



**JOINT MEETING OF THE
TEMPLE CITY COUNCIL
&
PLANNING AND ZONING COMMISSION**

**MUNICIPAL BUILDING
2 NORTH MAIN STREET
TEMPLE, TX**

THURSDAY, MAY 15, 2008

**3:00 P.M.
3RD FLOOR CONFERENCE ROOM**

WORKSHOP AGENDA

1. Receive an overview of the draft Comprehensive Plan and discuss implementation schedule.
2. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, May 15, 2008 as follows:

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

TEMPLE CITY COUNCIL
REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. [Presentation of Proclamations:](#)

- | | | |
|-----|---|-----------------|
| (A) | Motorcycle Awareness Month | May, 2008 |
| (B) | Police Memorial Day &
Recognition of Fallen Officer David Camden | May 15, 2008 |
| (C) | Public Works Week | May 18—24, 2008 |
| (D) | Temple Tourism Week | May 17—24, 2008 |

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. ELECTION ITEMS

4. [2008-5400-R & 2008-5401-R](#): Consider adopting resolutions canvassing the returns of the May 10, 2008 City of Temple general election and bond election, declaring the results thereof and ordering a runoff election if necessary.
5. Administer [Oaths](#) of Office to newly elected Councilmembers.
6. [2008-5402-R](#): Consider adopting a resolution electing a Mayor Pro Tem for the City of Temple.

V. REPORTS FROM ADVISORY BOARDS & STAFF

7. Receive a report from Kyle McQueen, Chair of the [Airport Advisory Board](#), regarding the board's activities and future issues for discussion.
8. Receive a report regarding the [City's Drought Contingency and Water Conservation Plan](#).

V. BUDGET ITEMS

9. PUBLIC HEARING – Presentation of the proposed [Community Development Block Grant](#) Annual Action Plan and Budget for 2008-2009, including the funding recommendations for public service agencies from the Community Services Advisory Board.

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.

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

Minutes:

- (A) [May 1, 2008 Special Called Meeting and Regular Meeting](#)

Contracts, Leases & Bids:

- (B) [2008-5403-R](#): Consider adopting a resolution authorizing the purchase of a 16 foot Toro 580D rotary mower from Professional Turf Products of Houston off of the BuyBoard in the amount of \$67,349.11.
- (C) [2008-5404-R](#): Consider adopting a resolution authorizing the purchase of a 10 piece Life Trail fitness station set from The Play Well Group off of the BuyBoard for the Miller Community Park trail in the amount of \$29,676.56 and declaring an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this project.
- (D) [2008-5405-R](#): Consider adopting a resolution authorizing the following:
 1. A construction contract with JHL Construction of Gatesville, Texas in the amount of \$212,000.00 for trail renovations in Miller Community Park;
 2. A deductive change order from this contract in the amount of \$47,250; and
 3. Declaring an official intent to reimburse this net expenditure in the amount of \$164,750 made prior to the issuance of tax-exempt obligations for this project.

- (E) [2008-5406-R](#): Consider adopting a resolution authorizing a construction contract with TTG Utilities, LP of Gatesville for relocation of City of Temple water utilities along US HWY 190 between SH 95 and FM 3117 in the amount of \$145,203.
- (F) [2008-5407-R](#): Consider adopting a resolution authorizing the purchase of an emergency standby generator and a automatic transfer switch for the Central Service Center Building A from Waukesha-Pearce Industries, Inc. of Austin in the amount of \$76,370.00 and authorizing the installation and necessary electrical work related to this installation by T. Morales Company Electric & Controls, Ltd., the City's contracted electrical service provider.
- (G) [2008-5408-R](#): Consider adopting a resolution authorizing a tax abatement agreement with Jencer Investments, Inc., for real and personal property improvements for property located between 3918 Range Road and 3831 Lucius McCelvey for a computer service center.

Ordinances - Second and Final Reading

- (H) [2008-4217](#): SECOND READING - 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.
- (I)
 - 1. [2008-4220](#): Z-FY-08-20-A – SECOND READING - Consider adopting an ordinance amending the West Temple Comprehensive Plan to reflect commercial uses on 6.1± acres out of land commonly known as Outblock 1104-C, located on the south side of West Adams Avenue, east of the residential subdivision of Crescent View Phase One.
 - 2. [2008-4221](#): Z-FY-08-20-B –SECOND READING - Consider adopting an ordinance authorizing a zoning change from Single Family Two District and Planned Development (General Retail District) to Planned Development (General Retail) District on 6.05 ± acres out of land commonly known as Outblock 1104-C, located on the south side of West Adams Avenue, east of the residential subdivision of Crescent View Phase One.
- (J)
 - 1. [2008-4218](#): SECOND READING – Consider adopting an ordinance designating South 1st Street corridor (from Adams Avenue to Loop 363) as Tax Abatement Reinvestment Zone Number Thirteen for Commercial/Industrial/Residential Tax Abatement and authorizing a number of other economic development incentives for property redevelopment.
 - 2. [2008-4219](#): SECOND READING - Consider adopting an ordinance establishing the City's Economic Development Policy, setting out a program for promoting economic development within the City by reestablishing criteria and guidelines for tax abatement, authorizing loans and grants of public money and providing personnel and services of the municipality, to promote local economic development and to stimulate business and commercial activity.

Misc:

- (K) [2008-5409-R](#): Consider adopting a resolution authorizing acceptance of the Reinvestment Zone Aviation Campus and Airport Planning Project report prepared by Leslie Sagar & Associates for the Draughon-Miller Central Texas Regional Airport.
- (L) [2008-5410-R](#): Consider adopting a resolution authorizing the transfer of certain property to the Temple Economic Development Corporation for economic development purposes.
- (M) [2008-5411-R](#): Consider adopting a resolution approving second quarter financial results for Fiscal Year 2008.
- (N) [2008-5412-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.

VII. REGULAR AGENDA

ORDINANCES

- 11. (A) [2008-4222](#): FIRST READING – PUBLIC HEARING: Consider adopting an ordinance repealing Ordinance No. 2000-2717 and adopting a new ordinance expanding and updating meeting procedures for the Planning and Zoning Commission.
- (B) [2008-4223](#): FIRST READING – PUBLIC HEARING – Z-FY-08-11: Consider adopting an ordinance amending Ordinance No. 91-2101, the Zoning Ordinance of the City of Temple, Section 16, “Planning and Zoning Commission,” updating procedures for the Planning and Zoning Commission.

RESOLUTIONS

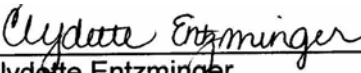
- 12. [2008-5413-R](#): Consider adopting a resolution directing publication of notice of the City’s intention to issue Combination Tax and Revenue Certificates of Obligation (C.O.) Series 2008 in the amount not to exceed \$13,975,000.
- 13. [2008-5414-R](#): Consider adopting a resolution authorizing First Southwest Company to prepare the two Official Statements to proceed with the issuance of the Combination Tax & Revenue Certificates of Obligation for street projects and building construction, the issuance of the General Obligation bonds for Parks projects, and the issuance of Revenue Bonds for the improvements to the Water and Wastewater System and associated costs.
- 14. [2008-5415-R](#): Consider adopting a resolution authorizing an agreement with Temple Lions Club Parks, Inc. and Temple Lions Club to benefit the proposed family aquatic center in south Temple.
- 15. [2008-5416-R](#): Consider adopting a resolution confirming the appointment of an Assistant City Attorney.

BOARD APPOINTMENTS

16. **2008-5399-R:** Consider adopting a resolution appointing four at-large members to the Temple Medical Education District Coordinating Group.
17. **2008-5417-R:** Consider adopting a resolution appointing one member to the Temple Economic Development Corporation Board of Directors to fill an unexpired term through September 1, 2009.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 1:40 PM, on May 9, 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

05/15/08
Item #3(A)-(D)
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamations:

- (A) Motorcycle Awareness Month May, 2008
- (B) Police Memorial Day & Recognition of Fallen Officer David Camden May 15, 2008
- (C) Public Works Week May 18—24, 2008
- (D) Temple Tourism Week May 17—24, 2008

STAFF RECOMMENDATION: Present proclamations as presented in item description.

ITEM SUMMARY:

- (A) This proclamation was requested by, and will be received by, Jamie Arceneaux on behalf of a local motorcycle club (the Wild Pelicans). The proclamation encourages public awareness of motorcycles in the community.
- (B) These proclamations were requested by Police Chief Gary Smith. Temple Police Officer David Camden was killed on September 14, 2008, and a proclamation honoring his memory will be read after the national Police Memorial Day proclamation. Officer Camden's family will be in Washington, D.C. attending the National Police Memorial Day, but Chief Smith will get Officer Camden's proclamation to his family upon their return.
- (C) This proclamation was requested by the City's Public Works Department. It will be received by Bruce Butscher, Director of Public Works, along with other department employees.
- (D) This proclamation was requested by the City of Temple Parks and Leisure Services Department. It will be received by representatives from the department.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

05/15/08
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DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Consider adopting resolutions canvassing the returns of the May 10, 2008 City of Temple general election and bond election, declaring the results thereof and ordering a runoff election if necessary.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The terms of the Mayor Bill Jones, District 2 Councilmember Patsy Luna, and District 3 Councilmember Marty Janczak expire in May 2008. Both Mayor Jones and Councilmember Janczak filed for re-election and are running unopposed. Three candidates filed for the District 2 Councilmember position – incumbent Patsy Luna, Mia McBride and Robert Martin.

In addition to the candidates, a proposition is being presented to the voters regarding the issuance of \$13,995,000 City of Temple Tax Bonds for public safety facilities and projects. The projects to be completed if these bonds are approved include the construction of a new Central Fire Station, new Fire Station #8/Training Center/EOC/engine with air packs, and 2 replacement engines.

The election will be held on May 10, 2008. The official tabulation will be provided to the Council on Monday, May 12th.

The proposed resolution will adopt the official returns of the May 10, 2008 election and declare Bill Jones, III as elected to the position of Mayor and Marty Janczak as elected to the position of Councilmember District 3 in the City of Temple, each for three year terms. The results of the District 2 Councilmember election will be provided with the official tabulation following the election, as well as the results of the bond election. In the event one of the District 2 candidates does not receive a majority of the votes cast, the proposed resolution orders a runoff election between the two candidates receiving the most votes for Saturday, June 21st.

FISCAL IMPACT: None

ATTACHMENTS: None – official tabulation and resolution to be provided May 12th



COUNCIL AGENDA ITEM MEMORANDUM

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Item #5
Regular Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Administer Oaths of Office to newly elected Councilmembers.

STAFF RECOMMENDATION: Administer Oaths of Office as indicated in item description.

ITEM SUMMARY: Municipal Court Judge Kathleen Person will be present to administer the Oaths of Office to Mayor Jones, Councilmember Janczak and District 2 Councilmember elected to office.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Consider adopting a resolution electing a Mayor Pro Tem for the City of Temple.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Section 4.6 of the City Charter states....“the City Council shall elected one of its members as a vice-chairman, who shall be known as Mayor Pro Tem, and who shall have and exercise all powers of Mayor in the absence of, or during the disability, from any cause, of the Mayor. The Mayor and Mayor Pro Tem shall hold their office (unless sooner removed as provided herein) until the first meeting of the City Council held after the next regular Municipal Election and their successors have been elected and qualified.”

In order to comply with the Charter requirement, it is recommended the City Council elected a Mayor Pro Tem at this meeting.

FISCAL IMPACT: None

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TEMPLE, TEXAS, ELECTING A MAYOR PRO TEM FOR THE CITY
OF TEMPLE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Section 4.6 of the City Charter provides that the City Council shall elect one of its members as a vice-chairman, who shall be known as Mayor Pro Tem, and who shall have and exercise all powers of Mayor in the absence of, or during the disability, from any cause, of the Mayor;

Whereas, in order to comply with the Charter requirement, the City Council desires to elect a Mayor Pro Tem; 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 elects _____ to be Mayor Pro Tem for the City of Temple, to hold the office (unless sooner removed as provided in the Charter) until the first meeting of the City Council held after the next regular Municipal Election and successor has been elected and qualified.

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 ____ day of May, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager

ITEM DESCRIPTION: Receive a report from Kyle McQueen, Chair of the Airport Advisory Board, regarding the board's activities and future issues for discussion.

STAFF RECOMMENDATION: Receive report as presented in item description.

ITEM SUMMARY: Mr. Kyle McQueen, Chair of the Airport Advisory Board, has requested an opportunity to provide the City Council with a report on activities the board has undertaken this past year, as well as items for future discussion and consideration.

Please see the attached minutes from the April 14, 2008 Airport Advisory Board meeting for discussion and recommendation from the board relating to a change in the membership composition of the board. Mr. McQueen will discuss this as part of his report.

FISCAL IMPACT: None

ATTACHMENTS:

[Minutes - April 14, 2008 Airport Advisory Board Meeting](#)

MINUTES OF THE AIRPORT ADVISORY BOARD

April 14, 2008

The City of Temple Airport Advisory Board met April 14, 2008 at 4:00 p.m. in the Airport Operations Building Conference Room.

MEMBERS PRESENT: Kyle McQueen, Chair; Perry Cloud, Vice Chair; Don Gidden, David Brown, Hugh Shine

MEMBERS ABSENT: David Patterson, Timm White, Susan Strasburger

EX-OFFICIO MEMBERS: Sharon Rostovich

SPECIAL GUESTS: Lee Holmes

CALL TO ORDER: Kyle McQueen called the meeting to order at 4:00 p.m.

Sharon Rostovich administered the Oath of Office to David Brown.

APPROVE MINUTES: Kyle asked if there were any corrections or additions to the February minutes. None were addressed. The minutes were approved.

REVIEW BOARD MAKE-UP: Kyle stated that Clydette Entzminger, City Secretary had provided information on how the original Airport Board documents were established. Kyle said the Board was established through a City Ordinance and requires two readings. A suggestion was to recommend to City Council a repeal of the Ordinance that created the Airport Advisory Board and re-establish the Board by Resolution. Once established by Resolution, any future changes would only require one reading before the Council, not two as required by Ordinance. The Board's intent is to represent the community and create an active Board that can have input and feedback to the City and support for Sharon and her operations folks with the value of the Reinvestment Zone and the Temple Economic Development Corporation as well as other interested members. The current Board consists of 5 residents of the City of Temple; 1 resident of the City of Belton; 3 residents at-large; and the Mayor, City Manager and Airport Manager serving as ex-officio members of the Board. When the Board is re-established, we would have 2 standing positions - one would be a representative from the Reinvestment Zone and the other would be from the Temple Economic Development Corporation. Those two seats could be filled either by City residents or residents at-large. The outcome would be 6 residents of the City of Temple and 3 residents at-large with a designated representative from TEDC and the Reinvestment Zone. Hugh Shine made the motion to recommend to the City Council repeal of the current ordinance that

created the Airport Advisory Board and re-establish the Airport Board by resolution with a new Board consisting of 6 residents of the City of Temple, 3 residents at-large with 2 standing seats - 1 representative of the Reinvestment Zone and one representative of the Temple Economic Development Corporation. Perry Cloud seconded the motion. The motion carried unanimously. If the City Council approves the change, we would recommend Perry Cloud serve as the representative from the Reinvestment Zone and we would ask TEDC for a representative.

ANNUAL BOARD REVIEW: Kyle stated that he was reminded that City Boards come before the City Council and make a brief presentation of activities. My proposal is to take the current activities of the Board and present it to the Council and do it at the scheduled council meeting as the review of the Board make-up so we can make sure they are comfortable with the fact that we are making a change of the Board make-up and then letting them know what our goals are such as creating a more active Board and are asking for their support.

AIRPORT DEVELOPMENT UPDATE: Sharon reported that Drayton McLane bought a challenger and will build a large corporate hangar just southeast of the McLane Company hangars. The hangar is 180' X 100". Before any building construction can begin, the FAA will complete a review to insure the safe and efficient utilization of airspace and conformance with FAA design criteria and federal grant assurances. The review is also intended to insure the safety of persons and property on the ground.

The review goes through 5 agencies within the FAA:

- Air Traffic Organization (air/ground obstructions)
- Air Traffic (technical/navaids)
- Flight Standards (regulations/enforcement)
- Flight Procedures (airspace/IFR)
- Airports Division (critical data)

The process usually takes 2 - 3 months. The last site selected by McLane was sent to FAA on March 26th.

We had some real challenges finding a site for this size hangar within the Airport operations area. We must look to the future and open up the new general aviation development area shown in Leslie Sagar's report. This development area is on the southwest side of the entrance to the Airport.

Hugh Shine stated that with the construction of the new McLane hangar, it would get us outside of the master plan. Kyle stated that we are currently operating outside the master plan approved by the City. Hugh said we have been talking for years about how we need to have a good plan and stick with it. Not that the proposed general aviation development area is not a good idea,

but that we don't do some things and then go back and spend a couple hundred thousand dollars on a new master plan or development plan. Hugh stated he understands we have a request and a need that we want to address and satisfy, but that does raise some concern. We have been on the drawing board with this overall plan for quite some time and I hate to see us violate what we are saying we are not going to violate.

Kyle stated he thinks it is the best example of why we have got to move forward with infrastructure dollars so that if we have the infrastructure in place, everything will be there and the buildings will go where they are supposed to go.

AIRPORT OPERATIONS REPORT - Sharon Rostovich

GRANT PROJECTS

Our Runway Extension project is ready to bid once the last parcel of land is purchased. TxDOT is doing one last appraisal on this property and if the landowner does not accept it, then they will be forced to start condemnation proceedings. The estimated project cost is \$4 million with cost to the City at \$400,000.

The Ramp Grant is an annual grant I am fortunate to get. It is a \$100,000 grant at a 50-50 share and TxDOT will fund up to a \$50,000 match for our project. We use this grant for maintenance type projects. This year we plan to use the funds to do some runway crack sealing and re-marking on runway 02/20. This money will not go far, but it will definitely buy us some time before I get a grant to overlay and mark Runway 02/20, estimated at \$2.5 million.

AIRSHOW

The Airshow is fast approaching...May 2, 3 & 4. This year Beth is hoping to bring in a larger crowd on Friday night with the Aaron Tippin concert. There will also be a night flying act and a fireworks finale. The gates open at 4 p.m. on Friday night and 10:00 a.m. on Saturday and Sunday for static displays. This year's theme is honoring our Vietnam Veterans.

AIRCRAFT WASH RACK

The Notice To Proceed was issued today, 04/14/08. The project is scheduled for completion August 11th. The cost of the project is \$41,097. The wash rack will be located next to the old terminal building near the old electrical vault, just off the new concrete ramp.

STAFFING

We are working with the Human Resources Department in getting our positions reclassified based on their responsibility level. I am hoping once this reclassification is approved, we will be able to hire for the 2 vacant positions. The starting pay would increase considerably if approved.

Kyle asked when the new AMCOM access road will be completed. Sharon said the Street Department has done all they can do until the City has the annual contract approved for asphalt work. Kyle said at times it is unsafe turning into the Airport because the AMCOM employees use 2 or 3 lanes to turn onto Airport Road. Kyle suggested Sharon talk to AMCOM about the safety issues.

Lee Holmes introduced himself to everyone and stated he has been here as a pilot and hangar customer for about 3 years and was recently accepted through AOPA as the local volunteer for their airport support network. Lee said his role is to look out for the interests of general aviation pilots at this airport and would like to see a more active GA pilot presence out here. Lee said he is not here to be a Board member, but to listen to the meetings and be a voice for the G A pilots and serve as a liaison back and forth between the Airport and its other interests to make sure we are working as a group so that no group suppresses another.

Kyle welcomed Lee to the Board meeting and said most of the Board Members are GA pilots and members of the AOPA. The Board welcomed Lee's feedback anytime. Kyle told Lee if he wanted to place something on the agenda to let Sharon know.

Kyle announced the next Board meeting will be held on June 9th at 4:00 p.m.

ADJOURNMENT

The meeting ended at 4:45 p.m.

RESPECTFULLY SUBMITTED

Perry Cloud, Secretary



COUNCIL AGENDA ITEM MEMORANDUM

05/15/08
Item #8
Regular Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Bruce Butscher, Director of Public Works

ITEM DESCRIPTION: Receive a report regarding the City's Drought Contingency and Water Conservation Plan.

STAFF RECOMMENDATION: Receive report as presented in item description.

ITEM SUMMARY: Bruce Butscher, Director of Public Works, will provide this report to the City Council. He will discuss the triggering criteria for initiation and termination of drought response stages, as well as the public education campaign to be implemented regarding this plan.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

05/15/08
Item #9
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DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: PUBLIC HEARING – Presentation of the proposed Community Development Block Grant Annual Action Plan and Budget for 2008-2009, including the funding recommendations for public service agencies from the Community Services Advisory Board.

STAFF RECOMMENDATION: Receive presentations as indicated in item description and conduct public hearings. No action is required.

ITEM SUMMARY: 2008/09 Annual Action Plan and Budget

For more than 30 years, the Community Development Block Grant (CDBG) program has been assisting metropolitan cities and urban counties across this country to fund their community and economic development activities. Approximately 1,000 entitlement communities participate in the program nationwide, including the City of Temple. The City is one of 76 entitlement communities located in the State of Texas. For Fiscal Year 2008-2009, HUD allocated CDBG funds to entitlement communities in Texas, as follows:

FY 2008- 2009 CDBG in Texas

CDBG	Amount
State Total	\$179,213,823
Minimum	214,520
Maximum	29,798,698
Average	2,358,077
Temple	\$503,239

Other Recent CDBG Grant Amounts

2004-2005	\$618,000
2005-2006	\$585,728
2006-2007	\$524,380
2007-2008	\$524,136

The Community Development Block Grant Program provides annual grants on a formula basis to develop viable urban communities by providing decent housing, and a suitable living environment, and by expanding economic opportunities, principally for low-and moderate-income persons. The City of Temple anticipates receiving \$503,239 as this year's funding, which will be the fourth year of the 5-Year Consolidated Plan (2005-2010). In addition, the City will have \$41,631 in program income to allocate and \$18,661 in prior funding reallocation. Entitlement communities develop their own programs and funding priorities. Maximum feasible priority must be given to activities that benefit low-and moderate-income persons.

The proposed allocation of funds is as follows:

Public Services	\$70,453
Infrastructure Improvements	\$190,430
Park Improvements	\$100,000
Demolition	\$100,000
General Administration	\$102,648
Total	\$563,531

Public Services - \$70,453

The Community Services Advisory Board (CSAB) spent many hours over several meetings sifting through the 8 requests (See Attachment) totaling \$194,530 while debating the merits of each agency and the needs of the community. It is recommended the City Council allocate \$70,453 to 6 agencies as follow:

1. Bell County Human Service (Temple HELP Center) \$10,000
2. Family Promise of East Bell County Inc. \$15,000
3. Hill County Community Action Association (Meals on Wheels) \$15,000
4. Families in Crisis, Inc. \$10,000
5. Aware Central Texas (formerly Family Outreach) \$10,000
6. Central Texas 4C, Inc. \$10,453

Infrastructure Improvements - \$190,430

Sidewalks and lighting will be installed along Martin Luther King Jr. Drive within the boundaries of Adams Avenue and Avenue E. Funding from 2006 and 2007 CDBG funds was not sufficient to complete the construction in this area. These additional funds will continue with the construction phase. It is recommended that \$190,430 be allocated from 2008 CDBG funds.

Park Improvements - \$100,000

Replace the floor in the Wilson Recreation Center gym. It is recommended that \$100,000 be allocated from 2008 CDBG funds.

Demolition - \$100,000

Demolition of vacant and dilapidated structures will be conducted to address blighted conditions on a spot basis in locations to be determined based on code violations. This is also a continuation of a project focus from the previous year. It is recommended that \$100,000 be allocated from 2008 CDBG funds.

Administration - \$102,648

It is recommended that \$102,648 be allocated for the City's administration of the CDBG Program, including contracted services.

This presentation and public hearing for the 2008-2009 Annual Action Plan and budget will be followed by a 30-day public comment period. A final public hearing and action on the 2008-2009 Annual Action Plan will occur at the June 19, 2008 Council Meeting.

FISCAL IMPACT: \$503,239 in FY 2008-2009 CDBG funds along with \$41,631 program income and \$18,661 prior funding reallocation to be allocated as recommended.

ATTACHMENTS:

[2008-2009 CSAB Public Service Agency Funding Recommendations](#)

[2008-2009 CSAB meeting minutes](#)

2008-2009 Annual Action Plan and Budget – to be provided

**2008-2009 CSAB PUBLIC SERVICE AGENCIES
FUNDING RECOMMENDATIONS**

PSA Applicant	Reason for Request	Funding Awarded
Bell County Human Services / Temple HELP Center	Transition from Welfare to Work Issues: Child care	\$10,000.00
Hill Country Community Action Associations, Inc. / Temple Nutrition Program	Elderly: Self-sufficiency programs (Salaries & wages/fringe benefits)	\$15,000.00
Family Promise of East Bell County, Inc.	Transition from Welfare to Work Issues: Transportation, Skills Training (Salaries & Wages, fringe benefits)	\$15,000.00
Aware Central Texas	Youth: Self-sufficiency, Mentoring (Salaries & wages/fringe benefits)	\$10,000.00
Central Texas 4C	Transition from Welfare to Work Issues: Child care (Salaries & Wages, fringe benefits)	\$10,453.00
Families in Crisis	Transition from Welfare to Work Issues: Skills Training (Salaries & Wages, fringe benefits)	\$10,000.00
	Total	\$70,453.00

COMMUNITY SERVICES ADVISORY BOARD
PSA INTERVIEWS
April 09, 2008
1:00 P. M.

COMMUNITY SERVICES ADVISORY BOARD MEMBERS PRESENT

Chair Steve Rublee	Bishop John Tolbert
Dr. Robert Beamon	Vice-Chair Rev. Roscoe Harrison
Sharon Holleman	Jody Donaldson
Lamar Collins	Corey Richardson

BOARD MEMBERS ABSENT

None

STAFF PRESENT

Lois Whitley, Traylor & Associates, Inc.

GUEST'S PRESENT

Judy Morales, Bell County Human Services Temple HELP Center
Esther Roque, Bell County Human Services Temple HELP Center
Becky Howard, Bell County Human Services Temple HELP Center
Carrie Kline, Temple Housing Authority
Sharon Sapp, Temple Housing Authority
Susan Rivera, Family Promise
Cheryl Mayfield, Family Promise
Pat Dietrich, Family Promise
Lewann Jackson, Hill Country Community Action
Janell Sherwood, Central Texas 4C
Beverly Miller, Christian Farms Treehouse
Judy Frederick, Christian Farms Treehouse
William K. Hall, Families in Crisis
Sue Ellen Jackson, Aware Central Texas (Family Outreach)

The agenda for this meeting was posted on the bulletin board at the Municipal Building, April 04, 2008, at 3:50 p.m. in compliance with the Open Meetings Law.

The following is a summary of the proceedings of this meeting. It is not intended to be a verbatim translation.

1. **Chair Rublee called the Community Services Advisory Board to order at 1:06 P. M.**

2. Elect Chair and Vice-Chair.

Chair Rublee opened the floor for discussion and nominations for new Chair and Vice-Chair.

Bishop Tolbert nominated Dr. Beamon for Chair and the nomination was seconded by Mr. Collins

Dr. Beamon nominated Mr. Rublee for Chair but Mr. Rublee respectfully declined the nomination.

Dr. Beamon also respectfully declined the nomination and nominated Mr. Collins for Chair and Rev. Tolbert seconded the nomination.

Acting Chair Rublee called for any other nominations. There being none, he closed the nominations and called for a vote.

Mr. Collins was elected as Chair by a unanimous vote.

Acting Chair Rublee then nominated Dr. Beamon for Vice-Chair. Dr. Beamon stated that he would serve as Vice-Chair and Bishop Tolbert called for approval by common consent and acting Chair Rublee declared that Dr. Beamon was elected as Vice-Chair by common consent.

Acting Chair Rublee then turned the proceedings over to the new chair, Mr. Collins.

3. Receive Comments from the Public

Chair Collins noted that no guests from the public were in attendance.

4. Receive Public Service Agencies (PSA) Applications for Community Development Block Grant (CDBG) 2007 Program Year

Chair Collins confirmed that each board member had received a PSA applicant packet binder and opened the floor for discussion until 1:30 when the interviews were scheduled to begin.

Chair Collins called for any discussion of the first applicant, Christian Farms Treehouse, that is requesting \$25,000 for childcare.

Mr. Donaldson confirmed that the funds had been requested to

- (1) update playgrounds to meet minimum standards
- (2) update the classrooms with equipment to enhance the program and
- (3) purchase published curriculum

Mr. Rublee stated that the Board would need to question Christian Farms concerning the use of religion in their program since Christian Farms had refused funding previously because of religion based programs.

Ms. Whitley confirmed that in 2005-06, Christian Farms had been awarded \$1,600 but did not expend any of those funds and withdrew from CDBG funding because their drug rehab program was religiously based and the actual day-to-day program did contain religious content. Their reasoning here is that the childcare program does not have religious components and would qualify under CDBG.

Mr. Beamon thought that the program was undergoing a change in status under an interim director.

Mr. Rublee stated that they should probably ask one question the same as last year; "If the Board could not fund them completely, could they accept partial funding?" and still be able to provide the service.

Chair Collins agreed that they should be questioned on how they could obtain the needed funds if only partially funded.

Bishop Tolbert asked what other funding Christian Farms was receiving.

Mr. Richardson confirmed that other grant requests are listed on page 6 of the submitted application. He also wanted to ask if they need to replace all of their equipment or if they can re-allocate it to meet the standards. That the state mandated that playground meet certain standards.

Mr. Rublee referred members to page 2-A of the Financial Statement for actual funding numbers. He noted that the organization lost about \$100,000 last year but were budgeting an additional \$500,000 of revenue this year. They do have some nice grant that they've applied for this year. He also questioned why the number of unites of service delivered went down from the prior year.

Mr. Richardson noted that \$400,000 was received as "private pay".

Ms. Whitley confirmed that the 1st applicant had arrived.

5. Interview Public Service Agencies (PSA) Applicants for Community Development Block Grant (CDBG) 2005-6 Program Year.

Chair Collins welcomed each applicant and set 20 minutes for each presentation with questions from the board following each presentation.

CHRISTIAN FARMS TREEHOUSE

Ms. Beverly Miller, Interim Executive Director, of Christian Farms Treehouse and Ms. Judy Frederick, Noah's Boat Director, were the first applicants to be interviewed.

Chair Collins went directly to questions for Ms. Miller.

Chair Collins asked for clarification of the agency's status as far as religious based and how does that fit into what you're asking for.

Ms. Miller confirmed that Christian Farms Treehouse itself is currently a faith-based organization. They are working on going back and getting state licenses again. However, Noah's Boat Daycare, is a facility on campus that is for the entire community. Originally, it was designed to provide childcare for Christian Farms Treehouse clients and does still meet that need. She confirmed that she had been Interim Executive Director of Christian Farms Treehouse for only 1 month and 1 week.

Mr. Rublee asked what she considered the biggest challenges and if she is considered a candidate for Executive Director on a permanent basis.

Ms. Miller confirmed that she was a candidate and the challenges include turning the organization around a little bit and taking it to where it is state licensed again, since that was dropped in 2003. Getting everything prepared for that alone is a big challenge.

Chair Collins asked how long it normally takes to get to where the organization is now to being state licensed.

Ms. Miller said approximately 6 months, from the material she has read.

Chair Collins asked if they could expect more funding from the state once the license is approved.

Ms. Miller stated that it will make the agency more credible and does put the agency in line for a lot more grants.

Ms. Miller stated that Noah's Boat is a state licensed childcare facility and referred to Ms. Frederick.

Ms. Frederick confirmed that Noah's Boat is state licensed as any other childcare facility and are reaching out to the community.

Bishop Tolbert asked if all clients have to be at risk for drug or alcohol dependency to qualify for childcare.

Ms. Miller said no. The childcare is open to anyone in the community needing the service.

Bishop Tolbert asked if there were serving more or less people this year.

Ms. Frederick confirmed that enrollment was low. She has a lot of CCS funded parents and when the Mom's get to a certain point, some of them drop out of the program.

Bishop Tolbert asked why they are asking for more money if they are serving less people.

Ms. Frederick confirmed that the funding is needed to improve the facilities. She stated that she is currently writing the curriculum for the children but a published curriculum would be more uniform and better build the child's base of knowledge.

Mr. Richardson asked about the curriculum required by the state license board.

Ms. Frederick confirmed that the Texas minimum standards requires a minimum outdoor activities and schedules which anyone can write, but the children need a good foundation for kindergarten.

Ms. Miller also noted that they were requested funding for playground and classroom equipment.

Ms. Frederick described the problems with some of the current classroom equipment.

Ms. Miller said that a lot of things just weren't maintained or repaired and now need to be replaced.

Mrs. Richardson asked how Ms. Miller would rate the 3 funding requests and what she felt was the most crucial and how what is the state deadline for the playground equipment.

Ms. Miller stated that Sept. 2008 was the deadline but she has found that they will probably be able to meet a portion of that without this funding, but not on the equipment itself.

Rev. Harrison asked if Christian Farms was a United Way Agency.

Ms. Miller confirmed that they were.

Rev. Harrison asked how much they get from United.

Ms. Miller stated that they received approximately \$45,000 last year.

Rev. Harrison asked what their yearly budget is.

Ms. Miller stated that the proposed budget is approximately \$900,000.

Rev. Harrison asked if they received money from the state probation

Ms. Miller confirmed that they did. A normal monthly coast for a client is a minimum of \$4,500 per month. Probation pays only \$1,500 per month.

Rev. Harrison asked if the state looks more at facilities than curriculum.

Ms. Miller confirmed that they did.

Rev. Harrison asked Ms. Miller what the order of priority of the funding requests.

Ms. Miller stated that the playground and classroom request would be first in priority.

Ms. Frederick confirmed that the classroom item, the baby buggy would be number 1, the playground number 2 and the curriculum, number 3.

Bishop Tolbert asked if the playground was just not safe.

Ms. Frederick confirmed that most pieces are just worn out. The covering requested would also help reduce deterioration.

Members discussed the expanded budge request on page 12 of the agency's application.

Ms. Fredrick noted that the \$13,847.49 listed for playground equipment included \$7,000 for a playground covering, which was the least expensive covering she could locate.

Rev. Harrison acknowledged the needs of the organization and regrets that more funding is not available.

Mr. Donaldson asked about the financial statements show that last year the agency lost \$98,000 in the changes of assets and \$148,000 the year before. Where does that money come from to make up for those losses? How do you pay your bills?

Ms. Miller stated that when she came on board as the bookkeeper in July of 2007, she started reviewing financials and found that land was sold to recover these losses. But the main problem is that the agency was giving away free beds without a scholarship fund in place. Now they are applying for grants for scholarship only so that when you have someone needs the bed that does not have the money for treatment, there is going to be a separate fund in a separate account to pay for that.

Mr. Donaldson asked if the agency had borrowed money to cover the losses.

Ms. Miller confirmed that she thinks they did borrow in Sept or August against the Treehouse property that is now being repaid.

Mr. Rublee noted that cash is a problem.

Ms. Miller confirmed that it's better now than it has been.

Mr. Rublee confirmed that they have some lofty goals of an increase in budgeted revenue, more grants applied for, switch from scholarship to private pay clients.

Ms. Miller confirmed that there were some discrepancies on the charge for beds in the past but now there is a set amount that it takes the agency to take of the client, broken down to a daily basis of \$150 per day and that is what is on the contracts now and that does not vary. She also hopes to partial scholarships to combine scholarship money with partial private pay.

Ms. Holleman asked what the student population was and how often it changes or rotates.

Ms. Frederick stated that they enroll and 6 weeks and do have some school age children.

Ms. Holleman asked for the age and population.

Ms. Frederick stated that as of today the population is at 21 students. 3 school age.

Ms. Holleman asked if they attend BISD.

Ms. Frederick confirmed that they did.

Ms. Holleman asked how the grade levels of the remaining 18 on campus is broken up and how is their curriculum.

Ms. Frederick stated that they have infants, 1 and 2 year olds, and that the 3's & 4's are combined with teaching through centers.

There being no further questions, Chair Collins thanked Ms. Miller and Ms. Frederick for their time and closed the interview.

HILL COUNTRY COMMUNITY ACTION ASSOCIATION (HCCAA) – (Meals on Wheels)

Ms. Lewann Turner, Director of Aging Services of HCCAA, was the next applicant to be interviewed.

HCCAA operates the Senior Nutrition Program here in Temple and have done so for many years. They provide noon meals to people 60 and older and to the homebound disabled. They have congregate meals and home delivered meals. They are requesting \$23,250 to cover the expenses of salary and fringe for three part-time meal delivery drivers. The goal is to improve the living environment for people 60 or older, or people with a disability and help them remain independent in their homes. They refer them to other social services agencies as needed and having a good nutritious meal will help improve their health.

Rev. Harrison asked if they were a United Way agency.

Ms. Turner confirmed that they were.

Mr. Rublee asked if the \$15,000 funded last year was for delivery drivers also,

Ms. Turner corrected that that was for kitchen aides.

Bishop Tolbert asked how many people they serve a month.

Ms. Turner confirmed that 270 are projected in 2008. She also noted that with fuel costs so high it's even more difficult to obtain volunteers to deliver meals.

Mr. Ruble asked about the criteria for inclusion in the Meals on Wheels program.

Ms. Turner stated that they have an Outreach Coordinator that responds to any referral and scores the potential client. If they meet the scoring criteria, the Coordinator refers them to the Director for enrollment.

Bishop Tolbert asked if these are typically people who simply cannot cook for themselves and how many of these people are on government subsidies. Is HCCAA serving them just because they can't cook?

Ms. Turner confirmed that they are serving them because they cannot go to the senior center for the congregate meals and they have no one in the home with them to serve them and are not able to go out for a meal. She also stated that a lot of the clients they see, the HCCAA personnel are the only contact they have with another person all day. There have been several incidents in Temple when the HCCAA driver had come in and the client had fallen and needed help. HCCAA is also a source for the clients to have outside contact. If the driver attempts to deliver a meal and someone does not answer their door, HCCAA has emergency contact phone numbers and if no one can be reached at the emergency contact numbers, then 911 is called and somebody goes in to check on the client. So they are checked on daily.

Rev. Harrison confirmed the need for this service and how profoundly it affects the homebound client.

Mr. Rublee noted that the agency has a very lofty and eloquent mission statement. He asked how the agency measures it's success against the mission statement. How do you measure whether low-income families become self-sufficient?

Ms. Turner stated that they feel that with more of the elderly that remain at home in their home environment and out of the nursing homes they have reached their goals. The clients well being is so much better when they can remain at home and retain as much independence as they can. Something as basic as one meal a day can help them maintain that independence.

Bishop Tolbert asked for confirmation that HCCAA is saying that there are people that, if they were not served a meal at home by HCCAA they probably would not eat.

Ms. Turner confirmed that was the case.

Rev. Harrison also confirmed this and that many clients have only that one meal a day.

Mr. Rublee noted that on the application, it reports that 84% of HCCAA participants surveyed said that the meal they received from Meals on Wheels was their primary source of nutrition and 17% indicated that without these meals they would have not food at all.

Ms. Turner stated that every 5 years for the Community Services Block Grant they do a community needs assessment and every year one of the major problems in all communities is the lack of food and services for the homebound client.

Bishop Tolbert asked if the agency owned any delivery vehicles.

Ms. Turner confirmed that they have a van in Temple that is used for meal delivery but that volunteers use their own vehicles. One of the 3 staff drivers drives the van and the other 2 use their own vehicles and they are reimbursed for mileage.

Ms. Holleman asked how HCCAA collaborates with the home health care agencies that may have a health care worker in the client's home.

Ms. Turner confirmed that it is often the health care worker who refers the client to HCCAA.

Bishop Tolbert asked if HCCAA has ever run out of meals before they run out of clients..

Ms. Turner confirmed that they often do and that at the current time they are under a meal freeze because they have already over served the amount of clients budgeted. She could not estimate how many clients have been turned away.

Mr. Richardson asked about other funding.

Ms. Turner confirmed funding from United Way of Temple & Belton, and they have applied for Killeen CDBG but no funding is received from the rural communities included in the 9 county area served by HCCAA.

There being no further questions, Chair Collins thanked Ms. Turner for her time and closed the interview..

CENTRAL TEXAS 4C:

Janell Sherwood, Executive Director of Central Texas 4C (4C) was the next applicant interviewed. They were formerly Temple 4C but they changed their name in 2002 because they serve all Bell County. 4C administers Early Head Start, children 0-3, Head Start, children 3-5, and a small child care program at Saulsbury-Jean Wilson Children's center here in Temple.

She pointed out that there was an error on her application. Page 6 #2, the CDBG cost per individual served is \$18.34 and per family served it's \$31.70. Central Texas 4C has an extremely unique Head Start & Early Head Start program. The Texas Education Agency service center people have learned what they are doing and came to study the programs administered by 4C. The agency has received international & national recognition and has been invited to present at several early childhood conferences. Last January, in Hawaii, the international conference on education had over 140 countries represented. They will be presenting this year at a 5 state conference in August in Lafayette, LA, through the Head Start Bureau.

Ms. Sherwood stated that she thinks the thing that really makes 4C unique and what keeps her coming to work every day that is so gratifying is that they can see the difference and they measure the difference. The agency measures outcomes that show what their children learn, because for every month a baby is in their Early Head Start Program they gain an additional 1 and 1/2 to 2 months of developmental milestones over and above their natural maturation. They work with Dr. Keith Turner of the University of Texas, who helped them designed their model and is their external evaluator. He is the one who analyses the data mostly. They feed the results back to the teachers. This is what is working with this child and what is not working with this child. They have at least 10% of their children have disabilities and if their disability is severe to require it, 4C hires on-on one for that child so that they can be fully integrated into what's going on in the classroom educationally.

The funding is always a challenge. Head Start got a 10% cut from the legislature this year but the new Head Start Act has incredible unfunded mandates in it. For instance, by the year 2013, half of their teachers are supposed to have Bachelor degrees, but there is no money to fund that. They Bachelor teachers, but usually because we pay for their college and books, get them the CDA, which is the national credential, the they get them the AA, and then the BA, and then it's bye-bye birdie and they are gone to the public schools. There is some recourse in that they have people sign agreements that if they leave before 3 years are up, they will repay the agency, but they have no teeth in it and they don't lawyer funding to go after monies that are not repaid. Even though the Head Start Program got a 10% cut this year, her budget got flat funded for this coming year is that the Head Start Bureau determined that the quality set-aside money, which also mandated by the law, would be used to go ahead and fund programs at their present level. But gasoline, food costs and other daily expense have not stayed level. Therefore, she is back begging. She stated that she has incredible staff that are very dedicated, willing to learn and constantly improving. She thinks that Temple citizens can be very proud of their Head Start Program here and their Childcare Program at Saulsbury. They are asking for help with the driver's salary.

Chair Collins asked if they had been funded for an interpreter last year.

Ms. Sherwood stated that the interpreter was 2 years ago and that last year they asked for funding to be able to stay in the Meadow Village apartment complex, which was, understandably, not funded. They asked for the money because Meadow Village wanted them to stay there but they could not afford to upgrade the classrooms on their Federal Contract. They have since moved out of Meadow Village and have 6 classrooms at Dixon, 2 Early Head Start classrooms at Dixon and these classrooms are done in

collaboration with the public school where a public school teacher plus 4C teachers are in the classroom at the pre-k level. With the public schools there is 1 teacher and sometimes 1 aide. They know that the quality of the programming is enhanced because of that collaboration. They have 3 classrooms at Hal Rose that they encourage the school to put a teacher in for 3 hours per day so that the school can pull the ADA dollars from the state. Since 4C is federally funded they are able to do that. This coming fall they are moving 1 class from Belton to Temple to serve more Temple children. They have 3 classrooms and Saulsbury-Jean Wilson Children's Center.

Overall, they are just pleased to be able to document the high quality of childcare. Just for an example, they have a bar chart that they do by classroom by child, because everything is individualized, that shows a blue bar for Fall and an red bar for Spring. All of the children are shooting way up except for one kid. That one kid was where he should be but he didn't do what the other kids in the room did, so they looked back at the children. There are generally 3 temperaments of the children they work with. They call them fearful, feisty and flexible. Which was the kid that didn't do as well as the others? It was the flexible. Things are always fine with that kid and he may not receive the same amount of attention as the others. They have changed their observation and monitoring methods. They can go into a classroom and in a 10 minute time frame they can tell what percentage of language interaction was happening in that classroom. They call their model of programming TELM (Transactional Early Language Literacy Model), because they know that the more vocabulary a child has the better his development, and it takes 40 repetitions of an interaction for it to become a permanent part of the child's brain development and there just certain windows of opportunity for those repetitions.

They have 3 objectives that they work on with each child all the time, Head Start & Early Head Start, and if a child does not progress after 2 weeks they go in and see why that child is not progressing. Is the objective wrong for the child's developmental level, or Do the teachers need help in determining how to get that going, because it's mostly child directed. They don't do a lot of teacher directed stuff. They set up things and let children explore and a teacher in an Early Head Start classroom has 10 seconds to respond when a child touches a book.

Chair Collins asked specifically why 4C needs the bus driver.

Ms. Sherwood replied that some families don't have a way to get their kids there. Sometimes, it's temporary but often they just don't have way to get their kids to a center. If the child is not at the center at least 85%, then the child will not get nearly what that child needs.

Chair Collins asked how many students she expected the bus driver to pick-up & return home.

Ms. Sherwood stated that bus ridership will be over 1,000, because, not only do they use the bus to get those families to & from the Centers, they also use them for field trips for every child, and they use them to get parents to shared government functions. They sometimes take parents & children to dentist out of town for dental care. It's not just education, it's health, nutrition, disability and family services. They are in those homes working with the families as well center based.

Bishop Tolbert asked if the bus driver had any help on the bus.

Ms. Sherwood confirmed that there were 2 bus monitors with him. She said that teaching assistants or kitchen staff that can ride as bus monitors.

Chair Collins asked if this was a new position.

Ms. Sherwood said that it was not. They have had it in the past but just don't have the same funding. They lost \$100,000 of Katrina money this last year.

Bishop Tolbert asked what 4C would do if they did not receive this funding.

Ms. Sherwood stated that most likely they would not be able to enroll the children that have no transportation.

Rev. Harrison asked how much 4C was cut by the legislature.

Ms. Sherwood state 10% overall, approximately \$10 million. She personally did not have to cut her budget that much because they re-allocated funding for quality set aside, but that means that she can't give her teachers raises, cause that's what Quality Set-Aside is for. The last 4 years, the most cost of living increase she has been able to give her staff is 1-1/2 % per year. But so far they have not cut children due to budget cuts.

Rev Harrison asked if they had any bi-lingual teachers.

Ms. Sherwood stated that most or all of their classrooms have bi-lingual teachers. If a classroom doesn't have one, there is one in the center, but most classrooms have bilingual teachers.

Bishop Tolbert asked if the bus driver and/or bus monitors were bi-lingual.

She confirmed that they were.

Rev. Harrison stated that Head Start is one of the last of some great society programs that came out of the Johnson administration in the 60's and was one of the most effective program to help kids from low-inc me families. So many programs have been cut because most of our legislators send their kids to private schools so they have no feelings for kids that are coming out of low-income home or understand the different needs of these children. He knows what a good program Head Start is and is sorry it does not receive more funding.

Ms. Sherwood stated that she is just chomping at the bit to do more, especially in the Early program. She applied for 150 slots and they gave her 60 and could expand tomorrow. They have a waiting list of over 350 children all the time because there are over 7,000 children in this county who qualify for 4C program services, over 4,000 of those kids get nothing. No pre-k, Head Start, Early Head Start, no ECI or CCS. Some of that is family choice. They keep the child at home no matter the income and that's fine, but lat leaves a large area of need. Some good news is that the Act says that we do not have to stay at serving 100% poverty level, that we can serve some up to 130%, which will include more of our military families.

Mr. Richardson asked about the age of children served and if 4C is based in any other schools or in a stand alone facility and what is CCS

Ms. Sherwood stated that 4C is a community based non-profit organization but she has worked out collaboration with the public schools to get them in the public schools to help with the transition from Head Start into kindergarten, which is a pre-school program for 3 & 4 year olds, and that is why they have

classrooms in Dixon. The population is children 0-5, and, up until this year, has always been 100% of poverty level only, which is ridiculous. A mother & 2 children could not have household income of over \$14,000 a year. She would love to see legislators try to do it.

Ms. Sherwood went on to describe the 4C program as a very comprehensive, holistic program. They choose to do center-based care because they can monitor the quality better. There are some Head Start programs that do a combination of center based and home based teaching. They go into the home as part of their center-based care but they don't do the teaching in the home. They work with parents in the home and get their input. She stated that CCS (Child Care Services) is the state funded subsidy for childcare that many families qualify for.

Bishop Tolbert asked what ECI is.

Ms. Sherwood stated it was Early Childhood Intervention, which is the state mandated program that says that if a child has a disability, the early intervention team has to serve those children up till age 3. At age 3, it goes to LEA (Local Education Agency) which are the ISDs to serve those children. Ms. Sherwood invited the members to visit any of their centers at anytime.

There being no further questions, Chair Collins thanked Ms. Sherwood for her time and closed the interview..

AWARE CENTRAL TEXAS (ACT)

Sue Ellen Jackson, Executive Director of Aware Central Texas, was the next applicant interviewed.

Ms. Jackson distributed some material for review as she spoke. ACT was born out of Family Outreach, but in 2006 the Board of Directors made the decision to separate from Family Outreach and became an independent agency under the name Aware Central Texas (ACT). They are, therefore a "baby" agency. They have a long history of affiliation with, but the reason that they pulled away from Family Outreach was so they could be more flexible in meeting the needs of the area. It has been a good move for them.

Ms Jackson reviewed the material handout. Page 1 addressed the value of the service provided by ACT. For the investment this first quarter, based on the number of unduplicated families, the return on the City investment was \$32,900. Page 2 shows the 2007 monthly census report shows that over 90% of their referrals came from Child Protective Services (CPS).

As the agency grows and becomes familiar to the community they want to see that change. They want to see referrals come from additional sources because they are prevention. Family Outreach was very closely tied to CPS and was actually a volunteer arm of CPS. Since they are not CPS any longer, they have opened themselves up to be available to take referrals from any other source. They have also made contact with many of the other agency in the area and are able to swap referrals back & forth. Upon referral the Case Manager will determine how to serve the needs of the family and she will stay with that family and then a volunteer family coach will stay with the family as long a necessary. That's the effective piece. This year they've made contact with so many fabulous agencies in the area and they should see their referral base in 2008 should be scattered rather than just CPS. They believe that prevention works, that child abuse and neglect is a cycle that passes from generation to generation, and is the root of so many problems and costs

our community and this country a fortune. It's their responsibility to get to those families and impact them in such a way that they will literally alter their life choices.

Ms. Holleman stated that ACT was doing a wonderful job with the Alternative Ed Program here in Temple. Ms. Jones-Collins, ACT Case Manager, does the girl empowerment class once a month. She stated that the girls are getting some really good life social skills from Ms. Jones-Collins. That Ms. Jones-Collins is able to relate to the girls and is very straight forward with the girls and tells them what some consequences are.

Ms. Jackson confirmed that Ms. Jones-Collins was a blessing to the agency.

Rev. Harrison asked how many case managers they had. What was the case load?

Ms. Jackson confirmed that they have only one and she averages about 40 hours a week, with the average length of service of about 90 days. The length of service for the volunteer coach is indefinite, as long as that family needs it. They can be flexible according to what the needs are of the family. They had a young lady that just got help with her GED from one of family coaches. She could tell lots of stories, everyone so different from the other. She believes they are reaching families that otherwise would have fallen through the cracks. They've made referrals to Family Promise and excited to have that relationship with them because they are about the business of taking care of those social needs and making sure these families get to where they need to be.

Ms. Holleman stated that if they can do any kind of preventative a case goes to CPS, we can stop some of these things. Just having Ms. Jones-Collins coming over and talking to our young ladies about what is neglect, what is child abuse. Things you can do. What if Mom is doing these things? How to talk to Mom or Dad. They are learning some skills that can prevent this from happening. Some of the girls in her group are quick to tell their Mom "I'll call CPS". Ms. Jones told them the consequences of "getting mad" at Mom and wanting to get back at her by saying that to her and makes sure they understand the reality of that situation.

Ms. Jackson said she would certainly pass that on to Ms. Jones.

Chair Collins asked Ms. Jackson to confirm what they were asking for.

Ms. Jackson confirmed that they were requesting CDBG funds to go directly towards the Case Manager salary. Temple is only part of the area they serve and that's why they are only asking for a portion of their salary, \$10,000.

Ms. Holleman told of another case where Ms. Jones was working with a particularly difficult young girl who was expecting a child and facing incarceration. The young girl has now had her baby and is at home with her baby. Ms. Jones was able to keep the girl out of the juvenile justice system and having her baby in jail, where the baby would have been taken away.

Chair Collins asked how those cases are counted.

Ms. Jackson referred him to monthly census report. The first column is the total number of children and adults receiving anti-victimization training and that is where the classroom numbers go. They have already impacted almost 7,000 and are booked solid through the end of the year. The 2nd column is the number of adults that actually went to parenting and anger management classes. The last column is the total number of

unduplicated family units that received case management and family coaching through the year. They carry these on an average of 3 months. The next column is an estimate of total family members per household. That gives you a complete total of all the different services that they provided to people in the community.

Mr. Rublee asked what happened in May that caused the numbers to go up.

Ms. Jackson said that that was the month following child prevention month and she thought that was what did it.

Rev. Harrison asked if Bell County was still number 5 in the state for high numbers of abused children.

Ms. Jackson said that Bell County was not number 10, so there has been progress.

Mr. Richardson asked if they received any funding from Killeen or from the military.

Ms. Jackson confirmed that they have applied for CDBG in Killeen and Killeen United Way. To date they have never been awarded any funding from Killeen.

Bishop Tolbert asked if all the money requested would be spent in Temple.

Ms. Jackson confirmed that it would. About of a third of the families they serve are in the Temple area and they are asking for a little less than a third of the case manager salary.

Ms. Holleman asked if they plan to add a second case manager any time soon.

Ms. Jackson confirmed that that was their intention. The next new staff to be hired would probably be a volunteer coach coordinator who will be focused solely on when those volunteers are trained and are ready to go out and provide long-term assistance to these families. She will be working closely with the case manager on recruiting and training. The bad news is that they don't have enough family coaches. They only go into the home by invitation. About 50% of families say yes, they would love to have someone come in but the agency doesn't always have a volunteer coach available. They see that as a big problem and they are working on that.

Bishop Tolbert asked if they have made any kind of push to make the public aware of the difference between what ACT's focus is and agencies like CPS.

Ms. Jackson said that they are more focused on making people on what's going on with our children and hope that, over time, difference will be passed on by word of mouth.

There being no further questions, Chair Collins thanked Ms. Jackson for her time and closed the interview..

HELP CENTER:

Judy Morales, Bell County Human Services Temple HELP Center, was the next applicant interviewed.

Ms. Morales thanked the board members for taking time out of their busy schedule to meet with them and appreciate their care about the community. She is very thankful for any past support and hopes that the partnership can continue.

She introduced Ms. Esther Roque, Office Manager and Ms. Becky Howard, Education Coordinator.

The HELP Center this year is requesting \$17,000 total. \$10,000 for child care match, \$2,000 for bus tokens or transportation and \$5,000 for skills training and employment assistance. HELP Center provides all kinds of emergency assistance to individuals who are in a crisis. It could be they need utility assistance, rent, medication or a full gamut of things. What they are trying to focus on are the areas that they can help the individual move to the next step, whether it's getting a job, going back to school, being able to search for work, etc. The basic things that they need to improve their lives.

They are part of Bell County and have an application process and provide assistance thru the voucher system with the voucher being given directly to the vendor. Anyone who applies must attend orientation where they provide basic information of what they can or cannot do and what resources are available and other basic information. So the system is in place in very tight. They send the paperwork to the County and the County Auditor's Office send the direct funding to the vendor. They try their very best to look at all the needs of the people. They have anywhere from 800 to 1,000 contacts a month. A contact could be just a phone call but it also could be someone that is homeless, lost job, ect. With the families they work with, they try to break it down and look at the big picture, not just what the immediate need is, but is it that we could do to help them move to the next level to self-sufficiency.

Chair Collins asked suggested that they discuss child care, transportation and employment assistance separately. He asked of child care is a matching fund situation.

Ms. Morales confirmed that they work with Workforce Solutions and several years ago they discovered that there are some federal funds that can be matched if they can get some local funds. As people are identified that qualify for the CTS program childcare services, they put them on that program and even if there is closed enrollment, they can come through the HELP Center and don't have to wait, and funds will be matched 2 for1. So, for every dollar they are able to put in, it's 2 dollars for child care. They do have qualify for CCS in order for that program to work and they have to be working at least 30 hours a week or going to school in order to qualify. The assistance is based on family income. If they have 0 income they don't pay anything. If the family has income, they pay a portion based on income and that matching monies will pay the difference.

Ms. Roque said that CCS has open enrollment for a certain time of the year and HELP Center get clients when there is no open enrollment and that can mean the matter of losing their job or not being able to finish school. They come thru HELP Center. HELP Center refers them back to TWC. They do have to qualify thru CCS criteria, but they are able to get childcare within a matter of a couple of days.

Chair Collins referred to the application and asked how many children would be helped.

Ms. Morales confirmed that they have estimated 25 children.

Ms. Holleman asked if the childcare facility is a matter of the families' choice.

Ms. Morales confirmed that it was. The facility has to be certified and approved by CCS.

Bishop Tolbert requested confirmation the money does not go to the people, but to the facility providing the childcare.

Ms. Morales confirmed that was the case.

Ms. Holleman asked if they ever have any instances where there is someone in home taking care of the children that they provide funds for.

Ms. Morales said they did not because they have to be certified and be approved by CPS.

Bishop Tolbert asked if they ever refer people to other agencies.

Ms. Roque confirmed that they did refer all the time. When they are out of funds and CCS has closed enrollment, they refer to Head Start, Saulsbury Day Care, and other low-income child care facilities.

Ms. Roque then moved on the transportation stating that the tokens purchased are used by individuals and families that are looking for work, have no transportation, need rides to medical appointments.

Chair Collins asked if they ever have extra tokens.

Ms. Roque confirmed that they did but not often. They are real strict and make sure they have confirmation of the need for the token.

Ms. Morales stated that with the high gasoline prices, a lot of people are having issues and the HELP cent is able to help through vouchers to some of the local gasoline vendors.

Mr. Richardson asked how many requests they received from citizens that don't have access to the HOP, especially the North side.

Ms. Morales said that people come thru so fast that they are not able to track that. She did state that Ms. Roque has served on the HOP advisory board and they try to keep in touch and pass on any information they can. She stated that the HOP advisory board has done several surveys this last few years to determine some of the needs are.

Ms. Holleman asked if they have ever provided cab tokens.

Ms. Morales said they had not because they were too expensive.

Chair Collins asked how many trips \$2,000 would pay for.

Ms. Roque said the charge is \$1 each way if it's regular; 2\$ if Special Transit - so at least 500 trips.

Bishop Tolbert asked if they give out most of their funds for tokens as opposed to gasoline vouchers.

Ms. Morales confirmed that the amount provided for tokens is much less than gasoline but that they are receiving more request for gasoline.

Chair Collins asked if the gas route or token route is most cost effective.

Ms. Morales said they encourage them to use the tokens but HOP may not go to the route needed.. That is a big issue either due to working a night shift or target area.

Mr. Richardson observed that due to construction even the transportation to hospitals have been cut. Most people are using special transit.

Chair Collins moved to skills training.

Ms. Morales stated that this is where as they screen individuals and as they go into their orientation they identify those that are interested in either going back to school or finding employment. They get a lot of single parents that really need help. They may have 4 or 5 kids and don't even have their GED and are wanting help with their utilities. The reason they need help with utilities is that they don't have the job skills to get a job that will pay enough money to take care of their family. The HELP Center has really pursued this a lot in the last few years to provide some kind of support system and are working with Workforce again. Workforce has training that will enable them to receive specific training, such as LVN or CSN. Some of these programs don't provide certain things like shots or uniforms or shoes or books. The HELP Center works with them to supplement whatever it is they need to complete what they are trying to do.

Ms. Howard stated clients have to attend an orientation class when they come for assistance. The orientations are held twice a week, Monday & Wednesday. Each class is 2-1/2 hours long. A lot of the clients feel that the class is too long and don't want to attend. But the classes stress to the clients that the HELP Center is focused on helping to move toward self-sufficiency.

There being no further questions, Chair Collins thanked Ms. Morales, Ms. Roque & Ms. Howard and closed the interview.

FAMILY PROMISE:

Ms. Susan Rivera, Executive Director, with Family Promise was the next applicant interviewed. She was accompanied by Cheryl Mayfield, Board Treasurer and Ms. Pat Dietrich, Board President.

Ms. Dietrich stated the Family Promise was started in July, 2005 with the main purpose of working with families who find themselves homeless due to a crisis situation that puts them out of their home or apartment and puts them on the streets. They deal primarily with families with children. They work with the families to help them find shelter and employment. Family Promise is faith based and now have 14 churches that are host churches. When a family comes in to Family Promise, one of the host churches will actually host all the families one week at a time. Church volunteers stay with the families there at the church from 5:30 p.m. to leave the church at 7:00 the next morning to come to the day center. The church volunteers transport the families from the church to the day center in the Family Promise donated van. Family Promise also provides all the beds, bedding and other supplies needed. The program now has over 400 volunteers involved in this program thru the churches and the day center. When the families are at the

day center, Family Promise staff work with them to develop a plan, determine the families needs and help them to start working towards their goals and objective. Family Promise staff provide assistance but the program is geared toward helping those families to become self-sufficient again.. The Family Promise goal is to help prevent another crisis situation and to help the family be successful and self-sufficient.

Ms. Dietrich noted that they had received a grant from ER Carpenter but the grant was restricted and could not be used for salaries. She referred to Ms. Rivera

Ms. Rivera said that there is a problem at the day center when there are several clients. If the parents work at night they have to sleep during the day. The day center has no place for them to do that because they have no sleeping facilities. Part of the ER Carpenter funds will allow them to convert the east bay garage to usable. They had a very successful garage sale over the weekend and were able to buy new vinyl furniture for the main living room, which they are very happy about, as they can be wiped up and cleaned. The east bay garage area will be converted with 1 room for 2 baby beds & a twin bed in case a child is home sick from school. There will be another separate small room with a twin bed for people who work at night. There will also be a small room on the outside that will be a quiet room or study room with supplied and books that the kids need to do homework. Then the center itself will be more user friendly for the families that are coming into the program and staying there. They want families to feel comfortable so that they do stay so they can reach the goal of being financially stable by the time they leave the program. So they can get jobs and save money and have a little next egg before they move out on there on.

Ms. Holleman asked if Ms. Rivera could give her 2 success stories.

Ms. Rivera noted that she had only been with the program since February, but could give one example. They had a mother, father & 2 children from the Copperas Cove area. The father was trained as a professional chef and had completed a school program. He was able to get a job but not the ideal job and he was driving back & forth from Killeen to Temple. They were able to save money and were able to move into there own home. Family Promise helped them by getting furniture donated and cleaning supplies, as much as they could, so the family could save money. He is now working full time during the day in his career as a lead chef in a local restaurant. The kids are back in their old schools near their old neighborhood. They're close to their friends and stable and doing well. They are participating in sports again, track & soccer. The parents were both very good parents and the kids were really good students. Overall, they were in the program almost 4 month.

Ms. Mayfield stated that there was a family in the program about a year ago that had 3 children and were also in the program about 3 or 4 months. They were able to help the dad get a job and the mother was staying home. While they were in the program, the mom's teeth were real bad and there was s dentist at one of the volunteer churches who volunteered his time and capped her teeth and so forth. They too are in their home and the children are in school.

Ms. Holleman asked how many families were actually assisted in successfully reaching their goals.

Ms. Rivera stated that the statistics that were done through February by the Interim Acting Executive Director that would be 73%, which is 15 families, or 45 individuals.

Chair Collins asked how many families there are weekly.

Ms. Rivera said that it varies. They oftentimes get families that are going to be coming in but may not meet the program criteria, mainly the criminal history background check. They do that because their program is staffed by volunteers. Most of their volunteers are people working through churches.

Ms. Holleman stated that her biggest concern comes from reading through the minutes, that there is a continual message that Family Promise is not getting the right type of families and are getting bad referrals. Somebody stole a donated car; you think it was a family that stole the car; etc. She is just wondering, are you getting the right people to process through Family Promise and are they being successful.

Ms. Dietrich stated that part of their issues were the past director. She doesn't think he was really screening properly and they had to let him go in October. He started out doing really well but then there were some issues in his own life and it definitely carried over into the program. They have much more confidence in Ms. Rivera and the work that she can do. The screening process is tighter and the counseling with the client is tighter and she's already getting programs in place, parenting, budgeting and so forth, so that there won't be those issues.

Ms. Mayfield confirmed that it seems that the budgeting issue is one of the great needs that all the families seem to have in common, learning how to manage their money. Also, there was at least a 3 month period where the Board ran the program this past year. They have made some remarkable strides. The office is now secure, the bathroom has a solid wall that separates the showers, and the laundry room is completed. There have been enormous improvements that have been made. The 1 thing that they did find was that during this period, they had a family with mom, dad & 7 children and another mom & daughter at the same time. They are set up to be able to handle 14 people total. This was when we realized that 14 is too many people for that space, even though they weren't there all the time.

Rev Beamon said that he was aware of several successful families from the program and that an individual who is now the head usher in his church was helped by Family Promise..

Bishop Tolbert asked if they only have 1 person on paid staff and how many volunteer staff they have.

Ms. Rivera confirmed that there is only 1 paid staffer and 4 volunteer staff that come in to the center. They have 14 churches and each church has volunteers within the church that cook dinner for the families and transport the families to and from the church to the day center and also stay with the families in the church while they are there at night.

Bishop Tolbert asked if they have training that they provide to the volunteers.

Ms. Rivera confirmed that the volunteers have to have training.

Ms. Mayfield confirmed that they have over 400 volunteers in the program.

Ms. Dietrich stated that in terms of the families and the screening, right now the family that is currently in the program, mom, dad & 1 infant child, were living in Martha's Kitchen and came into their program. Since being in the program for 5 weeks, the dad has secured full-time permanent employment with benefits and the mom is taking job skills and interview & resume writing classes and is taking the baby with her. They are working on getting childcare for the baby. She thinks that the screening process is better now and that they are getting the kind of clients that they want and also people who can benefit greatly from just the short period time of help.

Bishop Tolbert asked how most people find out about Family Promise.

Ms. Rivera stated that they get referrals from everywhere. She's had people call and told her that there is a lady sleeping under the bridge, can you come and get her. They also get referrals from churches, organizations from Killeen, Belton, Round Rock and a lot of referrals from the schools.

Ms. Holleman asked about Temple residents. How many clients have come through Family Promise that are actually Temple residents. She noted that the examples given were from Copperas Cove and Troy.

Ms. Rivera said that all of them were living in Temple. That's where they ended up.

Ms. Mayfield stated that there is no other place for families to stay together. Martha's Kitchen is not a place for a family to stay together. Mom & Dad are in separate quarters and the children are separated by gender and Family Promise is the only program where the family stays together.

Bishop Tolbert asked if the money that comes from CDBG will stay in Temple.

Ms. Rivera confirmed that it would. Children are enrolled in Temple schools and so forth.

Chair Collins asked if it's safe to say that they intend to serve about 22 families this year.

Ms. Rivera confirmed that number.

Ms. Dietrich reminded the board that the clients are not just in & out of the center. That is where they live for 3 to 4 months, never more than 2 or 3 families. Their program also requires that their clients put a certain percentage of their earnings into savings to help them with deposits and other expenses of getting their own place.

Ms. Rivera confirmed that they must save 50% of their income and they may save up to 90% of their salary. The client deposits the money to Ms. Rivera in the form of a money order and then Ms. Mayfield deposits the money into an escrow account for them.

There being no further questions, Chair Collins thanked Ms. Rivera, Ms. Mayfield & Ms. Dietrich for their time and closed the interview.

TEMPLE HOUSING AUTHORITY:

Ms. Carrie Kline, Grants Director, Temple Housing Authority was the next applicant to be interviewed. She introduced Ms. Sharon Sapp, Director of Resident Services, who would be making the presentation.

Ms. Sapp stated that the 4 components they were requested funding for were for elderly and they are components that they see missing many times in their senior adult residents due to the fact that they are very low income. The first component would be transportation for medical appointments. Many times transportation is a hardship for their residents to get to their doctor's due to the fact that they are low income they have numerous, not just at the clinic, but also the hospital. If you are on Medicaid, which is the lowest portion of Medicaid, your transportation is provided free. If you're on any of the other components

you do not have free transportation on HOP. It costs the residents \$2.00 dollars each way, so every appointment is \$4.00. If the agency had the ability to assist them with tokens, this would greatly benefit them. The 2nd area that they find a need with their residents is for medication assistance. The residents have multiple medical and many time on a long list of medications and a lot of residents have Medicare Part B, but by the end of the year their resources are tapped out for that assistance. THA would like to be able to furnish them with some assistance for \$4.00 co-pay medications. Sometimes physicians sometime prescribe brand name medications that residents cannot afford. This would allow THA to help in that area also. If they receive the funds they would go into a partnership with Wal-Mart Pharmacy and also with northside HEB Pharmacy in order to provide these prescriptions for residents. They find that if residents must leave something out of their budget and they don't have enough money to make ends meet, it's going to be medications. They'll buy their groceries and everything else but will leave their medications out. The 3rd area is house-keeping & daily living assistance. In the Housing Authority, if they go in and do an inspection and a senior or handicapped resident fails an inspection, they can be in jeopardy of losing their housing. With assistance to provide someone to come in, or even funding to help purchase one time cleaning supplies for them so that they could be able to have someone come in. They could hire someone to clean one time or on a limited basis until they could get the state funded programs to come in and furnish those services. Their experience has been that with the state funded programs, there is usually a waiting list of at least 12 months before they can get residents on those programs. This would be only a temporary service until they could put the permanent services in places for the senior and disabled residents. The 4th component where they see need is for limited emergency dental services. Their seniors don't have funds available if they need just to go to the dentist, have a problem, they need a prescription for an infected tooth, or need one tooth pulled. If THA had that available for them they could remedy that emergency at that time.

She stated that these 4 components are needed to support self-sufficiency, would provide interim services until ongoing assistance would be available. By providing these elderly self-sufficiency programs the seniors would be able to delay alternative, more costly choices, which in most cases, for their seniors, is nursing home care. This grant request is a community-wide initiative as all of the Central Texas Housing Consortium properties would be included and they would be able to service about 215 individuals.

Chair Collins asked if all properties were in Temple.

Ms. Kline confirmed that the properties were through out town but all are in Temple.

Bishop Tolbert asked if the money would go equally to all properties.

Ms. Sapp said that the money would go wherever the need was on a case by case basis.

Bishop Tolbert asked how they make residents aware that the programs are available.

Ms. Sapp said that all residents are made aware of the Residents Services Department and they put out flyers to residents a programs become available and they also have a newsletter that they publish every other month that goes out to all residents.

Bishop Tolbert asked if they have talked to any of the doctors or dentists in the area to see if they will give preferred for these service.

Ms. Sapp confirmed that they have contacted several dentists' offices and there is one in town that has said that they would give them the minimum charge. Medicaid pays dental for 18 and under only.

Ms. Holleman asked if funds were received would it be put out for a bid.

Ms. Sapp said it probably would not be a bid but they would contact several dentist's office and go with the cheapest one.

Mr. Richardson asked if they had contacted any of the drug companies directly. A lot of the companies advertise help with drug costs.

Ms. Sapp said that they had worked with some in the past and found that if the patient had any insurance coverage, the drug company program provided no assistance.

Ms. Holleman asked if any of their residents qualify for home health services that might help with housekeeping.

Ms. Sapp confirmed that there are 2 programs of home health and they do use both services.

Chair Collins asked them to put their 4 components in order of importance if only partial funding is awarded.

Ms. Kline stated that housekeeping would be #1 to insure the residents don't lose their housing. #2

Chair Collins asked if any of these residents had family members that could help.

Ms. Sapp confirmed that they always try family first but a lot of their residents have burned their bridges with their families or if they have family, they don't want anything to do with their families. They have families that are very active and involved and that's the first place they go for help.

Ms. Kline added that another factor in contacting family is that these residents, especially the elderly residents don't want to contact their families because they don't want their families to know that they are having difficulties and are afraid that the next step is a nursing home and so they hesitate to ask for help. That is what THA is trying to prevent, is the nursing home placement and to keep them living independently as long as possible.

Mr. Richardson said that there are some good nursing homes in the area. Brand new.

Ms. Kline agreed but said that psychologically, the residents want to be in their own residence and hold on as long as possible.

Ms. Sapp added that they have had residents that have had to go to nursing home for short-term placement for rehab and when they come back to their apartments, they are dead set against nursing homes and vow never to go back to that nursing home again.

Chair Collins got back to priority listing

Ms. Kline said that medication is #2, transportation #3 with emergency medical services at #4

Ms. Sapp stated that anything the Board can do to help their seniors will be greatly appreciated.

Mr. Richardson observed that transportation is a recurring need in these interviews and HOP needs to be made aware.

There being no further discussion or questions, Chair Collins thanked Ms. Kline and Ms. Sapp and closed the interview.

FAMILIES IN CRISIS

William K. Hall, Interim Executive Director for Families in Crisis (FIC) was next to be interviewed. FIC opened a satellite shelter in Temple this year and they serve victims of domestic violence and sexual assault. They are asking for money to support two of the positions, Crisis Intervention Specialist. Their job is to insure that the clients receive everything they need from the time they get to the shelter, throughout the day and the night. They are the night staff for the shelter, answering phones and provide security. The biggest dilemma they have since they open the shelter is that they have to be operational until next September when they will be eligible for HHIC shelter funding from the state. They took all of their reserve to run it for the first year and now they have to get over that hurdle to next year and get some state funding.

Chair Collins asked for if this funding would be used for operational expenses.

Mr. Hall stated that it would be used to fund 2 of the positions, Crisis Intervention Specialists, that actually give the services to the clients. These are the people that, when no one else is there, they're the ones that make sure the clients have food, clothes, if they come in in the middle of the night: anything they might need.

Bishop Tolbert asked if the \$72,010 reflected on page 7 of their application was divided between the 2 positions.

Mrs. Hall stated that that amount was for 4.25 people for the Temple shelter, but he is asking CDBG funding for only 2 of those position.

Mr. Richardson asked if they are getting funding for the other 2.

Mr. Hall said they were in the process of doing that.

Ms. Holleman asked about the case load in Temple

Mr. Hall stated that today they have 10 people at the shelter, but they may not be all Temple residents. Occasionally they will have a client from the outskirts of Temple.

Ms. Holleman asked how many miles outside of Temple do they cover.

Mr. Hall said about 15-20 miles. He said that occasionally they will transfer somebody that is a Temple client due to safety reasons.

Mrs. Holleman asked how many caseworkers they had working in the Temple shelter.

Mr. Hall said they have 1 Case Manager and 1 Outreach Manager/Volunteer.

Mrs. Holleman asked if they were asking for funding for 2 new Case Managers.

Mr. Hall stated that they were asking for funding for 2 Crisis Intervention Specialists. The positions are currently there.

Mrs. Holleman asked if it would take the entire funding of both positions.

Mr. Hall said that if he receives less he will need to go somewhere else for the remainder. He is trying to fund all 5 positions.

Rev. Harrison asked if they were in the Child Services Offices.

Mr. Hall confirmed that they were.

Rev. Harrison asked if they had recently received some funding from Altrusa.

Mr. Hall confirmed that Altrusa bought the appliances for the building, Leadership Temple raised money to refurbish the facility and Ralph Wilson Golf Tournament got involved to help them fund the first year also.

Rev. Harrison agreed that it's a much needed facility; otherwise the closest facility is in Killeen.

Mr. Hall confirmed that the residents in Temple don't want to go to Killeen and uproot their kids and leave everything that's familiar to them; their church, their school and the things that they do still have for support.

Rev. Harrison asked how many children they had in the Temple shelter.

Mr. Hall confirmed that part of the 10 that are currently in the shelter, he did not know how many were children. He stated they have 3 in the previous week.

Mrs. Holleman asked if they had an Executive Director in place, and what was Mr. Hall normal position.

Ms. Hall confirmed that he is the Interim Executive Director and his normal position is Chief Financial Officer.

Mrs. Holleman asked what the duties were of the Community Relations Manager.

Bishop Tolbert observed that the guys are so young and some of the salaries are pretty good salaries.

Ms. Hall asked what he was looking at.

Rev. Harrison clarified that they had been open for years in Killeen so they are a well established program and that Temple is a satellite location

Mr. Hall stated that he had been with the program for 8 years.

Chair Collins asked if their clients are all victims of domestic or sexual abuse.

Mr. Hall confirmed.

Chair Collins asked what if a mother & son came in, how do they split them up or house them.

Mr. Hall said that they don't split them up. They have a room of their own.

Chair Collins asked if they had a family that came in where dad had lost his job and they needed shelter, do they house them.

Mr. Hall said they did not. They refer them to other more appropriate agencies.

Rev. Harrison stated that this was mostly a women's shelter.

Mr. Hall stated that they did have male clients but do not have the facilities to house male victims in the Temple shelter, so they would have to go to the Killeen shelter.

Chair Collins asked if they have many male victims.

Mr. Hall said they have from 12-20 per year.

Mr. Richardson noted from page 7 of their application that they had done away with some of their personnel positions; Data Entry, Family Violence Prevention Education and Thrift Store.

Mr. Hall confirmed that the Thrift Store was not making money so they had to close it. The Child Adolescent Specialist, the Data Entry Specialist were positions that were funded by the Violence Against Women Act and they lost that funding.

Rev. Harrison asked if there were any possibility for them to get money from the new driver responsibility act that was sponsored by Rep. Delisi that is to go for trauma funding where any state traffic fines go into a trauma fund. Would FIC be eligible for that funding.

Mr. Hall stated that they are eligible but how that works is the same as if you get a ticket for domestic violence part of your fine goes into a fund and goes top the state fund and the HHSC, which is there shelter funding, gets a certain amount of money to spread across the state. There is also the victim compensation fund that is pulled the same way.

Rev. Harrison stated that that money is going to EMS, primarily, but feels that a specialized area like family violence would qualify for that money.

Mr. Richardson said that if your talking about trauma, it' mostly defined a physical trauma, whereas the type of trauma the shelter deals with is psychological.

Mrs. Holleman asked about the process when a client comes in the middle of the night and how soon they see a counselor.

Mr. Hall stated that the Crisis Intervention is on duty to meet the immediate needs of the client and they see the Case Manager first thing in the morning.

Mrs. Holleman was surprised that they didn't see one right away.

Mr. Hall assured her that the Crisis Intervention Specialists who receive the client in the middle of the night are very well trained and prepared for the situation. If the client has an immediate need for on-on-one counseling, the Case Manger is on call and will meet with the client immediately.

Chair Collins asked if during regular business hours other positions receive clients.

Mr. Hall said that no, they need the intervention specialists to receive new clients to insure that the Case Manager is free for current caseload.

Mr. Richardson asked how they foresee not running in to overtime;

Mr. Hall confirmed that they do run into overtime. They have 2 people that they use as stand-by, on-call and only work on-call or they pull somebody from Killeen when they are short.

Mr. Holleman said that it just bothersher mind there is not a trained professional there to help a child that goes through a trauma like that and has to leave the home at 3:00 in the morning.

Mr. Hall assured her that the Intervention Specialists were trained and that if there is something that needs to be handled that night that is above their training, both the shelter managers in Temple & Killeen are on call. They do have them there and they can respond. They also have a Sexual Assault Advocate on call 24 hours a day.

There being no other questions, Chair Collins thanked Mr. Hall for his time and closed the interview.

Ms. Holleman stated again that she is disturbed to think that someone in a crisis situation goes to a shelter and there is no one trained to help. They just provide a meal and a cot.

6. Adjournment

Chair Collins opened the floor for any other items of business to discuss.

The CSAB meeting schedule was discussed and Chair Collins suggested April 17, at 1:30 p.m. and the members agreed. .

There being no further discussion, Chair Collins adjourned the meeting at 5:20 p.m.

Respectfully submitted,

Lois Whitley

COMMUNITY SERVICES ADVISORY BOARD

April 22, 2007

2:30 P.M.

COMMUNITY SERVICES ADVISORY BOARD MEMBERS PRESENT

Chair Lamar Collins	Vice-Chair Robert Beamon
Steve Rublee	Jody Donaldson
Corey Richardson	Rev. Roscoe Harrison
Sharon Holleman	

BOARD MEMBERS ABSENT

Rev. John Tolbert

STAFF PRESENT

Lois Whitley, Traylor & Associates, Inc.

GUESTS PRESENT

No guests attended.

The agenda for this meeting was posted on the bulletin board at the Municipal Building, April 17, 2007, at 9:10 a.m. in compliance with the Open Meetings Law.

The following is a summary of the proceedings of this meeting. It is not intended to be a verbatim translation.

1. Call to Order

Chair Collins called the Community Services Advisory Board to order at 2:43 p.m.

2. Receive Comments from the Public

Chair Collins observed that there were no guests present.

3. Review Public Service Agencies (PSA) Applications for the CDBG 2008 Program Year

Chair Collins started the review of the PSA applications and discussion for final recommendations. He confirmed that the total amount to be awarded of \$70,453 and the total applications are significantly more than that and suggested they discuss each applicant one by one. He started the discussion with Aware Central Texas (ACT).

Chair Collins confirmed that ACT asked for \$10,000 and called for suggestions and recommendations from the members.

Mr. Rublee confirmed that they are requesting partial salary for a case manager. One third of the salary, reflecting the percentage of the Temple population that they serve.

Chair Collins asked if any member had a suggestion.

Mr. Donaldson said that ACT is in the middle to him and is not a priority one to him. He asked if they could just put them to the side and look at them later.

Chair Collins moved on to Central Texas 4C who is requesting \$18,960 for a bus driver salary. He asked how much 4C received last year.

Mr. Rublee confirmed that 4C did not receive funding last year.

Mr. Donaldson asked if they applied for funding last year.

Ms. Whitley confirmed that 4C applied for funding to retain the classrooms at Meadow Village but did not receive the funding and the classrooms were removed from Meadow Village.

Chair Collins called for suggestions on the 4C funding request.

Vice-Chair Beamon asked who else is funding 4C.

Mr. Rublee confirmed that it's Head Start, so the program receives federal funding through Head Start

Mr. Donaldson reminded that Ms. Sherwood said that she had 300 kids on the waiting list.

Mr. Rublee confirmed that it is a great organization and he really likes the fact that they have received national and international recognition for a local program. That speaks very highly of what they are doing. He's just not sure that it is something the Board can fund to the tune of \$19,000. That's the problem. All the agencies are worthy. He stated that if they could use partial funding, he would certainly be all for that.

Chair Collins agreed that that would be the question. Could they have just partial funding?

Vice-Chair Beamon stated that they could take anything and run with it.

Chair Collins asked the members to name the organizations that they would definitely like to see funded.

Ms. Holleman named Aware Central Texas and HCCAA.

Mr. Donaldson and Mr. Rublee agreed that the HCCAA, meals on wheels program, should be funded.

Mr. Richardson stated that he liked the THA. He asked if the HCCAA funding would stay in Temple.

Ms. Whitley confirmed that the amount requested was for home delivery of meals to Temple residents.

Vice-Chair Beamon stated that Family Promise does not get funding from other sources like HCCAA.

Ms. Holleman agreed that she would really like to see Family Promise do more things with Temple families.

Vice-Chair Beamon confirmed that they do. He stated that his church is hosting a family tonight that is from Temple, and a new family tomorrow.

Mr. Rublee stated that they have pretty much mentioned everybody but the HELP Center and Christian Farms.

Mr. Rublee stated that the nice thing about the HELP Center is that they come in with a plan in 2 or 3 pieces every year and are happy for what they get. That allows the Board to be real flexible and fund 1, 2 or 3 pieces.

Chair Collins re-stated the HELP Center request; Child Care, \$10,000, Bus Tokens, \$2,000 and Training, \$5,000.

Vice-Chair Beamon stated that he liked how the Board handled it last year. They didn't give everything but gave everyone something as funding allowed.

Mr. Rublee stated they have mentioned 7 organizations, among which to split \$70,000. If nobody really feels strongly about any one organization, that's roughly \$10,000 apiece.

Chair Collins stated that Christian Farms had not been mentioned and asked if the members were ok with them not receiving any funding.

Vice-Chair Beamon stated that he was not ok with that. He feels they should receive something.

Chair Collins asked if members wanted to try to give everybody something.

Mr. Donaldson and Ms. Holleman stated that they did not want to try to give everybody something.

Ms. Holleman stated that she is for funding the full amount requested, \$23,250 for meals on wheels.

Mr. Donaldson asked about the HCCAA monitoring response letter and the concern about the financial statement not being received within 30 days as requested.

Ms. Whitley confirmed that HCCAA had responded to the letter and challenging the concern and referenced a section of Circular A-133, which is the federal regulation governing funding. Ms. Whitley stated that this was just an issue of when the agency financial statements are required to be submitted by CDBG that would need to be researched and confirmed with a HUD representative. She stated that HCCAA had always provided sufficient documentation for their CDBG funding.

Mr. Rublee observed that he is in the Rotary Club and have a couple of fundraisers and in years past they have kind of given a little bit to a lot of people, but this year they said that maybe what they wanted to do was make a big impact to just a few organizations. That is something that this Board could consider picking 2 or 3 organizations and fund them fully.

Chair Collins stated that he likes the meals on wheels program, but he also thinks that the Child Care element of the HELP Center should be funded, because they receive the 2 for 1 matching funds and that is also someone going to work in Temple and paying for daycares in Temple, and would be beneficial to Temple economy.

Mr. Donaldson confirmed that that was what the Board funded last year, \$10,000 Child Care and \$1,000 for tokens.

Chair Collins stated that if we try to give something to each organization it would be \$8,800 each.

Ms. Whitley stated that due to the cost of administration, it is really not recommended to fund less than \$10,000.

Ms. Holleman stated she has really been looking at the application from Family Promise and wants to give them a fair shake as for as them regrouping. She feels that without this funding that they might not be able to continue the program.

Mr. Donaldson stated that the Board discussed this last year. Family Promise is a local organization that didn't have many supporters and the Board felt it could make a big difference in that organization, whereas for another group that has other grant funding, this CDBG funding is not nearly as important as it is to Family Promise.

Chair Collins agrees that if they don't help Family Promise they may not make it, but the problem is, they are requesting \$35,000, an increase of \$10,000 from last year.

Ms. Holleman suggested \$20,000 to Family Promise.

Chair Collins asked members to look at THA and the 4 elements of their application. They are asking for \$13,000 for housecleaning and said that was priority one because the residents are at risk of being evicted from their apartments.

Ms. Holleman stated that she feels that if THA would be more pro-active, they should be able to get home health care agencies to help with housecleaning.

Mr. Donaldson stated that that would all depend on whether the resident is covered and eligibility for those services. You can't assume that all residents would be qualified.

Ms. Holleman still felt that if THA had made a better case to the Board that they had already tried that avenue and then present the Board with the number of residents that did not qualify for in home health care services and needed this CDBG funding to pay for housecleaning services.

Vice-Chair Beamon stated that he used to work with home health and that 99% of them do qualify.

Mr. Richardson stated that his wife is a case manager in home health and she works with the teams that go out and take care of these people and she sees a lot of hardship for the people that don't qualify. We rely too much on the government, and think the government will take care of us, but they won't, in his opinion.

Ms. Holleman stated that they have to look at , again, putting people to work, putting money back into the local economy, and so on, but that if THA had done their homework it would have made an easier case for this portion of the request. The dental, she thinks the dental should be funded.

Mr. Richardson stated that it's unfortunate that these people are at risk of losing their subsidized housing because they are not able to clean their apartment, but it's true that they can do an inspection at any time and inspect the apartment. It's just ridiculous that they can come in there and tell and 85 year old resident, living on \$400 a month, that your house isn't clean enough; correct it or you're out.

Chair Collins asked if anyone is opposed to the \$2,100 THA is requesting for emergency dental services.

Mr. Donaldson stated that he is opposed to everything that THA is requesting and that their proposal made him mad. He feels that they are just fishing for funds. In the past they fished for internet computers for seniors and the Board didn't give them anything on that. When these people come in here asking for tax dollars to pay a cleaning service \$72.00 per hour, these people are crazy. He doesn't want to spend tax money

for \$72.00 an hour for a cleaning service and it colors the whole proposal in his mind when they come in here thinking that it's good to ask for \$72.00 an hour to pay Merry Maids. Their application shows 24 times a year to pay \$195.00 to clean one-bedroom efficiency, plus the extra at \$72.00 an hour. He feels that if THA feels that this is good use of taxpayers' money, they don't need any of it.

Chair Collins still feels that the dental funding is reasonable.

Rev. Harrison asked if dental is covered under Medicare.

Chair Collins stated that, no, Medicare does not cover dental.

Mr. Donaldson pointed out that the dental was the last priority on the proposal.

Mr. Richardson said that was because THA is looking at keeping a roof over these people's heads. He had personal feelings on this because he dealt with the situation with his mother. Until he had to pay \$5,000 for his mother because Medicare didn't cover it, he never had a clue. If you talk to the residents who live there, they need these services.

Mr. Donaldson agreed but stated that it's the same if you to talk to the recipients of all of these programs, and he has to go by what THA put on the application they submitted, and when they want to spend tax money for \$72.00 an hour for cleaning to go to a for profit cleaning agency, he can't agree. If THA had proposed hiring someone who needed a job and here's resident who need help with cleaning, let's put them together, then he might agree, but hiring someone for \$72.00 an hour is not the answer, especially when money is so tight.

Chair Collins asked if we can mark out the cleaning request, but what about the other requests, #2 priority medication assistance, \$3,600 for co-pay, 12 residents per month x \$25 x 12 months = \$3,600.

Ms. Holleman stated that she agrees with Mr. Donaldson that they are just fishing for money, that there is nothing of substance.

Chair Collins stated that the dental part of the request does have substance and there are not many sources that the elderly can go to for help with dental costs. He feels that since it's only \$2,000, it's a good use of the money.

Rev. Harrison felt that there is no way that the City Council would agree to fund anybody for only \$2,000.

Ms. Whitley agreed that the administrative costs would eat up \$2,000

Ms. Holleman asked if we could see what was left over and decide on the dental then, because her money is already spent.

Chair Collins asked about the transportation element of the application and if these are the same residents that might utilize the tokens through the HELP Center.

Ms. Whitley confirmed that the residents could apply to the HELP Center if they were made aware of availability but that it would probably be more available to them through the THA social services office.

Chair Collins asked if they could recap and if they were still shooting for \$10,000 per agency.

Ms. Holleman stated that she wants \$20,000 to go to HCCAA and \$10,000 to ACT.

Mr. Donaldson asked for some discussion on Families in Crisis.

Ms. Holleman said they should have sent a Case Manager to plead their case.

Mr. Donaldson stated that FIC was not one of their priorities and Ms. Holleman agreed.

Rev. Harrison asked how much FIC is asking for.

Chair Collins confirmed that they are asking for \$45,000 or 2 Crisis Intervention Specialists, who are the individuals that are there as the first contact when the client comes in.

Rev. Harrison stated that they really should receive funding but that the Boards could not fund the full \$45,000.

Mr. Rublee suggested that they fund only one of the positions, \$22,700.

Chair Collins said that they might have to go down to \$15,000 for Family Promise.

Vice-Chair Beamon reminded that Family Promise has no other funding.

Chair Collins asked if Family Promise is trying to get any other grants and if they are a United Way organization.

Vice-Chair Beamon stated that they have tried every way they can and that some of them had to start over on some because they have a new director.

Rev. Harrison stated that Families in Crisis needs the money and that domestic violence is on the increase.

Mr. Richardson stated that the returning troops could contribute to that increase also.

Chair Collins asked if Families in Crisis was not funded, would those individuals not be serviced by Aware Central Texas.

Rev. Harrison stated that they could not serve the same crisis situations.

Mr. Rublee confirmed that Families in Crisis has gotten a lot of attention this last year since they have opened the Temple. Maybe FIC doesn't need this funding as much as some of the other agencies.

Chair Collins stated that FIC should also receive some funding from the military.

Mr. Richardson stated that he would not expect any funding from the military. He observed that the psych ward in Waco had been closed and felt that the recent increase in murder/suicides in Killeen are related to that. He feels that the military releases individuals for active duty that are still having issues.

Chair Collins stated that he thought that part of the problem is that some of the soldier's are not close to an active duty facility. The closer you are to an active duty facility the easier it is to get help. If anybody has an endless supply of money, the government has an endless supply of money, and that if individuals are in Temple and want help, we have a big facility close where they can get what they need.

Vice-Chair Beamon stated that there is the problem that individuals may not ask for help through the military because it goes into their record and may affect them the rest of their life so they keep their mouth shut, try to endure the pain and end up doing something wrong.

Mr. Richardson asked if anyone knew what the military population in Temple was.

Ms. Holleman confirmed that it was high and had increased, especially in West Temple.

Ms. Holleman stated that what bothered her about Families in Crisis, if you're going to ask for money, ask for money that we can see where it is going to directly benefit the client. If he had come in and said that they are hiring licensed, professional people that are going to help people, but if you're just going sit the Case manager over to the side...

Mr. Richardson stated that their Case Mangers are licensed, but they are needing the people who are there 24/7.

Ms. Holleman stated that she would like to see the licensed people on the front line as first contact.

Mr. Richardson said that you can't afford to pay them and that the Case Managers are on call.

Ms. Whitley confirmed that in the minutes it was noted that if the Intervention Specialist determines that the client needs one-on-one counseling, then they call the Case Manager on call.

Mr. Richardson confirmed that there is somebody there available to take someone into that agency 24 hours a day and they only have the 3, which is the minimum staff required for 24/7 and that's someone there in the building all the time to help the clients with their day-to day needs.

Ms. Holleman asked if the intent with Families in Crisis would be to show that we fund them something because we see the value of this program and the shelter in Temple.

Chair Collins recapped the proposed amounts on the board for discussion:

1. Aware Central Texas - \$10,000
2. HCCAA - \$23,000
3. Central Texas 4C- \$12,400
4. HELP Center-Child Care - \$10,000
5. Family Promise - \$15,000

Chair Collins asked if they should fund only 2 drivers for Hill Country.

Mr. Rublee confirmed that 2 drivers with fringe would be about \$15,000.

Ms. Holleman suggested that 4C receive \$10,000 and that would leave \$10,000 for Families in Crisis.

Chair Collins made the suggested changes and recapped as follows:

1. Aware Central Texas - \$10,000
2. HCCAA - \$15,000
3. Central Texas 4C - \$10,453
4. HELP Center-Child Care - \$10,000
5. Family Promise - \$15,000

6. Families in Crisis - \$10,000

All members agreed with this allocation and it was confirmed that they equaled the total amount available of \$70,453.

Chair Collins acknowledged that they were all sympathetic to Christian Farms and Temple Housing Authority but there is just not enough to go around.

Chair Collins asked if everyone could live with those numbers.

Mr. Rublee stated they were giving 4C about half of what they asked for and Hill Country gets about two-thirds of what they requested and ACT receiving what they asked because they only requested \$10,000.

4. Make final selection for recommendation to City Council

Chair Collins asked for a motion to make the final recommendation to the City Council to award funds as follows:

1. Aware Central Texas - \$10,000
2. HCCAA - \$15,000
3. Central Texas 4C - \$10,453
4. HELP Center-Child Care - \$10,000
5. Family Promise - \$15,000
6. Families in Crisis - \$10,000

Rev. Harrison so moved.

Mr. Donaldson seconded the motion.

Chair Collins called for a vote.

All members voted Aye and the motion carried to recommend that the Temple City Council award CDBG funding to agencies as listed in the motion.

Ms. Whitley confirmed that she would forward the recommendation in written form to Traci Barnard, Financial Director, for presentation to the City Council at the May 15, 2008 scheduled meeting.. She also stated that, historically, the Chair or Vice-Chair of this Board was present at the council meeting for the recommendation.

5. Adjournment

There being no further business, Chair Collins adjourned the meeting at 3:25 p.m.

Respectfully submitted,

Lois Whitley



COUNCIL AGENDA ITEM MEMORANDUM

05/15/08
Item #10(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) May 1, 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:

[May 1, 2008 Special Called Meeting & Regular Meeting](#)

TEMPLE CITY COUNCIL

MAY 1, 2008

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, May 1, 2008 at 4:00pm 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. Receive a presentation regarding the Reinvestment Zone Aviation Campus and Airport Planning Project report prepared by Leslie Sagar & Associates.

Leslie Sagar, Sagar and Associates, provided this report to the City Council. She began with a review of the three tasks included in their contract. Task 1 involved the inclusion of 66 acres within the airport boundary and amending the boundary plan to allow improvements to this property to be eligible for grant funding and to provide additional security for the airport. Task 2 involved obtaining informational surveys from both corporate users and businesses regarding our rates and fees. These surveys confirmed our rates are competitive and some interest was expressed from both DHL and Federal Express in possibly locating on our airport. Task 3 involved developing concept plans for the 66 acre aviation campus and undeveloped land on the east side of the airport.

Ms. Sagar reviewed each of the recommended concept plans for the Southeast Quadrant, Northwest Quadrant and General Aviation expansion. She also discussed the FAA guidelines for land use based on noise contours.

The following conclusions were made by Ms. Sagar as a result of this study: 1) expansion of AMCOM facility should proceed immediately; 2) there is a demand for t-hangars; and 3) there is potential for aviation development in the southeast quadrant. Recommended actions include pursuing AMCOM expansion, updating the height hazard zoning and compatible land use zoning, completing the drainage study (95% complete now), developing an airport utility map, updating aviation demand forecast, formulating an airport development program and preparing new noise contours. In the southeast quadrant, Ms. Sagar recommended a habitat assessment and airport boundary survey be performed.

David Blackburn, City Manager, stated this planning study will be presented to Council for their adoption in the near future.

2. Discuss proposed amendments to the City's sign ordinance.

Kim Foutz, Assistant City Manager, presented this item to the Council. She began with a review of why this ordinance was being discussed and the public input received to date. The philosophy in phase 1 has been to clarify the ordinance, accomplish the strategic plan goal to limit clutter, simplify the process, limit the cases where permits are required, simplify enforcement, and update the ordinance to meet state law requirements. Mrs. Foutz reviewed each of the proposed changes and displayed photos of various sign types, including banners, cardboard and handmade signs, community event signs, fence signs, flags, home occupation signs, inflatable devices, message boards, murals, off premise real estate signs, multi-faced signs, searchlights, streamers, vehicular signs, and window signs.

The City Council gave Mrs. Foutz direction to proceed with presenting an ordinance to the Planning and Zoning Commission for their consideration.

3. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, May 1, 2008.

Mr. Blackburn stated staff is requesting item (F) on the consent agenda be removed. The recommendation is to reject the bids received and re-bid the project. He also asked that item 11, the appointments to the TMED Board, be tabled to allow additional recommendations to be developed.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, May 1, 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

Chief Lonzo Wallace voiced the Invocation.

2. Pledge of Allegiance

Willie Capps, Elk Lodge #138, and his daughter, Haley Capps, led the Pledge of Allegiance.

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Presentation of Proclamations:

(A) Youth Week May 5 - 9, 2008

Willie Capps, Elks Lodge #138, received this proclamation presented by Mayor Jones.

(B) Save a Life Day May 10, 2008

Drs. Robin & Pat Smith, representing the Temple Public Safety Advisory Board and Temple CPR Task Force, received this proclamation from Mayor Jones.

(C) Recognize Keep Temple Beautiful for receiving the Governor's Community Achievement Sustained Excellence Award from Keep Texas Beautiful

Dan Jones, Keep Temple Beautiful Board Member, accepted this proclamation presented by Mayor Pro Tem Patsy Luna.

4. Recognize Mary Ann Garrett as the recipient of the 2008 Hometown Hero Award and Diana Acosta as the recipient of the Rising Hero Student of 2008 presented by Time Warner Cable, Baylor University Athletics and Fox Sports.

Mary Ann Garrett and Diana Acosta were recognized by Mayor Jones as the 2008 Hometown Hero and Rising Hero Student of 2008 sponsored by Time Warner Cable, Baylor University Athletics and Fox Sports.

III. PRESENTATIONS FROM ADVISORY BOARDS & STAFF

5. Receive a presentation regarding the City's emergency outdoor warning sirens.

Fire Chief Lonzo Wallace presented this item to the City Council. He discussed Annex A - Warning - which is a component of the City's Emergency Management Plan. He discussed the purpose, situation and assumptions, as well as the concept of the operation. Chief Wallace explained how and from whom warnings are received and the process for notifying local officials, as outlined in the Emergency Notification matrix located in Appendix 2 of the Plan. He also discussed procedures for disseminating warnings to the public and how citizens should respond. Chief Wallace displayed the locations of the sirens in the City on a map.

Councilmember Janczak asked if all sirens have to be activated.

Chief Wallace stated individual sirens can be activated. They are tested the first Saturday of each month at 11:00 a.m. if it is a clear day.

Councilmember Schneider asked if the sirens are activated when a warning or a watch is issued.

Chief Wallace replied the sirens are activated when a warning is issued, but only after review by Emergency Management staff. He gave some examples with recent

storm events in the City. If you hear a siren, go inside and turn on the television or radio to get additional information, Chief Wallace advised.

David Blackburn, City Manager, stated the warning sirens are intended to be a tool or aid to those already outside. They are not a substitute for what citizens should be doing in threatening weather.

Councilmember Jeter asked Chief Wallace if he recommended the weather warning radios.

Chief Wallace stated yes. They are programmable for the area you are in, such as Bell County or surrounding counties. They have purchased NOAA radios for all fire stations as well.

IV. PUBLIC COMMENTS

Sylvia Odenwald, 6609 Brooks Drive, stated she would make her comments during the public hearing on item 9.

Betty Elliott, 305 East Xavier, addressed the Council regarding the warning sirens. She stated she hasn't heard the new sirens yet. The worst storms usually occur at night. Sirens should be loud enough to be heard in the home.

V. CONSENT AGENDA

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

(A) January 10, 2008 Special Called Meeting

(B) January 11, 2008 Special Called Meeting

(C) April 17, 2008 Special Called Meeting and Regular Meeting

(D) 2008-5378-R: Consider adopting a resolution authorizing the purchase of eight (8) treadmills and three (3) spin bikes from Marathon Fitness of Sugar Land in the amount of \$42,866.

(E) 2008-5379-R: Consider adopting a resolution authorizing a construction contract with JHL Construction of Gatesville for park improvements in Jackson Neighborhood Park in the amount of \$155,705 and authorizing an amendment to the Fiscal Year 2007-2008 Community Development Block Grant (CDBG) Action Plan.

(F) 2008-5380-R: Consider adopting a resolution authorizing a construction contract with Global Mobile Recovery (GMR) of Carrollton for the replacement of twelve (12) air conditioning units at the Public Services Building in the amount

of \$67,347.88 and declare an official intent to reimburse this expenditure prior to the issuance of tax-exempt obligations for this project.

(G) 2008-5381-R: Consider adopting a resolution authorizing a construction contract with JNA Painting Company, Inc. of Baltimore, Maryland for the exterior painting of the Public Services Building in the amount of \$59,700 and declare an official intent to reimburse this expenditure prior to the issuance of tax-exempt obligations for this project.

(H) 2008-5382-R: Consider adopting a resolution authorizing a construction contract with Wheeler Coating Asphalt, LP of Belton for the FY 07-08 Overlay Program based on a unit price of \$59.85 a ton for overlay and \$80.00 per ton for speed humps.

(I) 2008-5383-R: Consider adopting a resolution authorizing a construction contract with Big Tex Paving of Johnson City for the FY 2008 Seal Coat Program based upon unit price of \$1.76 per square yard.

(J) 2008-5384-R: Consider adopting a resolution authorizing Change Order #4 to the Loop 363 Utility Relocation Phase 2 construction contract with Bell Contractors, Inc., for items related to final connections and quantity reconciliations to the project as required in the deduct amount of \$91,654.93.

(K) 2008-5385-R: Consider adopting a resolution authorizing a purchase agreement with Triple S Petroleum of Austin for the purchase of on-site fuel for Sammons Golf Links and the Draughon-Miller Central Texas Regional Airport in the estimated annual amount of \$40,000.

(L) 2008-5386-R: Consider adopting a resolution authorizing a professional services agreement with Carollo Engineers of Austin 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 declaring an official intent to reimburse this expenditure prior to the issuance of tax-exempt obligations designated for this project.

(M) 2008-5387-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick, and Associates of Temple 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 \$119,730.

(N) 2008-5388-R: Consider adopting a resolution authorizing the City Manager to execute a Lease of Land for Track Construction of Track (CL), a new Industrial Track Agreement (ITA) and a Contractor's Right of Entry Agreement

with BNSF Railway in the total amount of \$374,585, and declaring an official intent to reimburse certain expenditures made prior to the issuance of obligations for this project.

(O) 1. 2008-4215: SECOND READING - Z-FY-08-19-A: Consider adopting an ordinance authorizing an amendment to the West Temple Comprehensive Plan to reflect commercial uses on approximately 4.63 acres of land commonly known as Outblock 561-M, City addition located on the west side of North General Bruce Drive, north of Saulsbury park.

2. 2008-4216: SECOND READING - Z-FY-08-19-B: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Commercial District on approximately 4.63 acres of land, commonly known as Outblock 561-M, City Addition, located on the west side of North General Bruce Drive, north of Saulsbury Park.

(P) 2008-5389-R: P-FY-08-15: Consider adopting a resolution approving the residential replat of Ingram Estates Subdivision, a 6.97 acre, two lot residential subdivision, located north of Sparta Road, at the southeast corner of Water Works Road at Denman's Loop, west of West Cliffe Park, in Temple's Western ETJ, subject to the applicant's requested exceptions to Subdivision Regulations Section 33-94(a) requiring rural streets to be edged with 12-inch wide ribbon curbs and Section 33-102(d)(2) requiring payment \$225 in park fees per dwelling unit.

(Q) 2008-5390-R: P-FY-08-26: Consider adopting a resolution approving the amended preliminary plat of Windmill Farms Phase III, located on the along the west side of SH 317 adjacent to the city limit line, subject to the developer's requested exceptions to Subdivision Regulations Section 33-93(c) requiring extension of stub out streets to adjoining properties and Section 33-93(h)(1) requiring that cul-de-sacs be a maximum of 500 feet in length.

(R) 2008-5391-R: P-FY-08-27: Consider adopting a resolution approving the final plat of Windmill Farms Phase III, a 145 lot subdivision located along the west side of SH 317, south of the Temple City limits.

(S) 2008-5392-R: P-FY-08-29: Consider adopting a resolution approving the Final Plat of Airport Park at Central Pointe, Phase 1, nine (9) commercial lots on 63.8+ acres west of Old Howard Road, on both sides of Central Pointe Parkway, subject to the applicant's requested exception to the Subdivision Regulations Sections 33-93(h) (1) requiring that cul-de-sacs be a maximum of 500 feet in length.

(T) 2008-5393-R: Consider adopting a resolution allowing for a 5% local preference on all formal bids over \$25,000 where applicable by law.

(U) 2008-5394-R: Consider adopting a resolution authorizing the transfer of the

Business Rail Car to the Arizona Railroad Museum in Chandler, Arizona.

(V) 2008-5395-R: Consider adopting a resolution authorizing funding from the Child Safety Fees for the 2008 Junior Fire Cadet Program in the amount of \$12,970.

(W) 2008-5396-R: Consider adopting a resolution authorizing certain City employees to conduct investment transactions, transfer funds, and represent the City in other financial transactions.

(X) 2008-5397-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.

Motion by Councilmember Marty Janczak to adopt resolution approving consent agenda, with exception of items (F) and (T), seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

(F) 2008-5380-R: Consider adopting a resolution authorizing a construction contract with Global Mobile Recovery (GMR) of Carrollton for the replacement of twelve (12) air conditioning units at the Public Services Building in the amount of \$67,347.88 and declare an official intent to reimburse this expenditure prior to the issuance of tax-exempt obligations for this project.

Mr. Blackburn stated the scope of work for this project has changed so he is recommending the Council reject all bids and allow Staff to rebid the project.

Motion by Councilmember Tony Jeter to adopt resolution rejecting all bids received to allow Staff to rebid the project, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

(T) 2008-5393-R: Consider adopting a resolution allowing for a 5% local preference on all formal bids over \$25,000 where applicable by law.

Belinda Mattke, Purchasing Director, stated this item is a request to expand the local preference policy. State law changed in 2005 to allow cities to increase the local preference to 5% and include services. The award to a local vendor must be an economic benefit to the community to exercise this local preference.

Councilmember Janczak asked for an explanation about leakage. This is money that goes to another community instead of Temple. It is to our benefit to keep those dollars here.

Mr. Blackburn stated this action is an attempt to recognize the importance of reinvesting

dollars back into our community. He added the City Council discussed this proposal to amend the local preference policy in a recent worksession.

Motion by Councilmember Tony Jeter to adopt resolution approving item (T), seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

VI. REGULAR AGENDA

ORDINANCES

- 7. 2008-4217: 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.**

Traci Barnard, Director of Finance, presented this item to the Council. She provided some history on the proposed financing plan amendment. In February, the Council approved a financing plan amendment which included a \$22,395,000 bond issue for both tax exempt and taxable Certificates of Obligation for rail and non rail projects. On March 20th, the Council awarded the sale of the bonds but excluded rail improvements estimated at \$7,000,000.

This proposed amendment will allocate funding for the rail projects to be funded with Tax Increment Financing Reinvestment Zone (TIRZ) revenue bonds, in the total amount of \$10,365,000. Mrs. Barnard explained that \$3,980,000 has been added to this issue and she provided the project details. She also showed an aerial map of the Gulf States Toyota project location. Mrs. Barnard reviewed several miscellaneous amendments to the financing plan allocating funds between various projects and adjusting debt service payments.

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

Motion by Councilmember Marty Janczak to adopted ordinance on first reading, with second reading set for May 15, 2008, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

- 8. (A) 2008-4218: FIRST READING - PUBLIC HEARING - Consider adopting an ordinance designating the South 1st Street corridor (from Adams Avenue to Loop 363) as Tax Abatement Reinvestment Zone Number Thirteen for Commercial/Industrial/ Residential Tax Abatement and authorizing a number of other economic development incentives for property redevelopment.**

(B) 2008-4219: FIRST READING - PUBLIC HEARING - Consider adopting an ordinance establishing the City's Economic Development Policy, setting out a program for promoting economic development within the City by reestablishing criteria and guidelines for tax abatement, authorizing loans and grants of public money and providing personnel and services of the municipality, to promote local economic development and to stimulate business and commercial activity.

Jonathan Graham, City Attorney, presented items 8(A) and (B) to the Council. The Council adopted the Strategic Investment Zone report last year and this action will begin implementation of the report's recommendations by establishing several incentives, starting in the South 1st Street Corridor.

Mr. Graham explained the reason the South 1st Street Corridor was selected. The ordinance proposed in item (A) establishes this area as a tax abatement reinvestment zone for commercial/industrial/residential tax abatement. This designation lasts for 5 years. The second ordinance establishes 5-year tax abatement for this area. Mr. Graham explained the application process, including what types of properties are eligible and the minimum investment required. He explained the additional proposed incentives, including facade, sign and landscaping improvements, asbestos survey/abatement, demolition, and sidewalk improvement grants. He noted the eligible properties must have a minimum of \$50,000 investment by the owner and all incentives are subject to available funds. If the program is successful, staff will come to the City Council for an additional allocation of funds.

Councilmember Jeter stated the boundaries do not include properties that front North 3rd. He felt properties along both sides of this street should be included, just as with Main Street.

Mr. Graham stated the ordinance can be amended to reflect this change prior to second reading.

Mayor Jones declared the public hearing open with regard to agenda items 8(A) and (B) and asked if anyone wished to address these items.

Nancie Etzel, 329 Big Timber Drive, asked if the sidewalk improvement grants will include ADA compliance.

Mr. Graham replied yes. If new sidewalks are built or existing ones reconstructed, they must be ADA compliant.

Mr. Blackburn stated this is a very significant project. There is a great amount of potential to encourage investment in this area. He reiterated that this does not commit the City to any specific amount of funding. Funds have to be appropriated, then allocated on a first come, first serve basis. This is not an open ended commitment on the City's part.

Motion by Councilmember Russell Schneider to adopt ordinance on first reading, with second reading set for May 15, 2008, with amendment to include both sides of the street on North 3rd Street and Main Street, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

9. (A) 2008-4220: Z-FY-08-20-A - FIRST READING - PUBLIC HEARING - Consider adopting an ordinance amending the West Temple Comprehensive Plan to reflect commercial uses on 6.1± acres out of land commonly known as Outblock 1104-C, located on the south side of West Adams Avenue, east of the residential subdivision of Crescent View Phase One.

(B) 2008-4221: Z-FY-08-20-B - FIRST READING - PUBLIC HEARING - Consider adopting an ordinance authorizing a zoning change from Single Family Two District and Planned Development (General Retail District) to Planned Development (General Retail) District on 6.1± acres out of land commonly known as Outblock 1104-C, located on the south side of West Adams Avenue, east of the residential subdivision of Crescent View Phase One.

Brian Mabry, Senior Planner, presented items 9(A) and (B) to the Council. He showed the future land use map for this area and the subject parcel. The request would designate the entire property as retail. The Planning and Zoning Commission supported the Staff's recommendation for this change. The plat is being administratively reviewed at this time.

Regarding item B, the rezoning request, Mr. Mabry noted a Planned Development for General Retail currently exists on the property to allow mini storage. When it was approved in 2005, it was done so that the development plan would be submitted to the City Council at a future date. Mr. Mabry displayed the plat of the property, noting the drainage channel and stormwater basin at the rear of the property. He also displayed a map of the surrounding zoning in this area and an aerial of the property. Photos were shown of surrounding structures in this area.

Mr. Mabry also addressed the buffering requirement along the adjoining residential development. He showed the development plan recommended by the Planning and Zoning Commission and Staff. The west property line was not addressed at the Planning and Zoning Commission meeting and there is no formal recommendation for landscaping although Staff is recommending Council approve a 5' landscaping requirement in this area. Mr. Mabry presented the purpose and prohibited uses of the General Retail District. Eighteen notices were mailed to surrounding property owners, with two being returned in opposition and none in support. The Planning and Zoning Commission and Staff recommended approval of the zoning change and development plan with the specific elements outlined by Mr. Mabry.

Councilmember Jeter asked the reason for no screening on the back (west) side since that area backs up to SF2 zoning.

Councilmember Schneider asked about the material to be used on the south side.

Mr. Mabry replied the material will be metal. This application was submitted in March and is vested from the recently adopted masonry ordinance. It would not apply in this particular

location since they do not abut a residentially zoned district. The detention area lies beyond this property and on the other side of that there is agricultural property.

Mayor Jones declared the public hearing open with regard to agenda items 9(A) and (B) and asked if anyone wished to address these items.

Collette Marshall, Barnes Developers, stated the layout has changed since this item was presented to the Planning and Zoning Commission. She provided information about Stucco-Tek, the product they will be using. The south side buildings will be not be constructed but a privacy fence will be installed. There will be no doors on the residential side of the property. The entire project will be done in Stucco-Tek with limestone only on the facade. Ms. Marshall stated they want to provide a clean, safe, self storage area for the neighborhood. They will use neutral colors with accent color only on the soffit. Black wrought iron fencing will be installed along the front and a privacy fence will be constructed on the west and south sides.

Bob Mitchell, Mitchell & Associates, provided some history on this area. This property was originally platted as a residential subdivision but the owner has decided to abandon that use since the highest and best use of the property is probably general retail. One third of the six acres is used for stormwater detention facilities.

Sylvia Odenwald, 6609 Brooks Drive, stated her back yard faces this proposed development and she sent in one of the letters of denial. She bought a home in this neighborhood because it is quiet and safe. This development will have lots of noise and traffic. Ms. Odenwald stated she understands they are trying to do a good development but hopes they will consider her concerns. She thought all of the property behind her was SF2, not General Retail.

Councilmember Jeter asked about the proposed lighting.

Ms. Marshall stated they will install low density lighting and it will not face in the direction of the homes. The facility will be closed at 10:00 pm each day.

Ms. Dunavin, Ms. Odenwald's daughter, asked about the height of building.

Ms. Marshall stated it will be 9' high with a pitch.

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

Motion by Councilmember Russell Schneider to adopt ordinances (A) and (B) on first reading, with second reading set for May 15, 2008, including changes in the development plan outlined by the applicant, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

RESOLUTIONS

10. 2008-5398-R: Consider adopting a resolution confirming the appointment of the Assistant City Attorney.

Jonathan Graham, City Attorney, presented this item to the City Council. He stated a number of qualified applicants were interviewed for this position and he is pleased to recommend hiring Robin Houston who has a great deal of government experience working at the State Comptroller's Office and TCEQ. Under the Charter, the Council must confirm the appointment of Assistant City Attorneys.

Motion by Councilmember Marty Janczak to adopt resolution, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

BOARD APPOINTMENTS

11. 2008-5399-R: Consider adopting a resolution appointing four at-large members to the Temple Medical Education District Coordinating Group.

Mayor Jones stated staff has recommended this item be tabled.

Motion by Mayor Pro Tem Patsy E. Luna to table item 11, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

DISCUSSION ITEMS

12. Discuss the City's policy regarding conflicts of interest.

Jonathan Graham, City Attorney, presented this item to the City Council. He explained what a conflict of interest is for a public official, both direct and indirect. Public officials include appointed officials, elected officials and city employees. He also explained what common law is in Texas. In 1987, the legislature pre-empted the common law doctrine of law as it relates to conflicts of interest for local governments. It is possible to have a local provision that is more stringent than state law. Prior to 1990, that was the case and the City followed the common law doctrine. A Charter Review Committee was appointed in 1990 and they reviewed this provision in the Charter, as well as numerous other sections. Mr. Graham explained the Charter provision regarding conflicts of interest prior to 1990 and the change that resulted from a Charter amendment election approved by the voters in January 1990. Mr. Graham explained that no Councilmember may unduly benefit from holding office and he explained what this means. If so, the Councilmember must abstain from discussing or voting on the item.

Councilmember Jeter stated he asked for this discussion due to the award of recent

contracts. His concern is not with the Charter and whether a Councilmember does business with the City. His issue is with contracts that require a high level of engagement and accountability from City staff. Another concern is with Council discussion prior to projects coming to the City Council for approval and he gave an example of this. The Council just approved a policy to remove staff from policing Council expenses related to travel. Councilmember Jeter explained how this is similar to Councilmembers doing business with the City, either contracting or subcontracting, and their interaction with City inspectors and other employees. He is just not comfortable with Council being held accountable to staff. Councilmember Jeter stated he has no problem with a Councilmember serving as a subcontractor on projects because there is no direct relationship with City staff. He added that all Councilmembers should have at least one day notice if a Councilmember will be abstaining.

Councilmember Schneider stated the engineer of record usually works with City staff on construction projects. Everything flows from the contractor to the engineer to the owner...that is the process. The City does not even inspect most of the construction projects as the engineer is doing that. Even billings go to the engineer who checks the quantities and submits it to the City for payment.

Councilmember Jeter stated those engineers are awarded contracts by the Council.

Yes, but they are recommended by staff, Councilmember Schneider stated. He would have a problem with an elected official being an engineer and doing business with the City because of potential conflicts.

Councilmember Jeter stated his only issue is with removing Staff from the loop. He would like to remove that point of failure to make him comfortable. How far out should Councilmembers be involved in discussions regarding projects that might ultimately benefit them?

Mayor Jones stated the same situation could occur if a Councilmember were a banker, attorney or some other profession that might be involved with a future company coming to Temple. We have to trust the integrity of the people involved.

Councilmember Jeter clarified that he is not insinuating that anything has, or will happen. It is the gray area that bothers him. He was previously advocating the formation of an ethics commission but it is probably time for a Charter review overall. Councilmember Jeter added he doesn't know what the answer is but he has voted the way he has because he is concerned.

Mayor Jones stated if the City goes back to not allowing Councilmembers to do business with the City then potentially good citizens might not run for Council. We want our local bidders to be involved. This will impact the market if competitive bidders are taken out of the picture. The City saves a lot of money by awarding to low bidders.

Councilmember Jeter asked how this might impact the local preference policy just approved.

Councilmember Schneider stated the Council should not vote against items if all of the requirements are being met. We have to go by the rules today. If the rules need to be changed then let's change them.

Councilmember Jeter stated he served on a previous Charter Review Committee and he did not envision awarding a Councilmember millions of dollars in contracts.

Councilmember Schneider explained that contractors are just orchestrators. They don't get millions and actually do only a small percentage of the work as most is sublet.

Councilmember Jeter stated he is not advocating a change in the Charter. He just wanted an opportunity to express his concerns and get comfortable with this issue. He wanted to be consistent with his previous votes until this discussion was held. He stated he has no issue with the Mayor or Councilmember Schneider subcontracting but questioned at what point should they not be involved in direct discussions about a specific project. An example is the airport planning report received today and the potential benefit to them if the plan is implemented in future. He felt there should still be a Charter review since four legislative sessions have occurred since the last change to the Charter.

Councilmember Schneider stated if this policy is changed it will affect all City boards.

Councilmember Jeter stated he would like to study all issues not just this one. He expressed his appreciation for the opportunity to have this discussion.

Councilmember Schneider added he does not want unfair treatment of any kind because the engineer is at risk also. He felt he was under more scrutiny because of being Councilmember.

Councilmember Jeter stated he just felt it every important to safeguard the integrity of this Council.

Mayor Jones stated the Council just took steps to eliminate the Council's direct report employees from policing the Council. This is different from involvement with City staff that report to other department heads and the City Manager.

Councilmember Janczak asked if the City is in violation of any law.

Mr. Graham replied no. If a Councilmember submits the lowest responsible bid, we must award the contract to them or reject all bids and re-bid.

Councilmember Janczak asked if there had been any violations since the Charter was approved.

Mr. Graham replied that there are none he is aware of.

Councilmember Jeter stated he is concerned but he is not aware of any problems either.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

05/15/08
Item #10(B)
Consent Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Ken Cicora, Parks and Leisure Services Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of a 16 foot Toro 580D rotary mower from Professional Turf Products of Houston off of the BuyBoard in the amount of \$67,349.11.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: We are requesting authorization to replace one of the two frontline 16' rotary mowers in the Parks Division. The mower (a Jacobson model) that we now are using is constantly breaking down due to various reasons and is currently in for repairs with a blown head gasket. This mower is used daily to mow the city parks.

This Jacobson mower was originally scheduled for replacement in FY 09/10 but due to the condition of the mower, City's Fleet Services Division is recommending it be replaced as soon as possible.

We are requesting authorization to purchase a 16' Toro model 580D rotary mower from Professional Turf Products of Houston from the purchasing BuyBoard in the amount of \$67,349.11.

FISCAL IMPACT: A budget adjustment is presented for Council's approval appropriating \$67,350 to account 110-5935-552-6222, project #100385. Funding for the mower will come from "sweeping" funds remaining from various capital purchases in FY 2008 in addition to remaining funds from the golf course improvement analysis contract.

ATTACHMENTS:

[Budget Adjustment
Resolution](#)

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	
110-5935-552-62-22	100385	Machinery & Equipment	\$ 67,350			
110-5931-552-26-23		Professional			50,000	
110-5935-552-62-13	100290	Automotive			4,000	
110-5935-552-62-13	100291	Automotive			1,500	
110-5935-552-62-22	100293	Machinery & Equipment			1,000	
110-5935-552-62-22	100294	Machinery & Equipment			3,300	
110-5935-552-62-22	100295	Machinery & Equipment			1,000	
110-5900-533-62-13	100284	Automotive			4,000	
110-5900-540-62-13	100285	Automotive			2,550	
TOTAL.....			\$ 67,350		\$ 67,350	

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

This budget adjustment reallocates funds in the amount of \$67,350 to fund the purchase of a 16 foot Toro 580D rotary mower. The current mower is constantly breaking down for various reasons and is currently in the shop for repairs with a blown head gasket. The mower is used daily by the Parks Department. This mower was originally scheduled for replacement in FY 2010, but due to the condition of the mower, the City's Fleet Services department is recommending the mower be replaced as soon as possible. Funding for the mower will come from "sweeping" funds remaining from various capital purchases in FY 2008 in addition to funding remaining from the golf course improvement analysis professional services contract.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

5/15/2008

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date

☐ Approved
☐ Disapproved

Finance

Date

☐ Approved
☐ Disapproved

City Manager

Date

☐ Approved
☐ Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A 16 FOOT TORO 580D ROTARY MOWER FROM PROFESSIONAL TURF PRODUCTS OF HOUSTON, TEXAS, OFF THE BUYBOARD, IN THE AMOUNT OF \$67,349.11; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Parks Department needs to replace one of the two frontline 16 foot rotary mowers which is used daily to mow City parks;

Whereas, the Staff recommends purchasing a 16 foot Toro 580D rotary mower from Professional Turf Products of Houston, Texas, off the BuyBoard for the price of \$67,349.11;

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

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

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

Part 1: The City Council authorizes the purchase of a 16 foot Toro 580D rotary mower from Professional Turf Products off the BuyBoard for a cost not to exceed \$67,349.11

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

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

PASSED AND APPROVED this the **15th** day of **May**, 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

05/15/08
Item #10(C)
Consent Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of a 10 piece Life Trail fitness station set from The Play Well Group off of the BuyBoard for the Miller Community Park trail in the amount of \$29,676.56 and declaring an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this project.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: One of the projects identified in the Parks bond package that was approved by the voters last fall was improvements for the trail in Miller Community Park. Included in that project was the installation of "fitness stations" along the hiking trail. The fitness stations will be for adults who utilize the trail and are designed to emphasize well-rounded fitness by adding variety to the normal walking routine.

Once purchased, the fitness stations will be installed by the contractor selected to make the improvements to the trail system. This should maximize cost saving efficiency during the renovation of the trails in Miller Park. The fitness stations will be installed in a loop of the trail on the South side of the creek adjacent to the main parking area for the park.

FISCAL IMPACT: This item declares an official intent to reimburse the purchase price of the 10 piece Life Trail fitness station set from the 2008 General Obligation bonds to be issued in the summer of 2008. The General Obligation bond issue was approved by voters on November 6, 2007. Total project costs for the Miller Park Playground/Hike and Bike Trail is \$600,000, which will be funded in account 362-3500-552-6842, project #100360. In addition to the exercise fitness stations, a spray park and playground, and a hike and bike trail with pervious concrete will also be built. After funding this contract, \$229,165 will remain to complete this project.

ATTACHMENTS:

[Price Quote](#)
[Resolution](#)

The PlayWell Group

Toll free: (800) 726-1816

Free Fax: (800) 560-9150

New Mexico
9430 San Mateo Blvd. NE, Unit G
Albuquerque, NM 87113
(505) 899 1762

Texas
2750 Northaven Rd. Suite 103
Dallas, TX 75229
(972) 488-9355

4/25/2008

City of Temple
3210 East Ave H
Building H Bldg.C
TEMPLE TX 76501
Tel: (254)-298-5690

Thank You for Choosing, The PlayWell Group, for all Your Park and Play Needs! Your Business is Appreciated!

Warning

Surfacing Required! IMPORTANT! The PlayWell Group and Playworld Systems, Inc. strongly recommends the use of resilient surfacing material under and around all playground equipment. Refer to the Consumer Protection Safety Commission's Publication Number 325, Handbook for Public Playground Safety, for suggested guidelines. See catalog for use zone dimensions.

Owner's Responsibility

All playground equipment and surfaces must be maintained and/or inspected on a regular basis. The recommended minimum is once a week. Educate users in safe use of play equipment. Information signage is highly recommended to inform adults of their playground supervision responsibilities.

Delivery Time Varies Depending on Manufacturer. Please refer to Quote to find Specific Time.

DelvTerms

F.O.B. FACTORY

Title to all goods passes to the customer at the time of shipment from the manufacturer. All quoted ship dates are approximate and contingent upon manufacture's shipping schedules or other causes beyond our control. PRODUCTS ARE SHIPPED KNOCKED DOWN. CUSTOMER IS RESPONSIBLE FOR ASSISTING IN UNLOADING, STORAGE AND INSTALLATION OF MATERIALS UNLESS OTHERWISE STATED.

Terms & Conditions

New accounts, nontax funded customers: 50% deposit and provide credit application. Balance due net 15 days or upon completion if installed by PlayWell. Bonded public project terms: Bonding information and credit application required. Deposit may be required.

Late penalties may apply.

Full payment due on all orders under \$1,000.00 No Exceptions

ACTS OF GOD OR NON-PRODUCT PROJECT DELAYS SHALL NOT VOID THE ABOVE TERMS!

CancelPolicy

THANK YOU FOR YOUR BUSINESS!

Your equipment will be ordered immediately upon receipt of written approval. Order changes will delay shipment up to 6 weeks. All orders cancelled prior to shipment will be charged 10% of the equipment price. Orders cancelled after shipment but prior to installation will be charged delivery and return

Notes:

shipping and handling fees plus a 25% restocking fee. No refunds will be given on installed equipment.

Installation Is Not Included On This Quote

A separate installation quote must be included with your order if installation is required.

Installation is not included in any price listed on this quote.

Please sign below to acknowledge acceptance of these terms.

SIGNATURE: _____

Date: _____

Notes:

The PlayWell Group

Toll free: (800) 726-1816

Free Fax: (800) 560-9150

New Mexico
9430 San Mateo Blvd. NE, Unit G
Albuquerque, NM 87113
(505) 899 1762

Texas
2750 Northaven Rd. Suite 103
Dallas, TX 75229
(972) 488-9355

QUOTATION

SQ-13332

4/23/2008

Customer		Contact		Ship To			
City of Temple 3210 East Ave H Building H Bldg.C TEMPLE TX 76501		City of Temple Kim 3210 East Ave H Building H Bldg.C TEMPLE TX 76501 UNITED STATES Tel: (254)-298-5690		City of Temple 3210 East Ave H Building H Bldg.C TEMPLE TX 76501 UNITED STATES Tel: (254)-298-5690			
Account	Terms		Due Date	Account Rep		Schedule Date	
1194	NET 30		5/23/2008	Stephen Thompson		6/23/2008	
Quotation	PO #		Reference	Ship VIA		Page	Printed
SQ-13332				Default Carrier		3	4/25/2008 1:52:55PM
L	Item	Description	Qty	Price	UM	Discount	Amount
1	BuyBoard	BUYBOARD	1	\$0.00	EA		\$0.00
2		This is a BuyBoard Purchasing cooperative Quote. Pricing reflects BuyBoard discounts as listed on Web site www.buyboard.com under the vendor listing for The PlayWell Group, Inc.# 269-07					
3	PWS-LT1000S	Includes 10 Unique Stations designed with the health and safety of users in mind and all activites are age appropriate. The 10 separate stations are: Welcome, Lower Body Warm-up, Bench Stepper, Torso Stability, Upper Body Warm-up, Standing Push-up, Forearm Rolls, Upper Body Stretch & Strengthen, Lower Body Stretch, and Balance Stations Post Color:FOOTED; COLORS; BOTTLE GREEN / GOLD ACCENTS	1	\$29,987.00	EA	\$2,998.70	\$26,988.30
4							
5	SH	Shipping & Handling	1	\$2,688.26	EA		\$2,688.26
6							
This Quotation is good for 30 Days from the date listed above. We appreciate the opportunity to quote and look forward to serving your needs. To order, please fax this signed form including color choices, if necessary, and confirm the shipping address. This ship date is approximate. We reserve the right to change and collect interest in the amount of 1.5% per month if payment is not received in full in accordance with the terms set forth. Play Safely and PlayWell. Customer PO No. _____ Approved By: _____ Date: _____				Tax Details EXEMPT \$0.000		Taxable	\$0.00
						Total Tax	\$0.00
						Exempt	\$29,676.56
						Total	\$29,676.56
						Balance	\$29,676.56

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A 10 PIECE LIFE TRAIL FITNESS STATION OFF THE BUYBOARD FOR THE MILLER COMMUNITY PARK TRAIL FROM THE PLAY WELL GROUP OF DALLAS, TEXAS, IN THE AMOUNT OF \$29,676.56; DECLARING OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS FOR THIS PURCHASE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Staff recommends authorizing the purchase of a 10 piece life trail fitness station off the BuyBoard for the Miller Community Park trail from The Play Well Group, of Dallas, Texas, for the price of \$29,676.56;

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 purchase;

Whereas, certain expenditures relating to the purchase 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 purchase 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 purchase of a 10 piece life trail fitness station off the BuyBoard for the Miller Community Park trail from The Play Well Group, of Dallas, Texas, for the price of \$29,676.56.

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 his purchase.

Part 3: The findings, determinations and certifications contained in the preamble hereof are incorporated herein for all purposes.

Part 4: 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 5 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 5: 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

Purchase of a 10 piece Life Trail fitness Station set	\$29,676.56
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Part 6: The expenditures described in Part 5 is a capital expenditure under general Federal income tax principles or a cost of issuance.

Part 7: 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 5.

Part 8: 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 15th day of **May**, 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

05/15/08
Item #10(D)
Consent Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing the following:

1. A construction contract with JHL Construction of Gatesville, Texas in the amount of \$212,000.00 for trail renovations in Miller Community Park;
2. A deductive change order from this contract in the amount of \$47,250; and
3. Declaring an official intent to reimburse this net expenditure in the amount of \$164,750 made prior to the issuance of tax-exempt obligations for this project.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: One of the projects approved last fall as part of the Parks Bond Election was improvements of the hiking trail system in Miller Community Park. The trail as it currently exists is a combination of standard concrete and crushed granite south of the creek and entirely crushed granite north of the creek. While the concrete has held up well since it was constructed in the early 1990's, the crushed granite has not. The crushed granite portion of the trail requires nearly constant maintenance to keep it in good shape and useable by park visitors.

This contract will eliminate the crushed granite portion of the trail south of the creek and replace it with standard concrete to match the existing concrete surface that is still in great shape. The crushed granite trail north of the creek will be replaced with pervious concrete. This is the same material that we have used in South Temple Community Park and Woodbridge Neighborhood Park and is performing extremely well.

This contract also provides for the installation of 10 "fitness stations" along a loop in the trail that is south of the creek and adjacent to the main parking area. The purchase of the fitness stations is being presented to Council in a separate agenda item in the amount of \$29,676.56.

On April 29, 2008 the City received one bid from JHL Construction for this project in the amount of \$212,000.00. After the bid was received it was discovered that there was an error on the construction plans and the trail north of the creek was actually 2600 feet in length versus 4000 feet as indicated in the bid drawing. Therefore, a deductive change order in the amount of \$47,250.00 is needed to correct this error making the contract amount \$164,750.00.

JHL Construction has done work for the City in the past and staff has found them to be a responsible vendor.

FISCAL IMPACT: This item declares an official intent to reimburse the construction contract with JHL Construction for the trail renovations from the 2008 General Obligation bonds to be issued in the summer of 2008. The General Obligation bond issue was approved by voters on November 6, 2007. Total project costs for the Miller Park Playground/Hike and Bike Trail is \$600,000, which will be funded in account 362-3500-552-6842, project #100360. In addition to the trail renovations, exercise fitness stations, a spray park, and playground will also be built. After funding this contract, \$64,415 will remain to complete this project.

ATTACHMENTS:

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

Tabulation of Bids Received
on April 29, 2008 at 2:00 p.m.
Miller Park Trail Renovation Project

		Bidders
		JHL Construction Gatesville
Description		
Total Bid Amount		\$212,000.00
Bid Bond (Required at bid opening)		Yes

CIQ Form	Yes
Bond Affidavit	Yes
Insurance Affidavit	Yes
Credit Check Authorization Form	Yes

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

Belinda Mattke

29-Apr-08

Belinda Mattke, Director of Purchasing

Date

CHANGE ORDER

PROJECT: Miller Park Trail Renovation
OWNER: City of Temple
CONTRACTOR: JHL Construction, Inc.
ENGINEER:
CHANGE ORDER #: 1

Make the following additions, modifications or deletions (circle those that apply) to the work described in the Contract Documents:

ITEM #: 1 Deduct 1,400 linear ft. of pervious concrete trail @ \$33.75 per lf
LUMP SUM AMOUNT: **\$47,250.00**

The compensation agreed upon in this Change Order is full, complete and final payment for all costs the Contractor may incur as a result of or relating to this change whether said costs are known, unknown, foreseen or unforeseen at this time, including without limitation, any cost for delay (for which only revised time is available), extended overhead, ripple or impact cost, or any other effect on changed or unchanged work as a result of this Change Order.

Original Contract Amount	\$ 212,000.00
Previous Net Change in Contract Amount	\$ 0.00
Net Change in Contract Amount	\$ 47,250.00
Revised Contract Amount	\$ 164,750.00
Original Contract Time	90 days
Previous Net Change in Contract Time	N/A
Net Change in Contract Time	N/A
Revised Contract Time	90 days
Original Final Completion Date	TBD
Revised Final Completion Date	TBD

Contractor: **JHL Construction, Inc.**

Engineer/Architect/Contract Administrator:

By _____
date

By _____
date

Approved by City of Temple:

Approved as to Form::

By _____
date

By _____
City Attorney's Office date

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH JHL CONSTRUCTION OF GATESVILLE, TEXAS, FOR TRAIL RENOVATIONS IN MILLER COMMUNITY PARK, IN THE AMOUNT OF \$212,000; AUTHORIZING A DEDUCTIVE CHANGE ORDER FROM THE CONTRACT IN THE AMOUNT OF \$47,250; DECLARING AN OFFICIAL INTENT TO REIMBURSE THIS EXPENDITURE (\$164,750) PRIOR TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS FOR THIS PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on April 29, 2008, the City received 1 bid for trail renovations in Miller Community Park;

Whereas, the Staff recommends accepting the bid (\$212,000) received from JHL Construction of Gatesville, Texas, and also approving a deductive change order for \$47,250 for the project, for a total project amount of \$164,750;

Whereas, funds are available in Account No. 362-3500-552-6842, project #100360;

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 construction contract, not to exceed \$212,000, with JHL Construction of Gatesville, Texas, after approval as to form by the City Attorney, for trail renovations in Miller Community Park.

Part 2: The City Council approves a deductive change order in the amount of \$47,250 to the contract, for a total project amount of \$164,750.

Part 3: The findings, determinations and certifications contained in the preamble hereof are incorporated herein for all purposes.

Part 4: 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 5 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 5: 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

Trail improvements in
Miller Community Park

\$164,750

Part 6: The expenditures described in Part 5 is a capital expenditure under general Federal income tax principles or a cost of issuance.

Part 7: 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 5.

Part 8: 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 **15th** day of **May**, 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

05/15/08
Item #10(E)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with TTG Utilities, LP of Gatesville for relocation of City of Temple water utilities along US HWY 190 between SH 95 and FM 3117 in the amount of \$145,203.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On 16 March 2006, Council authorized a professional services agreement with Lockwood, Andrews & Newnam, Inc. to provide engineering services for a water line replacement project that extends from State Highway 95, south to FM 3117 (approximate city limits) along US Highway 190. This water utility project will precede State of Texas right-of-way expansion and TxDOT highway improvements.

In cooperation with the State Highway Department, the City Utility Services Department has identified existing water utility infrastructure conflicts with proposed highway improvements at this location. After careful examination of these conflicts, these utility mains must be relocated to facilitate highway reconstruction.

On April 17, 2008, six bids were received for construction of the project which replaces approximately 2,600 LF (1,900 LF of 6-inch PVC and 700 LF of 8-inch PVC) of deteriorated and undersized water mains that were a part of Acres Water Supply Corporation that the City of Temple acquired in 1987. This project will also provide fire protection to the residential and commercial structures within the project limits. Additionally, relocation of these utilities is a condition of operating these utilities within State right-of-way. Per the attached bid tabulation, TTG Utilities, LP submitted the low bid on the project in the amount of \$145,203. LAN's opinion of probable construction cost for the project was approximately \$300,000.

This resolution will allow the City to further collaborate with the State to relocate our utility infrastructure, take the first step in upgrading our service level to our customers in this area, and provide fire protection to homes and businesses where this project will take place within city limits.

FISCAL IMPACT: Funding in the amount of \$435,000 was appropriated in account 561-5200-535-6927, project # 100133, to fund the US HWY 190 Water line relocation between SH 95 and FM 3117 from the 2006 Utility Revenue Bond Issue. Funding in the amount of \$350,555 is currently available to fund the construction contract with TTG Utilities, LP.

ATTACHMENTS:

[Letter of Recommendation](#)

[Map showing project location](#)

[Bid Tab](#)

[Resolution](#)



**Lockwood, Andrews
& Newnam, Inc.**
A LEO A DALY COMPANY

May 1, 2008

Mr. Salvador Rodriguez, PE
City of Temple
3210 E. Avenue H Building A
Temple, Texas 76501

RE: Contractor Recommendation
US190 Hwy Waterline Relocation

Mr. Rodriguez:

Six secured bids were received on April 17, 2008 for the US Hwy 190 Waterline Relocation project.

TTG Utilities is the low bidder with a bid amount of \$145,203.00.

LAN recommends that a contract be awarded to TTG Utilities for this project.

If you have any questions regarding this project, please do not hesitate to contact me at (512) 338-4212.

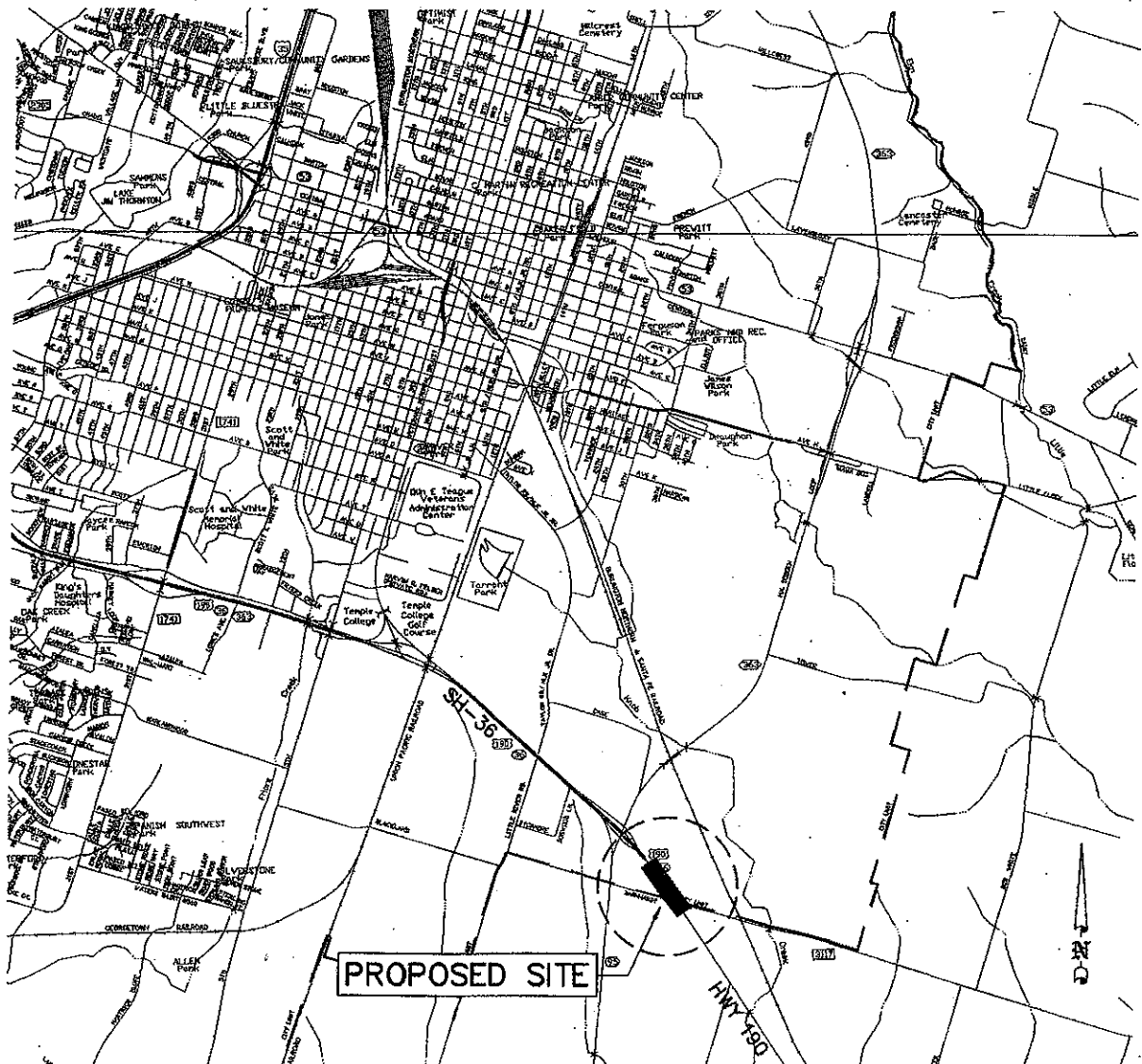
Sincerely,

A handwritten signature in black ink that reads 'Julie Hastings'. The signature is fluid and cursive.

Julie Hastings, PE
Project Manager

cc: LAN Project File No. 119917/160-10218-000-6.2

US Hwy 190 Waterline Relocation
Location Map





**Lockwood, Andrews
& Newnam, Inc.**

CITY OF TEMPLE US HWY190 WATERLINE RELOCATION

Bid Tabulation

Bid Date: APRIL 17, 2008 @ 2:00 pm

Bidder(s):				Austin Engineering Co., Inc.		Bell Contractors, Inc.	
Location:				Austin, TX		Belton, TX	
Guarantee: BB-Bid Bond CC-Cashiers Check CTC-Cert. Chk.				BB		BB	
Acknowledge Receipt of Addenda 1-3:				Yes		Yes	
Bid Item	Quantity	Unit	Item Description	Unit Price	Amount	Unit Price	Amount
1	1	LS	Site Preparation	\$3,000.00	\$3,000.00	\$8,100.00	\$8,100.00
2	1	LS	Mobilization/Demobilization, Bonds and Insurance	\$10,000.00	\$10,000.00	\$6,300.00	\$6,300.00
3	1450	LF	6-inch PVC Waterline	\$34.00	\$49,300.00	\$18.00	\$26,100.00
4	350	LF	8-inch PVC Waterline	\$43.00	\$15,050.00	\$22.00	\$7,700.00
5	160	LF	12-inch Steel Encasement by Road Bore, including 6" PVC C-900 carrier pipe	\$330.00	\$52,800.00	\$185.00	\$29,600.00
6	85	LF	18-inch Steel Encasement by Road Bore, including 8" PVC C-900 carrier pipe	\$340.00	\$28,900.00	\$275.00	\$23,375.00
7	145	LF	12-inch Steel Encasement by Open Cut, including 6" PVC C-900 carrier pipe	\$178.00	\$25,810.00	\$79.20	\$11,484.00
8	145	LF	18-inch Steel Encasement by Open Cut, including 8" PVC C-900 carrier pipe	\$182.00	\$26,390.00	\$110.00	\$15,950.00
9	7	EA	6-inch Resilient-Seat Gate Valves	\$760.00	\$5,320.00	\$650.00	\$4,550.00
10	1	EA	2-inch Air Release/Air Vacuum Valve	\$2,200.00	\$2,200.00	\$1,200.00	\$1,200.00
11	5	EA	Fire Hydrant Assembly	\$3,000.00	\$15,000.00	\$2,500.00	\$12,500.00
12	1	EA	Sampling Station	\$1,100.00	\$1,100.00	\$1,000.00	\$1,000.00
13	5	EA	Single Short Service	\$660.00	\$3,300.00	\$510.00	\$2,550.00
14	1	EA	Single Long Service	\$1,860.00	\$1,860.00	\$1,100.00	\$1,100.00
15	1	EA	Double Short Service	\$1,100.00	\$1,100.00	\$930.00	\$930.00
16	1	EA	Double Long Service	\$2,200.00	\$2,200.00	\$1,600.00	\$1,600.00
17	1	EA	Connection of new 6-inch water line to existing 2-inch water line	\$460.00	\$460.00	\$950.00	\$950.00
18	1	EA	Connection of new 6-inch water line to existing 6-inch water line	\$4,680.00	\$4,680.00	\$2,300.00	\$2,300.00
19	1	EA	Connection of new 8-inch water line to existing 6-inch water line	\$5,400.00	\$5,400.00	\$2,700.00	\$2,700.00
20	2080	LF	Trench Safety Plan, including design sealed by Registered Professional Engineer	\$1.00	\$2,080.00	\$1.30	\$2,704.00
21	1	LS	Cutting and plugging of 2" waterline	\$250.00	\$250.00	\$510.00	\$510.00
22	70	LF	Abandonment in place of existing 2" waterline	\$16.00	\$1,120.00	\$6.10	\$427.00
23	80	LF	Abandonment in place of existing 4" waterline	\$22.00	\$1,760.00	\$6.50	\$520.00
24	80	LF	Abandonment in place of existing 6" waterline	\$28.00	\$2,240.00	\$7.90	\$632.00
25	1240	LF	Remove abandoned 1" waterline	\$12.00	\$14,880.00	\$2.70	\$3,348.00
26	1360	LF	Remove abandoned 1 1/2" waterline	\$14.00	\$19,040.00	\$2.90	\$3,944.00
27	1020	LF	Remove abandoned 2" waterline	\$16.00	\$16,320.00	\$3.10	\$3,162.00
28	205	LF	Remove abandoned 3" waterline	\$18.00	\$3,690.00	\$3.40	\$697.00
29	80	LF	Remove abandoned 4" waterline	\$22.00	\$1,760.00	\$3.70	\$296.00
30	210	LF	Remove abandoned 6" waterline	\$28.00	\$5,880.00	\$4.00	\$840.00
31	1	EA	Remove existing fire hydrant assembly and deliver to City Services Building	\$1,700.00	\$1,700.00	\$410.00	\$410.00
Total Bid Amount:					\$324,590.00		\$177,479.00



**Lockwood, Andrews
& Newnam, Inc.**

CITY OF TEMPLE US HWY190 WATERLINE RELOCATION

Bid Tabulation

Bid Date: APRIL 17, 2008 @ 2:00 pm

Bidder(s):				EBC Construction, LLC		Patin Construction, LLC	
Location:				Manor, TX		Hutto, TX	
Guarantee: BB-Bid Bond CC-Cashiers Check CTC-Cert. Chk.				BB		BB	
Acknowledge Receipt of Addenda 1-3:				Yes		Yes	
Bid Item	Quantity	Unit	Item Description	Unit Price	Amount	Unit Price	Amount
1	1	LS	Site Preparation	\$28,000.00	\$28,000.00	\$20,000.00	\$20,000.00
2	1	LS	Mobilization/Demobilization, Bonds and Insurance	\$10,000.00	\$10,000.00	\$17,840.00	\$17,840.00
3	1450	LF	6-inch PVC Waterline	\$29.00	\$42,050.00	\$25.00	\$36,250.00
4	350	LF	8-inch PVC Waterline	\$34.00	\$11,900.00	\$35.00	\$12,250.00
5	160	LF	12-inch Steel Encasement by Road Bore, including 6" PVC C-900 carrier pipe	\$329.00	\$52,640.00	\$227.00	\$36,320.00
6	85	LF	18-inch Steel Encasement by Road Bore, including 8" PVC C-900 carrier pipe	\$335.00	\$28,475.00	\$235.00	\$19,975.00
7	145	LF	12-inch Steel Encasement by Open Cut, including 6" PVC C-900 carrier pipe	\$48.00	\$6,960.00	\$65.00	\$9,425.00
8	145	LF	18-inch Steel Encasement by Open Cut, including 8" PVC C-900 carrier pipe	\$63.00	\$9,135.00	\$90.00	\$13,050.00
9	7	EA	6-inch Resilient-Seat Gate Valves	\$550.00	\$3,850.00	\$558.00	\$3,906.00
10	1	EA	2-inch Air Release/Air Vacuum Valve	\$1,750.00	\$1,750.00	\$1,180.00	\$1,180.00
11	5	EA	Fire Hydrant Assembly	\$3,350.00	\$16,750.00	\$2,400.00	\$12,000.00
12	1	EA	Sampling Station	\$1,900.00	\$1,900.00	\$912.00	\$912.00
13	5	EA	Single Short Service	\$775.00	\$3,875.00	\$1,825.00	\$9,125.00
14	1	EA	Single Long Service	\$1,700.00	\$1,700.00	\$2,120.00	\$2,120.00
15	1	EA	Double Short Service	\$1,200.00	\$1,200.00	\$2,815.00	\$2,815.00
16	1	EA	Double Long Service	\$1,350.00	\$1,350.00	\$3,140.00	\$3,140.00
17	1	EA	Connection of new 6-inch water line to existing 2-inch water line	\$325.00	\$325.00	\$1,060.00	\$1,060.00
18	1	EA	Connection of new 6-inch water line to existing 6-inch water line	\$2,350.00	\$2,350.00	\$2,170.00	\$2,170.00
19	1	EA	Connection of new 8-inch water line to existing 6-inch water line	\$3,300.00	\$3,300.00	\$2,500.00	\$2,500.00
20	2080	LF	Trench Safety Plan, including design sealed by Registered Professional Engineer	\$1.00	\$2,080.00	\$1.00	\$2,080.00
21	1	LS	Cutting and plugging of 2" waterline	\$225.00	\$225.00	\$125.00	\$125.00
22	70	LF	Abandonment in place of existing 2" waterline	\$16.00	\$1,120.00	\$2.00	\$140.00
23	80	LF	Abandonment in place of existing 4" waterline	\$15.00	\$1,200.00	\$4.00	\$320.00
24	80	LF	Abandonment in place of existing 6" waterline	\$18.00	\$1,440.00	\$6.00	\$480.00
25	1240	LF	Remove abandoned 1" waterline	\$4.00	\$4,960.00	\$6.00	\$7,440.00
26	1360	LF	Remove abandoned 1 1/2" waterline	\$4.00	\$5,440.00	\$6.00	\$8,160.00
27	1020	LF	Remove abandoned 2" waterline	\$4.00	\$4,080.00	\$6.00	\$6,120.00
28	205	LF	Remove abandoned 3" waterline	\$4.00	\$820.00	\$6.00	\$1,230.00
29	80	LF	Remove abandoned 4" waterline	\$4.00	\$320.00	\$6.00	\$480.00
30	210	LF	Remove abandoned 6" waterline	\$5.00	\$1,050.00	\$6.00	\$1,260.00
31	1	EA	Remove existing fire hydrant assembly and deliver to City Services Building	\$500.00	\$500.00	\$2,500.00	\$2,500.00
Total Bid Amount:					\$250,745.00		\$236,373.00



**Lockwood, Andrews
& Newnam, Inc.**

CITY OF TEMPLE US HWY190 WATERLINE RELOCATION

Bid Tabulation

Bid Date: APRIL 17, 2008 @ 2:00 pm

Bidder(s):				Smetana & Associates Construction Co., Inc.		TTG Utilities, LP	
Location:				Temple, TX		Gatesville, TX	
Guarantee: BB-Bid Bond CC-Cashiers Check CTC-Cert. Chk.				BB		BB	
Acknowledge Receipt of Addenda 1-3:				Yes		Yes	
Bid Item	Quantity	Unit	Item Description	Unit Price	Amount	Unit Price	Amount
1	1	LS	Site Preparation	\$6,256.00	\$6,256.00	\$6,000.00	\$6,000.00
2	1	LS	Mobilization/Demobilization, Bonds and Insurance	\$4,651.00	\$4,651.00	\$9,500.00	\$9,500.00
3	1450	LF	6-inch PVC Waterline	\$24.66	\$35,757.00	\$16.00	\$23,200.00
4	350	LF	8-inch PVC Waterline	\$29.42	\$10,297.00	\$21.00	\$7,350.00
5	160	LF	12-inch Steel Encasement by Road Bore, including 6" PVC C-900 carrier pipe	\$256.00	\$40,960.00	\$90.00	\$14,400.00
6	85	LF	18-inch Steel Encasement by Road Bore, including 8" PVC C-900 carrier pipe	\$374.00	\$31,790.00	\$165.00	\$14,025.00
7	145	LF	12-inch Steel Encasement by Open Cut, including 6" PVC C-900 carrier pipe	\$149.00	\$21,605.00	\$60.00	\$8,700.00
8	145	LF	18-inch Steel Encasement by Open Cut, including 8" PVC C-900 carrier pipe	\$199.00	\$28,855.00	\$72.00	\$10,440.00
9	7	EA	6-inch Resilient-Seat Gate Valves	\$910.00	\$6,370.00	\$825.00	\$5,775.00
10	1	EA	2-inch Air Release/Air Vacuum Valve	\$1,354.00	\$1,354.00	\$650.00	\$650.00
11	5	EA	Fire Hydrant Assembly	\$2,941.00	\$14,705.00	\$2,900.00	\$14,500.00
12	1	EA	Sampling Station	\$996.00	\$996.00	\$165.00	\$165.00
13	5	EA	Single Short Service	\$521.00	\$2,605.00	\$470.00	\$2,350.00
14	1	EA	Single Long Service	\$682.00	\$682.00	\$700.00	\$700.00
15	1	EA	Double Short Service	\$980.00	\$980.00	\$725.00	\$725.00
16	1	EA	Double Long Service	\$1,236.00	\$1,236.00	\$1,035.00	\$1,035.00
17	1	EA	Connection of new 6-inch water line to existing 2-inch water line	\$1,609.00	\$1,609.00	\$2,025.00	\$2,025.00
18	1	EA	Connection of new 6-inch water line to existing 6-inch water line	\$2,479.00	\$2,479.00	\$2,900.00	\$2,900.00
19	1	EA	Connection of new 8-inch water line to existing 6-inch water line	\$2,776.00	\$2,776.00	\$3,000.00	\$3,000.00
20	2080	LF	Trench Safety Plan, including design sealed by Registered Professional Engineer	\$2.12	\$4,409.60	\$0.60	\$1,248.00
21	1	LS	Cutting and plugging of 2" waterline	\$432.00	\$432.00	\$250.00	\$250.00
22	70	LF	Abandonment in place of existing 2" waterline	\$5.00	\$350.00	\$8.00	\$560.00
23	80	LF	Abandonment in place of existing 4" waterline	\$7.00	\$560.00	\$8.50	\$680.00
24	80	LF	Abandonment in place of existing 6" waterline	\$10.00	\$800.00	\$9.50	\$760.00
25	1240	LF	Remove abandoned 1" waterline	\$3.00	\$3,720.00	\$3.00	\$3,720.00
26	1360	LF	Remove abandoned 1 1/2" waterline	\$4.00	\$5,440.00	\$3.00	\$4,080.00
27	1020	LF	Remove abandoned 2" waterline	\$5.00	\$5,100.00	\$3.00	\$3,060.00
28	205	LF	Remove abandoned 3" waterline	\$5.00	\$1,025.00	\$5.00	\$1,025.00
29	80	LF	Remove abandoned 4" waterline	\$6.00	\$480.00	\$5.00	\$400.00
30	210	LF	Remove abandoned 6" waterline	\$8.00	\$1,680.00	\$8.00	\$1,680.00
31	1	EA	Remove existing fire hydrant assembly and deliver to City Services Building	\$419.00	\$419.00	\$300.00	\$300.00
Total Bid Amount:					\$240,378.60		\$145,203.00

Apparent Low Bidder

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH TTG UTILITIES, LP, OF GATESVILLE, TEXAS, FOR THE RELOCATION OF CITY OF TEMPLE WATER UTILITIES ALONG US HIGHWAY 190 BETWEEN SH 95 AND FM 3117, FOR AN AMOUNT NOT TO EXCEED \$145,203; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on April 17, 2008, the City received 6 bids for the relocation of City of Temple water utilities along US Highway 190 between SH 95 and FM 3117;

Whereas, the Staff recommends accepting the bid (\$145,203) received from TTG Utilities, LP, of Gatesville, Texas;

Whereas, funds are available for this project in Account No. 561-5200-535-6927, Project # 100133; 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 \$145,203, with TTG Utilities, LP, of Gatesville, Texas, after approval as to form by the City Attorney, for the relocation of City of Temple water utilities along US Highway 190 between SH 95 and FM 3117.

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 **15th** day of **May**, 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

05/15/08
Item #10(F)
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Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of an emergency standby generator and a automatic transfer switch for the Central Service Center Building A from Waukesha-Pearce Industries, Inc. of Austin in the amount of \$76,370.00 and authorizing the installation and necessary electrical work related to this installation by T. Morales Company Electric & Controls, Ltd., the City's contracted electrical service provider.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Included in the adopted FY 2007 Capital Improvement Program is funding to develop the infrastructure for two Emergency Operation Centers (EOC's). Currently the City's only EOC is designated in the first floor conference room of City Hall. It is staff's recommendation that the primary EOC be located at the Central Service Center, Building A, located at 3210 E. Avenue H. This site recommendation is based on the typical nature of emergencies heavily involving Public Works staff. Once the EOC infrastructure of the Central Service Center EOC is implemented, it is staff's recommendation that the back-up EOC be located at City Hall with the ultimate goal that the backup EOC be located at the Fire Training Center.

The plan within the Central Service Center for the EOC is to convert the Training Room within Building A into an EOC upon the declaration of an emergency. Other rooms within the facility will be used to facilitate the EOC, but the main activity of the EOC will be within the Training Room.

In order to maintain the operation of Building A in the case of an emergency, the building needs to be equipped with an emergency standby generator. Staff used the assistance of T. Morales Company, the City's contracted electrical service provider, to help with the development of specifications for the generator to ensure that the City would be purchasing a system capable of providing the necessary and adequate electrical service in the case of a power outage.

As shown on the attached bid tabulation, on April 22, 2008, six bids were received for the purchase of the following:

- 1) One diesel fueled electric driven generating set to provide power at 350 Kw/437 KVA at 0.8 PF, 120-208 volt/3phase/4 wire/609 Htz/1800 RPM, rated at 1200 amps, and installed in a weather protective, sound attenuated, outdoor enclosure.
- 2) One 1200 amp service automatic transfer switch (ATS), 120-208V, 3-phase, 4-wire, and installed in a self-standing N3R enclosure.

The low bidder was deemed non-responsive due to an exception taken on the generator control panel and their failure to provide a unit manufactured by Detroit Diesel, Onan, Caterpillar, Generac or an approved equal. The second low bidder is Waukesha-Pearce Industries, Inc., who took no exceptions on their bid and will provide a Generac manufactured generator and an Asco manufactured transfer switch. Accordingly, staff is recommending the purchase of the generator and ATS from Waukesha-Pearce Industries, Inc.

The City has done business with Waukesha-Pearce Industries in the past, and staff has found them to be a responsible vendor. In addition, T. Morales is very complimentary of Waukesha-Pearce's responsiveness to maintenance issues, etc.

It is staff's recommendation that the installation the generator and ATS be performed by T. Morales Company Electric & Controls, Ltd., of Florence, the City's contracted electrical service provider. Along with the installation of the generator and ATS, T. Morales will also enhance the Training Room with the necessary electrical service required to run the technology and media devices deemed necessary in the operating of an efficient and effective EOC. T. Morales is estimating that there services and materials related to the installation will be approximately \$81,000, which will include equipment pads for the generator and ATS and new copper conductors. These services and materials will be invoiced to the City in accordance with the City's existing contract with T. Morales based on actual time incurred plus the cost of materials marked up at 15%.

FISCAL IMPACT: Funding in the amount of \$450,000 was originally designated for the infrastructure development of two Emergency Operation Centers in the 2006 Certificate of Obligation bonds, account 361-2200-522-6806, project #100141. To date, \$31,499.60 has been expended of this funding related to the City's wireless infrastructure, leaving a balance of \$418,500. The total estimated expenditure related to the generator and ATS totals \$157,370, leaving an available account balance of \$261,130. Of this \$261,130, it is estimated that approximately \$180,000 will be needed to fund the purchase of the necessary EOC technology and media devices along with furniture. This will leave a balance of approximately \$81,130 to enhance technology at the backup EOC site.

ATTACHMENTS:

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

Tabulation of Bids Received
on April 22, 2008 at 2:30 p.m.
Emergency Standby Generator & Transfer Switch

	Bidders		
	Cummins Southern Plains Round Rock, Texas	Power Pro-Tech Services Maitland, FL	Loftin Equipment Company San Antonio, Texas
Description			
Total Bid Price	\$96,801.00	\$75,701.00	\$76,800.00
Delivery?	No	Yes	No
Local Preference?	No	No	No
Exceptions?	Yes	Yes	Yes
Credit Check Authorization	Yes	Yes	Yes

	Bidders		
	Holt Power Systems Irving, Texas	Waukesha-Pearce Industries Inc. Austin, Texas	Cobra Power Systems Spotswood, NJ
Description			
Total Bid Price	\$82,968.00	\$76,370.00	\$86,525.00
Delivery?	No	Yes	Yes
Local Preference?	No	No	No
Exceptions?	Yes	No	No
Credit Check Authorization	Yes	Yes	Yes

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

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

Belinda Mattke

22-Apr-08

Belinda Mattke, Director of Purchasing

Date

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF AN EMERGENCY STANDBY GENERATOR AND AN AUTOMATIC TRANSFER SWITCH FOR THE CENTRAL SERVICE CENTER BUILDING FROM WAUKESHA-PEARCE INDUSTRIES, INC., OF AUSTIN, TEXAS, IN THE AMOUNT OF \$76,370; AUTHORIZING THE INSTALLATION AND NECESSARY ELECTRICAL WORK RELATED TO THIS INSTALLATION BY T. MORALES COMPANY ELECTRIC & CONTROLS, LTD., THE CITY'S CONTRACTED ELECTRICAL SERVICE PROVIDER; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, included in the adopted FY2007 Capital Improvement Program is funding to develop the infrastructure for two Emergency Operation Centers (EOC's) – currently the City's only EOC is designated in the first floor conference room of City Hall;

Whereas, Staff recommends that the primary EOC be located at the Central Service Center, Building A, located at 3210 East Avenue H – this site recommendation is based on the typical nature of emergencies heavily involving Public Works staff;

Whereas, in order to maintain the operation in Building A in the case of an emergency, the building needs to be equipped with an emergency standby generator – Staff used the assistance of T. Morales Company, the City's contracted electrical service provider, to help with the development of specifications for the generator to ensure that the City would be purchasing a system capable of providing the necessary and adequate electrical service in the case of a power outage;

Whereas, Staff recommends purchasing the standby generator from Waukesha-Pearce Industries, Inc., of Austin, Texas, in the amount of \$76,370;

Whereas, funds are available for this project in Account No. 361-2200-522-6806, project #100141; and

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

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

Part 1: The City Council authorizes the purchase of an emergency standby generator and an automatic transfer switch for the Central Service Center Building #A,

for an amount not to exceed \$76,370, from Waukesha-Pearce Industries, Inc., of Austin, Texas.

Part 2: The City Council authorizes the installation and necessary electrical work related to this installation by T. Morales Company Electric & Controls, Ltd., the City's contracted electrical service provider.

Part 3: 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 and project.

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

PASSED AND APPROVED this the **15th** day of **May**, 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

05/15/08
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Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a tax abatement agreement with Jencer Investments, Inc., for real and personal property improvements for property located between 3918 Range Road and 3831 Lucius McCelvey for a computer service center.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The proposed resolution authorizes the City Manager to execute a tax abatement agreement with Jencer Investments, Inc., (Jencer) which, if approved, gives Jencer 5 years of 75% tax abatement on the increased taxable value of real and personal property improvements for property located between 3918 Range Road and 3831 Lucius McCelvey Drive. The tax abatement applies only to *new* real and personal property improvements with a useful life of ten or more years.

Jencer timely filed an application to receive tax abatement on improvements to real and personal property proposed for the facility. Tax abatement is being sought for improvements to property located between 3918 Range Road and 3831 Lucius McCelvey Drive consisting of a 60,000 square foot metal building with a 10 foot concrete tilt wall and a 30 foot clear height interior that will be suitable for use as a computer service center. The taxable value of real and personal property with a useful life of ten or more years at the facility will be increased by an estimated \$4,000,000.

The City's Economic Development Policy sets out the criteria and guidelines for granting tax abatement. The proposed renovations meet the minimum criteria established for tax abatement consideration. The proposed improvements fall within the definition of "eligible facilities" in the criteria. The applications indicate real and personal property improvements which meet the criteria for granting a **75% tax abatement for 5 years** for the location.

The Staff has provided the other taxing entities involved with notice and copies of the proposed agreement. Under State law, the other taxing entities will have 90 days to elect to enter into an agreement with identical terms. The proposed agreement is drafted for the signature of each taxing entity, but will be effective between Jencer and any of the taxing entities that sign the agreement even if not all sign. Under State law, taxes on supplies and inventory are not eligible for tax abatement.

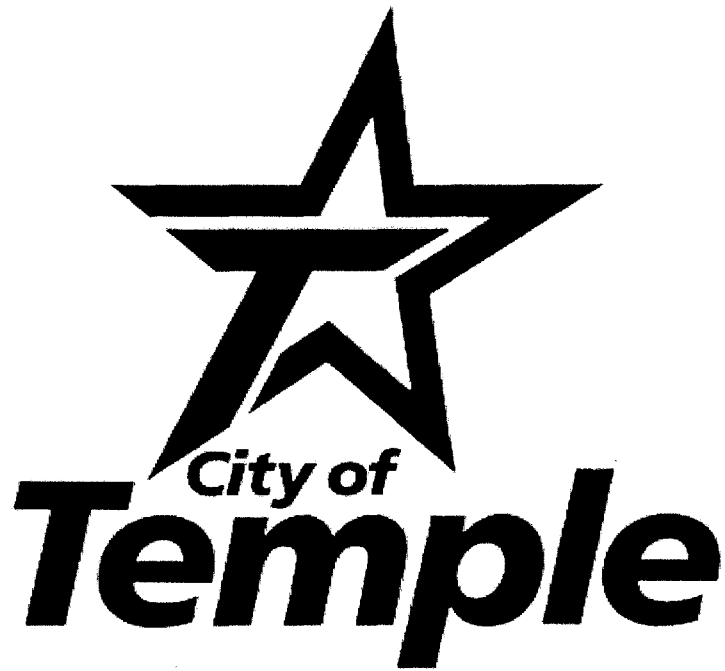
Additionally, the agreement has all of the other terms required by Chapter 312 of the Texas Tax Code for tax abatement agreements, including provisions: (1) listing the kind and number of improvements; (2) providing for inspections of the facility by the taxing entities; (3) requiring compliance with State and local laws; (4) recapturing abated taxes in the event of a default under the agreements; and (5) requiring Jencer to annually certify to all the taxing entities that it is in compliance with all of the terms and conditions of the agreements.

Jencer's application meets the standards for granting tax abatement on the increase in real and personal property improvements established by the City's Criteria and Guidelines for tax abatement. The City Council has discretion whether to approve an application for tax abatement and to increase the percentage of tax abatement over the recommended percentage specified in the matrix in the City's Criteria and Guidelines for tax abatement. The agreement should add to the continued development of the City's industrial park, which may not occur in the absence of tax abatement.

FISCAL IMPACT: The tax abatement agreement would have the potential of abating approximately \$85,215 (\$17,043 per year) in City taxes over the five year life of the Agreement based on the FY 2008 tax rate of \$0.5681.

ATTACHMENTS:

[Application](#)
[Resolution](#)



Application for

City of Temple
Tax Abatement Program

Instructions for Completing the Application Form

1. The application form consists of three parts: (1) general information regarding your proposal and the property in question; (2) the objective criteria worksheet; and (3) questions relating to minimum standards. **Please complete all three parts.** Please review the City of Temple's *Guidelines and Criteria* for tax abatement prior to completing the application form.

2. **Part One:** Questions 1-9 request basic information relating to your proposal.

Questions 3 & 4 are applicable only if you are not the current owner of the property. If you are leasing property for which you are requesting tax abatement, the City of Temple will also require your lessor to execute a tax abatement agreement.

Question 7: Describe in detail, the long term improvements you will make to the property, the proposed use you will make of the property, and your long range plans for the property.

Question 9: Tax abatement is available only on the increase in ad valorem taxes attributable to the improvements to the property you propose to make. Please indicate the percentage of abatement you are requesting, and the number of years of abatement you are requesting.

3. **Part Two:** Questions 1-14 relate to the objective criteria established by the City of Temple for granting tax abatement. Answer each question as fully as possible using additional sheets of paper where necessary. The City Staff will review your responses to assist them in making a recommendation to the City Council on whether tax abatement *should* be granted, and if so, under what terms.

Question 2: Note that under the City's *Guidelines & Criteria*, the City will grant tax abatement only on permanent improvements to real property and personal property with a useful life of at least ten years (e.g., buildings, permanently installed equipment, site improvements, fixtures, equipment). Specifically excluded from tax abatement are inventory, supplies, and the underlying real property. Personal property already on the property prior to the execution of a tax abatement agreement or transferred from another site owned or operated by the applicant are also excluded from tax abatement.

Question 3: Eligible personal property must have a useful life of ten years to be eligible.

Question 9: Note that the City of Temple has established a minimum threshold of \$500,000 (\$25,000 in the Downtown Development Area) in permanent improvements (w/ 10 year useful life) before tax abatement will be considered.

4. **Part 3:** To be eligible for consideration under the tax abatement program, the applicant must satisfy at least two of the minimum standards. We recommend that you provide detail information regarding each of the minimum standards that may apply to your proposed project.

Part One -- General Information

1. Applicant: Jencer Investments
 Mailing Address: 202 Cheyenne Drive, Temple, TX 76504

 E-mail Address: tneman3@aol.com
 Telephone Number: 254.721.1717
 Fax Number:

2. Contact Person or Agent: (if different) David Neman
 Mailing Address:

 E-mail Address:
 Telephone Number:
 Fax Number:

3. Current Property Owner: Jencer Investments
 Mailing Address: 202 Cheyenne Drive, Temple, TX 76504

 Telephone Number: 254.721.1717

4. Property Owner's Representative: (if different)
 Mailing Address:

 Telephone Number:
 Fax Number:

5. Property Street Address: Range Road, Temple, TX 76501

(Please also attach a legal description and a map/plat of the property for which you seek abatement.)

6. Is the property located within City of Temple? Yes X No
 In the City's extraterritorial jurisdiction (ETJ)? Yes No X
 Inside the City's **Tax Increment Financing Reinvestment Zone** Yes No

Temple ISD? Yes X No Belton ISD? Yes No Troy ISD? Yes No

7. Description of Project. (Describe the *kind* of business (e.g., manufacturing or distribution) that will be created or expanded. For purposes of drafting an agreement we will need a detailed description of the proposed real and personal property improvements that you expect to make—including **square footage, construction materials**, etc.) Computer repair 60,000 square feet

8. Date projected for (a) initiation of project: (m/d/y) 5/1/2008
(b) completion of project: 10/1/2008

9. Percentage and duration of tax abatement requested: (See Section I.D.2(b) of the City's Criteria and Guidelines for Tax Abatement) Note: that tax abatement is generally limited to 5 years except for very large projects. 75% 5 years

Part Two -- Objective Criteria

1. What is the existing appraised value of the real property and improvements? (Contact the Bell County Appraisal District at (254) 939-5841.)

Land only - \$10,000 Acre; Parcel #s Range Rd., Loop 363 and Lucius McCelvey.

2. What are the type and value of proposed improvements (broken down to separately show the kind and dollar value of real and personal property improvements)?

	<u>Type</u>	<u>Estimated Expenditure</u>	<u>Useful Life</u>
Real Property	Building	\$3,000,000	40 years
Personal Property	Equipment & Fixtures	\$500,000	5 years
	Inventory	\$500,000	1 year

3. How many existing jobs, if any, will be *retained* by proposed improvements?
300

4. What number, job type, and estimated payroll of *new* jobs will be created by the proposed project? 120+

Job Type	Number of Jobs	Est. Annual Salary	Total Salary
Repair Tech	120+	\$35,000	\$4,200,000+

5. Will the newly created jobs be filled by persons residing or projected to reside within the City? Yes fl No , 50% Temple/Belton/Troy (circle one) Independent School District? Yes fl No , % Bell County? Yes fl No , 95%

6. What is the estimated amount of annual local sales taxes for the City of Temple to be generated directly? (Assume a 1½% city sales tax on applicable purchases within the City) ROI #s Impact Data Source - March 24,2008
\$45,000/yr.

7. By what amount do you estimate the valuation of the affected property increase after your real and personal property improvements are completed? Will the increase in appraised value attributable to your improvements be at least \$500,000 (\$25,000 in the Downtown Development Area)?

\$4,000,000

8. What expenditures, if any, will you request be incurred by the City of Temple to provide facilities or services to your proposed improvements?

N/A

9. What is the amount of ad valorem taxes to be paid the City of Temple during the Abatement period considering: (a) the existing values; (b) your proposed real and personal property improvements; and (c) the percentage of new value abated; and (c) the Abatement period (assume a City tax rate of .5745).

\$89,608 10 years

10. What population growth, if any, in the City of Temple do you expect to occur as a direct result of your proposed improvement?

112

11. What, if any, are the types and values of public improvements (e.g., streets, railroad spurs) you intend to make?

N/A

12. Will the proposed improvements compete with existing businesses to the detriment of the local economy? Which businesses, if any, are likely to be impacted? No

13. Is your proposed use of the underlying real property in compliance with the

City's Comprehensive Zoning and Subdivision Ordinances? Have you discussed your plans with the City's Planning or Engineering Departments?

Yes

Yes (call Tim Dolan or Richard Therriault)

Part Three -- Minimum Standards

1. Will the project involve a minimum increase in property value of 300% for construction of a new facility; 50% for expansion of existing facility; or an investment of at least \$1 million in taxable assets? (If outside the Downtown Area) Explain.

Yes

2. Will the project make a substantial contribution to redevelopment efforts or special area plans by enhancing either functional or visual characteristics, e.g., historical structures, traffic circulation, parking, facades, materials, signs, etc.? Explain.

No

3. Will the project have high visibility, image impact, or is it a significantly higher level of development quality? Explain.

Yes. Along Northwest Loop 363

4. Is the project in an area which might not otherwise be developed because of constraints of topography, ownership patterns, site configuration, etc.? Explain.

No

5. Will the project serve as a prototype and catalyst for other development of a higher standard? Explain.

No

6. Will the project stimulate desirable concentrations of employment or commercial activity? Explain.

Yes. Computer Repair Technicians and support specialists

7. Will the project generate greater employment than would otherwise be achieved,

e.g., commercial/industrial versus residential or manufacturing versus warehousing?
Explain.

Yes. 160 jobs by December 2009

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A TAX
ABATEMENT AGREEMENT WITH JENCER INVESTMENTS, INC., FOR
PROPERTY LOCATED BETWEEN 3918 RANGE ROAD AND 3831
LUCIUS MCCELVEY DRIVE FOR A COMPUTER SERVICE CENTER;
AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City adopted a Resolution dated June 15, 1989, stating that it elects to be eligible to participate in tax abatement;

Whereas, on October 17, 2007, the City Council adopted Ordinance No. 2007-4174, establishing a comprehensive economic development policy for the City of Temple, which policy includes criteria and guidelines for granting tax abatement within the City of Temple in accordance with Chapter 312 of the Tax Code;

Whereas, Jencer Investments, Inc., is the owner of property within the City's Tax Enterprise Zone #3, and has requested that the City consider granting tax abatement for proposed improvements to said property;

Whereas, the contemplated use by Jencer Investments, Inc., of the property, as hereinafter described, and the contemplated improvements to said property in the form and amounts set forth in the agreement, are consistent with encouraging economic development, and in accordance with the criteria and guidelines for tax abatement in the City's Economic Development Policy;

Whereas, as required by law the City has notified the other taxing entities of its intent to enter into the agreement; and

Whereas, the City Council has considered the matter and finds that the proposed tax abatement with Jencer Investments, Inc., is in compliance with State law and the City's *Guidelines and Criteria* governing tax abatement, and that the proposed improvements by Jencer Investments, Inc., are feasible and likely to attract major investment and expand employment within the City.

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 a tax abatement agreement on eligible property between the City of Temple and Jencer Investments, Inc., substantially in the form of the copy attached hereto as Exhibit A, after approval as to form by the City Attorney, governing property located between 3918 Range Road and 3831 Lucius McCelvey Drive in Temple, Bell County, Texas.

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 **15th** day of **May**, 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

05/15/08
Item #10(H)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

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

ITEM SUMMARY: On February 21, 2008, the Financing Plan was amended to increase the issuance of bonds for additional cost for the Outer Loop Phase II, adjusted tax revenues for years 2012 – 2022 for the revised increment attributed to Gulf States Toyota (GST), added the revenue to be received from GST for the underground storm water improvements in the Rail Park, moved construction funding for the Southeast Industrial Park to FY 2009, and adjusted debt service to reflect the amortization of \$22,395,000 for 15 years at a net interest cost of 4.75%.

On March 20, 2008, the Council awarded the sale of \$16,010,000 Combination Tax and Revenue Certificates of Obligations (CO's) for projects attached in Exhibit A. The sale of the bonds on March 20, 2008, did not include the funding for project cost associated with rail construction or rail improvements. Original plans were to fund rail construction (\$6,185,000) with the issuance of taxable certificates of obligation of which the City would pledge an ad valorem tax but apply Tax Increment revenues.

Following discussions with the City's Bond Counsel, staff recommends to fund the improvements with Revenue Bonds payable solely from the revenues of the Tax Increment Reinvestment Zone. This direction was based on discussions with the Attorney General's Office related to rail improvements qualifying as a "public" work within the meaning of the certificate of obligation act.

The proposed Financing Plan increases the amount of revenue bonds to be issued. The amount was increased to provide additional funding to cover updated project cost, purchase of land, and a project contingency. Rail construction estimates increased due to rising prices of steel. The contingency was added due to the uncertainties in the future cost of steel.

The proposed amendment adjusts the following line items on the Financing Plan:

Line 25 – Interest Income: Reduced interest income by \$200,000 to reflect the declining interest rates.

Line 30 – Bond Proceeds: Increased the bond issue by \$3,980,000 to fund the purchase of approximately 355 acres (\$2,700,000), to increase the amount of funding needed for the Rail Park Phase II (\$710,000), to add contingencies for the Rail Park Phase II project (\$800,000), and reduced issuance costs (\$230,000).

Line 71 – Debt Service – 2008 Nontaxable CO issue: The debt service was adjusted to reflect the actual amortization of \$16,010,000 for 15 years at a net interest cost of 4.08%.

Line 72 – Debt Service – 2008 Taxable Revenue Bonds: The debt service was adjusted to reflect the estimated amortization of \$10,365,000 for 15 years at a net interest cost of 5.50%.

Line 73 – Issuance Costs: Reduced the amount of issuance costs by \$230,000. Savings realized from issuing bonds through private placement.

Line 100 – Railroad Spur Improvements: Added \$1,400,000 for additional funding need for construction of the Rail Park Phase II project. \$710,000 of the funding comes from the increase in Taxable Revenue Bonds and \$690,000 comes from the Northwest Loop funding.

Line 122 – Land Acquisition: Added \$2,700,000 for the purchase of approximately 355 acres. Funding for this purchase comes from the increase in Taxable Revenue Bonds.

Line 221 – Airport Park: Added \$14,000 to the Airport Park project to fund a change order for the sewer project and fund testing fees for the entire project.

Line 306 – Bioscience Park: Reduced by \$14,000 to fund the amount needed for the Airport Park project.

Line 420 – Northwest Loop: Reduced by \$690,000 to fund the additional costs of Rail Park Phase II project.

Line 500 – Zone Projects – Public Improvements: Adjusted future years allocations (FY 2018 – FY 2022) of project funding to cover future debt service payments.

Line 501 – Taxable Revenue Bond Contingencies: Added \$800,000 to the Taxable Revenue Bond issue for project contingency on the Rail Park Phase II project.

FISCAL IMPACT: The proposed amendment was funded by increasing the bond issuance by \$3,980,000, the use of fund balance of \$202,303, adjusting future zone project funding and changes in debt service payments for FY 2008- FY 2022, and reallocating \$14,000 to the Airport Park.

ATTACHMENTS:

Financing Plan
Summary Financing Plan with Detailed Project Plan
Exhibit A – March 2008 Bond Issue Project Detail
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	\$ 1,453,464	\$ 1,261,644	\$ 2,406,328	\$ 2,345,409	\$ 1,476,477	\$ 1,389,682	\$ 1,768,571	\$ 1,714,506	\$ 1,723,811	\$ 1,293,408	\$ 1,230,604	\$ 1,468,105	\$ 1,696,570	\$ 2,001,011
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)	(114,341)	(114,517)	(115,655)	(116,801)	(117,961)	(118,132)	(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	240,000	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	-	-	26,375,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
33 Miscellaneous Reimbursements (GST)	-	-	925,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
34 Sale of Land	-	104,292	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
35 Grant Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
40 TOTAL SOURCES	3,831,803	4,153,811	31,369,481	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	19,768,465	40,000	40,000	-	-	800,000	-	-	-	-	2,700,000	-	-	-	-
299 Western Aviation Zone (3)	877,499	600,398	3,042,128	-	300,000	1,225,150	2,175,850	1,100,000	-	-	-	-	-	-	-	-	-
399 Western Bio-Science & Medical Zone (3)	6,201,150	2,298,660	10,555,490	-	-	-	-	-	-	-	-	-	-	-	-	-	-
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	-	1,610,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
430 Reserve for Acar facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
500 Zone Projects - Public Improvements	-	-	1,080,815	-	500,000	500,000	500,000	500,000	2,000,000	2,500,000	2,500,000	3,000,000	-	4,000,000	4,500,000	4,500,000	6,874,548
600 Subtotal-Projects	13,483,244	6,119,209	36,398,990	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	2,909,775	4,211,860	4,713,966	4,716,093	7,092,789
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 2008 Bond Issue-Non-taxable (\$16.010 mil)	-	-	623,705	635,460	635,460	635,460	1,785,460	1,788,540	1,784,580	1,783,784	1,785,948	1,785,868	1,783,544	1,783,976	1,786,960	1,787,292	1,784,972
627 2008 Bond Issue-Taxable (\$10.365 mil)	-	-	275,923	557,425	557,425	557,425	1,252,425	1,254,200	1,253,775	1,251,150	1,251,325	1,254,025	1,253,975	1,251,175	1,250,625	1,252,050	1,250,175
628 Issuance Costs	-	-	165,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
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	1,933,763	2,060,470	2,062,630	2,062,505	3,906,120	3,912,995	3,909,410	3,905,064	3,905,003	3,908,533	3,905,472	3,905,591	3,908,425	3,908,612	3,906,417
650 TOTAL USES	15,155,266	7,632,464	38,704,795	4,174,752	3,385,273	4,675,996	7,074,458	6,809,590	6,410,173	6,910,057	6,914,287	7,422,270	7,123,629	8,428,231	8,935,616	8,940,420	11,317,560
660 FUND BALANCE, End	1,077,108	8,788,778	1,453,464	1,261,644	2,406,328	2,345,409	1,476,477	1,389,682	1,768,571	1,714,506	1,723,811	1,293,408	1,230,604	1,468,105	1,696,570	2,001,011	(0)
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	\$ 485,464	\$ 293,644	\$ 1,438,328	\$ 1,377,409	\$ 508,477	\$ 421,682	\$ 800,571	\$ 746,506	\$ 755,811	\$ 325,408	\$ 262,604	\$ 500,105	\$ 728,570	\$ 1,033,011	\$ (0)
800 FUND BALANCE, Begin	12,400,571	12,400,571	8,788,778	1,453,464	1,261,644	2,406,328	2,345,409	1,476,477	1,389,682	1,768,571	1,714,506	1,723,811	1,293,408	1,230,604	1,468,105	1,696,570	2,001,011
Prior period Adjustment-net	(133,140)	(133,140)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
805 Revenue over(under)/expense	(11,323,463)	(3,478,653)	(7,335,314)	(191,820)	1,144,684	(60,919)	(868,932)	(86,795)	378,889	(54,065)	9,305	(430,403)	(62,804)	237,501	228,465	304,441	(2,001,011)
810 FUND BALANCE, End	\$ 943,968	\$ 8,788,778	\$ 1,453,464	\$ 1,261,644	\$ 2,406,328	\$ 2,345,409	\$ 1,476,477	\$ 1,389,682	\$ 1,768,571	\$ 1,714,506	\$ 1,723,811	\$ 1,293,408	\$ 1,230,604	\$ 1,468,105	\$ 1,696,570	\$ 2,001,011	\$ (0)

Summary Financing Plan with Detailed Project Plan

Project Plan - 04/23/08

SUMMARY FINANCING PLAN								
	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
5 Beginning Available Fund Balance, Oct 1	\$ 8,788,778	\$ 1,453,464	1,261,644	2,406,328	2,345,409	1,476,477	1,389,682	1,768,571
40 Revenues, net	31,369,481	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)	-	-	-	-	-	-	-	-
49 Net Available for Appropriation	40,158,259	5,436,396	5,791,601	7,021,405	8,550,935	8,199,272	8,178,744	8,624,563
50 General Administrative Expenditures	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
60 Contractual Payments (TEDC)	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
65 TISD - Joint Use Facilities	107,508	22,201	22,423	22,647	22,873	23,102	23,333	23,567
70 Debt Service - 2003 Issue	869,135	867,585	869,745	869,620	868,235	870,255	871,055	870,130
71 Debt Service - 2008 Issue (\$16.010 mil)	623,705	635,460	635,460	635,460	1,785,460	1,788,540	1,784,580	1,783,784
72 Debt Service - 2008 Taxable Issue (\$10.365 mil)	275,923	557,425	557,425	557,425	1,252,425	1,254,200	1,253,775	1,251,150
73 Issuance Costs	165,000	-	-	-	-	-	-	-
75 Total Operating & Committed Expenditures	2,305,805	2,348,973	2,353,160	2,355,099	4,200,917	4,209,935	4,208,534	4,206,414
99 Net Available for Projects	\$ 37,852,454	\$ 3,087,423	\$ 3,438,441	\$ 4,666,306	\$ 4,350,018	\$ 3,989,337	\$ 3,970,210	\$ 4,418,149

PROJECT PLAN								
	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
<u>NORTH ZONE (including Enterprise Park):</u>								
100 Railroad Spur Improvements	9,717,960	-	-	-	-	-	-	-
105 Elm Creek Detention Pond	2,104,500	-	-	-	-	-	-	-
110 Railroad Improvements Engineering Analysis	-	-	-	-	-	-	-	-
115 Railroad Repairs/Maintenance based on Analysis	295,005	40,000	40,000	-	-	-	-	-
120 Enterprise Park Water Tank	-	-	-	-	-	800,000	-	-
121 ROW Acquisition - Public Improvements	950,000	-	-	-	-	-	-	-
122 Land Acq-Wendland property (approx 355 acres)	2,700,000	-	-	-	-	-	-	-
125 Wendland Road Improvements	4,001,000	-	-	-	-	-	-	-
199 Total North Zone (including Enterprise Park)	19,768,465	40,000	40,000	-	-	800,000	-	-
<u>WESTERN AVIATION ZONE:</u>								
200 Detention Pond #2 including W 1-A	42,559	-	-	-	-	-	-	-
205 Old Howard Road from Ind Blvd to SH36	-	-	-	-	-	-	-	-
210 Old Howard Road Gateway Entrance Project	53,583	-	-	-	-	-	-	-
215 WWI--Waste Water Ext SH36 to Ind Blvd	510,644	-	-	-	-	-	-	-
220 R I-B, W I-B--Industrial Blvd Extension	1,095,925	-	-	-	-	-	-	-
221 Airport Park Infrastructure Construction	1,291,017	-	-	-	-	-	-	-
225 Airport Study	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	3,042,128	-	300,000	1,225,150	2,175,850	1,100,000	-	-
<u>WESTERN BIO-SCIENCE & MEDICAL ZONE:</u>								
300 Greenbelt Development along Pepper Creek	1,969,600	-	-	-	-	-	-	-
305 Outer Loop Phase 2	6,665,390	-	-	-	-	-	-	-
306 Bio-Science Park Phase 1	1,295,500	-	-	-	-	-	-	-
310 Bio-Science Institute	625,000	-	-	-	-	-	-	-
399 Total Western Bio-Science & Medical Zone	10,555,490	-	-	-	-	-	-	-
<u>OTHER PROJECTS:</u>								
400 Southeast Ind Park (Lorraine Drive)	73,500	1,200,000	-	-	-	-	-	-
405 Roadway Maintenance/Improvements	250,111	-	-	-	-	-	-	-
410 Gateway Entrance Projects (after Old Howard)	-	400,000	-	400,000	-	-	-	-
415 Downtown Improvements	18,481	185,779	192,113	195,747	197,691	199,655	201,639	203,643
420 Loop 363 Improvements (TxDOT commitment)	1,610,000	-	-	-	-	-	-	-
430 Reserve for Acer facility	-	-	-	-	-	-	-	-
499 Total Other Projects	1,952,092	1,785,779	192,113	595,747	197,691	199,655	201,639	203,643
500 Undesignated Funding-Public Impr-nontaxable bonds	280,815	-	500,000	500,000	500,000	500,000	2,000,000	2,500,000
501 Undesignated Funding-Public Impr-taxable bonds	800,000	-	-	-	-	-	-	-
600 Total Planned Project Expenditures	36,398,990	1,825,779	1,032,113	2,320,897	2,873,541	2,599,655	2,201,639	2,703,643
680 Fund Balance at Year End	\$ 1,453,464	\$ 1,261,644	\$ 2,406,328	\$ 2,345,409	\$ 1,476,477	\$ 1,389,682	\$ 1,768,571	\$ 1,714,506
690 Required Debt Reserve	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)
700 AVAILABLE FUND BALANCE	\$ 485,464	\$ 293,644	\$ 1,438,328	\$ 1,377,409	\$ 508,477	\$ 421,682	\$ 800,571	\$ 746,506

City of Temple, Texas

Reinvestment Zone No. 1 - Bond Issue {Nontaxable}

Public Improvements:	Engineering	Construction	Total	Contract Award		
				Engineering	Construction	
GST - PUBLIC INFRASTRUCTURE:						
Wendland Road Improvements-						
- (W/WW lines, gas, acc/dec lanes)	\$ 276,500	\$ 3,600,000	\$ 3,876,500	20-Sep-07	20-Mar-08	
Underground Storm Water Improvements	125,000	800,000	925,000		3-Apr-08	
Wastewater Lift Station	60,000	400,000	460,000		20-Mar-08	
Elm Creek Detention Pond	104,500	2,000,000	2,104,500	20-Sep-07	3-Apr-08	
BIOSCIENCE PARK:	284,500	1,800,000	2,084,500	19-Apr-07	20-Mar-08	
AIRPORT PARK:	157,000	2,705,285	2,862,285	19-Apr-07	4-Oct-07	
SOUTHEAST INDUSTRIAL PARK:	185,000	-	185,000	19-Apr-07		
OUTER LOOP:						
Phase II Construction	-	2,200,000	2,200,000	19-Apr-07	20-Mar-08	
ROW Acquisition for Public Improvements	-	950,000	950,000			
PROJECT CONTINGENCIES	-	280,815	280,815			
ISSUANCE COST	-	-	81,400			
TOTAL	\$ 1,192,500	\$ 14,736,100	\$ 16,010,000			

Wendland Road improvements and Wastewater lift station will be bid together.

Underground stormwater improvements and Elm Creek Detention Pond will be bid together.

Bioscience Park will be bid with the Outer Loop Phase II.

Airport Park is currently under construction.

BUDGET ADJUSTMENT FORM

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

Adjustments should be rounded to the nearest \$1.

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
795-9700-531-68-25	100166	Rail Park Phase II-Bond	\$ 710,000	
795-9500-531-68-25	100166	Rail Park Phase II-Non Bond	\$ 690,000	
795-9500-531-65-18	100222	Northwest Loop 363		690,000
795-9700-531-61-10	100383	Land Purchase	2,700,000	
795-9700-531-68-26	100257	Airport Park	14,000	
795-9700-531-68-27	100259	Bioscience Park		14,000
795-9700-531-65-30		Taxable Revenue Bond Contingency	800,000	
795-9700-531-73-12		Issuance Costs		230,000
795-0000-490-15-16		Bond Proceeds	3,980,000	
795-0000-461-01-11		Interest Income		200,000
795-0000-358-11-10		Unreserved Fund Balance		202,303
795-9500-531-71-10		Bond Principal	205,000	
795-9500-531-72-11		Bond Interest		202,697
		Do not post		
TOTAL.....			\$ 9,099,000	\$ 1,539,000

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 04/23/08. First reading presented to Council on 05/01/08 and second reading presented to Council on 05/15/08.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

5/15/2008

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 18th day of May, 2006; Ordinance No. 2006-4118; Ordinance No. 2007-4141 on the 19th day of April, 2007; Ordinance No. 2007-4155 on July 19, 2007; Ordinance No. 2007-4172 on the 20th day of September, 2007; Ordinance No. 2007-4173 on October 25, 2007; and Ordinance No. 2008-4201 on the 21st day of February, 2008;

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;

Whereas, the Council finds that it is necessary and convenient to the implementation of the Reinvestment Zone Financing Plan, including the additional amendment, to establish and provide for an economic development program within the meaning of Article III, Section 52-a of the Texas Constitution ("Article III, Section 52-a"), Section 311.010(h) of the Texas Tax Code and Chapter 380 of the Texas Local Government Code to develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone and develop or expand transportation, business and commercial activity in the Zone including programs to make grants and loans of Zone assets or from the tax increment fund of the Zone in an aggregate amount not to exceed the amount of the tax increment produced by the City and paid into the tax increment fund for the Zone for activities that benefit the Zone and stimulate business and commercial activity in the Zone as further determined by the City;

Whereas, the Council further finds that the acquisition of the land and real property assembly costs as described in the additional amendment to the Reinvestment Zone Financing Plan is necessary and convenient to the implementation of the Reinvestment Zone Financing Plan and will help develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone and develop or expand transportation, business and commercial activity in the Zone by providing land for development of future business and commercial activity, attracting additional jobs within the City and attracting additional sales and other taxes within the City; 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: Economic Development Program. The Council hereby establishes an economic development program for the Zone in accordance with Article III, Section 52-a of the Texas Constitution, Section 311.010(h) of the Texas Tax Code and Chapter 380 of the Texas Local Government Code to develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone and develop or expand transportation, business and commercial activity in the Zone including a program to make grants and loans of Zone assets or from the tax increment fund of the Zone in accordance with the provisions of Article III, Section 52-a, Chapter 311 of the Texas Tax Code and Chapter 380 of the Texas Local Government Code as directed and authorized by the Council. The Council hereby further directs and authorizes the Board of Directors of the Zone to utilize tax increment reinvestment zone bond proceeds to acquire the land and pay other real property assembly costs as set forth in the additional amendment attached hereto to help develop and diversify the economy of the Zone and develop or expand business and commercial activity in the Zone in accordance with Article III, Section 52-a, Chapter 311 of the Texas Tax Code and Chapter 380 of the Texas Local Government Code.

Part 6: 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 7: 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 8: 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 **1st** day of **May**, 2008.

PASSED AND APPROVED on Second and Final Reading on the **15th** day of **May**, 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

05/15/08
Item #10(I)-(1)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-08-20-A: Consider adopting an ordinance amending the West Temple Comprehensive Plan to reflect retail uses on 6.05 ± acres out of land commonly known as Outblock 1104-C, located on the south side of West Adams Avenue, east of the residential subdivision of Crescent View Phase One.

STAFF AND P&Z COMMISSION RECOMMENDATION: The Planning and Zoning Commission voted 8/0 in accordance with the staff recommendation to recommend approval of a Future Land Use Map amendment from residential to retail at its meeting on April 21, 2008, for the following reasons:

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

Commissioner Kjelland was absent.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-08-20-A, from the Planning and Zoning meeting, April 21, 2008. This request tracks with Z-FY-08-020-B, a zone change request from Single Family Two District and Planned Development (General Retail District) to Planned Development (General Retail) District.

The West Temple Plan, prepared in 1999, shows Moderate/Medium Density Residential and Retail future land use categories for the subject property and for property to the west. Land to the north of the subject property (across FM 2305) has the Office future land use category. Land to the south and east is designated as Moderate/Medium Density Residential.

The request complies with the Future Land Use Plan and the Thoroughfare Plan and adequate public facilities will serve the property after it is platted.

The Commission did not raise any issues requiring additional staff attention.

Public Notice

18 notices for the Planning and Zoning Commission hearing were sent out. As of April 16 at 2 PM, no notices were returned in favor of and one notice was returned in opposition to the request. The newspaper printed notice of the public hearing on April 12, 2008 in accordance with state law and local ordinance

FISCAL IMPACT: NA

ATTACHMENTS:

Future Land Use Map
P&Z Staff Report (Z-FY-08-20-A)
P&Z Minutes (04/21/08)
Ordinance



Z-FY-08-20-A

Part of OB# 1104-C

6.05 Acres

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

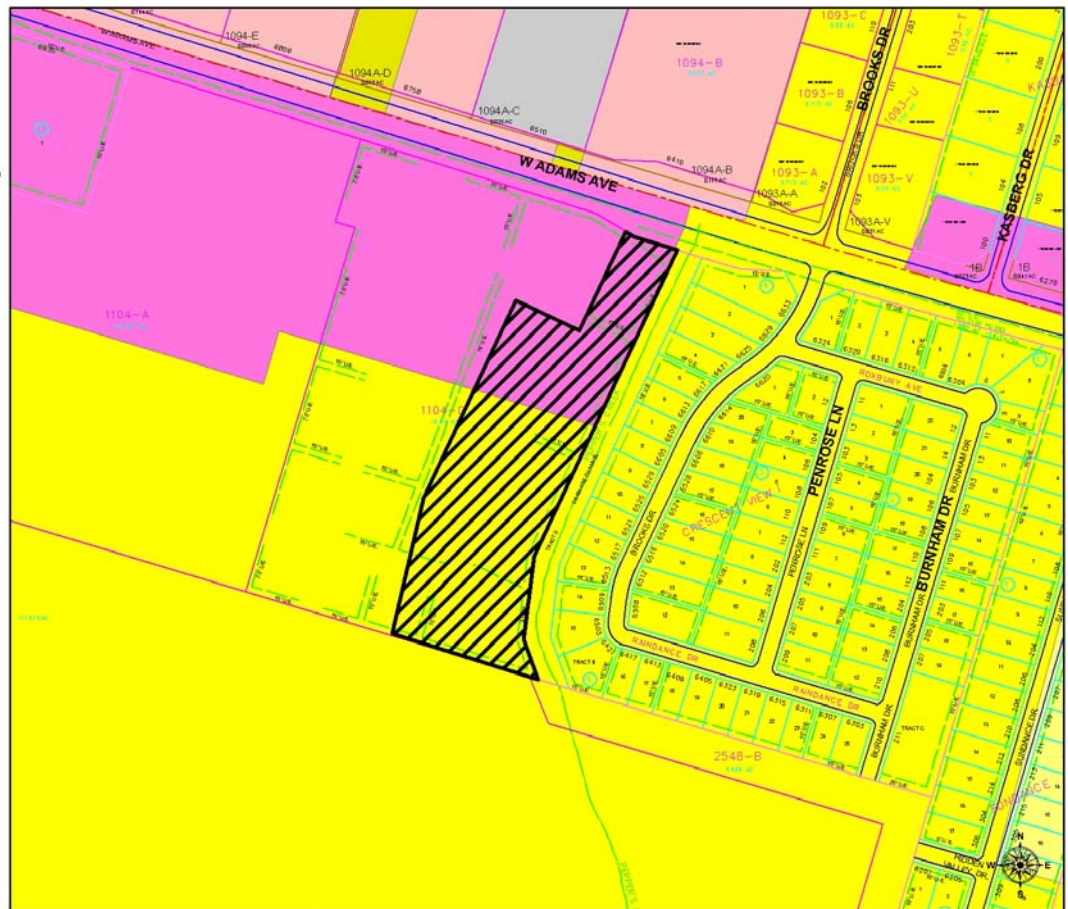
- COMMUNITYFACILITY
- CF-E (EDUCATIONAL)
- CF-G (GENERAL)
- CF-R (RESIDENTIAL)
- CF-M (MEDICAL)

Park Land

- PROPOSED FLOATING PARK
- PARKS

Downtown

- DOWNTOWN



SF2 & PD(GR) to PD(GR)

1 inch equals 300 feet

J Stone 03.27.08



PLANNING AND ZONING COMMISSION AGENDA ITEM

04/21/08
Item #4A
Page 1 of 2

APPLICANT: Bob Mitchell for Ansley Corporation

CASE MANAGER: Brian Mabry, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-08-20-A Hold a public hearing to consider amending the West Temple Comprehensive Plan to reflect retail uses on 6.1± acres out of land commonly known as Outblock 1104-C, located on the south side of West Adams Avenue, east of the residential subdivision of Crescent View Phase One. (Applicant: Ansley Corporation)

BACKGROUND: This request tracks with Z-FY-08-020-B, a zone change request from Single Family Two District and Planned Development (General Retail District) to Planned Development (General Retail) District.

The West Temple Plan, prepared in 1999, shows Moderate/Medium Density Residential and Retail future land use categories for the subject property and for property to the west. Land to the north of the subject property has the Office future land use category. Land to the south and east is designated as Moderate/Medium Density Residential.

Future Land Use Plan

The requested Retail future land use category accommodates the GR, General Retail and NS, Neighborhood Services zoning districts. The West Temple Plan amendment request complies with the Future Land Use Plan.

Thoroughfare Plan

The property fronts on FM 2305 which is designated as a major arterial on the Thoroughfare Plan. The West Temple Plan amendment complies with the Thoroughfare Plan.

Adequacy of Public Facilities

An 18" sewer line runs along the FM 2305 frontage of the property. A 14" water line runs along FM 2305 across the street from the subject property. The plat for the property, which will be presented to the Planning and Zoning Commission at its next meeting on May 5, 2008, shows that the applicant proposes to bore under FM 2305 and tap onto this water line. Adequate public facilities will serve the property.

Public Notice

18 notices for the P&Z hearing were sent out. As of April 16 at 2 PM, no notices were returned in favor of and one notice was returned in opposition to the request. The newspaper printed notice of the public hearing on April 12, 2008 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of the future land use map amendment request for the following reasons.

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

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Land Use Map

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, APRIL 21, 2008**

ACTION ITEMS

Chair Luck stated that Item 4A, Z-FY-08-20A and Item 4B, Z-FY-08-20B, would be presented together and then have separate motions and votes on each item.

- 4A.** Z-FY-08-20-A Hold a public hearing to consider amending the West Temple Comprehensive Plan to reflect retail uses on 6.1± acres out of land commonly known as outblock 1104-C, located on the south side of West Adams Avenue, east of the residential subdivision of Crescent View Phase One. (Applicant: Ansley Corporation)
- 4B.** Z-FY-08-20B Z-FY-08-20-B Hold a public hearing to consider a zone change from Single Family Two District and Planned Development (General Retail District) to Planned Development (General Retail) District on 6.1± acres out of land commonly known as Outblock 1104-C, located on the south side of West Adams Avenue, east of the residential subdivision of Crescent View Phase One. (Applicant: Ansley Corporation)

Mr. Brian Mabry, Senior Planner, began with Item 4A, Z-FY-08-20A, as presented in the Planning and Zoning Agenda Item. He said the applicant is Mitchell and Associates. He said the Future Land Use Plan being amended is the West Temple Plan, which was adopted in 1999. He said the future land use plan amendment and the zone change request were reviewed by the Development Review Committee (DRC) on April 14, 2008. Mr. Mabry shows Moderate/Medium Density Residential and Retail future land use categories for the subject property and for property to the west. Land to the north of the subject property has the Office future land use category. Land to the south and east is designated as Moderate/Medium Density Residential. He said there is an 18" sewer line runs along the FM 2305 frontage of the property. A 14" water line runs along FM 2305 across the street from the subject property. The plat for the property, which will be presented to the Planning and Zoning Commission at its next meeting on May 5, 2008, shows that the applicant proposes to bore under FM 2305 and tap onto this water line. At that time adequate public facilities will serve the property. The property fronts on FM 2305 which is designated as a major arterial on the Thoroughfare Plan which accommodates non-residential uses such as this request. The West Temple Plan amendment complies with the Thoroughfare Plan. Staff recommends approval of the future land use map amendment request from residential to retail because the request complies with

the Future Land Use Plan, the Thoroughfare Plan, and adequate public facilities serve this site.

Mr. Mabry concluded with zone change Z-FY-08-20B. He said the zoning portion of the case is to have a Planned Development with General Retail as a base zoning district so that a mini-storage facility can be built. The property currently has a Planned Development (PD) designation that allows mini-storage. However, contrary to generally accepted planning practice, it was approved in 2005 so that review and approval of a binding development plan by the Planning and Zoning Commission and City Council could take place at some point after approval of the PD zoning designation. All PDDs should be reviewed concurrently with a binding development plan. Therefore, staff recommends removal of the old PD designation with this new PD designation. In accordance with PD submittal requirements, the applicant has submitted a binding development plan showing storage unit locations and dimensions, parking areas, access point, and general landscaping. The applicant stated that limestone exterior for facades facing FM 2305 will be used but no bay doors will face FM 2305 and automatic irrigation for landscaping would also be provided. Mr. Mabry showed an aerial of the property and drainage channels which runs between existing homes and the subject property. Mr. Mabry stated the Subdivision Ordinance requires that some form of screening or buffering take place when a non-residential use abuts a residential subdivision which can be a six foot fence or masonry wall or landscaping screening at the property line. In addition to these voluntary amenities, staff recommends the following features in order to mitigate potential impacts on Crescent View Phase I and the developing FM 2305 corridor:

- 1 canopy tree per 40 linear feet on east lot line
- 1 canopy tree per 40 linear feet on north lot line with continuous hedgerow or berms
- Maximum 8' tall, 80 square foot monument sign
- Pitched roofs for units along the east property line

Mr. Mabry pointed out the landscaping buffer along the east property line is 5' in width. Normally a 10' setback would be required in the GR, General Retail zoning district, along the east property line because it abuts a residential zoning district. However, the PD mechanism allows flexibility so that in exchange for a narrower setback (5' instead of the normally required 10') a prescribed amount of plantings (1 canopy tree per 40 linear feet) can be provided.

Mr. Mabry stated all the elements of the zone change comply with the future land use plan, thoroughfare plan and adequate public facilities. He displayed a map showing is Single Family Two and General Retail zoning on both sides of the property and agriculturally zoned land to the rear of the property. A General Retail zoning district allows residential sales, retail sales, restaurants, and grocery stores. The Zoning Ordinance indicates it should be located at the intersection of major arterial streets. Not permitted would be pawn shops or

industrial uses and mini-storage warehouses but in this case the PD would allow a non general retail use that would be permitted on this property. If mini-storage is unable to be developed then only general retail uses would be permitted on the property. Mini-storage warehouses would be the more intense level of non residential use that would be permitted there. He said 18 notices of the P&Z hearing were sent out to surrounding property owners. As of today no notices were returned in favor of the request and two notices were returned in opposition to the request shown by a red "D" on the map on the screen. The newspaper printed notice of the public hearing on April 12, 2008 in accordance with state law and local ordinance. Mr. Mabry stated the Staff recommends approval of the zone change from Single-Family Two and PD-GR, Planned Development General Retail to a new PD-GR, Planned Development General Retail District; and the Staff recommends Development Plan with the following features:

1. Limestone exterior for facades facing FM 2305;
2. No bay doors facing FM 2305;
3. Automatic irrigation for landscaping;
4. 1 canopy tree per 40 linear feet on east lot line;
5. 1 canopy tree per 40 linear feet on north lot line with continuous hedgerow or berms;
6. Maximum 8' tall, 80 square foot monument sign; and
7. Pitched roofs for units along the east property line.

Mr. Mabry stated the request complies with the requested amendment to the Future Land Use Plan of the West Temple Plan; the Thoroughfare Plan; and adequate public facilities will serve the site.

Commissioner Martin stated he had received only one denial to the request.

Mr. Mabry responded that in addition to Ms. Sylvia Odenwald, Ms. Dretchen Dye suggested denial of the request but did not give a comment.

Commissioner Norman asked whether the houses along the east side now have wood fences.

Mr. Mabry displayed a picture of the area on the screen depicting a wooden fence on the residential property. The screening requirement is the non-residential use would also need to supply a fence as well. He pointed out the fence and as well as the drainage channel which is about 60' wide. He said there would be a 5' landscaped strip, the trees, and then the storage units would start.

Commissioner Carothers asked whether the drainage ditch is part of the original subdivision or is it part of this property—who is supposed to maintain it because it does not appear to be maintained by anyone.

Mr. Mabry said it was part of the residential development—Crescent View Phase One and deeded to the City.

Commissioner Pope asked Mr. Mabry to show the locations of the two properties that were turned in as denials.

Mr. Mabry showed on the screen—6609 Brooks Drive and 6613 Brooks Drive.

Commissioner Pope asked whether the north portion of the property was general retail.

Mr. Mabry responded that the north portion was approved for general retail in 2005 with the thought that it would be a mini-storage use. He said the applicant in 2005 had originally requested commercial zoning but either the Commission or the Council asked the applicant to change the request to planned development which was approved. He also stated the two individuals submitting denials probably did not know there could be additional screening along the property line.

Commissioner Pilkington asked whether the part already zoned general retail could have already had mini-storage?

Mr. Mabry responded that mini-storage is not allowed in a plain General Retail District that does not have a PD attached but this particular property with the GR & PD designation was originally passed to allow mini-storage.

Commissioner Pope asked even if it hadn't been planned development it still was general retail there.

Mr. Mabry responded, yes.

Commissioner Pope asked to be shown the drainage ditch and the width of the ditch.

Mr. Mabry responded it was 60 feet.

Chair Luck asked whether the flow is a drainage problem area.

Mr. Mabry responded that when the property was platted the drainage for the subdivision would comply with City standards and with the City's Drainage Criteria Manual.

Commissioner Pilkington stated he did know the project that is fixing to go for drainage in that area extends down and catches the end of that channel.

Mr. Mabry stated the plat of this property will show a detention or retention pond that will also help with drainage on this property.

Chair Luck opened the public hearing for item Z-FY-08-20A, an amendment to the West Temple Comprehensive Plan to reflect commercial uses.

Mr. Bob Mitchell, Mitchell & Associates, 102 North College Street, Killeen, Texas, addressed the Commission speaking in favor of the request. He stated zoning was in effect in the Comprehensive Land Use Plan did have the general retail with the PD for mini-storage in that particular area. He said the sketches show the Plan change and the zoning case comes down to the property line approximately 320' in depth of that will be storm retention facility. When the plat comes forth at the next meeting the P&Z will see all the designs.

Chair Luck asked if anyone else wished to speak for or against Z-FY-08-20A.

Ms. Colette Marshall, applicant, provided her address as 22932 FM 2484, Killeen, Texas. She is the person under contract to buy the property if zoning is approved. She has two other storage facilities in the area. She said the mini-storage warehouses will have surveillance and indirect lighting and are very conscientious neighbors and will build the best facility possible to help the citizens of Temple have a nice storage facility. She said the Company's name is Big Red Barn—that's the reason for the red.

Mr. Pat Patterson, 2116 West Avenue H asked whether the entire mini-storage have to be 70% masonry in keeping with the newly passed Masonry Ordinance.

Mr. Mabry responded that projects submitted after the passing of the Masonry Ordinance would apply. He stated this project had been submitted early enough that the Ordinance would not apply to it.

Chair Luck stated she understood Mr. Mabry say the project was in submission prior to the masonry standards being passed.

Mr. Patterson said surely they have not already applied for a building permit.

Mr. Mabry stated vesting in Texas can be accomplished with a sketch plan or a general conceptual plan before a building permit is applied for.

Commissioner Norman asked if it's a planned development they could require compliance with the newly-passed masonry standards.

Mr. Mabry stated the Commission could add to or deletes from the staff recommendations as they pleased, including requiring compliance with the masonry standards.

Chair Luck asked if anyone else wished to speak for or against Z-FY-08-20A. Chair Luck closed the public hearing.

Commissioner Talley asked whether traffic would be affected on FM 2305.

Mr. Mabry responded that the development plan indicated several car length spaces so he did not believe it would have a major impact on backing up traffic on FM 2305.

Commissioner Pilkington asked whether the Commission would be approving the planned development portion or it would be approved with the zone change.

Mr. Mabry stated the Commission would be approving the zone change and a development plan and the Staff recommendations. There would be three things to be approved—the future land use map amendment, Item 4B includes the change in zoning and approving the development plan.

Commissioner Martin asked what is being required for the sides if the front facing FM 2305 will be 100% limestone.

Commissioner Secrest asked Ms. Marshall if it's discovered that the Masonry Ordinance does apply how this would affect her plans.

Ms. Marshall replied that the project would not be feasible.

Commissioner Pope asked Ms. Marshall whether she knew there is an appeal process through the City Planner for specific use.

Before Ms. Marshall answered, Mr. Mabry stated the Masonry Ordinance does not apply to the property.

Chair Luck asked if the Planning and Zoning Commission feels that is a needed item then it can be addressed in a motion for Item 4B?

Mr. Mabry responded yes.

Ms. Colette Marshall stated that if the red metal wall is offensive they would pull the buildings in, have the fire lane there, and have the privacy fence.

Commissioner Martin stated he might have a problem with the huge red metal barn on FM 2305 right next door to the subdivision.

Ms. Colette Marshall stated she had another option which are metal panels sprayed with something that has a stucco look.

Commissioner Martin stated his issue was not to have limestone but it's the red color.

Commissioner Pope asked if it would be possible that the east/west long walls could be something other than red metal.

Ms. Marshall stated there would be no problem to that.

Commissioner Pilkington asked whether she would have a problem doing the stucco metal on the outside.

Ms. Marshall stated no, no problem.

Chair Luck asked whether the stucco spray or the materials that appear to be stucco spray on the east/west wall would meet the masonry standards that were set for materials to be used.

Mr. Mabry responded that if the masonry standards did apply to this project stucco would be one of the acceptable materials in the standards.

Commissioner Carothers stated he did not believe the material to be actual stucco.

Ms. Marshall stated she had shown a sample to the City Staff and had met with their approval. She said it's just a cream color and looks like stucco.

Mr. Tim Dolan, Planning Director, addressed the Commission, stating the material palette brought in by Ms. Marshall is a material with a stucco finish. Mr. Dolan asked the Commission to consider the material on the eastern, western and portions of the northern sides of the proposed units.

A discussion followed with Ms. Marshall showing the Commission how the proposed units will be screened and detailed on the development plan.

Motion to recommend approval of Z-FY-08-20A, amendment to the West Temple Comprehensive Plan to reflect commercial uses on 6.1 acres by Commissioner Carothers; seconded by Commissioner Secrest.

Motion passed (8/0).

Commissioner Carothers asked whether this is the only time the Commission has to set parameters for the Planned Development and not during the platting process?

Mr. Mabry stated the plat would deal with the boundaries of the lot, the drainage facilities, easements and things of that nature.

Commissioner Pope asked whether the Masonry Ordinance did not affect this project.

Mr. Mabry responded, yes, it does not apply.

A discussion followed regarding the east/west elevation, color, screening, the stucco materials known as Stucco Tech, and percentage of limestone facing FM 2305.

Motion to recommend approval of Z-FY-08-20B, a zone change from Single Family Two District and Planned Development (General Retail District) to Planned Development (General Retail District) on the 6.1 acres with Staff recommendations as written with the amendments under # 2 for 100% limestone exterior for the façade facing FM 2305 with the caramel and cream color spray on metal adhesive 100% of the east, west and all sides except for the south; motion seconded by Commissioner Pilkington.

Motion passed (8/0).

ORDINANCE NO. _____

[PLANNING NO. Z-FY-08-20-A]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING AN AMENDMENT TO THE WEST TEMPLE COMPREHENSIVE PLAN TO REFLECT RETAIL USES ON APPROXIMATELY 6.5 ACRES OUT OF LAND COMMONLY KNOWN AS OUTBLOCK 1104-C, LOCATED ON THE SOUTH SIDE OF WEST ADAMS AVENUE, EAST OF THE RESIDENTIAL SUBDIVISION OF CRESCENT VIEW PHASE ONE; 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 an amendment to the West Temple Comprehensive Plan to reflect retail uses on approximately 6.05 acres out of land commonly known as Outblock 1104-C, located on the south side of West Adams Avenue, east of the residential subdivision of Crescent View Phase One, in the City of Temple, Texas, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The City Council directs the Director of Planning to make the necessary changes to the Future Land Use Plan 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 1st day of May, 2008.

PASSED AND APPROVED on Second Reading on the **15th** day of **May**, 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

05/15/08
Item #10(I)-(2)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-08-20-B: Consider adopting an ordinance authorizing a zoning change from Single Family Two District and Planned Development (General Retail District) to Planned Development (General Retail) District on 6.05 ± acres out of land commonly known as Outblock 1104-C, located on the south side of West Adams Avenue, east of the residential subdivision of Crescent View Phase One.

CITY COUNCIL ACTION: At its meeting on May 1, 2008, The City Council voted 5/0 to approve a zone change from Single Family Two District and Planned Development (General Retail District) to Planned Development (General Retail) District and the “Development Plan – Staff & P&Z Recommendation” with the following conditions:

1. Storage unit walls facing FM 2305 shall be 100% limestone (see Development Plan – Staff & P&Z Recommendation);
2. All other storage unit walls shall be composed of Stucco-Tek material of a camel and cream color;
3. The mini-storage facility shall consist of all neutral colors except for a red soffit trim and accents;
4. No bay doors shall face FM 2305 or property to the east or west;
5. Pitched roofs shall be provided for units along the east property line;
6. A wrought iron fence shall be provided along the front of the property;
7. A privacy fence shall be provided to separate the mini-storage facility from the retention pond and shall be provided within the spaces between the storage units on the east property line;
8. Automatic irrigation shall be installed for all landscaping;
9. 1 canopy tree (2” caliper, minimum 5’ tall) per 40 linear feet shall be provided on east lot line;
10. A continuous hedgerow or berm and 1 canopy tree (2” caliper, minimum 5’ tall) per 40 linear feet shall be provided on north lot line;
11. A monument sign a maximum 8 feet in height and 80 square feet in area shall be permitted;
12. No storage units shall be located at the south end of the mini-storage facility abutting the retention pond;
13. Lighting shall not spill over onto or be directed toward residentially zoned property; and
14. Security gates shall be accessible only between the hours of 6 AM and 10 PM.

STAFF AND P&Z COMMISSION RECOMMENDATION: The Planning and Zoning Commission voted 8/0 to recommend approval of the "Development Plan – Staff & P&Z Recommendation" and a zone change from Single Family Two District and Planned Development (General Retail District) to Planned Development (General Retail) District at its meeting on April 21, 2008 with the following conditions shown on the Development Plan:

1. Exterior walls facing FM 2305 shall be 100% limestone (see Development Plan – Staff & P&Z Recommendation);
2. Exterior walls facing neighboring properties to the east and west shall be composed of Stucco-Tech material of a camel and cream color (see Development Plan – Staff & P&Z Recommendation);
3. No bay doors shall face FM 2305;
4. Automatic irrigation shall be installed for all landscaping;
5. 1 canopy tree (2" caliper, minimum 5' tall) per 40 linear feet shall be provided on east lot line;
6. A continuous hedgerow or berm and 1 canopy tree (2" caliper, minimum 5' tall) per 40 linear feet shall be provided on north lot line;
7. A monument sign a maximum 8 feet in height and 80 square feet in area shall be permitted; and
8. Pitched roofs shall be provided for units along the east property line.

For the following reasons:

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

Commissioner Kjelland was absent.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-08-20B, from the Planning and Zoning meeting, April 21, 2008. The staff and P&Z recommendations have the desired outcomes of reducing negative impacts on the neighboring subdivision to the east and maintaining and improving the character of the FM 2305 strategic corridor.

At the first reading of this case, a Councilmember asked whether the City's masonry standards would apply to this project if it had been submitted after the standards were adopted. The answer is yes, because the standards apply to newly-constructed nonresidential buildings. However, the standards do not apply to the interior storage units since they are screened from view from the public right-of-way by other units with a masonry exterior.

If the PD zone change is approved, the site plan that will accompany any future building permit applications on the site will be checked for consistency with the binding development plan. Any significant deviation from the approved development plan will require additional review from the Planning and Zoning Commission and City Council.

This project does not fall under the requirements of the masonry standards adopted on April 17, 2008, because the project was submitted before that date.

The Stucco-Tech material referenced in recommendation #2 above refers to a metal panel with a permanently baked on stucco finish. The applicant provided a sample of the material at the City Council public hearing on May 1st for the Councilmembers to inspect.

FISCAL IMPACT: NA

ATTACHMENTS:

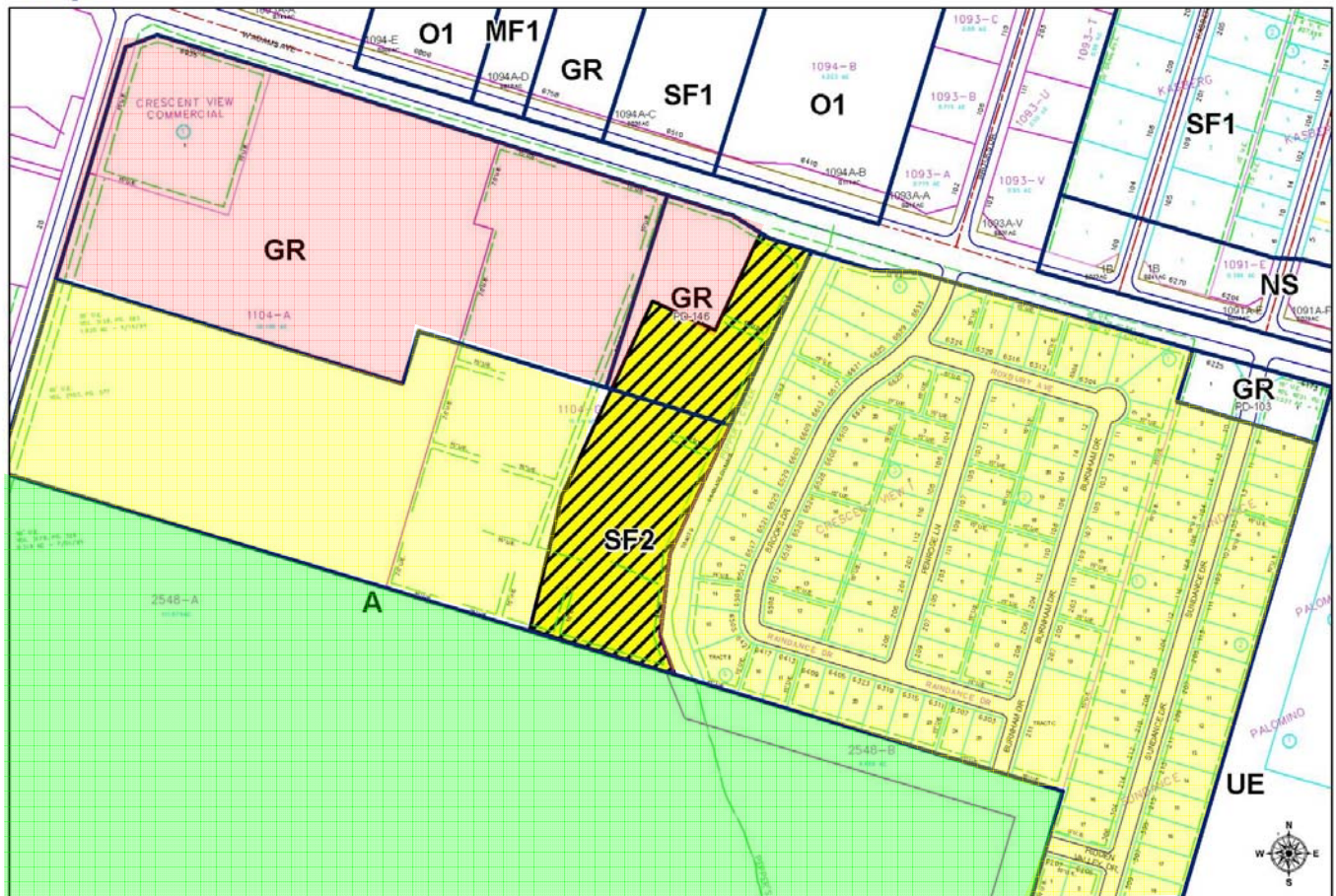
Zoning Map
Land Use Map
Aerial
Development Plan – Applicant's Submittal
Development Plan – Staff & P&Z Recommendation
Development Plan - Recommended by Council
List of Canopy Trees
P&Z Staff Report (Z-FY-08-20-B)
P&Z Minutes (04/21/08)
Ordinance



Z-FY-08-20-B

Part of OB# 1104-C

6.05 Acres



 ZFY0820

SF2 & PD(GR) to PD(GR)

1 inch equals 300 feet

J Stone 03.27.08



Z-FY-08-20-A

Part of OB# 1104-C

6.05 Acres

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

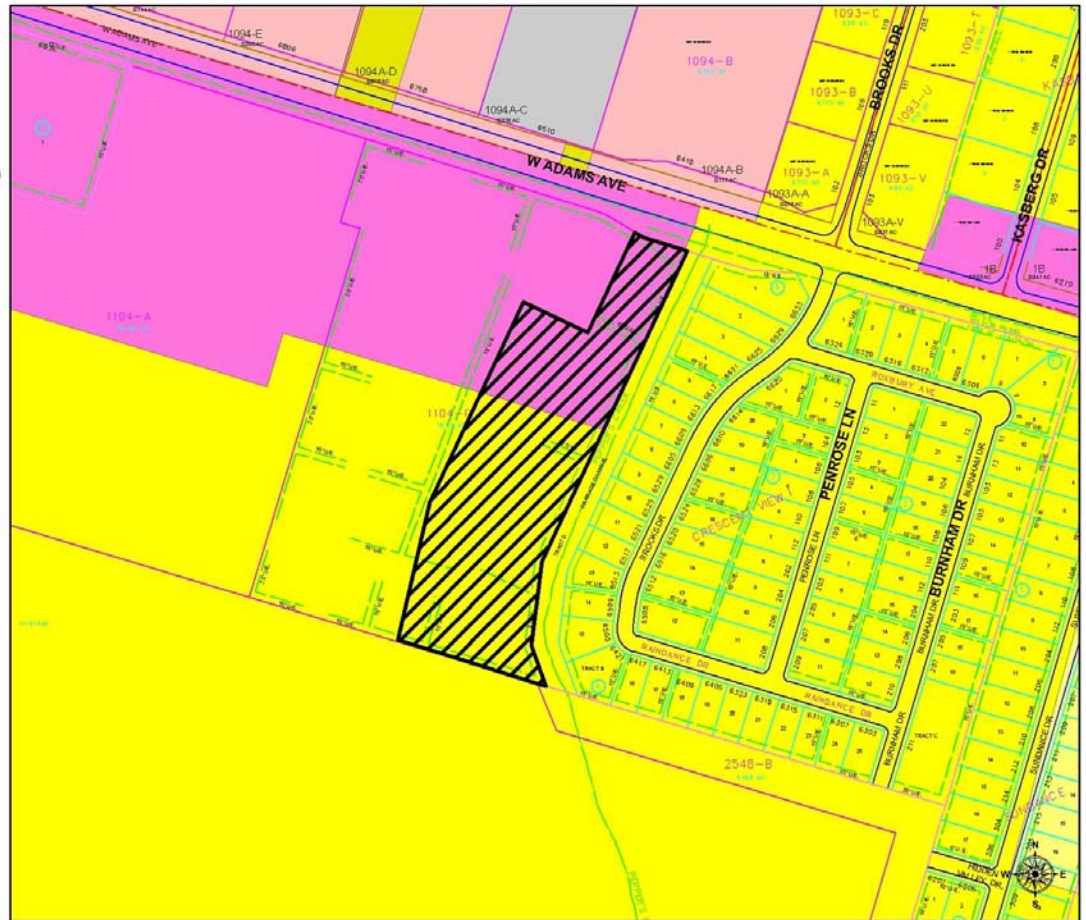
- COMMUNITY FACILITY
- CF-E (EDUCATIONAL)
- CF-G (GENERAL)
- CF-R (RESIDENTIAL)
- CF-M (MEDICAL)

Park Land

- PROPOSED FLOATING PARK
- PARKS

Downtown

- DOWNTOWN



SF2 & PD(GR) to PD(GR)

1 inch equals 300 feet
J Stone 03.27.08



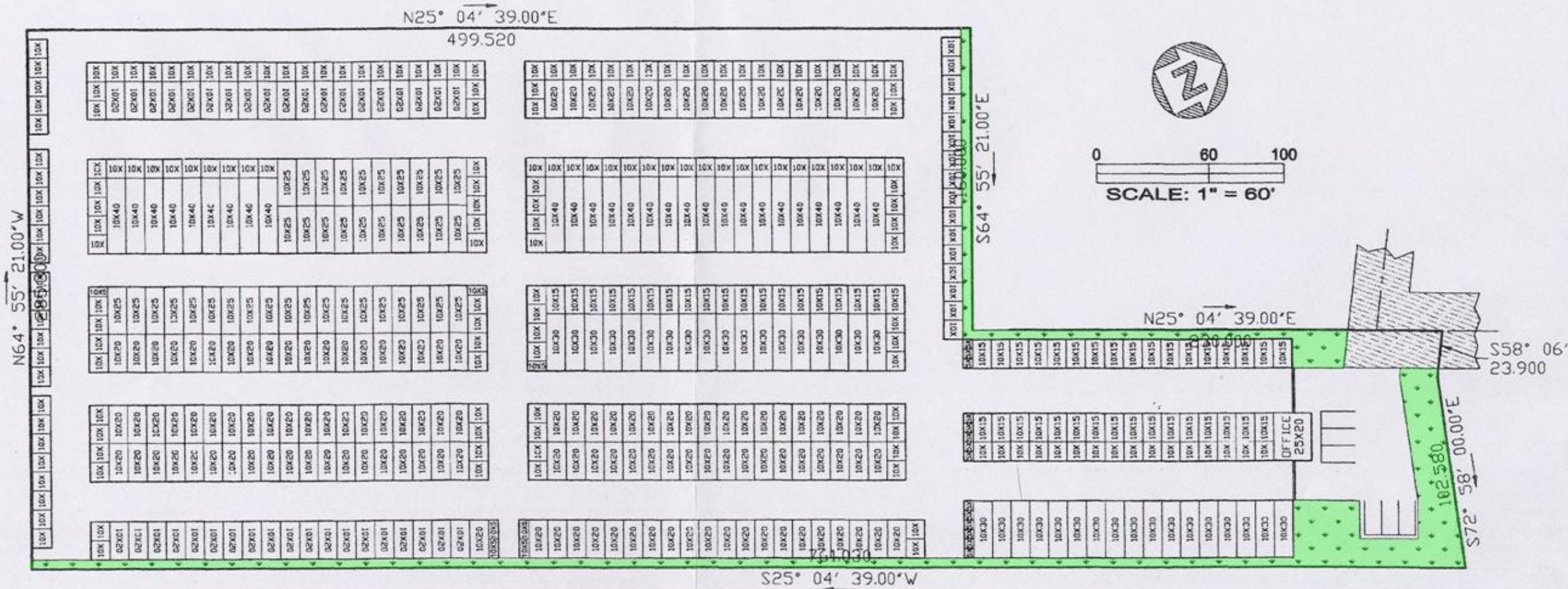
Z-FY-08-20-B

Part of OB# 1104-C

6.05 Acres



Development Plan - Applicant's Submittal



UNIT TALLY					
SIZE	NUMBER	SF	TOT-SF	UNIT %	SF %
5X5	14	25	350	2.6%	0.4%
10X5	7	50	350	1.3%	0.4%
10X10	188	100	18,800	35.3%	20.2%
10X15	52	150	7,800	9.8%	8.4%
10X20	170	200	34,000	31.9%	36.6%
10X25	39	250	9,750	7.3%	10.5%
10X30	35	300	10,500	6.6%	11.3%
10X40	27	400	10,800	5.1%	11.6%
OFFICE	1	500	500	0.2%	0.5%
	533		92,850	100.0%	100.0%

AREA TALLY			
SURFACE	AREA SF	AREA ACRES	PERCENT
TOTAL	174,244.38	4.000	100.00%
LANDSCAPE	9,451.47	0.217	5.42%
SLAB	92,084.32	2.114	52.85%
PAVING	72,709	1.669	41.73%

NOTE: THIS SCHEMATIC IS BASED ON A SURVEY BY PROVIDED BY SELLER. ENGINEER DOES NOT WARRANT THE ACCURACY OF THE SURVEY. GEOTECHNICAL, STRUCTURAL, GRADING, AND DRAINAGE DESIGN BY OTHERS.



John Hart Bandas
3/13/08

NO.	DATE	REVISION	BY

BANDAS ENGINEERING COMPANY
CIVIL ENGINEERING
PO BOX 3217
TEMPLE, TEXAS 76505
(254) 778-8728
bandas-civil@hotmail.com

PROJECT: **BIG RED BARN # 3**
6603 WEST ADAMS AVENUE
TEMPLE, TEXAS

BARNES BUILDING CORPORATION
UNIT SCHEMATIC STUDY & DIAGRAM
(NOT FOR CONSTRUCTION)

DATE:	03/13/08
DESIGNED BY:	JHB
DRAWN BY:	JHB
CHECKED BY:	JHB
OWG. NO.	X
SHT. #	XX OF X

- Limestone exterior for facades facing FM 2305
- No bay doors will face FM 2305
- Automatic irrigation for landscaping

Development Plan – Staff & P&Z Recommendation



UNIT TALLY

SIZE	NUMBER	SF	TOT-SF	UNIT %	SF %
5X5	14	25	350	2.6%	0.4%
10X5	7	50	350	1.3%	0.4%
10X10	188	100	18,800	35.3%	20.2%
10X15	52	150	7,800	9.8%	8.4%
10X20	170	200	34,000	31.9%	36.6%
10X25	39	250	9,750	7.3%	10.5%
10X30	35	300	10,500	6.6%	11.3%
10X40	27	400	10,800	5.1%	11.6%
OFFICE	1	500	500	0.2%	0.5%
	533		92,850	100.0%	100.0%

AREA TALLY

SURFACE	AREA SF	AREA ACRES	PERCENT
TOTAL	174,244.38	4.000	100.00%
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=Stucco-tech façade facing neighboring properties

=100% limestone façade facing FM 2305



John Hart Bandas
3/13/08

NO.	DATE	REVISION	BY

BANDAS ENGINEERING COMPANY
CIVIL ENGINEERING
PO BOX 3217
TEMPLE, TEXAS 76505
(254) 778-8728
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PROJECT: **BIG RED BARN # 3**
6603 WEST ADAMS AVENUE
TEMPLE, TEXAS

BARNES BUILDING CORPORATION
UNIT SCHEMATIC STUDY & DIAGRAM
(NOT FOR CONSTRUCTION)

DATE:	03/13/08
DESIGNED BY:	JHB
DRAWN BY:	JHB
CHECKED BY:	JHB
DWG. NO.	X
SHT. #	XX OF X

Additional conditions listed in PD ordinance shall apply to this project

List of Canopy Trees

Common Name	Scientific Name
Canopy Trees	
Ash, Green	Fraxinus pennsylvanica
Ash, Texas	Fraxinus texensis
Cypress, Arizona	Cupressus arizonica
Cypress, Bald	Taxodium distichum
Elm, American	Ulmus americana
Elm, Cedar	Ulmus crassifolia
Eve's Necklace	Sophora affinis
Holly, American	Ilex opaca
Laurelcherry, Carolina	Prunus caroliniana
Maple, Bigtooth	Acer grandidentatum
Oak Shumard	Quercus shumardii
Oak, Blackjack	Quercus marilandica
Oak, Bur	Quercus macrocarpa
Oak, Chinquapin	Quercus muhlenbergii
Oak, Durand	Quercus sinuate
Oak, Live	Quercus virginiana
Oak, Post	Quercus stellata
Oak, Shumard	Quercus shumardii
Pecan	Carya drummondii
Sycamore	Platanus occidentalis
Texas Ash	Fraxinus texensis
Texas Pistache	Pistacia texana
Walnut, Arizona	Juglans major
Walnut, Eastern	Juglans nigra
Other similar species or varieties	NA



PLANNING AND ZONING COMMISSION AGENDA ITEM

04/21/08
Item #4B
Page 1 of 3

APPLICANT / DEVELOPMENT: Bob Mitchell for Ansley Corporation

CASE MANAGER: Brian Mabry, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-08-20-B Hold a public hearing to consider a zone change from Single Family Two District and Planned Development (General Retail District) to Planned Development (General Retail) District on 6.1± acres out of land commonly known as Outblock 1104-C, located on the south side of West Adams Avenue, east of the residential subdivision of Crescent View Phase One. (Applicant: Ansley Corporation)

BACKGROUND: This application tracks with a requested amendment to the West Temple Plan, Z-FY-08-20A. The purpose of the zone change request is to establish a mini-storage facility in close proximity to a single-family residential development, Crescent View Phase I. The desire to mitigate the impacts of the mini-storage facility is the driving force behind the staff recommendations for this case.

The property currently has a Planned Development (PD) designation that allows mini-storage. However, contrary to generally accepted planning practice, it was approved in 2005 so that review and approval of a binding development plan by the Planning and Zoning Commission and City Council could take place at some point *after* approval of the PD zoning designation. All PDs should be reviewed concurrently with a binding development plan. Therefore, staff recommends removal of the old PD designation with this new PD designation.

In accordance with PD submittal requirements, the applicant has submitted a binding development plan showing storage unit locations and dimensions, parking areas, access point, and general landscaping. Notable features of the applicant's development plan (see attached) also include:

- Limestone exterior for facades facing FM 2305
- No bay doors facing FM 2305
- Automatic irrigation for landscaping

In addition to these voluntary amenities, staff recommends the following features in order to mitigate potential impacts on Crescent View Phase I and the developing FM 2305 corridor:

- 1 canopy tree per 40 linear feet on east lot line
- 1 canopy tree per 40 linear feet on north lot line with continuous hedgerow or berm
- Maximum 8' tall, 80 square foot monument sign
- Pitched roofs for units along the east property line

Normally a 10' setback would be required in the GR, General Retail zoning district, along the east property line because it abuts a residential zoning district. However, the PD mechanism allows flexibility so that in exchange for a narrower setback (5' instead of the normally required 10') a prescribed amount of plantings (1 canopy tree per 40 linear feet) can be provided.

Double Sided

If the PD zone change is approved, the site plan that will accompany any future building permit applications on the site will be checked for consistency with the binding development plan. Any significant deviation from the approved development plan will require additional review from the Planning and Zoning Commission and City Council.

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	O1	Vacant
	SF-1	Vacant
East	SF-2	Drainage ditch and Single-family subdivision
South	A	Vacant
West	PD-GR	Vacant
	SF-2	Vacant

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

Future Land Use Plan

The requested Retail future land use category accommodates the GR, General Retail and NS, Neighborhood Services zoning districts. The zone change request complies with the requested amendment to the Future Land Use Plan.

Thoroughfare Plan

The property fronts on FM 2305 which is designated as a major arterial on the Thoroughfare Plan. The zone change request complies with the Thoroughfare Plan.

Adequacy of Public Facilities

An 18" sewer line runs along the FM 2305 frontage of the property. A 14" water line runs along FM 2305 across the street from the subject property. The plat for the property, which will be presented to the Planning and Zoning Commission at its next meeting on May 5, 2008, shows that the applicant proposes to bore under FM 2305 and tap onto this water line. Adequate public facilities will serve the property.

Development Regulations

The purpose of the GR, General Retail district is intended to serve larger service areas than neighborhoods. This district should be located at the intersection of major arterials and should provide total on-site traffic maneuvering such that traffic entering and exiting the facility should have room to turn, queue for parking areas, and park within the confines of the retail facility. This is the standard retail district and allows most retail uses including retail sales, fuel sales, restaurants, grocery stores, or offices and residential uses except apartments.

The purpose of the PD, Planned Development overlay district is to accommodate unique development proposals with special design considerations.

Minimum lot area and setback requirements for the GR, General Retail district are as follows.

GR, General Retail (nonresidential uses)	
Min. Lot Area (sq. ft.)	None
Min. Lot Width (ft.)	None
Min. Lot Depth (ft.)	None
Max. Height (stories)	3 stories
Min. Yard (ft)	
Front	30 from street centerline
Side	10 adjacent to residential district
Rear	10 adjacent to residential district

Public Notice

18 notices for the P&Z hearing were sent out. As of April 16 at 2 PM, no notices were returned in favor of and one notice was returned in opposition to the request. The newspaper printed notice of the public hearing on April 12, 2008 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of the:

1. Zone change from SF-2, Single-Family 2 and PD-GR, Planned Development General Retail to PD-GR, Planned Development General Retail District; and
2. Staff Recommended Development Plan with:
 1. Limestone exterior for facades facing FM 2305;
 2. No bay doors facing FM 2305;
 3. Automatic irrigation for landscaping;
 4. 1 canopy tree per 40 linear feet on east lot line;
 5. 1 canopy tree per 40 linear feet on north lot line with continuous hedgerow or berm;
 6. Maximum 8' tall, 80 square foot monument sign; and
 7. Pitched roofs for units along the east property line.

For the following reasons:

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

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Zoning Map
 Land Use Map
 Aerial
 Development Plan – Applicant's Submittal
 Development Plan – Staff recommendation
 List of Canopy Trees
 Response Letters

EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, APRIL 21, 2008

ACTION ITEMS

Chair Luck stated that Item 4A, Z-FY-08-20A and Item 4B, Z-FY-08-20B, would be presented together and then have separate motions and votes on each item.

- 4A.** Z-FY-08-20-A Hold a public hearing to consider amending the West Temple Comprehensive Plan to reflect retail uses on 6.1± acres out of land commonly known as outblock 1104-C, located on the south side of West Adams Avenue, east of the residential subdivision of Crescent View Phase One. (Applicant: Ansley Corporation)
- 4B.** Z-FY-08-20B Z-FY-08-20-B Hold a public hearing to consider a zone change from Single Family Two District and Planned Development (General Retail District) to Planned Development (General Retail) District on 6.1± acres out of land commonly known as Outblock 1104-C, located on the south side of West Adams Avenue, east of the residential subdivision of Crescent View Phase One. (Applicant: Ansley Corporation)

Mr. Brian Mabry, Senior Planner, began with Item 4A, Z-FY-08-20A, as presented in the Planning and Zoning Agenda Item. He said the applicant is Mitchell and Associates. He said the Future Land Use Plan being amended is the West Temple Plan, which was adopted in 1999. He said the future land use plan amendment and the zone change request were reviewed by the Development Review Committee (DRC) on April 14, 2008. Mr. Mabry shows Moderate/Medium Density Residential and Retail future land use categories for the subject property and for property to the west. Land to the north of the subject property has the Office future land use category. Land to the south and east is designated as Moderate/Medium Density Residential. He said there is an 18" sewer line runs along the FM 2305 frontage of the property. A 14" water line runs along FM 2305 across the street from the subject property. The plat for the property, which will be presented to the Planning and Zoning Commission at its next meeting on May 5, 2008, shows that the applicant proposes to bore under FM 2305 and tap onto this water line. At that time adequate public facilities will serve the property. The property fronts on FM 2305 which is designated as a major arterial on the Thoroughfare Plan which accommodates non-residential uses such as this request. The West Temple Plan amendment complies with the Thoroughfare Plan. Staff recommends approval of the future land use map amendment request from residential to retail because the request complies with

the Future Land Use Plan, the Thoroughfare Plan, and adequate public facilities serve this site.

Mr. Mabry concluded with zone change Z-FY-08-20B. He said the zoning portion of the case is to have a Planned Development with General Retail as a base zoning district so that a mini-storage facility can be built. The property currently has a Planned Development (PD) designation that allows mini-storage. However, contrary to generally accepted planning practice, it was approved in 2005 so that review and approval of a binding development plan by the Planning and Zoning Commission and City Council could take place at some point after approval of the PD zoning designation. All PDDs should be reviewed concurrently with a binding development plan. Therefore, staff recommends removal of the old PD designation with this new PD designation. In accordance with PD submittal requirements, the applicant has submitted a binding development plan showing storage unit locations and dimensions, parking areas, access point, and general landscaping. The applicant stated that limestone exterior for facades facing FM 2305 will be used but no bay doors will face FM 2305 and automatic irrigation for landscaping would also be provided. Mr. Mabry showed an aerial of the property and drainage channels which runs between existing homes and the subject property. Mr. Mabry stated the Subdivision Ordinance requires that some form of screening or buffering take place when a non-residential use abuts a residential subdivision which can be a six foot fence or masonry wall or landscaping screening at the property line. In addition to these voluntary amenities, staff recommends the following features in order to mitigate potential impacts on Crescent View Phase I and the developing FM 2305 corridor:

- 1 canopy tree per 40 linear feet on east lot line
- 1 canopy tree per 40 linear feet on north lot line with continuous hedgerow or berms
- Maximum 8' tall, 80 square foot monument sign
- Pitched roofs for units along the east property line

Mr. Mabry pointed out the landscaping buffer along the east property line is 5' in width. Normally a 10' setback would be required in the GR, General Retail zoning district, along the east property line because it abuts a residential zoning district. However, the PD mechanism allows flexibility so that in exchange for a narrower setback (5' instead of the normally required 10') a prescribed amount of plantings (1 canopy tree per 40 linear feet) can be provided.

Mr. Mabry stated all the elements of the zone change comply with the future land use plan, thoroughfare plan and adequate public facilities. He displayed a map showing is Single Family Two and General Retail zoning on both sides of the property and agriculturally zoned land to the rear of the property. A General Retail zoning district allows residential sales, retail sales, restaurants, and grocery stores. The Zoning Ordinance indicates it should be located at the intersection of major arterial streets. Not permitted would be pawn shops or

industrial uses and mini-storage warehouses but in this case the PD would allow a non general retail use that would be permitted on this property. If mini-storage is unable to be developed then only general retail uses would be permitted on the property. Mini-storage warehouses would be the more intense level of non residential use that would be permitted there. He said 18 notices of the P&Z hearing were sent out to surrounding property owners. As of today no notices were returned in favor of the request and two notices were returned in opposition to the request shown by a red "D" on the map on the screen. The newspaper printed notice of the public hearing on April 12, 2008 in accordance with state law and local ordinance. Mr. Mabry stated the Staff recommends approval of the zone change from Single-Family Two and PD-GR, Planned Development General Retail to a new PD-GR, Planned Development General Retail District; and the Staff recommends Development Plan with the following features:

1. Limestone exterior for facades facing FM 2305;
2. No bay doors facing FM 2305;
3. Automatic irrigation for landscaping;
4. 1 canopy tree per 40 linear feet on east lot line;
5. 1 canopy tree per 40 linear feet on north lot line with continuous hedgerow or berms;
6. Maximum 8' tall, 80 square foot monument sign; and
7. Pitched roofs for units along the east property line.

Mr. Mabry stated the request complies with the requested amendment to the Future Land Use Plan of the West Temple Plan; the Thoroughfare Plan; and adequate public facilities will serve the site.

Commissioner Martin stated he had received only one denial to the request.

Mr. Mabry responded that in addition to Ms. Sylvia Odenwald, Ms. Dretchen Dye suggested denial of the request but did not give a comment.

Commissioner Norman asked whether the houses along the east side now have wood fences.

Mr. Mabry displayed a picture of the area on the screen depicting a wooden fence on the residential property. The screening requirement is the non-residential use would also need to supply a fence as well. He pointed out the fence and as well as the drainage channel which is about 60' wide. He said there would be a 5' landscaped strip, the trees, and then the storage units would start.

Commissioner Carothers asked whether the drainage ditch is part of the original subdivision or is it part of this property—who is supposed to maintain it because it does not appear to be maintained by anyone.

Mr. Mabry said it was part of the residential development—Crescent View Phase One and deeded to the City.

Commissioner Pope asked Mr. Mabry to show the locations of the two properties that were turned in as denials.

Mr. Mabry showed on the screen—6609 Brooks Drive and 6613 Brooks Drive.

Commissioner Pope asked whether the north portion of the property was general retail.

Mr. Mabry responded that the north portion was approved for general retail in 2005 with the thought that it would be a mini-storage use. He said the applicant in 2005 had originally requested commercial zoning but either the Commission or the Council asked the applicant to change the request to planned development which was approved. He also stated the two individuals submitting denials probably did not know there could be additional screening along the property line.

Commissioner Pilkington asked whether the part already zoned general retail could have already had mini-storage?

Mr. Mabry responded that mini-storage is not allowed in a plain General Retail District that does not have a PD attached but this particular property with the GR & PD designation was originally passed to allow mini-storage.

Commissioner Pope asked even if it hadn't been planned development it still was general retail there.

Mr. Mabry responded, yes.

Commissioner Pope asked to be shown the drainage ditch and the width of the ditch.

Mr. Mabry responded it was 60 feet.

Chair Luck asked whether the flow is a drainage problem area.

Mr. Mabry responded that when the property was platted the drainage for the subdivision would comply with City standards and with the City's Drainage Criteria Manual.

Commissioner Pilkington stated he did know the project that is fixing to go for drainage in that area extends down and catches the end of that channel.

Mr. Mabry stated the plat of this property will show a detention or retention pond that will also help with drainage on this property.

Chair Luck opened the public hearing for item Z-FY-08-20A, an amendment to the West Temple Comprehensive Plan to reflect commercial uses.

Mr. Bob Mitchell, Mitchell & Associates, 102 North College Street, Killeen, Texas, addressed the Commission speaking in favor of the request. He stated zoning was in effect in the Comprehensive Land Use Plan did have the general retail with the PD for mini-storage in that particular area. He said the sketches show the Plan change and the zoning case comes down to the property line approximately 320' in depth of that will be storm retention facility. When the plat comes forth at the next meeting the P&Z will see all the designs.

Chair Luck asked if anyone else wished to speak for or against Z-FY-08-20A.

Ms. Colette Marshall, applicant, provided her address as 22932 FM 2484, Killeen, Texas. She is the person under contract to buy the property if zoning is approved. She has two other storage facilities in the area. She said the mini-storage warehouses will have surveillance and indirect lighting and are very conscientious neighbors and will build the best facility possible to help the citizens of Temple have a nice storage facility. She said the Company's name is Big Red Barn—that's the reason for the red.

Mr. Pat Patterson, 2116 West Avenue H asked whether the entire mini-storage have to be 70% masonry in keeping with the newly passed Masonry Ordinance.

Mr. Mabry responded that projects submitted after the passing of the Masonry Ordinance would apply. He stated this project had been submitted early enough that the Ordinance would not apply to it.

Chair Luck stated she understood Mr. Mabry say the project was in submission prior to the masonry standards being passed.

Mr. Patterson said surely they have not already applied for a building permit.

Mr. Mabry stated vesting in Texas can be accomplished with a sketch plan or a general conceptual plan before a building permit is applied for.

Commissioner Norman asked if it's a planned development they could require compliance with the newly-passed masonry standards.

Mr. Mabry stated the Commission could add to or deletes from the staff recommendations as they pleased, including requiring compliance with the masonry standards.

Chair Luck asked if anyone else wished to speak for or against Z-FY-08-20A. Chair Luck closed the public hearing.

Commissioner Talley asked whether traffic would be affected on FM 2305.

Mr. Mabry responded that the development plan indicated several car length spaces so he did not believe it would have a major impact on backing up traffic on FM 2305.

Commissioner Pilkington asked whether the Commission would be approving the planned development portion or it would be approved with the zone change.

Mr. Mabry stated the Commission would be approving the zone change and a development plan and the Staff recommendations. There would be three things to be approved—the future land use map amendment, Item 4B includes the change in zoning and approving the development plan.

Commissioner Martin asked what is being required for the sides if the front facing FM 2305 will be 100% limestone.

Commissioner Secrest asked Ms. Marshall if it's discovered that the Masonry Ordinance does apply how this would affect her plans.

Ms. Marshall replied that the project would not be feasible.

Commissioner Pope asked Ms. Marshall whether she knew there is an appeal process through the City Planner for specific use.

Before Ms. Marshall answered, Mr. Mabry stated the Masonry Ordinance does not apply to the property.

Chair Luck asked if the Planning and Zoning Commission feels that is a needed item then it can be addressed in a motion for Item 4B?

Mr. Mabry responded yes.

Ms. Colette Marshall stated that if the red metal wall is offensive they would pull the buildings in, have the fire lane there, and have the privacy fence.

Commissioner Martin stated he might have a problem with the huge red metal barn on FM 2305 right next door to the subdivision.

Ms. Colette Marshall stated she had another option which are metal panels sprayed with something that has a stucco look.

Commissioner Martin stated his issue was not to have limestone but it's the red color.

Commissioner Pope asked if it would be possible that the east/west long walls could be something other than red metal.

Ms. Marshall stated there would be no problem to that.

Commissioner Pilkington asked whether she would have a problem doing the stucco metal on the outside.

Ms. Marshall stated no, no problem.

Chair Luck asked whether the stucco spray or the materials that appear to be stucco spray on the east/west wall would meet the masonry standards that were set for materials to be used.

Mr. Mabry responded that if the masonry standards did apply to this project stucco would be one of the acceptable materials in the standards.

Commissioner Carothers stated he did not believe the material to be actual stucco.

Ms. Marshall stated she had shown a sample to the City Staff and had met with their approval. She said it's just a cream color and looks like stucco.

Mr. Tim Dolan, Planning Director, addressed the Commission, stating the material palette brought in by Ms. Marshall is a material with a stucco finish. Mr. Dolan asked the Commission to consider the material on the eastern, western and portions of the northern sides of the proposed units.

A discussion followed with Ms. Marshall showing the Commission how the proposed units will be screened and detailed on the development plan.

Motion to recommend approval of Z-FY-08-20A, amendment to the West Temple Comprehensive Plan to reflect commercial uses on 6.1 acres by Commissioner Carothers; seconded by Commissioner Secrest.

Motion passed (8/0).

Commissioner Carothers asked whether this is the only time the Commission has to set parameters for the Planned Development and not during the platting process?

Mr. Mabry stated the plat would deal with the boundaries of the lot, the drainage facilities, easements and things of that nature.

Commissioner Pope asked whether the Masonry Ordinance did not affect this project.

Mr. Mabry responded, yes, it does not apply.

A discussion followed regarding the east/west elevation, color, screening, the stucco materials known as Stucco Tech, and percentage of limestone facing FM 2305.

Motion to recommend approval of Z-FY-08-20B, a zone change from Single Family Two District and Planned Development (General Retail District) to Planned Development (General Retail District) on the 6.1 acres with Staff recommendations as written with the amendments under # 2 for 100% limestone exterior for the façade facing FM 2305 with the caramel and cream color spray on metal adhesive 100% of the east, west and all sides except for the south; motion seconded by Commissioner Pilkington.

Motion passed (8/0).

ORDINANCE NO. 2008-4221

[PLANNING NO. Z-FY-08-20-B]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM TWO FAMILY DISTRICT AND PLANNED DEVELOPMENT (GENERAL RETAIL) DISTRICT TO PLANNED DEVELOPMENT (GENERAL RETAIL) DISTRICT ON APPROXIMATELY 6.05 ACRES OUT OF LAND COMMONLY KNOWN AS OUTBLOCK 1104-C, LOCATED ON THE SOUTH SIDE OF WEST ADAMS AVENUE, EAST OF THE RESIDENTIAL SUBDIVISION OF CRESCENT VIEW PHASE ONE, IN ACCORDANCE WITH SECTIONS 7-500 THROUGH 7-509 OF THE COMPREHENSIVE ZONING ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the owner of the property consisting of approximately 6.05 acres of land commonly known as Outblock 1104-C, located on the south side of West Adams Avenue, east of the residential subdivision of Crescent View Phase One, has requested that the property be rezoned from Single Family Two District and Planned Development (General Retail) District to Planned Development (General Retail) District; and

Whereas, the City Council, after notice and a public hearing, finds that it is in the public interest to authorize this action.

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

Part 1: The City Council approves a zoning change from Single Family Two District and Planned Development (General Retail) District to Planned Development (General Retail) District on approximately 6.05 acres of land commonly known as Outblock 1104-C, located on the south side of West Adams Avenue, east of the residential subdivision of Crescent View Phase One, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: In accordance with Sections 7-500 through 7-509 of the Comprehensive Zoning Ordinance of the City of Temple, Texas, Ordinance No. 91-2101, is amended by changing the zoning classification of the property described in Part 1 above, to Planned Development (General Retail) District, and shall comply with all applicable sections of the Code of Ordinances of the City of Temple, Texas, and all local, State and Federal laws and regulations as they may now read or hereafter be amended, including but not limited to the following conditions:

- (a) Except as shown on the site plan attached hereto as Exhibit B, the use and development standards of the property shall conform to the requirements of the General Retail District;
- (b) Development of the property will be in accordance with the site plan, attached hereto as Exhibit B;
- (c) Storage unit walls facing FM 2305 shall be 100% limestone;
- (d) All other storage unit walls shall be composed of Stucco-Tek material of a camel and cream color;
- (e) The mini-storage facility shall consist of all neutral colors except for a red soffit trim and accents;
- (f) No bay doors shall face FM 2305 or property to the east or west;
- (g) Pitched roofs shall be provided for units along the east property line;
- (h) A wrought iron fence shall be provided along the front of the property;
- (i) A privacy fence shall be provided to separate the mini-storage facility from the retention pond and shall be provided within the spaces between the storage units on the east property line;
- (j) Automatic irrigation shall be installed for all landscaping;
- (k) 1 canopy tree (2" caliper, minimum 5' tall) per 40 linear feet shall be provided on east lot line;
- (l) A continuous hedgerow or berm and 1 canopy tree (2" caliper, minimum 5' tall) per 40 linear feet shall be provided on north lot line;
- (m) A monument sign a maximum 8 feet in height and 80 square feet in area shall be permitted;
- (n) No storage units shall be located at the south end of the mini-storage facility abutting the retention pond;
- (o) Lighting shall not spill over onto or be directed toward residentially zoned property; and
- (p) Security gates shall be accessible only between the hours of 6 AM and 10 PM.

These conditions shall be expressed conditions of any building permit issued for construction on the property which may be enforced by the City of Temple by an action either at law or in

equity, including the right to specifically enforce the requirements of the ordinance, and these requirements shall run with the land.

Part 4: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **1st** day of **May**, 2008.

PASSED AND APPROVED on Second Reading on the **15th** day of **May**, 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

05/15/08
Item #10(J)-(1)
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Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: SECOND READING – Consider adopting an ordinance designating South 1st Street corridor (from Adams Avenue to Loop 363) as Tax Abatement Reinvestment Zone Number Thirteen for Commercial/Industrial/Residential Tax Abatement and authorizing a number of other economic development incentives for property redevelopment.

STAFF RECOMMENDATION: Approve a second reading of this ordinance. (Note: This is NOT a final reading of this ordinance. Due to changes in the boundaries of the tax abatement reinvestment zone after the first reading, this Ordinance will require a third reading and a second public hearing at the City Council's June 5th meeting. We will publish a required newspaper notice of the public hearing and send a letter to the other relevant taxing entities at least 7 days prior to the June 5th meeting as required by State law.)

ITEM SUMMARY: This ordinance is the first of several planned economic incentive ordinances targeted at encouraging redevelopment in the areas of the City designed by the City Council as Strategic Investment Zones (SIZ). This proposed ordinance encourages redevelopment of the area primarily through two means: (1) the availability of tax abatement on the increased value of eligible real and personal property; and (2) matching grant incentives where the City participates with dollars or in-kind services to encourage redevelopment. The proposed ordinance creates enabling authority, but is subject to the availability of funds that may be appropriated from year to year by the City Council as part of the annual budget process.

On Second Reading, we have amended the ordinance as follows:

- 1) We've adjusted the boundaries of the proposed investment area for tax abatement and additional incentives to include both sides of South 3rd Street (on the western side of the corridor) and both sides of South Main Street (on the eastern side);
- 2) We've made some minor changes in a couple of the incentive amounts based on comments we've received from commercial realtors and potential investors in the targeted area; and
- 3) We're added the ability to waive platting, zoning and building permit fees as an additional incentive.

As the SIZ report recommended, the City is employing a 'combined-arms' approach to redevelopment in our Strategic Investment Zones. On one hand we have sought voluntary compliance with existing codes and standards and backed that up with a willingness to require compliance through enforcement proceedings before the City's Building and Standards Commission. We've also tried a "carrot" incentive through a willingness to assist property owners with the demolition of substandard buildings and signs in our corridors. As the report we presented to the City Council in December showed, we've demolished a number of high profile buildings and signs this past year, both within and near our SIZs.

The proposed ordinance continues those efforts by offering tax abatement and economic development incentives. The tax abatement we are proposing is similar to what has been successfully offered in the Downtown area for the past decade: 100% tax abatement for five years on the increased value of eligible real and personal property constructed in accordance with a tax abatement agreement.

Eligible property improvements for tax abatement in this SIZ corridor would include primarily commercial redevelopment with some residential redevelopment in a few blocks. The tax abatement area is essentially South 1st Street from Adams to South Loop 363, but also includes portions of the streets paralleling South 1st Street (South Main Street, South 2nd, South 3rd Street, etc.). A detailed map will be provided to the City Council at our meeting. The condition of property adjoining South 1st Street (and the adjacent streets) in this area is likely to substantially arrest or impair sound growth because of the number of deteriorating structures, inadequate streets and sidewalks, lack of accessibility or usefulness of lots, unsanitary and unsafe conditions, the deterioration of site or other improvements, and conditions that endanger life or property by fire or other cause.

The matching grants for economic development and in-kind services include funds or services related to façade replacement or upgrading, sign improvements, landscaping improvements, asbestos surveys and abatements, demolitions and sidewalk replacement. Available of these matching funds would be on a first-come/first-served basis for eligible projects. A limited amount of funds (approximately \$75,000) are available in the current fiscal year, and if the City Council approves this ordinance we will seek additional funds in future budget years. A detailed description of the matching grants will be made during our presentation before the City Council.

We anticipate bringing several other incentive ordinances forward to the City Council, if directed to do so by the City Council. Other potential candidates for similar ordinances are Martin Luther King, Jr. Boulevard; North 3rd Street, West Avenue G & H, and the Downtown area. Providing adequate funding for the City matching funds will pose a fiscal challenge for the City, but the proposed incentives are tied to private investment in these SIZs that will help the City to recover its investment.

FISCAL IMPACT: The City Council authorized about \$85,000 in this fiscal year for economic development incentives in Strategic Investment Zone corridors. Tax abatement agreements, if entered into in the future on property in this corridor, would rebate taxes on the increase value of eligible real and personal property in the area and would not require a financial outlay by the City.

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

DESIGNATING THE SOUTH 1ST STREET CORRIDOR (FROM ADAMS AVENUE TO LOOP 363) AS TAX ABATEMENT REINVESTMENT ZONE NUMBER THIRTEEN FOR COMMERCIAL, INDUSTRIAL OR RESIDENTIAL TAX ABATEMENT; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; ESTABLISHING CERTAIN ECONOMIC DEVELOPMENT INCENTIVES IN THE SOUTH 1ST STREET CORRIDOR; ESTABLISHING A SUNSET PROVISION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR PENALTIES; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Temple, Texas (the "City"), desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by creation of a reinvestment zone for commercial/industrial tax abatement, as authorized by Section 312.201 of the Texas Tax Code;

WHEREAS, the City held such public hearing after publishing notice of such public hearing, and giving written notice to all taxing units overlapping the territory inside the proposed reinvestment zone;

WHEREAS, the City at such hearing invited any interested person, or his attorney, to appear and contend for or against the creation of the reinvestment zone, the boundaries of the proposed reinvestment zone, whether all or part of the territory described in the ordinance calling such public hearing should be included in such proposed reinvestment zone, the concept of tax abatement; and

WHEREAS, the proponents of the reinvestment zone offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the reinvestment zone, and opponents of the reinvestment zone appeared to contest creation of the reinvestment zone.

WHEREAS, the City finds that the condition of property adjoining South 1st Street corridor (from Adams Avenue to South Loop 363) is likely to substantially arrest or impair the sound growth of the municipality, because of the presence of one or more of the conditions: a substantial number of substandard, slum, deteriorated, or deteriorating structures; the predominance of defective or inadequate sidewalks or streets; faulty size, adequacy, accessibility, or usefulness of lots; unsanitary or unsafe conditions; the deterioration of site or other improvements; or conditions that endanger life or property by fire or other cause;

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

Part 1: The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

Part 2: (a) **Designation of South 1st Street Tax Abatement Reinvestment Zone.** Pursuant to Section 312.201 of the Code, the City hereby creates a reinvestment zone for commercial, industrial or residential tax abatement consisting of property within the area described as follows:

Beginning at the south side of West Adams Avenue and the east side of the public alley of North 3rd Street and North 5th Street commencing in a southerly direction along said alley to the south side of W Central Avenue, also being the northeast corner of an alley abandoned on February 17, 1977;

Continuing in a westerly direction along said south side of West Central Avenue to the southeast intersection of South 5th Street and West Central Avenue;

Continuing in a southerly direction along said east side of South 5th Street to the northeast intersection of West Avenue B and South 5th Street;

Continuing in an easterly direction to the east side of the public alley of Block 27 of Original Town Addition, approximately 130 feet;

Continuing in a southerly direction along the projected east side of said alley, also being the public alley between South Third Street and South Fifth Street, to the South Side of East Avenue F;

Continuing in a westerly direction along the south side of said East Avenue F to the east side of an alley abandoned December 2, 1963, also being the alley that is east of South Seventh Street;

Continuing in a southerly direction along the east side of said alley to where it intersects the north side of West Avenue G;

Continuing in an easterly direction to the east side of a public alley between South Fifth Street and South Third Street, of which the portion north of said West Avenue G was abandoned on December 2, 1963;

Continuing in a southerly direction along the east side of said alley and southerly along a line projected between Lots 1 and 5, Block 1, Robertson Addition to the south side of West Avenue M;

Continuing in a westerly direction along said West Avenue M to the east side of a public alley between South 7th Street and South 5th Street;

Continuing in a southerly direction with the east side of said alley, along a common line between Ainsworth Saffold and South Park Additions, the east side of Anderson-Hendler Addition, and thence the east side of a public alley in Blocks 3 and 6 of Hollywood Addition, to the north side of West Avenue V;

Continuing in an easterly direction along the north side of West Avenue V to the northwest corner of the intersection of West Avenue V and South 5th Street;

Continuing in a southerly direction on the west side of South 5th Street to the northeast corner of Tract 7 of Fryers Creek Commercial Phase I;

Continuing in a westerly direction along the north side of said Fryers Creek Commercial Phase I to the northwest corner of Tract 8 of the same addition;

Continuing in a southerly direction along the west side of said Tract 8 to an ell in Fryers Creek Dr;

Continuing in a southerly direction across said Fryers Creek Dr to the northwest corner of Tract 5 of the same addition;

Continuing in a southerly direction along the west side of said Tract 5, and along the west side of Pittman Addition to the north side of Loop 363 (H.K. Dodgen Loop);

Continuing in an easterly direction along the north side of Loop 363 (H.K. Dodgen Loop) to the west side of the Union Pacific Railroad Right-of-Way;

Continuing in a northerly direction along the west boundary of said Union Pacific Railroad to an ell in Lot 1, Block 1, Temple College East Campus;

Continuing westerly along the ell and north side of said Lot 1, Block 1, Temple College East Campus, thence along the north side of Lot 1, Block 1, Temple College Addition, to the east side of South 1st Street;

Continuing in a northerly direction along South 1st Street to the southeast corner of the intersection of South 1st Street and the south side West Avenue O extended, also being the northwest corner of Block 6, Eugenia Terrace Addition;

Continuing in a an easterly direction along the north side of said Block 6, Eugenia Terrace Addition to the common line between Outblocks 199-3 and 199-6A, approximately 400 feet;

Continuing in a northerly direction between said Outblocks and along the south and east side of Outblock 199-2E for an ell, to the south side of East Avenue N;

Continuing in a northerly direction across said East Avenue N to the west side of an alley between South Main Street and South 2nd Street;

Continuing in a northerly direction along the west side of said alley, though the Burlington Northern and Santa Fe Rail lines, and commencing along the east side of said alley between South Main Street and South 2nd Streets to the north side of West Avenue B;

Continuing in an easterly direction along the north side of East Avenue B to the northwest corner of the intersection of the East Avenue B and South 2nd Street;

Continuing in a northerly direction along the west side of South 2nd Street to the southwest corner of the intersection of South 2nd Street and East Avenue A;

Continuing in a westerly direction along the south side of East Avenue A to a point in the south side of East Avenue A and the west side of a public alley running between South Main Street and South 2nd Street, extended;

Continuing in a northerly direction along the west side of said public alley to the south side of East Adams Avenue; and

Continuing in a westerly direction along the south side of Adams Avenue to the northeast corner of the public alley between South 3rd Street and South 5th Street (the point of origin), as depicted in Exhibit "A" attached hereto.

Such reinvestment zone is hereby designated and shall hereafter be officially designated as Tax Abatement Reinvestment Zone Number Thirteen, City of Temple, Texas. The City Council specifically finds that the boundaries of the reinvestment zone (hereinafter "SOUTH 1st STREET STRATEGIC INVESTMENT ZONE") should be the as shown in the map attached hereto as Exhibit "A."

(b) Findings Relative to Creation of Tax Abatement Reinvestment Zone. The City Council, after conducting a public hearing and hearing evidence and testimony, makes the following findings and determinations based on the testimony presented to it:

1. That a public hearing on the adoption of the reinvestment zone has been properly called, held and conducted and that notices of such hearings have been published as required by law and mailed to all taxing units overlapping the territory inside the proposed reinvestment zone;

2. That creation of the SOUTH 1st STREET STRATEGIC INVESTMENT ZONE will result in benefits to the City and to the land included in the zone after the term of any agreement executed hereunder, and the improvements sought are feasible and practical;

3. That the SOUTH 1st STREET STRATEGIC INVESTMENT ZONE meets the criteria for the creation of a reinvestment zone as set forth in Section 312.202 of the Code in that it is "reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the City;" and

4. That the SOUTH 1st STREET STRATEGIC INVESTMENT ZONE meets the criteria for the creation of a reinvestment zone as set forth in the City of Temple Guidelines and Criteria for granting tax abatement in reinvestment zones.

(c): The SOUTH 1st STREET STRATEGIC INVESTMENT ZONE shall take effect on May 15, 2008, and continue in effect until May 15, 2013.

(d) To be considered for execution of an agreement for tax abatement the commercial/industrial or residential project shall:

1. Be located wholly within the SOUTH 1st STREET STRATEGIC INVESTMENT ZONE as established herein;

2. Not include property that is owned or leased by a member of the City Council of the City of Temple, Texas, or by a member of the Planning and Zoning Commission;

3. Conform to the requirements of the City's Zoning Ordinance, all other City codes and regulations, City of Temple Guidelines and Criteria for granting tax abatement in reinvestment zones previously adopted by the City Council, and all other applicable laws and regulations; and

4. Have and maintain all land located within the SOUTH 1st STREET STRATEGIC INVESTMENT ZONE, appraised at market value for tax purposes.

(e) Written agreements with property owners located within the SOUTH 1st STREET STRATEGIC INVESTMENT ZONE shall provide identical terms regarding duration of exemption and share of taxable real property value exempted from taxation.

(f) Written agreements for tax abatement as provided for by Section 312.205 of the Tax Code shall include provisions for:

1. Listing the kind, number and location of all proposed improvements of the property;

2. Access to and inspection of property by municipal employees to ensure that the improvements or repairs are made according to the specification and conditions of the agreements;

3. Limiting the use of the property consistent with the general purpose of encouraging development or redevelopment of the SOUTH 1st STREET STRATEGIC INVESTMENT ZONE during the period that property tax exemptions are in effect; and

4. Recapturing property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements as provided by the agreement.

(g) Applications. Applications for tax abatement in the SOUTH 1st STREET STRATEGIC INVESTMENT ZONE are available in the City Attorney's Office, Suite 308, Municipal Building, 2 North Main Street, Temple, TX 76504 or from the City's website, ci.temple.tx.us.

Part 3: (a) Additional Economic Development Incentives for South 1st Strategic Investment Zone. Pursuant to Article 3, Section 52-a of the Texas Constitution, Chapter 380 of the Texas Local Government Code, and Section III.B of the City's Economic Development Policy ordinance, the City will consider offering additional

economic incentives for development in the South 1st Street Strategic Investment Zone as provided below. *To be eligible for any of the grants in Part 3 of this Ordinance, the applicant must propose and complete real property improvements on property located within the SOUTH 1st STREET STRATEGIC INVESTMENT ZONE with a minimum investment of not less than \$20,000 for non-residential or \$10,000 for residential.*

- (1) **Façade Improvement Grants.** The City will consider making grants of up to **\$10,000** on a 1:1 matching basis for the replacement of an existing façade with an eligible masonry product to an eligible property, or to remove an existing façade to expose the original façade. Eligible masonry materials for a replacement façade under this subsection include brick, stone, stucco, EIFS, rough-faced block, and such other materials that the City may approve from time to time. A list of eligible materials for the South 1st Street Strategic Investment Zone is maintained in the Construction Safety Office, 1st Floor, the Municipal Building, 2 North Main Street. Façade improvement costs eligible for reimbursement with a façade improvement grant include demolition costs (including labor), landfill costs, and material and construction (including labor) costs, but specifically *exclude* design costs.
- (2) **Sign Improvement Grants.** The City will consider making grants of up to **\$1,500** on a 1:1 matching basis for the installation of new ground-mounted, monument type signs on eligible properties or the replacement of a dilapidated sign. To be eligible, the base or footing of the sign must be concrete or metal. Sign improvement costs eligible for reimbursement with a sign improvement grant include demolition costs (including labor), landfill costs, and material and construction (including labor) costs, but specifically *exclude* design costs.
- (3) **Landscaping Improvement Grants.** The City will consider making grants of up to **\$2,500** on a 1:1 matching basis for the installation of new or additional landscaping to an eligible property. To be eligible the landscaping must meet or exceed the City's landscaping requirements for the area, as the same may be established from time to time. If an irrigation system is installed, or already exists, and will be maintained by the applicant, the maximum amount of the landscaping grant is **\$3,500** on a 1:1 matching basis. Landscaping improvement costs eligible for reimbursement with a landscaping improvement grant include ground preparation costs (including labor), materials (trees, shrubs, soil and amendments thereto and other decorative hardscape such as arbors, art, and walls or fences) and material and construction (including labor) costs, but specifically *exclude* design costs. The City will also consider making grants of trees from the City's tree farm if requested by the applicant as part of a landscaping improvement grant application.
- (4) **Asbestos Survey or Abatement Grants.** The City will consider a grant of up to **\$1,000** on a 1:1 matching basis for owner-initiated asbestos survey of a building and up to **\$3,000** on a 1:1 matching basis for asbestos abatement for a building on eligible property. Asbestos survey and abatement grant eligible costs include professional fees, labor costs, and replacement materials.

(5) **Demolition Grants.** When requested by an applicant the City will consider in its sole discretion, demolishing buildings, signs or parking lots, and disposing of the same at the City's cost, when the City has the capacity and equipment to do so. The City will not demolish buildings where the City in its sole discretion determines that there is a reasonable probability that the building contains asbestos, unless the applicant has obtained an asbestos survey and abated asbestos, where necessary, prior to demolition of the structure. In lieu of doing the demolition work with its own crews, the City will also consider a grant of up to **\$2,500** on a 1:1 matching basis for the demolition of existing buildings, signs, or parking lots on eligible property. Where the applicant is performing the demolition and seeking a demolition grant, eligible costs include the labor and landfill costs, and equipment rental, but exclude any design costs.

(6) **Sidewalk Improvement Grants.** The City will consider grants of up to **\$2,500** on a 1:1 matching basis for the construction of new sidewalks with a minimum width of six feet on South 1st Street and five feet (5') on other streets within the SOUTH 1st STREET STRATEGIC INVESTMENT ZONE, curb and guttering or the replacement of existing sidewalks or curb and guttering on eligible property. Sidewalk improvement costs eligible for reimbursement with a sidewalk improvement grant include demolition costs (where applicable) (including labor), landfill costs, and material and construction (including labor) costs and equipment rental, but specifically *exclude* design costs.

(7) **Waiver of Platting, Zoning and Permit Fees.** The City will consider waiving platting, zoning and building permit fees for eligible projects

(b) **Eligible Property.** To be eligible for a grant under Part 3(a)(1)-(6) above, the applicant must be the owner or lessee of property lying within the boundaries of the South 1st Street Strategic Investment Zone. Eligible property improvements are as described in Part 3(a)(1)-(7) above.

(c) **Application Form.** To be eligible for the grants described in Part 3(a), an applicant must submit an application and received approval from the City prior to commencing the work for which a grant or assistance by the City is sought. Applications must be submitted on a form provided by the City, be fully and accurately completed, and signed by the owner(s) (and the lessee(s), where applicable) of the property. Forms are available in the **City Manager's Office** (c/o of the Assistant City Manager) and in the office of **Keep Temple Beautiful**, 100 West Adams, Suite 302, Temple, TX 76501, and must be submitted to the City Manager's office for review and potential approval by the City. A completed application must contain a rendering of all proposed improvements and a written description of the same. Where the proposed scope of work requires professional work by an engineer or architect, the plans must be sealed by an engineer or architect, as applicable.

(d) **Evaluation of Applications.** In evaluating whether to approve an application for a grant under Part 3(a), the City Council will consider: (1) the extent to which the property for which a grant is sought is blighted or fails to meet City codes or regulations in one or more aspect; (2) whether the proposed redevelopment is at a higher level than

which exists on other properties in the South 1st Street Strategic Investment Zone at the time of adoption of this ordinance; (3) whether the applicant has the financial resources to complete the described in the application; (4) whether the property is unlikely to redevelop without an incentive by the City; (5) if the property for which a grant is sought is on South 1st Street, whether the applicant's proposed redevelopment eliminates a continuous curb cut on South 1st Street or retains limited access to such street; and (6) whether the proposed use of the property is in keeping with the future uses of property identified in the City's Comprehensive Plan or a master plan adopted by the City Council for the Temple Medical Education District (TMED). Upon receipt of an application for a grant under Part 3(a), the City Manager shall cause the application to be evaluated using the criteria established in Part 3(d) above, and submit the application and the Staff's recommend to approve or deny the request, in whole or part, to the City Council for their consideration.

(e) **Approval of grants.** The City Council may approve a request for a grant under Part 3(a) in whole or in part, or deny the same.

(f) **No Vested Right to Receive a Grant.** The existence of the grant program established in Section 3(a) does not create any vested rights to receive a grant or convey a property interest to any person to receive a grant. The award or denial of a grant under this Ordinance shall be at the sole discretion of the City Council. The City Council shall annually appropriate funds for the administration of the grant program in this ordinance, and the granting of funds under the programs established by this ordinance are subject to the availability of funds appropriated for that purpose in any given fiscal year.

(g) **Compliance with Terms of a Grant; payment to recipient.** A recipient of a grant from the City must enter into a development agreement with the City prior to receiving any grant funds or in-kind services by the City. The agreement shall provide that the applicant agrees to: (1) complete the work described in the application in a timely fashion; (2) give the City the right to inspect the work described in the development agreement and the financial records associated with the same during reasonable business hours; (3) perform all of the work described in the grant application in accordance with all applicable City codes and regulations; and (4) to maintain those improvements in the future. The failure by an applicant for a grant to satisfy all of the terms and conditions of the development agreement shall relieve the City of any obligation to provide grants funds under this Ordinance or as described in the development agreement. Payment to grantees shall be made within thirty (3) days of the work described in the development agreement being completed, inspected and accepted by the City.

Part 4: Severance clause. If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 5: 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 6: Sunset provision. The designation of Tax Abatement Reinvestment Zone Number Eleven shall expire five years from the effective date of this ordinance. The designation of a tax abatement reinvestment zone may be renewed for periods not exceeding five years. The expiration of a reinvestment zone designation does not affect an existing tax abatement agreement authorized by the City Council.

Part 7: Open Meeting Act. 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 and Public Hearing on the **1st** day of **May**, 2008.

PASSED AND APPROVED on Second Reading on the **15th** day of **May**, 2008.

PASSED AND APPROVED on Third and Final Reading after a second Public hearing on the **5th** day of **June**, 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

05/15/08
Item #10(J)-(2)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

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

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

ITEM SUMMARY: The proposed ordinance amends the City's comprehensive economic development ordinance to add new criteria and guidelines for authorizing tax abatement agreements in the proposed South 1st Street Corridor tax abatement reinvestment zone. The criteria proposed for the South 1st Street Corridor tax abatement reinvestment zone (portions of South 1st Street (from Adams to the South Loop 363) and adjacent streets like South 2nd, South Main, South 3rd and South 5th) are essentially the same as those currently in effect for the Downtown area: the project must involve either a minimum increase in property value of one hundred and fifty percent (150%) for construction of a new facility, or twenty-five percent (25%) for expansion of an existing facility, with an overall new investment of at least \$50,000 in taxable assets.

The matrix proposed for the South 1st Street Corridor is as follows:

Percentage of increased value To be abated	Inside the Downtown Development Area or the South 1st Street Corridor		
	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation
100%	\$50,000 or more	\$100,000 or more	5-25 jobs

Under the proposed amendment, projects involving an investment in real property in excess of \$250,000, more than \$1,000,000 in eligible personal property, or the creation of more than 25 new full time jobs can be individually negotiated.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

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

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

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

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

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

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

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

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

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

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

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

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

ECONOMIC DEVELOPMENT POLICY

FOR THE CITY OF TEMPLE, TEXAS

ADOPTED OCTOBER 18, 2007

I. Criteria and Guidelines Governing Tax Abatement.

A. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

12. **"South 1st Street Corridor"** is an area comprised of approximately ____ block area, which includes South 1st Street from Adams Avenue to South Loop 363 and portions of several adjacent streets including portions of South 2nd Street , South 3rd Street and South 5th Street, as shown by the map and description attached hereto as Exhibit " ____."

B. Statement of Purpose.

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

C. Designation of Tax Abatement Reinvestment Zones.

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

D. Abatement Authorized.

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

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

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

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

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

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

2. Standards for Tax Abatement.

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

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

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

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

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

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

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

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

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

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

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

Percentage of increased value To be abated	Inside the Downtown Development Area or the South 1st Street Corridor Minimum Required Real or Personal Property Investment or Job Creation		
	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation
100%	\$50,000 or more	\$100,000 or more	5-25 jobs

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

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

*Personal property with a useful life of less than ten years is not eligible for tax abatement.

Personal property on site prior to the effective date of the tax abatement agreement is not eligible. Supplies and inventory are ineligible for tax abatement under this policy and State law.

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

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

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

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

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

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

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

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

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

5. Application for Tax Abatement.

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

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

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

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

6. Tax Abatement Agreements

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

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

- (6) A requirement that the owner of the property annually certify to the governing body of each taxing unit that the owner is in compliance with each applicable term of the Agreement;
- (7) Provide that the City Council may cancel or modify the Agreement if the property fails to comply with the Agreement;
- (8) The percentage of value to be abated each year; and
- (9) The commencement date and the termination date of Abatement.

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

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

7. Recapture of Abated Taxes Upon Default.

a. In the event that the company or individual:

- (1) allows its ad valorem taxes owed the City to become delinquent and fails to timely and properly follow the legal procedures for their protest or contest, or
- (2) violates any of the terms and conditions of the Abatement Agreement, and fails to cure during the Cure Period hereinafter described,
- (3) the Agreement then may be terminated, and the company or individual whose Agreement is terminated shall repay, as liquidated damages, all taxes previously abated by virtue of the Agreement to the City within thirty (30) days of the termination.

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

8. Administration.

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

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

be made with one or more representatives of the company or individual and in accordance with its safety standards.

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

9. Assignment of Tax Abatement Agreements.

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

10. Sunset Provision.

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

II. Availability of Tax Increment Financing of Public Improvements.

A. Existence of tax increment financing district.

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

B. Development agreements.

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

III. Additional Economic Incentives within the City

A. Designation of Enterprise Zone.

The City has nominated an area of the City for designation as an enterprise zone by the State of Texas, acting through its Department of Commerce, under Tex. Rev. Civ. Stat. Ann. art. 5190.7 (the Texas Enterprise Zone Act). Pending approval of the area as an enterprise zone by the State, the City will consider granting several types of economic incentives with the enterprise zone.

1. Sales and use tax refunds.

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

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

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

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

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

2. Waiver of permit fees.

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

B. Other economic incentives within the City.

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

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

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

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

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

C. Additional economic incentives in Downtown Development Area.

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

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

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

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

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

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

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

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

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

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

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/15/08
Item #10(K)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Sharon Rostovich, Airport Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing acceptance of the Reinvestment Zone Aviation Campus and Airport Planning Project report prepared by Leslie Sagar & Associates for the Draughon-Miller Central Texas Regional Airport.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In 2005, it was determined that the Reinvestment Zone's vision and the Airport Master Plan needed review to insure compatibility for future growth and development. The Reinvestment Zone Board and the Airport Advisory Board were in agreement that both plans should merge. On April 5, 2007, City Council contracted with Leslie Sagar & Associates for professional planning and design services in the amount of \$78,441 to assist the City of Temple with the following tasks:

- 1) Development planning of the Western Aviation Campus of the Reinvestment Zone located adjacent to the east side of Draughon-Miller Central Texas Regional Airport; and
- 2) Planning for the undeveloped property at the Airport, particularly on the east side of the Airport, so that it is coordinated with the development of the Aviation Campus of the Reinvestment Zone.

Leslie Sagar & Associates prepared three development concept plans for consideration

- SE Quadrant (RZ aviation campus)
- NW Quadrant (support military growth)
- General Aviation

The Reinvestment Zone No. 1 Board of Directors approved the Reinvestment Zone Project Committee's recommendation to accept the report on February 27, 2008 and the Airport Advisory Board approved the report during their November 28, 2007 meeting.

FISCAL IMPACT: N/A

ATTACHMENTS:

Working Papers 1, 2, 3 – previously provided to Council (May 1st worksession)

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ACCEPTANCE OF THE REINVESTMENT ZONE AVIATION CAMPUS AND AIRPORT PLANNING PROJECT REPORT PREPARED BY LESLIE SAGER & ASSOCIATES FOR THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on April 5, 2007, City Council approved an agreement with Leslie Sagar & Associates for professional planning and design services to assist the City with (1) development planning of the Western Aviation Campus of the Reinvestment Zone located adjacent to the east side of Draughon-Miller Central Texas Regional Airport; and (2) planning for the undeveloped property at the Airport, particularly on the east side of the Airport, so that it is coordinated with the development of the Aviation Campus of the Reinvestment Zone;

Whereas, the Reinvestment Zone No. 1 Board of Directors approved the Reinvestment Zone Project Committee's recommendation to accept the report on February 27, 2008, and the Airport Advisory Board approved the report at a meeting on November 28, 2007;

Whereas, the Staff recommends accepting the report; 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 accepting the Reinvestment Zone Aviation Campus and Airport Planning Project report prepared by Leslie Sager & Associates for the Draughon-Miller Central Texas Regional Airport, incorporated herein and referred to by reference.

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 **15th** day of **May**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager
Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the transfer of certain property to the Temple Economic Development Corporation for economic development purposes.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: TEDC requests the conveyance by the City of two tracts to them related to economic development projects

- 1) 77.58 acres out of the J.W. Moore Survey, Abstract No. 582, located in the City's Northwest Industrial Park for proposed railroad improvements (Rail Park at Central Point); and
- 2) 68.870 acres located north of Airport Road for the developed portion of Airport Park at Central Pointe and the developed portion of Bioscience at Central Pointe.

The 77.58 acre tract was conveyed by TEDC to the City in 2001, and the City is simply re-conveying that property back to TEDC for an economic development purposes

The 68.870 acre parcel is phase 1 of the proposed Airport Park at Central Pointe which is being jointly developed by the City and Tax Increment Financing Reinvestment Zone Number One. TEDC has already negotiated an agreement with a major Texas energy distributor for a high profile facility on about 19.5 acres that will serve as a catalyst and benchmark for other development in Airport Park. Conveyance of the remainder of the 68.870 acres will allow TEDC to readily negotiate development agreements with prospects on shovel-ready sites.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, AUTHORIZING THE TRANSFER OF A 77.58 ACRE TRACT OF
LAND AND A 68.870 ACRE TRACT OF LAND TO THE TEMPLE
ECONOMIC DEVELOPMENT CORPORATION FOR ECONOMIC
DEVELOPMENT PURPOSES; AND PROVIDING AN OPEN MEETINGS
CLAUSE.

Whereas, the Board of Directors of the Temple Economic Development Corporation (TEDC) has requested that the City convey a tract of land consisting of 77.58 acres out of the J.W. Moore Survey, Abstract No. 582, located in the City's Northwest Industrial Park for proposed railroad improvements (Rail Park at Central Pointe); and a tract of land consisting of 68.870 acres located north of Airport Road for the developed portion of Airport Park at Central Pointe and the developed portion of Bioscience at Central Pointe;

Whereas, the 77.58 acre tract was conveyed by TEDC to the City in 2001 and is being re-conveyed to TEDC for an economic development prospect;

Whereas, the 68.870 acre parcel is phase 1 of the proposed Airport Park at Central Pointe which is being jointly developed by the City and Tax Increment Financing Reinvestment Zone Number One – TEDC has already negotiated an agreement with a major Texas energy distributor for a high profile facility on about 19.5 acres that will serve as a catalyst and benchmark for other development in Airport Park; conveyance of the remainder of the 68.870 acres will allow TEDC to readily negotiate development agreements with prospects on shovel-ready sites; 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 conveyance of the following tracts to the Temple Economic Development Corporation:

- (1) 77.58 acres out of the J.W. Moore Survey, Abstract No. 582, located in the City's Northwest Industrial Park for proposed railroad improvements (Rail Park at Central Pointe); and
- (2) 68.870 acres located north of Airport Road for the developed portion of Airport Park at Central Pointe and the developed portion of Bioscience at Central Pointe.

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 **15th** day of **May**, 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

05/15/08
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Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution approving second 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 second quarter ending March 31, 2008, for the General, Water & Sewer, Drainage and Hotel/Motel Tax Funds.

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

The second quarter financial statements also include a forecast of year-end financial results for the General Fund as of September 30, 2008.

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 SECOND QUARTER FINANCIAL RESULTS FOR THE FISCAL YEAR 2008; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the second quarter 2008 fiscal year financial results need to be approved by the City Council;

Whereas, included in the second quarter results are various schedules detailing 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 second quarter 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 **15th** day of **May**, 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

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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 \$203,535.

ATTACHMENTS:

Budget amendments
Resolution

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2008 BUDGET
May 15, 2008

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
110-2000-521-2127		OCU Seized Funds Expenditures (Police Dept)	\$ 2,741	
110-0000-313-0330		Reserved for Seized Funds		\$ 2,741
State Seized Funds are needed to purchase seven (7) revolvers and seven (7) holsters.				
110-2200-522-2516		Judgments & Damages (Fire Dept.)	\$ 92	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 92
Deductible reimbursement to the Texas Municipal League for settlement of a claim filed against the City of Temple by Michael Campbell seeking reimbursement for damage to his vehicle after it was struck by a fire truck on November 5, 2007, at 2502 Goliad.				
110-2330-540-2516		Judgments & Damages (Solid Waste - Residential)	\$ 2,384	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 2,384
Deductible reimbursement to the Texas Municipal League for settlement of a claim filed against the City by Margaret Salvany after her vehicle was struck by a Solid Waste truck on February 6, 2007, in the 800th Block of North 7th Street; and for a claim filed by Comisha Newman for damage to her vehicle by a Solid Waste truck on March 21, 2008, at West Central and North 3rd Street.				
110-3120-551-2516		Judgments & Damages (Golf Course)	\$ 23,200	
110-3500-552-2516		Judgments & Damages (Parks)	\$ 2,600	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 5,000
110-0000-461-0554		Insurance Claims		\$ 20,800
To appropriate insurance proceeds less the City's \$5,000 deductible to be received due to storm damage that occurred the morning of April 10, 2008. Damage occurred at the golf course, Bakers field, and Sammons Senior Center. The adjuster for the Texas Municipal League (TML) has assessed the damage and will be submitting his final report to TML by 05/09/08. The budget adjustment is for the total amount of the damage that occurred on April 10, 2008.				
260-3600-560-6524	100190	FAA Runway Rehabilitation (Airport)	\$ 110,000	
260-0000-490-2588		Transfer In - Airport Grant Match		\$ 11,000
260-0000-431-0163		Federal Grants		\$ 99,000
110-9100-591-8160		Transfer Out - Grant Fund	\$ 11,000	
110-0000-352-1345		Designated Capital Projects - Airport Grant		\$ 11,000
Appropriate grant funds and City matching funds for additional land costs for the Airport Runway Extension Project grant. This is amendment #2 to the acquisition agreement. The grant will be administered by the State.				
110-4000-555-2516		Judgments & Damages (Library)	\$ 136	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 136
Deductible reimbursement to the Texas Municipal League for a lawsuit filed against the City by Edward Jones seeking reimbursement for personal injuries from a slip and fall at the Library on February 8, 2006.				

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2008 BUDGET
May 15, 2008

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
351-1100-513-2616		Professional (CIP - City Manager)	\$ 24,999	
351-0000-490-2582		Transfer In - General Fund		\$ 24,999
110-9100-591-8151		Transfer Out - Capital Projects Fund	\$ 24,999	
110-0000-352-1345		Designated Capital Projects-Unallocated		\$ 24,999
<p>To appropriate \$24,999 to fund the agreement with TBG for the Temple Medical Educational District (T-Med). This agreement will define the hardscape and landscape character in the T-Med District. Funding for the agreement will come from the General Fund's Fund Balance - Designated for Capital Projects - Unallocated.</p>				
561-5000-535-1112		Professional (Utility Revenue Bonds)	\$ 876	
561-5000-535-1220		Retirement/Pension	\$ 128	
561-5000-535-1221		Social Security (FICA)	\$ 13	
561-5000-535-1223		Worker Compensation	\$ 21	
561-0000-461-0111		Interest Income		\$ 1,038
361-1500-515-1112		Professional (Certificate of Obligation Bonds)	\$ 292	
361-1500-515-1220		Retirement/Pension	\$ 43	
361-1500-515-1221		Social Security (FICA)	\$ 4	
361-1500-515-1223		Worker Compensation	\$ 7	
361-0000-461-0111		Interest Income		\$ 346
<p>Additional funding for lump sum performance pay for the CIP Project Manager position. This position is being funded with interest earnings from bond proceeds issued for the FY 2007 CIP projects. 75% of the salary and benefits for the CIP Project Manager is being funded from the Series 2006 Utility Revenue Bonds and 25% of the salary and benefits from the Series 2006 Certificates of Obligation.</p>				
TOTAL AMENDMENTS			\$ 203,535	\$ 203,535
GENERAL FUND				
Beginning Contingency Balance			\$	-
Added to Contingency Sweep Account			\$	-
Carry forward from Prior Year			\$	-
Taken From Contingency			\$	-
Net Balance of Contingency Account			\$	-
Beginning Judgments & Damages Contingency			\$	70,000
Added to Contingency Judgments & Damages from Council Contingency			\$	-
Taken From Judgments & Damages			\$	(48,657)
Net Balance of Judgments & Damages Contingency Account			\$	21,343
Beginning Master Plan Implementation Contingency			\$	250,000
Added to Master Plan Implementation Contingency			\$	-
Taken From Master Plan Implementation Contingency			\$	(176,334)
Net Balance of Master Plan Implementation Contingency Account			\$	73,666
Beginning Performance Pay Contingency			\$	150,000
Added to Compensation Plan Contingency			\$	-
Taken From Compensation Plan Contingency			\$	(150,000)
Net Balance of Compensation Plan Contingency Account			\$	-
Net Balance Council Contingency			\$	95,009

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2008 BUDGET
May 15, 2008

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Beginning Balance Budget Sweep Contingency	\$	-
		Added to Budget Sweep Contingency	\$	-
		Taken From Budget Sweep	\$	-
		Net Balance of Budget Sweep Contingency Account	\$	-
		WATER & SEWER FUND		
		Beginning Contingency Balance	\$	904,672
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(169,126)
		Net Balance of Contingency Account	\$	735,546
		Beginning Performance Pay Contingency	\$	30,000
		Added to Compensation Plan Contingency	\$	-
		Taken From Compensation Plan Contingency	\$	(30,000)
		Net Balance of Compensation Plan Contingency Account	\$	-
		Beginning Approach Mains Contingency	\$	500,000
		Added to Approach Mains Contingency	\$	-
		Taken From Approach Mains Contingency	\$	(141,419)
		Net Balance of Approach Mains Contingency Account	\$	358,581
		Net Balance Water & Sewer Fund Contingency	\$	1,094,127
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance	\$	20,126
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	20,126
		Beginning Performance Pay Contingency	\$	8,000
		Added to Compensation Plan Contingency	\$	-
		Taken From Compensation Plan Contingency	\$	(8,000)
		Net Balance of Compensation Plan Contingency Account	\$	-
		Net Balance Hotel/Motel Tax Fund Contingency	\$	20,126
		DRAINAGE FUND		
		Beginning Contingency Balance	\$	1,495
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	1,495
		Beginning Performance Pay Contingency	\$	2,000
		Added to Compensation Plan Contingency	\$	-
		Taken From Compensation Plan Contingency	\$	(838)
		Net Balance of Compensation Plan Contingency Account	\$	1,162
		Net Balance Drainage Fund Contingency	\$	2,657
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$	-
		Carry forward from Prior Year	\$	86,477
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(51,365)
		Net Balance of Contingency Account	\$	35,112

RESOLUTION NO. _____

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

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

Whereas, the City Council deems it in the public interest to make certain amendments to the 2007-2008 City Budget.

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

Part 1: The City Council approves amending the 2007-2008 City Budget by adopting the budget amendments which are more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED this the 15th day of **May**, 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

05/15/08
Item #11
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: (A) FIRST READING – PUBLIC HEARING: Consider adopting an ordinance repealing Ordinance No. 2000-2717 and adopting a new ordinance expanding and updating meeting procedures for the Planning and Zoning Commission.

(B) FIRST READING – PUBLIC HEARING – Z-FY-08-11: Consider adopting an ordinance amending Ordinance No. 91-2101, the Zoning Ordinance of the City of Temple, Section 16, “Planning and Zoning Commission,” updating procedures for the Planning and Zoning Commission.

P&Z COMMISSION & STAFF RECOMMENDATION: The Planning and Zoning Commission voted 9/0 to recommend approval to amend the Procedures of the Planning & Zoning Commission, as recommended by Staff. Conduct public hearing and adopt ordinance on first reading, with second and final reading set for June 5, 2008.

ITEM SUMMARY: The Procedures has not been reviewed since the 1980’s and early 1990’s. Several ordinances and resolutions have been approved since then, creating conflicts with the administration of meetings. This item is an administrative clean-up of the procedures.

FISCAL IMPACT: None

ATTACHMENTS:

[P&Z Staff Report](#)

[P&Z Excerpts](#)

[Proposed Ordinances](#)



PLANNING AND ZONING COMMISSION AGENDA ITEM

02/18/08
Item 6
Page 1 of 1

APPLICANT / DEVELOPMENT: Staff c/o Planning & Zoning Commission

CASE MANAGER: Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: Z-FY-08-11 Hold a public hearing to consider recommending amending Section 16, Procedures of the Planning and Zoning Commission of the City of Temple Zoning Ordinance. (Applicant: Planning Staff)

BACKGROUND: The Planning & Zoning Commission requested Staff to deliver a work product explaining the meeting procedures regarding motions, seconds, amended motions etc. The attached draft contains the items reviewed by the Commission in its work session, February 4th.

STAFF RECOMMENDATION:

Staff requests the Commission recommend approval to amend Section 16, Procedures of the Planning and Zoning Commission of the City of Temple Zoning Ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Draft Document

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

MONDAY, FEBRUARY 18, 2008

ACTION ITEMS

3. **Z-FY-08-11** Hold a public hearing to consider recommending amending Section 16, Procedures of the Planning and Zoning Commission of the City of Temple Zoning Ordinance. (Applicant: Staff)

Mr. Tim Dolan, Planning Director, presented this item as outlined in the Planning and Zoning Agenda Background. He said the Commission discussed this in the February 4, 2008 work session. Mr. Dolan went over the draft of Section 16. He said Commissioner Secrest asked that in Section 16-196, Amendments to Procedures, an additional paragraph be added titled Severance. Mr. Dolan went over what Commissioner Secrest had submitted.

Vice-Chair Pope asked Commissioner Secrest to explain his request. Commissioner Secrest explained that when Planning and Zoning reviews action items, it has come to his attention that some of the Commissioners just wanted to approve a subdivision while at the same time there will be several Staff recommendations such as requiring streets to be a certain width, concerns about gutters, etc. Commissioner Secrest said that the majority of the time he is for the subdivision, however, he may not agree with one of the Staffs recommendations. He said what this language allows the Commission to do is to sever out one line item to review, discuss, and vote on separately so that it will not affect their vote on the subdivision in general. This process would take place at the same time as the case being heard.

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

Mr. Steve Wright, 1618 Canyon Creek Dr., addressed the Commission. He inquired what would happen if a portion of an item was pulled and the pulled portion did not pass; what does it do to the plat and how would it go to Council. Chair Luck said her understanding is that if an item is pulled out, the Commission could vote on the zoning change or the plat, the item in question will not be voted on; this motion contains the remainder of the item. The pulled item would be discussed and voted on and incorporated into the main motion for the item.

Chair Luck asked for legal advice from the City Attorney.

Mr. Jonathan Graham, City Attorney, said he would view this proposal as a process of amending a motion. The only difference would be if someone makes a motion to approve an item, if the Commission process is like City Council, before the Commission votes on an item, the Chairperson will first ask if there are any questions. He said two people on the Commission would have to agree that a particular item is worthy of discussion. After discussion and vote on the severed item, it would be incorporated into the original motion.

Chair Luck closed the public hearing.

Vice-Chair Pope wanted it on record that he would not vote for the addition to the draft.

Motion to recommend approval of Z-FY-08-11 as written in the draft presented in the work session with the Severance added, by Commissioner Pilkington; seconded by Commissioner Secrest.

Motion passed (6/3). Commissioner Martin, Vice-Chair Pope, and Chair Luck voted nay.

ORDINANCE NO. 2008-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, REPEALING ORDINANCE NO. 2000-2717; PROVIDING FOR A PLANNING AND ZONING COMMISSION; PRESCRIBING THE MEMBERSHIP, ~~METHOD OF APPOINTMENT~~ AND TERM OF OFFICE; **AND ADOPTING PLANNING AND ZONING COMMISSION PROCEDURES; ~~PROVIDING FOR ADOPTION OF A COMPREHENSIVE ZONING PLAN AND AREA PLANS; REQUIRING AN ANNUAL REPORT AND RECOMMENDATIONS;~~ PROVIDING A SEVERABILITY CLAUSE; DECLARING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.**

Whereas, the City Charter authorizes the City Council to establish by ordinance a Planning and Zoning Commission containing an odd number of members, or such specific number as may be required by State law, with all of the rights, privileges, powers and authority to zone property consistent with State law;

Whereas, it is the desire of the City Council to provide for modern planning concepts and practices, to provide for a Planning and Zoning Commission, ~~to set out the procedures to be followed for zoning matters before the Planning and Zoning Commission and the City Council,~~ and to provide for the adoption of rules and procedures governing the same;

Whereas, it is the desire of the citizens of the City of Temple, Texas, to maintain a comprehensive plan for the purpose of guiding and fostering the future growth of the City in an orderly and scientific manner and to secure all the benefits that may accrue to the City in the way of greater efficiency, economy, comfort, convenience, health, safety, prosperity and general welfare; and

Whereas, after notice and a public hearing the City Council finds that the adoption of this ordinance will promote orderly growth, will enhance the quality of life within the City and is in the public interest.

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

Part 1: Ordinance No. ~~2030~~ **2000**, the “Planning Commission Ordinance,” adopted by the City Council on the 4th **17th** day of ~~March, 1990,~~ **August, 2000**, is repealed, and the following ordinance **“Planning Commission Ordinance”** is substituted as an appendix to the City’s Zoning Ordinance:

Section 1. Planning and Zoning Commission Established. That there shall be and is hereby created a **The Planning and Zoning Commission for and in of the City of Temple, Texas, is a long-established City board, and its existence is continued by this ordinance.**

Section 2. Membership.

(a) The Planning and Zoning Commission shall consist of nine (9) members, appointed by the City Council. ~~The City Council shall select residents of the City for their understanding and unselfish interest in civic affairs.~~

(b) Members must be residents of the City of Temple.

(c) The City Council shall, by ordinance or resolution, determine timing of appointments, qualifications for appointment, appointment process, orientation of new members, goal-setting, reporting, and attendance requirements. [See Resolution No. 2004-40250R, establishing policies for all City boards.]

(d) A regular full term is three years. Each member serving on the ~~existing~~ Planning and Zoning Commission at the time of passage of this ordinance shall hold office for his/her term as appointed or a successor shall hold office for the remaining term as appointed, in order to maintain staggered terms as originally provided. ~~A regular full term shall be for three years, with appointments to occur at the first city council meeting in May. Newly appointed Planning and Zoning Commissioners shall participate in orientation sessions conducted during May, and take office at the first regularly scheduled meeting of the Planning and Zoning Commission in June.~~

~~(e) Following completion of a single three (3) year term, the City Council may reappoint a commissioner for a maximum total of three (3) additional years in one (1) year increments. Members shall continue to serve until their successors have been installed. Vacancies shall be filled by appointment for the unexpired term only.~~

~~(d) Members shall automatically forfeit their office on the Planning and Zoning Commission for any of the following reasons:~~

~~(1) failure to attend 25% of scheduled meetings during any six (6) month period or failure to attend three (3) consecutive meetings; or~~

~~(2) failure to attend 25% of appointed committee meetings during any six (6) month period.~~

~~(e) The City Council may grant an exception to automatic forfeiture for an illness which temporarily affects a commissioner's attendance.~~ **[Stricken text is superseded by Resolution No. 2000-4025.]**

(e) The City Council may, after due consideration, remove a member of the Planning and Zoning Commission for any ~~other~~ good cause related to performance of duty.

(f) All Members shall serve without pay.

Section 3. Powers and duties of Commission.

(a) The Planning and Zoning Commission shall perform studies and recommend to the City Council plans, goals, and objectives relating to growth, development, redevelopment, and all aspects of land use of the City and surrounding areas.

(b) The Planning and Zoning Commission shall develop and recommend to the City Council policies, procedures, ordinances, and other means of carrying out plans in a coordinated and efficient manner.

(c) The Planning and Zoning Commission shall review and, by its action, recommend approval or disapproval of zoning changes, applications for plat approval, and other land use matters. [Combines text in former Sec. 9 with Powers and Duty provisions in former Exhibit A.]

(d) The Planning and Zoning Commission shall perform other duties as assigned or delegated by the City Council. [Combines text in former Sec. 9 with Powers and Duty provisions in former Exhibit A.]

~~**Section 3. Rules and Regulations.** The Planning and Zoning Commission shall adopt rules and regulations as it deems best, subject to the ordinances of the City, for the practical and efficient transaction of business and shall keep a record of its resolutions, transactions, findings, and determination, which record shall be a public record. The Planning and Zoning Commission Procedures, attached hereto as Exhibit AA, @ are hereby adopted as a part of this ordinance.~~

Section 4. Officers.

(a) The officers of this Commission shall consist of a Chairman, a Vice Chairman, and a permanent secretary. The Chairman and Vice Chairman shall serve for a term of one year or until their successors have been chosen.

(b) Each year, following the appointment by the City Council of new members to fill the positions of those members of the Planning and Zoning Commission whose terms expired on or following June 1st of that year, the Commission shall elect a Chairman and a Vice Chairman from among those who will be serving on the Commission during the forthcoming year. [Stricken language is superseded by Resolution No. 2004-4025-R.]

(c) ~~The election of a Chairman and Vice Chairman will occur following the oath of office administered to new Planning and Zoning Commission members at the first meeting in June.~~ [Stricken language is redundant.] The City Attorney-Planning Director or his designee shall conduct the election of officers for the Chairman, and the Chairman shall

conduct the election of the Vice Chairman. ~~of the Planning and Zoning Commission. The Chairman and Vice Chairman shall serve for a term of one year or until their successors have been chosen.~~ [Last sentence moved from (c) to (a).]

Section 5. Duties of Officers.

(a) It shall be the duty of the Chairman to preside at all meetings of the Commission and to enforce all the established rules of order and form at such meetings, and to appoint all Committees in a manner prescribed by these Procedures or by any motion or resolution of the Commission, and to authenticate by his signature, when necessary, all acts, orders, and proceedings of the Commission declaring its will and, in all things, obeying its instructions.

(b) It shall be the duty of the Vice Chairman to act in the place of the Chairman in the absence or upon any inability of the latter to act and he shall succeed to the higher office for the unexpired term thereof in the event of the resignation or the permanent incapacity of the Chairman. In such an event, the Commission shall elect another of its members to serve as Vice Chairman for the unexpired term of the latter office. Any member of the Commission may chair a meeting, at the request of the Planning Director, in the absence of both the Chairman and the Vice Chairman.

(c) It shall be the duty of the permanent secretary to prepare or have prepared minutes of all proceedings and to maintain all other records of the Commission, to conduct all correspondence and issue all notices as directed, to prepare an order of business for all meetings, to furnish all Committees with copies of such papers as should be referred to their attention, to attest by his signature, when necessary, all acts, orders, and proceedings of the Commission declaring its will and in all things obeying its instructions, except as to such instructions which, in his opinion, may infringe upon his legal duties or responsibilities as a City official or employee.

Section 6. Standing Committees.

(a) The Commission, by direction of the Chairman and/or vote of its members, may, from time to time, establish Standing Committees to meet when appropriate. The duties of such Standing Committees shall be set forth at the time they are so established. The Chairman and Vice Chairman of the Commission shall be voting members of all Standing Committees.

(b) The members of any Standing Committee shall be appointed by the Chairman of the Commission immediately following the election of the new officers each year, and shall serve for a term of one year or until their successors have been chosen. The Planning and Zoning Commission Chairman shall appoint the Chairman of each Standing Committee.

(c) Standing Committees shall meet according to a schedule determined by each Committee or when determined necessary by the Commission Chairman or the full Commission or at the request of the Planning Director.

Section 7. Special Committees. Special committees shall be appointed by the Chairman upon motion by the Commission to perform a specific duty and shall exist only until the assigned duties has been accomplished, unless sooner discharged by appropriate action of the Commission. Membership and Chairmanship of special committees shall be determined by the Chairman of the Planning and Zoning Commission.

Section 8. Meetings.

(a) The Planning and Zoning Commission shall conduct at least one meeting per month, and additional meetings may be held from time to time upon the call of the Chairman or the Director of Planning for the City.

(b) Regular meetings of the Planning and Zoning Commission shall be held at 5:00 p.m. on the Mondays following the week of each regularly-scheduled City Council meeting, except when these days fall on a legal holiday, in which instance the meeting will be held on the day designated by the Chairman; or except when the Commission shall designate another date and/or time as circumstances warrant. Meetings will be held in the City Council Room or another suitable location.

(c) Special meetings of the Planning and Zoning Commission may be held for a specific purpose and business upon the call of the Chairman, or the Planning Director. Suitable notice as required by the Open Meetings Act shall be posted for each regular and special meeting of the Commission, detailing the time, location, and subject matter of each item of business to be considered by the Commission.

(d) Committees of the Planning and Zoning Commission shall meet at the call of the respective Chairman, subject to Open Meetings Act requirements.

Section 8. Meeting Procedures.

(a) **Agenda.** The meeting agenda shall be mailed or delivered to the Commission Members by Friday preceding the meeting and each member shall make a serious effort to inspect the involved property on the ground.

(b) **Quorum.** A quorum for the legal transaction of business at any meeting of the Commission shall consist of five-(5) members of the Commission, inclusive of the presiding officer.

(c) **Chair.** The Chairman of the Planning and Zoning Commission and the chairman of each subcommittee shall vote on all motions, where applicable.

(d) **Simple majority.** A simple majority vote will determine the recommendation of the Planning and Zoning Commission.

(e) **Roll call.** A roll call vote shall be taken on all items on the Planning and Zoning Commission agenda, except administrative matter(s) and approval of minutes.

(f) **Form.** Motions shall be made by stating, “I move to (a plain statement of the desired action).” Commission members shall not make a motion simply by attempting to substitute prior discussion into a motion (e.g., by saying, “So moved.”). Without a “second” to a motion by another Commission member within a reasonable period of time, a motion requiring a second fails. No main motion may be made while a motion is pending. A Commission member calling for a “point of order” is requesting an immediate decision by the Chairman as to whether there is a second to a motion.

(g) **Modification or Withdrawal.** The Chairman shall state the motion, after it has been made, seconded, and discussed. The Chairman shall rule a motion out of order if it is contrary to these rules or if the wording of the motion is not clear. A motion may be withdrawn or modified only by its mover without asking permission, until the motion has been stated by the Chairman. If the mover modifies his motion, the party who seconded the motion may withdraw his second. After the motion has been stated by the Chairperson, the mover shall neither withdraw it nor modify it without the consent of a majority of the Commission. The Chairman shall have the right to speak out and vote on any item under consideration, but shall not make or second motions. The Vice-Chairman shall have the same right to make, second, or vote on motions as enjoyed by any other Commission member, except when he sits as presiding officer in the absence of the Chairman, in which case he may speak out on an item and vote, but may not make or second a motion.

(h) **Severance.** [This section is not in the City Council’s meeting procedures. It was added by motion amendment when P&Z approved the first draft of additional meeting rules. The proposed severance process would primarily affect applications for Planned Developments and Conditional Use Permits.] At any time before a motion is made on an Action Item a Commission member shall have the right to remove any portion of the Action Item for further consideration and review by the commission (“Severed Item”). The request to remove a Severed Item from an Action Item may be made orally or in writing and no motion or vote is required for approval. The Severed Item shall then be discussed and voted on separate and apart from the Action Item using the same procedures for making and approving motions as outlined in this document. Severed Items shall be inherently linked with their parent Action Items and will again become part of the main Action Item once voted upon by the Commission.

(i) **Amendments.** No motion or proposition of a subject different from that under consideration shall be admitted under color of amendment. A motion to amend an amendment shall be in order, but not to amend an amendment of an amendment to a motion.

(j) **Specific motions.** The following table governs motions made during Planning & Zoning Commission meetings. If deemed necessary, the Planning & Zoning Commission shall, if requested by any five Commission members (which may include the Chairman or

Vice-Chairman), adopt Robert's Rules in Plain English by Doris P. Zimmerman (2nd Ed.) for the remainder of the meeting at which they are approved.

Parliamentary Questions, Motions, and their Precedence				
MOTIONS ▼ (from highest to lowest precedence)	Second Required?	Debatable?	Amendable?	Vote Required?
To Adjourn	YES	NO	NO	Majority
To Take a Recess	YES	NO	YES	Majority
To Amend	YES	YES	YES	Majority
To Amend an Amendment	YES	YES	NO	Majority
To Postpone Indefinitely	YES	YES	NO	Majority
To Table	YES	YES	NO	Majority
Putting or Calling the Question	NO	NO	NO	Majority

Section 9. Post-Meeting Process. [Moved from Policy and Procedure, section 6(h), Exhibit A, Planning and Zoning Commission Procedures.] The permanent secretary or his designee shall prepare a coordinated staff report for the City Council outlining any recommendations by the Planning and Zoning Commission. The coordinated staff report, whether made in writing or in person by the permanent secretary or a member of the Commission, or both, shall contain at a minimum the motion which was made and the vote taken thereon. ~~Motions made by members of the Commission should always include any conditions which the Commission finds to be in the public interest in connection with the application, if any, when the action thereon is favorable.~~ [Stricken text is deleted because Zoning Ordinance, Subdivision Ordinance, and State law determine when conditions may be imposed.] A complete file on the particular case acted upon by the Commission should also be available to the City Council for its consideration of the particular application in order to assist in answering any questions that may arise.

Section 6. Comprehensive Plan.

~~(a) The Planning and Zoning commission shall adopt and maintain a comprehensive zoning plan for the City of Temple and its extra-territorial jurisdiction. Such plan as approved by the Planning and Zoning Commission shall be presented to the City Council for its ratification and acceptance by ordinance.~~

~~(b) The Comprehensive Plan, with accompanying maps, plats, charts and descriptive matter, shall show the Planning and Zoning Commission=s recommendations for the development of said territory, including, among other things, the general location, character~~

and extent of land use, economic development, streets and parkways, playgrounds, aviation fields, municipal airports, water and wastewater systems, athletic fields, school grounds, or public improvements, and the removal, relocation, widening or extension of such public works that exists. As the work of preparing and updating the Comprehensive Plan progresses, the Planning and Zoning Commission may from time to time adopt and publish a part or parts thereof. The Planning and Zoning Commission shall from time to time alter, amend, extend or add to the plan.

Section 5. Comprehensive Planning Related to Present/Future Needs.

(a) In the preparation and maintenance of the comprehensive plan, the Planning and Zoning Commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the City and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the City and its environs.

(b) In amending and implementing the Comprehensive Plan, the Planning and Zoning Commission shall further the following objectives: to promote health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development; among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of good civic design and arrangement, adequate provision of public utilities and other public requirements.

Section 6. Planning and Zoning Commission Recommendation Required. Whenever the City Council adopts a Comprehensive Plan recommended by the Planning and Zoning Commission, no public buildings, streets, subways, viaducts, bridges, railroads, terminals, parks, parkways, playgrounds, aviation fields, athletic fields, school grounds, fire station sites, or other public grounds or public improvements, or part thereof, shall be constructed within areas affected by said plan, until and unless the location thereof shall be recommended by the Planning and Zoning Commission and approved by the City Council.

Provided, however, that in case of its disapproval, the Planning and Zoning shall communicate its reason for disapproval to the City Council, and thereupon, the City Council shall either permit, or refuse to permit such improvements to be made. The Planning and Zoning Commission may make recommendations to the City Council on the widening, narrowing, ornamentation, abandonment, or change in the use of streets and other public ways, public grounds, or other public improvements as they relate to the adopted plan. The Planning and Zoning Commission may make recommendations to any public authorities or to any corporations or individuals in the City of Temple or in the territory contiguous thereto, concerning the relocation of public buildings, structures or works to be erected or constructed. [Stricken language will be covered in ordinance adopting Comprehensive Plan.]

Section 7. Overrule of Planning and Zoning Commission Denial Recommendation. A three fourths vote of all the members of the City Council shall be

required to overrule a recommendation by the Planning and Zoning Commission that a proposed change to a zoning ordinance, regulation or boundary be denied. [Covered in Section 16 of Zoning Ordinance.]

~~Section 8. Review of Capital Improvements Plan.~~ The Planning and Zoning Commission shall review the Capital Improvements Plan prepared by the City Manager=s Office for compatibility with the Comprehensive Plan, and shall make its recommendations or comments to the City Manager, prior to the submission of the Capital Improvements Plan to the City Council by the City Manager. [Conflicts with current practice. City Council determines funding.]

~~Section 9. Planning and Zoning Commission Review and Recommendation of Zone Changes, Subdivision Plats, and other Current Land Use Matters; Additional Duties.~~ The Planning and Zoning Commission shall review and, by its action, recommend approval or disapproval of zoning changes, and other land use matters by acting on all current and comprehensive planning issues, and, in addition, perform such other duties as requested by the City Council. [Stricken text is combined with text from the procedures exhibit about powers and duties.]

~~The planning and zoning commission is the municipal authority responsible for approving plats that do not request an exception to the ordinances and regulations of the City or when an applicant requests a modification or clarification of a requirement imposed by the planning and zoning commission, such plat, together with the related plans, specifications, and staff, public and commission=s comments and recommendations, shall be submitted to the city council. The city council is the municipal authority responsible for approving plats that request an exception to the ordinances and regulations of the City or when an applicant requests a modification or clarification of a requirement imposed by the planning and zoning commission, such plat, together with the related plans, specifications, and staff, public and commission=s comments and recommendations, shall be submitted to the city council. Except where otherwise permitted by State law (e.g., the administrative approval of plats with less than four lots) all plans, plats or replats, of land laid out in building lots, into streets, alleys or other portions of the same intended to be dedicated to public use, or for the purchasers or owners of lots fronting on or adjoining and located within the corporate limits of the City, or within the City=s extra territorial jurisdiction, or as extended by appropriate authority or agreement, shall be approved by the municipal authority responsible for approving plats before any connection shall be permitted with any public utility, such as water and sewers, owned and operated by the City.~~ [Stricken language duplicates text in the Subdivision Ordinance, where it belongs.]

~~No sewer or water improvement shall be voted on or made, nor shall any public money be expended within any lands laid out in building lots, streets and alleys, until the plan, plat or replat of such lands shall have been approved by the Planning and Zoning Commission and approved and accepted by the City Council, provided, however, that if the Planning and Zoning Commission shall not make such recommendations, it shall communicate its reasons therefor to the City Council and the City Council, if it sees proper,~~

may take other action with respect to such. [Stricken language duplicates text in the Subdivision Ordinance, where it belongs.]

Section 10. Annual Report. ~~The Planning and Zoning Commission shall prepare and submit to the City Council, in February of each year, a report describing the activities of the Commission. The Annual Report shall also make recommendations as to future projects to be undertaken by the City or the Planning and Zoning Commission.~~ [Stricken language is superseded by Resolution No. 2000-4025-R.]

Part 2: If any section or part of any section, paragraph, or clause of this ordinance 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 ordinance.

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **15th** day of **May**, 2008.

PASSED AND APPROVED on Second Reading on the **5th** day of **June**, 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

[The provisions in Exhibit A that still apply are moved into the body of the ordinance. Text that is superseded, outdated, or misplaced text is deleted.]

~~PLANNING AND ZONING COMMISSION PROCEDURES~~

1. ~~OFFICERS.~~

- a. ~~The officers of this Commission shall consist of a Chairman, a Vice Chairman, and a permanent secretary.~~
- b. ~~Each year, following the appointment by the City Council of new members to fill the positions of those members of the Planning and Zoning Commission whose terms expired on or following June 1st of that year, the Commission shall elect a Chairman and a Vice Chairman from among those who will be serving on the Commission during the forthcoming year.~~ [Moved and updated.]
- c. ~~The election of a Chairman and Vice Chairman will occur following the oath of office administered to new Planning and Zoning Commission members at the first meeting in June. The City Attorney or his designee shall conduct the election of officers for Chairman and Vice Chairman of the Planning and Zoning Commission. The Chairman and Vice Chairman shall serve for a term of one year or until their successors have been chosen.~~ [Moved.]
- d. ~~The permanent secretary of the Commission for official business, shall be the Assistant to the City Manager for Planning and Development (the Planning Director), (or the successor in office to his duties as the department director in charge of City Planning), unless another City official or employee is designated by appropriate authority. The permanent secretary shall not be a voting member of the Planning and Zoning Commission.~~ [Moved.]

2. ~~DUTIES OF OFFICERS.~~

- a. ~~It shall be the duty of the Chairman to preside at all meetings of the Commission and to enforce all the established rules of order and form at such meetings, and to appoint all Committees in a manner prescribed by these Procedures or by any motion or resolution of the Commission, and to authenticate by his signature, when necessary, all acts, orders, and proceedings of the Commission declaring its will and, in all things, obeying its instructions.~~ [Moved.]
- b. ~~It shall be the duty of the Vice Chairman to act in the place of the Chairman in the absence or upon any inability of the latter to act and he shall succeed to the~~

higher office for the unexpired term thereof in the event of the resignation or the permanent incapacity of the Chairman. In such an event, the Commission shall elect another of its members to serve as Vice Chairman for the unexpired term of the latter office. [Moved.]

- e. — ~~It shall be the duty of the permanent secretary to prepare or have prepared minutes of all proceedings and to maintain all other records of the Commission, to conduct all correspondence and issue all notices as directed, to prepare an order of business for all meetings, to furnish all Committees with copies of such papers as should be referred to their attention, to attest by his signature, when necessary, all acts, orders, and proceedings of the Commission declaring its will and in all things obeying its instructions, except as to such instructions which, in his opinion, may infringe upon his legal duties or responsibilities as a City official or employee.~~ [Moved.]

3. — **MEETINGS.**

- a. — ~~Regular meetings of the Planning and Zoning Commission shall be held at 5:00 p.m. on the Mondays following the week of each regularly scheduled City Council meeting, except when these days fall on a legal holiday, in which instance the meeting will be held on the day designated by the Chairman; or except when the Commission shall designate another date and/or time as circumstances warrant. Meetings will be held in the City Council Room or another suitable location.~~ [Moved.]
- b. — ~~Special meetings of the Planning and Zoning Commission may be held for a specific purpose and business upon the call of the Chairman, or the Planning Director. Suitable notice as required by the Open Meetings Act shall be posted for each regular and special meeting of the Commission, detailing the time, location, and subject matter of each item of business to be considered by the Commission.~~ [Moved.]
- c. — ~~A quorum for the legal transaction of business at any meeting of the Commission shall consist of five (5) members of the Commission, inclusive of the presiding officer.~~ [Moved.]
- d. — ~~Committees of the Planning and Zoning Commission shall meet at the call of the respective Chairman, subject to Open Meetings Act requirements.~~ [Moved.]

4. — **STANDING COMMITTEES.**

- a. — ~~The Commission, by direction of the Chairman and/or vote of its members, may, from time to time, establish Standing Committees to meet when appropriate. The duties of such Standing Committees shall be set forth at the~~

~~time they are so established. The Chairman and Vice Chairman of the Commission shall be voting members of all Standing Committees.~~ [Moved.]

b. ~~The members of any Standing Committee shall be appointed by the Chairman of the Commission immediately following the election of the new officers each year, and shall serve for a term of one year or until their successors have been chosen. The Planning and Zoning Commission Chairman shall appoint the Chairman of each Standing Committee.~~ [Moved.]

e. ~~Standing Committees shall meet according to a schedule determined by each Committee or when determined necessary by the Commission Chairman or the full Commission or at the request of the Planning Director.~~ [Moved.]

~~5. SPECIAL COMMITTEES.~~

~~Special committees shall be appointed by the Chairman upon motion by the Commission to perform a specific duty and shall exist only until the assigned duties has been accomplished, unless sooner discharged by appropriate action of the Commission. Membership and Chairmanship of special committees shall be determined by the Chairman of the Planning and Zoning Commission.~~ [Moved.]

6. POLICY AND PROCEDURE.

a. ~~Applications for rezoning shall be submitted to the permanent secretary of the Commission on a form suitable for this purpose. Said application shall state the affirmative reasons for the desired zoning change, the use of which the applicant plans to put his property, if rezoned, the time frame within which the applicant plans to apply his property to such use, and such other information as the Commission shall require from time to time.~~ [The application process for zone changes belongs in the Zoning Ordinance Section 20, "Amendments."]

b. ~~Applicants for change in zoning shall be referred by the permanent secretary to the Planning and Zoning Commission. As soon as practical, given notice requirements, the Commission shall hold a public hearing as required by said application. The Planning and Zoning Commission shall review a coordinated Staff report submitted by the permanent secretary, along with the testimony brought forth at the public hearing, shall determine its decision in the matter, and make its recommendations to the City Council.~~ [Stricken language is redundant of Zoning Ordinance Section 20, "Amendments."]

c. ~~The Planning and Zoning Commission shall act on a plat within 30 days after the plat is filed with the permanent secretary of the Commission on a form suitable for this purpose. The Commission shall review a coordinated staff report submitted by the permanent secretary and hold a public hearing when~~

required by State law. [The application process for plat approval is covered in the Subdivision Ordinance.]

- d. ~~Other matters which are subject to a recommendation by the Planning and Zoning Commission shall be submitted to the permanent secretary and forwarded to the Commission as soon as practical. The Planning and Zoning Commission shall, after reviewing a coordinated Staff report submitted by the permanent secretary, and after hearing public comments thereon, shall reach a decision and forward its recommendations to the City Council.~~ [Stricken language is unnecessary and overbroad.]
- e. ~~A roll call shall be taken on all items of the Planning and Zoning Commission agenda, except administrative matters and approval of minutes.~~ [Moved.]
- f. ~~A simple majority vote will determine the recommendation of the Planning and Zoning Commission.~~ [Moved.]
- g. ~~Agenda shall be mailed or delivered to the Commission Members by Friday preceding the meeting and each member shall make a serious effort to inspect the involved property on the ground.~~ [Moved.]
- h. ~~The permanent secretary or his designee shall prepare a coordinated staff report for the City Council outlining any recommendations by the Planning and Zoning Commission. The coordinated staff report, whether made in writing or in person by the permanent secretary or a member of the Commission, or both, shall contain at a minimum the motion which was made and the vote taken thereon. Motions made by members of the Commission should always include any conditions which the Commission finds to be in the public interest in connection with the application, if any, when the action thereon is favorable. A complete file on the particular case acted upon by the Commission should also be available to the City Council for its consideration of the particular application in order to assist in answering any questions that may arise.~~ [Moved.]

7. **POWERS AND DUTIES.** [Section moved and updated.]

- a. ~~The Planning and Zoning Commission's powers and duties are detailed in the Planning and Zoning Commission Ordinance. The powers and duties may be changed or expanded from time to time as determined by the City Council, and include the following:~~
 - 1. ~~Perform studies and recommend to the City Council plans, goals, and objectives relating to growth, development, redevelopment, and all aspects of land use of the City and surrounding areas.~~

2. — Develop and recommend to the City Council policies, procedures, ordinances, and other means of carrying out plans in a coordinated and efficient manner.
3. — Make recommendations to the appropriate authority regarding proposed zone changes, specific use permits, subdivision plats, curb cut appeals, street or easement dedications and abandonments, and other items related to land use in the City.
4. — Perform other duties as assigned or delegated by the City Council.

8. — **RESPONSIBILITIES.** [Stricken text is superseded by Resolution 2004-4025-R]

- a. — Planning and Zoning Commission appointees seriously accept their responsibility to the entire Temple community. The orientation program is the foundation of a quality Commission, and attendance is mandatory for new Commissioners. Adequate preparation and full participation in regular meetings and Committee assignments are expected, as is on going training where available.
- b. — The permanent secretary shall compile monthly attendance reports of Planning and Zoning Commission and Committee meetings. These summaries will be provided to each Planning and Zoning Commission member, as well as to the City Council.

9. — **ORIENTATION PROGRAM.** [Stricken text is superseded by Resolution 2004-4025-R]

In May of each year following the appointment of new members to the Planning and Zoning Commission by the City Council, the Planning Director will conduct an orientation seminar for new and current Planning and Zoning Commissioners, prior to the date the new Commissioners take office in June. Newly appointed Commissioners shall:

- e. — Attend a one day retreat during May with staff representatives of the various City Departments to discuss legal, policy, and fiscal implications of the Commission=s decisions and to examine the influence the Commission=s actions have on the community.
- b. — Attend two regularly scheduled meetings of the Planning and Zoning Commission during the month of May.
- e. — Familiarize themselves with background materials provided by the Staff during the orientation period.

Planning and Zoning Commission workshops, with special emphasis on current topics of interest or need, will also be provided throughout the year, which Commissioners are expected to attend.

10. ~~RULES OF ORDER.~~

~~The proceedings and business of the Planning and Zoning Commission and its committees shall be conducted in accordance with rules adopted by the Planning and Zoning Commission from time to time and, in addition:~~ [Moved.]

~~The Chairman of the Planning and Zoning Commission and the chairman of each subcommittee shall vote on all motions, where applicable.~~ [Moved.]

~~For purposes of assessing the availability of a quorum to transact business, a member who abstains shall be considered as present and a member who disqualifies himself shall be considered as absent from the Commission.~~ [Superseded by new meeting procedures that mirror Council's procedures.]

11. ~~AMENDMENTS TO PROCEDURES.~~ [Section moved.]

~~These procedures may be amended at any regular meeting of the Planning and Zoning Commission by a vote of the majority of the entire membership of the Planning and Zoning Commission. The Procedures as amended by the Commission shall be forwarded to the City Council for final approval.~~

12. ~~EFFECTIVE DATE.~~ [Moved.]

~~These procedures shall be in full force and effect from and after the date of approval by the City Council.~~

~~Adopted by the Planning and Zoning Commission on the 10th day of July, 2000~~

~~Adopted by the City Council on the 3rd day of August, 2000.~~

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 91-2101, THE ZONING ORDINANCE OF THE CITY OF TEMPLE, TEXAS, AMENDING SECTION 16, "PLANNING AND ZONING COMMISSION," UPDATING PROCEDURES FOR THE PLANNING AND ZONING COMMISSION; 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 16, entitled, "Planning and Zoning Commission," to read as follows:

SECTION 16

ZONING PROCEDURES

16-100 Planning and Zoning Commission Established

~~There shall be, and is hereby created, a~~ The Planning and Zoning Commission ~~for and in the City of Temple, Texas~~ is established by the Planning Commission Ordinance in accordance with the City Charter.

16-100 Policies and Procedures

The City Council determines by ordinance or resolution the number of members, quorum, qualifications for appointment, appointment process, orientation of new members, attendance requirements, goal-setting, reporting, meeting schedule, meeting procedures, and other policies and procedures for the Planning and Zoning Commission.

[Note: Sections 16-101 through 16-105, 16-108(1), and 16-109 pertain to P&ZC generally, not just to zoning. The same material is covered in either the Council's policies governing City boards generally or the Planning Commission Ordinance.]

16-101 Membership

- ~~1. The Planning and Zoning Commission shall consist of nine (9) members appointed by the City Council. The City Council shall select residents of the City recognized for their understanding and unselfish interest in civic affairs.~~
- ~~2. Each member serving on the existing Planning Commission at the time of passage of this ordinance shall hold office for his/her term as appointed or a successor shall hold office for the remaining term as appointed, in order to maintain staggered terms as originally provided. A regular full term shall be for three years, with appointments to occur at the first City Council meeting in May. Newly appointed Planning and Zoning Commissioners shall participate in orientation sessions conducted during May, and take office at the first regularly scheduled meeting of the Planning and Zoning Commission in June.~~
- ~~3. Following completion of a single three (3) year term, the City Council may reappoint a commissioner for a maximum total of three (3) additional years in one (1) year increments. Members shall continue to serve until their successors have been installed. Vacancies shall be filled by appointment for the unexpired term only.~~
- ~~4. Members shall automatically forfeit their office on the Planning and Zoning Commission for any of the following reasons:
 - ~~a. failure to attend 25% of scheduled meetings during any six (6) month period or failure to attend three (3) consecutive meetings; or~~
 - ~~b. failure to attend 25% of appointed committee meetings during any six (6) month period.~~~~
- ~~5. The City Council may grant an exception to automatic forfeiture for an illness which temporarily affects a commissioner's attendance.~~
- ~~6. The City Council may, after due consideration, remove a member of the Planning and Zoning Commission for any other good cause related to performance of duty.~~
- ~~7. All members shall serve without pay.~~

~~16-102 Rules and Regulations~~

~~The Planning and Zoning Commission shall adopt rules and regulations as it deems best, subject to the ordinances of the City, for the practical and efficient transaction of business and shall keep a record of its resolutions, transactions, findings, and determination, which record shall be a public record. The Planning and Zoning Commission shall conduct at least one meeting per month, and additional meetings may be held from time to time upon the call of the Chairman or the Director of Planning for the City. The Planning and Zoning Commission Procedures are hereby adopted by reference.~~

~~16-103 Comprehensive Plan~~

- ~~1. The Planning and Zoning Commission shall adopt and maintain a comprehensive zoning plan for the City of Temple and its extra-territorial jurisdiction. Such plan as approved by the Planning and Zoning Commission shall be presented to the City Council for its ratification and acceptance by ordinance.~~
- ~~2. The Comprehensive Plan, with accompanying maps, plats, charts and descriptive matter, shall show the Planning and Zoning Commission's recommendations for the development of said territory, including, among other things, the general location, character and extent of land use, economic development, streets and parkways, playgrounds, aviation fields, municipal airports, water and wastewater systems, athletic fields, school grounds, or public improvements, and the removal, relocation, widening or extension of such public works that exists. As the work of preparing and updating the Comprehensive Plan progresses, the Planning and Zoning Commission may from time to time adopt and publish a part or parts thereof. The Planning and Zoning Commission shall from time to time alter, amend, extend or add to the plan.~~

16-104 Comprehensive Planning Related to Present/Future Needs

- ~~1. In the preparation and maintenance of the comprehensive plan, the Planning and Zoning Commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the City and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the City and its environs.~~
- ~~2. In amending and implementing the Comprehensive Plan, the Planning and Zoning Commission shall further the following objectives: to promote health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development; among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of good civic design and arrangement, adequate provision of public utilities and other public requirements. [Section 1-100 of the Zoning Ordinance tracks Local Government Code 211.004 regarding compliance with a comprehensive plan.]~~

16-105 Planning and Zoning Commission Recommendation Required

- ~~1. Whenever the City Council adopts a Comprehensive Plan recommended by the Planning and Zoning Commission, no public buildings, streets, subways, viaducts, bridges, railroads, terminals, parks, parkways, playgrounds, aviation fields, athletic fields, school grounds, fire station sites, or other public grounds or public improvements, or part thereof, shall be constructed within areas affected by said plan, until and unless the location thereof shall be recommended by the Planning and Zoning Commission and approved by the City Council.~~
- ~~2. Provided, however, that in case of its disapproval, the Planning and Zoning Commission shall communicate its reason for disapproval to the City Council and, thereupon, the City Council shall either permit, or refuse to permit such improvements to be made. The Planning and Zoning Commission may make~~

~~recommendations to the City Council on the widening, narrowing, ornamentation, abandonment, or change in the use of streets and other public ways, public grounds, or other public improvements as they relate to the adopted plan. The Planning and Zoning Commission may make recommendations to any public authorities or to any corporations or individuals in the City of Temple or in the territory contiguous thereto, concerning the relocation of public buildings, structures or works to be erected or constructed.~~

16-106 16-102 Overrule of Planning & Zoning Commission Denial Recommendation

A three-fourths vote of all the members of the City Council shall be required to overrule a recommendation by the Planning & Zoning Commission that a proposed change to a zoning ordinance, regulation or boundary be denied.

16-107 Review of Capital Improvements Plan

~~The Planning and Zoning Commission shall review the Capital Improvements Plan prepared by the City Manager's office for compatibility with the Comprehensive Plan, and shall make its recommendations or comments to the City Manager, prior to the submission of the Capital Improvements Plan to the City Council by the City Manager.~~

16-108 Planning and Zoning Commission Review and Recommendation of Zone Changes, Subdivision Plats, and Other Current Land Use Matters; Additional Duties

- ~~1. The Planning and Zoning Commission shall review and, by its action, recommend approval or disapproval of zoning changes, subdivision plats, and other land use matters by acting on all current and comprehensive planning issues, and, in addition, perform such other duties as requested by the City Council.~~
- ~~2. Except where otherwise permitted by State law (e.g., the administrative approval of plats with less than four lots) all plans, plats or replats, of land laid out in building lots, into streets, alleys, or other portions of the same intended to be dedicated to public use, or for the use of purchasers or owners of lots fronting on or adjoining and located within the corporate limits of the City, or within the City's extra territorial jurisdiction, or as extended by appropriate authority or agreement, shall be approved by the municipal authority responsible for approving plats, before any connection shall be permitted with any public utility, such as water and sewers, owned and operated by the City. [Note: 16-108(2) pertains to subdivision regulation.]~~
- ~~3. No sewer or water improvement shall be voted on or made, nor shall any public money be expended within any lands laid out in building lots, streets and alleys, until the plan, plat or replat of such lands shall have been approved by the municipal authority responsible for approving plats. [Note: 16-108(2) pertains to subdivision regulation.]~~

16-109 Annual Report

~~The Planning and Zoning Commission shall prepare and submit to the City Council, in February of each year, a report describing the activities of the Commission. The Annual Report shall also make recommendations as to future projects to be undertaken by the City or the Planning and Zoning Commission.~~

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 15th day of **May**, 2008.

PASSED AND APPROVED on Second Reading on the 5th day of **June**, 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

05/15/08
Item #12
Regular Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution directing publication of notice of the City's intention to issue Combination Tax and Revenue Certificates of Obligation (C.O.) Series 2008 in the amount not to exceed \$13,975,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The FY 2007-2008 budget included the continuation of a significant multi-year CIP. A total of \$49,394,933 in CIP projects was proposed with various funding components for the CIP that included the following:

Certificates of Obligation (C.O.'s) - \$12,605,000*
Utility Revenue Bonds - \$15,015,000*
General Obligation Bonds - \$16,885,000*
General Operating Budget - \$4,889,933

*-Plus costs associated with issuance

This resolution addresses the CIP funding component related to the C.O.'s. The C.O. list of projects totaled \$12,605,000 with \$605,000 of those projects to be funded with interest earnings and project savings from the 2006 C.O.'s. The original list has been revised for the following project additions/deletions/changes: Deleted the reconstruction of Pea Ridge Road from Tarver to Hogan, added the extension of Tarver Road east to Old Waco Road, added HWY 93/Hartrick Bluff connector road, added the purchase of the 42.782 acres of west Temple park land, and reduced the amount needed for the NW Loop 363 Expansion (substitute for rail relocation).

The retirement of a significant amount of tax supported debt afforded the City of Temple the opportunity to re-invest those funds in much needed CIP work without adversely affecting the interest and sinking component of the tax rate. The amount of debt capacity associated with the retirement dictated the amount of funding that was available. \$10,000,000 of this available debt capacity was issued in FY 2007. The remaining amount, \$13,975,000, is the proposed amount for FY 2008. The next 'saw tooth' (year in which significant amount of debt is paid off or matures) in the City's tax supported debt will occur in FY 2013.

The proceeds from the \$13,975,000* issue will be used to fund the following projects.

- Improvements and repairs to City buildings and facilities, i.e. City Hall, Public Services Building, various Parks & Leisure Services Buildings, and Santa Fe Depot
- Design and land acquisition related to constructing a new Fire Station No. 1 and Administration Building
- Wireless Municipal Broadband Network for approximately 2-3 square miles in key strategic locations
- Library improvements to include expansion and foundation improvements
- Acquiring, renovating, and equipping building at 401 North 3rd Street for Municipal Court (additional funds to supplement 2002 GO issue and 2006 CO issue)
- Acquisition of equipment for Police Department
- Rail relocation related to the NW Loop 363 Expansion {substitution for road improvements}
- Outer Loop Road project
- Extend Tarver Road east to Old Waco Road
- Construct a connector road between HWY 93 and Hartrick Bluff Road
- Redevelopment of the Downtown area to include intersection enhancements
- Construction of 1st Street Gateway to include boulevard, landscaping, sidewalk and pedestrian improvements
- West Temple Park Land Acquisition
- Paying the legal, fiscal, architectural and engineering fees in connection with these projects including the costs associated with the issuance of the Certificates

*** THE ISSUE SIZE IS PRELIMINARY AND WILL BE SIZED AT THE TIME OF PRICING.**

A bond rating trip for the City is scheduled for Wednesday, June 11, 2008, with Moody's and Standard & Poors. The ratings will be published prior to the pricing. The negotiations on the sale of the bonds will be finalized on Wednesday, July 2, 2008. The negotiated price will then be held until Thursday, July 3, 2008, when the Council considers the recommended award.

Our financial advisor, First Southwest Company, will be at the meeting to review the offers with Council and designate the negotiated low interest rate bidder. The Council will consider the offers and award based on the recommendation of First Southwest Company.

Funds will be delivered to our depository for use on July 30, 2008.

FISCAL IMPACT: Average annual debt service for the \$13,975,000 issue based on an estimated interest rate of 4.5% with a maturity of 20 years is \$ 1,132,000. The FY 2008 interest and sinking component of the tax rate included the debt service for this CO issue.

ATTACHMENTS:

[Timetable](#)
Resolution



COUNCIL AGENDA ITEM MEMORANDUM

05/15/08
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Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing First Southwest Company to prepare the two Official Statements to proceed with the issuance of the Combination Tax & Revenue Certificates of Obligation for street projects and building construction, the issuance of the General Obligation bonds for Parks projects, and the issuance of Revenue Bonds for the improvements to the Water and Wastewater System and associated costs.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to authorize First Southwest Company to prepare the Official Statements (OS) prior to the 2008 sale of Combination Tax & Revenue Certificates of Obligation, General Obligation Bonds, and Utility Revenue Bonds. The OS will be used by the bond rating companies of Moody's Investor Services and Standard & Poor's to assign a credit rating to the bond issues.

Potential bond investors will use the OS to become familiar with the City of Temple's economic and financial position and credit quality to competitively bid and acquire our bonds at the lowest possible interest rate.

The proceeds from the CO bonds will be used to fund the following projects:

- Improvements and repairs to City buildings and facilities, i.e. City Hall, Public Services Building, various Parks & Leisure Services Buildings, and Santa Fe Depot
- Design and land acquisition related to constructing a new Fire Station No. 1 and Administration Building
- Wireless Municipal Broadband Network for approximately 2-3 square miles in key strategic locations
- Library improvements to include expansion and foundation improvements

- Acquiring, renovating, and equipping building at 401 North 3rd Street for Municipal Court (additional funds to supplement 2002 GO issue and 2006 CO issue)
- Acquisition of equipment for Police Department
- Rail relocation related to the NW Loop 363 Expansion {substitution for road improvements}
- Outer Loop Road project
- Extend Tarver Road east to Old Waco Road
- Construct a connector road between HWY 93 and Hartrick Bluff Road
- Redevelopment of the Downtown area to include intersection enhancements
- Construction of 1st Street Gateway to include boulevard, landscaping, sidewalk and pedestrian improvements
- West Temple Park Land Acquisition
- Paying the legal, fiscal, architectural and engineering fees in connection with these projects including the costs associated with the issuance of the Certificates

The proceeds from the General Obligation bonds will be used to fund the park improvements approved by the voters on November 6, 2007. These projects include the Family Aquatics Center, Sammons Park Indoor Aquatics Center, Golf Course Improvements, Summit Expansion and Pool Family Changing Rooms, Miller Park Playground and Hike and Bike Trail, West Temple Spray Park, Lions Soccer Fields, and Ferguson Park Picnic and Playground. The proceeds will also be used to cover the cost of issuance of the bonds.

The proceeds from the Utility Revenue bonds will be used to fund improvements to the Water and Wastewater system. The project list includes water and wastewater projects of approximately \$15 million and incorporates the Water and Wastewater Master Plan recommendations.

FISCAL IMPACT:

Combination Tax & Revenue Certificates of Obligation:

Average annual debt service for the \$13,975,000 issue is based on an estimated interest rate of 4.5% with a maturity of 20 years is \$1,132,000. The interest and sinking component (\$0.2289) of the FY 2008 tax rate (\$0.5681) includes the debt service for this CO issue.

General Obligation Bonds:

Average annual debt service for the \$9,750,000 issue is based on an estimated interest rate of 4.5% with a maturity of 20 years is \$792,000. This issue will add an additional \$0.01 to the FY 2009 interest and sinking component of the total tax rate.

Utility Revenue Bonds:

Water and Wastewater rates were set for FY 2008 to include the amounts needed to fund the debt service for these bonds. The project list includes water and wastewater projects of approximately \$15 million.

ATTACHMENTS:

[Timetable](#)
[Resolution](#)



City of Temple, Texas
Summary Timetable for Issuance of
Tax Increment Reinvestment Zone Revenue Bonds, Taxable Series 2008 (Private
Placement)
Combination Tax & Revenue Certificates of Obligation, Series 2008A
(Negotiated/Competitive)
General Obligation Bonds, Series 2008 (Negotiated/Competitive)
Utility System Revenue Bonds, Series 2008 (Negotiated/Competitive)

- | | |
|---------------------------------------|--|
| *Thursday, May 15, 2008* | <ul style="list-style-type: none">• City Council adopts a resolution directing publication of notice of the City's intention to issues Certificates of Obligation (COs). |
| Friday, May 16, 2008 | <ul style="list-style-type: none">• Term Sheet for TIRZ Revenue Bonds is electronically distributed to area/regional banks by First Southwest Company (Private Placement). |
| Week of May 19, 2008 | <ul style="list-style-type: none">• First publication of notice of the City's intention to issue COs. |
| Week of May 26, 2008 | <ul style="list-style-type: none">• Second publication of notice of the City's intention to issue COs. |
| Wednesday, June 4, 2008 | <ul style="list-style-type: none">• TIRZ Revenue Bond bank bids are received by First Southwest Company. |
| *Thursday, June 5, 2008* | <ul style="list-style-type: none">• Award. TIRZ Revenue Bonds are awarded by City Council to purchaser.• City Council Receives Update from First Southwest Company regarding sale for GO, CO and Utility Revenue Bonds. |
| Wednesday, June 11 <u>OR</u> 18, 2008 | <ul style="list-style-type: none">• Bond Rating Meetings in Dallas. |
| Tuesday, June 17, 2008 | <ul style="list-style-type: none">• Closing. TIRZ Revenue Bonds are delivered and proceeds received. |

Wednesday, July 2, 2008

- COs, GOs and Utility Revenue Bonds are priced with underwriters by First Southwest Company (Negotiated Only).

Thursday, July 3, 2008

- Award. COs, GOs and Utility Revenue Bonds are awarded by City Council to underwriters.

Wednesday, July 30, 2008

- Closing. COs, GOs and Utility Revenue Bonds are delivered and proceeds received.

* Requires Official Council Meeting.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING FIRST SOUTHWEST COMPANY TO PREPARE THE OFFICIAL STATEMENT TO PROCEED WITH THE ISSUANCE OF THE COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION (C.O.) SERIES 2008 IN THE AMOUNT NOT TO EXCEED \$13,975,000 AND THE ISSUANCE OF THE GENERAL OBLIGATION BONDS (G.O.) SERIES 2008 IN THE AMOUNT NOT TO \$9,750,000 FOR PARKS PROJECTS, AND THE OFFICIAL STATEMENT FOR THE ISSUANCE OF UTILITY REVENUE BONDS (U.R.), SERIES 2008 FOR THE IMPROVEMENTS TO THE WATER AND WASTEWATER SYSTEM AND ASSOCIATED COSTS IN THE AMOUNT OF APPROXIMATELY \$15,000,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Staff recommends authorizing First Southwest Company to prepare the Official Statement to proceed with the issuance of Combination Tax and Revenue Certificates of Obligation, Series, 2008, in the amount of \$13,975,000; and for the issuance of General Obligation Bonds, Series 2008, for parks projects in the amount of \$9,750,000; and the Official Statement to proceed with the issuance of Utility Revenue Bonds, Series 2008, for the improvements to the Water and Wastewater System and associated costs in the amount of approximately \$15,000,000;

Whereas, the Official Statements will be used by the bond rating agencies of Moody's Investor Services and Standards & Poor's to assign a credit rating to the bond issues;

Whereas, potential bond investors will use the Official Statements to become familiar with the City of Temple's economic and financial position, as well as credit quality to acquire the bonds;

Whereas, the proceeds from the Combination Tax & Revenue Certificates of Obligation will be used for street projects, land purchase, and building construction; the proceeds from the General Obligation bonds will be used to fund park improvements approved by the voters on November 6, 2007; and the proceeds from the Utility Revenue Bonds will be used for improvements to the Water and Wastewater system; 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 First Southwest Company to prepare the Official Statement to proceed with the issuance of Combination Tax and Revenue Certificates of

Obligation, Series 2008, in the amount not to exceed \$13,975,000, and the issuance of General Obligation bonds for Parks projects in the amount of \$9,750,000.

Part 2: The City Council authorizes First Southwest Company to prepare the Official Statement to proceed with the issuance of Utility Revenue Bonds for the improvements to the Water and Wastewater System and associated costs in the amount of approximately \$15,000,000.

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 **15th** day of **May**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing an agreement with Temple Lions Club Parks, Inc. and Temple Lions Club to benefit the proposed family aquatic center in south Temple.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The current city swimming pool was constructed in the early 1970's due to the support and assistance of the Temple Lions Club. Through their efforts funding was secured to construct the pool. The City and the Lions Club have had a very strong and positive relationship since the pool was built.

With the passage of the Parks Bond election last fall, the Lions Club has requested to maintain their partnership with the City. Specifically, the Lions Club is requesting that the new aquatic center be name after their club.

Since the bond election, we have been working with the architect on the design of the family aquatic center. To recognize Temple's railroad heritage, the aquatic center will be built with a railroad theme. In order to construct all the features we would like with this theme, there is the need for additional funding from the Lions Club.

We have reached agreement with the Lions Club that in return for their financial support (\$200,000) to assist with the aquatic center's construction, we will recommend the aquatic center be named after the Lions Club. In addition, the City will agree to pay the Lions Club \$20,000 a year for the length of the agreement (10 years). These funds would be paid to the Lions Club's, Park Foundation and the funds would be restricted for usage at the aquatic center or another City recreational facility that would be mutually agreed upon. The Lions Club also agrees to help raise additional funds over the next 10 years to improve the City's park system.

The Parks and Leisure services Department is grateful to the Lions for their support of the community over the 30 past years look forward to working with them in the future. We are pleased to recommend City Council approval of this item.

FISCAL IMPACT: A budget adjustment is presented for Council's approval appropriating \$200,000 to be received from the Temple Lions Club to help fund the construction of the family aquatic center. \$100,000 of the funds will be received by June 1, and the remainder upon completion of the family aquatic center estimated to be completed in May 2009.

ATTACHMENTS:
[Budget Adjustment](#)
[Resolution](#)

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
362-3500-552-68-38	100356	Family Aquatics Center	\$ 200,000	
362-0000-461-08-65		Miscellaneous Reimbursements	200,000	
TOTAL.....			\$ 400,000	\$ -

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

To appropriate the funds to be received from the Temple Lions Club Parks, Inc. and Temple Lions Club in the amount of \$200,000 to help fund the construction of the family aquatic center per the agreement between the City and the Temple Lions Club. The Parks Department will recommend the aquatic center be named after the Lions Club. In addition to the donation to be received from the Lions Club, the City will agree to pay the Lions Club \$20,000 per year for the length of the agreement (10 years). These funds would be paid to the Lions Club's Park Foundation and the funds would be restricted for usage at the aquatic center or another City recreational facility that would be mutually agreed upon. The Lions Club also agrees to help raise additional funds over the next 10 years to improve the City's park system.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

5/15/2008

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AGREEMENT WITH TEMPLE LIONS CLUB PARKS, INC., AND TEMPLE LIONS CLUB TO BENEFIT THE PROPOSED FAMILY AQUATIC CENTER IN SOUTH TEMPLE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, as a result of the passage of the Parks bond election last fall, the Staff has been working with an architect for the design of a new family aquatic center in South Temple;

Whereas, the Lions Club has offered financial support of \$200,000 to assist with the aquatic center's construction – the Staff and the Lions Club have reached an agreement that the center will be named for the Lions Club;

Whereas, the agreement will provide that the City pay \$20,000 annually to the Lions Club for 10 years – those funds would be restricted for usage at the aquatic center or other City recreational facility that would be mutually agreed upon;

Whereas, an amendment to the FY2007-08 budget needs to be approved to appropriate part of the funds that will be received by June 1, and the remainder upon completion of the family aquatic center, estimated to be complete in May, 2009; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute an agreement with the Temple Lions Club Parks, Inc., and Temple Lions Club, after approval as to form by the City Attorney, to benefit the proposed family aquatic center in south Temple.

Part 2: The City Council commits to paying the Temple Lions Club Parks, Inc., and Temple Lions Club the amount of \$20,000 annually for 10 years with the understanding that the funds will be restricted for usage at the aquatic center or other City recreational facility that would be mutually agreed upon.

Part 3: The City Council approves an amendment to the FY2007-2008 budget, substantially in the form of the copy attached as Exhibit A, for this purpose.

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

PASSED AND APPROVED this the **15th** day of **May**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution confirming the appointment of an Assistant City Attorney.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: There is currently one open position for an attorney in the City Attorney's Office following the recent resignation of Tyffany Howard to go into private practice. I had a number of qualified applications for the position of assistant city attorney from my most recent hiring, and I have extended a job offer to Randy Stonerod to fill the vacant position—subject to the confirmation by the City Council. His duties as assistant city attorney will include serving as municipal court prosecutor, legal advisor to city departments as assigned by the City Attorney, and responding to private inquiries within assigned subject areas.

Mr. Stonerod has been employed as the police legal advisor for the City of Austin Police Department (a department with over 1,000 police officers) for the past two years. Prior to that he served as an assistant city attorney with the City of Corpus Christi. Mr. Stonerod served in the United States Army prior to attending law school, where he was involved in military intelligence.

Section 4.31 of the City Charter provides that the City Attorney “shall have the power to appoint such assistants as may be deemed necessary by him, subject to the approval of the City Council, at such compensation to be fixed by the City Council.”

After reviewing a number of qualified applicants, I am honored to recommend Randy Stonerod to you for confirmation as an assistant city attorney.

FISCAL IMPACT: Annual salary is recommended at \$57,990. Funds for the remainder of the year are available in Account No. 110-1600-512-1111.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, CONFIRMING THE APPOINTMENT OF RANDY STONEROAD AS AN ASSISTANT CITY ATTORNEY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, there is currently one unfilled position for an attorney in the City Attorney's Office;

Whereas, after receiving applications and interviewing a number of qualified applicants for the job of assistant city attorney, the City Attorney has extended a job offer to Randy Stoneroad, subject to conformation by the City Council;

Whereas, Mr. Stoneroad is an experienced attorney who is licensed to practice law in the State of Texas, and the City Attorney recommends him for confirmation as a assistant city attorney; 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 confirms the appointment of Randy Stoneroad as Assistant City Attorney for the City of Temple, Texas, and sets his annual salary at \$57,990.

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 **15th** day of **May**, 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

05/15/08
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Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager

ITEM DESCRIPTION: Consider adopting a resolution appointing four at-large members to the Temple Medical Education District Coordinating Group.

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

ITEM SUMMARY: The purpose of the TMED is to jointly facilitate and promote the services and activities offered on the S&W, the VA, Temple College, and the College of Medicine campuses and to promote the redevelopment and revitalization of residential and commercial neighborhoods surrounding those campuses.

In order to carry out this purpose, the sponsoring entities are to create a nine member Coordinating Group to include:

- S&W – Dr. Al Knight
- Temple College – Dr. Marc Nigliazzo
- VA – Bruce Gordon
- College of Medicine – Don Wesson
- Bioscience District – Wendell Williams
- **City Council – 4 representatives to include one appointed at large (David Blackburn) and three residents or individuals who have or maintain a commercial property interest within the TMED boundary.**

Staff will provide a list of qualified and interested individuals at the meeting. The Letter of Understanding is for a term of three years, and the appointees will serve the full duration of that time period. The Group will meet on a called basis with their first project being a conceptual design for the area.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

05/15/08
Item #17
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Consider adopting a resolution appointing one member to the Temple Economic Development Corporation Board of Directors to fill an unexpired term through September 1, 2009.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Dr. Wade Knight has recently resigned from the Temple Economic Development Corporation Board of Directors. Dr. Al Knight has recommended that Patricia Currie, who is employed by Scott & White Hospital, be appointed to fill this unexpired at-large position through September 1, 2009.

FISCAL IMPACT: None

ATTACHMENTS:

[Board Summary Form](#)
[City Board Application Form](#)

TEMPLE ECONOMIC DEVELOPMENT CORPORATION

TERM EXPIRATION: SEPTEMBER - 3 YEAR TERMS

APPOINTED BY: CITY COUNCIL

MEMBER	DATE APPOINTED	EXPIRATION	ADDRESS	PHONE NUMBER
William A. Jones, III, Mayor bjones@ci.temple.tx.us	02/08	standing	2 North Main Temple, TX 76501	298-2951 W
Marty Janczak , Councilmember mjanczak@ci.temple.tx.us	02/08	Standing	2 North Main Temple, TX 76501	773-4028 W 534-0659 M
David Blackburn, City Mgr dblackburn@ci.temple.tx.us	02/01	Standing	2 North Main Temple, TX 76501	298-5600 W 298-5637 Fax
Perry Cloud (RZ Chair) ptcloud@cloudconstruction.com	12/02	Standing	P O Box 667 Temple, Texas 76503	778-1363 W 778-6492 H 778-5877 Fax
Pat Patterson (Chamber) pat_texas@yahoo.com	09/07	2010	201 Shady Oaks Ct Temple, TX 76504	771-2228 W 760-6062 M
Thomas Baird (Chamber) tbaird@vvm.com	12/02	2009	Baird, Crews, Schiller & Whitaker P.O. Box 1260 Temple, 76503-1260	774-8333 W 774-9353 Fax
Kenny Martin (Chamber) martin@vvm.com	02/08	2008	3115 Kensington Court P O Box 1404 Temple, TX 76503	771-5400 W 771-3811 H 771-4000 F
Joe Bray (Chamber) joseph.bray@compassbank.com	09/05	2008	Compass Bank 1004 Marlandwood Dr. Temple, Texas 76502	770-5147 W 791-1424 Fax
John Toone (At Large) jtoone1@txu.com	12/02	2009	Oncor Electric Company P.O. Box 688 Temple, Texas 76503	770-6204 W 770-6248 Fax
Dell Martin (At large) dellmartin@templeproventures.com	09/04	2010	P O 310 3914 Wendy Oaks Temple, Texas 76502	771-2084 W 778-4955 H 771-4120 Fax 541-3064 M
Gary Schmidt (RZ No. 1) gschmidt@cnb-temple.com	09/05	2008	Central National Bank P.O. Box 4107 Temple, TX 76505	770-1234 W 770-3186 Fax
John Kiella (Bioscience Dist.) jkiella@kiella.com	09/05	2010	P O Box 1344 Temple, TX 76503	778-0085 W 774-7231 Fax 541-3360 M
David Kessler (At large) dkessler@tbcinternational.com	09/04	2010	P O Box 652 Salado, TX 76571	770-6122 W
Dr. Wade Knight -resigned (At large)	12/02	2009	504 W. Nugent Temple, TX 76501	773-7725 H
Steve Wright (At large) steve@wrightbuilders.com	12/02	2009	Wright Builders 1618 Canyon Crk Dr. Temple, TX 76502	778-4495 W 541-5124 M
Ex-Officio Members: Jon Burrows, Bell Co. Judge Marc Nigliazzo, TC; Beto Gonzalez, TISD; Vivian Baker, BISD				
TEDC STAFF – Lee Peterson lpeterson@choosetemple.com			P.O. Box 1343 Temple, Texas 76503	773-0661 Fax 773-8332 W

Created as a nonprofit corporation; articles of incorporation and bylaws of TEDC were amended in December, 1992 with the approval of an Economic Development Agreement between the City of Temple and TEDC; new agreement approved by Council December, 1994; new agreement approved and articles and bylaws amended 2-2001. **Purpose:** To cooperate fully to coordinate efforts in order to ensure optimal economic development within the City. **Membership:** 15 directors- all appointed by City, with 4 from the Chamber Board, 1 from Bioscience District Board, 5 at large, 1 from RZ Board and 4 standing appointments to include the Mayor, one Council representative, City Manager, and RZ #1 Chair; ex-officio members to include Bell County Judge, Temple College President, TISD Superintendent and BISD Superintendent; past chairman to remain on board for one year, per bylaws of TEDC

Term: 3 year **Meeting Place/Time:** 3rd Tuesday of each month, 10:00 a.m., Chamber of Commerce Board Room
Revised 02/21/08



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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

AIRPORT ADVISORY BOARD	ANIMAL SERVICES ADVISORY BOARD
BUILDING & STANDARDS COMMISSION	BUILDING BOARD OF APPEALS
CIVIL SERVICE COMMISSION	COMMUNITY SERVICES ADVISORY BOARD
CONVENTION CENTER & TOURISM BOARD	ELECTRICAL BOARD
ZONING BOARD OF ADJUSTMENT	DEVELOPMENT STANDARDS ADVISORY BOARD
LIBRARY BOARD	PARKS & RECREATION BOARD
PLANNING & ZONING COMMISSION	TRANSIT ADVISORY COMMITTEE
REINVESTMENT ZONE NUMBER ONE	TEMPLE HOUSING AUTHORITY
TEMPLE ECONOMIC DEVELOPMENT CORP.	TEMPLE PUBLIC SAFETY ADVISORY BOARD

• If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637

• If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@citytemple.tx.us.

Name Pat Currie Residence Address 1150 Hartrick Canyon Drive

Mailing Address same Phone Number (Business) 724-4537 (Home) 982-4674

Fax Number 724-1646 Cell Phone Number 713-582-5606 E-Mail Address _____

Current Employer/Nature of Business: Scott & White Memorial, Medical

What City Boards have you served on before & When? None

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

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

masters in Hospital and Healthcare Administration; 27 years in
Hospital Administration; Church Elder; Mission Committee Member; AHA and
TBA Policy Council Member; Spring Branch (Houston) TIRZ Board Member;
 Comments (Attach additional page if desired):
Project Cure/M&F - Advisory Board Member

Signed: Pat Currie

Date: April 28, 2008

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

RECEIVED

APR 28 2008

CITY OF TEMPLE, TX
CITY SECRETARY