATTACHMENTS:

[Project Summary](#)
[Resolution](#)

City of Temple, Texas

Reinvestment Zone No. 1 - Proposed Bond Issue

Public Improvements:	Engineering	Construction	Total	Contract Award	
				Engineering	Construction
RAIL PARK:	\$ 298,400	\$ 2,200,000	\$ 2,498,400	05-Apr-07	20-Mar-08
GST - PUBLIC INFRASTRUCTURE:					
Rail to serve site	173,000	3,400,000	3,573,000	18-Oct-07	20-Mar-08
Wendland Road Improvements- -(W/WW lines, gas, acc/dec lanes)	276,500	3,600,000	3,876,500	20-Sep-07	20-Mar-08
Underground Storm Water Improvements	125,000	800,000	925,000		3-Apr-08
Wastewater Lift Station	60,000	400,000	460,000		20-Mar-08
Elm Creek Detention Pond	104,500	2,000,000	2,104,500	20-Sep-07	3-Apr-08
BIOSCIENCE PARK:	284,500	1,800,000	2,084,500	19-Apr-07	20-Mar-08
AIRPORT PARK:	157,000	2,705,285	2,862,285	19-Apr-07	4-Oct-07
SOUTHEAST INDUSTRIAL PARK:	185,000	-	185,000	19-Apr-07	
OUTER LOOP:					
Phase II Construction	-	2,200,000	2,200,000	19-Apr-07	20-Mar-08
ROW Acquisition for Public Improvements	-	950,000	950,000		
PROJECT CONTINGENCIES	-	280,815	280,815		
ISSUANCE COST	-	-	395,000		
TOTAL	\$ 1,663,900	\$ 20,336,100	\$ 22,395,000		

All Railroad Park improvements will be bid together.
 Wendland Road improvements and Wastewater lift station will be bid together.
 Underground stormwater improvements and Elm Creek Detention Pond will be bid together.
 Bioscience Park will be bid with the Outer Loop Phase II.
 Airport Park is currently under construction.

CERTIFICATE FOR RESOLUTION NO. _____

THE STATE OF TEXAS §
COUNTY OF BELL §
CITY OF TEMPLE §

We, the undersigned officers and members of the City of Temple, Texas (the "City"), hereby certify as follows:

1. The City Council of the City convened in REGULAR MEETING ON THE 7TH DAY OF FEBRUARY, 2008, at the designated meeting place (the "Meeting"), and the roll was called of the duly constituted officers and members of the Board, to wit:

William A. Jones, III, Mayor	Patsy E. Luna - Mayor Pro-Tem
Tony Jeter - Councilmember	Marty Janczak - Councilmember
Russell Schneider - Councilmember	

and all of the persons were present, except the following absentees: _____, thus constituting a quorum. Whereupon, among other business, the following was transacted at the Meeting: a written

RESOLUTION DIRECTING THE PUBLICATION OF NOTICE OF INTENTION TO ISSUE ONE OR MORE SERIES OF CITY OF TEMPLE, TEXAS TAX AND REVENUE CERTIFICATES OF OBLIGATION, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$22,395,000; AND OTHER MATTERS RELATED THERETO

was duly introduced for the consideration of the City Council. It was then duly moved and seconded that the Resolution be passed; and, after due discussion, said motion carrying with it the passage of the Resolution, prevailed and carried by the following vote:

AYES: _____

NOES: _____

2. A true, full and correct copy of the Resolution passed at the Meeting described in the above and foregoing paragraphs is attached to and follows this Certificate; that the Resolution has been duly recorded in the City Council's minutes of the Meeting; that the above and foregoing paragraphs are a true, full and correct excerpt from the City Council's minutes of the Meeting pertaining to the passage of the Resolution; that the persons named in the above and foregoing paragraphs are the duly chosen, qualified and acting officers and members of the City Council as indicated therein; that each of the officers and members of the City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the Meeting, and that the Resolution would be introduced and considered for passage at the Meeting, and each of the

officers and members consented, in advance, to the holding of the Meetings for such purpose, and that the Meeting was open to the public and public notice of the time, place and purpose of the meeting was given, all as required by Chapter 551, Texas Government Code.

3. The Mayor of the City has approved and hereby approves the Resolution; that the Mayor and the City Secretary of the City have duly signed the Resolution; and that the Mayor and the City Secretary of the City hereby declare that their signing of this Certificate shall constitute the signing of the attached and following copy of the Resolution for all purposes.

SIGNED AND SEALED the _____.

City Secretary

Mayor

[CITY SEAL]

RESOLUTION NO. _____

**RESOLUTION DIRECTING THE PUBLICATION OF NOTICE OF
INTENTION TO ISSUE ONE OR MORE SERIES OF CITY OF TEMPLE, TEXAS
TAX AND REVENUE CERTIFICATES OF OBLIGATION,
IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$22,395,000; AND
OTHER MATTERS RELATED THERETO**

**THE STATE OF TEXAS §
COUNTY OF BELL §
CITY OF TEMPLE §**

WHEREAS, the City Council (the "Council") of the City of Temple, Texas (the "City") finds that the payment in whole or in part of contractual obligations incurred or to be incurred for: (1) constructing, improving, extending, expanding, upgrading and/or developing the City's streets, bridges, sidewalks, intersections and other traffic improvement projects and related costs and purchasing any necessary rights-of-way; (2) drainage improvements for the City including the Elm Creek detention pond and storm water improvements; (3) constructing, acquiring, improving, extending and equipping the City's Waterworks and Sewer System including constructing a wastewater lift station; (4) improving and extending the City's railway system; and (5) paying the professional services including fiscal, engineering, architectural and legal fees including the costs associated with the issuance of the Certificates (the "Contractual Obligations"); and

WHEREAS, the Council has deemed it advisable to give notice of intention to issue one or more series of the Certificates in a maximum principal amount not to exceed \$22,395,000 pursuant to the provisions of the Certificate of Obligation Act of 1971, Section 271.041 et seq., Local Government Code (the "Act") for the purpose of financing the Contractual Obligations; and

WHEREAS, prior to the issuance of the Certificates, the City is required under the Act to publish notice of its intention to issue the Certificates in a newspaper of general circulation in the City, the notice stating: (i) the time and place tentatively set for the passage of the ordinance authorizing the issuance of the Certificates, (ii) the maximum amount and purpose of the Certificates to be authorized, and (iii) the manner in which the Certificates will be paid; and

WHEREAS, the meeting at which this Resolution is adopted was open to the public and public notice of the time, place and purpose of the meeting was given, all as required by Chapter 551, Texas Government Code, as amended.

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

1. Attached hereto as Exhibit "A" is a form of the Notice of Intention to issue the Certificates the form and substance of which is hereby adopted and approved.

2. The City Secretary or other authorized representatives of the City, shall cause the notice to be published in substantially the form attached hereto with such changes as approved by the City Manager, in a newspaper of general circulation in the City, for two consecutive weeks, the date of the first publication to be before the 30th day before the time set for the final passage of the ordinance authorizing issuance of the Certificates as shown in the notice.

3. The City's Financial Advisor and Bond Counsel are hereby authorized to take all actions necessary in connection with the issuance of the Certificates.

4. This Resolution shall become effective immediately upon adoption. The Mayor and City Secretary are hereby authorized and directed to execute the certificate to which this Resolution is attached on behalf of the City and the Mayor, City Secretary and City Manager are further authorized to do any and all things proper and necessary to carry out the intent of this Resolution.

RESOLVED this 7th day of February, 2008.

ATTEST:

CITY OF TEMPLE, TEXAS

Clydette Entzminger, City Secretary

Bill Jones III, Mayor

APPROVED AS TO FORM:

Jonathan Graham
City Attorney

EXHIBIT A

NOTICE OF INTENTION REGARDING THE ISSUANCE OF ONE OR MORE SERIES OF CITY OF TEMPLE, TEXAS TAX AND REVENUE CERTIFICATES OF OBLIGATION, AND ADOPTION OF AN ORDINANCE

NOTICE IS HEREBY GIVEN that it is the intention of the City Council of the City of Temple, Texas, to issue interest bearing certificates of obligation of the City in one or more series entitled "City of Temple, Texas Combination Tax and Revenue Certificates of Obligation," for the purpose of paying contractual obligations incurred or to be incurred by the City for: (1) constructing, improving, extending, expanding, upgrading and/or developing the City's streets, bridges, sidewalks, intersections and other traffic improvement projects and related costs and purchasing any necessary rights-of-way; (2) drainage improvements for the City including the Elm Creek detention pond and storm water improvements; (3) constructing, acquiring, improving, extending and equipping the City's Waterworks and Sewer System including constructing a wastewater lift station; (4) improving and extending the City's railway system; and (5) paying the professional services including fiscal, engineering, architectural and legal fees including the costs associated with the issuance of the Certificates. The City Council tentatively proposes to consider for first and final reading at a meeting to commence at 5 o'clock, p.m., on March 20, 2008 at Council Chambers, 2 North Main Street, Temple, Texas, 76501, the passage of one or more ordinances authorizing each series of Certificates of Obligation which ordinances respectively shall be entitled "ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF TEMPLE, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION; AUTHORIZING THE LEVY OF AN AD VALOREM TAX AND THE PLEDGE OF CERTAIN REVENUES IN SUPPORT OF THE CERTIFICATES; APPROVING AN OFFICIAL STATEMENT, A PAYING AGENT/REGISTRAR AGREEMENT AND OTHER AGREEMENTS RELATED TO THE SALE AND ISSUANCE OF THE CERTIFICATES; AND AUTHORIZING OTHER MATTERS RELATED TO THE ISSUANCE OF THE CERTIFICATES." The maximum amount of Certificates of Obligation that may be authorized for such purpose is \$22,395,000. The City Council presently proposes to provide for the payment of such Certificates of Obligation from the levy and collection of ad valorem taxes in the City as provided by law and from the surplus revenues of the City's waterworks and sewer system in an amount not to exceed \$10,000 remaining after payment of all operation and maintenance expenses thereof, and all debt service, reserve and other requirements in connection with all of the City's revenue bonds or other obligations (now or hereafter outstanding) which are payable from all or any part of the net revenues of the City's system.

CITY OF TEMPLE, TEXAS



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution expressing official intent of the City of Temple, Texas regarding the issuance of Certificate of Obligations.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On January 23, 2008 the RZ#1 Board approved a Financing/Project Plan amendment to include the issuance of \$22,395,000 of Certificate of Obligations. The projects in the issue include the public infrastructure (rail system improvements, street improvements, water lines, waste water lines and drainage structures) to serve 'shovel ready' sites at the Airport Park, Bioscience Park, Southeast Industrial Park and the Rail Park. The RZ#1 is expected to receive additional incremental tax revenues due to the location of businesses within these parks such as Gulf States Toyota that will locate in the Rail Park in 2010 or 2011.

In order to achieve the best financial terms and interest rates on the Certificates of Obligation, the City currently intends to apply revenue of the RZ#1 to the payment of debt service on the Certificates to help ensure the Certificates can be treated as self-supporting and minimize the use of ad valorem taxes, but intends to pledge ad valorem taxes to the payment of the Certificates.

FISCAL IMPACT: The proposed \$22,395,000 Combination Tax and Revenue Certificates of Obligation, Series 2008 average annual debt service is approximately \$2,180,000. This amount was computed using an assumed interest rate of 4.75% for 15 yrs (the remaining life of the RZ #1).

The City will receive the best financial terms on the CO's by pledging ad valorem taxes but applying RZ #1 revenue to the repayment of the bonds. An interest and sinking fund will be maintained within the RZ#1 to accumulate the funds for repayment of the CO's.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
EXPRESSING AN OFFICIAL INTENT REGARDING THE ISSUANCE OF
CERTIFICATES OF OBLIGATION**

WHEREAS, the City Council (the "City Council") of the City of Temple, Texas (the "City") has approved a resolution directing publication of notice of intent to issue one or more series of certificates of obligation (the "Certificates") for various public infrastructure improvements within the City of Temple Reinvestment Zone No. 1 (the "TIRZ") and the City Council desires to express its intention regarding the security and payment of such Certificates; and

WHEREAS, pursuant to the Financing/Project Plan Amendment dated January 23, 2008 between the City and the TIRZ, the TIRZ is expected to receive additional incremental tax revenues due to the location of Gulf States Toyota within the TIRZ ("TIRZ Revenues"); and

WHEREAS, in order to achieve the best financial terms and interest rates on the Certificates the City Council currently intends to apply the TIRZ Revenues to the payment of debt service on the Certificates and also intends to pledge ad valorem taxes to the payment of the Certificates which TIRZ Revenues will help ensure the Certificates can be treated as self-supporting and therefore minimize use of ad valorem taxes; and

WHEREAS, it is officially found and determined that the meeting at which this resolution has been considered and acted upon was open to the public and public notice of the time, place and subject of said meeting was given, all as required by Tex. Gov't Code Ann. Ch. 551; Now, Therefore

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

Section 1. Intent to Apply TIRZ Revenues. The City Council intends to apply the TIRZ Revenues to make debt service payments on the Certificates to help ensure the Certificates are treated as self-supporting and minimize the use of ad valorem taxes to pay debt service on the Certificates. The TIRZ Revenues received by the City necessary to pay debt service on the Certificates will be applied to the interest and sinking fund created by the City for the Certificates.

Section 2. Effective Date. This Resolution shall become effective immediately upon adoption. The Mayor and City Secretary are hereby authorized and directed to execute this Resolution on behalf of the City and to do any and all things proper and necessary to carry out the intent of this Resolution.

[Execution Page Follows]

RESOLVED this 7th day of February, 2008.

ATTEST:

CITY OF TEMPLE, TEXAS

Clydette Entzminger, City Secretary

Bill Jones III, Mayor

APPROVED AS TO FORM:

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager

ITEM DESCRIPTION: Consider adopting a resolution appointing members to the Temple Economic Development Corporation Board of Directors, the Central Texas Council of Government's Executive Committee, and the Killeen-Temple Urban Transportation Study Policy Board.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Currently, both Councilmember Tony Jeter and Councilmember Russell Schneider fill standing positions on the Temple Economic Development Corporation (TEDC) Board of Directors. Councilmember Janczak, recently elected as the District 3 City Councilmember, also serves on the TEDC Board as a representative from the Temple Chamber of Commerce.

Due to Open Meeting requirements, we recommend that the appointments be restructured so only two Councilmembers serve on the TEDC Board at any one time.

Mayor Jones serves as the City's representative on the Central Texas Council of Governments Executive Committee. Former Mayor Pro Tem Martha Tyroch was serving as the alternate member on that board.

Both Mayor Jones and Councilmember Schneider serve as members of the K-TUTS Policy Board. David Blackburn is one alternate member and former Mayor Pro Tem Martha Tyroch was serving as the other alternate member.

Due to the resignation of Martha Tyroch and the election of a new Councilmember for District 3, we recommend alternate members be appointed to both the CTCOG Executive Committee and the K-TUTS Policy Board.

FISCAL IMPACT: None

ATTACHMENTS:

NA



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of land for various municipal interests, to include: parks, public safety, and administrative uses.

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

STAFF RECOMMENDATION: Discuss item description in Executive Session.

ITEM SUMMARY: This item will be discussed with City Council in Executive Session.

FISCAL IMPACT: N/A

ATTACHMENTS: N/A