



## **TEMPLE CITY COUNCIL**

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET**

**TEMPLE, TX**

### **NOTICE OF MEETING**

**THURSDAY, FEBRUARY 21, 2008**

**4:00 P.M.**

**3<sup>RD</sup> FLOOR CONFERENCE ROOM**

### **WORKSHOP AGENDA**

1. Discuss the Temple-Belton Regional Sewerage System expansion project.
2. Discuss appointments to the following City boards and commissions:
  - (A) Airport Advisory Board – one member to fill an unexpired term through September 1, 2008
  - (B) Animal Services Advisory Board – one member to fill an unexpired term through September 1, 2009
  - (C) Building & Standards Commission – three regular members and one alternate member to fill expired terms through March 1, 2010
  - (D) Building Board of Appeals – four members to fill expired terms through March 1, 2012
  - (E) Development Standards Advisory Board – three members to fill expired terms through March 1, 2011 and one member to fill an unexpired term through March 1, 2009
  - (F) Electrical Board – three members to fill expired terms through March 1, 2011
  - (G) Parks and Recreation Board – two members to fill expiring terms through March 1, 2011
  - (H) Reinvestment Zone Number One – one member to fill an unexpired term through September 1, 2008
  - (I) Temple Economic Development Corporation – one member representing the Temple Chamber of Commerce to fill an unexpired term through September 1, 2008
  - (J) Temple Public Safety Advisory Board – one member to fill an unexpired term through September 1, 2008 and one member to fill an unexpired term through September 1, 2009
  - (K) Transit Advisory Committee – one member to fill an unexpired term through September 1, 2008

- (L) Tree Board – two members to fill expired terms through March 1, 2011
- (M) Zoning Board of Adjustment – three regular members and two alternate members to fill terms through March 1, 2010

3. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, February 21, 2008 as follows:

**5:00 P.M.**  
**CITY COUNCIL CHAMBERS – 2<sup>ND</sup> FLOOR**

**TEMPLE CITY COUNCIL**  
**REGULAR MEETING AGENDA**

**I. CALL TO ORDER**

1. Invocation
2. Pledge of Allegiance

**II. PUBLIC APPEARANCE**

3. Receive comments from Charles Viktorin regarding his company, [PODS Central Texas](#).

**III. PUBLIC COMMENTS**

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

**IV. PROCLAMATIONS AND SPECIAL RECOGNITIONS**

4. [Severe Weather Awareness Week](#) February 24 – March 1, 2008

**V. REPORTS**

5. Receive the City of [Temple Comprehensive Annual Financial Report](#) for fiscal year ended September 30, 2007.
6. Receive a report from the Police Department as required by the [Racial Profiling](#) Statute contained in the Texas Code of Criminal Procedure.

**VI. 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.

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

**Minutes:**

- (A) [January 22, 2008 Special Called Meeting](#)
- (B) [February 7, 2008 Special Called Meeting and Regular Meeting](#)

**Contracts, Leases & Bids:**

- (C) [2008-5303-R](#): Consider adopting a resolution authorizing a two-year renewal to an existing interlocal agreement with Bell County for the purchase of fuel from Texas Fleet Fuel in the estimated annual amount of \$1,393,710.
- (D) [2008-5304-R](#): Consider adopting a resolution authorizing a contract with TCB Construction, Inc. of Austin, to construct an aircraft wash pad at the Draughon-Miller Central Texas Regional Airport in the amount of \$41,097.
- (E) [2008-5321-R](#): Consider adopting a resolution authorizing a professional services agreement with Comprehensive Engineering Solutions, Inc., (CES) of Temple, for design and construction phase services, including surveying, bidding, construction administration, and construction staking, required to implement Phase 2 of the Somerville/FM 2271 Water Line Improvements in west Temple south of FM 2305 in an amount not to exceed \$34,100 and declare an official intent to reimburse this expenditure prior to the issuance of tax-exempt obligations designated for this project.
- (F) [2008-5322-R](#): Consider adopting a resolution authorizing an annual purchase of water testing services from the Texas Department of State Health Services (TDH) laboratory, for water testing services related to EPA required disinfection sampling, annual samples for TCEQ, semi annual samples for TCEQ, and quarterly samples for TCEQ in the budgeted annual amount of \$40,930.
- (G) [2008-5323-R](#): Consider adopting a resolution authorizing the purchase and training for five (5) Water Distribution System Monitoring Units in the Water Distribution System from Hach Company of Loveland, Colorado, in the amount of \$71,810.50.
- (H) [2008-5324-R](#): Consider adopting a resolution rejecting all proposals received for operating a coffee shop and limited café service at the Temple Public Library.

**Ordinances - Second and Final Reading**

- (I) [2007-4187](#): SECOND READING – 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 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.



- (J) [2008-4195](#): SECOND READING – 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.
- (K) [2008-4197](#): SECOND READING – 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.
- (L) SECOND READING – Consider adopting ordinances:
1. [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;
  2. [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
  3. [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.

**Misc:**

- (M) Consider adopting resolutions:
1. [2008- 5325-R](#): Ordering the City’s General election for May 10, 2008, for the election of the District 2 Councilmember, District 3 Councilmember and Mayor at-large for three year terms;
  2. [2008- 5326-R](#): Ordering a special election to submit to the voters one proposition regarding the issuance of General Obligation Bonds in the amount of \$13,995,000 for public safety facilities and projects; and
  3. [2008-5327-R](#): Authorizing joint election agreements with Temple Independent School District, Temple Health & Bioscience Economic Development District, Temple College and Clearwater Underground Water Conservation District for the May 10, 2008 election.
- (N) [2008-5328-R](#): Consider adopting a resolution approving first quarter financial results for Fiscal Year 2008
- (O) [2008-5329-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.

**VII. REGULAR AGENDA**

## **ORDINANCES**

8. [2008-4196](#): SECOND 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. [2008-4202](#): FIRST READING – PUBLIC HEARING - Z-FY-08-10: Consider adopting an ordinance authorizing a zoning change from General Retail District to Commercial District on approximately 0.68 acres of land commonly known as Outblock 691-A, City Addition, located at 2505 West Adams.
10. [2008-4203](#): FIRST READING – PUBLIC HEARING – Consider adopting an ordinance repealing Ordinance 96-2451, which established the Convention Center & Tourism Advisory Board, allowing this board to be combined with the Parks and Recreation Board.
11. [2008-4201](#): SECOND 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.
12. [2008-4204](#): FIRST & FINAL READING – PUBLIC HEARING – Consider adopting an ordinance approving a settlement agreement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding Atmos' statement of intent to change gas rates in all cities exercising original jurisdiction, to be considered on an emergency basis.

## **BOARD APPOINTMENTS**

13. [2008-5330-R](#): Consider adopting a resolution appointing members to the following City boards and commissions:
  - (A) Airport Advisory Board – one member to fill an unexpired term through September 1, 2008
  - (B) Animal Services Advisory Board – one member to fill an unexpired term through September 1, 2009
  - (C) Building & Standards Commission – three regular members and one alternate member to fill expired terms through March 1, 2010
  - (D) Building Board of Appeals – four members to fill expired terms through March 1, 2012
  - (E) Development Standards Advisory Board – three members to fill expired terms through March 1, 2011 and one member to fill an unexpired term through March 1, 2009
  - (F) Electrical Board – three members to fill expired terms through March 1, 2011
  - (G) Parks and Recreation Board – two members to fill expiring terms through March 1, 2011
  - (H) Reinvestment Zone Number One – one member to fill an unexpired term through September 1, 2008
  - (I) Temple Economic Development Corporation – one member representing the Temple Chamber of Commerce to fill an unexpired term through September 1, 2008
  - (J) Temple Public Safety Advisory Board – one member to fill an unexpired term through September 1, 2008 and one member to fill an unexpired term through September 1, 2009
  - (K) Transit Advisory Committee – one member to fill an unexpired term through September 1, 2008

- (L) Tree Board – two members to fill expired terms through March 1, 2011
- (M) Zoning Board of Adjustment – three regular members and two alternate members to fill terms through March 1, 2010

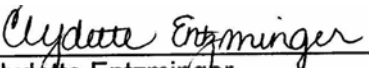
14. **2008-5331-R:** Consider adopting resolutions appointing alternate members to the Central Texas Council of Government Executive Committee and the Killeen-Temple Urban Transportation Study Policy Board.

---

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

---

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 2:00 PM, on February 15, 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

---

02/21/08  
Item #3  
Regular Agenda  
Page 1 of 1

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

William A. Jones, III, Mayor

**ITEM DESCRIPTION:** Receive comments from Charles Viktorin, regarding his company, PODS Central Texas.

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

**ITEM SUMMARY:** Mr. Viktorin, PODS Central Texas would like to introduce himself and company to the Temple area.

**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: CHARLES VIKTORINADDRESS: 405 DODGE DR, TEMPLE, TX 76504TELEPHONE NO. 254-778-0100DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note - The City Council meets the first and third Thursdays of each month.) FEB 21, 2008SUBJECT TO BE PRESENTED: (Your description must identify the subject matter of your appearance in sufficient detail to alert the public what topic you will discuss and what action you are requesting by the Council.)I WOULD LIKE TO INTRODUCE MYSELF AND  
PODS TO THE MAYOR AND COUNCIL

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.

Charles Viktorin  
SIGNATURE OF PRESENTER2-11-08  
DATEFor Office Use:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_RECEIVED  
FEB 11 2008  
CITY OF TEMPLE, TX  
CITY SECRETARY



## COUNCIL AGENDA ITEM MEMORANDUM

---

02/21/08  
Item #4  
Regular Agenda  
Page 1 of 1

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

William A. Jones, III, Mayor

**ITEM DESCRIPTION:** Presentation of Proclamation:

Severe Weather Awareness Week

February 24, 2008 – March 1, 2008

**STAFF RECOMMENDATION:** Present proclamation as presented in item description.

**ITEM SUMMARY:** This proclamation was requested by Temple Fire & Rescue and will be received by Fire Chief Lonzo Wallace.

**FISCAL IMPACT:** None.

**ATTACHMENTS:** None.



## COUNCIL AGENDA ITEM MEMORANDUM

---

02/21/08  
Item #5  
Regular Agenda  
Page 1 of 2

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

Traci Barnard, Director of Finance

**ITEM DESCRIPTION:** Receive the City of Temple Comprehensive Annual Financial Report for fiscal year ended September 30, 2007.

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

**ITEM SUMMARY:** According to the City Charter of the City of Temple, an annual independent audit is required to be made of the financial records of the City by a Certified Public Accountant selected by the City Council. The City of Temple engaged the firm of Brockway, Gersbach, McKinnon & Niemeier, P.C.

The City of Temple Comprehensive Annual Financial Report (CAFR) for fiscal year ending September 30, 2007 will be presented by Lisa McKinnon, CPA. Mrs. McKinnon is a partner with the accounting firm of Brockway, Gersbach, McKinnon and Niemeier, P.C. and will be available to address the Council members' questions.

In the previous year's financial statements, the City implemented a dramatic change in governmental financial reporting. We believe this new presentation provides better information to users of the comprehensive annual financial report. The new reporting model issued by the Governmental Accounting Standards Board requires that the management provide a narrative introduction, overview, and analysis to accompany the basic financial statements in the form of Management's Discussion and Analysis (MD&A). The City's MD&A can be found immediately following the independent auditors' report.

The comprehensive annual financial report is presented in four sections: introductory, financial, statistical and compliance. The introductory section includes this transmittal letter, the City's organizational chart and a list of principal officials. The financial section includes the MD&A, Government-wide and Major Fund presentations, notes to the financial statements, Required Supplementary Information, Combining Individual Fund Statements, as well as the independent

auditors' report on the financial statements and schedules. The statistical section includes selected financial and demographic information, generally presented on a multiyear basis.

**FISCAL IMPACT:** The fee for the FY 2007 annual audit is \$41,500. The audit fee is proportionally allocated to each fund.

**ATTACHMENTS:**

Audit – hard copy only





## COUNCIL AGENDA ITEM MEMORANDUM

---

02/21/08  
Item #6  
Regular Agenda  
Page 1 of 1

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

Gary O. Smith, Chief of Police

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

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

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

The report includes the totals for each category mentioned above. Census data for Temple and Bell County are used for comparisons where appropriate.

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

**FISCAL IMPACT:** None

### **ATTACHMENTS:**

Report –Hard Copy provided



## COUNCIL AGENDA ITEM MEMORANDUM

---

02/21/08  
Item #7(A)-(B)  
Consent Agenda  
Page 1 of 1

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

Clydette Entzminger, City Secretary

**ITEM DESCRIPTION:** Approve Minutes:

- (A) January 22, 2008 Special Called Meeting
- (B) February 7, 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 22, 2008 Special Called Meeting  
February 7, 2008 Special Called Meeting & Regular Meeting

## **SPECIAL MEETING OF THE TEMPLE CITY COUNCIL**

**JANUARY 22, 2008**

The City Council of the City of Temple, Texas conducted a Special Meeting on Tuesday, January 22, 2008 at 8:00 am in the City Council Chambers, 2nd Floor, Municipal Building, 2 North Main Street.

**Present:**

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

**1. Invocation**

Councilmember Russell Schneider voiced the Invocation.

**2. Pledge of Allegiance.**

Mayor Jones led the Pledge of Allegiance.

**3. 2008-5299-R: Consider adopting a resolution canvassing the returns of the January 19, 2008 City of Temple Special Election and declaring the results thereof.**

Clydette Entzminger, City Secretary, stated a special election was conducted on Saturday, January 19, 2008 to fill the vacancy in the District 3 Councilmember position created when Martha Tyroch resigned in November 2007.

Of the 9,231 registered voters in City Council District 3, 303 or 3.3%, cast votes in this election. The unofficial returns were released after the polls closed on January 19th and remain unchanged, as follows:

Stephen Paine - 56 votes  
Martin E. (Marty) Janczak - 247 votes

Based on these results, Mrs. Entzminger recommended the resolution be adopted declaring Martin E. Janczak elected as City Councilmember District 3 to fill an unexpired term through May 10, 2008.

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

Motion passed unanimously.

**4. Administer Oath of Office to newly elected Councilmember.**

Mayor Jones presented newly elected Councilmember District 3, Martin E. Janczak, with his Certificate of Election. Kathleen Person, Municipal Court Judge, administered the Oath of Office to Councilmember Janczak.

---

William A. Jones, III, Mayor

ATTEST:

---

Clydette Entzminger  
City Secretary

## TEMPLE CITY COUNCIL

**FEBRUARY 7, 2008**

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, February 7, 2008 at 3:00 pm in the 3rd Floor Conference Room, Municipal Building, 2 North Main Street.

Present:

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

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

Kim Foutz, Assistant City Manager, presented this item to the City Council. She provided background information regarding the Hawn Hotel redevelopment project and the feasibility request for proposal process. Mrs. Foutz reviewed the scope of services included in the RFP and explained the committee's recommendation that the City proceed with a feasibility study.

**(B) Receive an update on the downtown parking study that is currently underway.**

Mrs. Foutz also presented this item to the City Council. She explained that Rich & Associates has been contracted with to provide a parking supply/demand analysis and site alternatives analysis. The methodology and findings of the report were discussed, as well as the preliminary conclusions and recommendations from the report which show there is adequate parking but in the wrong locations. Other issues identified in the report include loading zones, valet parking and enforcement of parking violations. When the study is completed, in approximately one month, recommendations will be made regarding locations parking should be added and financing options.

David Blackburn, City Manager, recommended the Council move forward with the Hawn Hotel feasibility study. Staff will need to closely review the parking study assumptions before bringing a recommendation back to the Council.

**2. Discuss standards for construction materials for nonresidential structures, including metal facades and masonry.**

Tim Dolan, Planning Director, presented this item to the City Council. He provided some background information regarding why this issue is being discussed. Mr. Dolan reviewed the collective stakeholder results, the recommended approved masonry materials and minimum exterior masonry standards. Mr. Dolan also presented the strategic corridors in

which the masonry standards would be required. Requested changes that were not incorporated into the draft ordinance were also reviewed. The ordinance, as proposed, includes a review provision one year from the adoption date but it does not automatically sunset.

Mayor Pro Tem Luna stated that all Strategic Investment Zone (SIZ) corridors are not included as required locations for these standards. These corridors are developing areas and should be considered.

Councilmember Schneider stated she still supports all requests coming to the Council for approval.

Councilmember Jeter stated he has a problem with allowing fibrous materials or any material requiring painting and maintenance and adhesive coverings. He added he did not have a problem with aggregate materials.

Councilmember Janczak asked if all four stakeholders are recommending approval of the draft ordinance.

Mrs. Foutz stated staff met both individually and collectively with the stakeholder groups and the draft ordinance reflects their collaborative effort. Since the collective meeting additional input has been received and provided to the Council in the item narrative. Council direction is needed at this point.

### **3. Discuss the City's Fire/EMS Master Plan Study.**

David Blackburn, City Manager, presented this item to the Council. He reviewed the information presented during the January 17th work session, including the staff recommendations.

Mayor Pro Tem Luna asked how many miles were on each of the fire engines to be replaced.

Chief Wallace replied each one has over 100,000 miles.

Councilmember Janczak inquired about the term of the ambulance transport contract.

Jonathan Graham, City Attorney, stated the non-emergency franchises with Scott & White Hospital and Central Texas Regional EMS were extended for one year pending the outcome of the ESCI study.

Mr. Blackburn explained the term of the emergency transport service is anticipated to be extended as well as the inclusion of adequate notice provisions. The terms of that contract with Scott & White Hospital are being negotiated at this time.

### **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.**

Mayor Jones explained why appointments to these boards need to be considered at this time. Martha Tyroch was serving as the alternate on the Central Texas Council of Governments and the Killeen-Temple Urban Study Policy Board and those positions need to be filled. Councilmember Schneider and Councilmember Jeter are both serving on the Temple Economic Development Corporation Board of Directors as Council representatives. Councilmember Janczak is also serving on the TEDC Board, as the Chamber representative and Chair, so there is now an issue with a quorum of the City Council serving on that board.

Mayor Pro Tem Luna stated there should be a policy in place to allow all Councilmembers to serve on TEDC while they are in office.

Councilmember Schneider stated he felt the Mayor should be one of the Council representatives. He also felt Councilmember Janczak should remain on the board since he is chair. Councilmember Schneider added he felt the best person with the most expertise should be appointed to every board.

Mayor Pro Tem Luna agreed that the Mayor and Councilmember Janczak should serve on TEDC.

Councilmember Jeter stated the Councilmember position should rotate or no Councilmember should serve. He explained he also has a problem with a Councilmember serving as Chair of the TEDC board.

Councilmember Janczak asked if communication is a problem. TEDC can always brief Councilmembers as needed. He stated he might only be on the Council for three months. If he should step down from the TEDC board and not get elected would he get his TEDC chair position back?

Mayor Jones stated he has always enjoyed his participation on the TEDC board. He no longer has a conflict with serving on the board but would like to see Councilmember Jeter continue to serve since he desires to do so. The Council should contemplate a way to rotate the terms to allow all Councilmembers to serve.

### **5. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, February 7, 2008.**

Regarding item 5(G), the Hawn Hotel feasibility study, Councilmember Schneider asked if it would be a good idea to consider re-issuing the RFP after the feasibility study is complete.

Clay Roming, committee chair, agreed with that suggestion.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, February 7, 2008 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

**Present:**

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

**I. CALL TO ORDER**

**1. Invocation**

Bishop John Tolbert, Eagles Wings Ministries, voiced the Invocation.

**2. Pledge of Allegiance**

Sandi Wicker, Chair of Families in Crisis, and her grandson, Hagen Shine, led the Pledge of Allegiance.

**II. PUBLIC COMMENTS**

Lillie Brooks, Country Lane Apartments, 2916 Country Lane, discussed an incident at property she still owns at 808 South Henderson. Her grandchildren now live there. Someone entered the home 3 weeks ago and tore the door down and unscrewed the front door. This is keeping her from showing the house to those who might be interested in buying it. The house was red tagged because Joyce Walker called the City and said she heard someone in the house but she didn't hear the vandalism occurring. No one should try to take her home from her. Mrs. Brooks stated she wants to keep her home for her children and grandchildren but the vandalism is keeping them from living there or selling the property.

**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.**

James Hopper, 3302 Elm Drive, presented comments from a letter he provided to the Councilmembers regarding Churches Touching Lives for Christ (CTLIC). He shared how the City can help CTLIC by providing a recycling bin for cardboard and a garbage refuse container at no charge to the organization.

Mayor Jones thanked Mr. Hopper for bringing this concerns to the Council.

Mr. Blackburn stated he has met with Mr. Hopper and is continuing to review the issue. He hoped they would be able to provide some alternatives that would be beneficial to the organization.



#### **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.**

Dr. Diane Pasco, Families in Crisis Inc., presented these special recognitions. On August 7, 2007 an emergency shelter for victims of abuse and sexual violence was opened in Temple in cooperation with Families in Crisis and Leadership Temple. She introduced the shelter coordinator, representatives from Families in Crisis and the 2006-2007 Leadership Temple Class. Alysa Conti was also recognized for painting the mural at the shelter.

#### **V. CONSENT AGENDA**

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

**(A) January 17, 2008 Special Called Meeting and Regular Meeting**

**(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.**

**ITEM REMOVED FROM AGENDA, REQUEST OF STAFF.**

**(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.**

ITEM REMOVED FROM AGENDA, REQUEST OF STAFF.

**(G) 2008-5305-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) 2008-5306-R: Consider adopting a resolution authorizing an agreement with Ogilvy Government Relations for federal legislative services.**

**(I) 2008-5307-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) 2008-5308-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) 2008-5309-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) 2008-5310-R: Consider adopting a resolution rejecting bids received for the Water Treatment Plant Clearwell Valve Improvements Project.**

**(M) 2008-5311-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.**

**(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.**

**(P) 2008-5312-R: Consider adopting a resolution authorizing the conveyance of certain property to Temple Economic Development Corporation for the Gulf States Toyota project.**

**(Q) 2008-5313-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) 2008-5314-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.**

Mayor Jones stated that items 5 (E) and 5(F) are being removed from the agenda at the request of staff. No action will be taken on these items at this time.

Motion by Mayor Pro Tem Patsy E. Luna to adopt resolution approving Consent Agenda, with the exception of items 5(E), 5(F) and 5(N), seconded by Councilmember Russell Schneider.

Motion passed unanimously.

**(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.**

Brian Mabry, Planner, asked if there were any particular questions from Council regarding this item.

Councilmember Jeter asked if the applicant has gotten information on their ability to install EFIS on the existing building.

Jay Anderson, applicant, President of Central Texas Mortuary, stated some studies have been done. They are willing to make some improvements to the building and think it can be done but time is the issue. If approved tonight, they are looking at a minimum of 90 days to get the equipment installed and 90 more days to get the State to issue a permit. He is having a problem with EFIS because of cost but has looked at stucco as a possibility.

Councilmember Jeter asked if requiring the improvements within an 18-month time period would be a problem.

Mr. Anderson replied no, that would not be a problem.

Motion by Councilmember Tony Jeter to adopt resolution, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

## **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.**

Brian Mabry, Planner, presented items A and B to the City Council. He provided some background information regarding this item and displayed the future land use map, indicating the current land use of this property and the uses in the surrounding areas. The Thoroughfare Plan was also presented, as well as the infrastructure in the area indicating adequate facilities exist to serve the property. The staff recommended approval of the requested future land use. The Planning and Zoning Commission recommended denial so a super majority of the City Council is required for approval.

Regarding item B, Mr. Mabry presented an aerial map showing the subject property. A Planned Development exists on the property for the former use as a bus stop. These would go away if the requested rezoning is approved. The applicant proposes the rezoning to locate a billboard sign which is being

relocated due to highway construction. Mr. Mabry reviewed the sign regulations that would apply to this request. He showed the existing and proposed locations of the billboard which do not meet the requirements, noting the sign permit cannot be issued, which is an administrative function. Mr. Mabry also provided the purpose of the Commercial zoning district and the permitted and prohibited uses. Six notices were mailed to property owners in the surrounding area. One was returned in approval and one in opposition. Staff recommended approval of the requested zoning change.

Mayor Jones stated if this request is approved we still have an ordinance that says they can't place the billboard where requested.

Councilmember Jeter stated we need to consider another future action to accommodate the sign to be relocated.

Mr. Mabry explained the sign was lost due to the acquisition of IH 35 right of way. Our ordinance caps the number of billboards that can be placed. This one would be coming from the South Loop and 5th Street to the requested location at IH35 and Avenue H.

Mr. Graham stated the City's agreement with TxDOT states that when they require right of way we will share the cost and if the cost of acquisition is higher because we have stricter ordinances we pay that higher amount to TxDOT. The City has a point system for placement of billboards.

Councilmember Janczak stated the Planning and Zoning Commission voted unanimously to deny the requested rezoning. Were there any extenuating circumstances?

Mr. Mabry stated the Planning Commission was aware of the circumstances of relocation but not the TxDOT agreement regarding payment of the extra costs.

Mayor Jones declared the public hearing open with regard to agenda items 6(A) and (B) and asked if anyone wished to address these items.

Matt Naegele, 3501 Canyon Heights, Belton, representing Lamar Advertising, addressed the Council. He explained the reasons why the billboard is being relocated, which was no fault of their own. TxDOT relaxes their standards to provide for the relocation of their billboards. Other situations like this have been accommodated on the same property but this cannot occur here. Their interpretation of the agreement with TxDOT is different from the City's and they may need to review that issue further. Mr. Boston has no current development plans. He just wants to locate a billboard on this site.

Mr. Graham stated the only question is whether this is an appropriate location for commercial zoning.

Mayor Jones asked if the Council could approve a billboard with the existing

General Retail Planned Development.

Mr. Graham replied yes because that is more restrictive than what was proposed.

Mayor Jones stated that commercial zoning might open up more uses than intended.

There being no further comments, Mayor Jones closed the public hearing.

Motion by Councilmember Tony Jeter to deny ordinance presented in item 6 (A), seconded by Councilmember Russell Schneider.

Motion passed unanimously.

Motion by Councilmember Tony Jeter adopt ordinance presented in item (B) with an amendment to the existing Planned Development General Retail District to allow a billboard, with second reading set for February 21, 2008, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

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.**

Aaron Adel, Special Projects Planner, presented this item to the City Council. She showed the location of the property presented in this request for rezoning. The applicant is proposing construction equipment sales and service in a metal building with 3 to 6 bay doors. Mrs. Adel reviewed the existing uses in the surrounding area and showed photos of those facilities. This use is allowed in the existing Comprehensive Plan. Background information was provided regarding this particular request. Three notices were mailed to surrounding property owners, with 2 being returned in favor and none in opposition. The Planning and Zoning Commission unanimously recommended approval of the request, as does staff.

Mayor Jones declared the public hearing open with regard to agenda item 7 and asked if anyone wished to address this item.

Scott Minzak, 3404 Spinaker Lane, Belton, stated he is the applicant and made himself available to answer any questions.

Mayor Jones asked since this is a metal building, if the rezoning application is in process and the masonry ordinance is approved, will it apply?

Mr. Graham replied that would depend on the effective date of the masonry ordinance.

Mrs. Adel stated it normally would depend on issuance of a building permit whether it was a vested right or not. The proposed effective date of the masonry ordinance is February 21, 2008. This use is also allowed in Commercial zoning district so the masonry ordinance, if adopted, would apply.

Councilmember Jeter expressed his understanding but thought the City was trying to protect the look of these visible corridors, especially on IH 35.

Mr. Graham stated the effective date of the proposed masonry ordinance can be amended.

Mr. Minzak added their land is under contract, which is contingent on zoning approval.

There being no further comments, Mayor Jones closed the public hearing.

Motion by Councilmember Russell Schneider to adopt ordinance, with second reading set for February 21, 2008, seconded by Councilmember Tony Jeter.

Motion passed unanimously.

**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**

Tim Dolan, Director of Planning, presented this item to the City Council. He presented the strategic corridors where the masonry ordinance is proposed to apply, and reviewed the proposed masonry materials and the minimum exterior masonry standards. Mr. Dolan presented the results of both the collective and individual stakeholder meetings. He discussed the criteria that would require the masonry standards and the appeal process. Mr. Dolan clarified the percentages of brick, stone or articulation and how those would be calculated and placed on the structure.

Mayor Jones declared the public hearing open with regard to agenda item 8 and asked if anyone wished to address this item.

Troy Glasson, Temple Area Builders Association (TABA), 12 North 5th, addressed the Council. TABA has met with the City staff for more than one year as an interested stakeholder. He pointed out the use under zoning has been one of their key issues. There is a great deal of LI and HI zoning on major

corridors such as IH 35 and Adams Avenue. It is difficult for them to agree with the possible effect on existing business owners in this community if they expand and are required to meet the masonry requirements.

Mayor Jones asked what is the argument against making these standards apply City-wide.

Mr. Glasson stated that recommendation lasted only 2 seconds in their meetings. This ordinance was presented as a SIZ initiative and was held to specific corridors. That would be a significant change and he would need to present the concept to the TABA leadership group. Mr. Glasson said he didn't think they would support the standards being applied City-wide.

Mayor Jones stated they have been working on this for one year. It started as an effort to eliminate metal buildings and developed into what we have tonight. He asked Mr. Glasson to go back and get input from his board about City wide application. This ordinance needs to get moving forward.

Mr. Glasson stated there are still some concerns that need to be addressed. He is not supporting or opposing the ordinance at this point.

Ken Higdon, Chamber of Commerce, 2 North 5th Street, agreed with Mr. Glasson's statements. There has been some confusion, especially with overlay districts and what would apply in particular areas. He expressed his concern with the effect of this ordinance on the economic development growth in the City.

Kenny Martin, 2 South Main, stated the corridors were suggested because of economics. Some facilities would not be feasible to be constructed of masonry. The goal is to better appearance but there is the need to do it carefully. The corridors identified are growth areas and that is why they were chosen. LI and HI districts should be able to construct businesses that are cohesive to the surrounding businesses. He felt everyone was in support of the ordinance but it still needs tweaking.

Zoe Rascoe, 1900 North 13th, addressed the Council representing Keep Temple Beautiful. Their goal is to beautify the City and raise the bar particularly in our strategic corridors. Character or themed facilities can be addressed in the ordinance as presented.

Mr. Dolan clarified that if property is zoned LI or HI and has another use, the masonry ordinance would apply.

Councilmember Jeter stated there is a very straightforward appeal process to deal with these issues. The corridors are important but some other areas, the through areas, are not included. We need to protect these areas as well with the built in protection through the appeal process.



Councilmember Schneider expressed his concern with requiring expanded businesses to comply with any masonry requirements. The main goal of TEDC is to grow our existing businesses. This requirement would cause them not to grow. He did agree with requiring new construction to meet some type of masonry standards. The appeal process would be just another step to getting a permit for a variance.

Pat Patterson, 2116 West Avenue H, provided an example of a business that has been expanding over the past few years. He is in a LI zoning district but with a commercial use so this type of instance would require compliance with the masonry requirements. He felt South 1st Street from the TMED toward downtown should not be included because there are a lot of existing metal buildings in this area. If anyone wants to expand they will have to meet the masonry requirements. This is telling business owners not to improve their building. We need to work with business owners to improve landscaping, in conjunction with Keep Temple Beautiful.

Councilmember Jeter asked how all other communities impose these standards.

Mr. Patterson replied they do it in corridors that aren't fully developed. Don't do it in older parts of town. The new feed store in Belton and many churches are all metal and look very nice. The requirements are too confusing. TABA is not against the ordinance. We just don't want to destroy economic development.

Councilmember Jeter stated it does a disservice to those that live in older parts of town if the standards are not applicable there. There is still development going on in these older parts of town.

There being no further comments, Mayor Jones closed the public hearing.

Motion by Councilmember Tony Jeter to adopt ordinance with standards effective City-wide, and including building materials 1 through 9 but not fibrous masonry products, with second reading and public hearing set for February 21, 2008, seconded by Mayor Pro Tem Patsy E. Luna.

Councilmember Janczak stated he is concerned with the statements from stakeholders and their dissent about where we're proposing. He doesn't know where the bar should be set. He added that he feels the percentages are wrong. Remodeling is also a contentious issue. Councilmember Janczak recognized there will never get 100% consensus. He would like to see something adopted but not this.

Mr. Graham stated the ordinance as amended will come back for second reading. It can be amended on second reading. It would depend on the change whether there would be another reading of the ordinance.

Councilmember Marty Janczak and Councilmember Russell Schneider voted

may. The other Councilmembers voted aye. The motion passed.

**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.**

Michael Newman, Assistant Director of Public Works, presented this item to the City Council. He explained the request to reduce the speed on Eagle Landing Drive. A speed study has been conducted by Bell County prior to annexation by the City of Temple. Staff has reviewed that study and agree with the reduction in speed.

Mayor Jones declared the public hearing open with regard to agenda item 9 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 adopt ordinance, with second reading set for February 21, 2008, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

**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.**

Richard Therriault, Superintendent of Construction Safety and Services, presented items 10(A)-(C) to the City Council. He discussed the building codes that are regulated in these various chapters of the Code of Ordinances. Mr. Therriault noted the meetings that have been held with stakeholders and advisory boards. These proposed ordinance have been unanimously

recommended by all.

Mayor Jones declared the public hearing open with regard to agenda item 10 (A)-(C) and asked if anyone wished to address this item.

Mike Pilkington, 5010 SH 317, expressed his appreciation to Mr. Therriault for working with the builder. These codes are good and will not change building standards substantially.

Troy Glasson, Temple Area Builders Association, echoed Mr. Pilkington's comments. He expressed his appreciation for being included in the review process.

There being no further comments, Mayor Jones closed the public hearing.

Motion by Councilmember Marty Janczak to adopt ordinances, with second readings set for February 21, 2008, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

- 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.**

Traci Barnard, Director of Finance presented items 10(A)-(C) to the City Council. She discussed the amendment to the financing plan in October 2007 for various projects. The bond projects have been revised and Mrs. Barnard reviewed these amendments and the effect on the proposed bond issue. The bonds will have a life of 15 years. She displayed a detailed list of the proposed public improvements within the Reinvestment Zone totalling \$22,395,000. She also displayed aerial maps of the properties where these projects will be constructed. She discussed some of the proposed clean up amendments with fund balance dollars. B - notice will not exceed \$22,395,000 - award will be March 20, 2008. C - intend to pay with RZ funds but does pledge ad valorem taxes to the payment of the Certificates.

Mayor Jones declared the public hearing open with regard to agenda item 11(A) 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 adopt ordinance in item (A) and resolutions in items (B) and (C), seconded by Councilmember Russell Schneider.

Motion passed unanimously.

## 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.**

David Blackburn, City Manager, presented this item to the City Council. With the departure of Martha Tyroch and the election of Mr. Janczak, the Council has the opportunity to effect some of the positions on several boards. The KTUTS and CTCOG positions are both alternates. With respect to TEDC, 3 Councilmembers now serve on that board and that needs to be addressed.

Councilmember Schneider stated he would like to step down from the TEDC board to allow the Mayor and Councilmember Janczak, who is the current chair, to serve on this board.

Motion by Councilmember Tony Jeter to adopt resolution appointing Mayor Pro Tem Luna and Councilmember Janczak as Council representatives on the TEDC board, Motion failed due to lack of second.

Mayor Jones stated this item was discussed during the work session earlier this evening. The Council discussed ways to rotate the Councilmembers so everyone has an opportunity to serve. He asked that this concept continue to be explored. With Councilmember Schneider stepping down, this will allow Councilmember Jeter and Councilmember Janczak to each serve two years before stepping down.

Councilmember Schneider stated this needs further discussion, particularly with TEDC.

Councilmember Jeter stated he has a concern with a City Councilmember serving as chair of the TEDC board.

Mr. Graham indicated there is no legal prohibition against this.

Motion by Councilmember Russell Schneider to adopt resolution appointing Mayor Jones, in his position as the Mayor, and Councilmember Janczak as Council representatives on the TEDC board, seconded by Councilmember Tony Jeter.

Motion passed unanimously.

**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.**

Mayor Jones stated the Council will enter into executive session at this time for the discussion of item 13. Action may be taken at the conclusion of the executive session.

The executive session was conducted from 7:55 pm to 9:05 pm, at which time the regular session was reconvened with no action being taken.

---

William A. Jones, III, Mayor

ATTEST:

---

Clydette Entzminger  
City Secretary



## COUNCIL AGENDA ITEM MEMORANDUM

---

02/21/08  
Item #7(C)  
Consent Agenda  
Page 1 of 2

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

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a two-year renewal to an existing interlocal agreement with Bell County for the purchase of fuel from Texas Fleet Fuel in the estimated annual amount of \$1,393,710.

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

**ITEM SUMMARY:** On November 2, 2006, the City Council authorized an inter-local agreement with Bell County for the purchase of fuel from Texas Fleet Fuel through December 31, 2007. The inter-local agreement allowed for an option to renew the agreement for an additional two-year period if Bell County chose to renew its contract with Texas Fleet Fuel for a like-kind term. On January 28, 2008, Bell County and Texas Fleet Fuel executed a two-year extension to their agreement extending the terms of their agreement through December 31, 2009.

Bell County's contract with Texas Fleet Fuel is priced at 8 cents per gallon over the OPIS price (Oil Price Information Service) per rack price for each week. The 8 cents is exclusive of freight. The freight varies in Temple with the majority being between 2–3 cents per gallon.

Each week the City receives a report that shows each vehicle's fueling, who fueled, where they fueled, and the price for that week. We are able to upload this information into our fleet maintenance system with little effort. This system has worked very well for the City, and it is staff's recommendation to renew the inter-local agreement with Bell County to continue service with Texas Fleet Fuel.

**FISCAL IMPACT:** The FY 2007-2008 fuel budget is based on the estimated average price of \$2.90 per gallon for both regular unleaded and diesel fuel. The estimated average price was determined by forecast information from both the Oil Price Information Service (OPIS), AAA fuel reports, and other articles regarding industry forecast for this volatile market.

The FY 2007-2008 adopted budget for fuel is as follows:

General Fund	\$ 1,158,467
Hotel/Motel Tax Fund	1,014
Drainage Fund	38,672
Water & Wastewater Fund	<u>195,557</u>
Total	\$ 1,393,710

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A TWO-YEAR RENEWAL TO AN EXISTING INTERLOCAL AGREEMENT WITH BELL COUNTY FOR THE PURCHASE OF FUEL FROM TEXAS FLEET FUEL IN THE ESTIMATED ANNUAL AMOUNT OF \$1,393,710; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on November 2, 2006, the City Council authorized an interlocal agreement with Bell County for the purchase of fuel from Texas Fleet Fuel through December 31, 2007 – the agreement allowed for an option to renew for an additional two year period if Bell County chose to renew its contract with Texas Fleet Fuel for a like-kind term;

**Whereas**, on January 28, 2008, Bell County and Texas Fleet Fuel executed a two-year extension to their agreement extending the terms of their agreement through December 31, 2009;

**Whereas**, the Staff recommends renewing the interlocal agreement with Bell County through December 31, 2009;

**Whereas**, the estimated annual expenditure is approximately \$1,393,710 and funds are available in the FY2007-08 budget; 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 a two-year renewal to an existing Interlocal Agreement with Bell County for the purchase of fuel from Texas Fleet Fuel in the estimated amount of \$1,393,710.

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

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



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

---

02/21/08  
Item #7(D)  
Consent Agenda  
Page 1 of 1

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

Sharon Rostovich, Airport Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a contract with TCB Construction, Inc. of Austin, Texas, to construct an aircraft wash pad at the Draughon-Miller Central Texas Regional Airport in the amount of \$41,097.

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

**ITEM SUMMARY:** On January 29, 2008, six bids were received to construct a 40' X 40' concrete aircraft wash pad with EPA compliant containment; oil/water separator; and a pressurized water system at the Draughon-Miller Central Texas Regional Airport. The bid results are shown on the attached bid tabulation sheet.

Randy Stumberg, Engineer from Architectural Edge of Temple, was hired to design the wash pad for the Airport. Mr. Stumberg reviewed the six bids submitted on January 29, 2008 and recommends award of the bid to the low bidder, TCB Construction, Inc., of Austin, in the amount of \$41,097.

The City has done business with TCB Construction in the past and finds them to be a responsible vendor. Accordingly, staff concurs with Architectural Edge's recommendation of awarding the bid to TCB.

**FISCAL IMPACT:** Funding in the amount of \$100,000 is appropriated for this project in the 2006 Certificate of Obligation Bonds account #361-3600-560-6819, project # 100134. To date, \$6,300 has been expended on the project for architectural services leaving \$93,700 to fund the construction of the project. Airport staff does not anticipate needing the remaining \$52,603 appropriated for this project, but would like to keep the funds available until the project is completed should any unforeseen project-related needs arise.

### **ATTACHMENTS:**

[Bid Tabulation  
Resolution](#)

Tabulation of Bids Received  
on January 29, 2008 at 2:00 p.m.  
Airplane Wash Pad at the Draughon Miller Central Texas Regional Airport

Description	Bidders					
	Chaney-Cox Construction Temple	Shallow Ford Construction Temple	BH Vaquero Construction Belton	TCB Construcion Austin	TTG Utilities Gatesville	Alpha Constructors Temple
Total Base Bid	\$68,800.00	\$61,700.00	\$42,114.00	\$41,097.00	\$72,250.00	\$56,850.00
Add/Deduct Alternate #1	-	-	-	-	-\$1,000.00	-
CIQ Form	Yes	Yes	Yes	Yes	Yes	Yes
Bid Bond	5%	5%	5%	Cashiers Check	5%	5%
Bond Affidavit	Yes	Yes	Yes	Not Signed	Yes	Yes
Insurance Affidavit	Yes	Yes	Yes	Not Signed	Yes	Yes
Acknowledge Addendum	Yes	Yes	Yes	Yes	Yes	Yes
Credit Check Authorization Form	Yes	Yes	Yes	Yes	Yes	Yes

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

Belinda Mattke      29-Jan-08  
Belinda Mattke, Director of Purchasing      Date

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

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH TCB CONSTRUCTION, INC., OF AUSTIN, TEXAS, TO CONSTRUCT AN AIRCRAFT WASH PAD AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT IN THE AMOUNT OF \$41,097; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on January 29, 2008, the City received 6 bids for a project to construct a 40 ft. by 40 ft. concrete aircraft wash pad with EPA compliant containment, oil-water separator, and a pressurized water system at the Airport;

**Whereas**, the Staff recommends accepting the bid (\$41,097) received from TCB Construction, Inc., of Austin, Texas;

**Whereas**, funds are available for this project in Account No. 361-3600-560-6819, Project No. 100134; 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 \$41,097, with TCB Construction, Inc., of Austin, Texas, after approval as to form by the City Attorney, to construct an aircraft wash pad at the Draughon-Miller Central Texas Regional Airport.

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

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

---

02/21/08  
Item #7(E)  
Consent Agenda  
Page 1 of 2

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Comprehensive Engineering Solutions, Inc., (CES) of Temple, for design and construction phase services, including surveying, bidding, construction administration, and construction staking, required to implement Phase 2 of the Somerville/FM 2271 Water Line Improvements in west Temple south of FM 2305 in an amount not to exceed \$34,100 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 Pepper Creek Rural Water System that was acquired by the City in the mid 1970's included water lines in the vicinity of Somerville Drive, extending south and west of Roselle Drive to FM 2271. These deteriorated mains have sustained numerous breaks over the years. Additional development has necessitated extension of water services to south. Replacement of the deteriorated mains and extension of a water main to the south will provide enhanced fire protection and support continued development.

On June 16, 2005, Council authorized a professional services contract with CES in the amount of \$83,200 to design, bid, and administer Phase 1 of the water line improvements. On March 2, 2006, Council authorized a construction contract with TTG Utilities, Inc., in the amount of \$219,492.30 to construct Phase 1. Phase 1 was completed in February 2007.

The services authorized under this resolution will include civil design, design surveys, bidding services, construction administration, and construction staking necessary to complete Phase 2 of the improvements to the Somerville/FM 2271 water lines and the additional water main extension to the south.

The proposed timeline for the design phase of this project is 42 days. The proposed timeline for the construction phase of this project is 200 days. In order that CES provide the additional services required for completion of this project, the following is a list of costs associated with each task:

**Basic Services**

Civil Design	\$ 7,600
Bidding	\$ 3,000
Construction Administration	\$ 9,000
	<b>\$ 19,600</b>

**Special Services**

Surveying/Construction Staking	\$ 14,500
--------------------------------	-----------

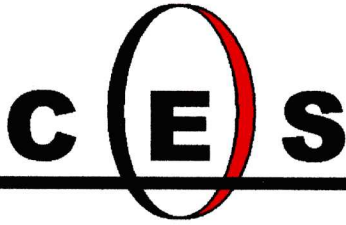
**TOTAL                      \$ 34,100**

**FISCAL IMPACT:** The cost of this professional services contract is \$34,100. This cost includes basic services of \$19,600 and special services of \$14,500.

Funding in the amount of \$335,000 is designated for the Somerville – FM 2271 Water Line Improvements Phase 2 Project in the proposed 2008 Utility Revenue Bond Issue. Initially, funding for this contract will come from funding available from the 2006 Utility Revenue Bonds in account 561-5200-535-6911, Project 100171, with the intent to reimburse the 2006 Utility Revenue Bonds from the proposed 2008 Utility Revenue Bond issue.

**ATTACHMENTS:**

[Somerville to FM 2271 Water Line Improvements Phase 2 Proposal](#)  
[Somerville to FM 2271 Water Line Improvements Phase 2 Map](#)  
[Resolution](#)



***Comprehensive Engineering Solutions, Inc.***

***319 South First Street Temple, TX 76504***

***VOICE (254) 742-2050***

***FAX (254) 742-2055***

---

February 8, 2008

Mr. Don Bond, EIT  
CIP Project Manager  
Water Administration  
2 N. Main, Rm. 102  
Temple, TX 76501

Re: Proposal for Professional Services  
Waskow Acres Water Line Improvements  
Temple, Bell County, Texas

Dear Mr. Bond,

This letter describes the scope of surveying and engineering services necessary to complete the referenced project. The attached exhibit shows this additional work.

The Basic Services are:

**Surveying** **\$14,500**

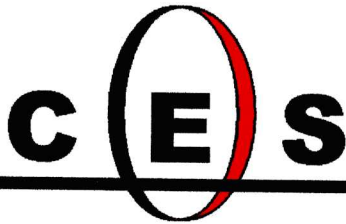
- Prepare Design Survey
- Prepare ROW/Easement Surveys
- Prepare Construction Staking

**Final Design Phase** **\$3,400**

- Prepare Final Design and Technical Specifications
- Prepare Final Opinion of Probable Cost

**Bid Phase** **\$3,000**

- Prepare Bid Schedule
- Facilitate a Pre-bid Meeting
- Prepare and Issue Necessary Addenda
- Tabulate Bids
- Review, Evaluate, and Recommend Award
- Attend City Council Meeting for Contract Award



**Comprehensive Engineering Solutions, Inc.**

**319 South First Street Temple, TX 76504**

**VOICE (254) 742-2050**

**FAX (254) 742-2055**

---

**Construction Administration Phase**

**\$9,000**

- Issue a Notice of Award and Notice to Proceed
- Facilitate a Pre-construction Meeting
- Review All Submittals
- Respond to Requests for Information
- Execute Necessary Change Orders
- Coordinate Potential Service Disruptions
- Coordinate with TxDOT
- Attend Final Inspection
- Generate Punch List
- Prepare Record Drawings
- Prepare Final Project Close-Out Documents

*Note: It is our understanding that inspection services are to be provided by the City of Temple.*

**Total**

**\$29,900**

Additional services include Construction administration for upgrading the line under the flower box. from Phase 1. Additional services also include necessary survey and engineering to design an add alternate which will loop this water line to the new subdivision.

**Additional Services**

**\$4,200**

Thus, the total proposed fee for this work is **\$34,100.**

The design phase will require approximately 6 weeks for completion in addition to the time required for review by the City. Construction will take approximately 28 weeks once the construction contract has been executed.

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

Sincerely,

Kristine B. Andrews, P.E.

Principal Engineer

Comprehensive Engineering Solutions, Inc.



CONNECT TO  
EXISTING  
6" WATER LINE

CONNECT TO  
EXISTING  
6" WATER LINE

PROPOSED 6"  
WATER LINE

ROSELLE DR

WASKOW ACRES

PROPOSED 6"  
WATER LINE

ELIZABETH LN

PROPOSED 6"  
WATER LINE

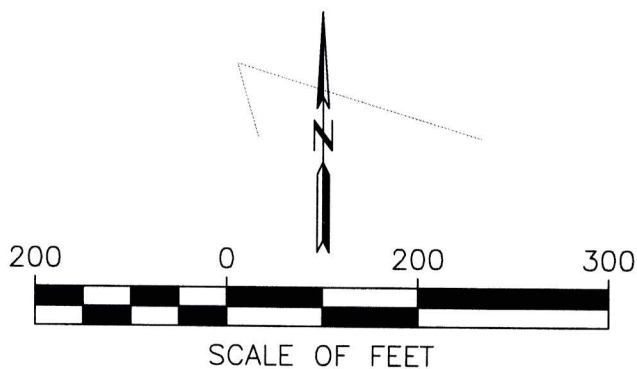
PROPOSED 6"  
WATER LINE

FM 2271

BEGIN ADD  
ALTERNATE #1

END ADD  
ALTERNATE #1

Note: This proposal also includes  
constrution administration for  
replacing 4" water line under the  
flower box to a 6" water line.



**WASKOW ACRES  
WATER LINE IMPROVEMENTS**  
CITY OF TEMPLE  
Temple, Bell County, Texas

**Comprehensive Engineering Solutions, Inc.**

319 South First St., Suite A Temple, TX 76504  
Voice: (254) 742-2050 Fax: (254) 742-2055

**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 COMPREHENSIVE ENGINEERING SOLUTIONS, INC., FOR DESIGN AND CONSTRUCTION PHASE SERVICES, INCLUDING SURVEYING, BIDDING, CONSTRUCTION ADMINISTRATION, AND CONSTRUCTION STAKING, REQUIRED TO IMPLEMENT PHASE 2 OF THE SOMERVILLE/FM 2271 WATER LINE IMPROVEMENTS IN WEST TEMPLE SOUTH OF FM 2305 IN AN AMOUNT NOT TO EXCEED \$34,100; 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 Comprehensive Engineering Solutions, Inc., for design and construction phase services, including surveying, bidding, construction administration, and construction staking, required to implement Phase 2 of the Somerville/FM 2271 Water Line Improvements in west Temple south of FM 2305;

**Whereas**, Comprehensive Engineering Solutions, Inc., submitted a proposal (\$34,100) 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 \$34,100, between the City of Temple, Texas, and Comprehensive Engineering Solutions, Inc., after approval as to form by the City Attorney, for design and construction phase services, including surveying, bidding, construction administration, and construction staking, required to implement Phase 2 of the Somerville/FM 2271 Water Line Improvements in west Temple south of FM 2305.

**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.

**Project Description**

**Debt To Be Issued**

**Basic Services**

Civil Design	\$ 7,600
Bidding	\$ 3,000
Construction Administration	\$ 9,000
	<b>\$ 19,600</b>

**Special Services**

Surveying/Construction Staking	\$ 14,500
<b>TOTAL</b>	<b>\$ 34,100</b>

**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 **21<sup>st</sup>** 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

---

02/21/08  
Item #7(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 an annual purchase of water testing services from the Texas Department of State Health Services (TDH) laboratory, for water testing services related to EPA required disinfection sampling, annual samples for TCEQ, semi annual samples for TCEQ, and quarterly samples for TCEQ in the budgeted annual amount of \$40,930.

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

**ITEM SUMMARY:** Under the Safe Drinking Water Act, the US EPA is charged with enforcing certain standards as to the level of contaminants disinfectants and other constituents that can be present in treated drinking water. In Texas, the Texas Commission on Environmental Quality acts as the agent for EPA's Region 6 group. This gives to TCEQ the same requirement to enforce the SDWA as the EPA as well as the authority necessary to accomplish this. In the TCEQ publication RG-346, there are lists of constituents that are to be monitored along with the current limits for levels that may be present in drinking water. To insure that these limits are maintained, TCEQ is authorized to collect samples itself or to designate an agent to collect them. They, or the agent, then transports the samples to a laboratory designated by TCEQ as being authorized to perform the required analysis. These labs are chosen by the state on a yearly basis. Currently, two labs share the sample analysis- the Texas Department of State Health Services Laboratory (TDH) and the Lower Colorado River Authority (LCRA). The LCRA lab is used only when the TDH lab is incapable of handling the required number of samples. Which laboratory is used for these analyses is based strictly on the order that the samples are collected in from the various water systems in the state and is subject to change on a yearly or sooner basis. Prices for the samples are determined by the state and are effective only for the calendar year and are subject to change in subsequent years.

Under a new program established by the EPA, water utilities are required to complete an initial disinfection system evaluation (IDSE) of their systems, either through detailed and specific water modeling or through additional water sampling. The City of Temple has chosen to meet this new requirement through additional water sampling. Using criteria designated in the submittal package from TCEQ, attached, sixteen (16) sites have been established for monitoring 6 times per year. This testing will determine if the current sites used for disinfection byproduct testing adequately represent what is occurring in the distribution system.

The cost of these samples, to be taken every two months at each of the 16 sites, is currently \$84.00 / sample for Tri Halo Methane (THM) tests and \$230.00 / sample for Halo Acetic Acid (HAA5) tests. These tests are administered through the TCEQ, with laboratory analysis performed by the Texas Department of State Health Services (TDH) at an established rate. In addition to the testing requirements stated above, TCEQ also requires one set of annual samples and one set of quarterly samples, at an estimated fee of \$638 per year and \$1,256 per year, respectively.

Monthly Sampling (6 times per year)	
16 samples for THM @ \$84 / each	\$8,064 / year
16 samples for HAA5 @ \$230 / each	\$22,080 / year
Annual Sampling	\$638 / year
Quarterly Sampling	\$1,256 / year

In its entirety, projected fees related to testing for IDSE requirements total \$32,038 per year. It should also be noted that additional testing for unregulated contaminants or any other parameter may also be conducted at any time by the TCEQ through their established testing laboratories, with fees charged to the City in accordance with established rates. The budgeted amount for this EPA required disinfection sampling is \$35,000.

In addition to the estimated EPA required disinfection sampling (IDSE), the City is also required to take additional samples throughout the year to comply with other State and Federal rules and regulations. Specifically, the Texas Department of State Health Services (TDH) laboratory also conducts annual, semi annual, and quarterly samples for TCEQ. Budgeted amounts for these services are \$2,530 for annual sampling, \$900 for semi annual sampling, and \$2,500 for quarterly sampling.

**FISCAL IMPACT:** Total funding in the amount of \$40,930 is available in account 520-5100-535-2616, under line items EPA required disinfection sampling (\$35,000), annual samples for TCEQ (\$2,530), semi annual samples for TCEQ (\$900), and quarterly samples for TCEQ (\$2,500).

**ATTACHMENTS:**

[TCEQ Sampling Table for IDSE Sample Collection Resolution](#)



This table shows how we determined how many sample sites you must select, and how frequently IDSE sample collection will be scheduled at your system.

**Number and Type of IDSE Sample Sites, and Frequency of IDSE Monitoring**

Source Water Type	Retail Population (Based on most recent TCEQ investigation)	Monitoring Periods and Frequency of Sampling	Distribution System Monitoring Locations <sup>1</sup>				
			Total Number of Sites	Near Entry Point	Average Water Age	High TTHM	High HAA5
SURFACE <sup>3</sup>	< 500 (systems purchasing water) <sup>2</sup>	1 (during summer)	2	1	-	1	-
	< 500 (systems treating water) <sup>2</sup>		2	-	-	1	1
	500 to 3,300 (systems purchasing water) <sup>2</sup>	4 (quarterly)	2	1	-	1	-
	500 to 3,300 (systems treating water) <sup>2</sup>		2	-	-	1	1
	3,301 to 9,999		4	-	1	2	1
	10,000 to 49,999	6 (every two months)	8	1	2	3	2
	50,000 to 249,999		16	3	4	5	4
GROUND <sup>4</sup>	< 500 (systems purchasing water) <sup>2</sup>	1 (during summer)	2	1	-	1	-
	< 500 (systems treating water) <sup>2</sup>		2	-	-	1	1
	500 to 9,999	4 (quarterly)	2	-	-	1	1
	10,000 to 99,999		6	1	1	2	2

<sup>1</sup> A dual sample set (both a THM and an HAA sample) must be taken at each site

<sup>2</sup> Most systems with 500 folks or less will get a waiver to IDSE monitoring.

<sup>3</sup> If there is any surface water (or ground water under the direct influence of surface water – GUI) in the system, it is considered a surface water system for the purposes of this rule.

<sup>4</sup> Ground water only, no surface water or GUI

#### **(4) Attach a Distribution System Map**

Attach a distribution system map. On the map, include

- entry points,
- take points if there are any purchased water sources,
- storage tanks,
- disinfectant booster stations,
- DBP1 sample site(s), and
- the IDSE sample sites listed in the tables above.

The schematic should show that the IDSE sites represent the entire distribution system. You don't have to show every single distribution pipe. Generally, the biggest the map needs to be is 12x18 inches, usually 8.5x11 inches is fine. It is ok to use internet mapping software like MapQuest to make the map.

#### **(5) Attach a copy of the IDSE Sample Plan to your Monitoring Plan**

Make a copy of your completed IDSE Sample Plan. Attach the copy to your Monitoring Plan.

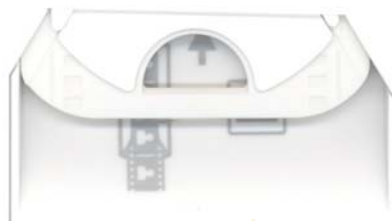
#### **(6) Sign and Certify**

You must certify that the information in the IDSE Sample Plan is correct and sign the form.

#### **(7) Mail the Completed IDSE Sample Plan (with distribution system map) to TCEQ**

Make sure that the form is completely filled out. Call TCEQ if you have questions. **Make sure you attach the distribution system map.** We recommend, but don't require, that you mail it certified, so that you get a receipt for proof of mailing. Mail it to:

Public Drinking Water Section, DBP Coordinator, MC-155, PO Box 13087, Austin TX 78711-3087



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL PURCHASE OF WATER TESTING SERVICES FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (TDH) LABORATORY, FOR WATER TESTING SERVICES RELATED TO EPA REQUIRED DISINFECTION SAMPLING, ANNUAL SAMPLES FOR TCEQ, SEMI ANNUAL SAMPLES FOR TCEQ AND QUARTERLY SAMPLES FOR TCEQ IN THE BUDGETED ANNUAL AMOUNT OF \$40,930; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, under the Safe Drinking Water Act, the US EPA is charged with enforcing certain standards as to the level of contaminants disinfectants and other constituents that can be present in treated drinking water;

**Whereas**, under a new program established by the EPA, water utilities are required to complete an initial disinfection system evaluation (IDSE) of their systems, either through detailed and specific water modeling or through additional water sampling

**Whereas**, the Staff recommends that the City of Temple meet this new requirement through additional water sampling – using criteria designated in a submittal package from TCEQ, 16 sites have been established for monitoring 6 times per year, and the testing will determine if the current sites used for disinfection byproduct testing adequately represent what is occurring in the distribution system;

**Whereas**, the estimated annual expenditure for the testing services is \$40,930, and funds are available in Account No. 520-5100-535-2616 for this purpose; 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 annual purchase of water testing services from the Texas Department of State Health Services (TDH) laboratory, for water testing services related to EPA required disinfection sampling, annual samples for TCEQ, semi annual samples for TCEQ, and quarterly samples for TCEQ in the amount of \$40,930.

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



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

---

02/21/08  
Item #7(G)  
Consent Agenda  
Page 1 of 1

### **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 the purchase and training for five (5) Water Distribution System Monitoring Units in the Water Distribution System from Hach Company of Loveland, Colorado, in the amount of \$71,810.50.

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

**ITEM SUMMARY:** Currently, the City of Temple maintains five booster pump stations throughout the City, distributing water as needed to customers throughout town. WTP personnel visit each site regularly to monitor the water quality as necessary to meet state standards. The purchase and installation of new water distribution monitoring units will enable WTP personnel to monitor water quality in real time in the system, at any time of the day, from the WTP. These units will be capable of monitoring a variety of different parameters (chlorine, pH, temperature, turbidity, pressure, etc), transmitting the data collected back to the main plant through the existing SCADA system.

On February 5, 2008, bids were received for purchase and training of the units. To save costs, WTP personnel will install the units, one at each booster pump station. Per the attached bid tabulation, Hach Company submitted the low, and only, bid on the project in the amount of \$71,810.50. Hach Company took exception to three items; providing a minimum two year warranty on parts, liquidated damage assessment for delivery time, and indemnification and hold harmless clause. Staff offers no objection to these exceptions, as they do not directly relate to completion of the project. The amount bid is within the budgeted amount allocated for the project.

**FISCAL IMPACT:** Funding in the amount of \$80,400 is budgeted for this purchase in account 520-5100-535-6310, project #100307. The total anticipated funding needed for the purchase and training of the 5 water distribution system monitoring units is \$71,810.50.

### **ATTACHMENTS:**

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

**Tabulation of Bids Received**  
**on February 5, 2008 at 2:30 p.m.**  
**Water Distribution System Monitoring Units**

		<b>Bidders</b>	
		<b>Hach Company Loveland, CO</b>	
<b>Description</b>	<b>Qty</b>	<b>Unit Price</b>	<b>Total Price</b>
Total Bid Price	5	\$14,362.10	\$71,810.50
Delivery		Yes	
Local Preference		No	
Exceptions		Yes	
CIQ Form		Yes	
Credit Check Authorization Form		Yes	

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

***Belinda Mattke***

***5-Feb-08***

Belinda Mattke, Director of Purchasing

Date

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE AND TRAINING FOR 5 WATER DISTRIBUTION SYSTEM MONITORING UNITS IN THE WATER DISTRIBUTION SYSTEM FROM HACH COMPANY OF LOVELAND, COLORADO, IN THE AMOUNT OF \$71,810.50; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on February 5, 2008, bids were received for purchase and training for Water Distribution System Monitoring Units in the Water Distribution System;

**Whereas**, the Staff recommends accepting the bid (\$71,810.50) from Hach Company of Loveland, Colorado;

**Whereas**, funds are available for this purchase in Account No. 520-5100-535-6310; 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 training for 5 Water Distribution System Monitoring Units in the Water Distribution System from Hach Company of Loveland, Colorado, in the amount of \$71,810.50.

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

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

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

---

02/21/08  
Item #7(H)  
Consent Agenda  
Page 1 of 1

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

Kim Foutz, Assistant City Manager  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution rejecting all proposals received for operating a coffee shop and limited café service at the Temple Public Library.

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

**ITEM SUMMARY:** The Temple Public Library is planning a renovation and expansion of its building with renovation scheduled to begin in June 2008. Prior to completing final design of the renovation, it was staff's desire to explore options of identifying a viable vendor/lessee that would finish-out and operate a coffee shop and limited café within the Library.

On December 4, 2007, one (1) proposal was received from LaRae Flanary LLC dba Cuppys, Coffee & More in response to a RFP to find a qualified vendor for this business venture. A proposal evaluation committee comprised of staff from the City Manager's office, the Library, Legal, Finance, and the Convention Center reviewed the proposal and met with Ms. Flanary to understand her proposal in more detail.

It was the evaluation committee's unanimous recommendation that the City explore other options before contracting with an independent vendor at this time.

**FISCAL IMPACT:** Funding in the amount of \$875,000 is currently designated in the 2008 Certificate of Obligation Bonds for Library renovations, including the construction of a shell space for a coffee shop. Staff recommends that all of the funding for the Library renovations remain intact at this time.

### **ATTACHMENTS:**

[Resolution](#)



## COUNCIL AGENDA ITEM MEMORANDUM

---

02/21/08  
Item #7(I)  
Consent Agenda  
Page 1 of 2

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

Tim Dolan, Planning Director

**ITEM DESCRIPTION:** SECOND READING – 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:

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:** At its February 7, 2008 meeting, the City Council voted to amend the existing Planned Development on the subject property to allow an off-premise sign (billboard). While the Planned Development allows off-premise signs, it does not contain spacing distance regulations, so the City's existing spacing standards of 1,500 feet still apply. The spacing standards would have to be met in order to obtain a permit for the sign. The ordinance reflects the applicant's original request with amendments approved by Council on first reading.

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.

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 Campus & 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)

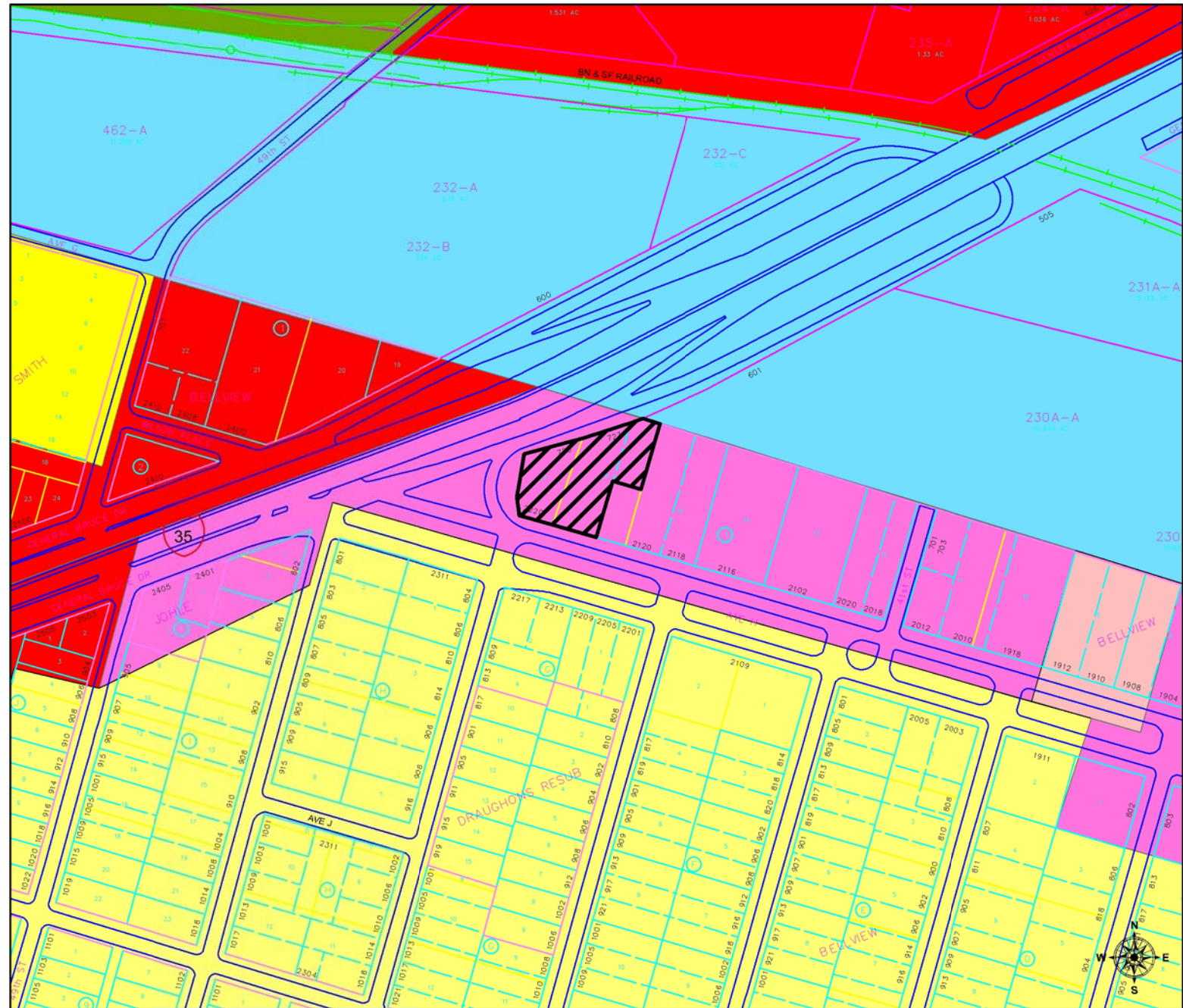
**Park Land**

PROPOSED FLOATING PARK

PARKS

**Downtown**

DOWNTOWN



**PD (GR) to C for Billboard**

1 inch equals 300 feet

J Stone 11.15.07

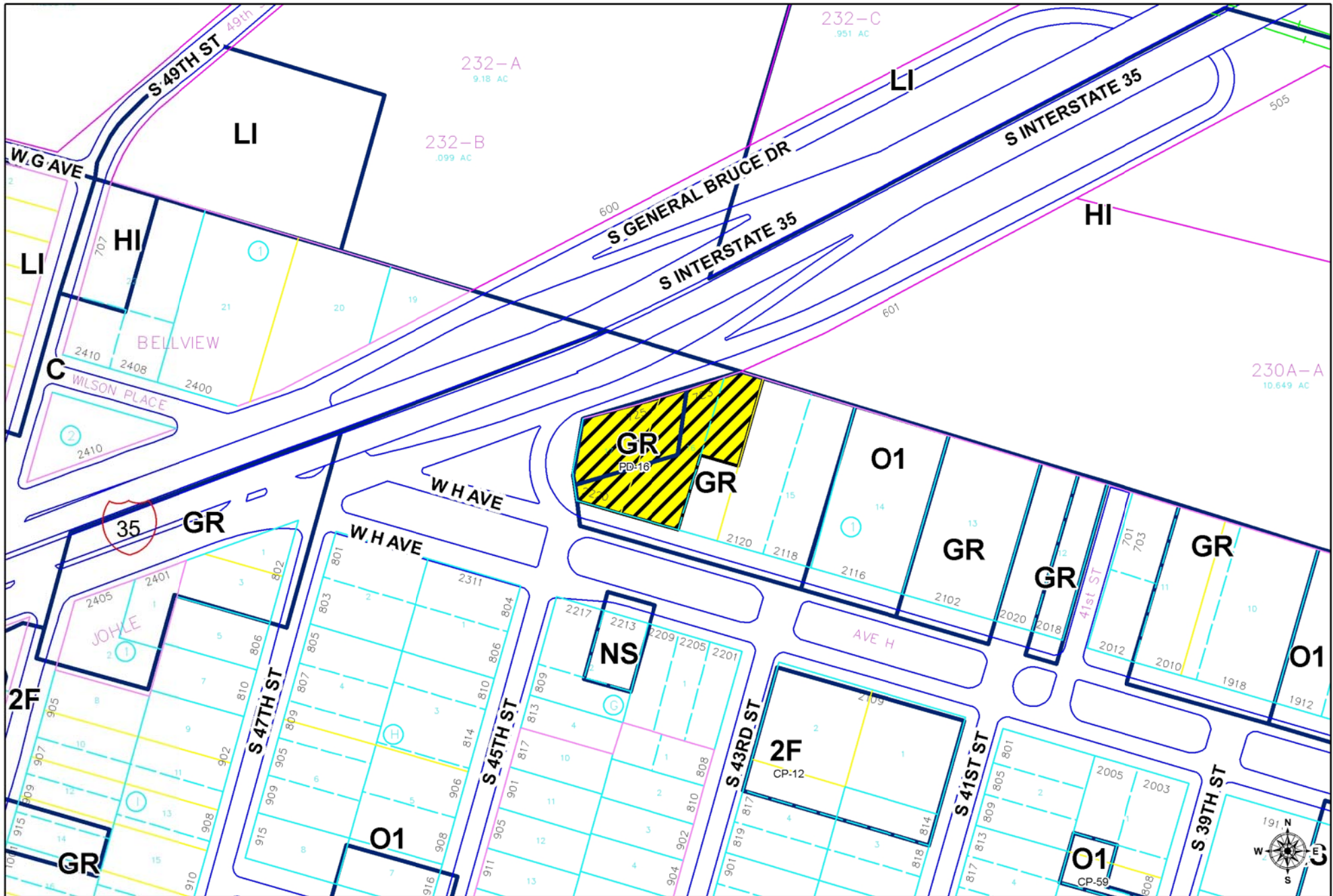




**Z-FY-08-05**

**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

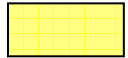




**Z-FY-08-05**

**725 S. General Bruce Dr.**

**Lot 16& 17, Block 1, Bellview Add.**



**Area of Proposed Zone Change**





# Billboard Distances



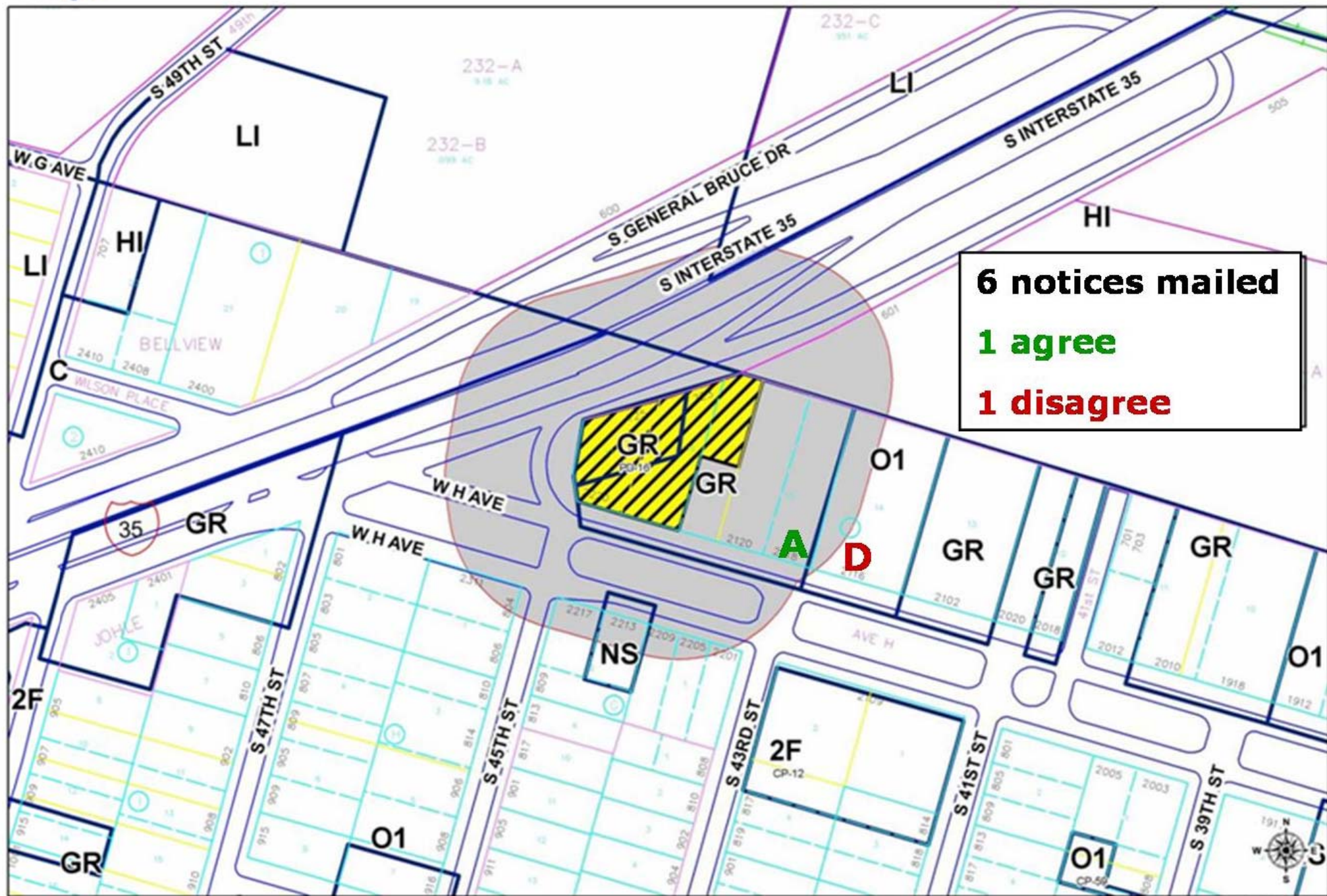




Z-FY-08-05

725 S General Bruce Dr

Lot 16 & 17, Blk 1, Bellview Addition



 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.

<b>Commercial (C)</b>	
<b>Min. Lot Area (sq. ft.)</b>	None
<b>Min. Lot Width (ft.)</b>	None
<b>Min. Lot Depth (ft.)</b>	None
<b>Max. Height (stories)</b>	None
<b>Min. Yard (ft)</b>	
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, 25<sup>th</sup> 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 Secrest.

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~~ **AMENDING THE PLANNED DEVELOPMENT ORDINANCE NUMBER 1794 TO ALLOW AN OFF-PREMISE SIGN, SUBJECT TO THE CITY'S SPACING REQUIREMENTS FOR OFF-PREMISE SIGNS, AS AN ALLOWED USE** 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.

---

**Whereas**, on October 16, 1986, the City Council adopted Ordinance No. 1794 rezoning a .405 acre portion of Lots 16 and 17, Block 1, Bellview Subdivision to the City of Temple (725 South General Bruce Drive) from general retail to planned development district; and

**Whereas**, at the February 7, 2008, the City Council voted to amend Planned Development Ordinance No. 1794 to allow an off-premise sign as an allowed use within that district, subject to the City's spacing requirements for off-premise signs.

**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~~ **an amendment to the Planned Development Ordinance No. 1794 to allow an off-premise sign as an allowed use, subject to the City's spacing requirements for off-premise signs,** on Lot 17 and a portion of Lot 16, Block 2, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H, said location more fully shown on the attached Exhibit A.

**Part 2:** 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 3:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

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

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

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

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

PASSED AND APPROVED on Second Reading on the **21<sup>st</sup>** 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

---

02/21/08  
Item #7(J)  
Consent Agenda  
Page 1 of 2

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

Aaron Adel, Special Projects Planner

**ITEM DESCRIPTION:** SECOND READING – 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:** Adopt ordinance as presented in item description, on second reading and final adoption. 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 Campus & Office
- Aviation Industrial Dvmt
- Fwy Com/Tech/Indust**
- Intermodal

**Community Facilities**

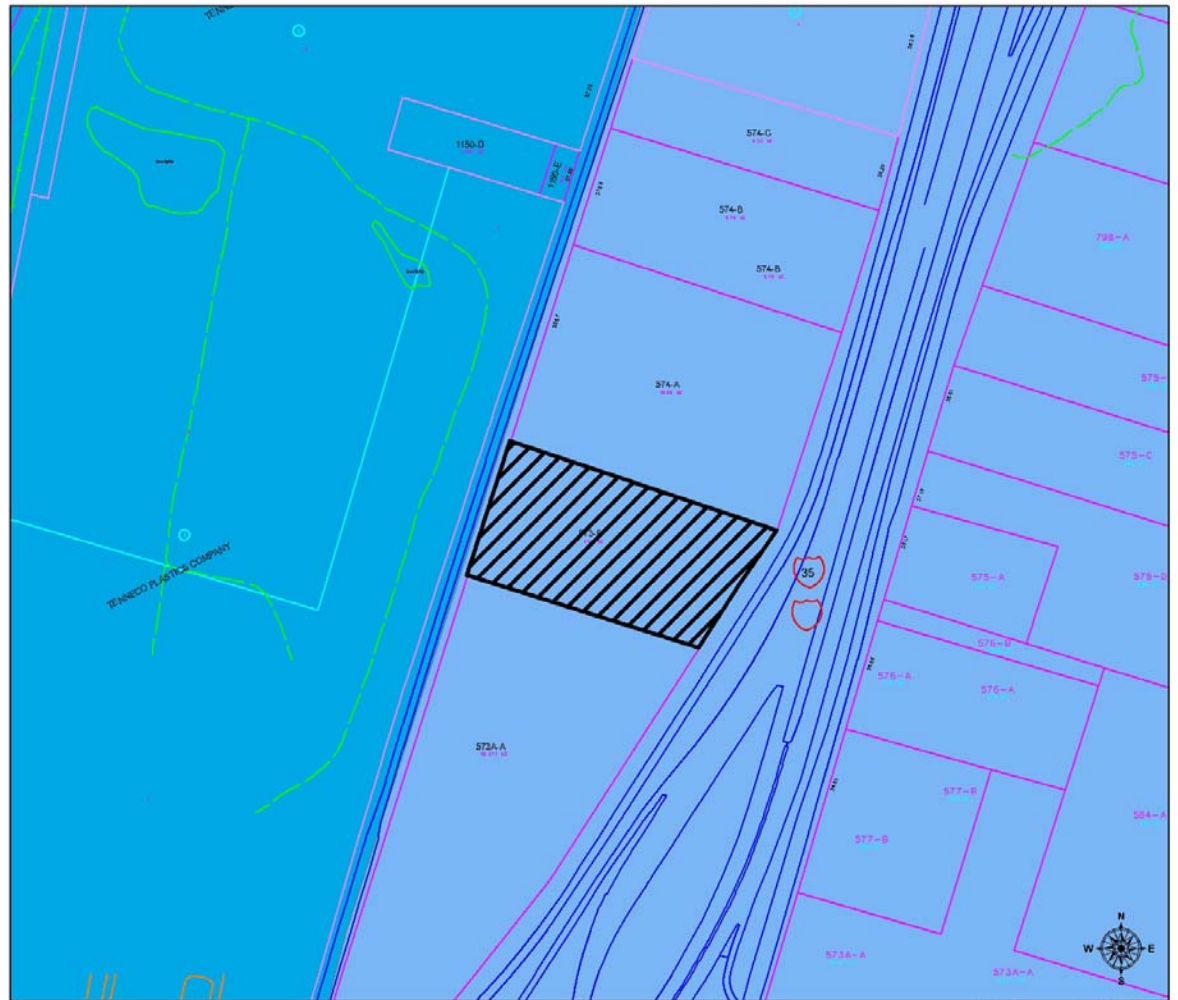
- COMMUNITY FACILITY
- CF-E (EDUCATIONAL)
- CF-G (GENERAL)
- CF-R (RESIDENTIAL)
- CF-M (MEDICAL)

**Park Land**

- PROPOSED FLOATING PARK
- PARKS

**Downtown**

- DOWNTOWN



2F & GR to LI

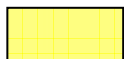
1 inch equals 400 feet

J Stone 12.27.07





Z-FY-08-08



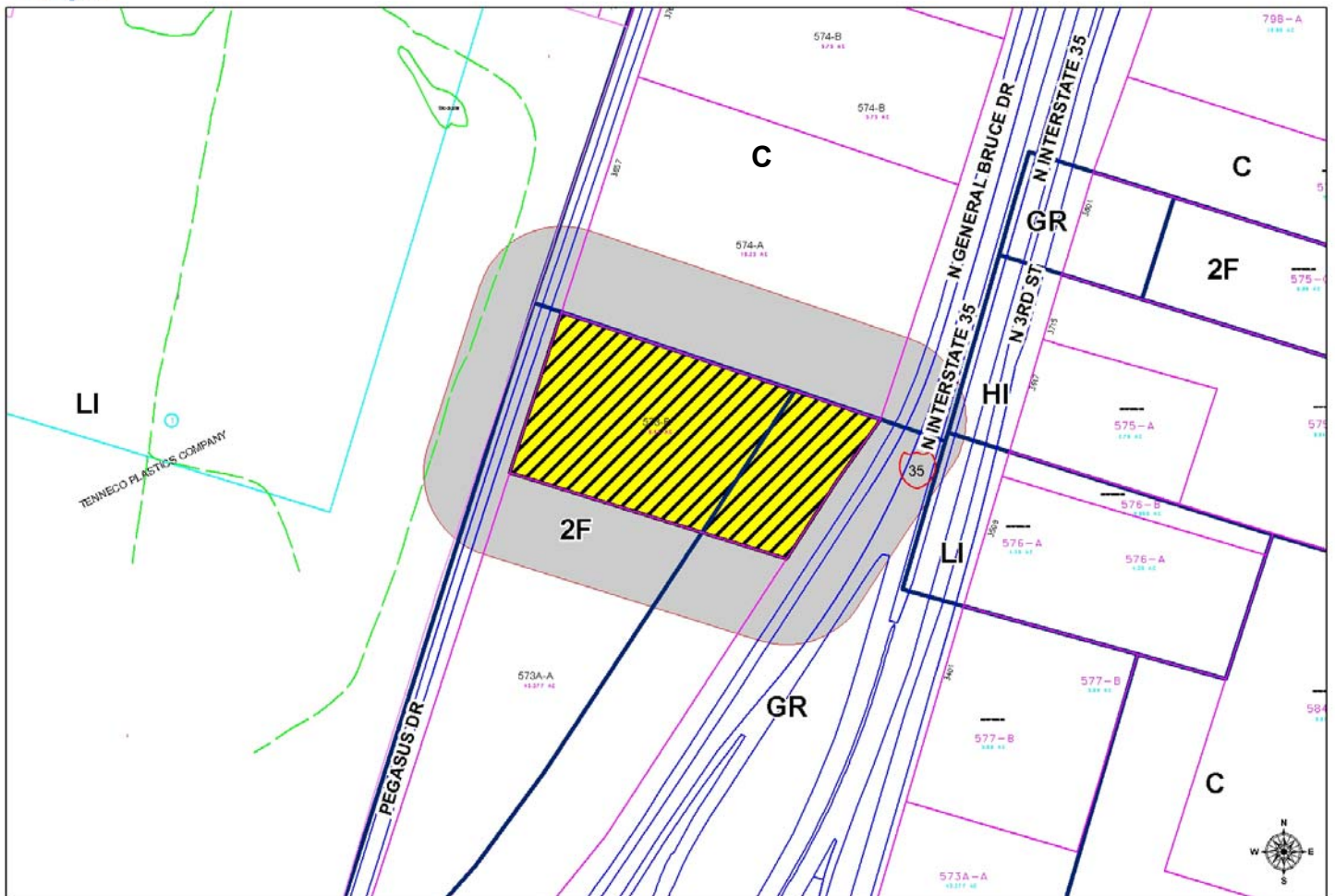
Area of Proposed Zone Change





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 17<sup>th</sup> 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 1<sup>st</sup> reading on February 7, 2008 and 2<sup>nd</sup> 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 7<sup>th</sup> day of February, 2008.

PASSED AND APPROVED on Second Reading on the **21<sup>st</sup>** 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

---

02/21/08  
Item #7(K)  
Consent Agenda  
Page 1 of 1

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

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

**ITEM DESCRIPTION:** SECOND READING – 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:** Adopt ordinance as presented in item description, on second and final reading.

**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](#)



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

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 7<sup>th</sup> day of **February**, 2008.

PASSED AND APPROVED on Second Reading on the 21<sup>st</sup> 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

---

02/21/08  
Item #7(L)(1)-(3)  
Consent Agenda  
Page 1 of 2

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

Richard Therriault, Director of Construction Safety

### **ITEM DESCRIPTION:** SECOND READING – Consider adopting ordinances:

1. 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;
2. 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
3. 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:** Adopt ordinances as presented in item description, on second and final reading.

**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).

1. 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.

2. 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.

3. 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 7<sup>th</sup> day of **February**, 2008.

PASSED AND APPROVED on Second Reading on the 21<sup>st</sup> 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 their UL-Listing and Manufacturer'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 manufacturer'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 (c).~~

~~**(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 **7<sup>th</sup>** day of **February**, 2008.

PASSED AND APPROVED on Second Reading on the **21<sup>st</sup>** 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 **7<sup>th</sup>** day of **February**, 2008.

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

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

---

Clydette Entzminger  
City Secretary

APPROVED AS TO FORM:

---

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

---

02/21/08  
Item #7(M)(1)-(3)  
Consent Agenda  
Page 1 of 2

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

David Blackburn, City Manager  
Clydette Entzminger, City Secretary

### **ITEM DESCRIPTION:** Consider adopting resolutions:

1. Ordering the City's General election for May 10, 2008, for the election of the District 2 Councilmember, District 3 Councilmember and Mayor at-large for three year terms;
2. Ordering a special election to submit to the voters one proposition regarding the issuance of General Obligation Bonds in the amount of \$13,995,000 for public safety facilities and projects; and
3. Authorizing joint election agreements with Temple Independent School District, Temple Health & Bioscience Economic Development District, Temple College and Clearwater Underground Water Conservation District for the May 10, 2008 election.

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

**ITEM SUMMARY:** (1) This proposed resolution orders the City's general election for Saturday, May 10, 2008 for the election of the District 2 and District 3 Councilmembers and the Mayor at-large for three year terms. The resolution also sets forth the polling places, early voting procedures, and various other requirements in accordance with State law and the City Charter. A resolution appointing election judges and setting their compensation will be presented to the Council for consideration at a future meeting.

Since a common proposition, the GO bond issue (item 2 below), will appear on the ballot in each District, even unopposed candidates must be placed on the May 10, 2008 ballot.

(2) This proposed resolution orders a special election to submit a single proposition for inclusion on the ballot seeking voter approval for the issuance of \$13,995,000 in General Obligation Bonds for the following public safety projects:

New Central Station	\$7,174,840
New FS #8/Training Ctr/EOC	4,775,160
Engine 8 with air packs	565,000
Replace Engine 1	540,000
Replace Engine 4	540,000
Issuance Costs	400,000
	-----
Total proposed GO Bond	\$13,995,000

(3) This proposed resolution authorizes joint election agreements with Temple Independent School District, Temple Health & Bioscience Economic Development District, Temple College and Clearwater Underground Water Conservation District for the May 10, 2008 election. Specific details are being negotiated with each entity and the agreements will only be executed with those parties that have opposed candidates. The City will be responsible for all duties associated with conducting the election and the costs will be shared equally between the City and the participating entities.

**FISCAL IMPACT:** Funds in the amount of \$7000 are allocated in account 110-1400-511-25-17, Election Expense, for the 2008 General Election. The entities participating in this joint election will reimburse the City their pro rata share of all election expenses incurred by the City for conducting this election.

**ATTACHMENTS:**

[Resolutions](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, CALLING AN ELECTION TO BE HELD WITHIN THE CITY FOR: (1) THE ELECTION OF THE DISTRICT 2 AND DISTRICT 3 CITY COUNCILMEMBERS AND THE MAYOR AT-LARGE; MAKING PROVISION FOR THE CONDUCT OF SAID ELECTION; CONTAINING OTHER PROVISIONS INCIDENT AND RELATED TO THE PURPOSE OF THIS RESOLUTION.

---

**Whereas**, Section 41.001 of the Texas Election Code provides that regular municipal elections shall be held on the second Saturday in May; and

**Whereas**, the laws of the State of Texas and the City of Temple further provide that the Election Code of the State of Texas is applicable to said election, and, in order to comply with said Code, an order should be passed establishing the procedure to be followed in said election and designating the voting places for said election; and

**Whereas**, the City Council finds and determines that it is necessary and advisable to call and hold an election within the City of Temple for the election of Councilmembers described above,

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

**Part 1:** It is hereby ordered that a municipal election be held on Saturday, May 10, 2008, for the purpose of electing two (2) City Councilmembers and the Mayor at-large. One City Councilmember shall be elected by the voters from District 2; one City Councilmember shall be elected from the voters from District 3; and the Mayor shall be elected from the all voters in the City of Temple.

In each race, the candidate receiving a majority of the votes cast in such election shall be declared elected by the City Council. If none of the candidates receives a majority of the votes cast in a particular race, the City Council shall order a run-off election as provided by the City Charter, at which the two candidates receiving the highest number of votes in the May 10th election shall stand for election. The candidate receiving the greatest number of votes in the run-off election shall be declared elected by the City Council. Councilmembers shall hold office for a term of three years.

**Part 2:** Optical scan paper ballots shall be used for early voting, voting by mail and election day voting in each polling place, in conjunction with the ES&S Model Precinct Ballot Counter. The ES&S AutoMARK Voter Assist Terminal, which is Help America Vote Act (HAVA) compliant, will also be used for early voting and in each polling place on election day. Both systems of voting shall provide privacy for voters while casting their votes in accordance with Section 51.032 of the Texas Election Code. The vote for the election of

District 2 and District 3 Councilmembers and the Mayor shall be recorded in such a manner as will permit the voters to cast two votes: one for a candidate from the single member district in which the voter resides, and one for the mayor candidate.

**Part 3:** All independent candidates at the election to be held on May 10, 2008, for the above-mentioned Offices, shall file their applications to become candidates with the City Secretary of the City of Temple at the City Secretary's Office, Room 103, first floor of the Municipal Building, 2 North Main Street, Temple, Texas, beginning 91 days before the date of said election, being February 9, 2008, and ending on or before 61 days before the date of said election being on or before March 10, 2008, in compliance with Section 143.007 of the Texas Election Code. No person may, in such election, be a candidate for two positions. All applications shall be sworn to and comply with Section 141.031 of the Election Code. All candidates shall file with said application the loyalty affidavit and statement regarding awareness of the State nepotism statute as required by Article 141.031 of the Election Code.

**Part 4:** The City Secretary of this City shall, in accordance with the terms and provisions of the Election Code, post in her Office the names of all candidates who have filed their application in accordance with the terms and provisions of this order, and said names shall be posted in a conspicuous place in said Office for at least ten (10) days before said City Secretary orders the same to be printed on the ballot for said election.

**Part 5:** The election shall be held at the following places in the City for the election called by this resolution:

<b><i>City Council District No. 1</i></b>	Frank Mayborn Civic and Convention Center, 3303 North 3rd Street
<b><i>City Council District No. 2</i></b>	Meridith-Dunbar Elementary School 1717 East Avenue J
<b><i>City Council District No. 3</i></b>	Thornton Elementary School 2900 Pin Oak Drive
<b><i>City Council District No. 4</i></b>	Vineyard Christian Fellowship Church 7425 West Adams Avenue (FM 2305)
<b><i>Early Voting Location</i></b>	Municipal Building, 2 North Main Street (between Central and Adams)

**Part 6:** (a) **Early voting by personal appearance.** Any registered voter is eligible to vote early by personal appearance on weekdays, beginning on April 28, 2008, and ending on May 6, 2008, outside the City Secretary's Office, Room 103 (First Floor), Municipal Building, Temple, Texas. Early Voting will be conducted from 8:00 a.m. to 5:00 p.m. April 28, 2008 through May 2,

2008. During the time period of May 5 and May 6, 2008 Early Voting will be conducted from 7:00 a.m. to 7:00 p.m.

(b) **Early voting by mail.** A registered voter is eligible to vote early *by mail* if (1) the voter expects to be absent from the county on election day, and during the regular hours for conducting early voting at the main early voting polling place for the part of the period for early voting by personal appearance remaining after the voter's early voting ballot application is submitted to the early voting clerk, (2) the voter is under a disability that would prevent them from appearing at the polling place on election day, (3) the voter will be 65 years of age or older on election day, or (4) the registered voter is confined in jail at the time the early voting ballot application is submitted.

(1) Applications for ballot by mail shall be mailed to Clydette Entzminger, City Secretary, P.O. Box 207, Temple, Texas 76503, and must be received no later than May 2, 2008, provided that if the sole ground for voting early by mail is that the voter will be out of the county on election day, the application must be received by April 25, 2008, unless the voter is out of the county when the application is made, in which case the application must still be received by May 2, 2008.

**Part 7:** Clydette Entzminger, the City Secretary, is hereby appointed Clerk for early voting, and authorized to appoint by written order one or more persons to assist her as deputy early voting clerks. The early voting clerk shall maintain a roster listing each person who votes early by personal appearance and for each person to whom an early ballot to be voted by mail is sent in accordance with Section 87.121 of the Texas Election Code. The early voting clerk shall perform all other duties required by him by the Texas Election Code.

**Part 8:** The Mayor shall make proclamation of the May 10, 2008 election and issue, or cause to be issued, all necessary orders, writs and notices for said election and returns of said election shall be made to this the City Council immediately after the closing of the polls. The Mayor is further authorized to give notice of a run-off election if such election is necessary. The City Secretary shall cause notice of this election, in both English and Spanish, to be published and posted in compliance with Texas Election Code Section 4.003(a)(1) and 4.003(b).

**Part 9:** Immediately after said election is held, the officers holding the same shall make returns on the result thereof to the Mayor of this City as required by the Election Code of this State.

**Part 10:** A copy of this order shall also serve as a Writ of Election which shall be delivered to the Presiding Judges for said election along with the Election Judge's Certificate of Appointment.

**Part 11:** The City Secretary is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election and to comply with Federal, State, and local law and in the conduct thereof.

**Part 12:** If any section or part of any section, paragraph, or clause of this resolution is declared invalid or unconstitutional for any reason, such declaration shall not be held to invalidate or impair the validity, force, or effect of any other section or sections, part of section, paragraph, or clause of this resolution.

**Part 13:** This resolution shall take effect immediately from and after its passage, and it is accordingly so ordained.

**Part 14:** 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 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

**RESOLUTION NO. 2008-\_\_\_\_\_**

**RESOLUTION CALLING A BOND ELECTION FOR MAY 10, 2008; MAKING  
PROVISIONS FOR CONDUCTING THE ELECTION; AND RESOLVING OTHER  
MATTERS RELATED TO SUCH ELECTION**

<b>THE STATE OF TEXAS</b>	<b>§</b>
<b>COUNTY OF BELL</b>	<b>§</b>
<b>CITY OF TEMPLE</b>	<b>§</b>

**WHEREAS**, pursuant to the provisions of Chapter 1251, Texas Government Code, as amended, the Texas Election Code, as amended, and other related statutes the City Council of the City of Temple, Texas (the "City") is authorized to call an election in order to submit to the voters of the City a proposition regarding the issuance of general obligation bonds; and

**WHEREAS**, the City Council deems it advisable to call a bond election for the proposition hereinafter stated; and

**WHEREAS**, in addition to calling the bond election, the City is concurrently calling an election for District 2 and District 3 Councilmembers and the Mayor at-large for three year terms, and the placement on the ballot of the proposition and election of the Councilmembers and Mayor shall be in accordance with the Texas Election Code; and

**WHEREAS**, it is hereby officially found and determined that the meeting at which this Resolution is being 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, Government Code, as amended.

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

**Section 1. ELECTION DATE, POLLING PLACES AND ELECTION JUDGES.** An election shall be held in the City as prescribed by applicable law between the hours of 7:00 A.M. and 7:00 P.M. on May 10, 2008. The election shall be held as a joint election pursuant to Chapter 271 of the Texas Election Code and a joint election agreement (the "Election Agreement") to be entered into between the City and such other political subdivisions as set forth therein. The City election precincts and polling places within the City designated for holding the election shall be determined by the City, and conducted at the polling places used for the City General Election, attached hereto as Exhibit "A" to this Resolution and the exhibit is incorporated by reference for all purposes. The exhibit may be revised as necessary to conform with final polling locations. The City's election equipment shall be used as provided in the Election Agreement. The election judges and clerks shall be appointed in accordance with the Election Agreement and the Texas Election Code, as amended.

**Section 2. ELECTION CLERKS.** Unless otherwise directed by the City, the Presiding Judge shall appoint not less than two nor more than five resident qualified electors to act as clerks to properly conduct the election. However, if the Presiding Judge appointed actually serves, the Alternate Presiding Judge shall serve as one of the clerks. The appointment of such clerks must include a person fluent in the Spanish language to serve as a clerk to render oral aid in the Spanish language to any voter desiring such aid at the polls on the day of the election. In the absence of the Presiding Judge named above, the Alternate Presiding Judge shall perform the duties of the Presiding Judge.

**Section 3. EARLY VOTING.** Early voting in the election by personal appearance shall be conducted at the times, dates and polling places as provided for in the City General Election attached hereto as Exhibit "B" to this Resolution and the exhibit is incorporated by reference for all purposes. The exhibit may be revised as necessary to conform with final polling locations. Clydette Entzminger, the City Secretary, is designated as the Early Voting Clerk. Application for ballots by mail should be sent to Clydette Entzminger, City Secretary, City of Temple, P.O. Box 207, Temple, Texas 76503-0207.

**Section 4. EARLY VOTING BALLOT BOARDS.** An early voting ballot board is hereby created to process early voting results, and the Presiding Judge of the board will be appointed in accordance with the Election Agreement and the Texas Election Code, as amended. The Presiding Judge shall appoint not less than two resident nor more than eighteen (18) qualified electors to serve as members of the Early Voting Ballot Boards.

**Section 5. VOTERS.** All resident, qualified electors of the City shall be entitled to vote at the election.

**Section 6. NOTICE.** A substantial copy of this Resolution shall serve as a proper notice of the election. This notice, including a Spanish translation thereof, shall be posted at three (3) public places within the City and the City Hall not less than twenty-one (21) days prior to the date the election is to be held, and be published on the same day in each of two (2) successive weeks in the *Temple Daily Telegram*, a newspaper of general circulation in the City, the first of these publications to appear in such newspaper not more than thirty (30) days, and not less than fourteen (14) full days prior to the day of the election.

**Section 7. VOTING DEVICES.** In all respects, the election shall be conducted in accordance with the Texas Election Code and the Federal Help America Vote Act ("HAVA"). Bell County will provide at least one ES&S AutoMARK Voter Assist Terminal, which is HAVA compliant, to every polling place used in the City for this election available for election day voting and early voting. Electronic optical scan voting devices may be used in conducting the election. The City may also utilize a central counting station as provided by Section 127.000 *et seq.*, as amended, Texas Election Code. Any central counting station presiding judge and the alternate presiding judge shall be appointed in accordance with the Election Agreement and the Texas Election Code.



**Section 8. PROPOSITION.** At the election, the following BOND PROPOSITION shall be submitted in accordance with law:

**PROPOSITION**

Shall the City Council of the City of Temple, Texas, be authorized to issue the bonds of the City, in one or more series or issues, in the aggregate principal amount of \$13,995,000 with the bonds of each such series or issues, respectively, to mature serially within not to exceed thirty years from their date, and to be sold at such prices and bear interest at such rates, as shall be determined within the discretion of the City Council, in accordance with law at the time of issuance, for the purpose of constructing, acquiring, improving, renovating, expanding, developing and equipping, land and buildings for public safety purposes including the acquisition of any necessary sites and any related infrastructure, demolition and other costs; and shall said City Council be authorized to levy and cause to be assessed and collected annual ad valorem taxes on all taxable property in the City in an amount sufficient to pay the annual interest on said bonds and provide a sinking fund to pay the bonds at maturity?

**Section 9. OFFICIAL BALLOTS.** The official ballots for the election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote "FOR" or "AGAINST" on the PROPOSITION with the ballots to contain such provisions, markings and language as required by law, and with such PROPOSITION to be expressed substantially as follows.

**PROPOSITION**

FOR                    (    )  
AGAINST            (    )      THE ISSUANCE OF \$13,995,000 CITY OF TEMPLE TAX BONDS  
FOR PUBLIC SAFETY FACILITIES AND PROJECTS.

**Section 10. TEXAS ELECTION CODE.** In all respects the election shall be conducted in accordance with the Texas Election Code.

**Section 11. RESULTS.** The Mayor shall make proclamation of the May 10, 2008 election and issue, or cause to be issued, all necessary orders, writs and notices for said election and returns of said election shall be made to the City Council immediately after the closing of the polls. The official canvass and tabulation of the results of the Election shall be conducted by the City Council in accordance with the Election Code.

**Section 12. PROVISIONS.** The provisions of this Resolution are severable; and in case any one or more of the provisions of this Resolution or the application thereof to any person or circumstance should be held to be invalid, unconstitutional, or ineffective as to any person or

circumstance, the remainder of this Resolution nevertheless shall be valid, and the application of any such invalid provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

**PASSED AND APPROVED** on this 21st day of February, 2008.

---

William A. Jones, III  
Mayor

**ATTEST:**

---

Clydette Entzminger  
City Secretary

(SEAL)

**APPROVED AS TO LEGALITY:**

---

Jonathan Graham  
City Attorney

**EXHIBIT "A"**

**POLLING PLACES  
CITY OF TEMPLE BOND ELECTION  
MAY 10, 2008**

***City Council District No. 1***

Frank Mayborn Civic and Convention  
Center,  
3303 North 3rd Street

***City Council District No. 2***

Meridith-Dunbar Elementary School  
1717 East Avenue J

***City Council District No. 3***

Thornton Elementary School  
2900 Pin Oak Drive

***City Council District No. 4***

Vineyard Christian Fellowship Church  
7425 West Adams Avenue (FM 2305)

***\*SUBJECT TO CHANGE\****

**EXHIBIT "B"**

**EARLY VOTING LOCATIONS & INFORMATION  
CITY OF TEMPLE BOND ELECTION  
MAY 10, 2008**

***Early Voting Location***

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

**Early voting by personal appearance:** Any registered voter is eligible to vote early by personal appearance on weekdays, beginning on April 28, 2008, and ending on May 6, 2008, outside the City Secretary's Office, Room 103 (First Floor), Municipal Building, Temple, Texas. Early Voting will be conducted from 8:00 a.m. to 5:00 p.m. April 28, 2008 through May 2, 2008. During the time period of May 5 and May 6, 2008 Early Voting will be conducted from 7:00 a.m. to 7:00 p.m.

***\* SUBJECT TO CHANGE \****

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE JOINT ELECTION AGREEMENTS WITH THE TEMPLE INDEPENDENT SCHOOL DISTRICT, TEMPLE HEALTH & BIOSCIENCE ECONOMIC DEVELOPMENT DISTRICT, TEMPLE COLLEGE AND CLEARWATER UNDERGROUND WATER CONSERVATION DISTRICT FOR THE MAY 10, 2008, GENERAL ELECTION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the City of Temple, Temple Independent School District, Temple Health & Bioscience Economic Development District, Temple College, and Clearwater Underground Water Conservation District are holding elections the second Saturday in May, 2008;

**Whereas**, State law authorizes two or more political subdivisions to enter into an agreement to hold elections jointly when the political subdivisions are holding elections on the same day in all or part of the same territory or when State law makes holding a joint election mandatory;

**Whereas**, the Temple Independent School District, Temple Health & Bioscience Economic Development District, Temple College and Clearwater Underground Water Conservation District share all or part of the voting districts of the City of Temple and desire to conduct joint elections with the City of Temple; and

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

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

**Part 1:** The City Manager, or his designee, is authorized to execute *Joint Election Agreements*, after approval as to form by the City Attorney, authorizing a joint election between the City of Temple, Temple Independent School District, Temple Health & Bioscience Economic Development District, Temple College, and Clearwater Underground Water Conservation District on May 10, 2008.

**Part 2:** If any entity declares the May 10, 2008 election to be canceled, in compliance with Section 2.051 through Section 2.054 of the Texas Election Code, because the candidates' names that are to appear on the ballot are unopposed and there are no propositions on the ballot, the agreement with that particular entity will become void.

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

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

---

02/21/08  
Item #7(N)  
Consent Agenda  
Page 1 of 1

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

Traci L. Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution approving first quarter financial results for Fiscal Year 2008.

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

**ITEM SUMMARY:** This item will present in detail the first quarter ending December 31, 2007, for the General, Water & Sewer, Drainage and Hotel/Motel Tax Funds.

Included with these first quarter results will be various schedules detailing grants, sales tax, capital projects and investments.

**FISCAL IMPACT:** N/A

### **ATTACHMENTS:**

Quarterly Financial Statements (Hard copy)  
[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE FIRST QUARTER FINANCIAL RESULTS FOR THE FISCAL YEAR 2007-2008; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the first quarter 2007-2008 fiscal year financial results need to be approved by the City Council;

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

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

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

**Part 1**: The City Council approves the first quarter 2007-2008 fiscal year financial results, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED this the **21<sup>st</sup>** day of **February**, 2008.

THE CITY OF TEMPLE, TEXAS

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

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clydetta Entzminger  
City Secretary

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





## COUNCIL AGENDA ITEM MEMORANDUM

---

02/21/08  
Item #7(O)  
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 \$14,948.

**ATTACHMENTS:**

Budget amendments  
Resolution

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2008 BUDGET**  
**February 21, 2008**

			<b>APPROPRIATIONS</b>	
<b>ACCOUNT #</b>	<b>PROJECT #</b>	<b>DESCRIPTION</b>	<b>Debit</b>	<b>Credit</b>
<b>110-2000-521-2537</b>		Air Support Program (Police Dept.)	\$ 5,000	
<b>110-0000-442-0720</b>		Police Revenue		\$ 5,000
Appropriate funds received fro the Central Texas Law Enforcement Interlocal Assistance Agreement for the air support unit. \$5,000 was received from the City of Harker Heights as their contribution for fiscal year 2008.				
<b>110-2000-521-2516</b>		Judgments & Damages (Police Dept.)	\$ 673	
<b>110-1500-515-6531</b>		<b>Contingency - Judgments &amp; Damages</b>		<b>\$ 673</b>
Deductible reimbursement to the Texas Municipal League for settlement of a claim filed against the City by Jane Evans seeking reimbursement for damage to a vehicle after it was involved in an accident with a Police vehicle on November 14, 2007.				
<b>110-2200-522-2516</b>		Judgments & Damages (Fire Dept.)	\$ 8,978	
<b>110-0000-461-0554</b>		Insurance Claims		\$ 8,978
To appropriate funds received from Acceptance Insurance Company, Inc. for the damages incurred to Engine #5. This will cover the costs of repairing the truck.				
<b>110-3500-552-2516</b>		Judgments & Damages (Parks Dept.)	\$ 297	
<b>110-1500-515-6531</b>		<b>Contingency - Judgments &amp; Damages</b>		<b>\$ 297</b>
Deductible reimbursement to the Texas Municipal League for settlement of a claim filed against the City by American International Recovery seeking reimbursement for injuries to two employees of Central Texas 4C, Inc., who sought medical attention after a piece from a mower came loose and was flung through the window at the Blackmon Center on July 12, 2007.				
<b>TOTAL AMENDMENTS</b>			<b>\$ 14,948</b>	<b>\$ 14,948</b>
<b>GENERAL FUND</b>				
Beginning <b>Contingency</b> Balance			\$	-
Added to Contingency Sweep Account			\$	-
Carry forward from Prior Year			\$	-
Taken From Contingency			\$	-
Net Balance of Contingency Account			\$	-
Beginning <b>Judgments &amp; Damages</b> Contingency			\$	70,000
Added to Contingency Judgments & Damages from Council Contingency			\$	-
Taken From Judgments & Damages			\$	(28,132)
Net Balance of Judgments & Damages Contingency Account			\$	41,868
Beginning <b>Master Plan Implementation</b> 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 <b>Compensation Plan</b> Contingency			\$	150,000
Added to Compensation Plan Contingency			\$	-
Taken From Compensation Plan Contingency			\$	-
Net Balance of Compensation Plan Contingency Account			\$	150,000
<b>Net Balance Council Contingency</b>			<b>\$</b>	<b>265,534</b>

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2008 BUDGET**  
**February 21, 2008**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Beginning Balance <b>Budget Sweep</b> Contingency	\$	-
		Added to Budget Sweep Contingency	\$	-
		Taken From Budget Sweep	\$	-
		Net Balance of Budget Sweep Contingency Account	\$	-
		<b>WATER &amp; SEWER FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	904,672
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(103,584)
		Net Balance of Contingency Account	\$	801,088
		Beginning <b>Compensation Plan</b> Contingency	\$	30,000
		Added to Compensation Plan Contingency	\$	-
		Taken From Compensation Plan Contingency	\$	-
		Net Balance of Compensation Plan Contingency Account	\$	30,000
		Beginning <b>Approach Mains</b> Contingency	\$	500,000
		Added to Approach Mains Contingency	\$	-
		Taken From Approach Mains Contingency	\$	(141,419)
		Net Balance of Approach Mains Contingency Account	\$	358,581
		<b>Net Balance Water &amp; Sewer Fund Contingency</b>	<b>\$</b>	<b>1,189,669</b>
		<b>HOTEL/MOTEL TAX FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	20,126
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	20,126
		Beginning <b>Compensation Plan</b> Contingency	\$	8,000
		Added to Compensation Plan Contingency	\$	-
		Taken From Compensation Plan Contingency	\$	-
		Net Balance of Compensation Plan Contingency Account	\$	8,000
		<b>Net Balance Hotel/Motel Tax Fund Contingency</b>	<b>\$</b>	<b>28,126</b>
		<b>DRAINAGE FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	1,495
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	1,495
		Beginning <b>Compensation Plan</b> Contingency	\$	2,000
		Added to Compensation Plan Contingency	\$	-
		Taken From Compensation Plan Contingency	\$	-
		Net Balance of Compensation Plan Contingency Account	\$	2,000
		<b>Net Balance Drainage Fund Contingency</b>	<b>\$</b>	<b>3,495</b>
		<b>FED/STATE GRANT FUND</b>		
		Beginning <b>Contingency</b> 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 23<sup>rd</sup> 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 21<sup>st</sup> 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

---

02/21/08  
Item #8  
Regular Agenda  
Page 1 of 3

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

Tim Dolan, AICP, Planning Director

**ITEM DESCRIPTION:** SECOND 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:** Conduct public hearing and adopt ordinance as presented in item description, on second and final reading.

This item was presented to the Planning & Zoning Commission on February 18<sup>th</sup> and a public hearing was held at that meeting to consider the proposed amendment.

**ITEM SUMMARY:** At the February 7<sup>th</sup> Council meeting, the City Council voted for the ordinance to apply city-wide and to delete the material use of a fibrous masonry product. The attached ordinance contains those changes.

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 on Friday, February 1<sup>st</sup>, 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 which includes Council's direction from the Council meeting on February 7, 2008:

- 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, but excluding 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 City Wide
- 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 1<sup>st</sup>, 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

Since the collective meeting, TABA 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 a starting point to improve the 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%	Propose both existing and 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

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

[Ordinance](#)

ORDINANCE NO. 2008-4196

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 91-2101, THE ZONING ORDINANCE OF THE CITY OF TEMPLE, TEXAS, AMENDING SECTION 13, "FENCE AND WALL REGULATIONS, DISPLAY FOR SALE, OPEN STORAGE, AND METAL FACADE RESIDENTIAL BUILDING REGULATIONS," ADDING A NEW SECTION 13-300, "NON-RESIDENTIAL MASONRY 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 approves an amendment to Ordinance No. 91-2101, the Zoning Ordinance of the City of Temple, by amending Section 13, entitled, "Fence and Wall Regulations, Display for Sale, Open Storage, and Metal Facade Residential Building Regulations," adding a new Section 13-300, entitled, "Non-Residential Masonry Standards," to read as follows:

**SECTION 13**

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

**13-300. Non-Residential Masonry Standards.**

**1. Purpose.**

The purpose of non-residential masonry standards is to apply standards for the exterior of non-residential buildings ~~located in strategic corridors in the City of Temple as~~ part of the building permit process.

**2. Review Provision.**

This ordinance will be reviewed one year from the adoption date by the City Council.



### **~~3. Designation of Strategic Corridor Streets.~~**

~~The following public streets and highways are designated strategic corridor streets for purposes of non-residential masonry standards:~~

- ~~—(a) IH-35~~
- ~~—(b) South 1<sup>st</sup> Street from South H. K. Dodgen Loop to intersection with S 3<sup>rd</sup> Street~~
- ~~—(c) South 5<sup>th</sup> Street from SH 93 to the intersection of West Avenue M~~
- ~~—(d) Central Avenue from IH-35 to Martin Luther King Boulevard~~
- ~~—(e) FM 2305~~
- ~~—(f) FM 1741 (31st Street) from FM 93 to IH-35~~
- ~~—(g) FM 93~~
- ~~—(h) SH 317~~
- ~~—(i) Outer Loop~~
- ~~—(j) Loop 363 (H. K. Dodgen Loop)~~
- ~~—(k) SH 53~~
- ~~—(l) FM 2271~~
- ~~—(m) Canyon Creek Drive from South 5<sup>th</sup> Street to South 31<sup>st</sup> Street~~
- ~~—(n) Marlandwood Drive, from South 5<sup>th</sup> Street to South 31<sup>st</sup> Street~~
- ~~—(o) Lowes Drive~~
- ~~—(p) Raleigh Drive~~

### **~~4. Extent of Strategic Corridors.~~**

~~Strategic corridors include the following land:~~

- ~~—(a) Tracts of land that abut or adjoin a public street or highway designated as a strategic corridor.~~
- ~~—(b) Tracts of land that are developed, used, managed, or marketed as a group that includes a tract of land that abuts or adjoins a public street or highway designated as a strategic corridor. The interior portion of a shopping center with pad sites is an example of a land that lies within a strategic corridor without abutting the designated corridor street or highway.~~
- ~~—(c) Tracts of land that share parking space with a tract of land that abuts or adjoins a public street or highway designated as a strategic corridor.~~

### **3. When Conformance is Required.**

Non-residential masonry standards apply to building construction, expansion, reconstruction and facade changes that occur after February 21, 2008. Buildings in existence on February 21, 2008 may continue to utilize materials other than those

listed as approved materials so long as any replacement of unapproved materials is made for maintenance purposes only and the existing material is continued.

#### **4. Applicability.**

~~(a) Non-residential masonry standards apply to building construction, expansion, and reconstruction and facade changes in the Strategic Corridors defined herein.~~

(a) Non-residential masonry standards apply to construction, expansion, reconstruction, or façade changes that meet one or more of the following thresholds:

1. A new building or a set of buildings is constructed; or
2. The expansion of an existing building(s) results in a total square footage equal to or greater than 15% of the existing square footage; conformance applies only to the new construction; or
3. In cases where the expansion of an existing building(s) results in a total square footage equal to or greater than 30% of the existing square footage; conformance applies to the existing and new construction; or
4. Facade materials are changed.

(b) Non-residential masonry standards apply to any single building or combination of buildings, whether connected or not, that are determined to be a single building plot. All building types are counted toward square footage total.

(c) Non-residential masonry standards apply to primary, secondary, and accessory buildings located in areas zoned:

1. Multiple-family (2F) (MF-1) (MF-2) (MF-3)
2. Office 1 (O-1)
3. Office 2 (O-2)
4. Neighborhood Service (NS)
5. General Retail (GR)
6. Central Area (CA)
7. Commercial (C)
8. Light Industrial (LI), if land use is allowed in any zoning district other than LI or HI
9. Heavy Industrial (HI), if land use is allowed in any zoning district other than LI or HI
10. Planned Development (PD) with a base district to which the

masonry standards apply.

(e) Non-residential masonry standards apply to the first two stories of buildings.

## 7. **Approved materials.**

(a) The following materials are approved materials:

1. Tilt-wall concrete
2. Stucco
3. Marble
4. Granite
5. Exterior Insulation and Finish Systems (EIFS)
6. Split-faced block
7. Fired brick
8. Natural stone
9. Tile
10. ~~Fibrous masonry product which simulates wood or stucco or any other concrete product that simulates brick, stone, marble, granite or tile to appear being laid up unit by unit.~~

(b) Aggregate materials are not approved materials.

## 8. **Standards.**

(a) Façade. At least 80% of the surface area of each façade must consist of one or more approved materials. The percentage of surface area is measured per side. Doors, windows, single-floor garage doors, and roofs are exempt from the percentage calculation.

(b) Integration. The color, texture and pattern of an approved material must be integrated in the material—not painted on or affixed to the material.

(c) Smooth-faced block. Although smooth-faced block is not an approved material, up to 20% of the 80% surface area restricted to approved materials may consist of smooth-faced block, which may be painted.

(d) Rear façade. Non-masonry materials are allowed on the rear façade of buildings when the façade is not visible from a ~~strategic corridor street~~ **public right-of-way** and is screened by one of the following methods:

1. Permanent evergreen plantings, a minimum public of 5 feet planted height, spaced 48 inches on center; or

2. Fences or walls consisting of masonry or wood, a minimum of 6 feet in height; or
3. Alternative screening materials and methods as approved by the Administrator.

## 9. **Additional standards based on building square footage.**

The following additional standards apply to buildings of 10,001 or greater square feet and are cumulative of the foregoing standards.

(a) One of the following two options must be used to enhance facades:

1. A portion of façade consists of fired brick or natural stone laid up unit by unit; or
2. Façade incorporates articulation consisting of at least two of the following design elements spaced every 45 linear feet for the façades facing the strategic corridor street public right-of-way, plus one design element spaced every 45 linear feet for the other facades, excluding the rear façade. Examples of acceptable articulation are columns, canopies, arches, awnings, and wall plane projections or recessions greater than 5 feet difference from the vertical wall.

(b) The brick and stone options must meet the following proportions in relation to building square footage:

1. Minimum of 10% of surface area of each façade for 10,001 square feet to 20,000 square feet
2. Minimum of 20% of surface area of each façade for 20,001 square feet to 100,000 square feet
3. Minimum of 25% of surface area of each façade for 100,000 or greater square feet

## 10. **Variance and Appeal.**

(a) Variance. The administrator is the Director of Planning. The Director of Planning is authorized to grant variances to the non-residential masonry standards, considering the following criteria: visibility from public right-of-way and adjoining properties, percentage variance requested, existing or proposed permanent screening (topography, permanent evergreen landscaping, masonry walls, other screening techniques); extent to which facades have articulation, fenestration, architectural relief, contrasting complementary colors, columns, canopies, and arches; and whether the material sought furthers a particular design or architectural theme.

(b) Appeal. A decision about the implementation or interpretation of this ordinance by the Director of Planning may be appealed to City Council. In deciding an appeal, Council will consider the same criteria applicable to variances.

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

**Part 3:** Ordinance No. 91-2101, the Zoning Ordinance of the City of Temple, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

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

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

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

PASSED AND APPROVED on Second Reading on the **21<sup>st</sup>** 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

---

02/21/08  
Item #9  
Regular Agenda  
Page 1 of 2

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

Tim Dolan, Planning Director

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING - Z-FY-08-10: Consider adopting an ordinance authorizing a zoning change from General Retail District to Commercial District on approximately 0.68 acres of land commonly known as Outblock 691-A, City Addition, located at 2505 West Adams.

**P&Z COMMISSION RECOMMENDATION:** The Planning and Zoning Commission voted 9/0 to recommend approval of a zoning change from GR, General retail to C, Commercial at its meeting on February 4, 2008.

**STAFF RECOMMENDATION:** Adopt ordinance as presented in item description, on first reading with second reading and final adoption set for March 6, 2008. Staff recommends approval of the zoning request from GR to C subject to the following recommendations:

1. The request complies with the 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-08-10, from the Planning and Zoning meeting, February 4, 2008. The applicant proposes to extend the existing Eagle mini-storage warehouse to the east along West Adams Avenue. The proposed extension will look similar to the existing facility and will voluntarily include limestone facing West Adams.

Concerns of the Planning and Zoning Commission are shown in the draft minutes. The Commission did not raise any issues requiring additional staff attention.

Four notices of the Planning and Zoning Commission hearing were sent out. As of Wednesday, February 13 at 11 AM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on January 25, 2007 in accordance with state law and local ordinance.

**FISCAL IMPACT:** NA

**ATTACHMENTS:**

Future Land Use Map  
Zoning Map  
Aerial  
Notice Map  
P&Z Staff Report (Z-FY-08-10)  
P&Z Minutes (02/04/08)  
Ordinance



Z-FY-08-10

2505 W Adams Ave

OB# 691-A 0.688 Acres

ZFY0810

## 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



GR to C

1 inch equals 300 feet

J Stone 01.11.08

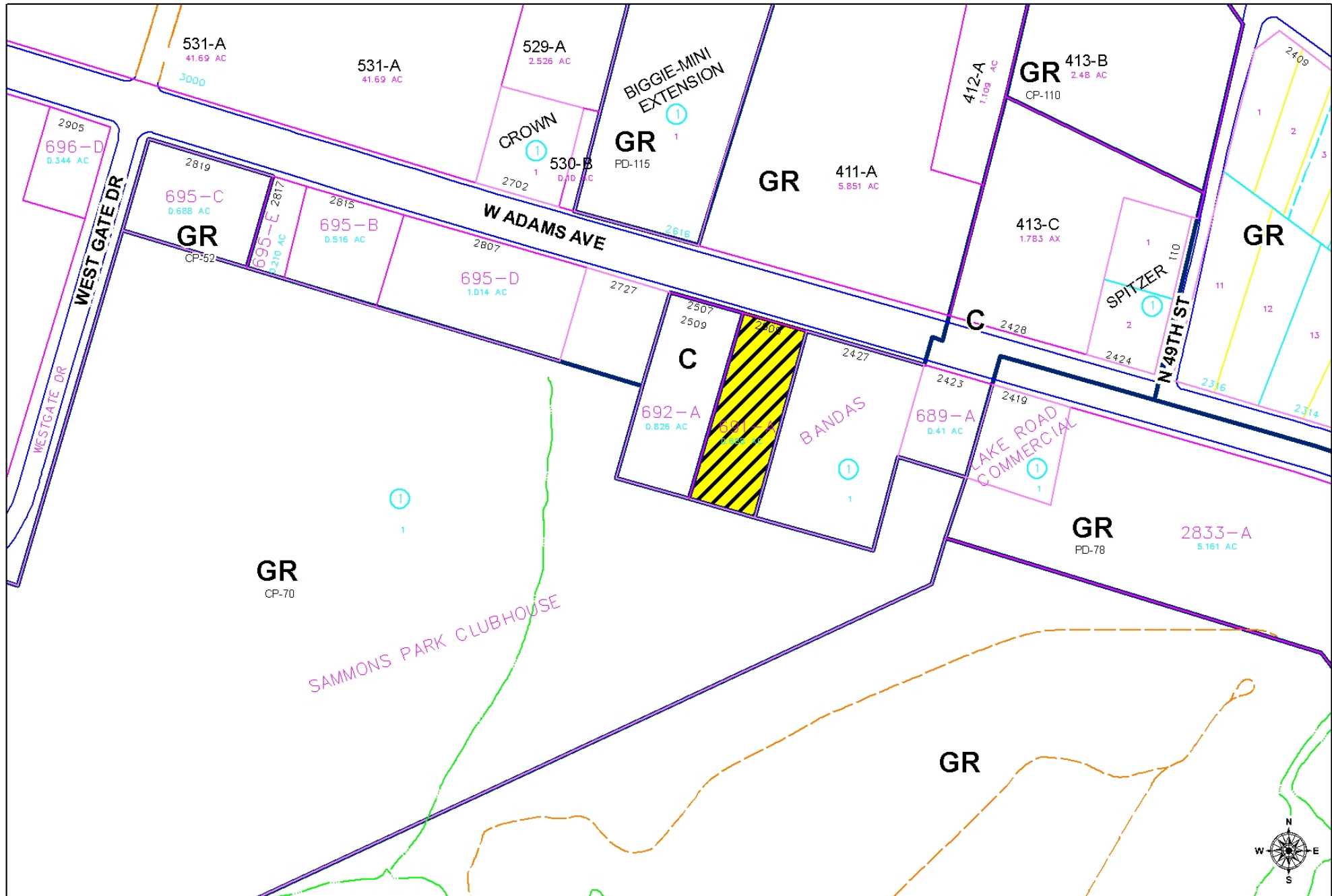





Z-FY-08-10

2505 W Adams Ave

OB# 691-A 0.688 Acres



 ZFY0810

GR to C

1 inch equals 200 feet

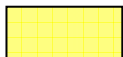
J Stone 01.11.08



Z-FY-08-10

2505 W. Adams Ave.

OB# 691-A 0.688 acres



Area of Proposed Zone Change

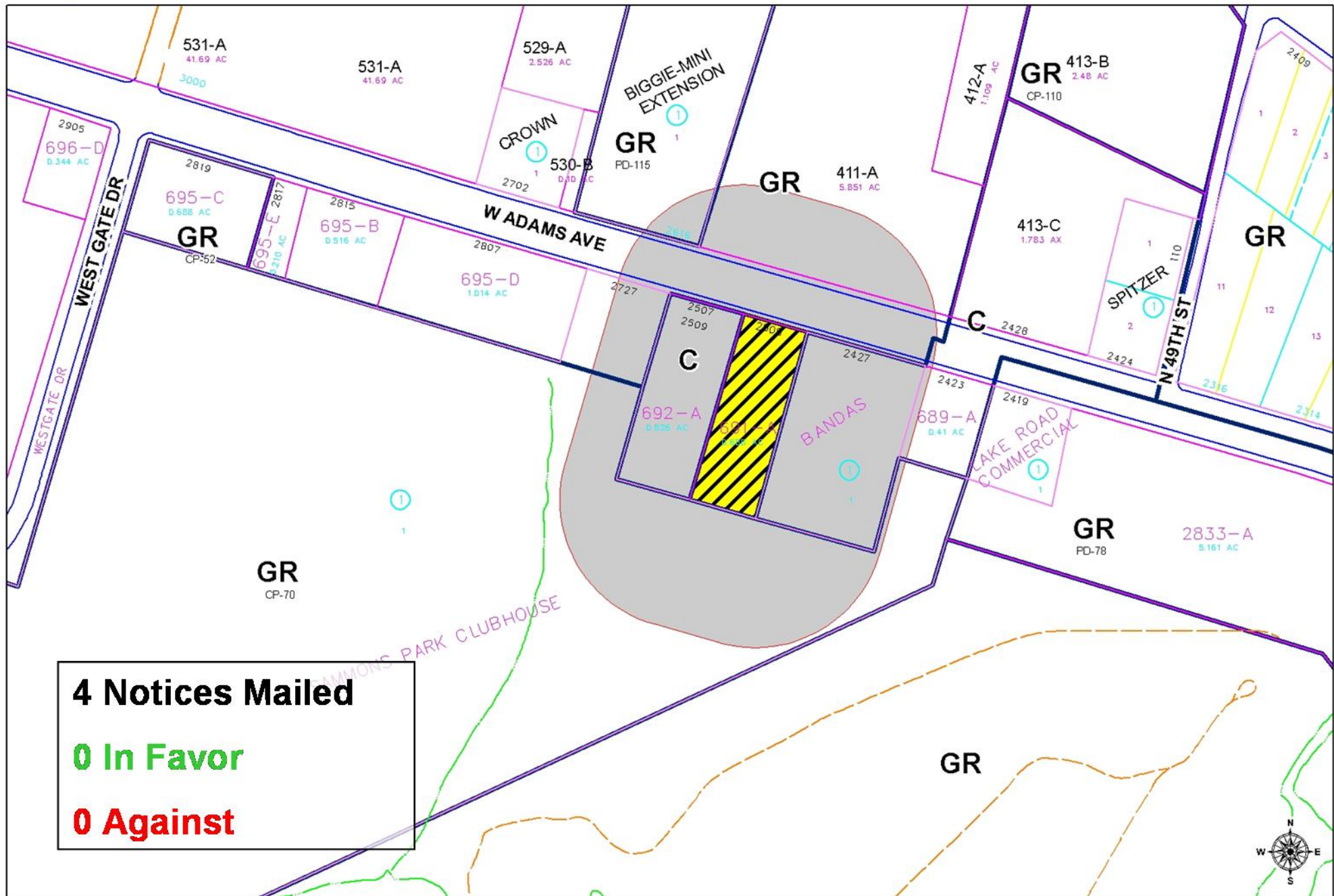




Z-FY-08-10

2505 W Adams Ave

OB# 691-A 0.688 Acres



4 Notices Mailed

0 In Favor

0 Against



ZFY0810



200' Buffer

GR to C

1 inch equals 200 feet

J Stone 01.11.08



# PLANNING AND ZONING COMMISSION AGENDA ITEM

02/04/08  
Item #3  
Page 1 of 2

**APPLICANT / DEVELOPMENT:** Rick Bandas

**CASE MANAGER:** Brian Mabry, AICP, Senior Planner

**ITEM DESCRIPTION:** Z-FY-08-10: Hold a public hearing to consider a zone change from General Retail District to Commercial District on approximately 0.68 acres of land commonly known as Outblock 691-A, City Addition, located at 2505 West Adams. (Applicant: Rick Bandas)

**BACKGROUND:** The applicant proposes to extend the existing Eagle mini-storage warehouse to the east along West Adams Avenue. The proposed extension will look similar to the existing facility and will voluntarily include limestone facing West Adams.

## 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	GR	Fraternal organization lodge
East	C	Mini-storage warehouse
South	GR	Public golf course and club house
West	C	Machine shop

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

## Future Land Use Plan & Future Trends

The West Temple Plan designates the subject property with the Regional Commercial future land use category. This future land use category allows for the requested C, Commercial zoning district. The request complies with the Future Land Use Plan.

## Thoroughfare Plan

West Adams Avenue is designated a Major Arterial on the Thoroughfare Plan. The Plan states that Major Arterials move traffic to and from freeways (I-35 and the Loop) and move traffic through parts of town not served by freeways. The zoning request complies with the Thoroughfare Plan.

## Adequacy of Public Facilities

A 12" water line runs along the other side of West Adams (into which properties adjacent to the subject property tap) and an eight-inch sewer line runs along the north side of the property. Adequate public facilities serve the site.

## Development Regulations

The C, Commercial zoning district allows most nonresidential land uses including auto dealerships with complete servicing facilities, building material sales, light manufacturing, and heavy machinery sales and storage. Also, residential uses are allowed, except apartments.

The C, Commercial zoning district is intended 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 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 C, Commercial zoning district has the following dimensional requirements for nonresidential uses.

<b>Commercial (C)</b>	
<b>Min. Lot Area (sq. ft.)</b>	--
<b>Min. Lot Width (ft.)</b>	--
<b>Min. Lot Depth (ft.)</b>	--
<b>Max. Height (stories)</b>	--
<b>Min. Yard (ft)</b>	
Front	30 from street centerline
Side	--
Rear	--

#### Public Notice

Four notices were sent out. As of Wednesday, January 30 at 4 PM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on January 25, 2007 in accordance with state law and local ordinance.

#### Commission Action

The Commission should open the public hearing after the staff presentation, and receive testimony from the audience, ask any questions from the staff, and then close the public hearing. The Commission may discuss the item among itself. A Commissioner may make a motion to recommend approval according to the staff's recommendations, modify a recommendation with specific recommendations or recommend denial. Another Commissioner should make a second to a motion. The Chairperson should repeat the motion made by a Commissioner and the second by a Commissioner and call for a vote.

**STAFF RECOMMENDATION:** Staff recommends approval of the zoning request from GR to C subject to the following recommendations:

1. The request complies with 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  
Application  
Notice Map

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

**MONDAY, FEBRUARY 4, 2008**

**ACTION ITEMS**

- 3. Z-FY-08-10** Hold a public hearing to consider a zone change from General Retail District to Commercial District on approximately 0.68 acres of land commonly known as Outblock 691-A, City Addition, located at 2505 West Adams. (Applicant: Rick Bandas)

Mr. Brian Mabry, Senior Planner, presented this item as outlined in the Planning and Zoning Agenda Background. He displayed an aerial map of the area, the Land Use Map, and the Zoning/Notice Map. Mr. Mabry said the proposal for the zone change is to extend existing mini storage that is to the east of the proposed property. He said the applicant has indicated that the exterior of the building will have limestone on the part that faces Adams Avenue. Mr. Mabry said the requested Commercial zone change is in compliance with the Future Land Use Map. Staff recommends approval of the zoning request because it complies with the Future Land Use Plan; the Thoroughfare Plan; and has adequate public facilities to serve the site. Mr. Mabry said four notices were mailed to surrounding property owners within 200 feet of the proposed zone change property. One was returned but did not vote in favor or against the zone change; however did have comments on it; therefore it has been noted that there were no notices returned in favor or against the zone change.

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

Mr. Rick Bandas, owner of the property in question, 36 Spur Drive, spoke in favor of the zone change. He addressed the drainage problem and feels there will not be a problem.

Chair Luck closed the public hearing.

Motion to recommend approval of Z-FY-08-10 by Commissioner Talley; seconded by Commissioner Martin.

Motion passed. (8/0)

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

(ZONING NO. Z-FY-08-10)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM GENERAL RETAIL DISTRICT TO COMMERCIAL DISTRICT ON APPROXIMATELY 0.68 ACRES OF LAND COMMONLY KNOWN AS OUTBLOCK 691-A, CITY ADDITION, LOCATED AT 2505 WEST ADAMS; 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 General Retail District to Commercial District on approximately 0.68 acres of land commonly known as Outblock 691-A, City Addition, located at 2505 West Adams, 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 **21<sup>st</sup>** day of **February**, 2008.

PASSED AND APPROVED on Second Reading on the **6<sup>th</sup>** day of **March**, 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

---

02/21/08  
Item #10  
Regular Agenda  
Page 1 of 2

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

Ken Cicora, Director of Parks and Leisure Services

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING – Consider adopting an ordinance repealing Ordinance 96-2451, which established the Convention Center & Tourism Advisory Board, allowing this board to be combined with the Parks and Recreation Board.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for March 6, 2008.

**ITEM SUMMARY:** The Convention Center & Tourism Advisory Board was originally created in 1976 as the Frank W. Mayborn Civic Center Advisory Board. The board was re-created in 1996 under Ordinance 96-2451 as the Convention Center & Tourism Advisory Board. At that time, the board was given the charge to assist with the planning, developing and financing of the Convention Center, and to advise the City Council on matters relating to the Frank W. Mayborn Civic & Conventiion Center, the Railroad & Pioneer Museum and tourism in general.

The Director of Parks and Leisure Services serves as the staff liaison for the Convention Center & Tourism Advisory Board and the Parks and Recreation Board, both of which have nine members and meet monthly. In order to have a more effective process for advisory board involvement and participation, Staff is recommending the Convention Center & Tourism Advisory Board and the Parks and Recreation Board be merged into a single board, with a combined mission to advise and make recommendations on all the activities falling under the direction of the Parks and Leisure Services Department, including the Convention Center, the Railroad & Heritage Museum, tourism, parks and recreation. The membership of the Convention Center & Tourism Board has been somewhat unstable over the past several years and a large number of terms have been forfeited due to non-attendance. Merging these two boards will eliminate some of the current issues with keeping all positions filled with qualified members that are willing to serve.

Both boards have been presented with this proposal and the membership of both is in agreement with merging these two boards. The ordinance establishing the Convention Center & Tourism Advisory Board must be repealed before a resolution can be adopted by the Council re-creating the Parks and Recreation Board with an expanded mission. The current membership of both boards is 14, 8 on Parks Board and 6 on the Convention Center & Tourism Advisory Board, and all would continue to serve on this newly created board, with the total number to be reduced to 9 by attrition when members are no longer eligible for reappointment or choose not to serve. The current chair of the Parks and Recreation Board, Scott Allen, would continue to serve as the chair, and Don Nelson, current chair of the Convention Center & Tourism Advisory Board, would serve as vice chair of the new board.

The resolution re-creating the Parks and Recreation Board will be presented to the Council for consideration with the second reading of this ordinance, on March 6, 2008.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

[Ordinance](#)

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, REPEALING ORDINANCE NO. 96-2451, WHICH ESTABLISHED THE CONVENTION CENTER AND TOURISM ADVISORY BOARD, ALLOWING THE BOARD TO BE COMBINED WITH THE PARKS AND RECREATION BOARD; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the Convention Center & Tourism Advisory Board was originally created in 1976 as the Frank W. Mayborn Civic Center Advisory Board; the board was re-created in 1996 under Ordinance 96-2451 as the Convention Center & Tourism Advisory Board, at which time the board was given the charge to assist with the planning, developing and financing of the Convention Center, and to advise the City Council on matters relating to the Frank W. Mayborn Civic & Convention Center, the Railroad & Pioneer Museum and tourism in general;

**Whereas**, the Staff recommends repealing Ordinance No. 96-2451 to allow the Convention Center & Tourism Advisory Board to be combined with the Parks and Recreation Board with a combined mission to advise and make recommendations on all the activities falling under the direction of the Parks and Leisure Services Department, including the Convention Center, Railroad & Heritage Museum, tourism, parks and recreation;

**Whereas**, the members on both boards are in agreement with merging the two boards; and

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

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

**Part 1:** The City Council repeals Ordinance No. 96-2451, which established the Convention Center and Tourism Advisory Board, allowing the board to be combined with the Parks and Recreation Board.

**Part 2:** This ordinance shall not operate to repeal or affect any other ordinances in effect within the City of Temple, except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

**Part 3:** 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 4:** This ordinance shall take effect immediately from and after its passage in accordance with the Charter of the City of Temple, Texas.

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

PASSED AND APPROVED on First Reading and Public Hearing on the **21<sup>st</sup>** day of **February**, 2008.

PASSED AND APPROVED on Second Reading on the **6<sup>th</sup>** day of **March**, 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

---

02/21/08  
Item #11  
Regular Agenda  
Page 1 of 2

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

Traci L. Barnard, Director of Finance

**ITEM DESCRIPTION:** SECOND 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 a public hearing and adopt ordinance as presented in item on second and final reading.

**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	\$ -

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 (RIII)	-	-	-	-	-	-	-	-	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



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

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

**Adjustments should be rounded to the nearest \$1.**

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
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		
<b>TOTAL.....</b>			<b>\$ 6,073,800</b>	<b>\$ 2,203,822</b>

**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

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

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 18<sup>th</sup> day of May, 2006; Ordinance No. 2006-4118; Ordinance No. 2007-4141 on the 19<sup>th</sup> day of April, 2007; Ordinance No. 2007-4155 on July 19, 2007; Ordinance No. 2007-4172 on the 20<sup>th</sup> 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 7<sup>th</sup> day of **February**, 2008.

PASSED AND APPROVED on Second and Final Reading on the 21<sup>st</sup> 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

---

02/21/08  
Item #12  
Consent Agenda  
Page 1 of 2

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

Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** FIRST & FINAL READING – PUBLIC HEARING – Consider adopting an ordinance approving a settlement agreement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding Atmos' statement of intent to change gas rates in all cities exercising original jurisdiction, to be considered on an emergency basis.

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

**ITEM SUMMARY:** On September 20, 2007, Atmos Energy filed with the City of Temple a *Statement of Intent to Increase Gas Utility Rates Within the Incorporated Areas Served by the Mid-Tex Division*, to be effective October 25, 2007. At its October 18, 2007 regular meeting, the City Council voted to suspend Atmos' rate request for ninety days, and authorized the City's participation in the Atmos Cities Steering Committee("ACSC"). ACSC is an association of about 150 Texas cities with service by Atmos.

Since October, ACSC members have worked diligently with Atmos representatives to explore options to address Atmos' latest request to increase rates by \$52 million and to resolve other outstanding issues. The ordinance and tariffs (Attachment B to the Ordinance) reflect the agreement reached between ACSC and Atmos Mid-Tex to reduce Atmos' requested increase by more than 80 percent and ensure that the Company is able to provide safe and reliable natural gas service. The Settlement Agreement (Attachment A to the Ordinance) also provides rate certainty for customers by resolving outstanding appeals, creates a new process for expedited rate review by the cities, eliminates piecemeal ratemaking, reimburses ACSC for rate case expenses associated with the GRIP surcharge cases, and avoids the necessity of costly litigation. The ACSC Executive Committee recommends that ACSC members approve the Settlement Agreement.

Approval of the Ordinance will result in a \$10 million increase in Atmos' revenues. This is an 80 percent reduction of the \$52 million increase requested by Atmos in its Statement of Intent. In addition, the tariffs approved by the Ordinance will replace the current piecemeal ratemaking GRIP surcharge system with an expedited rate review process that ensures that cities can review all components of future Company rate change requests. The Settlement Agreement also resolves all outstanding issues between ACSC and Atmos, including six appeals currently pending in Texas courts. To take part in the settlement, the City Council must act by the end of February, which necessitates approving the ordinance in a single reading on an emergency basis.

**Procedural History and Background on Atmos Rate Increases Since 2004:**

On September 20, 2007, Atmos filed with the City the Company's Statement of Intent to increase natural gas rates system-wide by approximately \$52 million. The City suspended the October 25<sup>th</sup> Effective Date to work with other ACSC members to analyze the schedules and evidence offered by Atmos to support its request to increase rates. In order to facilitate approval of this Ordinance and the attached tariffs, Atmos Mid-Tex has agreed to extend the deadline for final city action until March 1, 2008.

Atmos' rate request represents the seventh increase in natural gas rates for customers in the Atmos Mid-Tex service area since 2004. Four rate increases are the result of Gas Reliability Infrastructure Program (GRIP) surcharges enacted pursuant to the Texas Utilities Code § 104.301. A primary complaint of cities around the state regarding GRIP filings is that it is piecemeal ratemaking and only looks at changes in the utility's invested capital, rather than a more comprehensive review of all components affecting rates charged. Cities thus far have been unsuccessful in defeating GRIP at the Legislature and in court.

In addition to the four GRIP surcharges, base rates charged to customers served by Atmos Mid-Tex have increased as the result of two system-wide cost of service rate filings since 2004. The Company's current request to increase base rates would be the third system-wide cost of service increase for customers in Atmos Mid-Tex's service area since 2004.

In the most recent cost of service rate request, GUD No. 9670, the Railroad Commission of Texas ("RRC" or "Commission") issued an order in March, 2007, approving new system-wide rates for customers of Atmos Mid-Tex. Residential customers were impacted disproportionately by the Commission's final order, with residential rates increasing by \$10 million annually, despite an overall system-wide rate increase of \$5 million.

System-wide rates charged to residential customers in the Atmos Mid-Tex region were also increased by several million dollars in 2004 in GUD No. 9400. In GUD Nos. 9400 and 9670, the hearings examiners that heard the testimony and evaluated the evidence recommended that rates be reduced for customers. However, in both cases, the Railroad Commission reversed key decisions of its own hearings examiners, ultimately issuing final orders that approved rate increases instead of the recommended rate reductions.

**Reasons Justifying Settlement:**

During the time that the City has retained original jurisdiction in this case, consultants working on behalf of ACSC members have investigated the support for the Company's requested rate increase. While the evidence does not support the \$52 million increase requested by the Company, ACSC consultants agree that the Company can justify an increase in revenues of at least \$8 million and that there is a reasonably high probability that the RRC would award an increase of at least \$10 million.

A contested case proceeding before the RRC on the Company's current application will take several months and cost ratepayers millions of dollars in rate case expenses and would not likely produce a request more favorable than that to be produced by the settlement. The ACSC Executive Committee recommends that ACSC members take action to approve the Settlement Agreement. This Settlement Agreement achieves several desirable outcomes, including:

- Reverses rate design decisions that unfairly impact residential ratepayers
- Does away with piecemeal ratemaking problems inherent to the GRIP surcharge process
- Eliminates exposure to potential court reversal of the multi-million dollar Poly-1 Pipe disallowance (Atmos' issue on appeal in Docket No. 9400)
- Avoids uncertainty and potential negative consequences of Railroad Commission rate review (in the two most recent rate cases affecting Atmos Mid-Tex customers, the Commission has reversed rate reductions recommended by its own hearings examiners in favor of rate increases)
- Implements an expedited rate review process that includes the cities and allows review of all aspects of Atmos' cost of service
- Requires Atmos to reimburse ACSC for more than \$500,000 paid to litigate GRIP surcharge cases
- Protects ACSC members and their citizens from the remote possibility that a litigated outcome or settlement with other parties produces a result more favorable than the ordinance passed by ACSC members by including a Most Favored Nations provision in the Settlement Agreement.

**FISCAL IMPACT:** Approval of the Ordinance will result in a \$10 million increase in Atmos' revenues. The City is a customer of Atmos, and will pay slightly higher rates in the future.

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

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ("CITY") APPROVING A SETTLEMENT AGREEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION ("ATMOS MID-TEX" OR "THE COMPANY") REGARDING THE COMPANY'S STATEMENT OF INTENT TO CHANGE GAS RATES IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE SETTLEMENT AGREEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL; AND DECLARING AN EMERGENCY.**

---

Whereas, the City of Temple, Texas ("City") is a gas utility customer of Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "the Company"), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex;

Whereas, on or about September 20, 2007, Atmos Mid-Tex, pursuant to Gas Utility Regulatory Act § 104.102 filed with the City a Statement of Intent to increase system-wide gas rates by approximately \$52 million, such increase to be effective in all municipalities exercising original jurisdiction within its Mid-Tex Division service area effective on October 25, 2007;

Whereas, the City took action to suspend the October 25, 2007 Effective Date and to coordinate a response to Atmos' filing with more than 150 other similarly situated municipalities through the Atmos Cities Steering Committee ("ACSC") (such participating cities are referred to herein as "ACSC Cities");

Whereas, Atmos has agreed to extend the October 25, 2007, Effective Date such that the City's jurisdiction over this matter ends March 1, 2008;

Whereas, the Railroad Commission of Texas ("RRC" or the "Commission") in GUD No. 9670, issued an Order approving new system-wide rates for customers of Atmos Energy's Mid-Tex Division in March 2007, which increased residential base rates by approximately \$10 million annually;

Whereas, ACSC and Atmos have each appealed the RRC's decision in Atmos' most recent system-wide rate increase as well as the decision rendered in GUD No. 9400 to the Travis County District Court;

Whereas, Atmos and ACSC have been in continuing disagreement, dispute, and litigation over the application of Section 104.301 of the Texas Utilities Code and the resulting rate increases ("GRIP surcharges") established by the RRC;

Whereas, Atmos filed its application for its fourth GRIP surcharge in four years on May 31, 2007, seeking to increase the rates of all customers by approximately \$12 million annually;

Whereas, the ACSC Cities desire to avoid the litigation expense that would result from another lengthy contested rate case proceeding before the RRC as well as the prosecution of the appeals in various courts of the GRIP surcharges and the two previous system-wide rate decisions;

Whereas, ACSC desires to recoup certain costs it previously incurred in connection with GRIP-related proceedings (costs which Atmos contends are not reimbursable rate case expenses under the Texas Utilities Code), as well as costs incurred in connection with this proceeding;

Whereas, on October 18, 2007, more than 60 ACSC members met in Arlington with officers and executives of Atmos to discuss various issues, including rate making, resulting in a mutual pledge to work toward settlement;

Whereas, ACSC members designated a Settlement Committee made up of ACSC representatives to work with ACSC attorneys and consultants to formulate and review reasonable settlement positions to resolve outstanding matters with Atmos, including the pending rate increase request;

Whereas, the Settlement Committee and lawyers representing ACSC met several times with the Company to negotiate a Settlement Agreement resolving the issues raised in the Company's Statement of Intent filing as well as all outstanding appeals of the two prior rate cases and various GRIP filings;

Whereas, the Settlement Committee, as well as ACSC lawyers and consultants believe existing rates are unreasonable and should be changed;

Whereas, the ACSC Executive Committee recommends ACSC members approve the negotiated Settlement Agreement and attached tariffs;

Whereas, the attached tariffs provide for an expedited rate review process as a substitute to the current GRIP process instituted by the Legislature;



Whereas, the expedited rate review process as provided by the Rate Review Mechanism Tariff eliminates piecemeal ratemaking, the ACSC's major objection to the current GRIP process;

Whereas, the attached tariffs implementing new rates are consistent with the Settlement Agreement and are just, reasonable, and in the public interest;

Whereas, it is the intention of the parties that ACSC Cities receive the benefit of any Settlement Agreement that Atmos enters into with other entities arising out of its Statement of Intent or any associated appeals of a decision entered by the Railroad Commission regarding the Company's request to increase rates; and

Whereas, the Settlement Agreement as a whole is in the public interest.

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

**Part 1:** The findings set forth in this Ordinance are hereby in all things approved.

**Part 2:** The City Council finds that the Settlement Agreement, **which is attached hereto and incorporated herein as Attachment A**, is in the public interest and is hereby endorsed in all respects.

**Part 3:** The existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable and new tariffs, **which are attached hereto and incorporated herein as Attachment B**, are just and reasonable and are hereby adopted.

**Part 4:** To the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.

**Part 5:** The meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

**Part 6:** If any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

**Part 7:** If ACSC Cities determine any rates, revenues, terms and conditions, or benefits resulting from a Final Order or subsequent Settlement Agreement approved in any proceeding addressing the issues raised in Atmos' Statement of Intent would be more beneficial to the ACSC Cities than the terms of the attached Settlement Agreement, then the more favorable rates, revenues, terms and conditions, or benefits shall additionally accrue to the ACSC Cities. However, approval of the attached Rider RRM, Rider CEE, Rider GCR and the Rider WNA shall not be affected by the application of the provisions

contained in this section, it being the understanding and the intent of the parties hereto that such tariffs shall continue according to their terms.

**Part 8:** This Ordinance shall become effective from and after its passage with rates authorized by attached Tariffs to be effective for customer bills delivered on or after March 1, 2008.

**Part 9:** A copy of this Ordinance shall be sent to Atmos Mid-Tex, care of Joe T. Christian, Director of Rates, at Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1800, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Blevins Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

**Part 10:** The fact that the passage of this ordinance is necessary for the immediate preservation of the public health and general welfare of the people of the City of Temple, Texas, creates an emergency and a public necessity requiring the suspension of the Charter rule that requires that all ordinances be passed on two separate readings, and this ordinance is finally passed on the date of its introduction as an emergency ordinance.

Passed and approved on First and Final Reading on this **21<sup>st</sup>** 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

---

02/21/08  
Regular Agenda  
Item #13(A)-(M)  
Page 1 of 2

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

Clydette Entzminger, City Secretary

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

- (A) Airport Advisory Board – one member to fill an unexpired term through September 1, 2008
- (B) Animal Services Advisory Board – one member to fill an unexpired term through September 1, 2009
- (C) Building & Standards Commission – three regular members and one alternate member to fill expired terms through March 1, 2010
- (D) Building Board of Appeals – four members to fill expired terms through March 1, 2012
- (E) Development Standards Advisory Board – three members to fill expired terms through March 1, 2011 and one member to fill an unexpired term through March 1, 2009
- (F) Electrical Board – three members to fill expired terms through March 1, 2011
- (G) Parks and Recreation Board – two members to fill expiring terms through March 1, 2011
- (H) Reinvestment Zone Number One – one member to fill an unexpired term through September 1, 2008
- (I) Temple Economic Development Corporation – one member representing the Temple Chamber of Commerce to fill an unexpired term through September 1, 2008
- (J) Temple Public Safety Advisory Board – one member to fill an unexpired term through September 1, 2008 and one member to fill an unexpired term through September 1, 2009
- (K) Transit Advisory Committee – one member to fill an unexpired term through September 1, 2008
- (L) Tree Board – two members to fill expired terms through March 1, 2011
- (M) Zoning Board of Adjustment – three regular members and two alternate members to fill terms through March 1, 2010

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

**ITEM SUMMARY:** In accordance with the City Council adopted policies governing the appointment and training of citizens to City boards, appointments to the above stated boards are to be made at the second regular meeting in February, with an effective date of March 1, 2008.

Please see the attached board summary forms, which list current board members, purpose, membership requirements, term and meeting time/place for the boards. Also attached is a summary listing of all applications received for board appointments and staff recommendations.

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

Board Summary Forms –Hard Copy  
Board Application Summary – Hard Copy



## COUNCIL AGENDA ITEM MEMORANDUM

---

02/21/08  
Item #14  
Regular Agenda  
Page 1 of 1

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

David Blackburn, City Manager

**ITEM DESCRIPTION:** Consider adopting resolutions appointing alternate members to the Central Texas Council of Government Executive Committee and the Killeen-Temple Urban Transportation Study Policy Board.

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

**ITEM SUMMARY:** 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:**

None