



**MEETING OF THE  
TEMPLE CITY COUNCIL**

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

**THURSDAY, AUGUST 7, 2008**

**3:00 P.M.  
3<sup>RD</sup> FLOOR CONFERENCE ROOM**

**WORKSHOP AGENDA**

1. Discuss the preliminary FY 2008-2009 Budget.
2. Discuss possible amendments to Section 13 of the Zoning Ordinance relating to Fence and Wall Regulations, Display for Sale, and Open Storage.
3. Discuss the proposed development agreement with Panda Temple Power, L.L.C.
4. Discuss future appointments to the following City boards and commissions:
  - (A) Airport Advisory Board – two members to fill expiring terms through September 1, 2011
  - (B) Animal Services Advisory Board – two members to fill expiring terms through September 1, 2011 and appoint Chair for the period of September 1, 2008 through August 31, 2009
  - (C) Civil Service Commission - one member to fill expiring term through September 1, 2011
  - (D) Community Services Advisory Board – three members to fill expiring terms through September 1, 2011
  - (E) Development Standards Advisory Board – three members to fill expiring terms through March 1, 2011
  - (F) Library Board – three members to fill expiring terms through September 1, 2011

- (G) Planning & Zoning Commission – three members to fill expiring terms through September 1, 2011
  - (H) Reinvestment Zone No. 1 Board of Directors – three members to fill expiring terms through September 1, 2010
  - (I) Temple Economic Development Corporation – three members to fill expiring terms through September 1, 2011
  - (J) Temple Public Safety Advisory Board – five members to fill expiring terms through September 1, 2011
  - (K) Transit Advisory Committee – four members to fill expiring terms through September 1, 2010 and one member to fill an unexpired term through September 1, 2009
4. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, August 7, 2008 as follows:

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

**TEMPLE CITY COUNCIL**

**REGULAR MEETING AGENDA**

**I. CALL TO ORDER**

1. Invocation
2. Pledge of Allegiance

**II. PUBLIC COMMENTS**

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

**III. BUDGET ITEMS**

3. (A) PUBLIC HEARING - Receive presentation by the City Manager and conduct a public hearing on the [proposed 2008-2009 operating budget](#).  
(B) [2008-5461-R](#): Discuss proposed tax rate and consider adopting a resolution scheduling the adoption of the proposed tax rate for August 28, 2008, and setting public hearings for August 15, 2008 and August 21, 2008 on the proposed tax rate for FY 2008-2009.

**IV. CONSENT AGENDA**

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

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

**Minutes:**

- (A) [July 10, 2008 Special Called Meeting](#)
- (B) [July 17, 2008 Special Called Meeting and Regular Meeting](#)
- (C) [July 24, 2008 Special Called Meeting](#)

### **Contracts, Leases & Bids:**

- (D) [2008-5462-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, of Temple, for engineering, bidding and construction phase services for enhancements to the intersection of Central Avenue & 3<sup>rd</sup> Street in an amount not to exceed \$37,250.
- (E) [2008-5463-R](#): Consider adopting a resolution authorizing a contract with Kraftsman, LP (dba Kraftsman Commercial Playgrounds and Water Parks) of Spring, for the design and construction of a Spray Park in West Temple Community Park in the amount of \$425,000.
- (F)
  - 1. [2008-5464-R](#): Consider adopting a resolution authorizing an interlocal agreement between the Region 4 Education Service Center, which sponsors The Cooperative Purchasing Network (TCPN), providing for a cooperative purchasing program for goods and services, and designating the Director of Purchasing as official representative for the City relating to this program.
  - 2. [2008-5465-R](#): Consider adopting a resolution authorizing the purchase of audio visual technology equipment for the newly designated Emergency Operations Center (EOC) from Data Projections, Inc. through The Cooperative Purchasing Network (TCPN) in the amount of \$77,894.16.
- (G) [2008-5466-R](#): Consider adopting a resolution authorizing a contract with AT&T for the purchase and installation of new Nortel Communication phones at the new EOC and Service Center, in the amount of \$49,902.98.
- (H) [2008-5467-R](#): Consider adopting a resolution authorizing the purchase of eight (8) wireless ticket writers and printers with associated software from Advanced Public Safety (APS) in the amount of \$69,000.

### **Ordinances - Second and Final Reading**

- (I) [2008-4238](#): SECOND READING – Z-FY-08-28: Consider adopting an ordinance amending the City of Temple Zoning Ordinance, 91-201, Section 7-108 (Automobile and Related Service Uses) to allow motorcycle sales by right in the General Retail (GR) District.
- (J) [2008-4239](#): SECOND READING – Z-FY-08-30: Consider adopting an ordinance authorizing a zoning change from Agriculture (A) to Commercial (C) on a 5.0± acre tract of land located at the southwest corner of the 53.8± acre tract being out of the M. Moreno Survey, Abstract Number 14, adjacent to the East right of way line of Loop 363 and adjoining the northwest property corner of the 29.83 acre City of Temple tract.
- (K) [2008-4240](#): SECOND READING – Z-FY-08-27: Consider adopting an ordinance authorizing a zoning change from Planned Development (PD) District to General Retail (GR) District, on 0.904 ± acres situated in the George Givens Survey, Abstract No. 345, located on the south side of West Adams Avenue, between Kegley Road and the Wildflower Villa Apartments.



- (L) [2008-4241](#): SECOND READING – Z-FY-08-29: Consider adopting an ordinance authorizing a zoning change from Agricultural (A) District to Single Family One (SF-1) District on 55.95 ± acres recorded as Eagle Oaks At The Lake Phases One, Two, Three, Four and Five, located on both sides of Eagle Landing Drive, east of Cen-Tex Sportsman Club Road.

**Misc:**

- (M) [2008-5468-R](#): Consider adopting a resolution granting a street use license for a 19 square foot encroachment of an existing house in a 15' foot wide utility easement along the southern property line for Saulsbury Phase II, Block 1, and Lot 13.
- (N) [2008-5469-R](#): Consider adopting a resolution granting a street use license for a 176 square foot encroachment of an existing house in a 15' foot wide utility easement along the northern property line for Saulsbury Phase II, Block 1, and Lot 12.
- (O) [2008-5470-R](#): Consider adopting a resolution authorizing the transfer of funds from the Child Safety Fees-Bell County to the Temple Police Department's Overtime Account for traffic control and direction on State Highway 2305 at Lakewood Elementary School in the amount of \$7,500 for FY 2007-2008.
- (P) [2008-5471-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.

**V. REGULAR AGENDA**

**ORDINANCES**

5. [2008-4242](#): 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 and future year bond payments.
6. [2008-4243](#): FIRST READING – PUBLIC HEARING - FY-08-23: Consider adopting an ordinance amending the City of Temple Zoning Ordinance, Section 12, regarding sign definitions, certain sign types, and creation of a sign maintenance section.
7. [2008-4244](#): FIRST READING – PUBLIC HEARING – Consider adopting an ordinance re-establishing the regulations for metal façade residential primary and accessory buildings, and amending the City of Temple Zoning Ordinance, Section 13-200, "Regulations for Metal Façade Residential Primary and Accessory Buildings," to delete Section 7, "Sunset Review."

**RESOLUTIONS**

8. [2008-5472-R](#): Consider approving a resolution authorizing the execution of a development agreement with Panda Temple Power, L.L.C., for the sale of effluent for the operation of an electric generation facility.

*Executive Session: Pursuant to Section 551.087 of the Government Code, the City Council may meet in executive session to discuss either commercial or financial information that the City has received from a business prospect that the City wishes to locate, stay or expand within the City limits and with which the City is conducting economic development negotiations, or to deliberate the offer of a financial or other incentive to a business prospect the public discussion of which would adversely affect ongoing economic development negotiations.*

9. [2008-5473-R](#): Consider adopting a resolution authorizing the conveyance of up to 180 acres of City-owned land located on Wendland Road, south of Moores Mill Road and on the west side of Wendland Road, to the Temple Economic Development Corporation for economic development purposes.

*Executive Session: Pursuant to Section 551.087 of the Government Code, the City Council may meet in executive session to discuss either commercial or financial information that the City has received from a business prospect that the City wishes to locate, stay or expand within the City limits and with which the City is conducting economic development negotiations, or to deliberate the offer of a financial or other incentive to a business prospect the public discussion of which would adversely affect ongoing economic development negotiations.*

10. [2008-5474-R](#): Consider adopting a resolution authorizing the purchase of land for: (a) the construction of a new central fire station in the downtown area, and (b) a new fire station, training center & emergency operations center (EOC) in northwest Temple.

*Executive Session: Pursuant to Section 551.072 of the Government Code, the City Council may meet in executive session to deliberate the purchase, exchange, lease, or value of real property when the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person.*

11. [2008-5475-R](#): Consider adopting a resolution authorizing a Chapter 380 development agreement with the potential developers of a tract of land in south Temple north of FM 93 and east of South 31<sup>st</sup> Street to provide for the development of that property and the conveyance of certain right-of-way and infrastructure to the City.

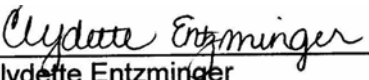
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***The City Council reserves the right to discuss any items in executive (closed) session  
whenever permitted by the Texas Open Meetings Act.***

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I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 3:45 PM, on August 1, 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

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08/07/08  
Item #3  
Regular Agenda  
Page 1 of 2

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

David Blackburn, City Manager  
Traci Barnard, Director of Finance

**ITEM DESCRIPTION:** (A) PUBLIC HEARING - Receive presentation by the City Manager and conduct a public hearing on the proposed 2008-2009 operating budget.

(B) Discuss proposed tax rate and consider adopting a resolution scheduling the adoption of the proposed tax rate for August 28, 2008, and setting public hearings for August 15, 2008 and August 21, 2008 on the proposed tax rate for FY 2008-2009.

**STAFF RECOMMENDATION:** (A) Receive presentation and conduct public hearing. Final action is to be taken by the Council at their August 28<sup>th</sup> Special Council meeting; (B) Adopt resolution as presented in item description.

**ITEM SUMMARY:** (A) **Budget- Public Hearing** - The City Manager's recommended budget was filed in accordance with the City Charter on June 27, 2008. Council has met for budget related work sessions each Thursday in the month of July. Topics include solid waste services, Hotel/Motel Fund capital improvement plan (CIP), drainage master plan, water & sewer master plan, compensation plan and benefits, TMRS retirement, comprehensive plan, and CIP. Another work session has been scheduled for August 7<sup>th</sup> to continue budget and capital improvement plan (CIP) discussions, including the proposed tax rate.

This is the initial public hearing on the proposed 2008-2009 budget, and complies with the State and Charter requirements that must be met before the budget can be adopted by the Council. A supplemental second public hearing on the budget will be conducted at the August 28<sup>th</sup> special Council meeting, prior to budget adoption.

**(B) Proposed Tax Rate – Resolution setting dates for 2 public hearings and date for adoption -** The Council will conduct a work session on August 7<sup>th</sup> to discuss the proposed tax rate. This tax rate must also be presented and discussed at the 5:00 pm meeting, prior to adoption of a resolution scheduling the adoption of the proposed tax rate for August 28<sup>th</sup>. Two public hearings must also be set on the proposed tax rate, August 15<sup>th</sup> special Council meeting and a regular meeting on August 21<sup>st</sup>. Following this action, the publication of a "Notice of Public Hearing on Tax Increase," will occur on August 8<sup>th</sup> and "Notice of Vote on Tax Rate," on August 16<sup>th</sup> and August 22<sup>nd</sup>. These proposed

meeting dates and publication schedules comply with the Truth-In-Taxation requirements set forth in Senate Bill 18 adopted by the 79<sup>th</sup> Legislature and the City Charter.

**FISCAL IMPACT:**

(A) Budget: The proposed FY 2009 budget totals \$96,341,800 for all funds (expenditures/transfers).

Expenditures/Transfers	Adopted Budget FY 2008	Proposed Budget FY 2009	% Increase/ (Decrease)
General Fund	\$ 54,985,867 <sup>(1)</sup>	\$ 55,934,881 <sup>(2)</sup>	1.73%
Water & Wastewater Fund	25,506,688	26,033,246	2.06%
Debt Service Fund	7,042,041	7,430,032	5.51%
Hotel/Motel Tax Fund	1,242,900	1,276,000	2.66%
Federal/State Grant Fund	561,548	533,154	-5.06%
Drainage Fund	829,884	959,735	15.65%
Reinvestment Zone No. 1 Fund	12,633,945	4,174,752	-66.96%
<b>Total Expenditures/Transfers</b>	<b>\$ 102,802,873</b>	<b>\$ 96,341,800</b>	<b>-6.28%</b>

<sup>(1)</sup> Includes \$2,599,362 in Capital and TEDC Matrix allocation funded with Undesignated Fund Balance - Capital Projects

<sup>(2)</sup> Includes \$1,626,292 in Capital (\$1,141,292), Strategic Investment Zone (\$85,000) and TEDC Matrix allocation (\$400,000) funded with Undesignated Fund Balance - Capital Projects

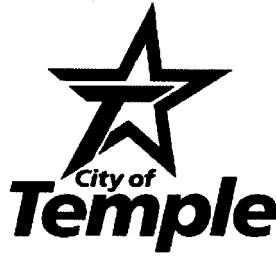
(B) Tax Rate: The proposed tax rate for FY 2009 is \_\_\_\_¢. This rate is comprised of two components, maintenance and operations (M&O) of \_\_\_\_¢ and the interest & sinking (I&S) rate of 22.73¢. The proposed tax rate represents a \_\_\_\_% increase above the effective tax rate of 54.33¢. The current FY 2008 tax rate is 56.81¢.

The effective tax rate is the calculated rate that would provide the same amount of revenue received in the previous year on properties taxed in both years.

Note: The tax rate proposed in the budget document filed on June 27, 2008 was 57.81¢. The rate was developed based on estimates. Subsequent to the budget filing, staff received the Certified Roll and the Effective Tax Rate calculations.

**ATTACHMENTS:**

[FY 2008-2009 Budget Message](#)  
[Issue Points with City Manager Recommendations](#)  
[Tax Rate](#)  
[Resolution](#)



June 27, 2008

Honorable Mayor and City Council,

I am pleased to present the Preliminary Fiscal Year 2008-2009 Budget for the City of Temple totaling \$96,341,800 for all funds. Of this amount, \$90,580,591 is proposed for the operations and maintenance budget which includes debt service and transfers. As in previous years, the FY 2009 Preliminary Budget is a balanced budget under the policies and parameters discussed in earlier planning sessions with the City Council.

In addition, \$37,456,209 is proposed for capital improvements programs (CIP). The CIP can be divided into four categories:

- ▶ Multi-year Non-Routine Capital Recommended for Utility Revenue Bond Funding (U.R. CIP) - \$15,000,000

- ▶ Multi-year Non-Routine Capital Recommended for General Obligation Bond Funding (G.O. CIP) - \$13,995,000

- ▶ Non-Routine Capital Recommended for Hotel/Motel Fund Combination Tax and Revenue Certificates of Obligation Bond Funding (HOT-MOT C.O.) - \$2,700,000

- ▶ Routine Capital Recommended for General Operating Budget Funding - \$5,761,209 is proposed for the capital budget which includes equipment and public infrastructure projects that are underway and/or planned for this fiscal year.

\$1,141,292 of the Routine Capital recommended for General Operating Budget Funding is recommended to be funded with unallocated fund balance.

### **Background & Overview**

As with the approach taken over the past two years, I would encourage you to look at the FY 2009 Budget from two general perspectives: 1) operations and maintenance ('O&M') and 2) capital improvement projects and planning ('CIP'). Both O&M and CIP are necessary and critical components in the delivery of the best services in the most efficient way possible to our residents.

I continue to work on the Budget and CIP program with the following policy perspectives and budget parameters that were briefed to the Council at the March 13 and May 29, 2008 work sessions, which were:

1. Follow the Fiscal and Budgetary Policy Statement to provide a balanced budget, which may incorporate "surplus" fund balances for capital items and economic development matrix funding;
2. Maintain the existing tax rate with the addition of costs for general obligation bond debt;
3. Maintain current programs and services to the extent possible while maintaining the existing tax rate;
4. If resource allocation adjustments must be considered in order to comply with other budget parameters, consider both internal and external resource allocation adjustments;
5. Continue to align planning documents with resource allocation documents;
6. Maintain priority emphasis on our primary asset- our people and recognize that the City is a service-based organization and compensation and benefits must remain competitive;
7. Maintain emphasis on economic development recognizing that growing the tax base is a critical component in our ability to meeting both current and future demands for service.

### **Budget Highlights**

With this background, I would like to highlight a few areas of general priority and emphasis in the FY 2009 Budget. The primary focus of our resources and activities over the past two years has been on the Capital Improvement Program. Our primary focus for the upcoming fiscal year will be on sustaining our existing programs and services to our community while facing ever increasing expenses and slower or declining growth in revenue sources.

### **Tax Rate**

A primary parameter for the development of the FY 2009 Preliminary Budget was the maintenance of the existing tax rate. Maintaining the existing tax rate, and attempting to maintain existing levels of service, presented several extraordinary challenges this year. Among the challenges this year no single factor was more significant than fuel costs. Our FY 2008 Budget anticipated fuel costs to be in the range of \$2.90 per gallon for both unleaded and diesel fuel. As of this writing, our fuel costs are in the range of \$3.74 per gallon unleaded and \$4.33 per gallon diesel. This 38% increase in fuel costs has cut across every service and delivery area. With our total expenditures for fuel approaching \$1,744,464 this budget year, I am forecasting total fuel expenditures for FY 2009 to be \$2,035,875, a 46% increase over FY 2008 budgeted fuel expenditures.

Another opportunity for FY 2009 is the passage of two General Obligation bond issues, one for Parks and one for Fire. This Preliminary FY 2009 Budget proposes to incorporate into the existing tax rate 1¢ in accordance with the passage of the November, 2007 Parks Bond issue. The Fire Bond passage tax rate impact is programmed for FY 2010.

Thus, the preliminary tax rate for FY 2009 is proposed at 57.81¢ per \$100 valuation. This rate is based on the FY 2008 rate of 56.81¢ plus an additional 1¢ as approved by the voters for the November 2007 Parks General Obligation Bond debt. The tax rate is comprised of two

components, the Maintenance and Operations rate (M&O) and the Interest Sinking rate (I&S). This year's proposed tax rate is 34.38¢ for the M&O rate and 23.43¢ for the I&S rate.

The parameters that were applied when developing the tax rate for the budget were that the tax rate will be set to provide sufficient revenue for existing levels of service delivery and the increase above the effective tax rate would not exceed 2.99% in addition to incorporating the 1¢ for the Parks GO Bond debt. Sufficient data will not be available to calculate the effective tax rate until the certified appraisal roll is received from the Appraisal District of Bell County. Therefore, the proposed tax rate is based on assumptions and may require adjustments prior to the final adoption of the budget to reflect the current parameters set forth by Council. The certified appraisal roll for Ad Valorem taxes will not be available until late July. The FY 2009 Preliminary Budget for Ad Valorem Tax revenue is \$17,199,728, an increase of \$1,110,402 or 6.90% compared to prior year. This budget was prepared using a preliminary appraisal roll of \$3,017,035,099, an increase of 5.68% compared to the prior year.

### **Our Primary Asset- Our People**

You have heard me say that our most important asset isn't our brick and mortar, it isn't our trucks, it isn't our tools...it is our people. I think this Preliminary Budget continues a policy and approach that commits available resources to that end.

The FY 2009 Preliminary Budget includes a 4% pay adjustment for all city employees effective November 14, 2008. As you will recall, authorization for a 2007 Compensation and Benefits Study was granted in the prior fiscal year. This study is underway and will provide us with a comprehensive look and update for all of our pay plans. The study is still ongoing and we do anticipate that the review process will be complete prior to the adoption of the Budget. I have scheduled one of your July work sessions to review and discuss the market study. It is possible that the study will recommend adjustments in excess of 4% for certain positions. However, based upon available funding levels and other budget parameters and priorities, I cannot recommend full implementation of the market recommendations at this time. I believe your review and guidance in July, coupled with the passage of some time to monitor our expenses for the upcoming year, would be a prudent course of action at this time. I am recommending that at midyear a review be conducted to determine if funding is available that would support the consideration of implementing any additional market-based adjustments.

The FY 2009 Preliminary Budget also includes funding for the implementation of the first year of an eight year plan to fund the unfunded liability that has been projected under the new actuarial cost method and assumptions adopted by the Texas Municipal Retirement System.

### **Managing Our Resources and Overcoming Budget Challenges**

Inflation and the rising cost of fuel and other expenses affects city government just as it does businesses and individuals. Budgeted fuel costs for FY 2009 have increased 46% over the FY 2008 budget and have strained resources available to provide sufficient funding for current programs and services. Several strategies are being recommended in this FY 2009 Preliminary Budget to address these challenges, to include:

→ Across the board Departmental Budget Reductions. During the preparation process for the Preliminary Budget all General Fund Departments were requested to make 2% reductions from their original budget proposals. Departments were asked not to reduce funding for items such as fuel, utilities, cost-of-goods sold, insurance and bonds, and contracts. The 'effective' percentage of the reductions in line item funding as a result of these limitations was in the range of 20 to 25% for the Departments. I would like to commend the Departments for their work in



identifying areas and means for making reductions in base budgets as submitted at this level and at the same time working to maintain our current service levels.

→ Public Service Agency Funding Reductions. In accordance with the budget parameters discussed above, I have also looked at what we fund in terms of our service delivery thru external organizations. Along with departmental reductions, the FY 2009 Preliminary Budget also includes recommendations in reduction of funding to Public Service Agency requests. Funding for agencies that received funding in FY 2008 has been included in the Preliminary Budget, but at a level reduced by \$100,000 from prior year. Health care agencies whose funding is based on a contractual formula were not changed. All other organizations receiving funding from the General Fund have been reduced by a proportional amount in order to achieve the \$100,000 reduction in funding and no new funding for agencies not funded in the FY 2008 Budget has been included in the Preliminary Budget.

→ Creative and Innovative Fuel Management and Conservation Approaches. As fuel costs continue to rise, we must consider multiple strategies to address the budget pressure resulting from increased expenditures and decreased purchasing power of current revenue. No single solution exists to completely address the issue; rather various options must be considered in order to effectively manage our fuel consumption and costs. Several possible strategies will be explored during the upcoming fiscal year including modifications to vehicle specifications for increased fuel efficiency, modification of take-home vehicle program in various city departments, review of solid waste routes, and modification of our policy on the use of city “pool” cars versus mileage reimbursement. Some of these strategies are already being engaged and more will follow.

### **Expanding and Growing Our Tax Base**

One of the strategic focus areas identified in our Strategic Plan is to ‘expand and grow the tax base’. In order for us to continue to meet the demands for current service, and in order for us to meet the needs of projected growth and development, it is critical that this objective be met. The current tax base will not provide sufficient base for meeting either current or projected service demands.

As Council will recall, the FY 2008 Budget set historic, unprecedented levels of funding for economic development. The funding levels were increased by almost 100%, from around \$1,000,000 annually to almost \$2,000,000 annually. This increase also included funding a ‘matrix incentive pool’ at \$800,000. This ‘matrix incentive pool’ was intended to be funding for economic development incentives relating to economic development agreements with new and/or expanding businesses. The commitment made in the FY 2008 Budget was to maintain this matrix incentive pool at a level of \$800,000. The FY 2009 Preliminary Budget continues that commitment and includes a \$400,000 ‘placeholder’ investment level. It is anticipated that additional discussions with TEDC will clarify the actual level of funding needed and that such discussions will occur between the filing of this Preliminary Budget and adoption of the final FY 2009 Budget in August.

### **Fund Overview**

#### **General Fund Revenues**

Total revenues for the FY 2009 General Fund Budget are presented at \$54,308,589, an increase of 3.67% compared to the FY 2008 adopted budget.

#### → Sales Tax

Sales Tax revenue is budgeted at \$15,798,275, an increase of 2.35% (excluding the Primus Agreement) compared to the FY 2008 adopted budget. Sales tax revenue accounts for 29.09% of the General Fund revenues and is the single largest revenue source of the General Fund. Because sales tax revenue is somewhat volatile in nature and is dependent on the general economic conditions of the region and nation, the City of Temple historically has and will continue to budget sales tax revenue conservatively.

The fact that sales tax revenue is closely associated with the general economy means that the slowing of the economy also results in a slowing of the growth in sales tax revenue. As noted above, during FY 2008 we have not experienced the same rate of growth in our sales tax as we have historically trended and we are not projecting to experience sales tax growth at the historical rates during FY 2009. We will continue to monitor sales tax collections closely throughout the coming months and year. We will also need to be prepared to make additional adjustments in our budget as conditions may warrant.

#### → Interest Income

Interest Income revenue for FY 2009 is budgeted at \$500,000 a decrease of \$818,024 or 62% compared to prior year. During FY 2008 interest rates decreased dramatically resulting in significantly reduced revenues from this source. While interest rates are projected to stabilize we are not anticipating rate increases at this time that would generate additional interest income.

#### → Solid Waste

The FY 2009 Preliminary Budget includes a recommended increase in Solid Waste rates for both residential and commercial customers. Solid Waste revenues for FY 2009 are increased by \$454,495 or 5.99% over prior year. Of this amount \$38,522 is attributable to net growth in the customer base and \$415,973 is attributable to increased rates to cover the higher costs of fuel.

As has already been mentioned, rising fuel costs have impacted every area of city services. No department is more impacted by rising fuel costs than Solid Waste. Solid Waste consumes approximately 40% of our overall fuel costs. In order to address both current and anticipated fuel costs, this Preliminary FY 2009 Budget recommends adjusting residential customer base rate from \$13.30 to \$14.55, and increase of \$1.25 per month. An adjustment of 6% is also recommended for our commercial accounts. These adjustments are directly attributable to increased fuel costs and are needed to maintain current service levels.

#### → Parks and Leisure Charges for Service

The FY 2009 Preliminary Budget also includes some rate increase for certain Parks and Leisure services to include Parks Department User Fees from \$2 per player to \$4 per player. These fees are assessed to players participating in athletic leagues not sponsored by the City. Parks Facility Rental fees are proposed to increase by 10%. Golf Cart Rental fees are proposed to increase by 50¢ per rider and golf membership packages are proposed to increase by 10%.

#### **General Fund Expenditures**

→ Total expenditures for the FY 2009 General Fund Budget are presented at \$55,934,881, an increase of 1.73% compared to the FY 2008 adopted budget. Our primary focus for the General Fund Budget is on sustaining our existing programs and services to the greatest extent possible while still maintaining the tax rate. Because of the slowed growth in two major General Fund revenues sources- Sales Tax and Interest Income- and the record cost of fuel and other indirect

expense increases related to fuel, service levels will be impacted to some degree. Our priority remains high quality, affordable service to the citizens of Temple.

As previously noted, the City Council called two general obligation bond elections during the past fiscal year- one for Parks and one for Fire and Rescue Services. The voters of Temple approved both bond packages and, as a result, our City will be opening and operating several new facilities in FY 2009. The operating costs associated with these projects have been included in the FY 2009 Preliminary Budget. These costs include an additional Aquatics Maintenance Worker position, the reclassification of a Recreation Specialist position, and the match portion of four Fire and Rescue Officer positions with partial SAFER grant funding.

A Fire Bunker Gear Inspection Program (\$17,000) is included in the FY 2009 Preliminary Budget as well as an enhanced Downtown Parking Enforcement Program (net increase of \$5,370). The Downtown Parking Enforcement Program includes a motorized parking vehicle, associated fuel, a handheld citation unit, associated software maintenance fees, a wheel immobilizer, and funding for the construction of parking signage. Also a part of this program is a proposed increase in the fine for parking violations.

### **Capital Improvements Program**

The CIP proposals in the Preliminary FY 2009 Budget address multiple areas of interest and opportunity in our City and with our residents. All totaled, \$37,456,209 in CIP projects and planning is being proposed. All of the CIP proposals have but one end objective in mind...to make our City stronger and better.

The approach I am recommending with regard to the CIP work continues to be a multi-layered, multi-year framework. This framework has four components:

1. Multi-year Non-Routine Capital Recommended for Utility Revenue Bond Funding (U.R. CIP) - \$15,000,000 for various Water and Sewer projects including construction for Phase I of Birdcreek Wastewater Line and South Temple Water System Improvements, water treatment plant improvements, and West Temple water and wastewater extension.
2. Multi-year Non-Routine Capital Recommended for General Obligation Bond Funding (Fire G.O. CIP) - \$13,995,000 for rebuilding of Central Fire Station, construction of Station 8 with Training Center and EOC, and the purchase or replacement of three engines.
3. Non-Routine Capital Recommended for Hotel/Motel Fund Combination Tax and Revenue Certificates of Obligation Bond Funding (HOT-MOT C.O.) - \$2,700,000 for the renovation of the Mayborn Center.
4. Routine Capital Recommended for General Operating Budget Funding- \$5,761,209 is proposed for the capital budget which includes equipment and public infrastructure projects that are underway and/or planned for this fiscal year. Of this amount, \$1,141,292 of capital will be funded with Fund Balance Designated for Capital – Unallocated.

Within the Capital Improvement Projects section of this document, the specific projects recommended within each category of funding are listed. Also included are the projects identified for future funding.

Two notes relating to the CIP projects and approach:

1. With regard to the U.R. CIP ... the majority of the projects recommended are related to repair and renovation of our existing infrastructure. Many of the projects have some history with one or more regulatory agencies and require our attention. Additionally, I would anticipate that the update of our Water & Sewer Master Plan will require the modification of the listing. A significant, multi-year approach to our utility infrastructure planning and maintenance is both needed and assumed in the recommendations. Finally, rate increases (estimated at \$2.20 per month for our average residential customer, approximately 3.64% increase; \$10.39 for our average commercial customers, approximately 2.93% increase) are associated with the U.R. CIP and needed to support the projects being recommended.
2. As previously mentioned, the voters of Temple approved a G.O. Bond in May of 2008 for Fire and Rescue Services, and as a result the City will be issuing \$13,995,000 of debt to fund the projects associated with this bond issue.

#### **Water and Wastewater Fund**

Total revenues for the FY 2009 Water and Wastewater Fund Budget are presented at \$26,033,246, an increase of 2.06% compared to the FY 2008 adopted budget. Revenues for the water and wastewater fund are based on a proposed rate increase of 3.79% for a residential water customer assuming an average use of 10,000 gallons, 3.45% for a residential sewer customer assuming an average use of 6,000 gallons, 3.40% for a commercial water customer assuming an average use of 48,854 gallons, and 2.55% for a commercial sewer customer assuming an average use of 47,092 gallons. The proposed rate increase is necessary in order to support needed capital improvements and replacements. The total water connections for this utility is 19,502 for residential, 2,938 for commercial and 3 wholesale. The water connections are growing at a rate of approximately 2.5% per year.

Expenses, capital improvements and debt service for the FY 2009 Water and Wastewater Fund Budget are presented at \$26,033,246, an increase of 2.06%. The capital improvements include the allocation of \$2,160,000 to continue the long-term replacement program of water and sewer infrastructures. This annual amount is in addition to the capital improvement program improvements described herein. An additional \$144,000 is included to fund equipment needs.

#### **Hotel and Motel Fund**

Total revenues and expenditures are presented at \$1,276,000 an increase of 2.66% compared to the FY 2008 adopted budget. The Railroad and Heritage Museum is funded with a total of \$193,139. As mentioned above, a Combination Tax and Revenue Certificates of Obligation Bond is recommended to fund capital projects associated with the renovation of the Mayborn Center.

#### **Federal and State Grant Fund**

Total revenues include the award of two grants; Community Development Block Grant (CDBG) - \$503,239 and Project FOCUS grant (\$29,915). It is worth noting that for the seventh straight year CDBG funding levels have declined. The proposed allocation of CDBG funds are as follows - public services \$70,453, street/drainage improvements \$130,138, park improvements \$100,000, demolitions \$100,000, and general administration \$102,648.

**Drainage Fund**

Total revenues are presented at \$959,735, an increase of 42.16% and expenditures at \$959,735, an increase of 15.65% compared to the FY 2008 adopted budget. The drainage fee was originally created in FY 1998 for 5 years and approved for another 5 years in FY 2004. The fee has remained unchanged since its original implementation in FY 1998. The FY 2009 Preliminary Budget includes an increase in the drainage fee of 75¢ per month. This increase will be used to fund the Texas Pollutant Discharge Elimination System ('TPDES') program that is required by the Texas Commission on Environmental Quality ('TCEQ'). I consider this program an unfunded mandate from the State. Part of this program will include the addition of a Stormwater Program Technician position to ensure permit compliance and data collection and analysis. The expenditures of the drainage fund represent personnel, operational, and capital cost related to maintenance of existing drainage systems.

Additionally, Council will have the opportunity to discuss and consider a significant update to your Drainage Master Plan this year. The 2008 Drainage Master Plan Update is currently underway and I anticipate that Council will be given an opportunity to identify projects, priorities and funding avenues with the consideration of the 2008 Drainage Master Plan.

**Conclusion**

I have attempted to provide you with a brief synopsis of the Preliminary Budget for FY 2009. Developing the budget is a team effort that requires participation and input by citizens, City Council and City staff. My thanks to all of the Department and Division Heads who helped put this Preliminary Budget together. Their ability to respond, many times on short notice, to my inquiries and requests for additional information was appreciated and helpful.

I also want to extend a special word of appreciation to Director of Finance, Traci Barnard and her staff for the many hours of work and effort they put in toward the development of this Preliminary Budget. Of special note is the work done by Assistant Finance Director, Melissa Przybylski and Budget Analyst, Miranda Hennig. I also need to recognize Assistant City Manager Kim Foutz, Assistant to the City Manager Brynn Reynolds, and Director of Human Resources Amy House for their work and input into the development of this Preliminary FY 2009 Budget. Quite simply, this document could not have been produced without them.

I look forward to the coming weeks of discussion, review, and direction by Council.

Respectfully Submitted,



David Blackburn  
City Manager  
City of Temple, Texas

**Issue Point:  
Tax Rate**

- **Issue:** Tax Rate to support service levels.

- **Background & Info:**

- Current tax rate is 56.81 cents per \$100 valuation
- Preliminary FY 2009 Budget proposed 57.81 tax rate, one cent above current tax rate
- Additional cent was proposed in order to follow representations made during bond presentations and election that such was needed to pay for cost of bond projects
- Certified tax roll was not available during preliminary budget development...information is now available
- Attached 'Impact of Tax Rates and Fee Increases' document provides snapshot of impacts of various tax rates plus other fee increases proposed in the Preliminary Budget
- Historical 'cap' imposed by Council has been to not exceed the effective tax rate by more than 2.99%

- **City Manager Comment(s):**

- minimum tax rate that could be set without 'absorbing' the bond debt and allowing for 2.99% growth = 56.95
- setting the tax rate at the effective tax rate (54.33) would require significant additional cuts to the budget and would impact service levels...not recommended
- no significant impact to service levels for the 2.99% rate (55.95)
- no significant impact to service levels for the current tax rate (and would recommend funding the 5 additional police cars if this level is set)
- not recommended to go to 57.81 at this time...

- **Directional Point(s) :** Desired level of services and supporting tax rate?

- **Council Direction :** Publish a tax rate not to exceed 56.81¢ with the understanding that the published rate is the maximum tax rate that can be adopted without beginning the publication and public hearing process again. Council direction to Manager is to analyze the Compensation Plan adjustments to provide for the appropriation of a performance component within the parameters of a tax rate of 55.95¢.

## **Issue Point: Compensation Plans**

- **Issue:** What level of compensation adjustments, if any, are appropriate for FY 2009?

- **Background & Info:**

- The City currently has 3 primary Pay Plans...1) Fire; 2) Police; and 3) General Government.
- The City has historically made at least annual adjustments to these pay plans that have been either: 1) market-based; and/or 2) across the board-based; and/or 3) performance-based.
- Fire and Police pay plans are, by state civil service law, tenure-based pay plans and not eligible for performance pay.
- General Government pay plans are not tenure-based and are eligible for performance pay.
- Our most recent market survey indicated that all the pay plans were lagging, some more than others.
- Fire and Police pay plans were, generally, behind the market by 5-10% depending upon the position.
- General Government pay plans were, generally, in better shape as a whole but some positions were lagging by as much as 20%.
- FY 2009 Preliminary Budget proposed 4% across the board adjustment for all pay plans, to both address market lag as well as continue overall pay plan adjustment strategies.
- FY 2009 Preliminary Budget did not fund performance pay for General Government pay plan.

- **City Manager Comment(s):**

- General discussion from Council work session on this issue indicated a desire to fund performance pay for General Government pay plan.
- Recommendations:
  - o Fire & Police Pay Plan...keep 4% as recommended;
  - o General Government...use performance evaluation system as basis for all increases/adjustments as follows:
    - 3% increase for those employees rated ME or above
    - additional lump sum performance pay for ME+ and EE rated employees

- **Directional Point(s) :** What level of compensation adjustments, if any, are appropriate for FY 2009? If any, how to implement?

- **Council Direction :** 4% increases for Fire and Police Pay Plan, 4% increases for General Government employees rated ME and above in the performance evaluation system, and an additional appropriation for increases for General Government employees rated ME+ and EE.

## **Issue Point: Drainage**

- **Issue:** What level of services are desired for drainage?

- **Background & Info:**

- The City adopted its first ever Drainage Master Plan in 1997. Fees were set at \$2 for residential properties and a tiered structure for commercial properties. The fees have never been adjusted.
- The 1997 Plan and fees provided primarily for maintenance of existing drainage ways, with a flexible cycle of maintenance work targeting critical areas.
- The 2008 Drainage Master Plan Update, initiated in part by TCEQ requirements, provides a myriad of options and alternatives for future drainage projects and work and fees to support such.
- 1997- 2008 Drainage CIP was funded in large part via mechanisms other than the drainage fund...approximately \$17M worth of CIP work over 1997-2008 has been accomplished.
- 2008 Drainage Master Plan Update identifies over 100 projects totaling more than \$48M in today's dollars for potential funding.
- 2008 Drainage Master Plan Update identifies 4 scenarios for funding the projects based on the fee structure that might be adopted.

- **City Manager Comment(s):**

- We have more projects than the current fee structure will support...in fact, the current fee structure will not support any sustained level of CIP for drainage.
- Recommendation:
  - Adopt recommended fee increase in the Preliminary FY 2009 Budget (additional .75¢) and associated service levels; and
  - Reconsider in the FY 2010 Budget

- **Directional Point(s) :** What level of services are desired for drainage? If fee increases are desired, what level of fee increase? If fees are increased to desired levels, are existing prioritization models acceptable?

- **Council Direction :** Accept City Manager's recommendation.



## **Issue Point: Environmental Engineer/Energy Manager/ ?**

### **▪ Issue:**

- Creation of Environmental Engineer/ Energy Manager-type position to assist in monitoring a wide range of areas and issues associated with the City's energy procurement and utilization

### **▪ Background & Info:**

- Recent review of roofing bids for Library highlighted potential weaknesses in current bid processes and staff awareness/abilities/capabilities for initiating and utilizing energy efficiency processes from bid specification development to procurement to current energy utilization
- Multiple city facilities that have no centralized energy management approach or oversight, dedicated to maintenance of current processes and facilities at the current time
- City spends \$5,858,925 annually on energy (direct costs for fuel and utilities on city facilities)
- Indirect costs / expenses to City for inefficiency in maintaining current facilities and equipment, as well as in the procurement of future facilities and equipment is likely substantial
- Staff believes the costs for the position would be more than off-set by the savings identified (over a 2-3 year time frame)

### **▪ City Manager Comment(s):**

- Concur with staff comments...position will likely pay for itself over time..can assess at budget time next year and see if value in retaining or not

### **Directional Point(s):**

- Would it be beneficial for the City to consider creating a new position that would be responsible for a wide range of areas and issues associated with the City's energy procurement and utilization?

• **Council Direction :** Do not include in the budget at this time. Staff will pursue further research regarding this position including the possibility of an intergovernmental partnership.

## **Issue Point: Fire Stations**

- **Issue:** Timing of construction for Station #8
  
- **Background & Info:**
  - May, 2008 G.O. Bond election approved funding for relocation of Station #1 and construction of new Station #8 for TFR
  - Station #1 status...actively working on property acquisition...anticipate coming to Council soon with proposal...bond funding authorized=\$7.1M
  - Station #8...co-locate with new training center and EOC...have identified 2 potential sites...bond funding authorized=\$4.8M
  - Initial plans were to construct Station #1 now and wait until 2011 for Station #8, when staffing levels would be adequate to man the station
  - Beginning last year, staffing levels at TFR have been increasing to get to 2011 opening date for Station 8..FY 2009 Preliminary Budget recommends 4 more FRO's in accordance with the plan and approach
  - Latest construction cost escalation factors approach 12% a year
  
- **City Manager Comment(s):**
  - With construction costs escalating at such a rapid rate our purchasing power is diminishing at a comparable rate
  - CM recommendation:
    - As soon as a viable sites are determined for both Station 1 & 8, move forward with construction on both
    - Station 8 can come on line in advance of full staffing levels, as both partially functioning fire station and a fully functioning training center and EOC
  
- **Directional Point(s) :** Continue site identification and acquisition process as outlined? Be prepared to move to construction on both stations as soon as property is acquired?
  
- **Council Direction :** Accept City Manager's recommendation.

**Issue Point:  
Master Comprehensive Plan Update**

- **Issue:** Adoption of 2008 Master Comprehensive Plan Update.
  
- **Background & Info:**
  - In 2007 Council initiated a process to review and update our Comprehensive Master Plan (CMP) for the City...first update in over a decade
  - CMP process has yielded approximately 100+ recommendations from the citizens advisory committee and the Planning & Zoning Commission
  - Recommendations cover multiple areas, to include: Urban Design and Future Land Use, Growth Planning, Transportation, Housing and Economic Development
  - Recommendations also include implementation schedules
  
- **City Manager Comment(s):**
  - While acknowledging the work and value of the various staff and committees, would recommend focus on the FY 2009 Budget year to be in the following 17 'Immediate' areas:
    - 3.1.3 & 3.1.6...UDC Phase I and updating Land Use tables
    - 3.4.1...create standards for high priority corridors
    - 4.3.1, 4.3.3, 4.3.4, 4.3.6 & 4.3.8...TFR staffing, facilities and codes
    - 5.1.1 & 5.3.9...prepare Transportation, Bike, & Pedestrian Master Plans
    - 7.1.1, 7.1.2, 7.1.4, 7.1.5, 7.1.6, 7.2.1, & 7.3.7...TMED
    - Move remaining 'Immediate' areas to Short term list and follow recommended review schedules
    - Adopt the CMP concurrent with FY 2009 Budget
  
- **Directional Point(s) :** Proceed as outlined? Modify course and/or objectives?
  
- **Council Direction :** Accept City Manager's recommendation.

**Issue Point:  
FY 2009 CIP Project:  
Mayborn Center**

- **Issue:** Renovation of the Frank W. Mayborn Civic and Convention Center ('Mayborn')

- **Background & Info:**

- Mayborn was constructed in 1982.
- Mayborn has seen \$90,000 a year, on the average, over the past 10 years in renovation/rehabilitation work.
- Recent study for Mayborn indicated it was time for a higher level of capital investment...wide range of renovations/improvements recommended..
- FY 2009 Preliminary Budget recommended \$2.7 million worth of improvements...see attached listing
- \$2.7M was to be funded via combination of hotel/motel tax fund balance and debt issuance back by combination hotel/motel tax revenue and general tax pledge
- 'Pay as you go' approach could also be utilized ...attached memo from Kevin Beavers to City Manager dated 7.24.8

- **City Manager Comment(s):**

- Given other budget priorities and issues, and that the available fund balance in the hotel/motel tax fund is adequate to address the immediate issues, CM recommendations:
  - Continue 'pay as you go approach'; and
  - Utilize available fund balance in hotel/motel tax fund to do as much as possible at this time; and
  - Prioritize remaining unfunded improvements for pay as you go approach over the next 10 years in operating capital budget

- **Directional Point(s) :** Stay with FY Preliminary 2009 Budget recommendation to issue \$2.7M in debt for improvements to Mayborn Center? Continue with 'pay as you go' approach for renovation to Mayborn Center? Other?

- **Council Direction :** Accept City Manager's recommendation.

## **Issue Point: Police Cars**

- **Issue:** Replacement vehicles for marked police units.
- **Background & Info:**
  - The City currently has 104 marked police patrol units.
  - The City has historically funded for the replacement of 10 police patrol units every fiscal year.
  - The replacement vehicles have historically been funded out of the operating budget of PD.
  - The replacement program has been in place for 15 years. The replacement program is based upon PD and Fleet assessment and history of the need to replace the fleet based on variety of criteria that has proven reliable.
  - When the Dept. was asked to make some budget cuts, the Dept. recommended deferring the purchase of 5 vehicles. The Preliminary FY 2009 Budget reflects that recommendation and funds only 5 vehicles.
  - By not providing for the replacement of 10 per year, a greater number of vehicles than 10 will need to be purchased at a later, yet to be defined date.
  - The cost per vehicle is currently budgeted at \$34,000...5 vehicles = \$170,000.
- **City Manager Comment(s):**
  - Several options:
    - accept budget recommendation and defer until next year
    - accept budget recommendation and defer mid year review, pending funding be available
    - modify budget recommendation and fund 10 vehicles by:
      - using unallocated fund balance (one time only) or
      - adjusting tax rate or
      - making other budget adjustments
    - CM recommendation: pending other decisions/direction given, either: 1) fund the additional 5 cars now with savings from other budget actions/adjustments or 2) defer to mid-year review with understanding that funds may not be available.
- **Directional Point(s) :** Stay with the Preliminary FY 2009 recommendation (5 patrol units to be replaced)? Alter/modify that recommendation? If so, how?
- **Council Direction :** Redirect a portion of CO funding from Wireless Broadband project to the purchase of 5 police cars.

**Issue Point:  
Solid Waste**

- **Issue:** Level of Services for Solid Waste.
  
- **Background & Info:**
  - The City currently provides residential and commercial solid waste services.
  - Current rate for twice a week residential service is \$13.30.
  - Solid Waste is our single largest consumer of fuel, approximately 34% of a \$2,035,875 city-wide fuel budget is attributable to solid waste.
  - Fuel costs have increased dramatically over the past several months and current service levels can not be maintained with out either: 1) reducing service levels and/or 2) increasing rates.
  - Once a week residential service would save approximately \$300-400K a year...savings in fuel, savings in labor costs
  - The Preliminary FY 2009 Budget proposes maintaining current service levels and increasing rates by \$1.25 a month, from \$13.30 to \$14.55.
  
- **City Manager Comment(s):**
  - From a staff perspective, I am comfortable with whatever service level council desires...we simply need to fund it appropriately.
  - If there are other changes/modifications to our solid waste services, this would be an appropriate time to consider such.
  
- **Directional Point(s) :** What level of Solid Waste services are desired?
  
- **Council Direction :** Continue twice-per-week collection frequency, increase residential rates by \$1.25 per month, increase commercial rates by 6%, eliminate out-of-cycle charges for brush pick-up, maintain over-the-limit charge for brush pick-up, establish collection charge for bulky item pick-up, and pursue drop-off sites for bulk items. Staff will make recommendation to Council for bulky item pick-up charge based on the cost of service provision cost.

**Issue Point:  
TMRS**

- **Issue:** Provision of retirement benefits for all city employees, save Fire.
- **Background & Info:**
  - The City has participated in the TMRS statewide municipal retirement fund since 1951.
  - The City plan benefits are outlined in the attachment.
  - The cost to the City for participating in TMRS in FY 2008 was \$3,505,075.
  - The projected cost to the City for participating in TMRS in FY 2009, under TMRS current recommendation, is \$3,630,854.
  - Due to changes in the actuarial costing methodology employed by TMRS, TMRS advised the City of substantial rate increases beginning in FY 2009 and continuing for the next several years.
  - A multitude of plan options can be considered and, depending upon the option selected, can impact the cost of the Plan. See attached background material.
  - A clear majority of cities in the state provide the same benefits as our plan. See attached background material.
  - The clear majority of our peer cities participate in social security benefits, while Temple does not. See attached background material.
- **City Manager Comment(s):**
  - Concur with TMRS assessment that the current course, regardless of the actuarial methodology employed, is not sustainable
  - Concur with TMRS strategy to seek legislation to allow diversification of the investment portfolio as one of the tactics needed to address future funding issues
  - Disagree with TMRS strategy to simply address future potential liabilities by increasing rate of return on the fund and increasing rates...other strategies need to be examined, to include creation of a new Plan
  - Recommendation:
    - Alternate 18 on TMRS Plan Change Options (keep current benefits in place, but turn off 'auto renewal' provision); and
    - Support TMRS Legislation to diversify investment portfolio with understanding that new Plan options must be on the table by 2011 Legislative Session
- **Directional Point(s) :** What level of benefits can be funded for employee retirement plan?
- **Council Direction :** Accept City Manager's recommendation.

**Issue Point:  
FY 2009 CIP Program: Traffic Signals**

- **Issue:** Signalization at FM 317 and Tarver
  
- **Background & Info:**
  - Current CIP has funded 4 signals, 3 of which are in place
  - Remaining signal funding on hold for FM 317 and Tarver, on hold due to 'impending' TxDOT project to widen FM 317..which now appears to be less than 'impending'
  - Available funding = \$179,000
  - Other intersections that currently meet warrants:
    - FM 93 and S. 5<sup>th</sup>
    - Lowes & Marlandwood
  
- **City Manager Comment(s):**
  - Previous work session comments from council appeared to be consensus to:
    - Release FM 317 and Tarver funding for:
      - Lowes & Marlandwood &
      - Hold remaining balance for FM 93 & S. 5<sup>th</sup> Street pending potential leveraging of balance with other yet to be determined funding from CIP savings
  
- **Directional Point(s) :** Release FM 317 & Tarver funding? Lowes and Marlandwood the next priority? Hold the balance and review after next review of intersections meeting warrants?
  
- **Council Direction :** Accept City Manager's recommendation.



**Issue Point:  
FY 2009 CIP Project:  
Wireless Broadband Network**

- **Issue:** Provision of municipal wireless broadband network.
  
- **Background & Info:**
  - Current CIP provides for municipal wireless broadband network project.
  - Approximately \$250K in funding available.
  - Project initially envisioned a model based upon public-private partnership that has subsequently been unsuccessful around the country.
  - Potentially at least two courses of action currently available:
    - Use funding to expand wireless network for city applications such as traffic control, water meter reading, etc; and/or
    - Create 'Hot Zones' ...a geographically defined area where free wireless broadband services would be available...in places like medical areas? College areas? Strategic investment zone areas?
  
- **City Manager Comment(s):**
  - the market has now taken care of the 'hot zone' issues and areas...coverage is readily available and affordable
  - Recommendation:
    - Utilize available funding to extent possible for city applications such as traffic control & monitoring, water metering, etc.
  
- **Directional Point(s) :** Redirect a portion of CO funding from Wireless Broadband project to the purchase of 5 police cars.

**City of Temple, Texas**  
**Impact of Tax Rates and Fee Increases**

<b>Taxable Home Value = \$100,000</b>				
<b>Preliminary Budget Proposed Increases</b>	<b>Monthly Cost</b>			<b>Increase/ (Decrease)</b>
	<b>Current FY 2008</b>	<b>Proposed FY 2009</b>		
AV Tax 1¢	\$ 47.34	\$ 48.18	\$	0.84
Solid Waste - \$1.25	13.30	14.55		1.25
Drainage - .75¢	2.00	2.75		0.75
Water -				
10,000 gallons	34.30	35.60		1.30
Sewer -				
6,000 gallons	26.10	27.00		0.90
	<u>\$ 123.04</u>	<u>\$ 128.08</u>	<u>\$</u>	<u>5.04</u>

<b>Taxable Home Value = \$100,000 (with and without re-appraisal)</b>					<b>Impact on Preliminary FY 2009 Budget</b>	
					- Certified Roll and Effective Tax Rate received	
<b>With a proposed tax rate of 57.81¢ (6.41% above ETR):</b>						<b>+ \$484,275</b>
	<b>Current FY 2008</b>	<b>Proposed FY 2009</b>	<b>Increase/ (Decrease)</b>			
No change in value	\$ 47.34	\$ 48.18	\$	0.84		
4.92% (average)	47.34	50.55		3.21		
10.00% (maximum)	47.34	52.99		5.65		
<b>With a proposed tax rate of 56.81¢ (4.56% above ETR):</b>						<b>+ \$205,046</b>
	<b>Current FY 2008</b>	<b>Proposed FY 2009</b>	<b>Increase/ (Decrease)</b>			
No change in value	\$ 47.34	\$ 47.34	\$	-		
4.92% (average)	47.34	49.67		2.33		
10.00% (maximum)	47.34	52.08		4.74		
<b>With a proposed tax rate of 55.95¢ (2.99% above ETR):</b>						<b>- \$35,091</b>
	<b>Current FY 2008</b>	<b>Proposed FY 2009</b>	<b>Increase/ (Decrease)</b>			
No change in value	\$ 47.34	\$ 46.63	\$	(0.71)		
4.92% (average)	47.34	48.92		1.58		
10.00% (maximum)	47.34	51.29		3.95		
<b>With a proposed tax rate of 54.33¢ (ETR):</b>						<b>- \$487,442</b>
	<b>Current FY 2008</b>	<b>Proposed FY 2009</b>	<b>Increase/ (Decrease)</b>			
No change in value	\$ 47.34	\$ 45.28	\$	(2.06)		
4.92% (average)	47.34	47.50		0.16		
10.00% (maximum)	47.34	49.80		2.46		

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SCHEDULING THE ADOPTION OF THE PROPOSED TAX RATE FOR AUGUST 28, 2008, AND SETTING PUBLIC HEARINGS FOR AUGUST 15, 2008, AND AUGUST 21, 2008, ON THE PROPOSED TAX RATE FOR FY2008-2009; DIRECTING THE CITY SECRETARY TO PUBLISH THE REQUIRED NOTICE OF THE PUBLIC HEARINGS; DECLARING FINDINGS OF FACTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, Chapter 26 of the Property Tax Code requires all taxing entities to comply with truth-in-taxation laws in adopting their tax rates in an effort to make taxpayers aware of tax rate proposals and, in certain cases, to roll back or limit a tax increase; and

**Whereas**, the City Council has determined that it is in the public interest to schedule the adoption of the proposed tax rate for August 28, 2008, and to set public hearings for August 15, 2008, and August 21, 2008, on the proposed tax rate for FY2008-2009.

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

**Part 1:** The City Council sets the proposed tax rate at \$\_\_\_\_\_ per \$100 of assessed property valuation, and schedules the adoption of the proposed tax rate for August 28, 2008, at a special meeting at 5:00 p.m. in the City Council Chambers on the second floor of the Municipal Building located at Main and Central in Temple, Texas.

**Part 2:** Public hearings to discuss the proposed tax rate of \$\_\_\_\_\_ per \$100 of assessed property valuation will be held in the City Council Chambers on the second floor of the Municipal Building located at Main and Central in Temple, Texas, at a special meeting at 5:00 p.m. on Friday, August 15, 2008, and at a regular meeting at 5:00 p.m. on Thursday, August 21, 2008.

**Part 3:** The City Secretary is hereby directed to publish notice of said public hearings as required by the City Charter and applicable portions of the Texas Property Tax Code.

**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 7<sup>th</sup> day of **August, 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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08/07/08  
Item #4(A)-(C)  
Consent Agenda  
Page 1 of 1

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

Clydette Entzminger, City Secretary

**ITEM DESCRIPTION:** Approve Minutes:

- (A) July 10, 2008 Special Called Meeting
- (B) July 17, 2008 Special Called Meeting & Regular Meeting
- (C) July 24, 2008 Special Called Meeting

**STAFF RECOMMENDATION:** Approve minutes as presented in item description.

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

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

July 10, 2008 Special Called Meeting  
July 17, 2008 Special Called Meeting & Regular Meeting  
July 24, 2008 Special Called Meeting

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

**JULY 10, 2008**

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, July 10, 2008 at 3:00 pm in the 3rd Floor Conference Room, 2 North Main Street.

**Present:**

Councilmember Russell Schneider  
Mayor William A. Jones, III  
Councilmember Marty Janczak

**Absent:**

Councilmember Tony Jeter  
Mayor Pro Tem Patsy Luna

**1. Discuss FY 2009 budget issues, to include updates to the City's Drainage Master Plan and Water and Sewer Master Plan.**

David Blackburn, City Manager, began the discussion with a review of the remaining dates on the budget calendar, noting the series of special budget work sessions that will continue through July. Regarding the Drainage Master Plan, Mr. Blackburn stated the Council adopted the first drainage study and established a drainage fee of \$2.00 per month in 1997. The policy issues for the Council to determine is maintenance versus capital improvement projects and whether the drainage criteria should be maintained or enhanced.

Michael Newman, Assistant Director of Public Works/City Engineer, provided an update of the 2008 Drainage Master Plan. He discussed the history of Temple's storm water program, noting major flood events, and the drainage criteria history. Mr. Newman also explained the top ten causes of flooding and showed photos from each City Council District depicting some of these situations.

The current storm water program was implemented in 1997 with the establishment of the Drainage Fund and implementation of the \$2.00 per month residential fee. The Texas Commission on Environmental Quality (TCEQ) has mandated a storm water program for the next five years and Mr. Newman reviewed the components of the Phase II standards. An additional \$0.75 fee will be necessary to fund just the TCEQ requirements. \$17M in drainage projects were constructed during the past ten years, with about \$4M from the 1997 study project list. However, most were not funded by the Drainage Utility Fund. There is \$12M remaining on the 1997 project list, about \$17M in 2008 dollars.

Curtis Beitel, Jacobs Carter Burgess, discussed the drainage public survey their firm performed as part of the contract with the City for the update to the Drainage Master Plan. The results of the survey indicate which projects need to be included in the plan. Mr. Bietel also discussed the drainage capital improvement program prioritization criteria and

phasing, as well as a cost of service analysis. He noted the \$0.75 increase to fund the Phase II storm water requirements will not fund any capital projects. Four rate scenarios were presented and discussed that would fund capital projects, with increases assumed every five years. Current Drainage Fund revenues are about one-half residential and one-half commercial. To be equitable, Mr. Beitel suggested there be a higher rate from commercial properties.

Allen Mullins, Jacobs Carter Burgess, explained the debt service assumptions for all four rate scenarios presented, noting that scenario four, which only increases the rate \$0.75, is the slow approach to getting any projects completed.

Mr. Blackburn stated the policy questions for Council to discuss are whether we remain constant or become dynamic. If we become dynamic, how often and by how much. Another issue is whether rate categories need to be modified with more equitable commercial rates. The sunset clause in the ordinance would also need to be eliminated if revenue bonds are issued. The last issue to be decided is whether the drainage criteria and standards need to be updated. The decision regarding the drainage fee will be approved with the FY 2008-2009 budget. In September 2008, Mr. Blackburn stated he will recommend the drainage fee ordinance be repealed and a new ordinance adopted in conjunction with a new resolution to set the rates. The project list would be reviewed annually along with the rates.

Mr. Blackburn stated the same issues are involved with the Water and Wastewater Master Plan as with the Drainage Master Plan - what projects should we be focusing on and what are the priorities.

Rick Kasberg, Kasberg, Patrick & Associates, presented this report to the City Council. He stated the previous Master Plan was completed in 2000 and the current Master Plan update was initiated in 2006 and was scheduled to coincide with the Comprehensive Plan. The Council was previously provided updates in July and September of 2007. This is the final report, pending incorporation of the City's project funding plan.

Mr. Kasberg began with a review of the City's water supply, noting Temple has 36,371 acre feet of water under contract which will be adequate to meet the 2050 population projections. For water treatment, the City has both the conventional plant, which has a rated capacity of 29.4 MGD, and the membrane plant which is rated at 11.6 MGD. Mr. Kasberg continued with a review of the City's proposed water distribution system and pressure plans. He noted the high growth areas in the City and the major projects underway to address the needs, as well as those projects that will open up more service areas or provide redundancy for the system.

Next, Mr. Kasberg reviewed the City's Wastewater Master Plan, explaining the projects underway. The Council and staff discussed the possible extension of wastewater along FM 2271 and various ways to fund that project with cost sharing agreements similar to those executed with property owners in the Oak Hills Subdivision.

Mr. Giles addressed the Council, representing the FM 2271 property owners. He expressed their concerns about failing sewer systems in that area and their desire to be

provided with sewer service.

The original study and recommendations regarding the Temple-Belton Regional Sewerage System were reported to the Council in April 2007, Mr. Kasberg stated. He discussed some of the projects and efforts made since that time to increase the peak flow and address the odor issues. The Brazos River Authority is requesting authorization from its Board to issue debt on behalf of Temple and Belton in the amount of \$3.2M with a 80% Temple and 20% Belton split. The split was previously 75%/25% but Temple's flows have increased. The recommendation will also be to proceed with final design and acquisition of land and easements. The completed design will be shelved until conditions necessitate construction of improvements. Regarding the Doshier Farm Wastewater Treatment Plant service area, there has been no significant growth in this area so there is sufficient capacity for the next 10 plus years based on current growth trends.

Mr. Kasberg concluded his presentation with a review of the FY 2007 Capital Improvements Plan (CIP), most of which are complete or ongoing. He also presented the FY 2008 CIP for which bonds were just issued. The first draft of the proposed 2009 CIP projects was shown, as well as future water and wastewater projects that are unfunded.

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William A. Jones, III, Mayor

ATTEST:

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Clydette Entzminger  
City Secretary

## TEMPLE CITY COUNCIL

**JULY 17, 2008**

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, July 17, 2008 at 3:00pm in the 3rd Floor Conference Room, 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. Discuss Preliminary FY 09 budget issues, including:**

**(B) City's Compensation Plan and Benefits**

David Blackburn, City Manager, stated this work session is a continuation of a series of budget work sessions scheduled for July. Item B, compensation plan and benefits, will be presented first. There has been a very significant amount of data collected as part of the compensation plan and benefits study. The challenge will be to review this data and make recommendations. Mr. Blackburn reminded the Council of the three-prong approach to compensation adjustments - ECI adjustments, market adjustments and performance pay. The preliminary budget recommends a 4% adjustment for all employees in October. Management will review the budget mid-year to determine if there are adequate funds to implement the full recommendation from the study for market adjustments. Mr. Blackburn reviewed several slides showing the cumulative percent increases in General Fund revenues and expenditures, highlighting sales tax, interest and fuel. He also provided a history of pay increases since 2002.

Ruth Ann Eledge, Waters Consulting Group, Inc., presented the results of the compensation and benefits study to the City Council. She began with an overview of their firm, the key objectives of the study and the project overview and deliverables. Ms. Eledge stated this was truly a partnership effort between the City staff, employees and Waters Consulting Group that involved a great deal of communication at all levels within the organization. As part of the study, job analysis questionnaires were completed and job evaluations were conducted, which included point factors and compensable factors. Ms. Eledge also reviewed the components of the market comparison - survey benchmarks, market definition, data methodology, and market results. Next, the development of the customized salary structure was reviewed for both non-sworn and sworn employees.

Ms. Eledge continued with a review of the benefits and pay practices study. The results show that these are generally competitive but several types of additional pay were recommended for further review, such as utility department license pay, car allowances and fire and police certification and assignment pay. Ms. Eledge also recommended the



City consider implementing an employee assistance program and a tuition reimbursement program.

In summary, the study made the following overall recommendations:

- Continue to review job placements and pay structures.
- In November 2008, provide a 4% adjustment to all positions and current structures by merging ECI and market adjustments slated for FY 2008-2009.
- In April 2009, consider adopting all four pay structures, increase employee pay to minimum of proposed range, consider a process to place employees with experience and tenure further into the pay structure, and identify a process to move sworn employee pay to closest step with no reduction in pay.
- Use performance to determine future employee increases in non-sworn positions.
- Continue to provide for ECI adjustments on an annual basis but move the pay structures only every second or third year.
- Continue employee communications.

Traci Barnard, Director of Finance, stated the cost to implement the recommended adjustments to all pay structures is \$898,000 in addition to the 4% increase included in the preliminary budget.

Councilmember Jeter stated the cost of living adjustment (COLA) should be at the bottom of the recommendation. Performance pay should be funded first.

Mayor Jones agreed the Council's direction in recent years has been to make performance pay a priority and funds should always be budgeted for these increases, with a lesser amount for COLAs. The Council needs to look at the budget and find some funds for the performance pay.

Councilmember Janczak asked how much was paid in performance increases in the current year.

Mrs. Barnard stated employees received lump sum payments in April 2008 totalling approximately \$215,000.

Councilmember Jeter asked that discussion regarding the compensation issues be continued at a future budget work session.

#### **(A) Texas Municipal Retirement System**

Mr. Anthony Mills, Regional Director, Texas Municipal Retirement System (TMRS), discussed various issues and changes regarding the City's retirement system. He stated the retirement system serves over 820 Texas cities and each city controls the level

of benefits it offers. Mr. Mills explained the changes include TMRS diversifying its investments and changing its actuarial cost method and amortization period, as well as adopting new actuarial assumptions. Historically, TMRS has invested primarily in bonds. The goal is achieve a 60/40 split between stocks and bonds at the end of a five-year period. However, this is contingent on the adoption of proposed legislation. Mr. Mills displayed graphs showing how the asset allocation for TMRS is different from other government pension plans and other state-wide plans. He also explained the actuarial changes to the retirement system.

The City's options are to phase-in contributions over an eight-year period or adjust the plan design, Mr. Mills stated. The City can reduce the city matching ratio from the current 2 to 1 to 1.5 to 1, or 1 to 1; change the level of updated service credit from current 100% to 75% or 50%; change the annuity increase from current 70% to 50% or 30%; or turn off annually repeating benefits. In 2008, the City's rate was 14.6% and that would increase to 14.93% in 2009 under the phase-in contribution option. The full contribution rate to be phased in over 8 years is currently 18.77%.

Several Councilmembers asked that further discussion regarding TMRS be included in upcoming budget work sessions.

### **(C) Solid Waste Services**

Mr. Blackburn stated he provided the Council with some supplemental information regarding solid waste services last week. He reviewed this information, which included the number of pickups, by area, for brush/bulk out of cycle and over limit charges for the time period of January through June 2008. Numbers were also provided for charges waived or reduced for this same time period. The statistics for the number of stops and disposal trips per month show there is 2 to 1 more bulk items than brush being picked up.

Councilmember Jeter stated the City should be willing to consider a once per week garbage collection and charging for brush/bulk pickup as a measure to reduce costs.

Mr. Blackburn stated this issue will continue to be discussed at future budget work sessions.

## **2. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, July 17, 2008.**

There was no discussion of this item.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, July 17, 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**

Father Tom Chamberlain, Our Lady of Guadalupe Catholic Church, voiced the Invocation.

### **2. Pledge of Allegiance**

Thomas Pechal, Temple Fire & Rescue, and the Junior Fire Cadets, led the Pledge of Allegiance.

## **II. PROCLAMATIONS & SPECIAL RECOGNITIONS**

### **3. Recognition of 2008 Junior Fire Cadet Program**

Thomas Pechal, Temple Fire and Rescue, and the 2008 Junior Fire Cadets, thanked the Council for their continued support of this program. Mr. Pechal showed a brief video of this year's programs and accomplishments.

## **III. PUBLIC HEARING**

### **4. Conduct a public hearing to receive comments and questions concerning the 2008 Drinking Water Quality Report (Consumer Confidence Report).**

Bruce Butscher, Director of Public Works, presented this report to the City Council. He explained this report is required to be prepared and sent to all water customers each year. A public hearing must also be conducted to allow users to ask questions or comment about the Consumer Confidence Report. All customers will be receiving a water conservation program pamphlet in their upcoming bills, Mr. Butscher stated.

Mayor Jones declared the public hearing to be open with regard to agenda item 4. There being no comments, Mayor Jones closed the public hearing.

## **IV. PUBLIC COMMENTS**

Betty Elliott, 305 East Xavier, addressed the Council. She discussed the pothole at 57th Street and General Bruce Drive, which has gotten much bigger over the years. Mrs. Elliott stated she would also like for the left turn lane to be put back at Avenue D to make it easier to get to the Sammons Senior Center. Killeen and Waco are proud of their red light cameras. Are ours working? If so, we don't get any publicity about ours. The City needs to do something about the red light cameras because this could be a real revenue generator.

Edward Dawkins, 12714 FM 2305, stated the Eagle Oaks Subdivision is located behind his home. His property was annexed in January and he was told he could have animals. Now the proposed zoning change will not allow that.

Mayor Jones suggested Mr. Dawkins state his issues again as part of the public hearing on agenda item 9.

## **V. CONSENT AGENDA**

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

#### **(A) July 3, 2008 Special Called Meeting and Regular Meeting**

#### **(B) Consider adopting a resolution authorizing:**

- 1. 2008-2449-R: A General Conveyance, Transfer and Assignment Agreement between RDM Commerce, Inc., and McLane Company, Inc., authorizing the transfer of Buildings #19 and #23 at the Draughon Miller Central Texas Regional Airport;**
- 2. 2008-2450-R: An amendment to the lease agreement with RDM Commerce, Inc., providing for the transfer of Building #19 to McLane Company, Inc.; and**
- 3. 2008-2451-R: An amendment to the lease agreement with McLane Company, Inc., providing for the transfer of Building #23 to RDM Commerce, Inc.**

**(C) 2008-2452-R: Consider adopting a resolution authorizing a purchase agreement for water treatment plant chemicals with Chameleon Industries, Inc of Mesquite in the estimated amount of \$88,320.**

**(D) 2008-2453-R: Consider adopting a resolution authorizing the emergency purchase of five portable ultrasonic transit time flow meters for the water distribution system with Instruments Direct, Inc of Woodstock, Georgia, in the amount of \$32,550.**

**(E) 2008-2454-R: Consider adopting a resolution authorizing an annual purchase agreement for the purchase of bunker gear for structural firefighting with Metro Fire Apparatus Inc. of Houston at \$1,509.00 per set.**

**(F) 2008-2455-R: Consider adopting a resolution authorizing a Sanitary Sewer Overflow Initiative Agreement with the Texas Commission on Environmental Quality (TCEQ).**

**(G) 2008-2456-R: Consider adopting a resolution authorizing a contract with Brockway, Gersbach, McKinnon and Neimeier, P.C. to perform the annual City of Temple audit for an amount not to exceed \$42,700.**

**(H) 2008-2457-R: Consider adopting a resolution authorizing a contract with Colonial for Voluntary Supplemental Insurances and a subcontract with AmeriFlex for Flexible Spending Account management.**

**(I) 2008-4231: SECOND READING - Consider adopting an amendment to Ordinance 2005-4006 abandoning the following street rights-of-way for the First United Methodist Church; and retaining blanket utility easements for the abandoned rights-of-way to protect existing utilities:**

- 1. A portion of North 2nd Street, near its intersection with Calhoun Avenue (Original Town - Volume 36, Page 640 and Moore's First Addition - Volume 115, Page 416), and**
- 2. A portion of East Barton Avenue, south of Main Street, and north of the portion previously abandoned (Original Town - Volume 36, Page 640 and Moore's First Addition - Volume 115, Page 416).**

**(J) 2008-4236: SECOND READING - Consider adopting an ordinance repealing and replacing Chapter 13, "Flood Damage Prevention," of the City Code of Ordinances to be consistent with updated language complying with Federal Emergency Management Agency requirements and City of Temple Drainage Criteria.**

**(K) 2008-4237: SECOND READING - Consider adopting an ordinance renaming a portion of the planned Outer Loop (new portion of Old Howard Road and the portion from McLane Parkway through the Bioscience Park to FM 2305) as Research Parkway.**

**(L) 2008-2458-R: P-FY-08-48: Consider adopting a resolution authorizing the Final Plat for Syring Addition, one single family lot on a 4.7+ tract of land, on the south side of Riggs Road west of Knob Creek Road, approximately 3.3+ miles outside of the City Limits, with exceptions to the Subdivision Ordinance Section 33-93(k) (1&2) for local street paving, Section 33-102 for park fees and Section 33-97 and Code of Ordinance Chapter 12-145 and 146 for fire protection.**

**(M) 2008-2459-R: Consider adopting a resolution denying a request from Oncor Electric Delivery Company LLC to change rates within the City of Temple.**

**(N) 2008-2460-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.**

Motion by Councilmember Russell Schneider to adopt resolution approving Consent Agenda, with exception of items (B), (K) and (M), seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

**(B) Consider adopting a resolution authorizing:**

- 1. 2008-2449-R: A General Conveyance, Transfer and Assignment Agreement between RDM Commerce, Inc., and McLane Company, Inc., authorizing the transfer of Buildings #19 and #23 at the Draughon Miller Central Texas Regional Airport;**
- 2. 2008-2450-R: An amendment to the lease agreement with RDM Commerce, Inc., providing for the transfer of Building #19 to McLane Company, Inc.; and**
- 3. 2008-2451-R: An amendment to the lease agreement with McLane Company, Inc., providing for the transfer of Building #23 to RDM Commerce, Inc.**

Trudi Dill, Deputy City Attorney, recommended this item be tabled as some of the building numbers have changed and the documents need further review.

Motion by Councilmember Marty Janczak to table item 5(B), seconded by Councilmember Russell Schneider.

Motion passed unanimously.

**(K) 2008-4237: SECOND READING - Consider adopting an ordinance renaming a portion of the planned Outer Loop (new portion of Old Howard Road and the portion from McLane Parkway through the Bioscience Park to FM 2305) as Research Parkway.**

David Blackburn, City Manager, recommended this item be tabled to allow staff time to research the possibility of dual naming this roadway. A mailing was done after the last Council meeting to notify the five affected property owners.

Motion by Councilmember Marty Janczak to table item 5(K), seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

**(M) 2008-2459-R: Consider adopting a resolution denying a request from Oncor Electric Delivery Company LLC to change rates within the City of Temple.**

Trudi Dill, Deputy City Attorney, stated Oncor is seeking a system-wide rate increase and has filed this request with the City. Temple participates in a steering committee of cities

served by Oncor that is recommending the rate be suspended for 90 days. This will allow time to evaluate the filing and determine strategies. There are three choices the Council may make - 1) approve the rate request as submitted, 2) suspend the request for 90 days or 3) deny the request. Staff is now recommending the rate request be suspended for 90 days, which is also recommended by the steering committee.

Motion by Mayor Pro Tem Patsy E. Luna to adopt resolution suspending the Oncor's rate request for 90 days, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

## **VI. REGULAR AGENDA**

### **ORDINANCES**

- 6. 2008-4238: FIRST READING - PUBLIC HEARING - Z-FY-08-28: Consider adopting an ordinance amending the City of Temple Zoning Ordinance, 91-201, Section 7-108 (Automobile and Related Service Uses) to allow motorcycle sales by right in the General Retail (GR) District.**

Tim Dolan, Planning Director, presented this case to the City Council. The GR district allows vehicle sales now and the opportunity to add the use of motorcycles has been requested by three individuals. The Planning and Zoning Commission and staff recommend approval of this Zoning Ordinance amendment as it will create the potential of reuse of existing buildings on SI2 corridors.

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

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance, with second reading set for August 7, 2008, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

- 7. 2008-4239: FIRST READING - PUBLIC HEARING - Z-FY-08-30: Consider adopting an ordinance authorizing a zoning change from Agriculture (A) to Commercial (C) on a 5.0+ acre tract of land located at the southwest corner of the 53.8+ acre tract being out of the M. Moreno Survey, Abstract Number 14, adjacent to the East right of way line of Loop 363 and adjoining the northwest property corner of the 29.83 acre City of Temple tract.**

Tim Dolan, Planning Director, presented this case to the City Council. The proposed use is for a cabinet shop which will have access from Loop 363. Both

the Planning and Zoning Commission and the staff recommend approval because the request complies with the Future Land Use Map and Thoroughfare Plan and there are adequate facilities planned to serve the area.

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

Bruce Baugh, Construction Manager for Pechal Cabinets, stated they are willing to comply with the masonry standards but do not like it because of the \$60,000 in additional costs, particularly since they are located in the middle of an agricultural area. We also have to install a water line and sprinkler system, at a cost of \$170,000 for both, to make a cabinet shop work in this location. The total cost of the project is now over \$750,000. Mr. Baugh stated it took a great deal of time to get the water approved and they still don't have a permit.

Councilmember Jeter asked if he applied for a variance to the masonry requirements.

Mr. Baugh stated he needs to expedite this project so he was told he would have to 70% brick.

Mr. Dolan clarified that if Mr. Baugh submits a request for a special permit it would come directly to the Council.

Mr. Baugh repeated his need to have the approval expedited due to orders they currently have and the time frame to construct the facility.

In response to a question from the Council, Mr. Dolan stated the special permit request does not go to the Planning and Zoning Commission, only the City Council. It could not be approved tonight, however, because the applicant has not filed the request. Mr. Dolan also clarified that masonry is not required across the back of the building.

Councilmember Jeter asked if the Council had any latitude tonight to grant any type of variance.

Mr. Dolan replied the variance can be brought to the Council with the second reading of the rezoning on August 7th.

Mayor Jones reminded everyone that the masonry ordinance was adopted not for today or tomorrow but for the future appearance of the community. We have a process to consider appeals to the ordinance but the Council needs to consider what we do when we grant these variances.

Bill Tepera, representing Pechal Cabinets, asked where they are going from here with the appeal process because they can't afford any delays.

Councilmember Jeter asked how the City staff is letting people know about the



variance process.

Mr. Dolan stated they inform those who indicate their desire to do new construction in the City. The ordinance requirements are driven by location on corridors and not zoning districts.

Mr. Blackburn stated if the Council wants to grant a variance we need to check the ordinance to be sure we are complying with the process to approve a special permit.

Mr. Baugh stated he filed the application, along with about 20 other papers, when the original paperwork turned in.

Mr. Dolan clarified that no special permit was applied for and only the rezoning application was submitted.

Kim Foutz, Assistant City Manager, explained the process for requesting and approving a special permit under this ordinance, noting under what conditions the permit can be approved administratively. This can be done quickly if the information needed is received. If it is not approved at the administrative level, then it can come to Council for action. This was designed to be a flexible process and in conjunction with zoning, not dependent on it.

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

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

Motion passed unanimously.

- 8. 2008-4240: FIRST READING - PUBLIC HEARING - Z-FY-08-27: Consider adopting an ordinance authorizing a zoning change from Planned Development (PD) District to General Retail (GR) District, on 0.904 ± acres situated in the George Givens Survey, Abstract No. 345, located on the south side of West Adams Avenue, between Kegley Road and the Wildflower Villa Apartments.**

Tim Dolan, Planning Director, presented this case to the City Council. This is the proposed site for a Sonic Drive Inn. If approved, the PD designation will be removed. Mr. Dolan displayed photos of the subject property and surrounding uses. This location is appropriate for General Retail zoning and complies with the Future Land Use Map and the Thoroughfare Plan. Adequate public facilities are in place to serve the site. Both the staff and Planning and Zoning Commission recommended approval of the proposed rezoning. The companion plat is also ready to be approved.

Mayor Jones declared the public hearing open with regard to agenda item 8 and

asked if anyone wished to address this item.

Victor Turley, 301 North 3rd Street, asked for approval of the zoning to allow construction of this facility and roadway.

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

Motion by Councilmember Russell Schneider to adopt ordinance, with second reading set for August 7, 2008, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

**9. 2008-4241: FIRST READING - PUBLIC HEARING - Z-FY-08-29: Consider adopting an ordinance authorizing a zoning change from Agricultural (A) District to Single Family One (SF-1) District on 55.95 ± acres recorded as Eagle Oaks At The Lake Phases One, Two, Three , Four and Five, located on both sides of Eagle Landing Drive, east of Cen-Tex Sportsman Club Road.**

Tim Dolan, Planning Director, presented this case to the City Council. This area, the Eagle Oaks Subdivision, was platted prior to annexation of the property, which occurred in January 2008. The lots are too small for the Agricultural district so this rezoning will allow continued issuance of building permits. Of the notices sent to property owners within 200 feet of the subject property, one was returned in support of the request and three were received in opposition. The Planning and Zoning Commission and staff both recommended approval of the requested rezoning because it agrees with previously platted property, complies with the Thoroughfare Plan and has adequate public and private facilities to serve the site.

Mayor Jones declared the public hearing open with regard to agenda item 9 and asked if anyone wished to address this item.

Edward Dawkins, 12714 FM 2305, stated he was annexed in January 2008, and is opposed to this action because he will no longer be able to have animals.

Mr. Dolan stated that Mr. Dawkins property is not being rezoned, only the Eagle Oaks Subdivision. Mr. Dawkins only received notification because he is within 200 feet of the property to be rezoned. Animals are allowed but must be more than 300 feet from the nearest residence.

Mr. Dawkins explained the problem is that his chicken coop is by the fence next to this property being rezoned. The coop has been there for 25 years. He was told he could keep the chickens when he was annexed.

Mayor Jones stated staff would research this issue and respond to Mr.

Dawkins. He also explained the process for receiving public comments at Council meetings.

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

Motion by Councilmember Russell Schneider to adopt ordinance, with second reading set for August 7, 2008, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

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William A. Jones, III, Mayor

ATTEST:

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Clydette Entzminger  
City Secretary

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

**JULY 24, 2008**

The City Council of the City of Temple and the City of Temple Employee Benefits Trust conducted a Special Joint Meeting on Thursday, July 24, 2008 at 3:00 pm in the 3rd Floor Conference Room, 2 North Main Street.

**Present:**

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

**I. AGENDA - CITY OF TEMLE EMPLOYEE BENEFITS TRUST**

- 1. Conduct a meeting of the City of Temple Employee Benefits Trust to purchase insurance policies from:**

**(A) Scott & White Health Plan for medical and prescription insurance for FY2008-2009; and**

**(B) MetLife for dental insurance for FY2008-2009.**

Mr. David Blackburn, City Manager, introduced this item to the City Council, who also serve as the City of Temple Employee Benefits Trust. Four proposals were received for medical insurance. These were reviewed by a committee comprised of staff members, interviews were conducted and best and final offers have been received.

Mr. Terry Hale, City-County Benefits Service, addressed the City Council. He reviewed the purpose for establishing the Trust last year, which resulted in a premium reduction of 1.75%. Two of the proposals received were very competitive, those being from Scott & White and Blue Cross & Blue Shield. Mr. Hale explained the committee's recommendation to accept the proposal from Scott & White for their alternate 1, which is Medicare D compliant. Approval of this option would result in a decrease to the City of Temple in the amount of \$9.20 per employee per month. For retirees, there would be an increase of \$16.04 per employee per month.

Mr. Hale also recommended the Trust authorize a renewal of the contract with MetLife for dental insurance for the upcoming fiscal year at the same rate as the current year.

Motion by Councilmember Marty Janczak to approve purchase of insurance

policies from Scott & White Health Plan, Alternate Proposal 1, for medical and prescription insurance, and from MetLife for dental insurance, seconded by Mayor Pro Tem Patsy Luna.

Motion passed unanimously.

## **II. AGENDA - TEMPLE CITY COUNCIL**

### **2. Discuss FY 2009 budget issues, to include:**

#### **(A) Comprehensive Plan**

Mr. Blackburn stated the purpose of the proposed Comprehensive Plan is not to fix something that is broken but rather to change the direction we are going as a City. This plan is at the 30,000 feet level and its purpose is to provide a "big picture" vision for the future growth and development of the City. The plan has been recommended by the Comprehensive Plan Advisory Committee (CPAC) and the Planning & Zoning Commission. Mr. Blackburn encouraged the Council to adopt a plan even though it will not be perfect. The plan will be reviewed annually with the focus on issues that might have been left out, things that should not be in the plan and the immediate action items.

Mr. Tim Dolan, Planning Director, provided an overview of the proposed Comprehensive Plan, 'Choices '08'. The first reading of the ordinance approving this plan was presented to the Council on June 5, 2008, with the second reading and final adoption scheduled for August 28, 2008, in conjunction with adoption of the City budget. Adoption of a new Comprehensive Plan will replace all previous plans. Mr. Dolan discussed the four district-wide meetings where the proposed plan was presented and discussed. Some of the issues addressed by citizens present at those meetings included drainage, sidewalk access, security, thoroughfare planning for collectors and access around neighborhoods.

Mr. Dolan provided a brief overview of each of the following Chapters in the Comprehensive Plan: Introduction & Vision, Community Overview, Urban Design & Future Land Use, Growth Plan, Transportation, Housing, Economic Development and Implementation. He noted the land use planning map, growth planning map and thoroughfare plan all need be reviewed annually for new circumstances and change in strategic directions.

Regarding the Thoroughfare Plan, the Council discussed the east-west connector between Hartrick Bluff and South 5th Street.

Councilmember Jeter asked if what is being proposed locks up any development in South Temple.

Mr. Dolan replied the alignment for the proposed connector has been revised

from the original CPAC recommendation.

Councilmember Janczak provided some history regarding this proposed connector in South Temple, which was originally known as Arterial A. He felt the citizens in District 3 can live with having to go out of their subdivisions to FM 93 instead of having a roadway behind their property.

Mr. Blackburn continued with a review of the three other thoroughfare alignments being proposed in the Comprehensive Plan.

Mayor Jones commented that Alternate 4 in the Thoroughfare Plan, one of the proposed alignments of the Trans Texas Corridor, should be amended to remove some of the interchanges. Also, the legend on the map needs to be changed. The Council also discussed the future alignment of Kegley Road and the Outer Loop.

The Land Use Plan, particularly in the area of FM 93 and South 31st Street, was reviewed. Mr. Dolan explained character based zoning and how it is used to plan developments in conjunction with the land use plan. He added he will also be recommending the consolidation of zoning districts and these could still be amended as needed or during the annual review. A discussion ensued regarding a current zoning case and how the masonry ordinance would be applied under the proposed land use plan.

The final area discussed was the implementation schedule which includes the action agenda prioritized into ongoing (20%), immediate (19%), short-term (27%), mid-term (17%) and long-term (14%) actions.

Mayor Jones asked if there was more detail in the implementation plan than the Council needs to deal with. Should it list the goals only and not the tactics?

Kim Foutz, Assistant City Manager, stated is very typical to have tactics in a Comprehensive Plan, which differs from a Strategic Plan in that respect.

Mayor Jones stated the tactics should be reviewed two times each year and updated, with public input on new items that are added.

Mr. Blackburn reviewed sixteen of the immediate actions he felt were most important since they are tied to either the budget, strategic plan, or work plans.

## **(B) Capital Improvement Projects**

Mr. Blackburn stated there are \$70,420,000 in recommended funded capital improvement projects at this time and he noted the various funding mechanisms. He explained he conducts monthly meetings with project managers to review the status of funding, project progress and other issues that need to be addressed. The approach has been to get as many projects underway as soon as possible because of escalating construction costs and he

gave some examples of specific cost increases.

Mr. Blackburn continued with a review of some of the projects underway, explaining what the project includes, the funding source, status of project and the next steps. Projects discussed included the Family Aquatic Center, Sammons Park Indoor Pool, Summit Recreation Center Expansion, West Temple Community Spray Park, Library Building Improvements, Utility Services Construction Crew, Tarver Road Extension, Rail Park Detention Pond, street improvements and rail, Outer Loop/Bioscience Park, Outer Loop roadway, Airport Business Park, and Municipal Court/Utility Business Office Facility.

Several projects were presented by Mr. Blackburn that require Council direction. These included the following:

Traffic Signals: Signal at Tarver Road and SH 317 - Options are to wait on TxDOT construction of SH 317 to install signal at that time, install signal ahead of construction or construct signal at another location. Council's direction was to reallocate funds to install signal in-house, at a cost of approximately \$70,000, at Lowes and Marlandwood.

Wireless Broadband Network Pilot: Options are to expand use of wireless for City applications such as video monitoring, traffic control and real-time water meter reading for large customers; create "hot zones" in the City to provide public Wi-Fi access in areas such as research corridors, parts of downtown or other strategic locations. Council's direction was to continue expansion of wireless services for City applications but let the public access to Wi-Fi be driven and addressed by the market.

Mayborn Civic & Convention Center: Options are to invest in the Center by funding recommended renovations totalling \$2.7M or deciding what level of investment is desired, then what funding mechanism should be used.

Mr. Blackburn stated discussion of some of these topics will continue at the next budget work session, scheduled for July 31st.

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William A. Jones, III, Mayor

ATTEST:

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Clydette Entzminger  
City Secretary



## 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 a professional services agreement with Kasberg, Patrick & Associates, LP, of Temple, for engineering, bidding and construction phase services for enhancements to the intersection of Central Avenue & 3<sup>rd</sup> Street in an amount not to exceed \$37,250.

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

**ITEM SUMMARY:** The intersection of 3<sup>rd</sup> Street and Central Avenue serves as the “welcome” intersection into the downtown. This project will result in the enhancement of the three remaining corners of this intersection consistent with the previous intersection enhancements that have been completed in Downtown Temple..

The project includes demolition of three existing intersection corners and curb ramps and the construction of six new ADA compliant curb ramps, concrete sidewalk, pedestrian railing, curb and gutter, striped crosswalks and landscaping. The project will also include a small pocket park located at the southeast corner of the intersection that will consist of landscaping, exposed aggregate concrete and benches.

KPA services will include civil design, bidding of the project and construction administration. Other services that are required for the project and we will utilize KPA to provide include: design surveys, construction surveys, landscape architecture design and a Phase I Environmental Assessment. The proposed timeline for the project is seventy-five days from the "Notice to Proceed".

**FISCAL IMPACT:** This project is one of the projects in the FY 2008 CIP program funded by Certificate of Obligation bonds sold on June 8, 2008. \$135,000 has been allocated for this project and will be funded in account #361-3400-531-68-33, project #100331.

### **ATTACHMENTS:**

[Resolution](#)



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND KASBERG, PATRICK & ASSOCIATES, L.P., FOR ENGINEERING, BIDDING AND CONSTRUCTION PHASE SERVICES FOR ENHANCEMENTS TO THE INTERSECTION OF CENTRAL AVENUE AND 3<sup>RD</sup> STREET, IN AN AMOUNT NOT TO EXCEED \$37,250; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the FY 2008 CIP program includes funding for a project to enhance the intersection of Central Avenue and 3<sup>rd</sup> Street;

**Whereas**, Kasberg, Patrick & Associates, L.P., submitted a proposal for engineering, bidding and construction services for this project in the amount of \$37,250, and the Staff recommends accepting it;

**Whereas**, funds are available for this project in Account No. 361-3400-531-6833, Project No. 100331; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a professional services agreement, not to exceed \$37,250, between the City of Temple, Texas, and Kasberg, Patrick & Associates, L.P., after approval as to form by the City Attorney, for engineering, bidding and construction phase services for enhancements to the intersection of Central Avenue and 3<sup>rd</sup> Street.

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

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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

Ken Cicora, Parks and Leisure Services Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a contract with Kraftsman, LP (dba Kraftsman Commercial Playgrounds and Water Parks) of Spring, for the design and construction of a Spray Park in West Temple Community Park in the amount of \$425,000.

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

**ITEM SUMMARY:** One of the projects that voters approved during the fall bond election was the addition of a spray park in West Temple Community Park. This park was constructed in the mid 1990's and serves as the Community level park for the west Temple area. This very popular park contains a playground, restrooms, trail, basketball court, sand volleyball court, two picnic pavilions and a lighted multi-use field that is heavily utilized by youth and adult athletic teams. The proposed site for the spray park will be in the area between the southern-most picnic pavilion and the existing basketball court.

On May 6, 2008, the City received four (4) statements of qualifications from vendors desiring to provide the design build services for this spray park project. On May 12, 2008, a committee comprised of the Purchasing Director, Park Planner, Parks Superintendent and two members of the Park Bond Oversight Committee met to evaluate the proposals that were submitted. This committee unanimously selected Kraftsman as the highest rated firm. On May 23, 2008, Kraftsman, Inc. was interviewed by the committee and received a presentation about the qualifications and experience that Kraftsman has in the Spray Park construction business.

Reference checks were completed with all respondents reporting that Kraftsman is a very professional organization that has the reputation for quality work completed on time and in budget. Kraftsman has completed projects that range from small to very large and complex in both public and private settings across the entire state of Texas.

**FISCAL IMPACT:** Funding in the amount of \$475,000 was designated for this project in the GO bond proposal, account 362-3500-552-6843, project #100361. Accordingly, after awarding this contract in the amount of \$425,000, \$50,000 will remain available for landscaping and other infrastructure improvements deemed necessary to tie-in the spray park with the other West Temple Park amenities.

### **ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH KRAFTSMAN, LP (DBA KRAFTSMAN COMMERCIAL PLAYGROUNDS AND WATER PARKS) OF SPRING, TEXAS, FOR THE DESIGN AND CONSTRUCTION OF A SPRAY PARK IN WEST TEMPLE COMMUNITY PARK, IN AN AMOUNT NOT TO EXCEED \$425,000.00; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on May 6, 2008, the City received 4 statements of qualifications from vendors desiring to provide the design building services for the future West Temple Community Park spray park;

**Whereas**, the Staff recommends accepting the proposal (\$425,000.00) received from Kraftsman LP (dba Kraftsman Commercial Playgrounds and Water Parks) of Spring, Texas;

**Whereas**, funds are available for this project in Account No. 362-3500-552-6843, Project 100361; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a contract, for an amount not to exceed \$425,000.00, between the City of Temple and Kraftsman LP (dba Kraftsman Commercial Playgrounds and Water Parks) of Spring, Texas, after approval as to form by the City Attorney, for the design and construction of a spray park in West Temple Community Park.

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

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an interlocal agreement between the Region 4 Education Service Center, which sponsors The Cooperative Purchasing Network (TCPN), providing for a cooperative purchasing program for goods and services, and designating the Director of Purchasing as official representative for the City relating to this program.

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

**ITEM SUMMARY:** The Cooperative Purchasing Network (TCPN) is a national purchasing cooperative which competitively bids and awards contracts for commonly purchased products and services. TCPN was originally founded in 1997 to assist school districts to operate more efficiently and economically, but their membership has been recently expanded to allow cities, counties, and other government entities to participate in their contracts. State law encourages participation in cooperatives to eliminate duplication of efforts, thereby saving taxpayers' dollars.

TCPN's competitively bid contracts cover technology, office supplies and equipment, recreation and sports items, janitorial supplies and equipment, along with many other items. As identified in the attached Interlocal Agreement, the City's role as a member of TCPN will be to commit to purchase products and services through TCPN when it is in the best interest of the City.

**FISCAL IMPACT:** There is no membership fee for the City to become a member of TCPN. The total cost of the TCPN program is funded through a fee paid by the participating vendors that is based on actual sales.

### **ATTACHMENTS:**

[Interlocal Agreement](#)  
[Resolution](#)

# INTERLOCAL AGREEMENT

## Region 4 Education Service Center

### Contracting Parties

\_\_\_\_\_  
School District or Public Entity

\_\_\_\_\_  
County-District Number

Region 4 Education Service Center

101 - 950  
County-District Number

This agreement is effective \_\_\_\_\_ and shall be automatically renewed unless either party gives sixty (60) days prior written notice of non-renewal. This agreement may be terminated with or without cause by either party upon (60) days prior written notice, or may also be terminated for cause at anytime upon written notice stating the reason for and effective date of such terminations and after giving the affected party a thirty (30) day period to cure any breach.

### Statement of Services to be Performed:

Authority for such services is granted under Government Code, Title 7, Chapter 791 Interlocal Cooperation Contracts, Subchapter B and Subchapter C, and Local Government Code, Title 8, Chapter 271, Subchapter F, Section 271.101 and Section 271.102. The purpose of this cooperative is to obtain substantial savings for member school districts and public entities through volume purchasing.

### Role of the Purchasing Cooperative

1. Provide for the organizational and administrative structure of the program.
2. Provide staff time necessary for efficient operation of the program.
3. Receive quantity requests from entities and prepare appropriate tally of quantities.
4. Initiate and implement activities related to the bidding and vendors selection process.
5. Provide members with procedures for ordering, delivery, and billing.

### Role of the Member School District or Public Entity:

1. Commitment to participate in the program as indicated by an authorized signature in the appropriate space below.
2. Designate a contact person for the cooperative.
3. Commit to purchase products and services that become part of the official products and services list when it is in the best interest of the member entity.
4. Prepare purchase orders issued to the appropriate vendor from the official award list provided by the Purchasing Cooperative.
5. Accept shipments of products ordered from vendors in accordance with standard purchasing procedures.
6. Pay vendors in a timely manner for all goods and services received.

**Authorization:**

Region 4 Education Service Center and The Cooperative Purchasing Network (TCPN) executed a contract to provide cooperative purchasing opportunities to school districts and public entities.

Please send a signed Interlocal Agreement to Region 4 ESC, Attn: TCPN, 7145 W. Tidwell, Houston, TX 77092-2096.

**School District or Public Entity**

By \_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Contact Person

\_\_\_\_\_  
Title of Contact

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State Zip

\_\_\_\_\_  
Contact's Telephone Number

\_\_\_\_\_  
E-mail Address

**Region 4 Education Service Center**

By \_\_\_\_\_  
Authorized Signature

Deputy Director, Financial Services/CFO  
Title

\_\_\_\_\_  
Date

Jason Wickel - Director-TCPN  
Contact Person

(713)-744-6356  
Telephone Number

jwickel@tcpn.org  
E-mail Address



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE REGION 4 EDUCATION SERVICE CENTER, WHICH SPONSORS THE COOPERATIVE PURCHASING NETWORK (TCPN), PROVIDING FOR A COOPERATIVE PURCHASING PROGRAM FOR GOODS AND SERVICES, AND DESIGNATING THE DIRECTOR OF PURCHASING AS OFFICIAL REPRESENTATIVE FOR THE CITY RELATING TO THE PROGRAM; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** the City Council of the City of Temple has been presented a proposed Interlocal Agreement by and between the Region 4 Education Service Center, which sponsors The Cooperative Purchasing Network, and the City Council has found it to be acceptable and in the best interests of the City of Temple and its citizens;

**Whereas,** the City Council of the City of Temple, Texas, pursuant to the authority granted under Sections 271.101 to 271.102 of the Local Government Code, desires to participate in the described purchasing program sponsored by the Region 4 Education Service Center which is known as The Cooperative Purchasing Network, and in the opinion that participation in this program will be highly beneficial to the taxpayers through the anticipated savings to be realized; 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 terms and conditions of the agreement having been reviewed by the City Council and the City Attorney and found to be acceptable and in the best interests of the City of Temple and its citizens, are hereby in all things approved.

**Part 2:** The Director of Purchasing for the City of Temple, under the direction of the City Council of the City of Temple, is hereby designated to act for the City of Temple in all matters relating to The Cooperative Purchasing Network including the designation of specific contracts in which the City of Temple desires to participate.

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

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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

Alan DeLoera, Information Technology Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of audio visual technology equipment for the newly designated Emergency Operations Center (EOC) from Data Projections, Inc. through The Cooperative Purchasing Network (TCPN) in the amount of \$77,894.16.

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

**ITEM SUMMARY:** The City currently uses the City Hall first floor conference room as the designated EOC (Emergency Operations Center) in the event of an emergency to provide for the effective direction, control, and coordination of emergency response efforts in the City of Temple. Emergency Operations Centers (EOC) are designed to be self-contained facilities, capable of remaining functional (and survivable) over what can be sustained period of days or weeks. Related to this project, on May 15, 2008, Council authorized the purchase and installation of an emergency standby generator and an automatic transfer switch.

To be effective the EOC **must** be sized to handle the maximum anticipated staff that would be called in the event of a major disaster. The Operations Room, where agency representatives will assemble, **must** provide the essential elements that will be needed during a disaster. It must be large enough to provide sufficient space for one or two representatives from each planned agency based on the list developed during the planning process. The Operations Room **must** also incorporate the following features:

- Adequate space for media assembly and briefing in a separate area
- Plan for an interruption of water supply.
- Should be suited for multiple use including meetings and training.
- Adequate space for a Lead Agency/Executive Room

The City Service Center Operations facility was chosen to meet this recommendation and has all of the services to be effective in an emergency scenario. EOC's are also highly technical facilities, incorporating sophisticated technology and equipment. Each system needs to be identified early in the planning process and defined in terms of its own requirements (power, cooling, water, access, etc.) as well as any unique requirements that it may require. Service areas for specialized equipment, as an example, have a direct impact upon facility size.

The equipment proposed for purchase allows for central control of the Audio Visual system which does not currently exist in the facility. The location of an U.P.S. system (uninterrupted Power Source), as an example, is of importance as is the service area surrounding this type of system. This equipment will help to meet those technology needs. Approximately \$190,000 was identified as part of the CIP project (Project #100141) to meet these technological needs.

**FISCAL IMPACT:** Funding for this purchase in the amount of \$77,894.16 is available in the 2006 Certificate of Obligation funds designated for EOC infrastructure in account 361-2200-522-6806, Project #100141. Currently \$229,732.61 is available in this account. After purchase of this audio visual equipment, \$151,732.61 will remain available for the phone system, furniture, and other miscellaneous items. After completion of the Service Center upgrades, it is anticipated that approximately \$70,000 will remain for use in the backup EOC, which will be included in the new Fire Station 8 with Training Center to be located in the northwest quadrant of the City.

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF AUDIO VISUAL TECHNOLOGY EQUIPMENT FOR THE NEWLY DESIGNATED EMERGENCY OPERATIONS CENTER FROM DATA PROJECTIONS, INC., THROUGH THE COOPERATIVE PURCHASING NETWORK (TCPN), IN THE AMOUNT OF \$77,894.16; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** the Service Center Operations facility has been chosen as the designated Emergency Operations Center for the City of Temple;

**Whereas,** emergency operation centers must provide for the effective direction, control, and coordination of emergency response efforts which are designed to be self-contained facilities capable of remaining functional and survivable over what can be a sustained period of days or weeks;

**Whereas,** the Staff recommends purchasing the necessary audio visual technology hardware and services from Data Projections, Inc., through the Cooperative Purchasing Network for a cost of \$77,894.16, for the Emergency Operation Center;

**Whereas,** funds are available for this purchase 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 audio visual technology equipment for the newly designated Emergency Operations Center, from Data Projections, Inc., through the Cooperative Purchasing Network, in the amount of \$77,894.16.

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

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

PASSED AND APPROVED this the 7<sup>th</sup> day of **August**, 2008.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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

Alan DeLoera, Information Technology Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a contract with AT&T for the purchase and installation of new Nortel Communication phones at the new EOC and Service Center in the amount of \$49,902.98.

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

**ITEM SUMMARY:** The City currently uses the City Hall first floor conference room as the designated EOC (emergency operations center) in the event of an emergency to provide for the effective direction, control, and coordination of emergency response efforts in the City of Temple. Emergency Operations Centers (EOC) are designed to be self-contained facilities, capable of remaining functional (and survivable) over what can be sustained period of days or weeks.

An efficient and effective EOC is equipped with a stand-alone telecomm system whereby if other facilities in the City are without power or a telecomm system, the EOC's phone system would still be operational. Based on the need for a new telecomm system at the Service Center to support the functions of a stand-alone EOC, and the fact that the current telecomm system is no longer supported and is considered obsolete, we are recommending the purchase of new telecomm equipment.

The system we are proposing to purchase will include the software with 72 phones with remote survivability capabilities. This system will have the same capabilities that we currently have at City Hall and the Police Department which includes unified communications, and is designed for remote survivability if we ever lose connections or phone service to City Hall and/or Police.

**FISCAL IMPACT:** Funding for this purchase in the amount of \$49,902.98 is available in the 2006 Certificate of Obligation funds designated for EOC infrastructure in account 361-2200-522-6806, Project #100141. Currently \$229,732.61 is available in this account. After purchase of the audio visual items from Data Projections, Inc. and this phone system, \$101,935.47 will remain available for furniture and other miscellaneous items. After completion of the Service Center upgrades, it is anticipated that approximately \$70,000 will remain for use in the backup EOC, which will be included in the new Fire Station 8 with Training Center to be located in the northwest quadrant of the City.

### **ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH AT&T FOR THE PURCHASE AND INSTALLATION OF NEW NORTEL COMMUNICATION PHONES AT THE NEW EMERGENCY OPERATION CENTER (EOC) AND SERVICE CENTER THROUGH THE TEXAS STATE DIR CONTRACT DIR-SDD-233, IN THE AMOUNT OF \$49,902.98; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** the Service Center Operations facility has been chosen as the designated Emergency Operations Center for the City of Temple;

**Whereas,** emergency operation centers must provide for the effective direction, control, and coordination of emergency response efforts which are designed to be self-contained facilities capable of remaining functional and survivable over what can be a sustained period of days or weeks, including a stand-alone telecomm system whereby if other facilities in the City are without power or a telecomm system, the EOC's phone system would still be operational;

**Whereas,** the Staff recommends authorizing a contract with AT&T for the purchase and installation of new Nortel Communication phones at the new EOC and Service Center in the amount of \$49,902.98;

**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 a contract with AT&T for the purchase and installation of new Nortel Communication phones at the new Emergency Operation Center and Service Center through the Texas State DIR Contract DIR-SDD-233, in the amount of \$49,902.98.

**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 project.

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



PASSED AND APPROVED this the **7<sup>th</sup>** day of **August**, 2008.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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

Alan DeLoera, Information Technology Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of eight (8) wireless ticket writers and printers with associated software from Advanced Public Safety (APS) in the amount of \$69,000.

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

**ITEM SUMMARY:** The City of Temple Police Department Traffic Unit has 8 Officers that are using ticket writer hardware and software that is over 4 years old. The Police Department began exploring ticketing systems about 5 years ago and began using InfoKall Auto Citation writer over 4 years ago. One of the goals of the ticket writers is to reduce the amount of time officers spend filling out tickets on the roadside—a risky proposition.

The current handheld units are over 4 years old now, and although the units are ruggedized, they are in need of replacement and they have become obsolete. We have also re-evaluated the software we are currently using and in the past four years more effective software has become available in the market that gives the officers in the field better and more effective capabilities. Evaluating various wireless citation systems for the better part of three months, it was determined that Advanced Public Safety's (APS) eTicketing product was the best wireless citation system for the City of Temple. Although InfoKall was a good software solution it could not meet the requirements of the State of Texas Department of Public Safety for remote access.

In the current budget it is proposed that Parking Enforcement be placed under the jurisdiction of the Police Department. APS has a module called PocketParking that is integrated into the eTicketing software and offers an automated vehicle chalking system that enables multiple lot tagging, automated violation notification, and re-check alerts. Utilizing the APS SmartExport™ application, all of the data from a parking ticket/violation can be transferred to any back-end database application, including: Payment Processing System, Records Management System (RMS), Court System, APS QuickAccess system, or other database application.

As part of an effort to make this a more efficient and safe process for Police Officers writing citations, it was recommended that the officers have access to technology that better do their jobs. Running on the handhelds is a version of Pocket Citation application that automates common data entry tasks involved in filling out traffic citations. The system also can check remotely a vehicle or license number against local and national databases, eliminating the need for an officer to call a dispatcher to verify

plate numbers. The handhelds communicate to the printers via a high-speed wireless connection, allowing officers to print tickets for motorists at the scene.

Pocket Citation helps officers issue tickets more quickly by eliminating much of the repetitive data entry. Because the devices are ruggedized for wear and tear, they are well-suited for police officers, especially motorcycle officers.

Benefits of the system include:

- Citation completed with only six to 10 clicks on the device
- Auto-populates citations with driver's license information
- Provides a cost-effective, portable electronic citation solution
- Eliminates data errors on traffic citations
- Produces professional, easy-to-read tickets
- Reduces contact time with violators
- Stores data electronically for entry into the APS ReportBeam database or for transfer to any records management or court system
- Works with a wide array of hardware

The APS software is also the application of choice for local governments across the country and has become the technological standard for Auto Citation applications. Some of Agencies in Texas and across the country that use the APS solution are Addison, Amarillo, Corpus Christi, Dallas, El Paso, Harris County, Richardson, Atlanta, Chicago, Charlotte, Jacksonville, Kansas City, Miami, Minneapolis, and Tampa Bay among many others.

Staff is proposing to purchase the necessary Virtual Partner software and eight (8) wireless ticket writers and printers from APS. In accordance with the Local Government Code Section 252.022, this particular product is sole sourced due to patent rights through APS.

**FISCAL IMPACT:** The total purchase price of the ticket writer hardware, software and services is \$69,000. Funding is available as follows:

Police Department Maintenance Contract (110-2000-521-2338)	\$20,000
General Fund technology funds -	\$39,000
Municipal Court technology funds	\$10,000

A budget amendment is presented for Council's approval appropriating \$39,000 of General Fund technology funds and \$10,000 of Municipal Court technology funds to account 351-1900-519-6218, project #100401.

**ATTACHMENTS:**

[Budget Amendment  
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
351-1900-519-62-18	100401	Capital Equipment/Computer Hardware	\$ 39,000	
351-0000-490-25-82		Transfer In- Desg Capital Proj Fund	39,000	
110-0000-351-09-43		Designated Capital- Technology Funds		39,000
110-9100-591-81-51		Transfer Out- Desg Capital Proj Fund	39,000	
351-1900-519-62-18	100401	Capital Equipment/Computer Hardware	10,000	
351-0000-490-25-82		Transfer In-Reserved Municipal Court	10,000	
110-0000-317-00-00		Fund Balance Reserved-Municipal Court		10,000
110-9100-591-81-51		Transfer Out-Desg Capital Proj Fund	10,000	
		<i>Do Not Post</i>		
<b>TOTAL.....</b>			<b>\$ 147,000</b>	<b>\$ 49,000</b>

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

Appropriate funding available in General Fund and Municipal Court technology funds to purchase software, hardware and services for Auto Citation Ticket Writers.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

8/7/2008

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 UPGRADED WIRELESS TICKET WRITERS, SOFTWARE, AND SERVICES FROM ADVANCED PUBLIC SAFETY, IN THE AMOUNT OF \$69,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** the wireless ticket writers currently being used by the Police Department have become obsolete and are in need of replacement;

**Whereas,** after evaluating various wireless citation systems for several months the Staff has determined that the best system for the City is Advanced Public Safety's eTicketing product, and recommends purchasing the wireless ticket writers, software, and services from that company for a cost of \$69,000;

**Whereas,** funds are available for this purchase but an amendment to the FY2007-2008 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 upgraded wireless ticket writers, software, and services from Advanced Public Safety, in the amount of \$69,000.

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

**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.

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

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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08/07/08  
Item #4(I)  
Consent Agenda  
Page 1 of 1

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

Tim Dolan, AICP, Planning Director

**ITEM DESCRIPTION:** SECOND READING – Z-FY-08-28: Consider adopting an ordinance amending the City of Temple Zoning Ordinance, 91-201, Section 7-108 (Automobile and Related Service Uses) to allow motorcycle sales by right in the General Retail (GR) District.

**PLANNING & ZONING COMMISSION & STAFF RECOMMENDATION:** The Commission and Staff recommend the adoption for an ordinance amending the City of Temple Zoning Ordinance, 91-201, Section 7-108 (Automobile and Related Service Uses) to allow motorcycle sales by right in the General Retail District (GR).

**ITEM SUMMARY:** Staff was approached by three property owners about the possibility of opening motorcycles sales areas in property zoned GR. Now vehicles sales of new or used automobile or truck sales are allowed, but not motorcycles. Amending the use chart for automobiles and related service uses to add motorcycle sales in the GR District will allow that use.

**FISCAL IMPACT:** None

### **ATTACHMENTS:**

[P&Z Staff Report](#)  
[P&Z Excerpts](#)  
[Ordinance](#)



# PLANNING AND ZONING COMMISSION AGENDA ITEM

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07/07/08  
Item 4  
Page 1 of 2

**APPLICANT / DEVELOPMENT:** Staff c/o Planning & Zoning Commission

**CASE MANAGER:** Tim Dolan, AICP, Planning Director

**ITEM DESCRIPTION:** Public Hearing–FY-08-28: Discuss and recommend action to consider amending the City of Temple Zoning Ordinance, 91-201, Section 718 (Automobile and Related Service Uses) to allow motorcycle sales by right in the General Retail District (GR). (Applicant: Planning Department).

**BACKGROUND:** Staff requests the Commission to consider this use as an appropriate one for the GR District. Staff has been approached by three companies wishing to locate in the GR District. For example, the GR district allows automobile sales, either new or used. The attached table shows requested area highlighted in yellow.

**STAFF RECOMMENDATION:**

Staff requests the Commission recommend approval to amend the City of Temple Zoning Ordinance, 91-201, Section 718 (Automobile and Related Service Uses) to allow motorcycle sales by right in the General Retail District (GR).

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Proposed Use Chart



AUTOMOBILE AND RELATED SERVICE USES

ORDINANCE SECTION 7-108																										
		Residential												Nonresidential Districts												
		Single Family										Multiple Family														
DISTRICT	A	UE	SF-1	SF-2	SF-3	SFA	SFA-2	SFA-3	MH	TH	2F	MF-1	MF-2	MF-3	MU	O-1	O-2	NS	GR	CA	C	LI	HI			
TYPE OF USE	AGRICULTURAL	URBAN ESTATE	SINGLE-FAMILY DWELLING - 1	SINGLE-FAMILY DWELLING - 2	SINGLE-FAMILY DWELLING - 3	SINGLE-FAMILY ATTACHED	SINGLE-FAMILY ATTACHED - 2	SINGLE-FAMILY ATTACHED - 3	MANUFACTURED HOME	TOWNHOUSE	TWO-FAMILY DWELLING	MULTIPLE-FAMILY DWELLING - 1	MULTIPLE-FAMILY DWELLING - 2	MULTIPLE-FAMILY DWELLING - 3	MIXED USE	OFFICE - 1	OFFICE - 2	NEIGHBORHOOD SERVICE	GENERAL RETAIL	CENTRAL AREA	COMMERCIAL	LIGHT INDUSTRIAL	HEAVY INDUSTRIAL			
AUTO LAUNDRY (CAR WASH)															C				•	•	•	•	•			
AUTO LEASING, RENTAL																			•	•	•	•	•			
AUTO PARTS ACCESSORY AND SALES (INDOORS)															C				•	•	•	•	•			
AUTO PARTS ACCESSORY AND SALES (OUTDOORS)																					C	•	•			
AUTO STORAGE OR AUTO AUCTION																					C	•	•			
BOAT SALES, SERVICING																				•	•	•	•			
GASOLINE STATION (FULL SERVICE)																				•	•	•	•			
GASOLINE STATION (SELF-SERVICE)																		C	•	•	•	•	•			
MAJOR VEHICLE REPAIR																				•	•	•	•			
MINOR VEHICLE SERVICING																			•	•	•	•	•			
NEW OR USED AUTO SALES OUTDOOR LOT																			•	•	•	•	•			
NEW OR USED AUTO SALES FACILITY																				•	•	•	•			
Motorcycle Sales																			•	•	•	•	•			

**EXCERPTS FROM THE**  
**PLANNING & ZONING COMMISSION MEETING**  
**MONDAY, JULY 7, 2008**

**Item 5: Public Hearing—Z-FY-08-28:** Discuss and recommend action to consider amending the City of Temple Zoning Ordinance, 91-201, section 708 (Automobile and Service Related Uses) to allow motorcycle sales by right in GR. (Applicant: Planning Department)

Mr. Dolan, Planning Director explains that vehicle sales are approved for the GR but not motorcycle sales. He shows and explains the general use chart for the area. He explains that it would make it by right. He asks for questions from the commissioners. Commissioner Pilkington asks about boat sales and service. Mr. Dolan explains that is not the agenda for tonight but that he is willing to address it at the next meeting.

Chair Luck opens the floor to the public. Being no speakers, Chair Luck closes the public hearing.

Commissioner Pilkington moves for approval; Vice-Chair Pope seconds motion. Motion is unanimously carried. (7/0)

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 91-2101, THE ZONING ORDINANCE OF THE CITY OF TEMPLE, TEXAS, AMENDING SECTION 7-108, ENTITLED, "AUTOMOBILES AND RELATED SERVICES USES," TO ALLOW MOTORCYCLE SALES BY RIGHT IN THE GENERAL RETAIL DISTRICT (GR); PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**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 7-108, entitled, "Automobile and Related Service Uses," in accordance with the chart attached hereto as Exhibit "A."

**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 17<sup>th</sup> day of **July**, 2008.

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

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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City Attorney's Office



## COUNCIL AGENDA ITEM MEMORANDUM

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08/07/08  
Item #4(J)  
Consent Agenda  
Page 1 of 1

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

Tim Dolan, Planning Director

**ITEM DESCRIPTION:** SECOND READING – Z-FY-08-30: Consider adopting an ordinance authorizing a zoning change from Agriculture (A) to Commercial (C) on a 5.0± acre tract of land located at the southwest corner of the 53.8± acre tract being out of the M. Moreno Survey, Abstract Number 14, adjacent to the East right of way line of Loop 363 and adjoining the northwest property corner of the 29.83 acre City of Temple tract.

**PLANNING & ZONING COMMISSION & STAFF RECOMMENDATION:** At its meeting on July 7, 2008, the Planning and Zoning Commission voted 7/0, upon Staff's recommendation, to approve the zoning of Commercial (C) from Agriculture (A).

**ITEM SUMMARY:** Staff and the applicant met after the first reading to discuss the requirements for the masonry material façade as requested by Council. During the discussions of reviewing alternatives, which included more building articulation and additional landscaping, the applicant decided to keep the minimum 70% masonry for the front and two sides. The rear of the building will be metal since no road or other development is planned. The purpose of the ordinance is to allow metal exteriors when hidden from public view.

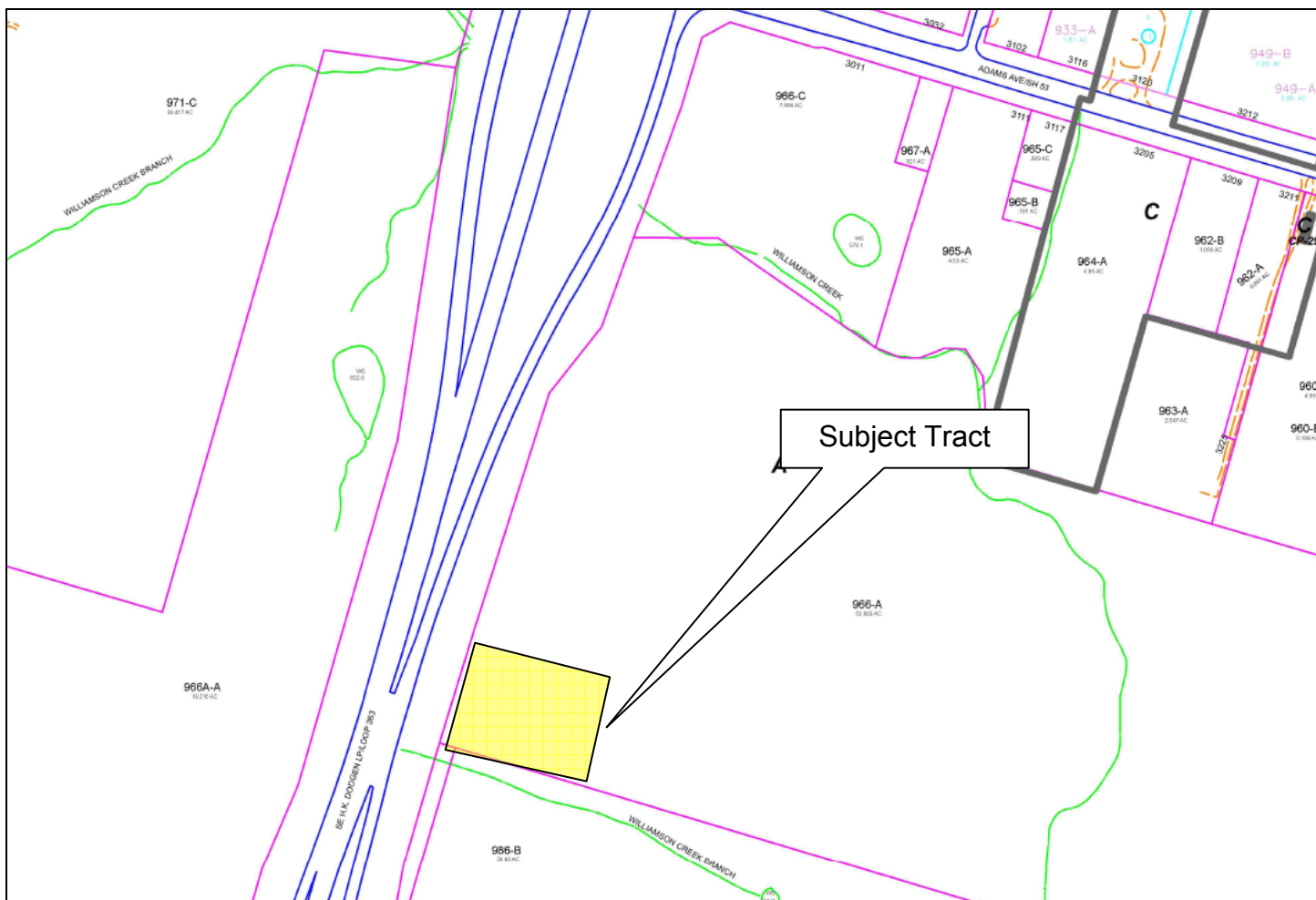
Please refer to the Staff Report and draft minutes of case Z-FY-08-30, from the Planning and Zoning meeting, July 7 2008. The request is for a future cabinet shop.

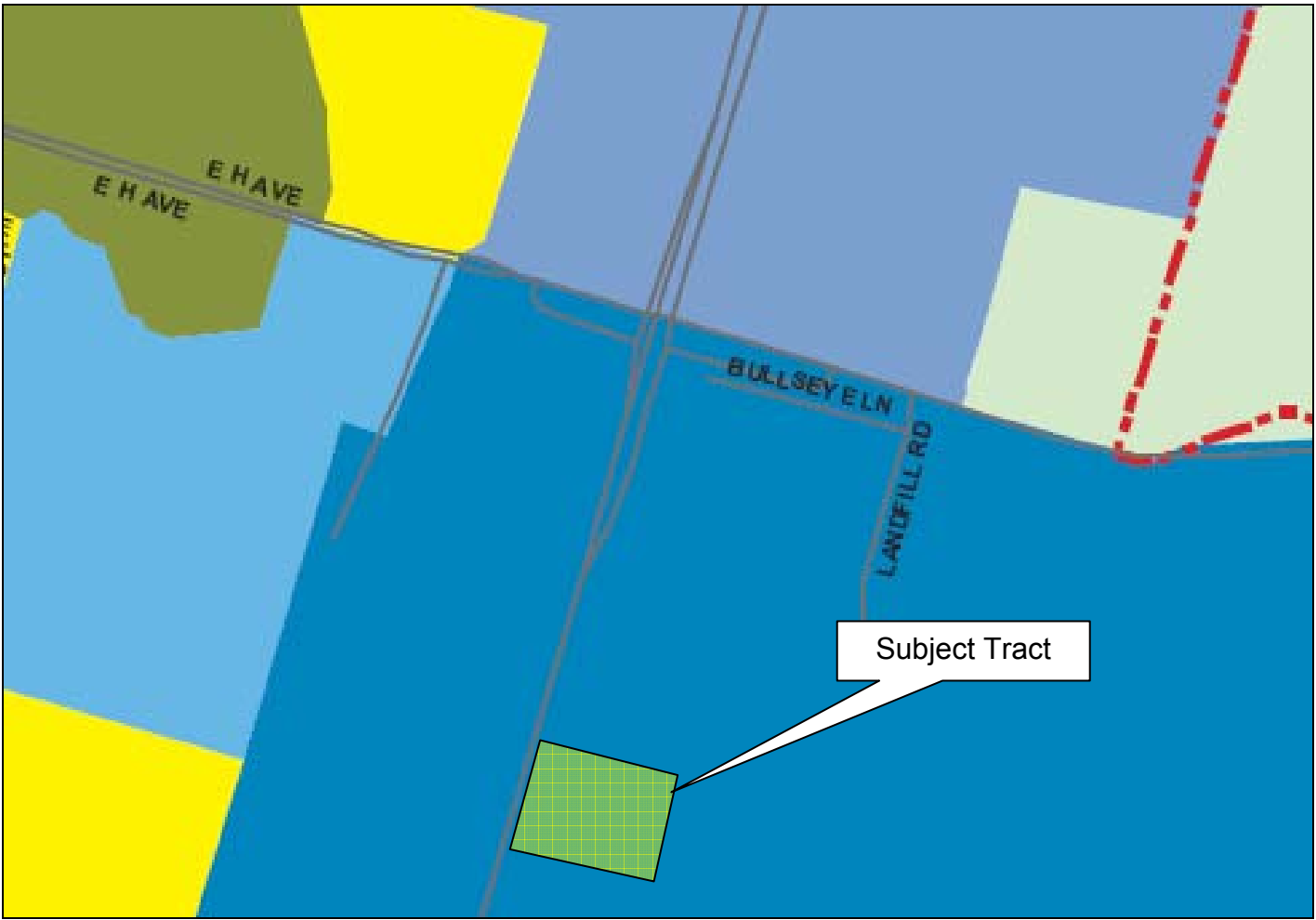
All zoning requests must be compared to the Comprehensive Plan. The request conforms to the Future Land Use Plan for commercial uses; the Thoroughfare Plan designation of Loop 363 as a arterial sized right-of-way; and the Adequacy of Public Facilities for sufficient water and sewer prior to development of the property.

**FISCAL IMPACT:** None

### **ATTACHMENTS:**

[Land Use Map](#)  
[Zoning & Notice Map](#)  
[Aerial](#)  
[P&Z Staff Report](#)  
[P&Z Excerpts](#)  
[Ordinance](#)

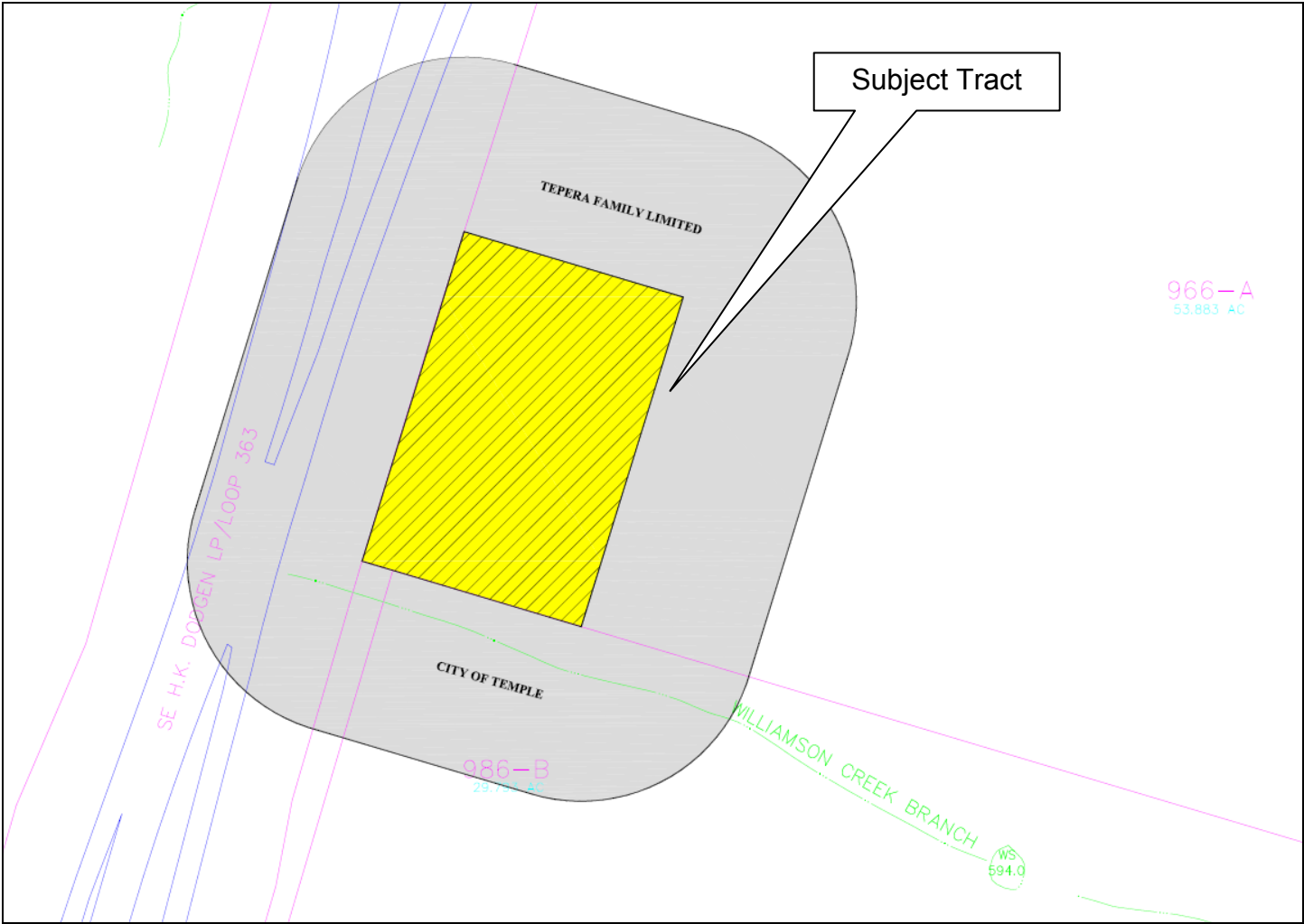






Subject Tract







# PLANNING AND ZONING COMMISSION AGENDA ITEM

07/07/08  
Item #6  
Page 1 of 2

**APPLICANT / DEVELOPMENT:** City of Temple

**CASE MANAGER:** Tim Dolan, AICP, Planning Director

**ITEM DESCRIPTION:** Z-FY-08-30      Public Hearing – Z-FY-08-30: Discuss and recommend action to consider a zone change from Agricultural District (A) zoning to Commercial (C) on a 5.0± acre tract of land located at the south west corner of the 53.8± acre tract being out of the M. Moreno Survey, Abstract Number 14, in Bell County Texas. Property is located adjacent to the East right of way line of Loop 363 and adjoins the North West property corner of the 29.83 Acre City of Temple Tract. (Applicant: Pechal Cabinets c/o Clark Fuller Engineering, Inc.)

**BACKGROUND:** The purpose of this city-initiated zone change is to recognize the proper zoning for a proposed cabinet shop to be located on the east side of Loop 363 near the Public Service Department. The proposed building will conform to the masonry standards required by ordinance.

## Surrounding Property and Uses

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

Direction	Zoning	Current Land Use
North	A & Industrial	Vacant
		City of Temple Service Center
East	A	Vacant
South	A	Vacant
West	A	Vacant

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

## Future Land Use Plan

The Temple Plan designates the subject as Industrial and the request complies with the Plan since it is less intensive. The draft Comprehensive Plan shows the area as suburban commercial.

## Thoroughfare Plan

The proposed use gets access from the SE H.K. Dodgen Loop, an Arterial Road. Commercial uses area planned for access to the Arterial Road in this location, and the request complies with the Plan.

## Adequacy of Public Facilities

Waterlines are being extended to serve the proposed use with the use of a septic system. Adequate public and private facilities serve the site.

### Commercial Development Regulations

This district allows all retail and most commercial land uses including cabinet shops, auto dealerships, building material sales, light manufacturing, and heavy machinery sales and storage. Also, residential uses are allowed, except apartments. The commercial district is intended to serve citywide or regional service areas. This district should be located along major highways and should provide total on-site traffic maneuvering such that traffic entering and exiting the facility should have room to turn, queue for parking areas, and park within the confines of the facility. This district should also be located at intersection of major thoroughfares or highways. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses.

Minimum lot area and setback requirements for the C, Commercial district are as follows.

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

### Public Notice

A total of three notices were sent out. As of Tuesday, July 1, 2008 at 5 PM, one notice was returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the public hearing on June 28, 2008 in accordance with state law and local ordinance.

**STAFF RECOMMENDATION:** Staff recommends approval of the zone change from A to C for the following reasons:

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

**FISCAL IMPACT:** Not Applicable

### **ATTACHMENTS:**

Zoning Map  
Land Use Map  
Aerial  
Notice Map

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

**MONDAY, JULY 7, 2008**

**Item 7: Public Hearing—Z-FY-08-30:** Discuss and recommend action to consider a zone change from AG to C on a 5.0± acre tract of land located at the southwest corner of the 53.8± acre tract being out of the M. Moreno Survey, Abstract No. 14, in Bell County Texas. Property is located adjacent to the East right of way line of Loop 363 and adjoins the North West property corner of the 29.83 acre City of Temple tract. (Applicant: Pechal Cabinets c/o Clark Fuller Engineering, Inc.)

Planning Director Tim Dolan presents this case and mentions that it is to go before City Council on July 17<sup>th</sup> for the first reading and August 7<sup>th</sup> for the second reading and final action. He presents with three maps and one aerial view. Letters were mailed and one received back in favor. Staff recommends approval and Mr. Dolan asks for questions or comments.

Chair Luck opens the floor to the public. No one comes forward to speak and Chair Luck closes the public hearing.

Commissioner Martin moves for approval; Commissioner Norman seconds. The vote is unanimously carried. (7/0)

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

[PLANNING NO. Z-FY-08-30]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE ZONING OF COMMERCIAL DISTRICT (C) FROM AGRICULTURE DISTRICT (A) ON A 5 ACRE TRACT OF LAND LOCATED AT THE SOUTHWEST CORNER OF THE 53.8 ACRE TRACT BEING OUT OF THE MAXIMO MORENO SURVEY, ABSTRACT NUMBER 14, IN BELL COUNTY, TEXAS, LOCATED ADJACENT TO THE EAST RIGHT OF WAY LINE OF LOOP 363 AND ADJOINING THE NORTHWEST PROPERTY CORNER OF THE 29.83 ACRE CITY OF TEMPLE TRACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1:** The City Council approves the zoning of Commercial District (C) from Agriculture District (A) on a 5 acre tract of land located at the southwest corner of the 53.8 acre tract being out of the Maximo Moreno Survey, Abstract Number 14, in Bell County, Texas, located adjacent to the east right of way line of Loop 363 and adjoining the northwest property corner of the 29.83 acre City of Temple tract, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

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

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

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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City Attorney's Office



## COUNCIL AGENDA ITEM MEMORANDUM

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08/07/08  
Item #4(K)  
Consent Agenda  
Page 1 of 2

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

Tim Dolan, Planning Director

**ITEM DESCRIPTION:** SECOND READING – Z-FY-08-27: Consider adopting an ordinance authorizing a zoning change from Planned Development (PD) District to General Retail (GR) District, on 0.904 ± acres situated in the George Givens Survey, Abstract No. 345, located on the south side of West Adams Avenue, between Kegley Road and the Wildflower Villa Apartments.

**PLANNING & ZONING COMMISSION & STAFF RECOMMENDATION:** The Planning and Zoning Commission voted 7/0 to recommend approval of a zone change from PD to GR at its meeting on July 7, 2008. Staff recommends approval of the zone change from PD to GR for the following reasons:

1. The request complies with the future land use map of the West Temple Plan;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public facilities will serve the site.

**ITEM SUMMARY:** Please refer to the Staff Report and draft minutes of case Z-FY-08-27, from the Planning and Zoning meeting, July 7, 2008.

The applicant wishes to establish a Sonic drive-in restaurant on the subject property. The property is currently zoned PD, Planned Development with no underlying base zoning district. No specific standards were established for the property in the PD. If the zone change is approved, the PD designation would be removed from the property and the GR standards would apply.

Minimum lot area and setback requirements for the GR zoning district are as follows.

GR, General Retail	
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

Masonry standards will apply to the building.

Three notices of the Planning and Zoning Commission hearing were sent out. As of Monday, July 7, one notice was returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on June 28, 2008 in accordance with state law and local ordinance

**FISCAL IMPACT:** None

**ATTACHMENTS:**

[Zoning Map](#)  
[Land Use Map](#)  
[Aerial](#)  
[Notice Map](#)  
[P&Z Staff Report \(Z-FY-08-27\)](#)  
[P&Z Minutes \(07/07/08\)](#)  
[Ordinance](#)



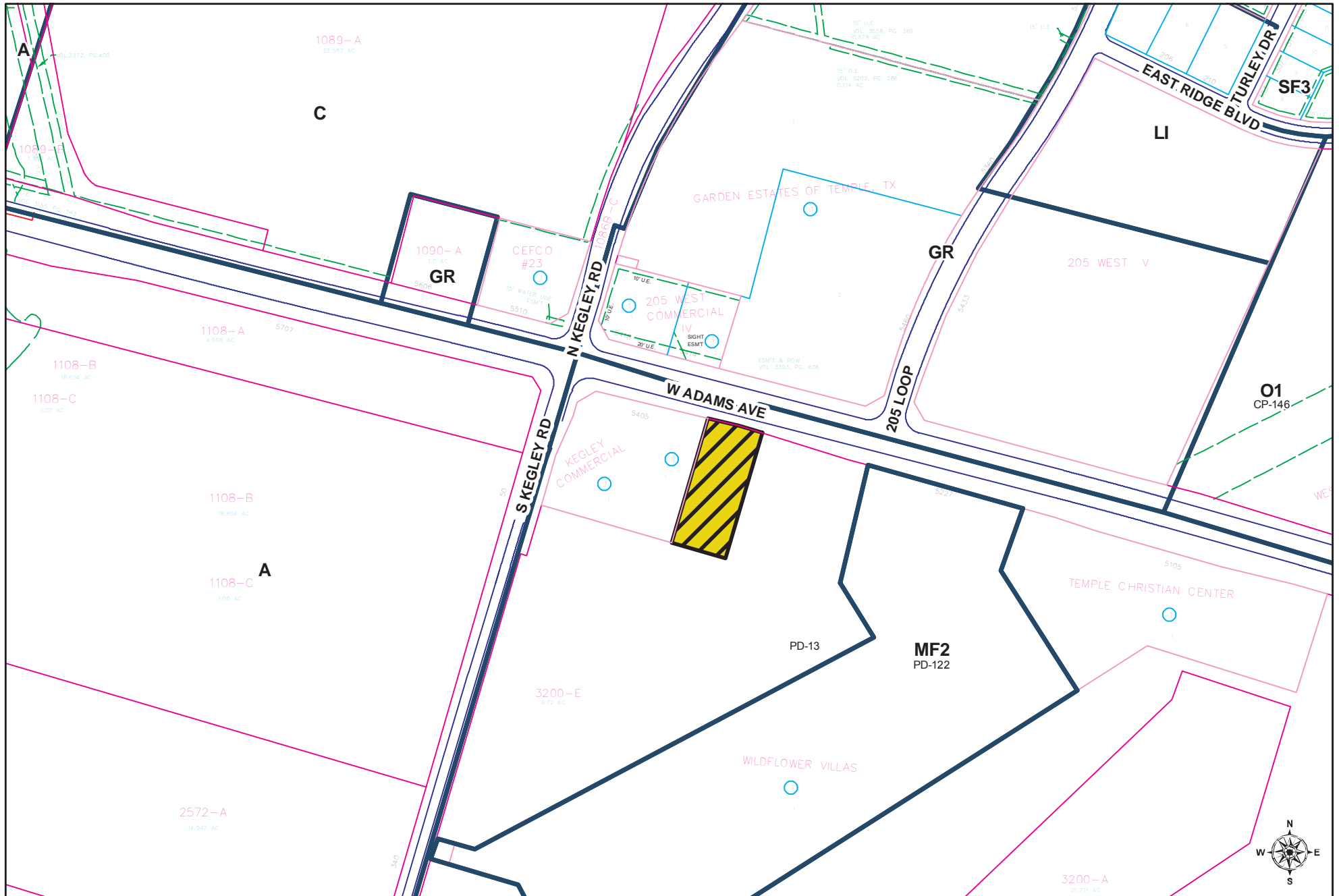


**Z-FY-08-27**

0.904 Acres

OB#3200-E

Proposed Wildflower Commercial



ZFY0827

PD to GR Zoning

1 inch equals 300 feet  
J Stone 06.16.08



Z-FY-08-27

0.904 Acres

OB#3200-E

Proposed Wildflower Commercial

ZFY0827

## CLUP

### Agricultural

AGRICULTURE

### Residential

LOW DENSITY (UE)

MOD DENSITY (SF1, SF2, SF3, MH, 2F)

MED DENSITY (MH, 2F, TH, MF1)

HIGH DENSITY (MF2)

### Commercial

OFFICE (O1, O2)

RETAIL (NS, GR)

COMMERCIAL (C, CA)

### Mixed Use

MIXEDUSE (MU)

### Industrial

INDUSTRIAL (LI, HI)

Warehouse/Distribution

Manufacturing/Distribution

Bio-Science/Technology

Corporate Capus & Office

Aviation Industrial Dvmt

Fwy Com/Tech/Indust

Intermodal

### Community Facilities

COMMUNITYFACILITY

CF-E (EDUCATIONAL)

CF-G (GENERAL)

CF-R (RESIDENTIAL)

CF-M (MEDICAL)

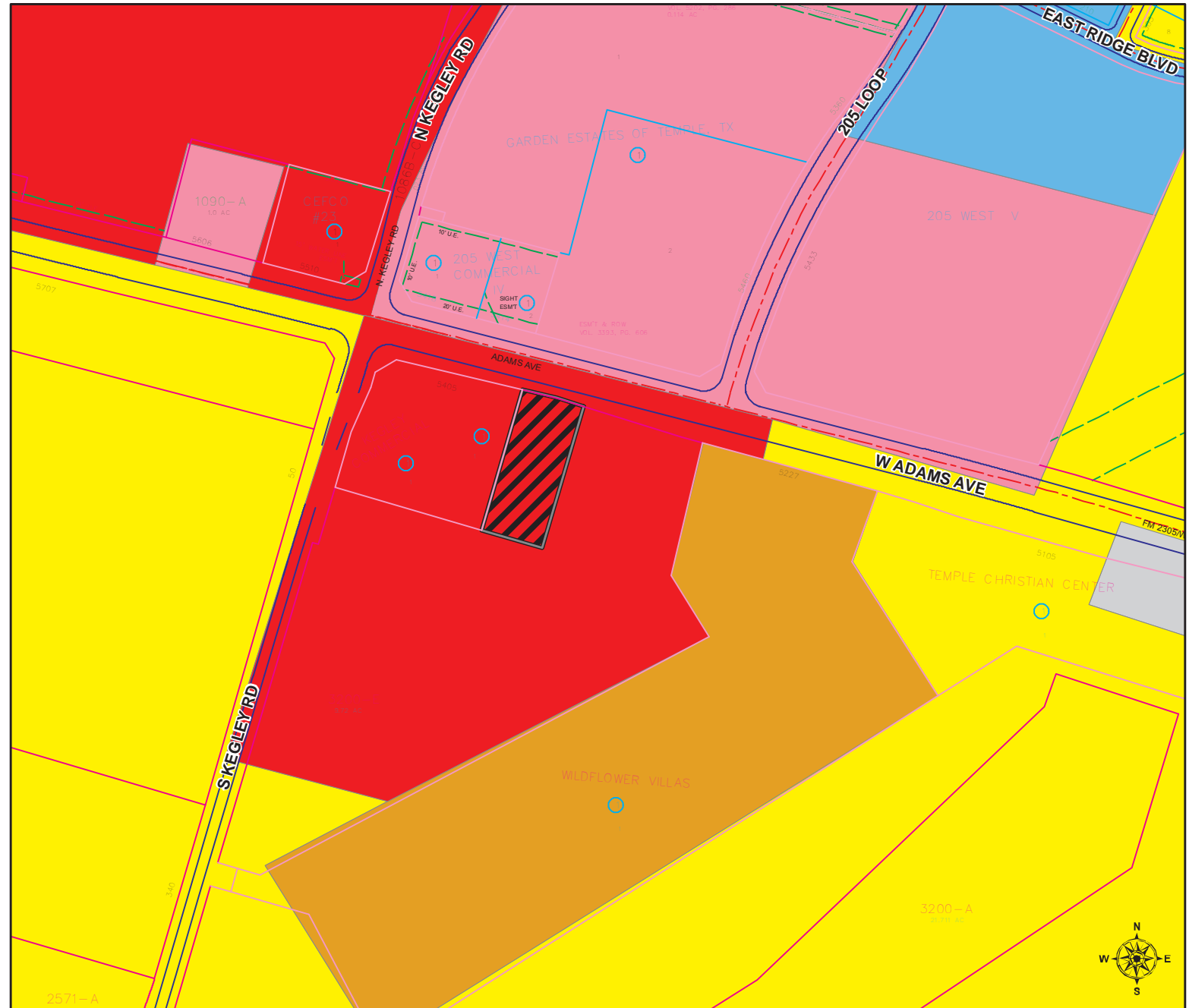
### Park Land

PROPOSED FLOATING PARK

PARKS

### Downtown

DOWNTOWN



PD to GR Zoning

1 inch equals 300 feet  
J Stone 06.16.08





**Z-FY-08-27**

0.904 Acres

OB#3200-E

Proposed Wildflower Commercial



ZFY0827

PD to GR Zoning

1 inch equals 300 feet  
J Stone 06.16.08



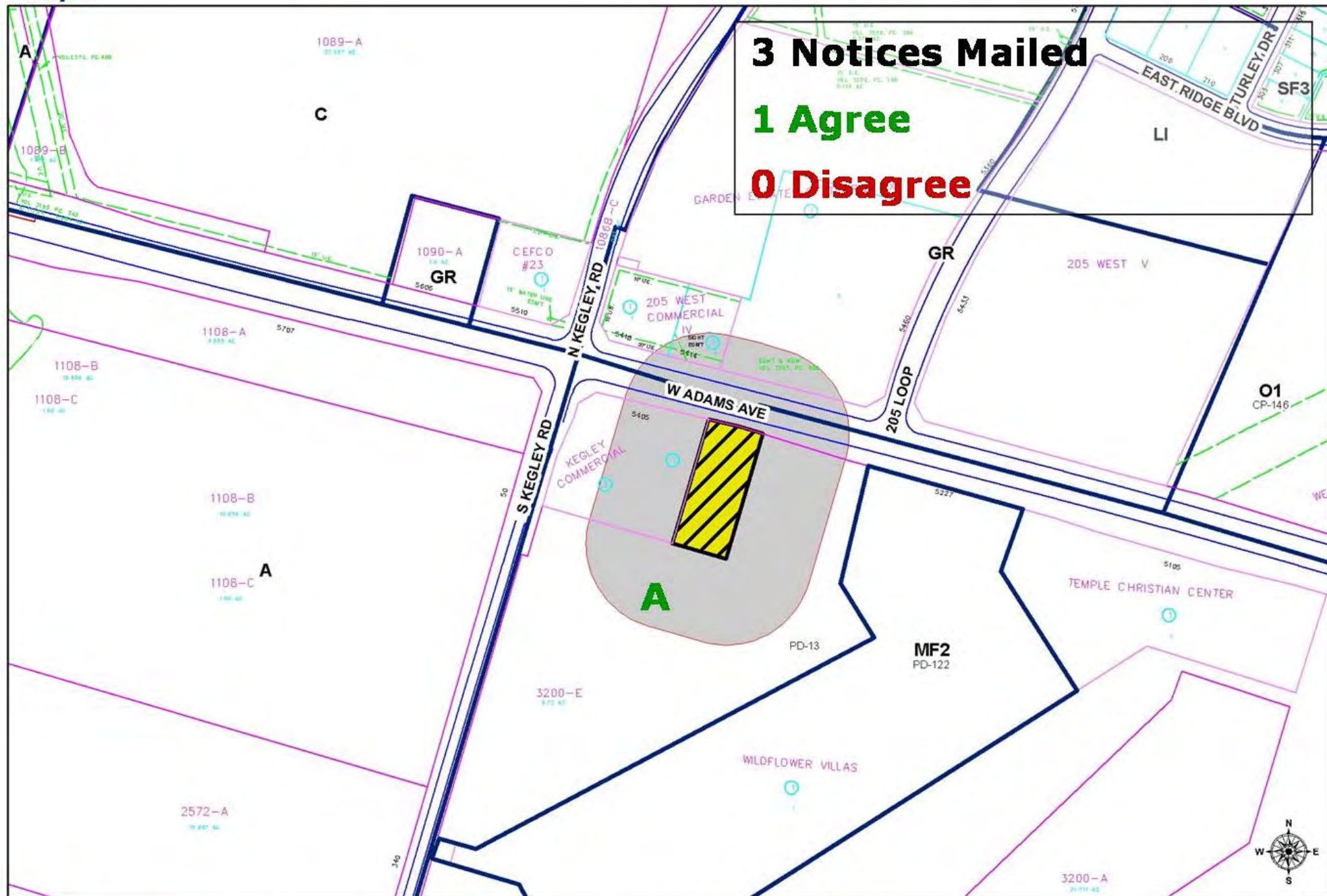


**Z-FY-08-27**

0.904 Acres

OB#3200-E

Proposed Wildflower Commercial



ZFY0827



200' Buffer

PD to GR Zoning

1 inch equals 300 feet  
J Stone 06.16.08



# PLANNING AND ZONING COMMISSION AGENDA ITEM

07/07/08  
Item #4  
Page 1 of 2

**APPLICANT / DEVELOPMENT:** Turley Associates for Chris Vonder Hoya

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

**ITEM DESCRIPTION:** Z-FY-08-27 Hold a public hearing to consider the permanent zoning of General Retail District from Planned Development District, on 0.904 ± acres situated in the George Givens Survey, Abstract No. 345, located on the south side of West Adams Avenue, between Kegley Road and the Wildflower Villa Apartments. (Applicant: Turley Associates for Christopher Vonder Hoya)

**BACKGROUND:** The applicant wishes to establish a Sonic drive-in restaurant on the subject property. The property is currently zoned PD, Planned Development with no underlying base zoning district. The PD was established in 1985 for the Wildflower development. No specific standards were established for the property in the PD. If the zone change is approved, the PD designation would be removed from the property and the GR, General Retail standards would apply.

Case P-FY-08-50 (Item #2 on the P&Z agenda) is the plat for this property.

## Surrounding Property and Uses

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

Direction	Zoning	Current Land Use
North	GR	Car wash
		Vacant
East	PD	Vacant
South	PD	Vacant
West	PD	Vacant

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

## Future Land Use Plan & Future Trends

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

## Thoroughfare Plan

West Adams Avenue is designated a Major Arterial on the Thoroughfare Plan. The zoning request complies with the Thoroughfare Plan.

## Adequacy of Public Facilities

**Double Sided**

A 12" water line runs along West Adams Avenue. A 15" sewer line runs along Kegley Road. A plat for the property that is currently being reviewed for administrative approval shows that the developer will tap into this sewer line. Upon approval of the plat, adequate public facilities will serve the site.

#### Development Regulations

The purpose of the GR, General Retail district is 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.

Minimum lot area and setback requirements for the GR, General Retail district are as follows.

GR, General Retail	
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

The masonry standards adopted in April 2008 will apply to all buildings on the subject property.

#### Public Notice

Three notices were sent out. As of Tuesday, July 1 at 5 PM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the public hearing on June 28, 2008 in accordance with state law and local ordinance

**STAFF RECOMMENDATION:** Staff recommends approval of the zone change from PD to GR for the following reasons:

1. The request complies with the future land use map 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  
Notice Map

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

**MONDAY, JULY 7, 2008**

**Item 4: Public Hearing—Z-FY-08-27:** Discuss and recommend action to consider a zone change from PD to GR on a 0.9± acre tract of land situated in the George Givens Survey, Abstract No. 345, located on the south side of West Adams Avenue, between Kegley Road and the Wildflower Villa Apartments. (Applicant: Turley Associates for Christopher Vonda Hoya)

This item is presented by Mr. Brian Mabry, Senior Planner who explains that it is to go before City Council on July 17<sup>th</sup> for the first reading and August 7<sup>th</sup> for the second reading and final action. He displays aerial photos, showing the undeveloped land adjacent to the property. He continues by showing photos of the property and the surrounding businesses and residences. He then shows the future land use map for the area, a zoning map and explains the GR zoning. Three notices were mailed out. One returned in favor and zero against. Staff recommends approval of the proposed zoning change. Senior Planner Brian Mabry asks for questions from the board.

Chair Susan Luck opens the floor to the public. Mr. Victor Turly takes the floor to answer any questions. No questions were posed. Chair Luck closes the public hearing.

Vice-Chair Pope moves for approval; Commissioner Derek Martin seconds. The movement is carried. (7/0)

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

[PLANNING NO. Z-FY-08-27]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONE CHANGE FROM PLANNED DEVELOPMENT DISTRICT (PD) TO GENERAL RETAIL DISTRICT (GR) ON APPROXIMATELY 0.904 ACRES SITUATED IN THE GEORGE GIVENS SURVEY, ABSTRACT NO. 345, LOCATED ON THE SOUTH SIDE OF WEST ADAMS AVENUE, BETWEEN KEGLEY ROAD AND THE WILDFLOWER VILLA APARTMENTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1:** The City Council approves a zone change from Planned Development District (PD) to General Retail District (GR) on approximately 0.904 acres situated in the George Givens Survey, Abstract No. 345, located on the south side of West Adams Avenue, between Kegley Road and the Wildflower Villa Apartments, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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



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

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

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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City Attorney's Office



## COUNCIL AGENDA ITEM MEMORANDUM

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08/07/08  
Item #4(L)  
Consent Agenda  
Page 1 of 2

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

Tim Dolan, Planning Director

**ITEM DESCRIPTION:** SECOND READING – Z-FY-08-29: Consider adopting an ordinance authorizing a zoning change from Agricultural (A) District to Single Family One (SF-1) District on 55.95 ± acres recorded as Eagle Oaks At The Lake Phases One, Two, Three , Four and Five, located on both sides of Eagle Landing Drive, east of Cen-Tex Sportsman Club Road.

**PLANNING & ZONING COMMISSION & STAFF RECOMMENDATION:** The Planning and Zoning Commission voted 6/0 to recommend approval of a zone change from A to SF-1 at its meeting on July 7, 2008. Commissioner Kjelland was absent and Commissioner Carothers abstained. Staff recommends approval of the zone change from A to SF-1 for the following reasons:

1. SF-1 best accommodates these lots that are already platted;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public and private facilities serve the site.

**ITEM SUMMARY:** Staff has met with Mr. Edward Dawkins, an area property owner who testified during the public hearing. Mr. Dawkins had questions about raising chickens in property zoned Agriculture (A), which was annexed in January, 2008. Since Mr. Dawkins sells the eggs, his property is exempt from the ordinance which requires a distance separation for animals from a residential structure.

Please refer to the Staff Report and draft minutes of case Z-FY-08-29, from the Planning and Zoning meeting, July 7, 2008. The purpose of this city-initiated zone change is to make the newly platted lots in the Eagle Oaks at the Lake Subdivision conforming in regard to lot area and front yard setback. The subdivision was platted prior to annexation in January 2008. Now that the subdivision is in the city limits, the appropriate zoning district, SF-1, should be applied to it so that building permits may be issued.

Minimum lot area and setback requirements for the SF-1, General Retail district are as follows.

SF-1, Single-Family Dwelling 1	
Min. Lot Area (sq. ft.)	7,500
Min. Lot Width (ft.)	60
Min. Lot Depth (ft.)	100
Max. Height (stories)	2 ½ stories
Min. Yard (ft)	
Front	25
Side	7 ½
Rear	10

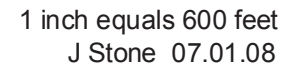
Thirty seven notices of the Planning and Zoning Commission hearing were sent out. As of Monday, July 7, 2008, 1 notice was returned in favor of and 3 notices were returned in opposition to the request. Two of the negative respondents were under the mistaken impression that their own property was being rezoned and the other negative respondent thought that the rezoning should have occurred prior to platting. However, Texas cities are forbidden to zone on the ETJ. The newspaper printed notice of the Planning and Zoning Commission public hearing on June 28, 2008 in accordance with state law and local ordinance

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

**FISCAL IMPACT:** None

**ATTACHMENTS:**

[Zoning Map](#)  
[Land Use Map](#)  
[Aerial](#)  
[Notice Map](#)  
[P&Z Staff Report \(Z-FY-08-29\)](#)  
[P&Z Minutes \(07/07/08\)](#)  
[Ordinance](#)





Z-FY-08-29

55.95 Acres

Eagle Oaks at the Lake Phases One through Five

ZFY0829

## 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)

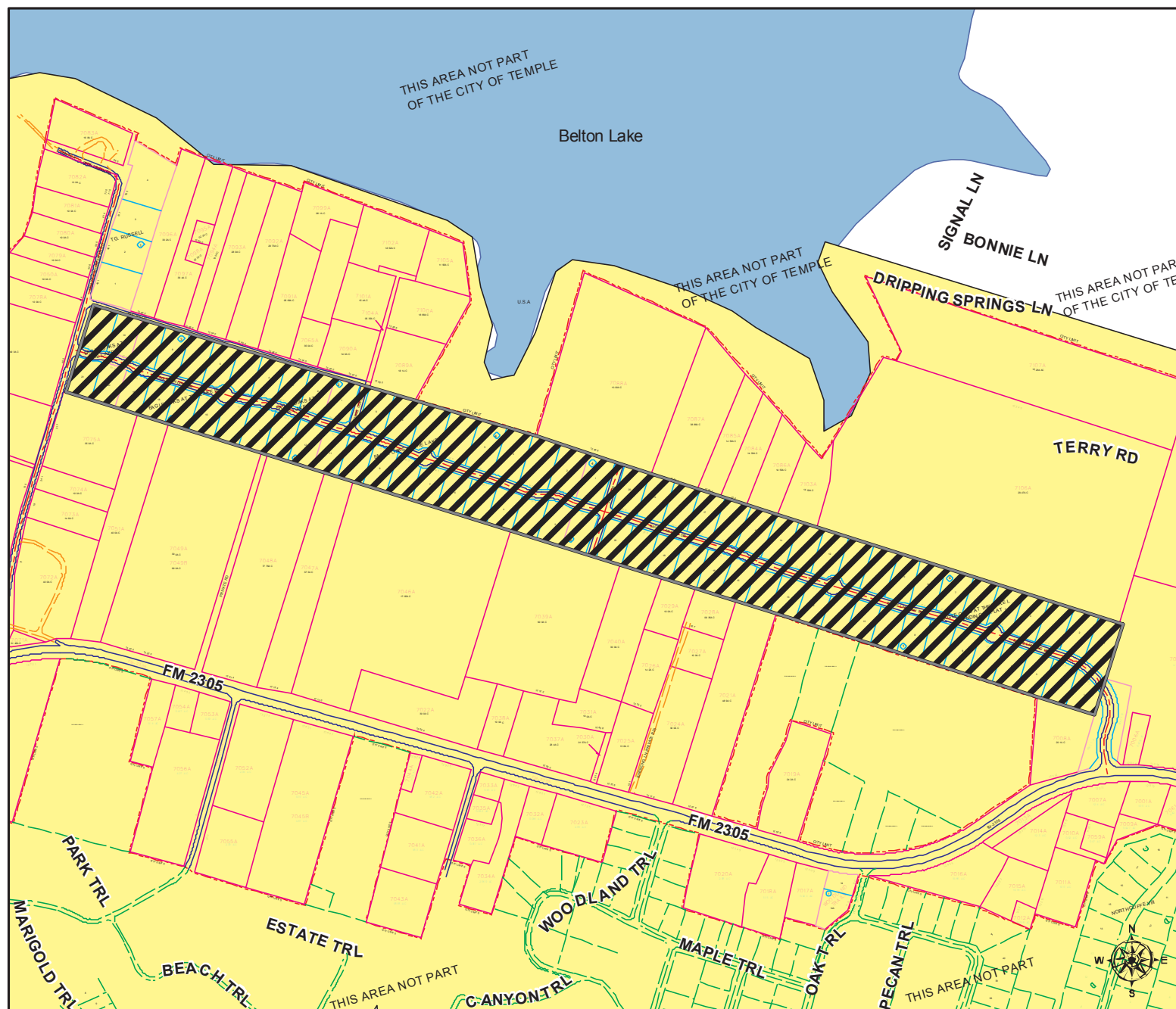
### Park Land

PROPOSED FLOATING PARK

PARKS

### Downtown

DOWNTOWN



A to SF1 Zoning

1 inch equals 700 feet  
J Stone 07.01.08

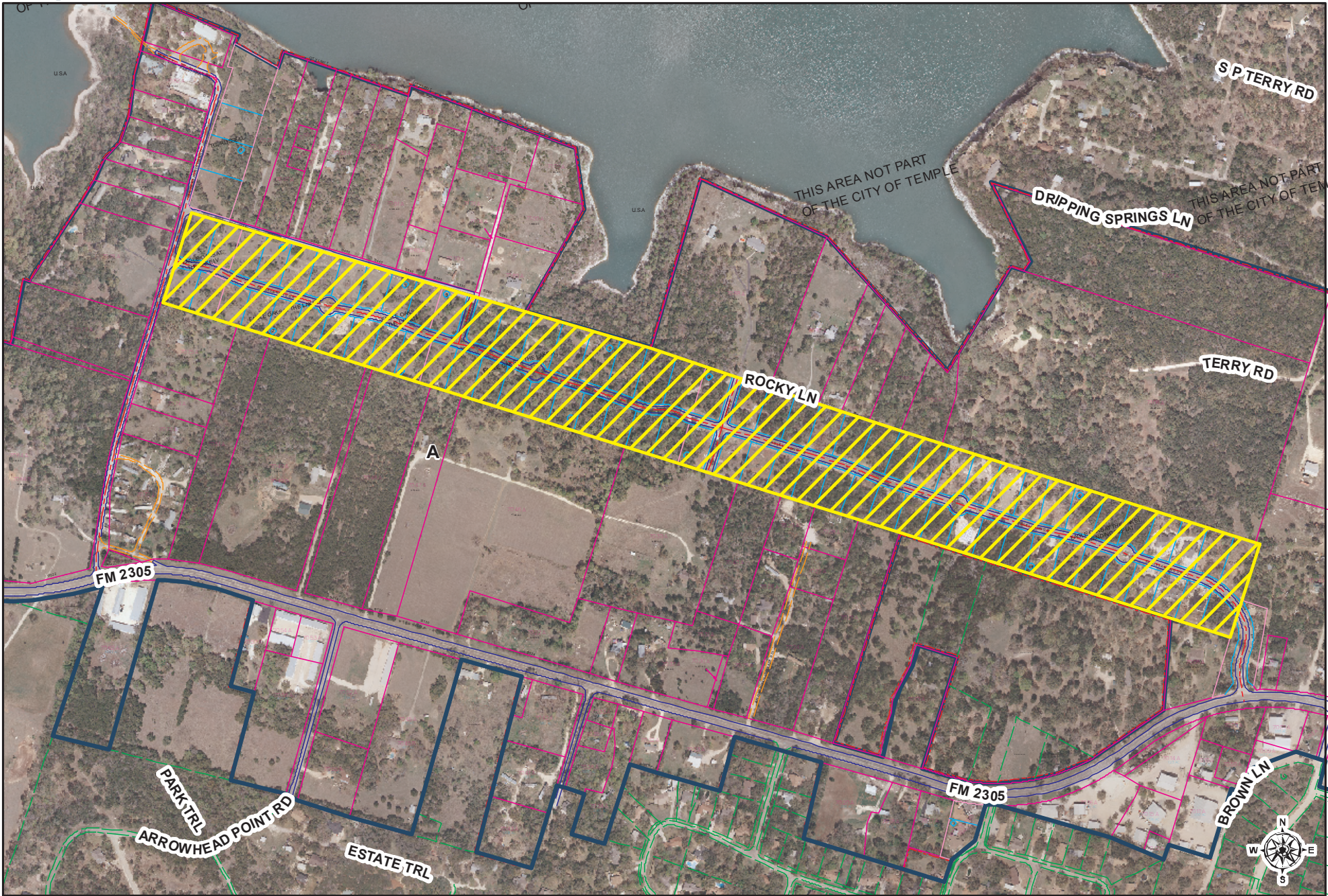




**Z-FY-08-29**

**55.95 Acres**

**Eagle Oaks at the Lake Phases One through Five**



 ZFY0829

A to SF1 Zoning

1 inch equals 600 feet  
J Stone 07.01.08







# PLANNING AND ZONING COMMISSION AGENDA ITEM

07/07/08  
Item #6  
Page 1 of 2

**APPLICANT / DEVELOPMENT:** City of Temple

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

**ITEM DESCRIPTION:** Z-FY-08-29 Hold a public hearing to consider a zone change from Agricultural District to Single Family One (SF-1) on 55.95 ± acres recorded as Eagle Oaks At The Lake Phases One, Two, Three, Four and Five, located on both sides of Eagle Landing Drive, east of Cen-Tex Sportsman Club Road. (City of Temple)

**BACKGROUND:** The purpose of this city-initiated zone change is to make the newly platted lots in the Eagle Oaks at the Lake subdivision conforming in regard to lot area and front yard setback. The lots are currently zoned Agricultural, which requires a minimum lot area of one acre and a minimum front yard setback of 50 feet. The subject lots were platted prior to City annexation in January 2008 and are ½ acre or more in area with a 25' front yard setback. The subdivision is zoned Agricultural because at the time of annexation, all properties automatically receive such zoning designation until they are rezoned. Currently, building permits cannot be issued for the lots in this subdivision because they are too small for the Agricultural zoning district. The Urban Estates (UE) zoning district has a minimum lot area of ½ acre but requires a minimum 30' front yard setback, therefore the SF-1 zoning district is the most appropriate district for this subdivision due to its minimum lot area requirement of 7,500 square feet and minimum front yard setback of 25'.

The lots in this subdivision were platted in three primary phases from January 2005 to December 2007. Phases four and five were administratively approved amending plats that made minor adjustments to road alignment and internal lot lines. A total of 43 houses have been built on the 81 lots that make up this subdivision.

## Surrounding Property and Uses

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

Direction	Zoning	Current Land Use
North	A	Vacant
		Residential
East	A	Vacant
South	A	Vacant
West	A	Vacant

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

## Future Land Use Plan

The West Temple Plan designates the subject property with the Low Density Residential future land use category. This future land use category allows does not recommend the requested SF-1 zoning

**Double Sided**



district. However, this is the least intense district that will accommodate the way that the lots are platted.

#### Thoroughfare Plan

Eagle Landing Drive is designated a Local Street on the Thoroughfare Plan. The zoning request complies with the Thoroughfare Plan.

#### Adequacy of Public Facilities

Waterlines 8", 3" and 2" in diameter and septic tanks serve the subdivision. Adequate public and private facilities serve the site.

#### Development Regulations

The purpose of the SF-1 zoning district is to accommodate average or standard single family lots and should serve as a transition between larger and smaller lot single family districts.

The SF-1 zoning district allows single-family houses and some supporting uses such as a fire station, park, home based child care, church or school.

Minimum lot area and setback requirements for the GR, General Retail district are as follows.

<b>SF-1, Single-Family Dwelling 1</b>	
<b>Min. Lot Area (sq. ft.)</b>	7,500
<b>Min. Lot Width (ft.)</b>	60
<b>Min. Lot Depth (ft.)</b>	100
<b>Max. Height (stories)</b>	2 ½ stories
<b>Min. Yard (ft)</b>	
Front	25
Side	7 ½
Rear	10

#### Public Notice

Thirty seven notices were sent out. As of Tuesday, July 1, 2008 at 5 PM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the public hearing on June 28, 2008 in accordance with state law and local ordinance

**STAFF RECOMMENDATION:** Staff recommends approval of the zone change from A to SF-1 for the following reasons:

1. SF-1 best accommodates these lots that are already platted;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public and private facilities serve the site.

**FISCAL IMPACT:** Not Applicable

#### **ATTACHMENTS:**

Zoning Map  
Land Use Map  
Aerial  
Notice Map

**EXCERPTS FROM THE**  
**PLANNING & ZONING COMMISSION MEETING**  
**MONDAY, JULY 7, 2008**

**Item 6: Public Hearing—Z-FY-08-29:** Discuss and recommend action to consider a zone change from AG to SF-1 on a 55.9± acre tract of land recorded as Eagle Oaks at the lake Phases One, Two, Three, Four and Five, out of the George Lindsay Survey, Abstract No. 513, and the S.P. terry Survey, Abstract No. 812, located on both sides of Eagle Landing Drive, east of Cen-Tex Sportsman Club Road. (Applicant: Planning Department).

Senior Planner Mabry presents this case and mentions that it is to go before City Council on July 17<sup>th</sup> for the first reading and August 7<sup>th</sup> for the second reading and final action. He explains that the lots are too small for the AG district zoning and that the setbacks are too small for the current zoning. The rezoning will allow for building permits on the remaining lots. The subdivision is 50% complete at present.

Senior Planner Mabry displays three maps and an aerial view of the area. He explains that SF-1 is the only zoning that could accommodate the current lots. 37 notices were sent out and 3 were returned. 2 were not in favor and 1 was in favor. Staff recommends approval. Senior Planner Mabry asks for questions from the commissioners.

Commissioner Mike Pilkington asks if there is “grandfathering” for this property. Mr. Mabry explains that the City of Temple does not have provisions for lots that were developed before annexation.

Chair Susan Luck opens the floor to the public. No one steps forward and she closes the public hearing. Vice-Chair Pope asks about the 81 lots and the development of the first 43 lots. Mr. Mabry explains that the 43 that have homes on them are in the first 2/3 of the subdivision as the roads are not complete in the area.

Commissioner Secrest moves for approval; Commissioner Pilkington seconds. Commissioner Carothers abstains and the vote is approved. (6/0)

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

[PLANNING NO. Z-FY-08-29]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONE CHANGE FROM AGRICULTURAL DISTRICT (A) TO SINGLE FAMILY ONE DISTRICT (SF-1) ON APPROXIMATELY 55.95 ACRES PLATTED AS EAGLE OAKS AT THE LAKE PHASES ONE, TWO, THREE, FOUR AND FIVE, LOCATED ON BOTH SIDES OF EAGLE LANDING DRIVE, EAST OF CEN-TEX SPORTSMAN CLUB ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1:** The City Council approves a zone change from Agricultural District (A) to Single Family One District (SF-1) on approximately 55.95 acres platted as Eagle Oaks at the Lake Phases One, Two, Three, Four and Five, located on both sides of Eagle Landing Drive, east of Cen-Tex Sportsman Club Road, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

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

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

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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City Attorney's Office



## COUNCIL AGENDA ITEM MEMORADUM

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08/07/08  
Item #4(M)  
Consent Agenda  
Page 1 of 1

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

Tim Dolan, Planning Director

**ITEM DESCRIPTION:** Consider adopting a resolution granting a street use license for a 19 square foot encroachment of an existing house in a 15' foot wide utility easement along the southern property line for Saulsbury Phase II, Block 1, and Lot 13.

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

**ITEM SUMMARY:** Pat Patterson, Patco Construction Inc., requests this street use license for a newly constructed house for the subdivision named Saulsbury Phase II. The house was mistakenly placed one foot (1.0') feet into a 15 foot wide utility easement along the southern property line, which still exceeds the 5 foot side yard setback required in the SF-2 designed lot.

All utility companies, including the City of Temple Public Works Department, were contacted regarding the requested street use license. There are no objections to the street use license.

**FISCAL IMPACT:** Street use licenses require a \$150.00 fee for a 15-year term, which the applicant has paid.

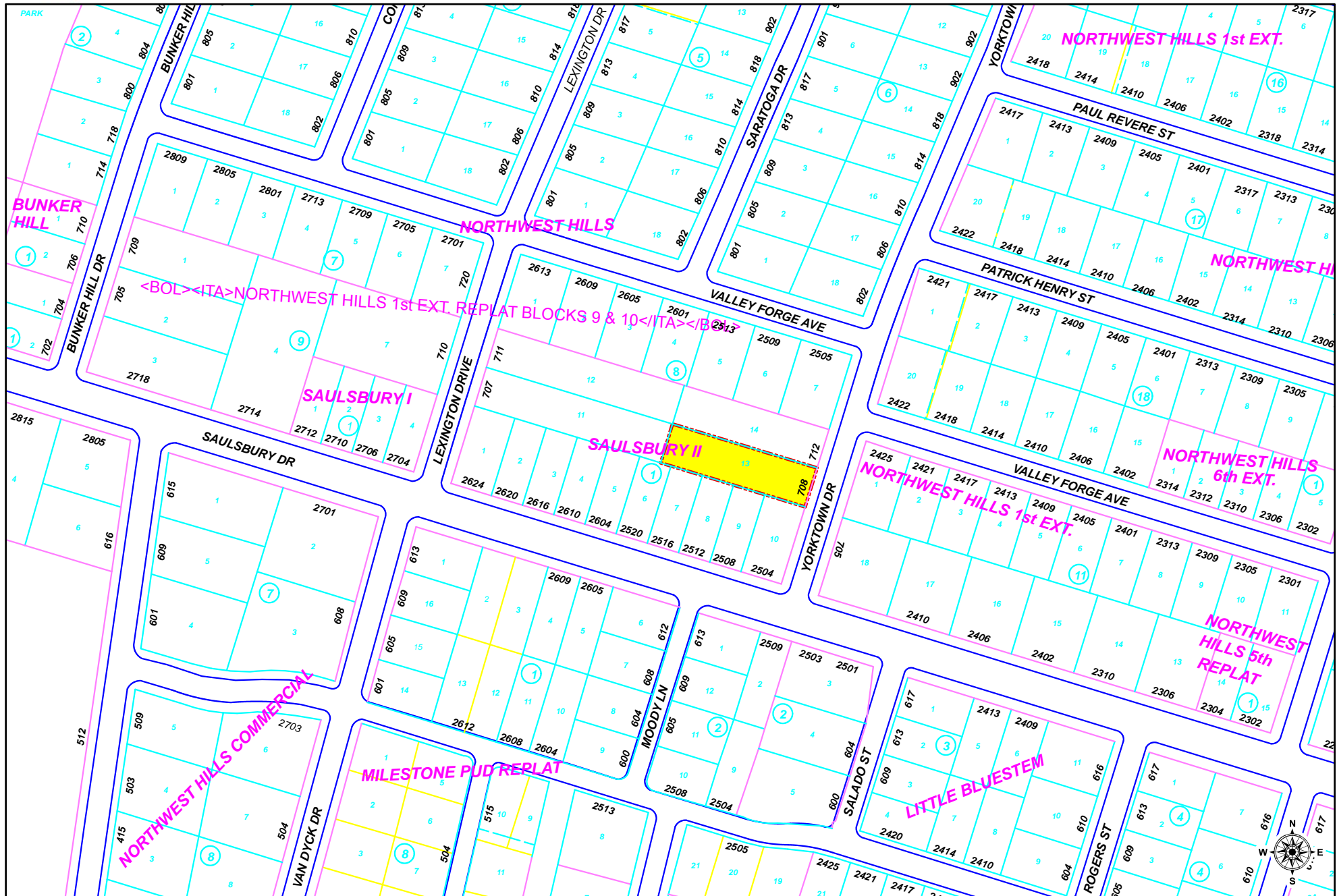
### **ATTACHMENTS:**

[Location Map](#)  
[Survey](#)  
[Resolution](#)



# Lot 13, Blk 1 Saulsbury Subdivision Phase II

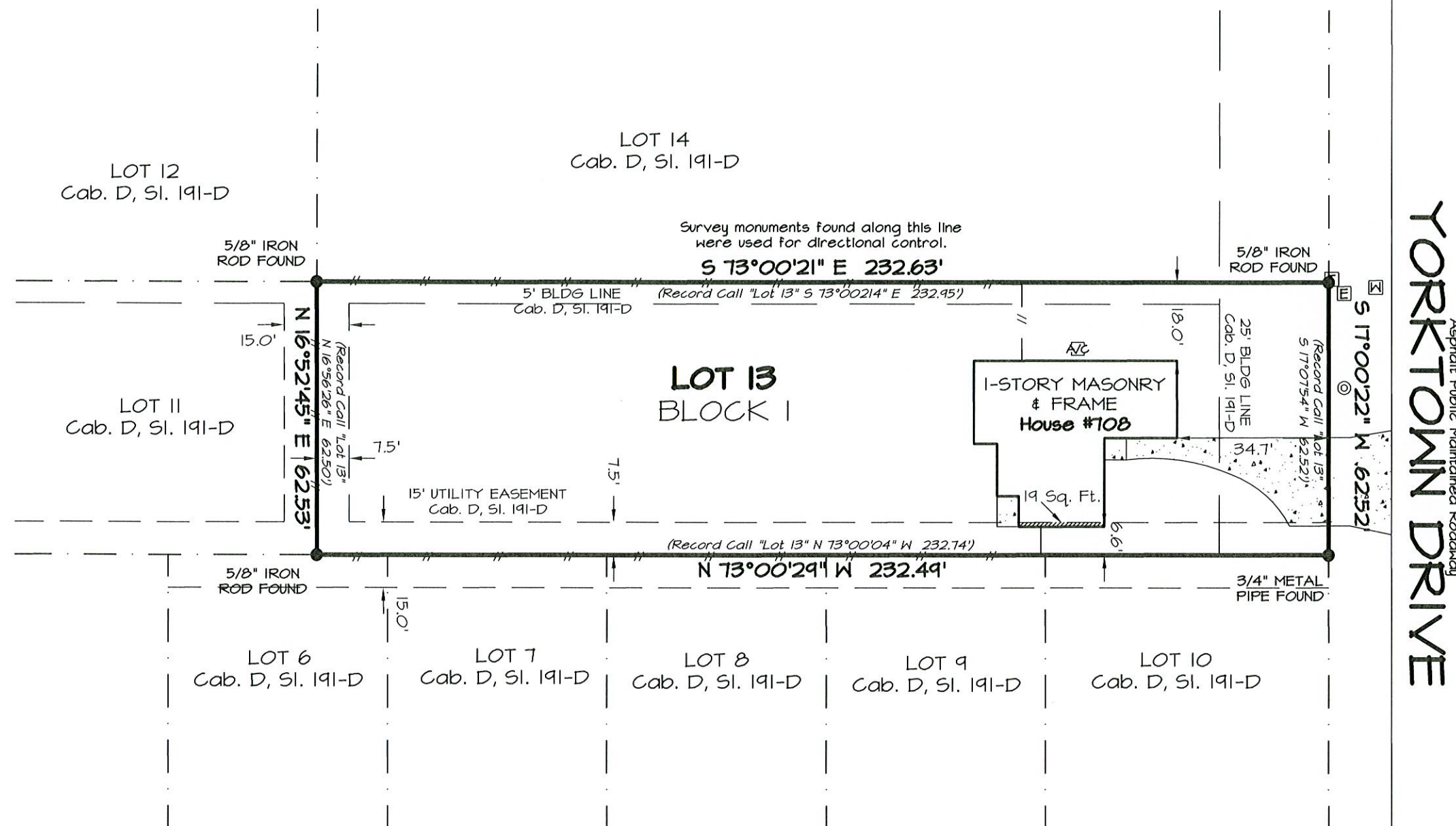
708 Yorktown Dr





1 inch = 200 feet  
J Stone 7.30.08




Surveyor's Sketch showing LOT THIRTEEN (13), in BLOCK ONE (1), of FINAL PLAT OF SAULSBURY SUBDIVISION, PHASE II, in the City of Temple, Bell County, Texas, according to the plat of record in Cabinet D, Slide 191-D, Plat Records of Bell County, Texas.



LEGEND:

- |   |                    |
|---|--------------------|
|  | Water Meter        |
|  | Electric Box       |
|  | Telephone Pedestal |
|  | Air Conditioner    |
|  | Clean Out          |

**ALL COUNTY SURVEYING, INC.**



- Surveying
- Mapping

Geospatial Solutions

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

1988-2008 20 YEARS OF EXCELLENCE

Survey performed for: JAMES R. MOSER and BETTY A. MOSER as per that title commitment provided by, MONTEITH ABSTRACT COMPANY GF#08-2759 EFFECTIVE DATE: JUNE 12, 2008

This sketch represents a survey made on the ground. During the performance of this survey persons working under my supervision observed conditions within and along the boundaries and to the best of my knowledge they are as shown. This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

Survey completed 07-08-08  
Scale: 1" = 30'  
Job No. 998975  
Dwg No. 998975  
Drawn by DMF  
Surveyor CCL #4636

Copyright 2008 All County Surveying, Inc.

Plot Date: Aug 01, 2008 - 10:09am

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING A STREET USE LICENSE FOR A 19 SQUARE FOOT ENCROACHMENT OF AN EXISTING HOUSE IN A 15 FOOT WIDE UTILITY EASEMENT ALONG THE SOUTHERN PROPERTY LINE FOR SAULSBURY PHASE II, BLOCK 1, LOT 13; PROVIDING FOR THE TERMS AND CONDITIONS OF THIS LICENSE; PROVIDING FOR COMPENSATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, a Street Use License has been requested for a newly constructed house in Saulsbury Phase II that was mistakenly placed one foot into a 15 foot wide utility easement along the southern property line lot of Block 1, Lot 13;

**Whereas**, the use of the property is not inconsistent, nor will it interfere, with any present City use of the property; and

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

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

**Part 1:** A Street Use License is granted to Patco Construction, Inc., or any successors in interest, hereinafter "Licensee," to occupy, maintain, and utilize property to allow a 19 square foot encroachment of an existing house in a 15 foot utility easement along the southern property line for Saulsbury Phase II, Block 1, Lot 13, in the City of Temple, Bell County, Texas, more fully shown on Exhibit A, attached hereto and made a part hereof for all purposes. This Street Use License is approved in accordance with the following terms and conditions:

**I. Term**

This license is granted for a term of fifteen (15) years unless sooner terminated according to the terms and conditions herein contained. At the end of the fifteen year period, the owner may request an extension or renewal of the license.

**II. Fee**

Licensee shall pay to the City of Temple, Texas, the sum of One Hundred Fifty Dollars (\$150) for the fifteen (15) year term for the license herein granted upon the execution by Licensee and approval by the City of the agreement.

**III. Purpose**



The above-described property shall be used by the Licensee to occupy, maintain, and utilize a 15 foot wide utility easement along the southern property line for Saulsbury Phase II, Block 1, Lot 13, in the City of Temple, Bell County, Texas.

#### **IV. Conditions of License**

That the above-described license is granted subject to the following conditions, terms, and reservations:

(a) **Maintenance of Encroachment Area.**

(1) Licensee shall maintain the encroachment area at all times in a neat, attractive, and orderly manner. A sufficient area of the public street, right-of-way, alley, sidewalk, or other public property shall remain open after the encroachment, unobstructed and preserved for pedestrian or vehicular traffic (including access for impaired or handicapped persons), as appropriate. No other permanent structure, building, or enclosure shall be installed within the public right-of-way. Licensee shall at all times allow access to utilities and trash receptacles located within the encroachment area.

(2) Licensee shall restore the encroachment area to its original condition at the end of the license period, unless renewed or extended, or in the event that this license is terminated by the City as provided herein. If Licensee fails to maintain the encroachment area as provided herein, or fails to restore the encroachment area when the license is expired or terminated, the City may cause such work to be done, the costs of which shall be born by Licensee.

(3) In the event that City requests removal of the encroachment or any other physical improvement in the area of the license, Licensee shall remove said improvement at his own expense within thirty (30) days of notice thereof. In the event that Licensee fails to remove the improvements within the required thirty day period, the City reserves the right to remove the improvements, and Licensee agrees to reimburse the City for the expense of removing said improvements, and Licensee further agrees to hold the City harmless for any and all claims arising out of the removal of improvements or maintenance of the encroachment area. City shall not be required to restore the improvements, which shall be the sole responsibility of Licensee.

(b) **Right of Cancellation.**

(1) This license is made subordinate to the right of the City to use said area for a public purpose, and in addition to any other reservations made herein, it is understood and agreed that should the City of Temple deem it in the public interest to use the above area, or any portion thereof for a public purpose, or for any utility service which will require the use of said area, then in that event, the City shall give the Licensee thirty (30) days written notice of its intention to cancel this license. Licensee shall likewise have the same right of cancellation upon giving the City thirty (30) days written notice of its intention to cancel.

In either event, upon the termination or cancellation by the City or Licensee, as the case may be, this license shall become null and void, and Licensee or anyone claiming any rights under this instrument shall remove any improvements from said area at Licensee's expense. Failure to do so shall subject Licensee to the provisions of subsection (a)(2) above. All work shall be done at the sole cost of the Licensee and to the satisfaction of the Director of Public

Works. The decision of the City Council in this matter shall be final and binding upon all parties insofar as the City's determination as to the public necessity of the use of said area for public use.

(c) **Compliance with Laws.** This license is subject to all State and Federal laws, the provisions of the Charter of the City of Temple as it now exists or as it may hereafter be adopted or amended, and the ordinances of the City of Temple now in effect or those which may hereafter be passed and adopted. The City of Temple shall have the right to increase or decrease the compensation to be charged for this license upon its renewal or extension.

(d) **Hold Harmless.**

(1) As a condition hereof, Licensee agrees and is bound to hold the City whole and harmless against any and all claims for damages, costs, and expenses, to persons or property that may arise out of or be occasioned by the use, occupancy and maintenance of the above-described public property by Licensee, or from any act or omission of any representative, agent, customer, or employee of Licensee, and such indemnity provision shall also cover any personal injury or damage suffered to City property, City employees, agents or officers. This license shall also cover any claim for damages that any utility, whether publicly or privately owned, may sustain or receive by reason of Licensee's use of said license for Licensee's improvements and equipment located thereon.

(2) Licensee shall never make any claim of any kind or character against the City of Temple for damages that it may suffer by reason of the installation, construction, reconstruction, operation, and/or maintenance of any public improvement or utility, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water and/or sanitary sewer mains, and/or storm sewer facilities, and whether such damage is due to flooding, infiltration, natural causes or from any other cause of whatsoever kind or nature.

(3) It is the intention of this indemnity agreement on the part of the Licensee and a condition of this license, that it shall be a full and total indemnity against any kind or character or claim whatsoever that may be asserted against the City of Temple by reason or a consequence of having granted permission to Licensee to use and maintain the above described public property. Licensee hereby agrees to defend any and all suits, claims, or causes of action brought against the City of Temple on account of same, and discharge any judgment or judgments that may be rendered against the City of Temple in connection herewith.

## **V. Acceptance by Licensee**

Licensee may accept the provisions of this license by signing through its duly authorized officer as indicated below within thirty (30) days after this license shall have become fully effective. In the event said acceptance is not signed as provided for herein, then this license shall be of no further effect and shall be considered as having been canceled fully.

**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 on the 7<sup>th</sup> day of **August**, 2008.

THE CITY OF TEMPLE, TEXAS

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

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clydette Entzminger  
City Secretary

\_\_\_\_\_  
City Attorney's Office

STATE OF TEXAS       §

COUNTY OF BELL       §

This instrument was acknowledged before me on the \_\_\_\_\_ day of August, 2008, by  
WILLIAM A. JONES, III, Mayor of the City of Temple, Texas.

\_\_\_\_\_  
Notary Public, State of Texas

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## AGREEMENT OF LICENSEE

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPLE,  
TEXAS:

I, Pat Patterson, on behalf of Patco Construction, Inc., hereby accept the terms and conditions of Resolution No. \_\_\_\_\_ granting a Street Use License for a 19 square foot encroachment of a newly constructed house into a 15 foot wide utility easement along the southern property line for Saulsbury Phase II, Block 1, Lot 13, in the City of Temple, Bell County, Texas

PATCO CONSTRUCTION, INC.

\_\_\_\_\_  
By: Pat Patterson

County of Bell       §

State of Texas       §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2008, by -  
Pat Patterson, on behalf of Patco Construction, Inc.

\_\_\_\_\_  
Notary Public, State of Texas

*Return recorded document to:*  
City Attorney's Office  
2 N Main ST  
Temple TX 76501



## COUNCIL AGENDA ITEM MEMORADUM

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08/07/08  
Item #4(N)  
Consent Agenda  
Page 1 of 1

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

Tim Dolan, Planning Director

**ITEM DESCRIPTION:** Consider adopting a resolution granting a street use license for a 176 square foot encroachment of an existing house in a 15' foot wide utility easement along the northern property line for Saulsbury Phase II, Block 1, and Lot 12.

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

**ITEM SUMMARY:** Pat Patterson, Patco Construction Inc., requests this street use license for a newly constructed house for the subdivision named Saulsbury Phase II. The house was mistakenly placed six feet (6.0') into a 15 foot wide utility easement along the northern property line, which still exceeds the 5 foot side yard setback required in the SF-2 designed lot.

All utility companies, including the City of Temple Public Works Department, were contacted regarding the requested street use license. There are no objections to the street use license.

**FISCAL IMPACT:** Street use licenses require a \$150.00 fee for a 15-year term, which the applicant has paid.

### **ATTACHMENTS:**

[Location Map](#)

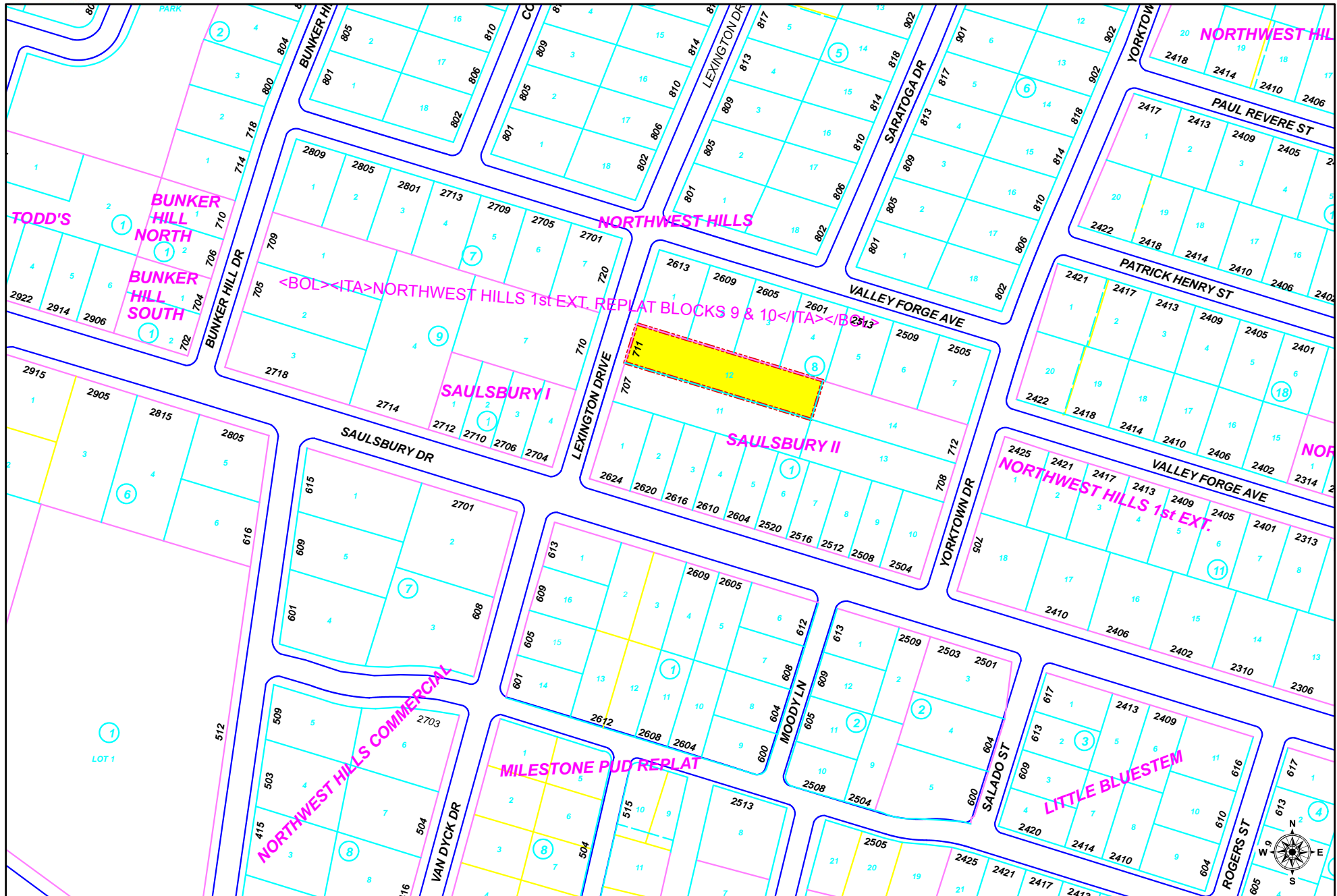
[Survey](#)

[Resolution](#)



# Lot 12, Blk 1 Saulsbury Subdivision Phase II

711 Lexington Dr



1 inch = 200 feet  
J Stone 7.30.08

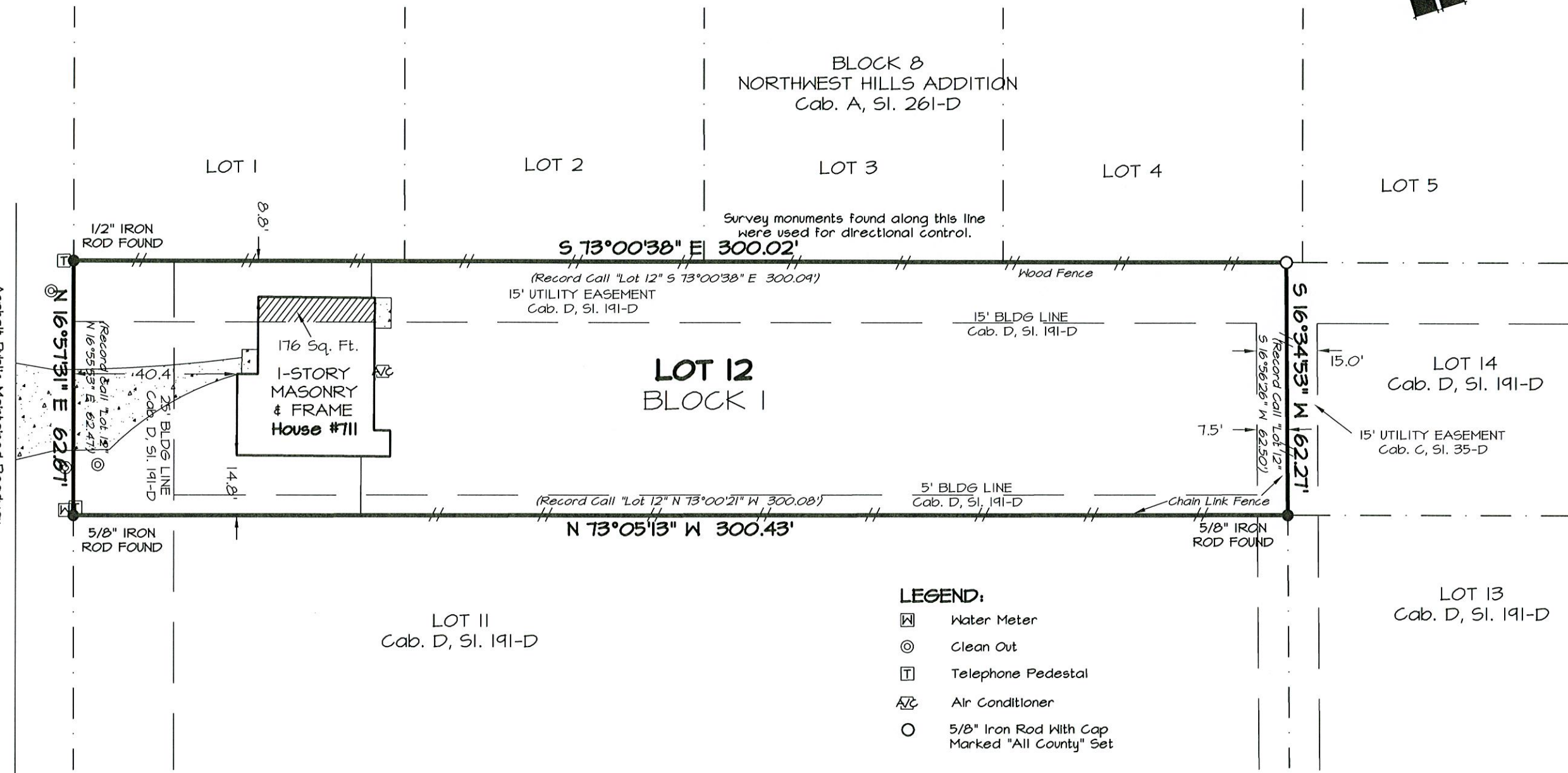


Surveyor's Sketch showing LOT TWELVE (12), in BLOCK ONE (1), of SAULSBURY SUBDIVISION. PHASE II, in the City of Temple, Bell County, Texas, according to the plat of record in Cabinet D, Slide 191-D, Plat Records of Bell County, Texas.



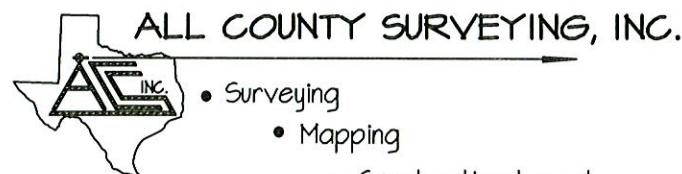
LEXINGTON DRIVE

Asphalt Public Maintained Roadway



Survey performed for: MARGOT EMILIE MARIA KUELLE as per that title commitment provided by, MONTEITH ABSTRACT COMPANY 6F#08-2945 EFFECTIVE DATE: JUNE 18, 2008

This sketch represents a survey made on the ground. During the performance of this survey persons working under my supervision observed conditions within and along the boundaries and to the best of my knowledge they are as shown. This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.



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

1988-2008 20 YEARS OF EXCELLENCE

Survey completed 07-08-08  
Scale: 1" = 30'  
Job No. 998976  
Dwg No. 998976  
Drawn by DMF  
Surveyor CCL #4636

Copyright 2008 All County Surveying, Inc.

Plot Date: Aug 01, 2008 - 10:09am

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING A STREET USE LICENSE FOR A 176 SQUARE FOOT ENCROACHMENT OF AN EXISTING HOUSE IN A 15 FOOT WIDE UTILITY EASEMENT ALONG THE NORTHERN PROPERTY LINE FOR SAULSBURY PHASE II, BLOCK 1, LOT 12; PROVIDING FOR THE TERMS AND CONDITIONS OF THIS LICENSE; PROVIDING FOR COMPENSATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, a Street Use License has been requested for a newly constructed house in Saulsbury Phase II that was mistakenly placed 6 feet into a 15 foot wide utility easement along the northern property line lot of Block 1, Lot 12;

**Whereas**, the use of the property is not inconsistent, nor will it interfere, with any present City use of the property; and

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

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

**Part 1:** A Street Use License is granted to Patco Construction, Inc., or any successors in interest, hereinafter "Licensee," to occupy, maintain, and utilize property to allow a 176 square foot encroachment of an existing house in a 15 foot wide utility easement along the northern property line for Saulsbury Phase II, Block 1, Lot 12, in the City of Temple, Bell County, Texas, more fully shown on Exhibit A, attached hereto and made a part hereof for all purposes. This Street Use License is approved in accordance with the following terms and conditions:

**I. Term**

This license is granted for a term of fifteen (15) years unless sooner terminated according to the terms and conditions herein contained. At the end of the fifteen year period, the owner may request an extension or renewal of the license.

**II. Fee**

Licensee shall pay to the City of Temple, Texas, the sum of One Hundred Fifty Dollars (\$150) for the fifteen (15) year term for the license herein granted upon the execution by Licensee and approval by the City of the agreement.

**III. Purpose**



The above-described property shall be used by the Licensee to occupy, maintain, and utilize a 15 foot wide utility easement along the northern property line for Saulsbury Phase II, Block 1, Lot 12, in the City of Temple, Bell County, Texas.

#### **IV. Conditions of License**

That the above-described license is granted subject to the following conditions, terms, and reservations:

(a) **Maintenance of Encroachment Area.**

(1) Licensee shall maintain the encroachment area at all times in a neat, attractive, and orderly manner. A sufficient area of the public street, right-of-way, alley, sidewalk, or other public property shall remain open after the encroachment, unobstructed and preserved for pedestrian or vehicular traffic (including access for impaired or handicapped persons), as appropriate. No other permanent structure, building, or enclosure shall be installed within the public right-of-way. Licensee shall at all times allow access to utilities and trash receptacles located within the encroachment area.

(2) Licensee shall restore the encroachment area to its original condition at the end of the license period, unless renewed or extended, or in the event that this license is terminated by the City as provided herein. If Licensee fails to maintain the encroachment area as provided herein, or fails to restore the encroachment area when the license is expired or terminated, the City may cause such work to be done, the costs of which shall be born by Licensee.

(3) In the event that City requests removal of the encroachment or any other physical improvement in the area of the license, Licensee shall remove said improvement at his own expense within thirty (30) days of notice thereof. In the event that Licensee fails to remove the improvements within the required thirty day period, the City reserves the right to remove the improvements, and Licensee agrees to reimburse the City for the expense of removing said improvements, and Licensee further agrees to hold the City harmless for any and all claims arising out of the removal of improvements or maintenance of the encroachment area. City shall not be required to restore the improvements, which shall be the sole responsibility of Licensee.

(b) **Right of Cancellation.**

(1) This license is made subordinate to the right of the City to use said area for a public purpose, and in addition to any other reservations made herein, it is understood and agreed that should the City of Temple deem it in the public interest to use the above area, or any portion thereof for a public purpose, or for any utility service which will require the use of said area, then in that event, the City shall give the Licensee thirty (30) days written notice of its intention to cancel this license. Licensee shall likewise have the same right of cancellation upon giving the City thirty (30) days written notice of its intention to cancel.

In either event, upon the termination or cancellation by the City or Licensee, as the case may be, this license shall become null and void, and Licensee or anyone claiming any rights under this instrument shall remove any improvements from said area at Licensee's expense. Failure to do so shall subject Licensee to the provisions of subsection (a)(2) above. All work shall be done at the sole cost of the Licensee and to the satisfaction of the Director of Public

Works. The decision of the City Council in this matter shall be final and binding upon all parties insofar as the City's determination as to the public necessity of the use of said area for public use.

(c) **Compliance with Laws.** This license is subject to all State and Federal laws, the provisions of the Charter of the City of Temple as it now exists or as it may hereafter be adopted or amended, and the ordinances of the City of Temple now in effect or those which may hereafter be passed and adopted. The City of Temple shall have the right to increase or decrease the compensation to be charged for this license upon its renewal or extension.

(d) **Hold Harmless.**

(1) As a condition hereof, Licensee agrees and is bound to hold the City whole and harmless against any and all claims for damages, costs, and expenses, to persons or property that may arise out of or be occasioned by the use, occupancy and maintenance of the above-described public property by Licensee, or from any act or omission of any representative, agent, customer, or employee of Licensee, and such indemnity provision shall also cover any personal injury or damage suffered to City property, City employees, agents or officers. This license shall also cover any claim for damages that any utility, whether publicly or privately owned, may sustain or receive by reason of Licensee's use of said license for Licensee's improvements and equipment located thereon.

(2) Licensee shall never make any claim of any kind or character against the City of Temple for damages that it may suffer by reason of the installation, construction, reconstruction, operation, and/or maintenance of any public improvement or utility, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water and/or sanitary sewer mains, and/or storm sewer facilities, and whether such damage is due to flooding, infiltration, natural causes or from any other cause of whatsoever kind or nature.

(3) It is the intention of this indemnity agreement on the part of the Licensee and a condition of this license, that it shall be a full and total indemnity against any kind or character or claim whatsoever that may be asserted against the City of Temple by reason or a consequence of having granted permission to Licensee to use and maintain the above described public property. Licensee hereby agrees to defend any and all suits, claims, or causes of action brought against the City of Temple on account of same, and discharge any judgment or judgments that may be rendered against the City of Temple in connection herewith.

## **V. Acceptance by Licensee**

Licensee may accept the provisions of this license by signing through its duly authorized officer as indicated below within thirty (30) days after this license shall have become fully effective. In the event said acceptance is not signed as provided for herein, then this license shall be of no further effect and shall be considered as having been canceled fully.

**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 on the 7<sup>th</sup> day of **August**, 2008.

THE CITY OF TEMPLE, TEXAS

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

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clydette Entzminger  
City Secretary

\_\_\_\_\_  
City Attorney's Office

STATE OF TEXAS       §

COUNTY OF BELL       §

This instrument was acknowledged before me on the \_\_\_\_\_ day of August, 2008, by  
WILLIAM A. JONES, III, Mayor of the City of Temple, Texas.

\_\_\_\_\_  
Notary Public, State of Texas

---

## AGREEMENT OF LICENSEE

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPLE,  
TEXAS:

I, Pat Patterson, on behalf of Patco Construction, Inc., hereby accept the terms and conditions of Resolution No. \_\_\_\_\_ granting a Street Use License for a 176 square feet encroachment of a newly constructed house into a 15 foot wide utility easement along the northern property line for Saulsbury Phase II, Block 1, Lot 12, in the City of Temple, Bell County, Texas

PATCO CONSTRUCTION, INC.

\_\_\_\_\_  
By: Pat Patterson

County of Bell       §

State of Texas       §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2008, by -  
Pat Patterson, on behalf of Patco Construction, Inc.

\_\_\_\_\_  
Notary Public, State of Texas

*Return recorded document to:*  
City Attorney's Office  
2 N Main ST  
Temple TX 76501



## COUNCIL AGENDA ITEM MEMORANDUM

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08/07/08  
Item #4(O)  
Consent Agenda  
Page 1 of 1

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

Gary Smith, Chief of Police

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the transfer of funds from the Child Safety Fees-Bell County to the Temple Police Department's Overtime Account for traffic control and direction on State Highway 2305 at Lakewood Elementary School in the amount of \$7,500 for FY 2007-2008.

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

**ITEM SUMMARY:** The Police Department requests that money be transferred from the Child Safety account to their personnel overtime account to fund a child safety program of traffic control and direction on FM 2305 at Lakewood Elementary School.

**FISCAL IMPACT:** A Budget Adjustment is presented for Council approval appropriating \$7,500 for FY 2007-2008 from the Child Safety Fees collected by the County on behalf of the City, account 110-0000-452-0164, to the Police Department's personnel overtime account 110-2000-521-11-19. The City currently has \$202,950 available in child safety fees. If funding is approved for the child safety program described above, there will be a remaining balance of \$195,450.

### **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	
110-2000-521-11-19		Overtime	\$ 7,500			
110-0000-452-01-64		Child Safety Fees - Bell County	7,500			
<b>TOTAL.....</b>			<b>\$ 15,000</b>		<b>\$ -</b>	

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

Increase expenditures for Police overtime and revenue for Child Safety Fees (Bell County) for City of Temple - employed Police Officers to provide traffic control and direction on State Highway 2305 at Lakewood Elementary School (FY 2007-2008)

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

8/7/2008

WITH AGENDA ITEM?

☒ Yes☐ No

Gary O. Smith

Department Head/Division Director

7/22/2008

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, PROVIDING FUNDING FROM THE CHILD SAFETY FEES-BELL COUNTY TO BE TRANSFERRED TO THE TEMPLE POLICE DEPARTMENT'S OVERTIME ACCOUNT IN THE AMOUNT OF \$7,500 FOR FY2007-2008 FOR TRAFFIC CONTROL AND DIRECTION ON STATE HIGHWAY 2305 AT LAKEWOOD ELEMENTARY SCHOOL; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the City of Temple receives an annual allocation of child safety fees from Bell County that are collected on every vehicle registered in Bell County;

**Whereas**, these funds must be used for programs such as school crossing guards, child safety, health or nutrition, child abuse prevention and intervention and drug and alcohol abuse prevention;

**Whereas**, from those funds, the Police Department requests that money be transferred to the Police overtime account to fund a child safety program of traffic control and direction on State Highway 2305 at Lakewood Elementary School;

**Whereas**, an amendment to the FY2007-2008 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 approves providing funding from the Child Safety Fees-Bell County to be transferred to the Temple Police Department's overtime account in the amount of \$7,500 for FY2007-2008 for traffic control and direction on State Highway 2305 at Lakewood Elementary School.

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

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

PASSED AND APPROVED this the 7<sup>th</sup> day of **August**, 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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08/07/08  
Item #4(P)  
Consent Agenda  
Page 1 of 1

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

Traci Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.

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

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

**FISCAL IMPACT:** The total amount of budget amendments is \$35,968.

**ATTACHMENTS:**

Budget amendments  
Resolution

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2008 BUDGET**  
**August 7, 2008**

			<b>APPROPRIATIONS</b>	
<b>ACCOUNT #</b>	<b>PROJECT #</b>	<b>DESCRIPTION</b>	<b>Debit</b>	<b>Credit</b>
110-1400-511-2517		Election Expense (City Secretary)	\$ 9,506	
110-1000-511-1222		Health Insurance (City Council)		\$ 9,506
To fund additional election expense related to the special election for vacancy in district 3, two bond elections, and the increasing cost of publication for bond elections. Funds are available from the Council's insurance account.				
110-1600-512-2512		Court Costs (Legal)	\$ 4,000	
110-0000-461-0851		Lot Cutting Revenue		\$ 4,000
This budget adjustment appropriates an additional \$4,000 to pay the lien filing fees at the County Clerk's Office. Funds are available through additional revenues received for lot cuttings.				
110-3700-524-2516		Judgments & Damages (Construction Safety)	\$ 919	
110-1500-515-6531		<b>Contingency - Judgments &amp; Damages</b>		<b>\$ 919</b>
Attorney fees for lawsuit filed against the City by Leah Martinson.				
110-4000-555-2225		Books & Periodicals (Library)	\$ 800	
110-0000-314-1917		<b>Reserve for Library</b>		<b>\$ 800</b>
Purchase history books with MacGregor Trust funds.				
240-4400-551-2311		Buildings & Grounds (Mayborn Center)	\$ 7,808	
240-4400-551-6532		<b>Contingency</b>		<b>\$ 7,808</b>
This budget adjustment will appropriate funds to repair the battery backup system at the Mayborn Center. Funds are available in the contingency account.				
520-5000-535-6310		Buildings & Grounds (Public Works Administration)	\$ 12,935	
520-5000-535-6532		<b>Contingency</b>		<b>\$ 12,935</b>
This budget adjustment appropriates \$12,935 of contingency funds to pay for the remodel of the Public Works Administrative and Mapping Offices. This will leave a remaining balance of \$7,065 in contingency for Public Works Administration.				
<b>TOTAL AMENDMENTS</b>			<b>\$ 35,968</b>	<b>\$ 35,968</b>
<b>GENERAL FUND</b>				
Beginning <b>Contingency</b> Balance			\$	-
Added to Contingency Sweep Account			\$	-
Carry forward from Prior Year			\$	-
Taken From Contingency			\$	-
Net Balance of Contingency Account			\$	-
Beginning <b>Judgments &amp; Damages</b> Contingency			\$	70,000
Added to Contingency Judgments & Damages from Council Contingency			\$	-
Taken From Judgments & Damages			\$	(57,388)
Net Balance of Judgments & Damages Contingency Account			\$	12,612

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2008 BUDGET**  
**August 7, 2008**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Beginning <b>Master Plan Implementation</b> Contingency	\$	250,000
		Added to Master Plan Implementation Contingency	\$	-
		Taken From Master Plan Implementation Contingency	\$	(176,334)
		Net Balance of Master Plan Implementation Contingency Account	\$	73,666
		Beginning <b>Performance Pay</b> Contingency	\$	150,000
		Added to Compensation Plan Contingency	\$	-
		Taken From Compensation Plan Contingency	\$	(150,000)
		Net Balance of Compensation Plan Contingency Account	\$	-
		<b>Net Balance Council Contingency</b>	\$	86,278
		Beginning Balance <b>Budget Sweep</b> Contingency	\$	-
		Added to Budget Sweep Contingency	\$	-
		Taken From Budget Sweep	\$	-
		Net Balance of Budget Sweep Contingency Account	\$	-
		<b>WATER &amp; SEWER FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	904,672
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(213,528)
		Net Balance of Contingency Account	\$	691,144
		Beginning <b>Performance Pay</b> Contingency	\$	30,000
		Added to Compensation Plan Contingency	\$	-
		Taken From Compensation Plan Contingency	\$	(30,000)
		Net Balance of Compensation Plan Contingency Account	\$	-
		Beginning <b>Approach Mains</b> Contingency	\$	500,000
		Added to Approach Mains Contingency	\$	-
		Taken From Approach Mains Contingency	\$	(13,568)
		Net Balance of Approach Mains Contingency Account	\$	486,432
		<b>Net Balance Water &amp; Sewer Fund Contingency</b>	\$	1,177,576
		<b>HOTEL/MOTEL TAX FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	20,126
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(18,928)
		Net Balance of Contingency Account	\$	1,198
		Beginning <b>Performance Pay</b> Contingency	\$	8,000
		Added to Compensation Plan Contingency	\$	-
		Taken From Compensation Plan Contingency	\$	(8,000)
		Net Balance of Compensation Plan Contingency Account	\$	-
		<b>Net Balance Hotel/Motel Tax Fund Contingency</b>	\$	1,198
		<b>DRAINAGE FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	1,495
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	1,495
		Beginning <b>Performance Pay</b> Contingency	\$	2,000
		Added to Compensation Plan Contingency	\$	-
		Taken From Compensation Plan Contingency	\$	(838)
		Net Balance of Compensation Plan Contingency Account	\$	1,162
		<b>Net Balance Drainage Fund Contingency</b>	\$	2,657

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2008 BUDGET**  
**August 7, 2008**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		<b>FED/STATE GRANT FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	-
		Carry forward from Prior Year	\$	86,477
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(57,766)
		Net Balance of Contingency Account	\$	<b>28,711</b>

**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.**

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

**Whereas**, the City Council deems it in the public interest to make certain amendments to the 2007-2008 City Budget.

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

**Part 1**: The City Council approves amending the 2007-2008 City Budget by adopting the budget amendments which are more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED this the 7<sup>th</sup> day of **August**, 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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08/07/08  
Item #5  
Regular Agenda  
Page 1 of 3

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

Traci L. Barnard, Director of Finance

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

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

**ITEM SUMMARY:** On May 15, 2008, the Financing Plan was amended to reflect the increase in the amount of taxable 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 Financing Plan was also amended to adjust debt service payments to actual for the 2008 Nontaxable CO issue sold on March 20, 2008, and adjusted debt service payments proposed for the 2008 Taxable Revenue Bonds for the change in issuance amount. These bonds were sold on June 5, 2008.

The proposed Financing Plan amendment adjusts the 2008 Taxable Revenue Bonds debt service payments in FY 2008 through FY 2022 to actual and adjusts for the cost of issuance of the bonds. The additional amendments increase funding for the Greenbelt Development along Pepper Creek, provide funding for the add alternate in the Rail Park bid, and various other clean up items that are detailed below.

The proposed amendment adjusts the following line items on the Financing Plan:

**Line 33 – Miscellaneous Reimbursements:** Reduced miscellaneous reimbursements by \$128,410 to reflect the actual amount to be received from Gulf States Toyota (GST) for 50% of the construction cost of the underground storm water system. The actual amount received from GST on July 3, 2008 was \$796,590.

**Line 50 – Professional:** Reduced by \$431 to cover bond issuance costs.

**Line 71 – Debt Service – 2008 Taxable Revenue Bonds:** The debt service amounts for FY 2008 - FY 2022 was adjusted to reflect the actual amortization of \$10,365,000 for 15 years at a net interest cost of 5.29%.

**Line 73 – Issuance Costs:** Added \$5,000 to issuance costs. Actual issuance costs for both bond issues totaled \$169,998. \$4,569 of the funding needed comes from the savings realized on the debt service payments of the 2008 Taxable Revenue Bonds and \$431 comes from the Professional account.

**Line 100 – Railroad Spur Improvements:** Added \$1,075,498 to this line from the following: reallocated \$800,000 of funding issued in the 2008 Taxable Revenue Bonds from contingency, reduced the funding for the underground storm water system by \$128,410 to account for the revenue that will not be received by GST, added \$95,240 for the construction of the underground storm water system and added \$68,303 from the remaining funds from the Wendland property land acquisition. This line was also increased by \$240,365 to fund the add alternate of the Rail Park bid to be funded from the Northwest Loop funding.

**Line 105 – Elm Creek Detention Pond:** Reduced \$95,240 to reallocate funding for the underground storm water system.

**Line 121 – ROW Acquisition:** Reduced \$15,000 to fund additional costs associated with the Airport Park.

**Line 122 – Land Acquisition-Wendland property:** Reduced \$68,303. Land purchase is complete, reallocating remaining funds from Taxable Revenue Bond issue to the Rail Park, Line 100.

**Line 221 – Airport Park:** Added \$15,000 to the Airport Park project to fund a change order for clearing and seeding and fund testing fees for the entire project.

**Line 300 – Greenbelt Development along Pepper Creek:** Added \$464,225 to fund bid item A {Hike & Bike Trail}, item B {Water features}, item C {site accessories}, and a 5% contingency for the project. This funding comes from the from the Northwest Loop funding.

**Line 420 – Northwest Loop:** Reduced by \$704,590 to partially fund the add alternate of the Rail Park bid {\$240,365} and to supplement funding for the Greenbelt Development along Pepper Creek {\$464,225}.

**Line 501 – Taxable Revenue Bond Contingencies:** Reduced \$800,000 to reallocate the bond funds to the Railroad Spur Improvements.

**FISCAL IMPACT:** The proposed amendment was funded by reallocating funds between projects and line items. There is a decrease of revenue in the amount of \$128,410 for funds that will not be received from GST. There is no use of fund balance for any of the line items. When reallocating funds among/between projects, our goal was to apply bond proceeds to eligible projects first since there are more restrictions on what projects bond proceeds can be used.

**ATTACHMENTS:**

Financing Plan

Summary Financing Plan with Detailed Project Plan

Budget Adjustment

Ordinance



DESCRIPTION		Y/E 9/30/08 Year 26	Y/E 9/30/09 Year 27	Y/E 9/30/10 Year 28	Y/E 9/30/11 Year 29	Y/E 9/30/12 Year 30	Y/E 9/30/13 Year 31	Y/E 9/30/14 Year 32	Y/E 9/30/15 Year 33	Y/E 9/30/16 Year 34	Y/E 9/30/17 Year 35	Y/E 9/30/18 Year 36	Y/E 9/30/19 Year 37	Y/E 9/30/20 Year 38	Y/E 9/30/21 Year 39	Y/E 9/30/22 Year 40
1	Appraised Value	\$ 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	\$ 8,788,778	\$ 1,453,464	\$ 1,282,134	\$ 2,447,308	\$ 2,406,879	\$ 1,548,437	\$ 1,476,201	\$ 1,868,370	\$ 1,826,222	\$ 1,845,998	\$ 1,429,524	\$ 1,378,738	\$ 1,626,241	\$ 1,867,587	\$ 2,182,408
SOURCES OF CASH:																
10	Tax Revenues	3,934,627	4,051,439	4,592,298	4,679,594	6,271,181	6,789,596	6,857,023	6,925,124	6,993,906	7,063,376	7,133,540	8,749,666	9,249,246	9,341,269	9,434,212
15	Allowance for Uncoll. Taxes	(105,146)	(108,507)	(112,341)	(114,517)	(115,655)	(116,801)	(117,961)	(119,132)	(120,314)	(121,509)	(122,715)	(123,934)	(125,165)	(126,408)	(127,663)
20	Interest Income-Bonds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
25	Interest Income-Other	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}	796,590	-	-	-	-	-	-	-	-	-	-	-	-	-	-
34	Sale of Land	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
35	Grant Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
40	TOTAL SOURCES	31,241,071	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	88,003	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	1,200	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
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
65	TISD-Joint Use facilities	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	371,611	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)	20,665,420	40,000	40,000	-	-	800,000	-	-	-	-	2,700,000	-	-	-	-
299	Western Aviation Zone (3)	3,057,128	-	300,000	1,225,150	2,175,850	1,100,000	-	-	-	-	-	-	-	-	-
399	Western Bio-Science & Medical Zone (3)	11,019,715	-	-	-	-	-	-	-	-	-	-	-	-	-	-
400	Southeast Industrial Park Zone (3)	73,500	1,200,000	-	-	-	-	-	-	-	-	-	-	-	-	-
405	General Roadway Improvements	250,111	-	-	-	-	-	-	-	-	-	-	-	-	-	-
410	Major Gateway Entrances	-	400,000	-	400,000	-	-	-	-	-	-	-	-	-	-	-
415	Downtown Improvements	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	905,410	-	-	-	-	-	-	-	-	-	-	-	-	-	-
430	Reserve for Acer facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
500	Zone Projects - Public Improvements	280,815	-	500,000	500,000	500,000	500,000	2,000,000	2,500,000	2,500,000	3,000,000	-	4,000,000	4,500,000	4,500,000	6,874,548
600	Subtotal-Projects	36,270,580	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	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-Nontaxable {\$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}	271,354	536,935	536,935	536,935	1,241,935	1,239,641	1,240,495	1,239,233	1,240,854	1,240,096	1,241,957	1,241,173	1,237,744	1,241,670	1,242,422
628	Issuance Costs	170,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
630	Paying Agent Services	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
635	Subtotal-Debt Service	1,934,194	2,039,980	2,042,140	2,042,015	3,895,630	3,898,436	3,896,130	3,893,147	3,894,532	3,894,604	3,893,454	3,895,589	3,895,544	3,898,232	3,898,664
650	TOTAL USES	38,576,385	4,154,262	3,364,783	4,655,506	7,063,968	6,795,031	6,396,893	6,898,140	6,903,816	7,408,341	7,111,611	8,418,229	8,922,735	8,930,040	11,309,807
660	FUND BALANCE, End	1,453,464	1,282,134	2,447,308	2,406,879	1,548,437	1,476,201	1,868,370	1,826,222	1,845,998	1,429,524	1,378,738	1,626,241	1,867,587	2,182,408	189,150
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)	-
700	AVAILABLE FUND BALANCE	\$ 485,464	\$ 314,134	\$ 1,479,308	\$ 1,438,879	\$ 580,437	\$ 508,201	\$ 900,370	\$ 858,222	\$ 877,998	\$ 461,524	\$ 410,738	\$ 658,241	\$ 899,587	\$ 1,214,408	\$ 189,150
800	FUND BALANCE, Begin	8,788,778	1,453,464	1,282,134	2,447,308	2,406,879	1,548,437	1,476,201	1,868,370	1,826,222	1,845,998	1,429,524	1,378,738	1,626,241	1,867,587	2,182,408
	Prior period Adjustment-net	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
805	Revenue over(under)expense	(7,335,314)	(171,330)	1,165,174	(40,429)	(858,442)	(72,236)	392,169	(42,148)	19,776	(416,474)	(50,786)	247,503	241,346	314,821	(1,993,258)
810	FUND BALANCE, End	\$ 1,453,464	\$ 1,282,134	\$ 2,447,308	\$ 2,406,879	\$ 1,548,437	\$ 1,476,201	\$ 1,868,370	\$ 1,826,222	\$ 1,845,998	\$ 1,429,524	\$ 1,378,738	\$ 1,626,241	\$ 1,867,587	\$ 2,182,408	\$ 189,150

SUMMARY FINANCING PLAN								
	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
5Beginning Available Fund Balance, Oct 1	\$ 8,788,778	\$ 1,453,464	1,282,134	2,447,308	2,406,879	1,548,437	1,476,201	1,868,370
40Revenues, net	31,241,071	3,982,932	4,529,957	4,615,077	6,205,526	6,722,795	6,789,062	6,855,992
45Less Required Debt Reserve (increase after FY2006)	-	-	-	-	-	-	-	-
49Net Available for Appropriation	40,029,849	5,436,396	5,812,091	7,062,385	8,612,405	8,271,232	8,265,263	8,724,362
50General Administrative Expenditures	89,103	91,302	93,107	94,947	96,924	98,838	100,791	102,783
55Zone Maintenance	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000
60Contractual Payments (TEDC)	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
65TISD - Joint Use Facilities	107,508	22,201	22,423	22,647	22,873	23,102	23,333	23,567
70Debt Service - 2003 Issue	869,135	867,585	869,745	869,620	868,235	870,255	871,055	870,130
71Debt 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
72Debt Service - 2008 Taxable Issue {\$10.365 mil}	271,354	536,935	536,935	536,935	1,241,935	1,239,641	1,240,495	1,239,233
73Issuance Costs	170,000	-	-	-	-	-	-	-
75Total Operating & Committed Expenditures	2,305,805	2,328,483	2,332,670	2,334,609	4,190,427	4,195,376	4,195,254	4,194,497
99Net Available for Projects	\$ 37,724,044	\$ 3,107,913	\$ 3,479,421	\$ 4,727,776	\$ 4,421,978	\$ 4,075,856	\$ 4,070,009	\$ 4,529,865

PROJECT PLAN								
	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
NORTH ZONE (including Enterprise Park):								
100Railroad Spur Improvements	10,793,458	-	-	-	-	-	-	-
105Elm Creek Detention Pond	2,009,260	-	-	-	-	-	-	-
110Railroad Improvements Engineering Analysis	-	-	-	-	-	-	-	-
115Railroad Repairs/Maintenance based on Analysis	295,005	40,000	40,000	-	-	-	-	-
120Enterprise Park Water Tank	-	-	-	-	-	800,000	-	-
121ROW Acquisition - Public Improvements	935,000	-	-	-	-	-	-	-
122Land Acq-Wendland property {approx 355 acres}	2,631,697	-	-	-	-	-	-	-
125Wendland Road Improvements	4,001,000	-	-	-	-	-	-	-
199Total North Zone (including Enterprise Park)	20,665,420	40,000	40,000	-	-	800,000	-	-
WESTERN AVIATION ZONE:								
200Detention Pond #2 including W 1-A	42,559	-	-	-	-	-	-	-
205Old Howard Road from Ind Blvd to SH36	-	-	-	-	-	-	-	-
210Old Howard Road Gateway Entrance Project	53,583	-	-	-	-	-	-	-
215WWI--Waste Water Ext SH36 to Ind Blvd	510,644	-	-	-	-	-	-	-
220R I-B, W I-B--Industrial Blvd Extension	1,095,925	-	-	-	-	-	-	-
221Airport Park Infrastructure Construction	1,306,017	-	-	-	-	-	-	-
225Airport Study	48,400	-	-	-	-	-	-	-
230Airport Trail Roadway-Ind Blvd to Pepper Crk (RIII)	-	-	-	115,500	654,500	-	-	-
235Airport Trail Utilities (W-V, W II, W III)	-	-	-	109,650	621,350	-	-	-
240Old Howard North (R II)	-	-	300,000	1,000,000	700,000	-	1,000,000	-
245Airport Trail Roadway-Pepper Crk to Mouser (R V)	-	-	-	-	200,000	1,100,000	-	-
299Total Western Aviation Zone	3,057,128	-	300,000	1,225,150	2,175,850	1,100,000	-	-
WESTERN BIO-SCIENCE & MEDICAL ZONE:								
300Greenbelt Development along Pepper Creek	2,433,825	-	-	-	-	-	-	-
305Outer Loop Phase 2	6,665,390	-	-	-	-	-	-	-
306Bio-Science Park Phase 1	1,295,500	-	-	-	-	-	-	-
310Bio-Science Institute	625,000	-	-	-	-	-	-	-
399Total Western Bio-Science & Medical Zone	11,019,715	-	-	-	-	-	-	-
OTHER PROJECTS:								
400Southeast Ind Park (Lorraine Drive)	73,500	1,200,000	-	-	-	-	-	-
405Roadway Maintenance/Improvements	250,111	-	-	-	-	-	-	-
410Gateway Entrance Projects (after Old Howard)	-	400,000	-	400,000	-	-	-	-
415Downtown Improvements	18,481	185,779	192,113	195,747	197,691	199,655	201,639	203,643
420Loop 363 Improvements (TxDOT commitment)	905,410	-	-	-	-	-	-	-
430Reserve for Acer facility	-	-	-	-	-	-	-	-
499Total Other Projects	1,247,502	1,785,779	192,113	595,747	197,691	199,655	201,639	203,643
500Undesignated Funding-Public Impr-nontaxable bonds	280,815	-	500,000	500,000	500,000	500,000	2,000,000	2,500,000
501Undesignated Funding-Public Impr-taxable bonds	-	-	-	-	-	-	-	-
600Total Planned Project Expenditures	36,270,580	1,825,779	1,032,113	2,320,897	2,873,541	2,599,655	2,201,639	2,703,643
660Fund Balance at Year End	\$ 1,453,464	\$ 1,282,134	\$ 2,447,308	\$ 2,406,879	\$ 1,548,437	\$ 1,476,201	\$ 1,868,370	\$ 1,826,222
670Required Debt Reserve	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)
700AVAILABLE FUND BALANCE	\$ 485,464	\$ 314,134	\$ 1,479,308	\$ 1,438,879	\$ 580,437	\$ 508,201	\$ 900,370	\$ 858,222

**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	
795-0000-461-08-65		Miscellaneous Reimbursements		\$ 128,410	
795-9700-531-68-36	100166	Underground Stormwater Improvements		128,410	
795-9500-531-26-16		Professional		431	
795-9700-531-73-12		Issuance Costs	5,000		
795-9500-531-71-10		Bond Principal		15,000	
795-9500-531-72-11		Bond Interest	10,431		
795-9500-531-68-25	100166	Rail Park	240,365		
795-9500-531-65-18	100222	Loop 363 Improvements		240,365	
795-9500-531-68-25	100166	Rail Park	68,303		
795-9700-531-61-10	100383	Land Purchase		68,303	
795-9700-531-68-26	100257	Airport Park	15,000		
795-9700-531-61-10	100166	Land Purchase		15,000	
795-9500-531-68-29	950003	Greenbelt Park Improvements	464,225		
795-9500-531-65-18	100222	Loop 363 Improvements		464,225	
			\$ 803,324	\$ 1,060,144	

**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 07/23/08. First reading to be presented to Council on 08/07/08 and second reading to be presented to Council on 08/21/08.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

8/21/2008

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date

☐ Approved  
☐ Disapproved

Finance

Date

☐ Approved  
☐ Disapproved

City Manager

Date

☐ Approved  
☐ Disapproved

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

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

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

**Whereas**, the Council adopted a Project Plan and Reinvestment Zone Financing Plan for the Zone by Ordinance No. 1525 adopted on December 22, 1983, and thereafter amended such plans by Ordinance No. 1664 adopted on June 20, 1985, Ordinance No. 1719 adopted on November 21, 1985, Ordinance No. 1888 adopted on December 21, 1987, Ordinance No. 1945 adopted on October 20, 1988; Ordinance No. 1961 adopted on December 1, 1988; Ordinance No. 2039 adopted on April 19, 1990; Ordinance No. 91-2119 adopted on December 5, 1991; Ordinance No. 92-2138 adopted on April 7, 1992; Ordinance No. 94-2260 adopted on March 3, 1994; Ordinance No. 95-2351 adopted on June 15, 1995; Ordinance No. 98-2542 adopted on February 5, 1998; Ordinance No. 98-2582 adopted on November 19, 1998; Ordinance No. 99-2619 adopted on March 18, 1999; Ordinance No. 99-2629 adopted on May 6, 1999; Ordinance No. 99-2631 adopted on May 20, 1999; Ordinance No. 99-2647 adopted on August 19, 1999; Ordinance No. 99-2678 adopted on December 16, 1999; Ordinance No. 2000-2682 adopted on January 6, 2000; Ordinance No. 2000-2729 adopted on October 19, 2000; Ordinance No. 2001-2772 adopted on June 7, 2001; Ordinance No. 2001-2782 adopted on July 19, 2001; Ordinance No. 2001-2793 adopted on September 20, 2001; Ordinance No. 2001-2807 on November 15, 2001; Ordinance No. 2001-2813 on December 20, 2001; Ordinance No. 2002-2833 on March 21, 2002; Ordinance No. 2002-2838 on April 18, 2002; Ordinance No. 2002-3847 on June 20, 2002; Ordinance No. 2002-3848 on June 20, 2002; Ordinance No. 2002-3868 on October 17, 2002; Ordinance No. 2003- 3888 on February 20, 2003; Ordinance No. 2003-3894 on April 17, 2003; Ordinance No 2003-3926 on September 18, 2003; Ordinance No. 2004-3695 on July 1, 2004; Ordinance No. 2004-3975 on August 19, 2004; Ordinance No. 2004-3981 on September 16, 2004; Ordinance No. 2005-4001 on May 5, 2005; Ordinance No. 2005-4038 on September 15, 2005; Ordinance No. 2006-4051 on January 5, 2006; Ordinance No. 2006-4076 on the 18<sup>th</sup> day of May, 2006; Ordinance No. 2006-4118; Ordinance No. 2007-4141 on the 19<sup>th</sup> day of April, 2007; Ordinance No. 2007-4155 on July 19, 2007; Ordinance No. 2007-4172 on the 20<sup>th</sup> day of September, 2007; Ordinance No. 2007-4173 on October 25, 2007; Ordinance No. 2008-4201 on the 21<sup>st</sup> day of February, 2008; and Ordinance No. 2008-4217 on the 15<sup>th</sup> day of May, 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 7<sup>th</sup> day of **August**, 2008.

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

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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08/07/08  
Item #6  
Regular Agenda  
Page 1 of 1

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

Tim Dolan, Planning Director

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING - FY-08-23: Consider adopting an ordinance amending the City of Temple Zoning Ordinance, Section 12, regarding sign definitions, certain sign types, and creation of a sign maintenance section.

**PLANNING & ZONING COMMISSION & STAFF RECOMMENDATION:** The Planning & Zoning Commission will consider this item at its meeting on August 4<sup>th</sup>. Staff will include the Commission's recommendation in its presentation, including the draft minutes.

**ITEM SUMMARY:** Please refer to the draft Staff Report Z-FY-08-23, for the Planning and Zoning meeting on August 4, 2008.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

[P&Z Staff Report  
Ordinance](#)





# PLANNING AND ZONING COMMISSION AGENDA ITEM

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

**APPLICANT:** City of Temple

**CASE MANAGER:** Tim Dolan, AICP – Planning Director

**ITEM DESCRIPTION:** FY-08-23 - Public Hearing: Discuss and recommend to City Council certain proposed amendment(s) to the definitions, certain sign types, creation of a maintenance section, for Section 12 (Signs) of the City of Temple Zoning Ordinance.

**STAFF RECOMMENDATION:** Staff recommends that the Commission review the ordinance and consider recommending the ordinance to the City Council. If the Commission recommended approval the first reading of the ordinance would be at the City Council meeting of August 21, 2008. While the recommended amendment contains some changes to temporary and dilapidated signs, other sections of the ordinance required major work and codification.

**PROJECT STATUS:** The Code Enforcement Division of the Construction Safety Department has worked with stakeholders, including sign companies, chamber of commerce and others to create the attached draft.

**FISCAL IMPACT:** None

**ATTACHMENTS:**  
Proposed Ordinance

## 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 12, "SIGN REGULATIONS," TO UPDATE \_\_\_\_\_; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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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 12, entitled, "Sign Regulations," to read as follows:

**SECTION 12: SIGN REGULATIONS**

**12-100. Short Title.** This zoning ordinance section shall hereafter be known and cited as the "Sign Regulations".

**12-101. Purpose.** Signs use private land and the sight lines created by the public rights-of-way to inform and persuade the general public by publishing a message. This Section provides standards for the erection and maintenance of private signs. ~~All private signs not exempted as provided in this Section shall be erected and maintained in accordance with these standards.~~ The general objectives of these standards are to promote health, safety, welfare, convenience and enjoyment of the public, and in part to achieve the following:

1. **Safety.** To promote the safety of persons and property by providing that signs do not:
  - (a) Create a hazard due to collapse, fire, decay or abandonment;
  - (b) Obstruct fire fighting or police surveillance; and
  - (c) Create traffic hazards by confusing or distracting pedestrians, obstacles or other vehicles or to read traffic signs.
2. **Communications efficiency.** To promote the efficient transfer of information in sign messages provided that:
  - (a) Those signs which provide messages and information most needed and sought by the public are given priorities,
  - (b) Businesses and services may identify themselves;

- (c) Customers and other persons may locate a business or services;
  - (d) No person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communication purposes;
  - (e) Persons exposed to signs are not overwhelmed by the number of messages presented and are able to exercise freedom of choice to observe or ignore such messages, according to the observer's purpose; and
  - (f) ~~Preserve~~ The right of free speech **is preserved** ~~exercised~~ through the use of signs containing non-commercial messages.
  - (g) Community events may be identified to the public at large, at strategic locations throughout the city, as approved by the Administrative Official.
3. **Landscape quality and preservation.** To protect the public welfare and to enhance the appearance and economic value of the landscape, by providing that signs:
- (a) Do not interfere with scenic views;
  - (b) Do not create a nuisance to persons using the public rights-of-way;
  - (c) Do not create a nuisance to occupants of adjacent and contiguous property by their brightness, size, height or movement;
  - (d) Are not detrimental to land or property values;
  - (e) Do not contribute to visual blight or clutter; and
  - (f) Are architecturally compatible and harmonious with the structure to which they pertain and to neighboring structures.

**12-102. Definitions.** As used in this ordinance, unless the context otherwise indicates, these words shall be defined as follows:

- 1. **A-Frame Sign** – A freestanding portable sign typically hinged at the top and widening at the bottom to form a shape similar to the letter “A”.
- 2. **Abandoned Sign** – **A sign that has not been used for advertising for one year.**
- 3. **"Administrative Official"** – The person or persons charged with enforcing the zoning ordinance of the **eCity**.
- 4. **"Advertising Device"** – ~~Banners or streamers affixed to poles, wires, or ropes, wind-operated devices, flashing lights, and other similar contrivances.~~
- 5. **"Agricultural Sign"** – ~~An accessory~~ sign identifying the farm or ranch on which it is placed and advertising the produce, crops, animals or poultry raised or quartered thereon.

6. **"Animated Sign"** – A sign that uses mechanical movement or change of lighting to depict action or create a special effect or scene.
7. **"Apartment Name Sign"** – An accessory **A** sign for the identification of an apartment building or complex of apartment buildings.
8. **"Awning Sign (Canopy or Marquee)"** – ~~Along Central Avenue, an on-premise sign that is mounted or painted on or attached to an awning, canopy or marquee such that the sign does not project more than one (1) foot above, below or beyond the physical dimensions of the awning, canopy, or marquee.~~ **An architectural projection that provides weather protection, identity, or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid skeleton structure over which a rigid covering is attached.**
9. **"Banner"** – ~~A temporary sign of no more than 100 square feet containing a worded message or graphic image composed of lightweight material secured or mounted so as to allow movement caused by wind. Flags of governmental jurisdictions and flags carrying the emblem of a business or institution are not to be considered a banner for the purposes of this chapter.~~ **A flexible roll-up sign made of vinyl, cloth, or any other lightweight material, containing words, symbols or logos intended for advertising or attracting attention to a business or event. A banner is not a wall sign, fence sign, or a flag.**
10. **Banner, Pole** – A device made of any lightweight material, whether or not containing a message of any kind, suspended from a permanent pole secured with braces. A pole banner is not a banner or a flag.
11. **Bench Sign** – A sign mounted, affixed or painted on a bench.
12. **Building** – Any structure built for the support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind.
13. **Canopy** – An architectural projection that provides weather protection, identity or decoration and is supported by the building to which it is attached and at the outer end by not less than one stanchion. A canopy is comprised of a rigid structure over which a rigid covering is attached.
14. **Cardboard Sign** – A sign made of cardboard.
- ~~**"Changeable Copy Sign (Reader Board)"** – An on-premise sign advertising commodities or services offered on the premises consisting of individual message elements such as letters, numbers or symbols, which are designed and intended for frequent manual replacement or alteration after the sign is erected.~~
- ~~**"Civic Organization"** – An organization which offers community programs to citizen, city or civil affairs groups.~~
- ~~**"Commercial Occupancy or Directional Signs"** – Sign identifying the name and profession of the occupant(s) and not exceeding two (2) square feet in area.~~
- ~~**"Commercial Real Estate"** – Retail properties, office buildings, shopping centers, hotels, warehouses, manufacturing facilities, apartment complexes, and vacant land that has the potential for development for these types of buildings.~~
15. **"Community Event Sign"** – ~~An event of civic interest, such as parades, organized holiday festivities, or special events on behalf of charitable organizations.~~ **A sign that solicits support for or advertises a nonprofit**

community use, city event, public use or social institution. Such signs may include, but shall not be limited to, seasonal holidays such as Christmas or Easter, school activities, charitable programs, community festivals, religious activities or events of community interest, but not including any business sign or real estate sign.

**"Community Service Sign"**—A sign that solicits support for or advertises a nonprofit community use, city events, public use or social institution. Such signs may include, but shall not be limited to, seasonal holidays such as Christmas or Easter, school activities, charitable programs, religious activities or events of community interest.

16. **"Construction Sign"** – A temporary accessory sign identifying the property owner, architect, contractor, engineer, landscape architect, decorator or mortgagee engaged in the design, construction or improvement of the premise on which the sign is located.

**"Copy"** Letters, characters, illustrations, logos, graphics, symbols, writing or combination thereof, designed to communicate information of any kind, or to advertise announce the purpose of, or identify the purpose of a person or entity, or to identify or advertise a business or business product, or to advertise the sale or lease of a premises.

17. **Corporate Flag** – The official flag of a company, including a logo flag supplied by a parent company. A corporate flag does not include advertising of any kind.
18. **"Curb Line"** – An imaginary line drawn along the outermost part or back of the curb and gutter on either side of a public street, or, if there is no curb and gutter, along the outermost portion of the paved roadway, or if there is no paved roadway, along the edge of the traveled portion of the roadway.
19. **"Development Sign"** – A temporary accessory sign related to the promotion of new developments and located on the premises involved in the development.
20. **Directional Sign** – A permanent sign which directs the flow of traffic or pedestrians and which contains no commercial message.
21. **Directory Sign** – A sign, or group of signs designed as a single display, which gives information about the location of businesses, buildings or addresses within a residential, office, commercial or industrial complex, and no commercial message.

**"Dilapidated or Deteriorated Condition"**—A sign which has any of the following characteristics:

- (a) Where elements of the surface or background can be seen, as viewed from the normal viewing distance, to have portions of the finished material or paint flaked, broken off, or missing, or otherwise not in harmony with the rest of the surface; or
- (b) Where the structural support or frame members are visibly bent, broken, dented, or torn; or
- (c) Where the panel is visibly cracked, or in the case of wood and similar products, splintered in such a way as to constitute an unsightly or harmful condition; or
- (d) Where the sign or its elements are twisted or leaning or at angles other than those at which it was originally erected (such as may result from being blown or the failure of a structural support); or

(e) ~~Where the message or wording can no longer be clearly read by a person with normal eyesight under normal viewing conditions.~~

22. **"Erect"** – To build, construct, attach, hang, place, suspend, or affix, or paint a sign ~~and shall also include the painting of signs.~~

23. **"Facade"** – Any separate face of a building, including parapet walls and vertical offsets, or any part of a building which encloses or covers usable space. Where separate faces are oriented in the same direction, or in the directions within 45 degrees of one another, they are to be considered as part of a single façade.

24. **Fence Sign** – A sign attached to or painted on the side of a fence.

~~**"Flashing Sign"** – A sign, the illumination of which is not constant in intensity when in use, but not including illuminated signs that indicate the date, time or temperature, or other public service information shall be considered a flashing sign."~~

~~**"Free Standing Service Facility"** – Automatic bank teller machine, film photo finishing outlet or other similar facility located in a free standing structure devoted solely to such use as an accessory to one or more principal buildings.~~

25. **Freestanding (Pole or Ground) Sign** – A sign which is not affixed to a building or structure, but which is permanently affixed to the ground independent of any other structure.

26. **"Garage or Yard Sale Sign"** – A sign that advertises the date, time or location of a garage or yard sale. ~~The sale of items by a resident or group of residents at discount prices, conducted from a garage, and/or yard, and which items offered for sale are used or discarded by or from those residents offering them for sale. Garage Sale signs are to advertise the date, time and location of the sale, not exceeding four (4) square feet in area. Such signs shall be posted no more than three (3) days prior to and removed one (1) day after the sale.~~

27. **Governmental Sign** – A sign erected by a governmental entity for a governmental purpose, including but not limited to traffic control devices, street signs, barricades, survey monuments and markers, signs of public utility companies indicating location of utilities or aiding service or safety, signs identifying city infrastructure projects, pedestrian signs, and signs identifying governmental facilities.

~~**"Grand Opening"** – The formal offering of a new business of its goods, wares, merchandise, service, entertainment, or activity.~~

28. **H-Frame Sign** – A freestanding portable sign typically with two horizontal struts between two vertical supports that form a shape similar to the letter H.

29. **"Handheld Sign"** – A sign personally held so that neither the sign nor any object that supports the sign touches the ground held in human hands that is of a noncommercial nature not set on or affixed to the ground and not exceeding ten (10) square feet in area.

30. **Handmade Sign** – A sign made by hand—not produced by a commercial sign-making establishment.

31. **"High Profile Sign"** – Along Central Avenue, an on-premise sign, including its supporting structure, which is mounted on one or more free-standing poles or other supports independent of a building, with a height over eight (8) feet.

32. **"Historical Signs"** – ~~An integral part of the~~ **A sign announcing the** historic character of a landmark building or historic district.
33. **"Holiday Decoration Sign"** – **An advertising device** ~~A temporary sign~~ in the nature of a decoration, clearly incidental to, and customarily and commonly associated with, **a national** ~~any nation's local~~ or religious holiday.
34. **Home Occupation Sign** – A sign or any other advertising device, advertising a business, profession, occupation or trade conducted in the residence.
35. **Horizontal Projecting Sign** – A projecting sign which is greater in width than height.
36. **"Illuminated Sign"** – ~~Any~~ sign which has characters, letters, figures, designs or outlines illuminated externally **or internally** by electric lights or internally by luminous tubes.
37. **Inflatable Device** – A device filled with air or other gasses either sealed or fed with a constant air supply (fan or pressure fed) designed to attract attention to a business or event. An inflatable device includes but is not limited to a balloon that is lighter than air and tethered, a balloon that is filled with air and anchored, or another inflatable device that is set in motion by a constant air supply (air-powered device).
38. **"Institutional Sign"** – ~~An accessory~~ **A** sign for the identity of a school, church, hospital or similar public or quasi-public institution.
39. **"Logo"** – ~~Any~~ registered trademark of an organization, individual, company, or product which is commonly used in advertising to identify that organization, individual company, or product.
40. **"Low Profile Sign"** – Along Central Avenue, an on-premise sign including its supporting structure, eight (8) feet or less in height, which is placed upon, or supported by the ground and independent of a principal building. Signs on accessory structures, free-standing service facilities, or fences not exceeding this eight (8) feet height, shall be considered a low-profile sign.
41. **Luminance** – The brightness of a sign or a portion thereof expressed in terms of foot candles. For the purposes of this chapter, luminance shall be determined by the use of an exposure meter calibrated to standards established by the National Bureau of Standards.
- ~~**"Marquee Sign"** – Any sign affixed to a permanent canopy projecting over an entrance or on the face of a building and supported from the building.~~
42. **Median Strip** – A paved or planted strip dividing a street or highway into lanes according to direction of travel.
43. **Memorial Sign** – A memorial or commemorative plaque or tablet denoting a building name and/or date of erection of a location of historic significance.
44. **Message Board** – A permanent changeable sign whose informational content is in the form of individual letters or numbers which can be changed or altered by any means, including manual, electric, electromechanical or electronic means.

45. **Monument Sign** – A freestanding sign having a low profile and made of stone, concrete, metal, routed wood planks or beams, brick or similar materials, including individual lettering, which repeat or harmonize with the architecture of the establishment it serves.

~~"Moving Sign" – Any sign which moves or has moving parts other than parts which indicate time, temperature; or other than moving devices which may be approved by the Board of Adjustment to provide needed public service information.~~

46. **Mural** – A decorative hand-painted work of art applied to an exterior wall within public view that does not include graphics or text advertising a specific business, product, or brand. Embellishments to or decoration of architectural elements are not considered a mural. A mural is not a wall sign.

47. **"Name Plate Sign"** – A sign which is located on the premises, giving the name or address or both, of the owner or occupant of a building or premise.

48. **National Flag** – The flag of the United States of America.

49. ~~"Incombustible"~~ **Noncombustible Material** – Any material which will not ignite at or below a temperature of 1200 degrees Fahrenheit and will not continue to burn or glow at that temperature.

50. **"Off-Premise Sign"** – A sign of which is erected outdoors and maintained for a purpose other than to specifically serve or the contents does not relate to the premises on which it is located, and which does not refer exclusively to the name, location, products, persons, accommodations, services, sale, lease, construction, or activities of or on the premises where it is erected. The premises of a shopping center include the outparcels.

51. **On-Premise Sign** – A sign, the content of which relates to the premises on which it is located, referring exclusively to the name, location, product, persons, accommodations, services or activities of or on those premises, or the sale, lease, or construction of those premises. The premises of a shopping center include the outparcels.

~~"Other Advertising Structure" – Any marquee, canopy or awning, as further defined in this ordinance.~~

52. **Outdated Sign** – A sign or other advertising structure that continues to advertise a business or project which has been out of business in excess of 90 days.

53. **"Permittee"** – A person receiving a permit pursuant to the provisions of this ordinance.

~~"Person" – Any person, firm, partnership, association, corporation, company or organization of any kind.~~

54. **"Political Campaign Sign"** – A temporary sign that supports or opposes a political candidate, issue, election or party or advertising device (Constructed of lightweight material with a surface area of not more than four (4) square feet), announcing or supporting political candidates or issues in connection with any national, state or local election.

55. **"Portable Sign"** – Any sign which is easily moved from one location to another, including a signs which is are mounted on skids, trailers, wheels, legs or stakes (including an A-Frame or H-Frame sign), and which is not fixed permanently to the ground, and which is not an attached sign, political sign, or a sign which refers solely to the sale or lease of the premises.



56. **Projecting Sign** – A sign which is attached to a building or other structure and extends beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which is attached. A marquee is considered a projecting sign.

57. **Protective Sign** – A sign which is commonly associated with safeguarding the permitted uses of the occupancy, for example, “beware of dog,” “no trespassing,” and “no solicitors.”

~~**"Public Signs"**—A sign that regulates vehicular or pedestrian traffic or designating or giving direction to streets, schools, hospitals, historical sites or public facilities.~~

~~**"Reader Board"**—An on-premise sign with changeable copy advertising commodities or services offered on the premises consisting of individual message elements such as letters, numbers or symbols, which are designed and intended for frequent manual replacement or alteration after the sign is erected.~~

58. **"Real Estate Sign"** – A sign that is used to advertise the sale, lease or rental of property. Means any sign which is used to offer for sale, lease or rent the property upon which the sign is placed. Commercial Real Estate signs may be erected in all zoning districts and shall not exceed 32 square feet with a maximum height of 15 feet on state and federal highways with posted speed limits at least 45 mph. The required setback shall be a minimum of eight (8) feet from any property line.

59. **Roof Sign** – A sign erected, constructed and maintained wholly upon or above the roof of a building with the principal support attached to the roof structure.

~~**"Setback Clearance Zone"**—That area enclosed by drawing an imaginary line connecting two points located within fifteen (15) feet of the curb line of any street intersection, street/driveway intersection, or street/alley intersection, within which signs over two (2) feet in height and less than eight (8) feet in height are prohibited.~~

60. **"Sign"** – An advertising or other device, display, drawing, figure, flag, letter, light, message, painting, picture, placard, plaque, poster, symbol, word, or other thing that is visible from outside the premises on which it is located and designed to inform or attract the attention of persons not on the premises. Any writing, pictorial representation, illustration, emblem, symbol, design or other figure of similar character which is a structure or a part thereof, or is attached to or in any manner represented on a building or other structure, and is placed out of doors in view of the general public and is used for purposes of advertisement, identification or expression.

61. **"Sign Area"** – The largest area of the sign visible at any one time from any one point enclosed by a single continuous perimeter including any framing or trim enclosing a message, but not including any structural parts lying outside the limits of such sign which does not form an integral part of the message display. The sign area shall be measured on only one side of a double-faced sign provided that the two faces are parallel to each other and provided that the faces are the same size and share a common structural support.

62. **"Sign Face, Facing or Surface"** – The surface of the sign, excluding structural trim or supports, upon, against, or through which the message is displayed or illustrated on the sign. The face includes trim and architectural design elements.

~~**"Sign Height"**—The vertical distance between the base of the sign at the nearest natural grade to the highest part of the sign or any attached component.~~

63. **"Sign Setback"** – Along Central Avenue, the sign setback is measured as the perpendicular distance between the nearest curb line parallel to Central Avenue and the outer (leading) edge of any portion of a

sign. In all other locations, sign setback is measured as the distance between the property line and the outer (leading) edge of any portion of a sign.

64. **"Snipe Sign"** - A sign made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, utility poles, fences, public structures, or other objects, and the advertising matter appearing thereon is not applicable to the use of the premises upon which such sign is located. This may include but is not limited to signs advertising property for sale or rent, garage sale signs, flyers, wanted signs, lost signs, et cetera.
65. **"Special Height Sign"** – A special sign for highway-oriented automotive uses such as hotels, motels, service stations, shopping centers, office centers, and other similar uses where because of location or setback special signs identification is desirable.
66. **Spirit Flag** – A school flag that contains crests, pictures and such but no advertising.
67. **State Flag** – The flag of the State of Texas, or the flags of other states in the United States of America, or its protectorates.
68. **Streamer** – An attention-attraction device consisting of two or more pennants, banners, balloons, ribbons, reflectors, fringes, or similar objects strung together on a common line, string, wire, pole, or attached to one or more products offered for sale.
- ~~**"Structural Trim"** – The molding, battens, capping, nailing strips, lattice, and platforms which are attached to the sign structure.~~
69. **"Subdivision Entry Sign"** – A permanent freestanding sign identifying a subdivision entrance wherein only the name of the subdivision is specified.
- ~~**"Temporary Sign"** – A sign intended to be displayed for thirty (30) days or less. Temporary signs may be of cloth canvas, light fabric, cardboard or wallboard of at least one fourth inch thickness, or other light material.~~
70. **Vertical Projecting Sign** – A projecting sign which is greater in height than in width.
71. **"Wall Sign"** – ~~An on-premise~~ A sign permanently affixed to, or painted on, the facade of a building such that the wall is the supporting structure for, or forms the background surface of the sign and which does not project more than eighteen (18) inches perpendicular to the wall. ~~A wall sign shall include canopy signage associated with gasoline service stations and shall be limited to gas price, name, and company identification. A fence sign shall be considered a wall sign.~~
72. **"Window Sign"** – ~~Means~~ A sign attached to, placed upon, or painted on the exterior or interior of a window or door, or a building, which is intended for viewing from the exterior of such building. A window sign is not considered a handmade sign or a hand-painted sign. ~~A window sign shall not:~~
  - (a) ~~exceed eighty (80) percent of the length of the window in which, on which, or through which the sign is installed; and~~
  - (b) ~~exceed thirty three (33) percent of the height of the window in which, on which, or through which the sign is installed;~~

(c) obstruct visibility of the cashier clerk from the street level.

~~12-103.~~ The zoning districts in which the various types of signs are permitted are indicated by the schedule of uses, 7-100. The following special provisions apply to the various types of signs in the districts indicated:

~~12-121.~~ No sign shall be constructed to exceed the maximum building height permitted in the specific district (See Section 9, Height Regulations) where the sign is located except in shopping centers or similar retail, commercial, or office centers containing six (6) acres or more, or for gasoline service stations, hotels/motels, restaurants, auto dealerships, and other highway related services when located on or adjacent to IH-35 or H. K. Dodgen Loop. Pylon or major identification signs not to exceed seventy-five (75) feet in height may be erected when such special height signs comply with the adopted City of Temple Building Code for design and construction. For allowed locations within the Central Avenue Corridor, See Section 12-127.

## GENERAL REGULATIONS

**12-103. Permit Required.** Except as provided in Section 12-115, It shall be unlawful for any person to erect, relocate or structurally alter, within the City of Temple, any sign or other advertising **device for which a permit is required**, structure as defined in this ordinance, without first obtaining a permit from the City and **paying** make a payment of the **required** fee required by Section 12-110. No permit is required for repair, repainting or maintenance which does not entail structural change or for change of copy or message. ~~Failure to obtain a required sign permit subjects the property owner/lessee to prosecution under this ordinance.~~

**12-104. Application for **Sign Erection Permit**.** Application for **a sign** ~~an erection~~ permit shall be made upon a form provided by the City and shall contain and have attached the following information:

1. Name, address and telephone number of the applicant and name and firm of person erecting sign;
2. If applicant is not the owner of real property where sign is proposed to be erected, written consent of the property owner;
3. Location of building, structure, address or legal lot and block to which or upon which the sign or other advertising structure is to be attached or erected;
4. Site plan, indicating street frontage, property lines, sight visibility triangles, proposed and existing right-of-way, location of sign on property, relationship of proposed sign to ingress and egress points, and relationship of proposed sign to any other sign within 15 feet spacing of the proposed sign;
5. Copy of stress diagrams or plans containing information necessary for the Administrative Official to determine safety and structural integrity of sign;
6. Indicate whether the sign will require electricity, and if so, obtain an electrical permit as required;
7. Insurance policy or bond as required by Section 12-112;

8. Copy of permit approved by TxDOT if state law requires a state permit; and
  9. Such other information as the Administrative Official shall require to show full compliance with this **Section** and all other standards of the City of Temple.
- 12-105. Permit Issuance.** Upon the filing of an application for a permit, the Administrative Official shall:
1. Examine the plans and specifications and the premises upon which the proposed structure shall be erected as needed; and
  2. Issue a permit if the proposed structure complies with the requirements of this ordinance and all other standards of the City of Temple. If the work authorized under an erection permit is not completed within six (6) months after the date of issuance, the permit shall become null and void.
- 12-106. Permit Fee.** Every applicant, prior to issuance of a permit ~~pursuant to Section 12-109~~, shall pay the City a nonrefundable fee in an amount determined by current sign permit rates.
- 12-107. ~~Number, Date and Voltage.~~ Display of Permit.** Every permitted sign or other advertising structure shall display in a conspicuous place the date of erection, the permit number and the voltage of any electrical apparatus used.
- 12-108. Bond Requirement.** Subject to the need determined by the Administrative Official based on the construction materials for the sign type proposed, an applicant for a sign permit shall, before the permit is granted, present to the Administrative Official a bond in the minimum amount established by current rates, conditioned for the faithful observance of all laws and ordinances relating to signs and other advertising structures, and which shall indemnify and save harmless the City of Temple from any and all damages, judgments, costs or expenses which the City may incur or suffer by reason of the granting of the permit.
- 12-109. Building Code.** No sign or advertising device shall be erected in violation of the building code of the City.
- 12-110. Compliance With Other Laws.** Signs and advertising devices shall be erected in compliance with all other local, state and federal laws and regulations.
- 12-111. Revocation of Permit.** The Administrative Official may revoke any permit where there has been a violation of the provisions of this ordinance or a misrepresentation of fact on the permit application.
- 12-112. Enforcement.**
1. No sign or other advertising structure shall be erected or maintained in violation of **sign** the permit requirements of ~~Section 12-109~~. An unlawful sign is not a nonconforming sign and must be removed **or brought into conformance** ~~within thirty (30) days~~.
  2. If the Administrative Official finds that **a any sign or other advertising device is erected or maintained in violation of this Section**, ~~structure installed since the adoption of this ordinance is prohibited by the provisions of this ordinance~~, the Administrative Official shall

give written notice of the violation to the permittee or the owner of the property where the violation exists upon which the structure is located.

3. An unlawful sign or advertising device that is lightweight or portable (for example, banner or H-frame sign) must be removed within 24 hours after notice of violation. An unlawful sign that is not lightweight or portable (for example, freestanding or monument sign) must be removed within 30 days after notice of violation.
4. If the permittee or owner fails, after notice, to timely abate a violation remove or alter the structure so as to comply with the standards set forth in this ordinance thirty (30) days after such notice, the Administrative Official may undertake enforcement by filing a complaint in municipal court, seeking quasi-judicial enforcement through the Building and Standards Commission, or bringing a civil action removal or alteration of the sign as is necessary to bring the structure into compliance and assess the costs to the permittee or owner.

~~Any sign erected or maintained which is not in conformance with this chapter or prior ordinances of the city, is hereby declared to be a public nuisance and shall be removed or brought into compliance within the thirty (30) day period indicated.~~

5. The Administrative Official may cause any sign or other advertising device structure which presents an immediate peril to persons or property to be removed or altered immediately and without notice, and without compensation to the sign owner.

**12-113. Nonconforming Signs Nonconformance.** A permanent advertising device sign not in conformance with these regulations, which was lawfully permitted and erected prior to the enactment of said regulations, shall be considered a non-conforming sign. Non-conforming signs shall be exempted from the provisions of this ordinance, unless damaged by natural causes or otherwise destroyed or taken down, or removed for any purpose other than maintenance operation which is allowed. It may not be re-erected, reconstructed, or rebuilt, except in full compliance and conformance with this ordinance. ~~Any non-conforming sign which is damaged or is deteriorated to a point where its restoration cost exceeds sixty (60%) percent of its replacement value shall be removed, unless otherwise authorized to remain.~~

**12-114. Variances.** A sign owner may request a variance from the Board of Adjustment from the provisions of this chapter relating to sign spacing, area, height, and setback. Within thirty (30) days after denial of a sign permit by the Administrative Official, a request for a variance may be filed with the Administrative Official Planning Director to appear before the Zoning Board of Adjustment. The Board of Adjustment may grant a variance if it finds that the unusual shape or topography of the property in question or some other significant factor prevents signage allowable under the provisions of this ordinance from adequately identifying the business or other activity located on such property.

**12-115. First Amendment Rights.** Any sign allowed under this ordinance may contain, in lieu of any other copy, any lawful noncommercial message that does not direct attention to a business operated for profit or to a commodity or service for sale and that complies with all other requirements of this ordinance.

**12-116. Signs Exempt from Regulation.** The following signs and advertising devices are allowed, and exempt from regulation under this Section and do not require a sign permit the permit requirements of this ordinance:

1. Address and postbox numerals;
2. Governmental sign;
3. Public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
4. Sign inside a building, not attached to a window or door, and not legible from a distance of more than five feet beyond the lot line of the property on which such sign is located;
5. Work of art that does not include a commercial message; and

~~Temporary real estate signs not exceeding sixteen (16) square feet in area which advertise the sale, rental or lease of the premises upon which the sign is located. Such signs shall be removed no later than seven (7) days following sale or rental of the subject property. "Sale" in this instance shall mean occupancy of the unit by a new resident.~~

~~Temporary political signs concerning candidates for public office and ballot issues and not exceeding four (4) square feet in area. Such signs shall be erected no earlier than sixty (60) days prior to an election or referendum and removed no later than seven (7) days after the election or referendum.~~

~~Temporary garage or yard sale signs.~~

~~Signs attached to the inside of a window. (Window Signs)~~

~~Historical Signs.~~

~~Public signs.~~

~~Flags.~~

~~Temporary community event signs.~~

~~Temporary holiday decorations.~~

~~Hand held signs.~~

~~Temporary construction signs.~~

~~Commercial signs.~~

~~Memorial signs.~~

~~Property signs.~~

## **12-117. Maintenance.**

1. All sign and advertising devices, whether on or off-premise, shall be maintained and kept in good repair.
2. Signs and advertising devices having a painted face shall be kept free of fading, rusting, cracking, peeling, gaps and holes. Signs that have more than 25 percent of the face damaged must be repaired or removed.
3. Signs and advertising devices having plastic faces shall be kept free of fading, cracking, peeling, gaps and holes. Broken or damaged faces must be repaired or the entire sign removed. Signs that have faces removed due to vacancy of the building must have blank faces installed. Sign poles with open metal frames must be removed.
4. Signs and advertising devices with paper or fabric faces must be maintained free of tears, rips, fading and voids where part of the text or face is missing. Fabric faces that are held in place with ties must be kept secure and taut, with no loose or missing ties.
5. Poles must be maintained in a uniform and sound condition. Poles that are dented to the point where they are leaning out of plumb or have damage to the support or hangers shall be repaired or removed. Poles must be maintained free of rust, peeling, or fading, so that they are uniform in color.

6. **Flags, banners and pole banners must be maintained free of tears, fading, and rips. Flags, banners and pole banners must be removed when they become torn, faded, or ripped.**

**12-118. Luminance.**

1. No lighted sign or advertising device shall be erected within 150 feet of a residential district unless the lighting is shielded from view of the residential district.
2. **Glaringly Illuminated Signs.** No sign or other advertising structure shall be illuminated with lights which glare into or upon the surrounding area or any residential premises or distract operators of vehicles or pedestrians on the public right-of-way.

**12-119. Prohibited signs.** The following signs and advertising devices are prohibited:

3. **Outdated/Abandoned Signs.** ~~No sign or other advertising structure shall continue to advertise a business or project which has been out of business in excess of ninety (90) days. A sign which is abandoned such that it has not been used for advertising for one (1) year shall be removed.~~ **A tarp on an abandoned sign for more than 30 days is prohibited.**
4. **Animated Signs.**
5. **Bench Signs.**
6. **Cardboard Sign.**
7. **Handmade Sign.**
8. **Home Occupation Sign.**
9. **Obscene Signs.** ~~No sign or other advertising structure shall display any matter in which the dominant theme of the material taken as a whole appeals to a prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.~~ **Signs and advertising devices shall not display gestures, graphics, or words that are obscene, profane or pornographic in nature.**
10. **Obstructing Signs.** No sign or other advertising **device** structure shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign **or advertising device** of any kind shall be attached to a stand pipe or fire escape.
11. **Outdated/Abandoned Signs.** No sign or other advertising structure shall continue to advertise a business or project which has been out of business in excess of ~~ninety (90)~~ days. A sign which is abandoned such that it has not been used for advertising for one (1) year shall be removed. **A tarp on an outdated sign for more than 30 days is prohibited.**
12. **Pole Signs in Mixed Use District.**



13. **Portable Sign.** A portable sign shall not be converted into a permanent sign. Signs tied together on poles are considered portable and are prohibited.
14. **Sign Creating Traffic Hazard.** No sign or other advertising structure shall:
- (a) Obstruct free and clear vision at any street intersection.
  - (b) Interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device because of its position, shape or color.
  - (c) Make use of the words "STOP", "LOOK", "DANGER" or any other word, phrase, symbol or character in a manner that interferes with, misleads or confuses traffic.
  - (d) Present a traffic hazard by using illumination resembling an emergency signal.
15. **Sign on or over Public Property or Rights-of-Way.**
- (a) No ~~advertising~~ sign, shall be erected so as to project into the public right-of-way of any street or alley, except **as allowed** in the CA, Central Area District. Any projecting sign shall not extend outward from any building face to the public right-of-way for a distance of more than ten ~~(10)~~ feet or to within one ~~(1)~~ foot of the street curb, whichever is more restrictive. ~~The following public, informational, subdivision signs, and safety signs are allowed in the public right of way of streets and alleys: public signs on behalf of a governmental body to post legal notices, identify public property, convey public information, direct or regulate pedestrian or vehicular traffic; transit stops; and informational signs of a public utility regarding its poles, lines, pipes, or facilities; and subdivision signs to mark subdivision entrances.~~
  - (b) It shall be unlawful for any person to place a sign or advertising device, except a governmental sign or subdivision entry sign, on the premises of any public property, including but not limited to park land, median strips, and rights-of-way maintained by a governmental entity.
  - (c) No person shall attach any sign, advertising device, paper, material, paint, stencil, or write any name, number (except house or street address numbers) or otherwise mark on or obstruct any sidewalk, curb, gutter, or street.
  - (d) Signs or advertising devices over or in the right-of-way are prohibited. No sign shall be erected in the right-of-way except traffic control devices, street signs, directional signs or real estate kiosks authorized by the City or State.
16. **Sign not listed.** Any sign or advertising device not listed, classified, or defined in Section 12 is prohibited.
17. **Snipe sign.**
18. **Streamers.**
19. **Unsafe sign.** No sign or other advertising **device** ~~structure~~ shall constitute a hazard to safety or health by reason of inadequate design, construction, repair or maintenance, ~~and if so, may~~



be declared a public nuisance and be forwarded to the Building Standards Commission for action.

20. **Stationary Vehicular Signs.** No sign or other advertising structure shall be painted on or be attached to a motor vehicle used primarily for the display of such sign, including, but not limited to a billboard truck. This section shall not prohibit the identification of a business or its products or services on its vehicle(s) operated and parked in a manner appropriate to the normal course of business.

**Categories.** For purposes of this section, signs are regulated in the following categories:

1. Temporary signs. ———
2. General Standards for On Premise Signs;
3. Special Standards for Central Avenue Corridor, IH 35 to 3rd Street;
4. Standards for Off Premise Signs.
5. Standards for Subdivision Signs.

## **TEMPORARY SIGNS**

1. Temporary real estate signs not exceeding thirty-two (32) square feet in area which advertise the sale, rental or lease of the premises upon which the sign is located. Such signs shall be removed no later than seven (7) days following sale or rental of the subject property. “Sale” in this instance shall mean occupancy of the unit by a new resident. Signs are limited to one per street frontage.
2. Temporary political signs concerning candidates for public office and ballot issues and not exceeding four (4) square feet in area. Such signs shall be erected no earlier than sixty (60) days prior to an election or referendum and removed no later than seven (7) days after the election or referendum. Political signs placed within the rights of way or upon public property may be removed and disposed of by the City of Temple personnel.
3. Temporary signs advertising the date, time and location of a garage or yard sale and not exceeding four (4) square feet in area. Such signs shall be posted no more than three (3) days prior to and removed one (1) day after the sale.
4. Signs attached to the inside of a window that do not exceed 80% of the window length, or 33% of the window height, and do not obstruct vision of cashier clerk from the street level.
5. Signs which are an integral part of the historic character of a landmark building or historic district.
6. Public signs regulating vehicular or pedestrian traffic or designating or giving direction to streets, schools, hospitals, historical sites, public facilities, or community events.
7. Flags of any government or governmental agency or any patriotic, religious, charitable, civic, educational or fraternal organization not exceeding forty (40) square feet in area.
8. Temporary signs in conjunction with special events signs such as a philanthropic campaign or church, school, circus, carnival or other community activity. Such signs shall not exceed fifty

~~(50) square feet in area, shall not be erected more than fourteen (14) days in advance of the event and shall be removed within three (3) days after the termination of the event.~~

9. ~~Temporary displays or holiday decorations customarily associated with any national, state, local or religious holiday or celebration. Such signs shall be erected no more than forty five (45) days before and removed no later than fourteen (14) days after the celebration.~~
10. ~~Hand held signs of a noncommercial nature not set on or affixed to the ground and not exceeding ten (10) square feet in area.~~
11. ~~Temporary signs identifying the architect, engineer, developer or contractor when placed upon construction sites and not exceeding sixty four (64) square feet in area. Such signs shall not be erected prior to issuance of a building permit and shall be removed no later than seven (7) days after completion of the project.~~
12. ~~Commercial building occupational signs identifying the name and profession of the occupant(s) and not exceeding two (2) square feet in area.~~
13. ~~Memorial or commemorative plaques or tablets denoting a building name and/or date of erection of a location of historic significance and not exceeding four (4) square feet in area.~~
14. ~~Property identification signs indicating address and/or name and not exceeding two (2) square feet in area for residential land uses or five (5) square feet in area for non residential land uses.~~

## GENERAL STANDARDS FOR ON-PREMISE SIGNS

~~GENERAL STANDARDS FOR ON-PREMISE SIGNS~~, exclusive of the Central Avenue Corridor and off-premise signs. These standards apply to on-premise signs including:

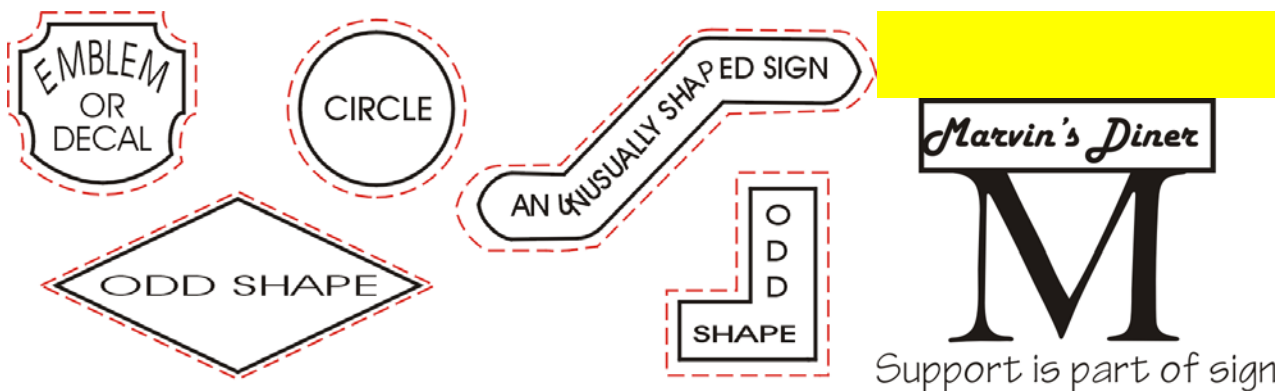
1. Free-standing Signs
2. Wall Signs
3. Roof Signs
4. Projecting Signs
5. Awnings and Canopies

### 12-120 Sign Measurement Standards

The following principles shall control the measurement of sign area, sign height and sign setback.

#### A. Measurement of Sign Area

(1) The area of a sign shall include all lettering, wording, designs and symbols, together with the background, whether open or enclosed, on which they are displayed. The area of uprights, bracings and other structures supporting a sign shall be omitted in measuring the area of the sign unless such upright or bracing consists of a corporate logo, is made part of the message, face or border of the sign or is otherwise designed or used to attract the attention of the public.



**Commentary:** The “golden arches” at McDonald’s, if used as support for a sign, are clearly integral to the sign message and would be included in the measurement of the area of the sign face.

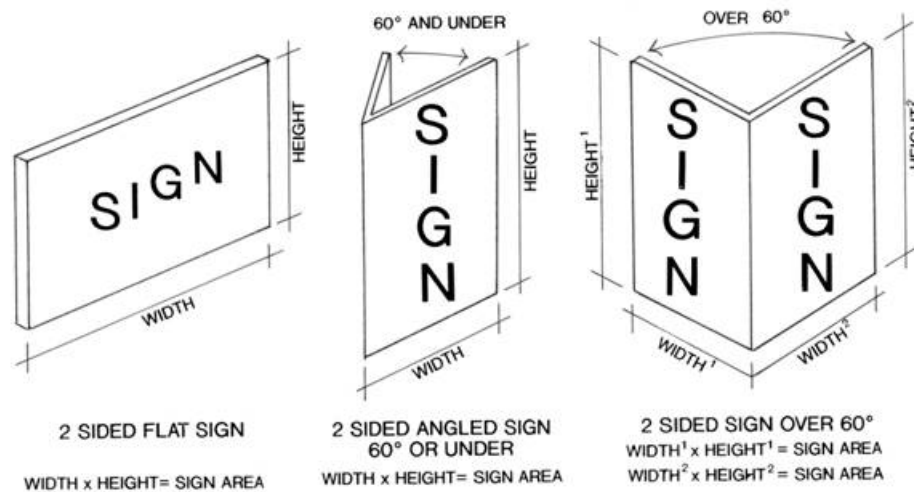
(2) Where a sign consists of individual letters, words or symbols attached to a surface, the sign area shall be the area of the smallest rectangle which completely encompasses all such letters, words or symbols and any accompanying background of a color different than the color of the wall.



**Commentary:** Channel letter signs, mounted logos, and similar devices are treated differently than signs in cabinets – the wall area between multiple elements does not count as sign area.

(3) The area for a sign with more than one face shall be measured by adding together the area of all sign faces, except where the angle at which the two sign faces are placed does not exceed 60 degrees or where the sign faces are parallel and not more than 36 inches apart.

**Commentary:** It is presumed that where sign faces are placed less than 60 degrees apart, both faces are not readable from any one point.



## B. Measurement of Sign Height

The height of a sign shall be measured as the distance from the base of the sign at finished grade to the top of the highest attached component of the sign. Finished grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

## C. Measurement of Sign Setback

The setback of a sign shall be measured as the shortest distance from each property line to the leading edge of the sign.

**Commentary:** The setback should be measured from the property to the edge of the sign, not to the pole, in the case of a pole sign.

### 12-121. Number of Advertising Devices.

1. No more than 3 types of advertising devices and no more than 12 advertising devices shall be used per business at a time with a business property frontage of less than 200 feet. A business with 150 feet of property frontage, for example, is allowed is allowed a pole sign, a wall sign, and a banner.
2. No more than 4 types of advertising devices and no more than 15 advertising devices shall be used per business at a time with a business frontage of 200 feet or more.

**12-122. Height of On-Premise Sign.**

1. ~~No sign shall~~ **Only Special Height Signs may** be constructed to exceed the maximum building height permitted in the specific district (~~See Section 9, Height Regulations~~) where the sign is located ~~except~~.
2. **Special Height Signs are allowed** in shopping centers or similar retail, commercial, or office centers containing six ~~(6)~~ acres or more, or for gasoline service stations, hotels/motels, restaurants, auto dealerships, and other highway related services when located on or adjacent to IH-35 or H. K. Dodgen Loop. These pylon or major identification signs **must** not ~~to exceed seventy five (75) feet in height may be erected when such special height signs comply with the adopted City of Temple Building Code for design and construction. For allowed locations within the Central Avenue Corridor, See Section 12-127..~~

**12-123. Freestanding (Pole or Ground) Signs.**

**Definition.** ~~Free standing sign, as regulated by this portion of the ordinance, shall mean any sign supported by uprights or braces placed into or upon the ground and not attached to any building. Standards for off premise advertising are addressed separately in Section 12-142 below. Standards for low and high profile signs in the Central Avenue Corridor are addressed in Section 12-141.~~

1. **Permit and District.** **Freestanding signs are allowed in nonresidential districts.** No freestanding sign may be erected without a **sign** permit.
2. **Location. Height and area limitations.**
  - (a) Freestanding signs shall conform to the area-height-setback relationship indicated in Table **1** ~~2~~, except as allowed in ~~12-106~~ for **Special Height Signs** in highway-orientated locations and for group signage ~~as followed in incentive provisions.~~
  - (b) Free-standing signs shall not exceed a height of greater than fifty (50) feet above the level of the street upon which the sign faces, or above the adjoining ground level, if such ground level is above the street level.
  - (c) Free-standing signs shall not exceed three hundred (300) square feet in area, except as allowed in incentive provisions.
  - (d) In a Mixed Use District, free standing signs shall be monument style, not exceeding 5 feet in height.

TABLE 1 ON-PREMISE SIGNS AREA—HEIGHT—SETBACK RELATIONSHIP		
MAXIMUM AREA	MAXIMUM HEIGHT	MINIMUM SETBACK
0 to 50 square feet	20 feet	0 feet
>50 to 100 square feet	15 feet	5 feet
>100 to 150 square feet	25 feet	5 feet

>150 to 200 square feet	30 feet	10 feet
>200 to 250 square feet	40 feet	10 feet
>250 to 300 square feet	50 feet	15 feet
>300 square feet	75 feet	25 feet
See Section 12-106		

3. **Setback Line.** A freestanding signs shall be set back from the property line of the property on which the sign is erected in relation to its area and height, as indicated in Table 12, ~~except as allowed in incentive provisions.~~

4. **Space Between Sign and Other Signs and Structures.** No freestanding sign shall be nearer than ten (10) feet to any other sign, building or structure.

5. **Number of Freestanding Signs Allowed.**

- (a) One (1) freestanding sign is allowed per lot, or tract, or parent shopping center plot, or separate building. A lot or tract located at a street intersection is allowed one (1) freestanding sign per street frontage. (Amended by Ordinance 2000-2707)
- (b) **Multiple Businesses, Services, Tenants.** Buildings housing multiple businesses are encouraged to group signage. A 30% increase in sign area is allowed for a group sign, advertising a center with multiple businesses, with no corresponding effect on sign setback and height specified in Table 12. This incentive may be increased to 35% over the sign area allowed in Table 12 when a group sign is combined with landscaping.
- (c) The number of freestanding signs allowed may be increased by one of the following credits.
  - (1) If more than one (1) business, service or tenant occupies a single building on a lot or tract, a maximum two (2) freestanding signs are allowed. The combination of sign area for the two signs shall not exceed the maximum allowed area in Table 2 in relation to sign height and setback. For example, two (2) 25 square foot signs (maximum 50 square feet) are allowed if two or more tenants are present in one building. The signs may not exceed 15 feet in height, and may be placed on the property line (0' setback), or
  - (2) Property Frontage: If the lot, tract, or parcel exceeds 200' of frontage along the street where the sign is proposed, additional freestanding signs are allowed, in accordance with Table 2, or
  - (3) Alternate Signage Plan. If neither (1) nor (2) above satisfactorily meet the applicant's needs, the Board of Adjustment will review a variance request for an alternate signage plan which meets the unique advertising needs of the site, business, service or tenant and, at the same time, carries out the intent of this ordinance to balance on site advertising needs with community appearance.

TABLE 2	
PROPERTY FRONTAGE	NUMBER ALLOWED
0 to 200 feet	1 sign
201 to 400 feet	2 signs
401 to 600 feet	3 signs
601 feet and over	4 signs (maximum)

## 12-124. WALL SIGNS.

**Definition.** ~~Wall sign, as regulated by this ordinance, shall mean any sign affixed to, or painted on, the facade of a building such that the wall is the supporting structure for, or forms the background surface of the sign and which does not project more than eighteen (18) inches perpendicular to the wall. A wall sign shall include canopy signs associated with gasoline service stations and shall be limited to gas prices, name, and company identification. A fence sign shall be considered a wall sign.~~

1. **Permit and District.** Wall signs are allowed in nonresidential districts. No wall sign may be erected without a sign permit.
2. **Location and area.**
  - (a) A maximum ~~fifty (50%)~~ percent of each tenant's store front, side or rear oriented to each street may be utilized for a wall sign. No single wall sign may exceed ~~three hundred (300)~~ square feet in area.
  - (b) In the MU district, the maximum aggregate area of wall signs shall be ~~two hundred (200)~~ square feet in area.
  - (c) No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached in excess of ~~four (4)~~ feet.
  - (d) **Projection Above Sidewalk and Setback Line.** No wall sign shall ~~be permitted to~~ extend more than six (6) inches beyond the building line or ~~and shall not~~ be attached to a wall at a height of less than ~~ten (10)~~ feet above the sidewalk or ground.

## ~~12-124. ROOF SIGNS.~~

**Definition.** ~~"Roof Sign" as regulated by this portion of the ordinance shall mean any sign erected, constructed and maintained wholly upon or above the roof of any building with the principal support attached to the roof structure.~~

### ~~2. Location.~~

- (a) **Height and Area Limitations.** ~~No roof sign shall have a surface or facing exceeding three hundred (300) square feet, nor have its highest point extended more than twenty (20) feet above the roof level.~~

- (b) **Prohibited Obstructions.** No roof sign shall be placed on the roof of any building or structure in such manner as to prevent free passage along the roof or interfere with openings in the roof.

## **12-125. PROJECTING SIGNS.**

### **1. Definitions.**

- (a) **"Projecting Sign"** as regulated by this portion of the ordinance shall mean any sign which is attached to a building or other structure and extends beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached. A marquee is a projecting sign for this portion of the ordinance. A projecting sign over public property is allowed to be permitted in the routine manner only in the Central Area District. In other locations, a projecting sign over public property requires approval of a right of way license by the city council.
- (b) **"Horizontal Projecting Sign"** shall mean any sign which is greater in width than in height.
- (c) **"Vertical Projecting Sign"** shall mean any sign which is greater in height than in width.

### **2. Area/Size**

- (a) **Area Limitations.** Projecting signs shall be limited in area as follows:

- (1) Horizontal projecting signs shall not exceed fifty (50) square feet on each side.
- (2) Vertical projecting signs shall not exceed one hundred (100) square feet on each side.

- 3. **Thickness Limitation.** The distance measured between the principal faces of any projecting sign shall not exceed eighteen (18) inches.
- 4. **Location; Projection Over Public Property.** Every projecting sign shall be placed at least nine (9) feet above the public sidewalk over which it is erected, no more than two (2) feet from the face of the wall to which it is attached, measuring from the point of the sign nearest the wall, and at least one (1) foot from the curb line. Every projecting sign shall be placed at least fifteen (15) feet above the public driveway, alley or thoroughfare over which it is erected.

## **12-126. AWNINGS AND CANOPIES.**

### **—1. Definitions.**

- (a) **"Awning"** as regulated by this portion of the ordinance shall mean any structure made of cloth or metal with a metal frame attached to a building which may be fixed or can be retracted to a position flat against the building when not in use. A Central



Area District or approval of a right of way license by the city council is required for sign projection into the public street right of way.

- (b) ~~"Canopy" as regulated by this portion of the ordinance shall mean any structure, other than an awning, made of cloth or metal with metal frames attached to a building which is carried by a frame supported by the ground or sidewalk. A Central Area District or approval of a right of way license by the city council is required for sign projection into the public right of way, even if legs of a canopy sign project into sidewalk.~~

## ~~2. Location.~~

- (a) ~~**Height Above Sidewalk; Awnings.** No portion of an awning shall be less than nine (9) feet above the level of the sidewalk or public thoroughfare over which it is erected.~~
- (b) ~~**Height Above Sidewalk; Canopies.** No portion of a canopy shall be less than nine (9) feet above the level of the sidewalk or public thoroughfare over which it is erected.~~
- (c) ~~**Setback from Curb Line.** No awning or canopy shall be permitted to extend beyond a point one (1) foot inside the curb line.~~
- (d) ~~**Width.** No limitation on width of awnings. No canopy shall be permitted to exceed eight (8) feet in width.~~

~~**3. Advertising.** The name of the owner and the business, industry or pursuit conducted within the premises may be painted or otherwise permanently placed in a space on the front and side of the awning \_\_\_\_\_ or \_\_\_\_\_ canopy.~~

**12-125. STANDARDS ACCORDING TO SIGN TYPE.** The standards applicable to each permitted sign type are set forth in Table 3 below. Signs and advertising devices listed in Table 3 must be On-Premise Signs unless off-premise placement is specifically allowed. [This draft does not show revision of language to fit text into table format. Substantive changes are highlighted.]




TABLE 3							
Sec. Number	Type	District Permitted	Maximum Area	Permit Req'd?	Time Limit	Standards	Illustration
12-126	Agricultural Sign	A, UE, NS, GR, C, LI, HI	100 SF	Yes	None	One per every 200 LF	
12-127	Apartment Name Sign	All	64 SF	Yes	None	One per street frontage	
12-128	Awning	Non-residential		Yes	None	<p>Not less than 9 feet above the level of the sidewalk or public thoroughfare over which it is erected.</p> <p>Not extending beyond 1 foot inside the curb line.</p> <p>The name of the owner and the business, industry, or pursuit conducted on the premises may be painted or otherwise permanently placed in a space on the front and side of the awning.</p> <p>Awnings shall be constructed of a rigid framework with an approved covering that is flame resistant in accordance with NFPA 701 or has a flame spread index not greater than 25 when tested in accordance with ASTM E 84.</p>	

TABLE 3




Sec. Number	Type	District Permitted	Maximum Area	Permit Req'd?	Time Limit	Standards	Illustration
12-128	Banner	Non-residential	10% of façade mounted on. On multi-tenant buildings, not to exceed 10% of leased frontage façade it is mounted on	No	None	One per building or tenant. Banners shall be affixed flush to a façade, awning, or canopy, or attached flush to a fence. No stakes, posts, poles, A--frames, or H-frames are permitted to secure a banner to the ground.	
12-129	Banner, Pole	Non-residential	12 SF	No	None	One per every 40 LF, separated by at least 5 feet, not to exceed 10 pole banners per property. Height of pole must not exceed 35 feet. Must be secured to permanent pole and mounted with brackets manufactured for that purpose. No T-posts allowed. Combinations of corporate, spirit, and pole banners may be used, but may not exceed a combined total of 10.	
12-130	Canopy	Non-residential	25% of surface	Yes	None	Shall not be less than 9 feet above the level of the sidewalk or public thoroughfare over which it is erected. Shall not extend beyond 1 foot inside the curb line. The name of the owner and the business, industry, or pursuit conducted on the premises may be painted or otherwise permanently placed in a space on the front and side or the awning. Canopy signs associated with gasoline service stations shall be limited to gas prices, name, and company identification.	
12-131	Community Event Sign	All districts	40 SF	No	From 30 days before to 7 days after event	Banners or other advertising devices placed, hung, or attached to the inside walls of an event, which advertise businesses that sponsored the event, are allowed only during the event. No community event sign shall be placed in public right-of-way.	[insert]






TABLE 3							
Sec. Number	Type	District Permitted	Maximum Area	Permit Req'd?	Time Limit	Standards	Illustration
12-132	Construction Sign	All	64 SF	No	From issuance of building permit to 7 days after completion of project	One per construction work site.	
12-133	Development Sign	All	300 SF	Yes	7 days after completion of project.	One per project or 1 for each 100 acres in the project	
12-134	Directional Sign	Non-residential	2 SF or per MUTCD	No	None	<p>Signs may be attached or detached.</p> <p>A maximum of two signs may be visible from the roadway.</p> <p>Must be stationary. If a sign is an attached sign, the words must not exceed 4 inches in height.</p> <p>Each sign must convey a message that directs vehicular or pedestrian movement within or onto the premise on which the sign is located.</p> <p>Must contain no advertising, but may have company identification or logo.</p>	
12-135	Directory Sign	All	4 SF	Yes	None	One per street frontage.	
12-136	Fence Sign	Non-residential	25% of fence area, not to exceed 60 SF	Yes	None	<p>One per street frontage</p> <p>Fence signs must be affixed directly to and flush with the fence. No extender poles are allowed.</p> <p>Fence signs are prohibited in shopping centers.</p>	

TABLE 3




Sec. Number	Type	District Permitted	Maximum Area	Permit Req'd?	Time Limit	Standards	Illustration
12-137	Flag, Corporate and Spirit	Non-residential	48 SF	No	None	<p>One per 40 feet of street frontage, separated by at least 5 feet, not to exceed 10 flags per property.</p> <p>Combinations of corporate flags, spirit flags and pole banners may be used, but may not exceed a combined total of 10.</p> <p>Height of pole must not exceed 35 feet.</p> <p>When tags become torn, tattered or faded, they must be removed or replaced.</p>	[insert]
12-138	Flag, State and National	All	<p>375 SF along I-35 and H. K. Dodgen LP.</p> <p>150 SF in non-residential district.</p> <p>48 SF in residential district.</p>	No	None	<p>Anytime the American flag is displayed, it will be in accordance with Public Law 94-344, dated July 7, 1976, and will not be torn, tattered or faded.</p> <p>Height of pole must not exceed 50 feet in nonresidential districts or 20 feet in residential districts.</p>	
12-139	Free-standing (pole or ground) Sign	See section 12-123.					 

TABLE 3



Sec. Number	Type	District Permitted	Maximum Area	Permit Req'd?	Time Limit	Standards	Illustration
12-140	Garage or Yard Sale Sign	Residential Churches in any district.	2 SF	No	From 3 days before to 1 day after sale	One per property. Off-premise signs are prohibited.	
12-141	Handheld Sign	All	10 SF	No	None		[insert]
12-142	Historical Sign	All	4 SF	No	None	None	
12-143	Holiday Decoration	Non-residential	N/A	No	From 45 days before to 14 days after celebration		[insert]
12-144	Inflatable device	Residential	None	No	From 45 days before to 14 days after celebration	Maximum of 10 feet tall.	[insert]

TABLE 3




Sec. Number	Type	District Permitted	Maximum Area	Permit Req'd?	Time Limit	Standards	Illustration
12-145	Inflatable device	Non-residential	N/A	Yes	14 consecutive days per permit. 30 days after grand opening.	Maximum of 20 feet tall. Must be ground mounted; must not be affixed to roof.	
12-146	Institutional Sign	Residential	32 SF	Yes	None	One per street frontage.	
12-147	Institutional Sign	Non-residential					
12-148	Memorial Sign	All	4 SF	No	None	N/A	[insert]

TABLE 3




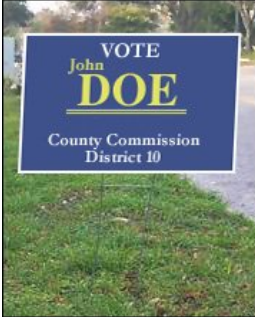
Sec. Number	Type	District Permitted	Maximum Area	Permit Req'd?	Time Limit	Standards	Illustration
12-149	Message Board	Non-residential	150 SF	Yes	None	<p>A message board must not have any distracting appearance of animated motion of graphics, blinking, flashing, or shimmering.</p> <p>A message board with an electronic message may have a scrolling message.</p> <p>When the display of a message board with an electronic message displays changes from message to message, it must change as rapidly as technologically practicable with no phasing, rolling, flashing, or blending and no more than every 8 seconds. A message board shall be readable from only one side.</p>	
12-150	Mural	Non-residential	None	Yes	None	<p>The design of a mural must be approved the Administrative Official before being placed.</p> <p>A mural shall not contain a commercial message or be used as an advertising device.</p> <p>A mural is not a Wall Sign.</p>	
12-151	Name Plate Sign	All	2 SF in residential district; 6 SF in non-residential district	No	None	One per building or tenant per street frontage	
12-152	Political Campaign Sign	All	16 SF in residential district; 32 SF in non-residential district	No	From 60 days before to 7 days after election or referendum	<p>Shall only be placed on private property, outside of the public right-of-way. No sign affixed to an automobile, truck, trailer or other vehicle may be parked on public property for any period of time longer than it takes the operator of owner to transact ordinary day-to-day business (for example, shopping, paying bills, and picking up laundry). The owner may, however, park such a vehicle on public property adjacent to his own property.</p> <p>An owner or operator of a vehicle in violation of the preceding section will be contacted and given an opportunity to move the vehicle immediately. If the registered owner or operator cannot be contacted, or when contacted refuses to remove the vehicle, the vehicle will be taken into police custody and towed away at the owner's expense.</p> <p>Shall not be illuminated or have any moving elements.</p>	



TABLE 3





Sec. Number	Type	District Permitted	Maximum Area	Permit Req'd?	Time Limit	Standards	Illustration
12-153	Projecting Sign	Non-residential	50 SF for horizontal sign; 100 SF for vertical	Yes	None	<p>The distance between the principal faces of a projecting sign shall not exceed 18 inches.</p> <p>Every projecting sign shall be placed at least 9 feet above the public sidewalk over which it is erected, no more than 2 feet from the face of the wall to which it is attached, measuring from the point of the sign nearest the wall and at least 1 foot from the curb line. Every projecting sign shall be placed at least 15 feet above the public driveway, alley or thoroughfare over which it is erected.</p> <p>A projecting sign over public property is allowed to be permitted <del>in the routine manner</del> only in the Central Area District. In other locations, a projecting sign over public property requires approval of a right-of-way license by the City Council.</p>	
12-154	Protective Sign	All	1 SF	No	None	No more than 2 per property.	
12-155	Real Estate Sign	All	32 SF	No	7 days after sale or rental of subject property	<p>One per <del>street frontage</del>, platted lot or tract. For acreage, one per 200 feet of street frontage.</p> <p>The set back for a nonresidential sign is 8 feet from the property line.</p> <p>The maximum height of an on-premise real estate sign in a non-residential district is 15 feet.</p> <p>An off-premise real estate sign is allowed only if erected on a City-authorized kiosk.</p>	
12-156	Roof Sign	Non-residential	300 SF	Yes	None	<p>No roof sign shall be placed on the roof of any building or structure in such manner as to prevent free passage along the roof or interfere with openings in the roof.</p> <p>Highest point must not extend 20 feet above the roof level.</p>	

TABLE 3





Sec. Number	Type	District Permitted	Maximum Area	Permit Req'd?	Time Limit	Standards	Illustration
12-157	Searchlight	Non-residential	N/A	Yes.	3 consecutive days per permit	<p>Shall not have glaring or illumination which interferes with traffic safety.</p> <p>Shall not be within 500 feet of a residential area.</p> <p>Shall not be placed in public right-of-way.</p> <p>Limit of 2 permits per year per business.</p>	
12-158	Subdivision Entry Sign	All except LI and HI	80 SF	Yes		<p>The signs shall bear only the name of the subdivision.</p> <p>No more than 2 signs located at each entrance to a subdivision.</p> <p>Shall be constructed of masonry and/or wood, and metal, or other natural materials.</p> <p>The placement of all signs must comply with the 15 foot visibility triangle setback from property corners and intersections.</p> <p>Sign placement within public right-of-way will require Street Use Licenses and be subject to visibility and vehicle safety review during the permit process.</p> <p>Shall not project more than 8 feet above the curb line.</p>	
12-159	Vehicular Sign	All	N/A	No	None	<p>A vehicular sign shall not extend more than 24 inches from the top of any vehicle.</p> <p>It shall be unlawful to attach any sign to a trailer, skid, boat, or similar mobile structure or to a vehicle, where the primary use of such structure or vehicle is to provide a base for such sign or constitute a sign itself.</p> <p>Signs painted on or attached to an inoperable vehicle shall be prohibited.</p> <p>This Section does not prohibit identification of a business or its products or services on a fleet vehicle parked in a manner appropriate to the normal course of business.</p> <p>This Section does not prohibit transportation of a sign to a site of permanent erection.</p> <p>Signs on temporary construction trailers on construction sites are allowed.</p>	[insert]

TABLE 3							
Sec. Number	Type	District Permitted	Maximum Area	Permit Req'd?	Time Limit	Standards	Illustration
12-150	Wall Sign	See Section 12-124.					
12-161	Window Sign	Non-residential	25% of the window area	No	None	Shall not obstruct visibility of the cashier clerk from the street level.	



## GENERAL STANDARDS FOR OFF-PREMISE SIGNS

- 12-160. General Standards for Off-Premise Signs.** An off-premise sign erected after March 7, 2002, shall comply with the following standards unless an alternate standard applies because the sign is erected under incentive or relocation provisions.
- 12-161. Location.** An off-premise sign is permitted solely in C, LI and HI zoning districts on property fronting Interstate Highway 35 (IH-35) or H. K. Dodgen Loop.
- 12-162. Spacing.** No off-premise sign along Interstate 35 may be erected within 1,500 feet of another off-premise sign. No off-premise sign along H. K. Dodgen Loop may be erected within 2,000 feet of another off-premise sign, except that, in exchange for the removal of one double-faced sign that is larger than 386 square feet and existing along the Loop on March 7, 2002, three 386-square-foot double-faced signs may be erected within 1,500 square feet of another off-premise sign, if the permittee has sufficient sign replacement credits. Spacing is measured on the same side of the road, between points along the right of way of the regulated highway perpendicular to the center of the signs.
- 12-163. Area.** The dimensions of an off-premise sign erected on property fronting IH-35 must be 14 feet by 48 feet, for a total surface display area per face of 672 square feet. The dimensions of an off-premise sign erected on property fronting H. K. Dodgen Loop must be 10 feet, 6 inches by 36 feet, for a total surface display area per face of 386 square feet.
- 12-164. Faces.** An off-premise sign may be single-faced or double-faced, but may not contain more than one face on each side of the display.
- 12-165. Height.** An off-premise sign must be 42.5 feet in height. Sign height is measured from the grade level of the centerline of the main-traveled way closest to the sign, at a point perpendicular to the sign location.
- 12-166. Setback.** An off-premise sign must be set back at least 20 feet from any road or street right-of-way line, measured from the closest part of the sign.
- 12-167. Residential Zone.** No off-premise sign shall be permitted if property zoned residential is located between the sign location and the roadway toward which the sign would be oriented.
- 12-168. Consent.** No part or foundation or support of any off-premise sign may be placed on, in, or over any private property without the written consent of the property owner.
- 12-169. Encroachment.** No part or foundation or support of any off-premise sign may be placed on, in, or over any public property or street rights-of-way, or upon telephone or utility poles, or natural features such as trees and rocks. Encroachment into a public utility or drainage easement may be allowed with a street use license.
- 12-170. Protected vegetation.** Notwithstanding any other provision or other applicable law or regulation, no person shall remove, cut, or otherwise alter any vegetative screening on public property or private landscaping required by code as a condition of permit approval in order to improve the visibility of a nearby off-premise sign. Should such an alteration occur, any off-premise sign so benefited shall be deemed nonconforming and shall be required to become the next nonconforming off-premise sign relocated.

- 12-171. **Roof.** No off-premise sign may be erected or maintained upon the roof of any building structure.
- 12-172. **Light.** No off-premise sign may be constructed where it obscures or shades the windows or doorways of adjacent buildings.
- 12-173. **Traffic hazard.** No off-premise sign may be permitted which, because of its size, shape, or location, may obscure or obstruct the view of vehicular or pedestrian traffic so as to endanger the safe movement thereof or be confused with any authorized traffic control sign, signal, or device.
- 12-174. **Scenic vista.** No off-premise sign may be permitted which, because of its size, shape, or location, may impair any scenic vista from the highway or a building adjacent to the highway or to the off-premise sign.
- 12-175. **Construction.** An off-premise sign must have a steel post and be constructed and erected in conformance with current building codes.
- 12-176. **Identification.** An off-premise sign must be permanently identified with the name of the sign owner or operator with letters of sufficient size to be easily read from the nearest roadway.
- 12-177. **Inventory.** The owner or operator of one or more off-premise signs within the City of Temple must inventory the signs on forms provided by the City's planning department and file the completed forms with the planning department within six months from March 7, 2002. No incentive credit or permit for alteration or relocation may be issued for an off-premise sign that was not timely inventoried and reported to the City.
- 12-178. **Permit required.** No off-premise sign may be erected without a valid permit issued by the City. A permit for off-premise signs may be issued only when all requirements of this section are met. A permit for off-premise sign construction is valid for a period of six (6) months from date of issuance. The Administrative Official may extend the time limit for construction of a sign for up to one additional year. The permittee may present, and the Administrative Official ~~Planning Director~~ shall consider, evidence relating to market conditions for new sign construction, availability of local financing for new sign construction, the permittee's history of compliance with the requirements of this section, and other relevant factors.
- 12-179. **Alteration.** An off-premise sign may not be altered with regard to size, shape, orientation, height, or location without the prior issuance of an alteration or relocation permit. Ordinary and necessary repairs that do not change the size, shape, orientation, height, or location of an inventoried off-premise sign do not require an alteration permit. An alteration permit expires if the approved modifications are not completed within 90 days of permit issuance.
- 12-180. **Demolition.** A demolition permit is required prior to removal of an existing off-premise sign. Demolition must be completed within 90 days from permit issuance. The permit must state the number of faces to be demolished.
- 12-181. **Maintenance.** Whenever the Administrative Official ~~Planning Director~~ finds that any off-premise sign on the authorized list is not maintained in good repair and has not deteriorated more than 50 percent of its replacement value, the Administrative Official ~~Planning Director~~ will notify and order the owner to repair the sign within 30 calendar days. If the Administrative Official ~~Director~~ finds that an off-premise sign has deteriorated more than 50 percent of its replacement value, or is not repaired within 30 calendar days, the Administrative Official ~~Planning Director~~ shall notify the owner of the off-premise sign and the owner of the real property on which the off-premise sign is located to remove the off-premise sign or poster panel from the property within a specified time. All

off-premise signs ordered to be removed shall be stricken from the authorized list when the time limit is set and the removal notice ends.

**12-182. Off-Premise Sign Cap.** The number of off-premise signs in the City is limited to the number of such signs in existence on March 7, 2002.

**12-183. Incentives.** To encourage removal of off-premise signs that do not comply with current sign standards, the owner of a sign that was lawfully erected in compliance with all standards then in effect or lawfully in place at the time it was annexed into the City may be awarded credit for removing such sign.

1. One credit will be awarded for each face that is removed from a lawfully existing off premise sign. In order to receive a permit for the erection of an off-premise sign, 1.25 credits must be used per each new face.
2. The City shall issue a permit to any person holding sufficient credits, for erection of an off-premise sign in a location approved by the City, in its sole discretion. The permit must state the number of faces to be erected.
3. Credits are transferable.
4. Credit is received when a permittee removes a sign voluntarily, even if the reason is loss of the lease. No credit may be awarded for the removal of an off-premise sign that was in violation of Federal, State, or City laws when erected.
5. To be awarded a credit under the incentive program, a sign owner or operator must notify the City within 60 days of the removal of an off-premise sign and receive a letter issued by the City awarding a credit. Failure to apply for a credit within 60 days from removal of a sign bars the awarding of credit for that sign. Any unused credits will be held in reserve indefinitely, in order to give incentive for immediate removal of current faces.
6. The **Administrative Official** ~~Planning Director~~ will provide to the Planning and Zoning Commission, as part of the Commission's annual report, an accounting of unused credits. The Commission's annual accounting shall be final if not appealed in writing to the Commission within 30 days from the date that the accounting is presented to the Commission. In making a final determination, the Commission will consider evidence presented by the appellant, **Administrative Official** ~~Planning Director~~ and any other interested person.

**12-184. Relocation.** When a sign located in the City of Temple within the proposed right of way of a state highway is to be relocated to accommodate a regulated highway project and the Texas Department of Transportation issues a permit for relocation of the sign, the City will also issue a permit for a sign that meets all current City standards, except that the relocated sign:

1. must have a permit, but will not require payment of a permit fee;
2. may be erected no less than 5 feet from any highway right of way line;
3. may be constructed with the same number of poles and same type of materials as the existing sign; and

4. may be erected without enlarging the sign face.

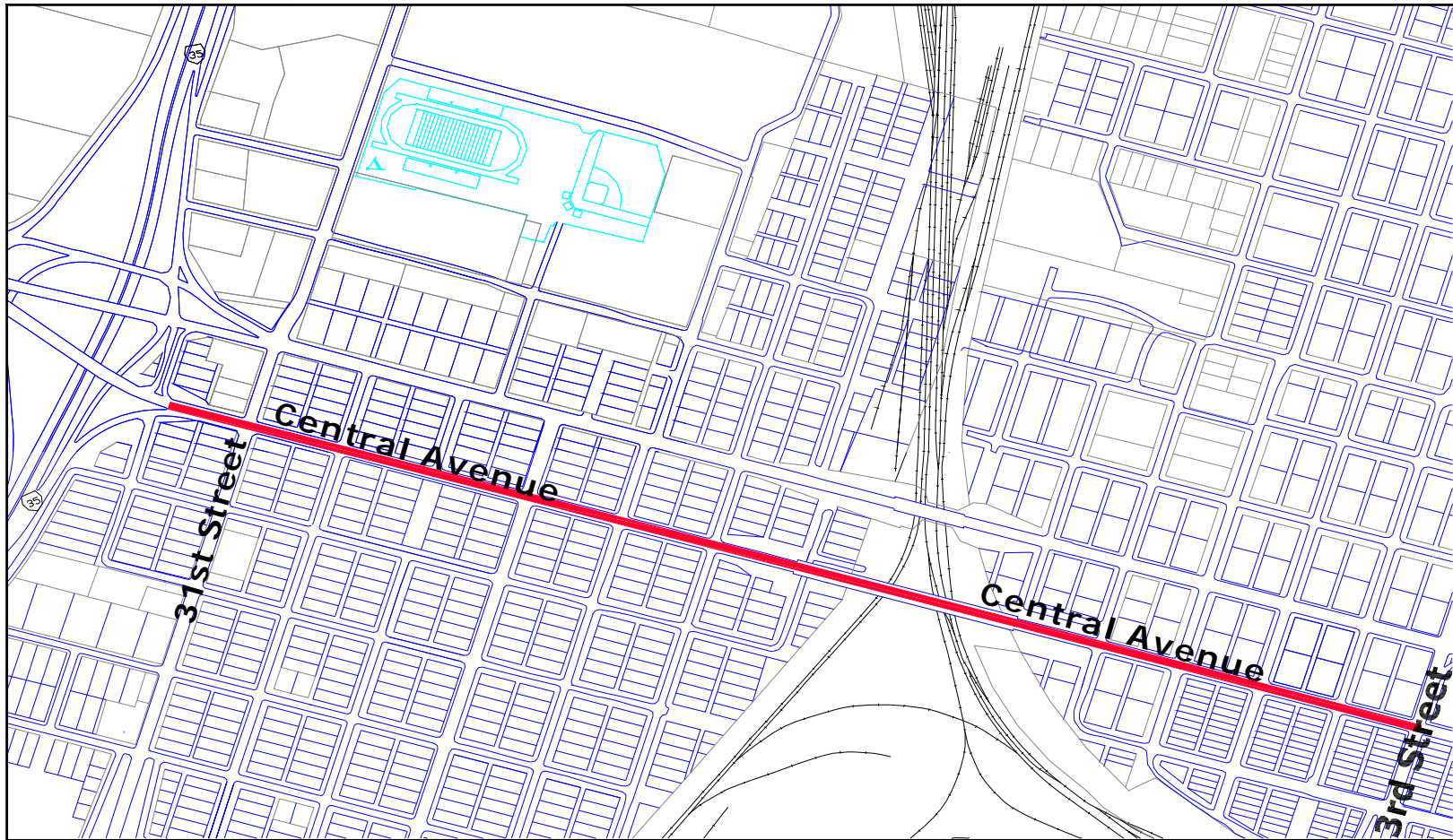
### **SPECIAL STANDARDS FOR CENTRAL AVENUE CORRIDOR**

- 12-185. Special Standards for Central Avenue Corridor From IH 35 to Third Street.** These standards describe distinctive on-premise sign standards for this unique location in the community, intended to preserve the visual character of this important entry corridor into downtown Temple. Incentive and encouragement are given to low profile signage, with high profile and wall signs also allowed. Signage is limited to advertisement for land use activities occurring on the site. Allowed signs include low profile, high profile, and wall signs.
- 12-185. Jurisdiction:** These standards represent an overlay district and shall apply to signage oriented to Central Avenue for all land uses within the Central Avenue Corridor, bounded on the west by IH-35 and on the east by 3rd Street, as indicated on the attached boundary map (Exhibit 1). This shall include all properties adjacent to and/or abutting Central Avenue, and all properties situated 240' north and south of the centerline of Central Avenue.
- 12-186. Advertising.** Signs within the Central Avenue Corridor may advertise and promote the business or use conducted directly on the property where the sign is located. Signs may not advertise businesses, goods, or services which are offered in other locations.
- 12-187. Prohibited Signs.** The following sign types shall not be permitted within the Central Avenue Corridor: off-premise advertising signs, portable and trailer signs, vehicle signs, trash receptacle and bench signs, flashing illuminated signs, temporary non-affixed signs, satellite dish signs, and roof mounted advertising signs. Also, flashing and moving signs are prohibited, except that time and temperature and digital scroll displays are allowed.
- 12-188. Illumination:** Signs may be illuminated internally or externally. Illumination shall be constant and represent no traffic hazard.
- 12-189. Movement:** Signs shall not be permitted to move or rotate in any manner.
- 12-190. Materials:** Signs shall be constructed from environmentally sound materials and meet all city building, electrical, and other safety codes.
- 12-191. Maintenance:** All signs and supports shall be maintained in good condition to prevent deterioration, oxidation, rust, and other unsightly conditions. All abandoned signs and supports shall be removed within ninety (90) days of abandonment. All damaged signs shall be repaired or removed within ninety (90) days of damage.
- 12-192. Non-Conforming Central Avenue Signs:** A permanent, on-premise advertising sign not in conformance with the Central Avenue Corridor Sign Regulations governing structure, dimension, height and placement, which was lawfully erected prior to the enactment of said regulations, shall be considered a non-conforming sign. Non-conforming signs in the Central Avenue Corridor shall be exempted from the provisions of this ordinance which prohibit reconstruction of damaged or deteriorated non-conforming structures. A permit for reconstruction of a non-conforming sign in the Central Avenue Corridor shall require that the sign be reconstructed within six (6) months of substantial deterioration or destruction, in place, without increasing any non-conforming characteristic of the sign. Existing portable signs and all off-premise advertising signs within the Central Avenue Corridor promoting business uses in another location shall be removed within thirty (30) days of the adoption of this ordinance.



- 12-193.** Street right-of-way encroachment by any advertising sign is prohibited within the Central Avenue Corridor.
- 12-194.** A sign may not conflict with the operation of utilities located within an easement area.
- 12-195.** The setback clearance zone shall be observed at each street corner intersection, each driveway opening, and each street/alley intersection.





Central Avenue Boundary Map  
From Interstate-35 to Third Street

updates



**City of Temple**  
**Planning Department**

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**12-139. Permits Required:** A permit from the City shall be required to erect or construct a sign, or to reconstruct a damaged or deteriorated non-conforming sign, along or oriented to Central Avenue between IH-35 and 3rd Street within the effective boundary of this ordinance, except as indicated in Section 12-116. A detailed site plan (line drawing) shall be provided describing the project and showing the information indicated in Section 12-109.

**12-140. Permits Not Required:** Permits shall not be required for signs along or oriented to Central Avenue exempted in Section 12-116, unless required by another city ordinance or regulation. Nevertheless, these signs, although exempted from permits, shall conform in all respects to the maximum height, maximum size, minimum 16' curblin setback and all other provisions stated for low profile, high profile, and wall signs, depending on which Class of sign is used, except that public safety, traffic, emergency and other civic signage shall not be limited by this item.

## **12-141.SIGNS PERMITTED ALONG CENTRAL AVENUE**

**1. LOW-PROFILE SIGNS:** (Class 1): Low-Profile signs all conform to the following standards:

- (a) **Minimum Height:** not applicable
- (b) **Maximum Height:** eight (8) feet
- (c) **Maximum Size:** fifty (50) sq. ft., unless sign size is increased by one or more of the following provisions:
  - (1) Maximum 15 square feet bonus for separate changeable copy if used;
  - (2) Two (2) square feet overall area bonus per tenant over one in a single building;
  - (3) One (1) square foot overall area bonus for each one (1) foot setback in addition to 16 feet from curb;
  - (4) Maximum overall sign size not exceeding 75 square feet.
- (d) **Minimum Setback:** The outermost (leading) sign face shall observe a minimum setback of 16' from the curb and shall not encroach in public right-of-way.
- (e) **Maximum Number:** One Class 1 sign per building in addition to allowable wall signs. One Class 1 or one Class 2 sign may be used per building but not both. A tract located at an arterial street intersection may erect one Class 1 or Class 2 sign oriented to each street, as well as allowable wall signs.

**2. HIGH-PROFILE SIGNS:** (Class 2): High Profile Signs shall conform to the following standards:

- (a) **Minimum Height:** Eight (8) feet

(b) **Maximum Height:** Fifteen (15) feet except that:

(1) Allowed on-premise signs on properties located west of the west right-of-way line of 31st Street may be a maximum height of thirty-five (35) feet for visibility from IH-35;

(2) Signs located east of the centerline of 21st Street and west of the centerline of 11th Street, in the vicinity of the Central Avenue grade separation, shall be no higher than the higher of either:

(a) fifteen (15) feet above the nearest natural grade; or

(b) the top of the nearest curb of Central Avenue where such curb exceeds fifteen (15) feet above the natural grade.

(c) **Maximum Size:** thirty-five (35) square feet, unless sign size is increased by one or more of the following provisions:

(1) a maximum fifteen (15) feet bonus for separate changeable copy, if used;

(2) two (2) square feet overall area bonus per tenant over one in single building;

(3) one (1) square feet overall area bonus for each one (1) foot sign setback in addition to sixteen (16) feet from curb;

(4) maximum overall sign size shall not exceed one hundred (100) square feet.

(d) **Minimum Setback:** The outermost (leading) sign face shall observe a minimum setback of sixteen (16) feet from the curb and shall not encroach in public right-of-way.

(e) **Maximum Number:** One Class 2 sign per building in addition to allowable wall signs. One Class 1 or one Class 2 sign is allowed per building but not both. A tract located at an arterial street intersection may erect one Class 1 or Class 2 sign oriented to each street, as well as allowable wall signs.

(f) **Separation:** A minimum twenty (20) feet separation shall be observed between signs on a tract.

**12-142. WALL SIGNS:** (Class 3): Wall signs shall conform to the following standards:

(a) **Minimum Height:** Not applicable

- (b) **Maximum Height:** A wall sign may extend a maximum eighteen (18) inches above the building if no supports are needed or utilized for the sign.
- (c) **Size:** Ten (10%) percent of each tenants' store front wall area oriented to the street.
- (d) **Setback:** Not applicable.
- (e) **Maximum Number:** One per business facade will be allowed. Number/letters indicating property address will not be counted in this calculation. A wall sign may be used in conjunction with either a Class 1 or Class 2 sign.
- (f) **Separation:** Not applicable.

### GENERAL STANDARDS FOR SIGNS IN PLANNED DEVELOPMENT DISTRICTS

**12-143.** In a PD (Planned Development District) the sign standards shall be specified in the amending ordinance, either explicitly or by means of a base zoning district.

<b>TABLE 3 SUMMARY SIGN REGULATIONS</b>			
<b>SIGN TYPE</b>	<b>DISTRICT PERMITTED</b>	<b>MAXIMUM AREA</b>	<b>SPACING STANDARDS</b>
<b>Permanent On-Premise Signs</b>			
Agricultural	A, UE, NS, GR, C, LI, HI	100 square feet	200 feet
Apartment name	MF 1, MF 2, MF 3, O-2	64 square feet	One per street frontage
Institutional	Residential Non-residential	32 square feet See below	One per street frontage See below and Table 3
Name plate	Residential Non-residential	2 square feet See below	One per street frontage See below
Subdivision	All, except LI and HI	80 square feet	See Standards for complete details
Other on-premise	O-1, O-2, NS, GR, CA, C, LI, HI	See below	See General and Central Avenue Standards, Sections 12-131, 12-132
<b>Temporary On-Premise Signs</b>			
Commercial	Any		
Construction	All	64 square feet	None
Development	All	300 square feet	One per project or one for each 100 acres in project
Garage/Yard Sales	Residential/Church	4 square feet	
Hand Held	Any	10 square feet	
Historical	Historical District	Not applicable	
Holiday Decorations	Any		
Memorial	Any	4 square feet	
Overheight	O-2, GR, CA, C, LI,	See Sec. 12-106	

	HI		
Political	All Districts		
Property	Residential	2 square feet	
	Non Residential	5 square feet	
Public	Any	Not applicable	
Real estate	Residential	32 square feet	One per platted lot or tract. For acreage, one per 200 feet of street frontage
	Non-residential	32 square feet	None
Special Events	Any	50 square feet	
Window	All Non Residential	80% of window length, or 33% of the window height	
Off Premise Signs			
Allowed only on property fronting: Interstate 35 H.K. Dodgen Loop	C, LI, HI C, LI, HI	Uniform area and dimensions: * 14' x 48' (672 square feet) 10' 6" x 36' (386 square feet)	On same side of road: 1,500 square feet 2,000 square feet 1,500 square feet for downsize with credits

\*Effective February 21, 2002.

**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 \_\_\_\_ day of \_\_\_\_\_, 2008.

PASSED AND APPROVED on Second Reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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

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

Tim Dolan, Planning Director

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING – Consider adopting an ordinance re-establishing the regulations for metal façade residential primary and accessory buildings, and amending the City of Temple Zoning Ordinance, Section 13-200, “Regulations for Metal Façade Residential Primary and Accessory Buildings,” to delete Section 7, “Sunset Review.”

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

**ITEM SUMMARY:** The City Council approved this ordinance October 18, 2007 with the provision for Staff to report the history of building permits to regulate accessory buildings in rear yards, which includes garages. The purpose of the ordinance was to limit metal buildings in the rear yard. The requirement is to limit a steel or vinyl siding building from public view in a residential neighborhood.

Since the ordinance’s adoption, Staff has reviewed over 40 permits for accessory buildings. Only one owner chose not to develop an accessory building which meets the regulations and the permit was applied for in early 2008. That area was for a lot not containing a house, in a single family neighborhood, and the vertical wall was requested to be 16’ vertical height encased in metal. The ordinance allows an eight-foot (8.0’) vertical wall for a platted lot on less than two acres, which contains a primary dwelling or a house. Staff discussed other scenarios for a Replat to consolidate the two lots into one lot, decrease the vertical wall height of eight feet as required by ordinance and to consider some other type of exterior material.

### **ATTACHEMENTS:**

[Ordinance](#)

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RE-ESTABLISHING THE REGULATIONS FOR METAL FAÇADE RESIDENTIAL PRIMARY AND ACCESSORY BUILDINGS, AND AMENDING ORDINANCE NO. 91-2101, THE ZONING ORDINANCE OF THE CITY OF TEMPLE, TEXAS, AMENDING SECTION 13 REGARDING FENCE AND WALL REGULATIONS, DISPLAY FOR SALE, OPEN STORAGE AND METAL FAÇADE RESIDENTIAL BUILDING REGULATIONS,” SECTION 13-200, “REGULATIONS FOR METAL FAÇADE RESIDENTIAL PRIMARY AND ACCESSORY BUILDINGS,” DELETING SECTION 7, “SUNSET REVIEW;” PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on October 18, 2007, the City Council adopted Ordinance No. 2007-4165 amending the Zoning Ordinance to create regulations for metal façade residential primary and accessory buildings;

**Whereas**, the ordinance contained a sunset review provision after 180 days for the City Council to review the building permits issued for this purpose; and

**Whereas**, the Staff has provided this information and the City Council desires to remove the sunset review provision and re-establish the regulations for metal façade residential primary and accessory buildings.

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

**Part 1:** The City Council re-establishes the regulations for metal façade residential primary and accessory buildings adopted in Ordinance No. 2007-4165.

**Part 2:** The City Council approves an amendment to Ordinance No. 91-2101, the Zoning Ordinance of the City of Temple, by amending Section 13, entitled, “Fence and Wall Regulations, Display for Sale, Open Storage, and Metal Façade Residential Building Regulations” to read as follows:

**SECTION 13**

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

...

## **13-200. Regulations for Metal Facade Residential Primary and Accessory Buildings.**

1. **Definition of a Metal Facade Residential Primary or Accessory Building.** A primary or accessory residential building in which 25% or more of the area of each of the building's exterior walls, bearing or nonbearing, that is used as enclosing wall for a building, other than a fire wall is made with formed steel, structural steel or lightweight metal alloys applied on the exterior side of exterior walls for the purpose of providing a weather-resistant barrier, insulation or aesthetics, siding, exterior insulation and finish systems, architectural trim and embellishments such as cornices, soffits, fascias, gutters and leaders. For purposes of calculating whether 25% or more of the area of each of the building's exterior walls are metal, doors, windows and roofs are exempt from the percentage calculation and the percentage is calculated per side of the building.
2. **Metal Façade Residential Accessory Buildings; Where Allowed by Right.**
  - (a) For lots of less than two acres, a new or remodeled metal façade residential accessory building is allowed by right (no Special Permit required), if:
    1. A City building permit is obtained;
    2. The metal façade residential accessory building is placed on the same lot as the primary residential building;
    3. The square footage of the metal façade residential accessory building does not exceed 15 percent of the primary residential building, or a maximum floor area of 320 square feet;
    4. The metal façade residential accessory building has a maximum vertical wall height of eight feet;
    5. There is only one accessory building per lot; and
    6. The metal façade residential accessory building is located in the rear yard, and meets all yard setbacks and coverage maximums established by the Zoning Ordinance.
  - (b) For lots of two acres or more, a new or remodeled metal façade residential accessory building is allowed by right (no Special Permit required), if:
    1. A City building permit is obtained;
    2. The metal façade residential accessory building is placed on the same lot as the primary residential building;
    3. The square footage of the metal façade residential accessory building does not exceed 5,000 square feet;
    4. The metal exterior accessory building has a maximum vertical wall height of sixteen feet;
    5. There is only one accessory building per lot; and

6. The metal façade residential accessory building is located in the rear yard, and meets all yard setbacks and coverage maximums established by the Zoning Ordinance.

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

- (a) A new or remodeled metal façade primary residential building is allowed by right (no Special Permit required), if:
  1. A City building permit is obtained;
  2. It is the first structure placed on a lot;
  3. The metal façade primary residential building contains an exterior siding material of an approved steel or a vinyl siding, and applied in a horizontal lap joint treatment as recognized by the City of Temple Adopted International Residential Code, or any future amendments;
  4. The metal façade primary residential building is complimentary to the character of the residential neighborhood served as determined by the Director of Planning taking into consideration the factors set out in subsection 5 below; and
  5. The metal façade primary residential building meets all yard setbacks and coverage maximums, as defined by the Zoning Ordinance.

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

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

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

- (a) Current and future uses of the property and adjacent property for which a Special Permit for a metal façade primary or accessory residential building is sought in keeping with the City's Comprehensive Plan;
- (b) Whether other metal exterior primary or accessory residential buildings are currently found within 200 feet of the subject building location;

- (c) The visibility of metal sides of proposed metal exterior primary and accessory residential building from public streets or adjoining properties;
  - (d) Whether twenty-five percent (25) or more of any exterior wall of the metal façade primary or accessory residential building is made of metal and visible to the surrounding properties or public streets;
  - (e) The extent to which the appearance of the metal façade mimics the appearance of wood or masonry products for which no Special Permit is required; and
  - (f) Whether existing or proposed semi-permanent screening (e.g., topography, landscaping, masonry walls, etc.) would shield the metal façade from adjoining properties or public streets from view.
6. **Documentation.** The Director of Planning may require that a person asserting the right to place or construct a metal façade residential building by right or an applicant for a Special Permit for a metal façade residential building submit reasonable documentation in support of their assertion or application and to address the evaluation of the criteria established by this ordinance.
- ~~7. **Sunset review.** The City Council will conduct a sunset review of this ordinance 180 days after adoption. The City Council can repeal ordinance or renew it. The intent of Staff would be to have a replacement policy in effect that tightly integrates with City codes.~~

**Part 3:** If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

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

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

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

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

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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

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

Jonathan Graham, City Attorney  
David Blackburn, City Manager

**ITEM DESCRIPTION:** Consider approving a resolution authorizing the execution of a development agreement with Panda Temple Power, L.L.C., for the sale of effluent for the operation of an electric generation facility.

*Executive Session: Pursuant to Section 551.087 of the Government Code, the City Council may meet in executive session to discuss either commercial or financial information that the City has received from a business prospect that the City wishes to locate, stay or expand within the City limits and with which the City is conducting economic development negotiations, or to deliberate the offer of a financial or other incentive to a business prospect the public discussion of which would adversely affect ongoing economic development negotiations.*

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

**ITEM SUMMARY:** *Synopsis.* The resolution authorizes the execution of an agreement with Panda Temple Power, L.L.C. (Panda) that commits the City to sell effluent from the City's Doshier Farm Wastewater Treatment Plant and the Temple-Belton Regional Sewer System (T-BRSS) Plant to provide water for the operation of an electric generation facility in southeast Temple.

**Analysis.** Last fall the City was approached by Panda about the purchase of effluent from the City's two wastewater treatment plants. Panda poses the construction of an approximately 1100 megawatt electric generation plant in southeast Temple. The proposed plant uses gas turbines to generate electricity and uses water (effluent) to generate steam and cool the system. Panda is yet to complete the design for their proposed facility, but their preliminary data suggests that they will need somewhere between 9 and 10 million gallons of water per day (m.g.d.) of effluent for peak operations. Their actual usage will vary from day to day depending on weather and demand for electricity.

The proposed agreement between the City and Panda has the following major elements:

- ✓ **Term:** Initial term of 20 years; renewable by the mutual agreement
- ✓ **Sale of Effluent:** City agrees to provide up to an agreed maximum volume of effluent or potable water to Panda for their operations

- City determines mix of water sold to Panda with priority for effluent (from Doshier or TBRSS plant) first and use of potable water, if any only if, effluent supply is insufficient
- Effluent sold “as is” without implied or express warranties as to fitness for a particular purpose; City does commit to maintaining its WW permits and using best efforts to produce effluent that meets requirements of permits
- **Potable water** is backup source of water; up to 1 m.g.d.; Panda will pay same rates other users of the system pay
- ✓ **Infrastructure:** Panda to construct at their cost and dedicate to City infrastructure to transmit effluent from Doshier and T-BRSS plants
- ✓ **Compensation to City:**
  - An **Option fee** to reserve effluent during construction (pre-operations) phase; (\$12,000/per each 6 months in years 1 & 2; increasing to \$16,000 for each 6 months in years 3 & 4
  - A **Demand charge** that effectively sets a minimum compensation to compensating the City for reserving the maximum amount of effluent that Panda can request for the purchase of effluent each month that the plant is operation (initially \$20,833/month)
  - A **Commodity charge** that is the price per thousand gallons of effluent (initially 34¢ per 1,000 gallons)—a portion of this amount includes some reimbursement to the City for direct operating costs associated with delivering effluent to Panda
  - Reimbursement to City for Repairs to Infrastructure: Panda to reimburse the City for repairs needed to the delivery infrastructure during the term of the Agreement
  - **CPI adjustments** to the **Demand and Commodity charges** payable to the City during the term of the Agreement
- ✓ Panda required to get and maintain all necessary permits
  - Their current design is for a “zero discharge” operation—no wastewater will be returned to the City’s wastewater treatment facility
  - If that changes, they would pay the same rates as other users of the WW system, and would be required to comply with the City’s Pretreatment Ordinance

There is an outstanding issue to be resolved that is significant and that relates to ensuring prior to execution of the Agreement that the Agreement itself will not adversely impact the status of the tax exempt bonds issued by the City or the Brazos River Authority for improvements to the Doshier or T-BRSS wastewater treatment plants. We are working to resolve that issue, and will execute the Agreement (if authorized by the City Council only after the City Attorney and Director of Finance are satisfied that the Agreement and the relationship created between the City and Panda will not jeopardize the tax exempt status of the City’s outstanding and future tax exempt issuances. In other respects, the draft Agreement is substantially complete. Should the Agreement change substantially prior to execution, we will seek further authorization from the City Council prior to execution.

**FISCAL IMPACT:** The City will earn revenue under the contract, principally from the payment of an option fee \$12,000/per 6 mos initially) by Panda prior to operations being commenced (the design and construction stage) and from demand and commodity charges once operations commence. Panda will construct the infrastructure necessary to delivery effluent to their proposed facility, and will reimburse the City for the operating costs of maintaining that flow of effluent (either directly or through a surcharge to the commodity charge).



To provide some estimate of what revenue the City might derive under the Agreement, assuming an 18 month construction period and an average daily volume of 7.5 m.g.d. of effluent delivered to Panda in the first year of the Agreement:

- (1) **Option fees:** the City would earn \$36,000 (3 x \$12,000) in option fees;
- (2) **Demand Charges** of about \$250,000 (12 x \$20,833) for the first 12 months assuming continuous operation; and
- (3) **Commodity charges** of \$930,750 (7,500,000 gallons per day/1,000 gallons x 34¢).

This estimate suggests that the ongoing, reoccurring revenue from the sale of effluent to Panda each year will generate in excess of \$1,000,000 annually from demand and commodity charges. The Agreement also has an annual inflation adjustment for the demand and commodity charges over the 20 year life of the Agreement.

The hardest element of any revenue stream to predict is the Commodity charge portion of the equation, since the actual volume of effluent delivered to Panda is likely to vary considerable, and the minimum and maximum volumes that we're likely to transmit are still being calculated based on design considerations and the demand for electricity that Panda will experience. On the high end, the Agreement will likely cap the average daily volume of effluent at somewhere between 9 and 10 m.g.d., in my example, I've used 7.5 m.g.d. as a more conservative estimate though the actual range of average daily volume could be anywhere from 6 to 10 m.g.d.

#### **ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A DEVELOPMENT AGREEMENT WITH PANDA TEMPLE POWER, L.L.C., FOR THE SALE OF EFFLUENT AND THE OPERATION OF AN ELECTRIC GENERATION FACILITY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** Panda Temple Power, L.L.C., plans to construct an approximately 1100 megawatt electric generation plant in southeast Temple – the proposed plant will use gas turbines to generate electricity and use water (effluent) to generate steam and cool the system;

**Whereas,** the company desires to purchase effluent from the City's Doshier Farm Wastewater Treatment Plan and the Temple-Belton Regional Sewer System (T-BRSS) Plant to provide water for the operation of the electric generation facility;

**Whereas,** the Staff recommends entering into a 20-year development agreement with Panda obligating the City to provide up to an agreed maximum volume of effluent or potable water to Panda for their operations;

**Whereas,** the City will earn revenue under the contract, principally from the payment of an option fee by Panda prior to operations being commenced (the design and construction stage) and from demand and commodity charges once operations commence – Panda will construct the infrastructure necessary to deliver effluent to their proposed facility and will reimburse the City for the operating costs of maintaining that flow of effluent either directly or through a surcharge to the commodity charge; 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 development agreement with Panda Temple Power, L.L.C., after approval as to form by the City Attorney, for the sale of effluent for the operation of an electric generation facility in southeast Temple.

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

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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08/07/08

Item #9

Regular Agenda

Page 1 of 2

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

David Blackburn, City Manager

Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the conveyance of up to 180 acres of City-owned land located on Wendland Road, south of Moores Mill Road and on the west side of Wendland Road, to the Temple Economic Development Corporation for economic development purposes.

*Executive Session: Pursuant to Section 551.087 of the Government Code, the City Council may meet in executive session to discuss either commercial or financial information that the City has received from a business prospect that the City wishes to locate, stay or expand within the City limits and with which the City is conducting economic development negotiations, or to deliberate the office of a financial or other incentive to a business prospect the public discussion of which would adverse affect ongoing economic development negotiations.*

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

**ITEM SUMMARY:** The Board of Directors of the Temple Economic Development Corporation has requested the City convey up to 180 acres in the City's northeast industrial park to TEDC for economic development purposes, including job creation and additional tax value. The property in question is part of a 350+ acre tract acquired by the City in June 2008 for economic development purposes. The TEDC Board is in the process of negotiating an economic development agreement with a prospect, and an element of the agreement would involve the transfer of up to 180 acres in the northeast industrial park to their prospect. With authorization by the City Council for the transfer of up to 180 acres to TEDC, we will finalize the location, size and description of the acreage as these are finalized and prior to any actual conveyance of land from the City to TEDC. The proposed resolution simply authorizes the transfer of up to 180 acres to TEDC for this project with a legal description determined prior to the transfer.

**FISCAL IMPACT:** At the present time, the property is exempt from property taxes, and it will remain so under the ownership of TEDC. When the property is conveyed for an economic development purposes it will likely be added back to the property tax rolls.

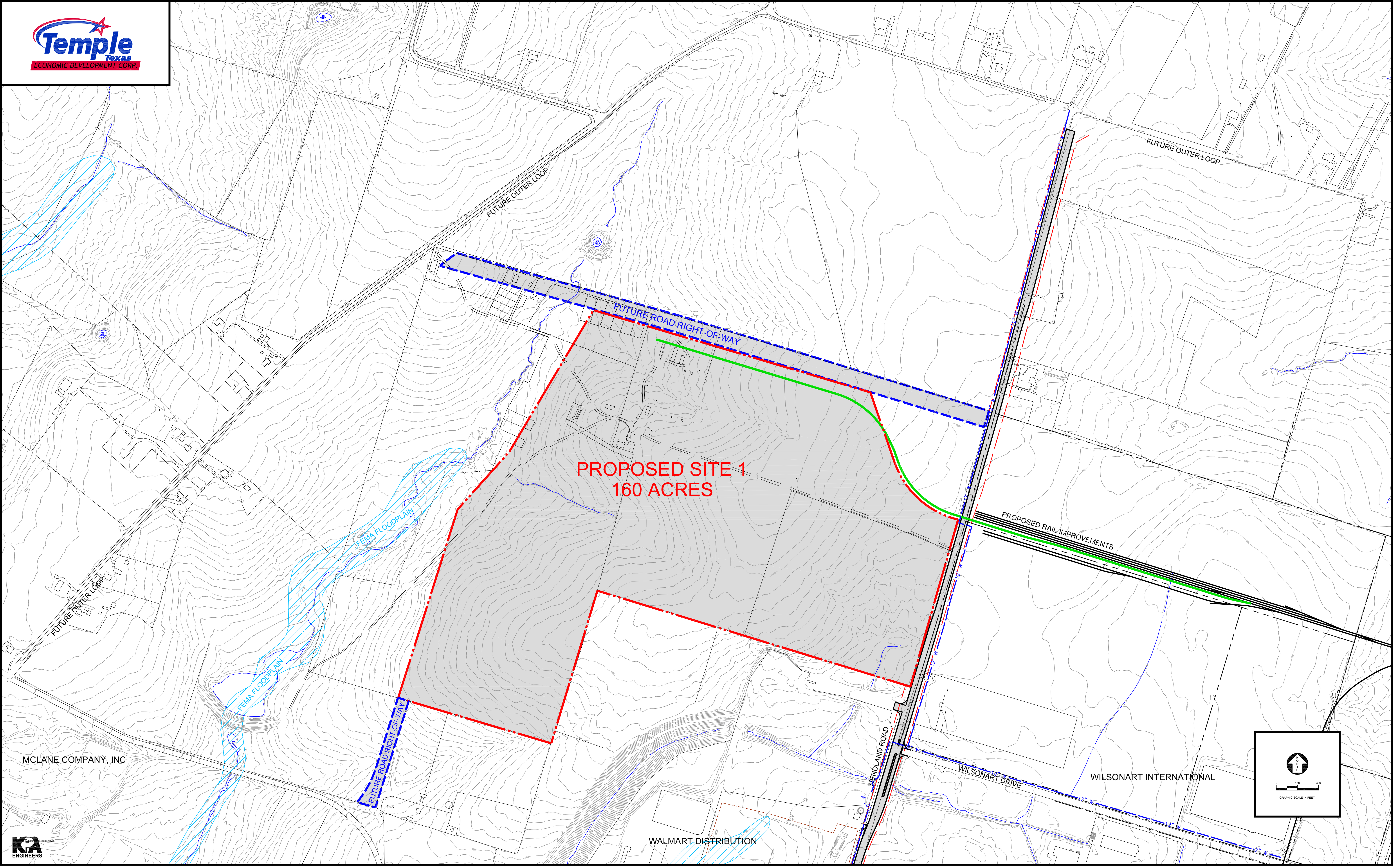
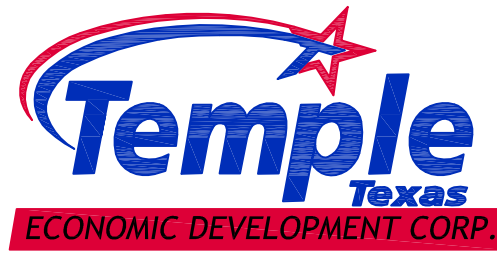
As has been our practice with prior conveyances of property from the City to TEDC for economic development purposes, net revenue from the sale or disposition of the property by TEDC (after the deduction of costs associated with the conveyance of the property in question from TEDC to the

ultimate purchaser), if any, will be returned to the City. The transfer of this property will be done under authority of a Chapter 380 agreement between the City and TEDC.

**ATTACHMENTS:**

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





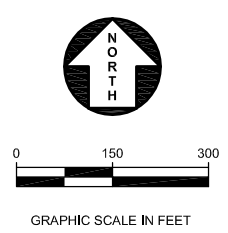
MCLANE COMPANY, INC



WALMART DISTRIBUTION

WILSONART DRIVE

WILSONART INTERNATIONAL





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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CONVEYANCE OF UP TO 180 ACRES OF CITY-OWNED LAND LOCATED ON WENDLAND ROAD, SOUTH OF MOORE'S MILL ROAD AND ON THE WEST SIDE OF WENDLAND ROAD TO THE TEMPLE ECONOMIC DEVELOPMENT CORPORATION FOR ECONOMIC DEVELOPMENT PURPOSES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** the Board of Directors of the Temple Economic Development Corporation has requested that the City convey up to 180 acres in the City's northeast industrial park to TEDC for industrial development purposes, including job creation and additional tax value;

**Whereas,** the TEDC board is in the process of negotiating an economic development agreement with a prospect, and an element of the agreement would involve the transfer of approximately 180 acres in the northeast industrial park to their prospect;

**Whereas,** with authorization by the City Council of the transfer of up to 180 acres to TEDC, Staff will finalize the location, size and description of the acreage as those things are finalized and prior to any actual conveyance of land from the City to TEDC; and

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

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

**Part 1:** The City Council authorizes the conveyance of up to 180 acres of City-owned land located on Wendland Road, south of Moore's Mill Road and on the west side of Wendland Road in the northeast industrial park to the Temple Economic Development Corporation for economic development 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 7<sup>th</sup> day of **August**, 2008.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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

David Blackburn, City Manager

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of land for: (a) the construction of a new central fire station in the downtown area, and (b) a new fire station, training center & emergency operations center (EOC) in northwest Temple.

*Executive Session: Pursuant to Section 551.072 of the Government Code, the City Council may meet in executive session to deliberate the purchase, exchange, lease, or value of real property when the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person.*

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

**ITEM SUMMARY:** As a result of the Fire Master Plan received by the City Council last fall and recent annexations completed by the City earlier this year, the Staff has been working to identify sites in downtown Temple for a new central fire station, and in northwest Temple that would be suitable for a proposed Fire Station 8 consolidate with a new Fire Training Center and a Emergency Operations Center (EOC) to replace the current primary facility in the Municipal Building.

We have identified several possible sites, and wish to discuss those possible locations, the relative advantages, and estimates of probable cost to the extent they are available.

Since the public discussion of the possible sites for a central fire station and a station 8/Training Center/EOC and the possible costs of those tracts, would have a detrimental impact on negotiations to acquire those tracts, we will discuss this item with you in executive session. We are anticipating not asking you to take any specific action at this time although we are posted for action if circumstances change before next week's meeting.

**FISCAL IMPACT:** On May 10, 2008, voters approved General Obligation bonds for \$13,995,000. The bonds are for the construction, acquisition and associated issuance cost for the following:

New Fire Station No. 1/Admin Building – Phase 2 Final Design and Construction	\$ 7,174,840
New Fire Station No. 8/Training Center/ Emergency Operations	4,775,160
Engine #8 with air packs	565,000
Fire Engine #1 Replacement	540,000
Fire Engine #4 Replacement	540,000
Plus Issuance Costs	<u>400,000</u>
Public Safety Total	<u>\$13,995,000</u>

**ATTACHMENTS:**

To be provided at the meeting



## COUNCIL AGENDA ITEM MEMORANDUM

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Item #11  
Regular Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

David Blackburn, City Manager

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a Chapter 380 development agreement with the potential developers of a tract of land in south Temple north of FM 93 and east of South 31<sup>st</sup> Street to provide for the development of that property and the conveyance of certain right-of-way and infrastructure to the City.

*Executive Session: Pursuant to Section 551.087 of the Government Code, the City Council may meet in executive session to discuss either commercial or financial information that the City has received from a business prospect that the City wishes to locate, stay or expand within the City limits and with which the City is conducting economic development negotiations, or to deliberate the offer of a financial or other incentive to a business prospect the public discussion of which would adversely affect ongoing economic development negotiations. The City Council may also meet in executive session pursuant to Section 551.072 of the Government Code, to deliberate the purchase, exchange, lease, or value of real property when the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person.*

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

**ITEM SUMMARY:** We have been approached by several individuals about the City participating in the acquisition of a piece of property that, if developed, would improve vehicle access and public safety to a large portion of property bounded by FM 93 to the south, South 31<sup>st</sup> Street to the west and Hartrick Bluff Road to the east.

We will discuss in executive session the price of property which might be acquired by the City and the terms of a development agreement under Chapter 380 of the Local Government Code which might be negotiated with the potential developers of that property.

**FISCAL IMPACT:** Unknown at this time

### **ATTACHMENTS:**

To be provided at the meeting