



**MEETING OF THE
TEMPLE CITY COUNCIL**

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

THURSDAY, SEPTEMBER 4, 2008

**4:00 P.M.
3RD FLOOR CONFERENCE ROOM**

WORKSHOP AGENDA

1. Review of City Council travel expenditures for quarter ending June 30, 2008.
2. Receive update on Avenue G and Avenue H Strategic Investment Zone Corridor activities and initiatives.
3. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, September 4, 2008 as follows:

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

TEMPLE CITY COUNCIL
REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PUBLIC COMMENTS

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

III. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Recognize [2008 Summer Reading Program](#) Sponsors

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) [August 15, 2008 Special Called Meeting](#)
- (B) [August 21, 2008 Special Called Meeting and Regular Meeting](#)

Budget Items:

- (C) [2008-5491-R](#): Consider adopting a resolution accepting a report on the Water and Wastewater Capital Improvement Implementation Plan (2008) prepared by Kasberg, Patrick & Associates (KPA) and adopting it as the Water and Wastewater Capital Improvement Implementation Plan (2008).
- (D) [2008-5492-R](#): Consider adopting a resolution amending the current utility system fees to be effective October 1, 2008 by:
 - 1. Increasing the current water rate monthly minimum service charge based on meter size and increasing the volumetric rate;
 - 2. Increasing the current wastewater rate monthly minimum service charge and increasing the volumetric rate.
- (E) [2008-5493-R](#): Consider adopting a resolution accepting a report on Drainage Capital Improvements and Drainage Rate Recommendations prepared by Jacobs Carter & Burgess and adopting it as the Drainage Capital Improvement Implementation Plan (2008).
- (F)
 - 1. [2008-4250](#): SECOND READING – Consider adopting an ordinance re-establishing the Special Revenue Drainage Fund.
 - 2. [2008-5494-R](#): Consider adopting a resolution setting drainage fees.
- (G) [2008-5495-R](#): Consider adopting a resolution setting the collection charges for solid waste services.
- (H) [2008-4230](#): SECOND READING - Z-FY-07-19: Consider adopting an ordinance approving the Draft Comprehensive Plan, *Choices '08*, including the Introduction, Community Overview, Urban Design & Future Land Use, Growth Plan, Transportation, Housing, Economic Development, Implementation, Tables and Documents Included by Reference.

Contracts, Leases & Bids:

- (I) Consider adopting resolutions authorizing contract renewals for the following:
 - 1. [2008-5496-R](#): Aggregate Base - Franklin Industrial Minerals, in the estimated amount of \$40,000.
 - 2. [2008-5497-R](#): HVAC Repairs & Maintenance - Temple Heat & Air, in the estimated amount of \$130,000.
 - 3. [2008-5498-R](#): Electrical Services - T. Morales, in the estimated amount of \$43,000.
 - 4. [2008-5499-R](#): Construction Material Testing - Kleinfelder, in the estimated amount of \$100,000.
 - 5. [2008-5500-R](#): Bacteriological Sample Testing - Waco Regional Water Quality Lab and EMSL Analytical, in the estimated amount of \$32,000.
 - 6. [2008-5501-R](#): Sludge Disposal -S&M Vacuum & Waste, in the estimated amount of \$100,000.

7. [2008-5502-R](#): Library Security Guard Services - Texas Star USA, in the estimated amount of \$28,145.
 8. [2008-5503-R](#): Brochure Printing - Temple Daily Telegram, in the estimated amount of \$46,000.
 9. [2008-5504-R](#): Utility Statement Printing - MailMax Direct, in the estimated amount of \$170,000.
 10. [2008-5505-R](#): Brokerage Opinions, Title Letters, and Appraisals - W. Howard Wright Real Estate for broker's opinions - \$65 per unit; Centraland Title Company for title work services – title letters \$100 each and runsheets \$125 each; and Central Texas Appraisal Company and Kokel-Oberrender-Wood on a rotating basis for appraisals (prices vary).
- (J) [2008-5506-R](#): Consider adopting a resolution authorizing a construction contract with Smetana & Associates Construction Company, Inc., for the 2008 East Adams Avenue Sanitary Sewer Rehabilitation Project in the amount of \$294,315.40.
- (K) 1. [2008-5507-R](#): Consider adopting a resolution authorizing a development agreement with Temple Economic Development Corporation pursuant to Chapter 380 of the Local Government Code to provide for the construction of a gas line on Wendland Road.
2. [2008-5508-R](#): Consider adopting a resolution authorizing a development agreement with Temple Economic Development Corporation pursuant to Chapter 380 of the Local Government Code to reimburse them for the construction of a rail spur in Tax Increment Financing Reinvestment Zone Number One.
- (L) [2008-5509-R](#): Consider adopting a resolution authorizing an escrow agreement with Northland Oil Company and Extraco Bank under which Northland Oil will fund its portion of rail improvements under a rail spur construction contract authorized by the City of Temple.
- (M) [2008-5510-R](#): Consider adopting a resolution authorizing lease agreements with Alltel for the lease of two City of Temple properties for the construction of communications towers.
- (N) [2008-5511-R](#): Consider adopting a resolution authorizing a professional services agreement with Wiginton, Hooker, & Jeffry, P.C., for design of the proposed new main fire station in an amount not to exceed \$696,000 and declaring an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this project.

Ordinances - Second and Final Reading

- (O) [2008-4249](#): SECOND READING – Consider adopting an ordinance establishing school crosswalks and setting speed limits within school zones to conform to school schedules, and changing the 1100 block of South 33rd Street between West Avenue K and West Avenue L to be a one way street south bound from 7:00am – 8:30am and 2:00pm – 3:00pm.

Misc:

- (P) [2008-5512-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.

V. REGULAR AGENDA

ORDINANCES

5. [2008-4243](#): FIRST READING – PUBLIC HEARING – Z-FY-08-23: Consider adopting an ordinance amending the City of Temple Zoning Ordinance, Section 12, regarding sign definitions, criteria, and maintenance.
6. [2008-4253](#): FIRST READING – PUBLIC HEARING - Z-FY-08-31: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to Light Industrial District (LI) on 349. 4 ± acre of land being out of the J.B. Daniel Survey, Abstract 259, M.A. Young Survey, Abstract 937 and the G.W. Graves Survey, Abstract 355 in Bell County Texas, located on the north side of McLane Boulevard and on the east side of Old Howard Road.
7. (A) [2008-4254](#): FIRST READING – PUBLIC HEARING - Z-FY-08-33-A: Consider adopting an ordinance authorizing an amendment to the West Temple Comprehensive Plan to allow commercial uses on a 1.6 ± acre tract of land being part of the Baldwin Robertson Survey, Abstract No. 17, located at the northeast corner of Tarver Drive and SH 317.

(B) [2008-4255](#): FIRST READING – PUBLIC HEARING - Z-FY-08-33-B: Consider adopting an ordinance authorizing a zoning change from Agricultural District to General Retail District on 1.6± acre tract of land being part of the Baldwin Robertson Survey, Abstract No. 17, located at the northeast corner of Tarver Drive and SH 317.
8. (A) [2008-4256](#): FIRST READING – PUBLIC HEARING - Z-FY-08-34-A: Consider adopting an ordinance authorizing an amendment to the West Temple Comprehensive Plan to allow commercial uses on a 2.8± acre tract of land being part of the Baldwin Robertson Survey, Abstract No. 17, located at the southeast corner of Tarver Drive and SH 317.

(B) [2008-4257](#): FIRST READING – PUBLIC HEARING - Z-FY-08-34-B: Consider adopting an ordinance authorizing a zoning change from the Agricultural District to General Retail District on 2.8± acres being part of the Baldwin Robertson Survey, Abstract No. 17, located at the southeast corner of Tarver Drive and SH 317.
9. (A) [2008-4258](#): FIRST READING – PUBLIC HEARING - Z-FY-08-35-A: Consider adopting an ordinance authorizing an amendment to the West Temple Comprehensive Plan to allow commercial uses on 3.7± acre of land being part of the Baldwin Robertson Survey, Abstract No. 17, located on the east side of SH 317, north of Tarver Drive.

(B) [2008-4259](#): FIRST READING – PUBLIC HEARING - Z-FY-08-35-B: Consider adopting an ordinance authorizing a zoning change from Agricultural District to General Retail District on 3.7± acres being part of the Baldwin Robertson Survey, Abstract No. 17, located on the east side of SH 317, north of Tarver Drive.

BOARD APPOINTMENTS

10. [2008-5513-R](#): Consider adopting resolutions authorizing the Mayor to cast an official ballot for the election of four members to the Texas Municipal League Intergovernmental Risk Pool Board of Trustees.

11. [2008-5514-R](#): Consider adopting a resolution authorizing appointing members to the following City boards and Commissions:
- (A) Animal Services Advisory Board – one member to fill an unexpired term through September 1, 2009
 - (B) Civil Service Commission – one member to fill an unexpired term through September 1, 2009
 - (C) Parks and Leisure Services Advisory Board – one member to fill an expired term through March 1, 2011
 - (D) Temple Public Safety Advisory Board – one member to fill unexpired term through September 1, 2009 and one member to fill expired term through September 1, 2011

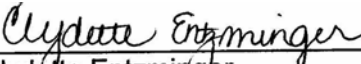
OTHER

12. [2008-5515-R](#): Consider adopting a resolution authorizing the purchase of land in the downtown area for the construction of a new central fire station.

Executive Session: Pursuant to Section 551.072 of the Government Code, the City Council may conduct a closed meeting 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.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 2:30 PM, on August 29, 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

09/04/08
Item #3
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamation:

Recognize 2008 Summer Reading Program Sponsors

STAFF RECOMMENDATION: Present proclamation as presented in item description.

ITEM SUMMARY:

This proclamation will recognize the 2008 Summer Reading Program sponsors at the Temple Public Library. Each sponsor will be invited to attend and each one will receive a copy of the proclamation.

FISCAL IMPACT: None.

ATTACHMENTS: None.



COUNCIL AGENDA ITEM MEMORANDUM

09/04/08
Item #4(A)-(B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

- (A) August 15, 2008 Special Called Meeting
- (B) August 21, 2008 Special Called Meeting & Regular Meeting

STAFF RECOMMENDATION: Approve minutes as presented in item description.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

August 15, 2008 Special Called Meeting
August 21, 2008 Special Called Meeting & Regular Meeting

SPECIAL MEETING OF THE TEMPLE CITY COUNCIL

AUGUST 15, 2008

The City Council of the City of Temple, Texas conducted a Special Meeting on Friday, August 15, 2008 at 5:00 pm in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

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

Absent:

Councilmember Tony Jeter

I. CALL TO ORDER

1. Invocation

Councilmember Russell Schneider voiced the Invocation.

2. Pledge of Allegiance

Councilmember Marty Janczak led the Pledge of Allegiance.

II. BUDGET ITEMS

3. PUBLIC HEARING - Conduct the first of two public hearings to receive comments on the proposed tax rate of \$0.5595 per \$100 valuation for fiscal year 2009 (2008 tax year), and announce meeting to adopt the proposed tax rate on August 28, 2008.

David Blackburn, City Manager, reviewed the remaining budget calendar dates.

Traci Barnard, Director of Finance, provided an overview of the proposed budget, which totals \$96,341,800. She also reviewed the proposed tax rate of \$0.5595 per \$100 valuation. Of that rate \$0.3322 is allocated for maintenance and operation and \$0.2273 is for interest and sinking. Mrs. Barnard explained the cost to a homeowner if the proposed tax rate is adopted, with no change in taxable value, and with the average increase of 4.92%. She continued with a review of the City's tax rate history over the past ten years, a comparison of the adopted tax rate to the effective tax rate, a comparison of Temple's proposed tax rate to the tax rate for other cities in our region, and historical information regarding the tax rate base. The new market value

for 2008 is \$146,967,921 and the new taxable value for the year is \$128,518,459.

Mayor Jones declared the public hearing open with regard to agenda item 3 and asked if anyone wished to address this item.

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

Mayor Jones announced that the meeting to adopt the proposed tax rate is set for a Special Council Meeting on Thursday, August 28th, 5:00pm in the City Council Chambers.

4. Discuss the proposed FY 2008-2009 City of Temple budget.

David Blackburn, City Manager, stated this item was placed on the agenda to allow discussion by Council if desired. There were no comments.

5. 2008-2475-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 31st Street to provide for the development of that property and the conveyance of certain right-of-way and infrastructure to the City.

Jonathan Graham, City Attorney, stated staff has been unable to meet with the interested parties this week. The executive session is not required at this time and he asked the Council to table this item.

Motion by Councilmember Russell Schneider to table item 5, seconded by Mayor Pro Tem Patsy Luna.

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

TEMPLE CITY COUNCIL

AUGUST 21, 2008

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, August 21, 2008 at 3:30 pm 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 draft ordinance regarding amendments to Section 13 of the Zoning Ordinance relating to Fence and Wall Regulations, Display for Sale, and Open Storage.**

David Blackburn, City Manager, stated the Council has been provided with a draft ordinance relating to fence and wall regulations. This document will be used to begin discussions with stakeholders, which will take place over the next 30 days. Following stakeholder review, the ordinance will be presented to the Planning and Zoning Commission then come back to the City Council for consideration in early November.

2. **Discuss proposed renaming/dual naming of the planned Outer Loop as Research Parkway.**

David Blackburn, City Manager, reminded the Council about the previous request from the Temple Economic Development Corporation to rename the portion of Old Howard Road from McLane Parkway to FM 2305 as Research Parkway. The item was tabled at the first reading before the Council. Staff is now looking at the possibility of dual naming this roadway from North IH-35 to FM 2305. Verbal approval from the United States Post Office has been received regarding the dual naming. All property owners along this roadway have been notified of the proposed name change and some comments and objections have been received. This item will come forward to the Council in the near future, Mr. Blackburn stated.

3. **Discuss Preliminary FY 09 budget issues, including City's Solid Waste services.**

David Blackburn, City Manager, stated solid waste collection services were discussed at length during the July 31st Council work session. At that time, the Council requested additional information, which will be provided today.

Bruce Butscher, Director of Public Works, began with a discussion of the Solid Waste Division's current policies and practices as they relate to bulk waste. He also presented some additional considerations for bulk operations if separate charges are to be implemented. An additional collection route driver would be needed, as well as four

additional office personnel and a brush/bulk truck. The cost per stop would be \$13.24 based on changes due to implementing a fee for bulk charges. An alternative scenario was presented which assumed a 50% decrease in bulk set outs. Under that scenario the cost would increase to \$21.41 per stop, based on the proposed two times per month pickup schedule. The other issue discussed was the creation of west and south Temple drop off locations and the problems with having unmanned sites.

Councilmember Schneider stated he felt the people who use the bulk pickup should pay for the service instead of increasing the solid waste rates by \$1.25 per month.

Councilmember Jeter stated he did not want the bulk items to sit out for two weeks. He would like to see immediate pickups with the customer being charged enough to cover the City's costs.

Mayor Pro Tem Luna stated if the City charges too much for bulk service people will just dump the items anywhere. She favored charging a single fee to everyone for all of the services provided.

Councilmember Jeter stated he is okay with the brush but would like to see the bulk items picked up quicker.

Councilmember Janczak stated he does not think there is much of a problem. The Solid Waste Division does a good job and he's not seeing any piles sitting around. He added he was opposed to any additional capital costs and agreed it would be an administrative burden on the staff to bill for these charges.

Mayor Pro Tem Luna concurred with Councilmember Janczak's comments.

The consensus was to continue charging for over size brush and bulk, as is the current policy, but not to add any additional fees. The Council also discussed how to educate citizens on the need to separate brush and bulk items.

Mayor Jones requested customers be allowed to leave brush and bulk items out the week before their scheduled pick up date without being charged out of cycle, up to a maximum of 7 days.

Councilmember Jeter stated 7 days was better than 2 or 3 weeks but the City needs to collect the fees assessed and not waive them.

4. Discuss third quarter financial results for Fiscal Year 2008.

Traci Barnard, Director of Finance, provided a brief overview of the third quarter financials. She highlighted some of the significant General Fund revenues and provided an analysis of sales tax, fuel prices and utility costs. Mrs. Barnard also discussed the General Fund forecast and outlook to September 30, 2008.

Other funds reviewed were the Water and Wastewater Fund, including operating revenues and expenses and water consumption. Mrs. Barnard also provided a brief review of the

Hotel-Motel Tax Fund, Drainage Fund, Capital Improvement Program, and the City's investments.

5. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, August 21, 2008.

There was no discussion of this item.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, August 21, 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

Reverend Shelton C. Rhodes, Greater Zion Church of God in Christ, voiced the Invocation.

2. Pledge of Allegiance

Mr. Tom Heard led the Pledge of Allegiance.

II. PUBLIC COMMENTS

Betty Elliott, 305 East Xavier Avenue, apologized to the Council for her questions about the cameras which she thought were for red light enforcement. She has been informed they are for regulation of the traffic signals only.

III. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Recognize Mr. Tom Heard for his contributions to the Santa Fe Depot.

Ken Cicora, Director of Parks and Leisure Services, recognized Mr. Tom Heard for his many contributions to the Santa Fe Depot, including the restoration of three railroad cars over a four-month period. He also contributed funds to allow the floor in the Amtrak Station to be replaced.

IV. BUDGET ITEMS

4. **PUBLIC HEARING - Conduct the second of two public hearings to receive comments on the proposed tax rate of 55.95 cents per \$100 valuation for fiscal year 2009 (2008 tax year), and announce meeting to adopt the proposed tax rate on August 28, 2008.**

David Blackburn, City Manager, reviewed the remaining budget calendar dates.

Traci Barnard, Director of Finance, provided an overview of the total proposed budget. She also discussed the changes to the proposed budget since filed by the City Manager in June 2008. The tax rate is proposed at \$0.5595 per \$100 valuation, with \$0.3322 for maintenance and operations and interest and sinking of \$0.2273. With the proposed tax rate of \$0.5595, the homeowner would see a decrease of \$0.71 per month if there is no change in the taxable value. The taxes would increase by \$1.58 if the average increase in taxable value of 4.92% is realized. Mrs. Barnard also compared the proposed tax rate to the effective tax, which has been within 2.99% for the past four years. A tax rate comparison with surrounding cities was reviewed, as well as the City's tax rate base history. The new market value for 2008 is \$146,967,921, with new taxable market value of \$128,518,459.

Mayor Jones declared the public hearing to be open with regard to agenda item 4 and asked if anyone wished to address this item. There being no comments, Mayor Jones closed the public hearing.

Mayor Jones stated the special meeting to adopt the proposed tax rate will be held on Thursday, August 28, 2008, 5:00 p.m. in the City Council Chambers.

V. CONSENT AGENDA

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

(A) August 7, 2008 Special Called Meeting and Regular Meeting

(B) 2008-5476-R: Consider adopting a resolution authorizing the purchase of a John Deere skid steer 328 (skid loader) from Coufal-Prater Equipment of Temple through the BuyBoard local government online purchasing cooperative, in the amount of \$33,043.22

(C) 2008-5477-R: Consider adopting a resolution authorizing a contract with Perry Office Plus for the purchase of office supplies with estimated annual expenditures in the amount of \$160,000.

(D) 2008-5478-R: Consider adopting a resolution authorizing a construction contract with Chaney-Cox Construction, Inc. of Temple for the expansion of the Summit Recreation Center in the amount of \$1,332,844.

(E) 2008-5479-R: Consider adopting a resolution authorizing an amendment to

the professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) for engineering services required to design improvements necessary to address the solids removal and disposal process from the Membrane Water Treatment Plant waste stream in an amount not to exceed \$483,958.

(F) 2008-5480-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) for engineering services required to design Tarver Road Extension to Outer Loop Phase 3 for an amount not to exceed \$176,000.

(G) 2008-5481-R: Consider adopting a resolution authorizing a beautification agreement with Misty Creek Development, Inc., for the right-of-way and median along FM 93 adjacent to the Misty Creek Subdivision.

(H) 2008-5449-R: Consider adopting a resolution (1) authorizing amendments to existing City leases with McLane Company, Inc., and RDM Commerce, Inc., that allow the exchange of hangar 19 (transferring from RDM to McLane) and hangar 23 (transferring from McLane to RDM); and (2) authorizing a new lease agreement with RDM that will combine their newly assigned leasehold interest in hangar 23 with a previously authorized ground lease on Lot 23-A for the construction of a new hangar.

(I) 1. 2008-4242: SECOND READING - Consider adopting an ordinance amending the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2008-2022 to include redesignation of projects within the Project Plan and future year bond payments.

2. 2008-5482-R: Consider adopting a resolution authorizing a construction contract with Westar Construction, Inc. of Georgetown for the creation of a Greenbelt Park and Trail within the Reinvestment Zone No. 1 boundaries in the amount of \$2,207,073.20.

(J) 2008-4244: SECOND READING - 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."

(K) 2008-5483-R: P-FY-08-52: Consider adopting a resolution approving the final plat of Cuevas Hickman Subdivision, 2 lots on 10.13 ± acres, a single family residential subdivision on the east side of Bob White Road, north of FM 3117 and south of the Tower Road/Bob White Road intersection, in Temple's Eastern ETJ, with approval of the applicants' requested exceptions to Subdivision Ordinance for street paving, fire protection and suppression, sidewalks and park land dedication fee.

(L) 2008-5484-R: Consider adopting a resolution authorizing a street use

license for the continuation of an existing 2 foot encroachment of the EZ Tire & Lube building into the 20' wide alley at the rear of Lot 8, Block 2, Eugenia Terrace, at 1402 South 1st Street/Veteran's Memorial Drive.

(M) 2008-5485-R: Consider adopting a resolution approving third quarter financial results for Fiscal Year 2008.

(N) 2008-5486-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.

Motion by Councilmember Marty Janczak to adopt resolution approving Consent Agenda, with exception of item (M), seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

(M) 2008-5485-R: Consider adopting a resolution approving third quarter financial results for Fiscal Year 2008.

Traci Barnard, Director of Finance, provided a brief overview of the General Fund revenues and expenditures, highlighting sales tax and the General Fund forecast at year end. The General Fund fund balance was also reviewed, noting an anticipated addition at year end of \$1,093,998 for an estimated balance of \$3,075,046. This balance will be used for capital improvements, SIZ improvements, and TEDC matrix funding. The outlook to September 30, 2008 was reviewed as it relates to sales tax, fuel costs, and electric utilities.

Motion by Mayor Pro Tem Patsy E. Luna to adopt resolution approving Consent Agenda item (M), seconded by Councilmember Russell Schneider.

Motion passed unanimously.

ORDINANCES

6. (A) 2008-4245: FIRST READING - PUBLIC HEARING - Z-FY-08-32-A: Consider adopting an ordinance authorizing an amendment to the South Temple Comprehensive Plan to reflect Moderate Density Residential uses on 21.5 ± acres situated in the George Givens Survey, Abstract No. 345, with platted land recorded as Bird Creek Valley VI and Bird Creek Valley Phase 4-Plexes Phase III.

(B) 2008-4246: FIRST READING - PUBLIC HEARING - Z-FY-08-32-B: Consider adopting an ordinance authorizing a zoning change from Commercial (6.1 ac.), General Retail (1.2 ac.), Multiple-Family Two (11.2 ac.) and Single-Family Attached Districts (3.0 ac.) to Two-Family District on 21.5 ± acres situated in the George Givens Survey, Abstract No 345, with platted land recorded as Bird Creek Valley VI and Bird Creek Valley Phase 4-Plexes Phase III.

Tim Dolan, Planning Director, presented items 6(A) and (B) to the Council. He stated the preliminary plat shows 52 residential lots and the applicant is aware of existing fault lines and soil settling in the area. Mr. Dolan displayed aerial maps and photos of the surrounding uses. He also showed the land use map. Three of the four existing zoning districts allow duplex construction. Twenty one notices were mailed to surrounding property owners, with two being received in approval and four in disapproval. The Planning and Zoning Commission unanimously recommended approval of amending the South Temple Comprehensive Plan and voted unanimously in favor of the requested rezoning, with the exception of the area currently zoned SF-A, which Mr. Dolan displayed on a map.

Mr. Dolan noted there are no capital improvement projects proposed for this roadway. There are existing problems with drainage, with water standing in excess of 5 or 6 inches. This issue will be discussed further with the platting of the property.

Michael Newman, Assistant Director of Public Works, stated they are trying to address street flooding by collecting drainage on the up-hill side and are working with the applicant's engineers, Clark and Fuller.

Mayor Jones stated if the Planning and Zoning recommendation is accepted the applicant can do what they want with the exception of the SF-A area.

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

Wayne Pope, 3117 Arrowhead, addressed the Council. He stated this is a 32 year old neighborhood. He favors single family neighborhoods and expressed his concerns with the street and water drainage issues. Mr. Pope stated his real concern is with the SF-A area, which is all downhill and low where the houses would be located. He asked the Council to look at street and creek improvements and not allow development until infrastructure is improved to protect existing homeowners.

Cy Long, a member of the group working on this project, asked that the zoning be tabled to allow a flood study to be prepared. They will invite the residents in this area to an open meeting to share thoughts about the proposed project.

Councilmember Janczak asked what they would be doing with the house slabs.

Mr. Long discussed the piers that would be used in construction, making the cost about \$40,000 per slab.

Howard Birkholz, 3709 Arrowhead Drive, stated he would like this area to stay single family. He is also concerned with flooding and the amount of water that will be added to the existing development. If the traffic is increased on the road it will create a hazard.

Tom Huber, 4809 Arrowhead, stated his house is actually zoned retail and he would like to have it rezoned to Single Family.

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

Motion by Councilmember Russell Schneider to adopt ordinance presented in item 6(A), with second reading set for September 4, 2008, Motion failed due to lack of second.

Councilmember Janczak stated he is hearing opposition from the citizens and he asked Mr. Dolan to explain again what is being requested with this Comprehensive Plan amendment.

Mr. Dolan replied the amendment would change the non-residential uses to moderate density residential.

Councilmember Schneider stated the amendment would not change what can be done in that area today and Mr. Dolan concurred.

Mr. Graham stated no action was taken on the Comprehensive Plan amendment and the applicant has requested the rezoning request be tabled at this time. If the rezoning item comes back to Council in the future, he would recommend reconsideration of the Comprehensive Plan amendment at that time. The amendment would bring this area into conformance with the existing uses.

Mr. Dolan added the proposed Comprehensive Plan to be adopted by the Council very soon shows this area to be medium density residential also.

Motion by Mayor Pro Tem Patsy E. Luna to table ordinance presented in item 6(B) as requested by applicant, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

7. (A) 2008-4247: FIRST READING - PUBLIC HEARING - Z-FY-08-36-A: Consider adopting an ordinance authorizing an amendment to the West Temple Comprehensive Plan from low density residential to commercial uses on a 1.4 ± acre tract of land out of the G.W. Lindsey Survey, Abstract No. 513, located on the south side of FM 2305, west of Green Park Drive.

(B) 2008-4248: FIRST READING - PUBLIC HEARING - Z-FY-08-36-B -Consider adopting an ordinance authorizing a zoning change from Agricultural District to Commercial District on 1.4 ± acres of land out of the G.W. Lindsey Survey, Abstract No. 513, located on the south side of FM 2305, west of Green Park Drive.

Tim Dolan, Planning Director, presented items 7(A) and (B) to the Council. He showed the Future Land Use map and aerial photos of the property. Seven notices were mailed to surrounding property owners, with one being returned in approval and none in opposition. The Planning and Zoning Commission and staff recommend approval of the land use map amendment.

Regarding the requested rezoning to Commercial in item (B), the Planning and Zoning

Commission recommended, by a vote of 6-0, General Retail (GR) because the proposed use of the dance studio is allowed in GR.

Mayor Jones declared the public hearing open with regard to agenda items 7(A) and (B) and asked if anyone wished to address these items. There being no comments, Mayor Jones closed the public hearing.

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinances presented in items 7 (A) and (B), with second reading set for September 4, 2008, seconded by Councilmember Russell Schneider.

Councilmember Janczak questioned why the Council would not concur with the Planning and Zoning Commission recommendation.

Mr. Dolan stated the Planning Commission recommended General Retail zoning.

Mayor Jones asked if the motion was to approve the applicant's requested rezoning to Commercial or General Retail as recommended by the Planning Commission.

Mayor Pro Tem Luna stated her intent was to approve the Planning Commission recommendation for General Retail zoning.

Mr. Dolan explained that the dance studio use could occur in either the Commercial or General Retail zoning districts. The Planning Commission recommended General Retail because it is more limiting in the uses allowed. He noted some of the uses allowed in Commercial zoning districts.

Mayor Pro Tem Luna asked that her original motion be withdrawn and Councilmember Schneider withdrew his second to that motion.

Motion by Councilmember Russell Schneider to adopt ordinance presented in item 7(A), and adopt ordinance 7(B) approving rezoning from Agricultural District to General Retail, as recommended by the Planning and Zoning Commission, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

8. 2008-4249: FIRST READING - PUBLIC HEARING - Consider adopting an ordinance establishing school crosswalks and setting speed limits within school zones to conform to school schedules.

Michael Newman, Assistant Director of Public Works/City Engineer, presented this item to the Council. He explained staff typically brings this ordinance forward to approve school crossings. This request is actually for a one-way street, depicted on the map provided to Council, in front of Dixon School. Mr. Newman noted the times the street would be one-way. There are no changes in the posted speed limits. Two residences will be affected as they are across from the school.

Mayor Jones declared the public hearing open with regard to agenda item 8 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 September 4, 2008, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

9. 2008-4250: FIRST READING - PUBLIC HEARING - Consider adopting an ordinance re-establishing the Special Revenue Drainage Fund.

Michael Newman, Assistant Director of Public Works/City Engineer, presented this item to the Council. The Drainage Fund was originally established in 1998 and required a 5-year sunset review. This occurred in 2003 and the ordinance was readopted at that time with a second sunset review in 5 years. Mr. Newman reviewed the proposed amendments to the Drainage Fund ordinance, noting that fees will be removed from the ordinance and set by resolution following second reading of this ordinance. Mr. Newman added the 5-year sunset provision will also be removed from the ordinance to assist with future bonding capabilities.

Mayor Jones declared the public hearing open with regard to agenda item 9 and asked if anyone wished to address this item. There being no comments, Mayor Jones closed the public hearing.

Motion by Councilmember Marty Janczak to adopt ordinance, with second reading set for September 4, 2008, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

VI. REGULAR AGENDA

BOARD APPOINTMENTS

10. 2008-5487: Consider adopting a resolution appointing members to the following City boards and commissions:

(A) Airport Advisory Board - two members to fill expiring terms through September 1, 2011

It was recommended that Brad Phillips and William Maedgen be appointed to the Airport Advisory Board.

Motion by Councilmember Marty Janczak to approve appointments as

recommended, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

(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

It was recommended that Barbara Brown and Mayor Pro Tem Patsy Luna be reappointed to the Animal Services Advisory Board and that Walter Hetzel be appointed Chair for the upcoming year.

Motion by Councilmember Russell Schneider to approve appointments as recommended, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

(C) Civil Service Commission - one member to fill expiring term through September 1, 2011

It was recommended that Gary DeSalvo be reappointed to the Civil Service Commission.

Motion by Councilmember Russell Schneider to approve appointment as recommended, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

(D) Community Services Advisory Board - three members to fill expiring terms through September 1, 2011

It was recommended that Jody Donaldson and Steve Rublee be reappointed and that Melissa Tyroch be appointed to the Community Services Advisory Board.

Motion by Councilmember Russell Schneider to approve appointments as recommended, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

(E) Development Standards Advisory Board - three members to fill expiring terms through March 1, 2011

It was recommended that Michael Brock, Charles Lucko and Kenny Paysse be appointed to the Development Standards Advisory Board.

Motion by Councilmember Russell Schneider to approve appointments as recommended, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

(F) Library Board - three members to fill expiring terms through September 1, 2011

It was recommended that Dean Mohlstrom and Don Nelson be reappointed and that Ron Heuss be appointed to the Library Board.

Motion by Councilmember Tony Jeter to approve appointments as recommended, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

(G) Planning & Zoning Commission - three members to fill expiring terms through September 1, 2011

It was recommended that Jack Barton, Marvin Hurd and Ashley Dusek be appointed to the Planning and Zoning Commission.

Motion by Mayor Pro Tem Patsy E. Luna to approve appointments as recommended, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

(H) Reinvestment Zone No. 1 Board of Directors - three members to fill expiring terms through September 1, 2010

It was recommended that Bruce Walker, Gail Peek and Mike Thompson be reappointed to the Reinvestment Zone No. 1 Board of Directors.

Motion by Councilmember Russell Schneider to approve appointments as recommended, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

(I) Temple Economic Development Corporation - three members to fill expiring terms through September 1, 2011

It was recommended that Kenny Martin and Joe Bray be reappointed as Chamber of Commerce representatives and that Gary Schmidt be reappointed as the Reinvestment Zone No. 1 representative.

Councilmember Jeter expressed his concern with reappointing Gary Schmidt as this would allow him to serve a total of nine years. Many applications have been received from citizens requesting service on this board.

Mayor Jones explained that Mr. Schmidt served several years in a standing position as the Reinvestment Zone No. 1 Chair. Mr. Schmidt also serves as Troy ISD's representative on the Reinvestment Zone No. 1 Board of Directors and on the Airport Advisory Board as a TEDC representative.

Councilmember Janczak stated Bob Browder was also suggested as a possible member by the TEDC Board.

Clydette Entzminger, City Secretary, stated Mr. Browder could not be appointed to fill Mr. Schmidt's term since this is a Reinvestment Zone No. 1 representative position and Mr. Browder is not on the Reinvestment Zone Board of Directors.

Motion by Councilmember Russell Schneider to approve appointments as recommended, seconded by Councilmember Marty Janczak.

Councilmember Tony Jeter and Mayor Pro Tem Patsy E. Luna voted nay. The other Councilmembers voted aye. The motion passed.

(J) Temple Public Safety Advisory Board - five members to fill expiring terms through September 1, 2011

It was recommended that Karl Kolbe, Gerald Richmond, Stephen Paine and Benny Ismaili be reappointed and that Lisa Skinner be appointed to the Temple Public Safety Advisory Board.

Motion by Mayor Pro Tem Patsy E. Luna to approve appointments as recommended, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

(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

It was recommended that Vickie Gideon, Shirley Mason, Cheryl Robinson and Stephen Paine be reappointed and that James Staats be appointed to fill an unexpired term through September 1, 2009.

Motion by Councilmember Marty Janczak to approve appointments as recommended, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

VI. REGULAR AGENDA -ADDENDUM

RESOLUTIONS

- 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 31st Street to provide for the development of that property and the conveyance of certain right-of-way and infrastructure to the City.**

Jonathan Graham, City Attorney, recommended no action be taken regarding this item.

Motion by Mayor Pro Tem Patsy E. Luna to take no action at this time, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution accepting a report on the Water and Wastewater Capital Improvement Implementation Plan (2008) prepared by Kasberg, Patrick & Associates (KPA) and adopting it as the Water and Wastewater Capital Improvement Implementation Plan (2008).

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In August 2006, the City entered into an agreement with Kasberg, Patrick & Associates (KPA) to prepare a report evaluating the City's current water and wastewater system. The report prepared by KPA includes the following list of items:

- 1) A review of the City's current water and wastewater contracts
- 2) An inventory of existing system infrastructure (including plants, pump stations, storage tanks, lift stations, and pipelines)
- 3) A summation of the regulations of governing authorities
- 4) A static system analysis of both water and wastewater systems
- 5) A phasing plan and project list for recommended infrastructure
- 6) Opinions of probable cost for each project

This document is a comprehensive guide to the City's overall water and wastewater systems and will provide a roadmap for future capital improvement projects and system needs for the next several years.

FISCAL IMPACT: The City Council adopted a \$21 million Capital Improvement Program (CIP) for FY 2007. The City funded this CIP by issuing Utility Revenue bonds in October 2006. Rates in the FY 2007 Water & Sewer Operating budget were set to fund the debt service related to this bond issue. The City Council adopted a \$15 million CIP for FY 2008 and funded this CIP by issuing Utility Revenue bonds in July 2008. Again, rates were set in the FY 2008 Water & Sewer Operating budget to fund the debt service related to this bond issue.

In the FY 2009 Proposed Capital Improvement Plan, an additional \$15 million of projects have been identified. Rates that are presented in the Proposed FY 2009 Water & Sewer Operating Budget are sufficient to fund debt service related to a 2009 Utility Revenue Bond issue.

When identifying projects to be funded in the above referenced Capital Improvement Programs, the Water and Wastewater Master Plans were used extensively for compiling the projects to be included in the CIP.

ATTACHMENTS:

Water and Wastewater Capital Improvement Implementation Plan (2008) – Hard Copy
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ACCEPTING A REPORT ON THE WATER AND WASTEWATER CAPITAL IMPROVEMENT IMPLEMENTATION PLAN (2008) PREPARED BY KASBERG, PATRICK & ASSOCIATES (KPA) AND ADOPTING IT AS THE WATER AND WASTEWATER CAPITAL IMPROVEMENT IMPLEMENTATION PLAN (2008); AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in August, 2006, the City entered into an agreement with Kasberg, Patrick & Associates (KPA) to prepare a report evaluating the City's current water and wastewater system;

Whereas, the document is a comprehensive guide to the City's overall water and wastewater systems and will provide guidance for future capital improvement projects and system needs for the next several years;

Whereas, the Staff recommends accepting the report and adopting it as the Water and Wastewater Capital Improvement Implementation Plan (2008); and

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

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

Part 1: The City Council accepts a report on the Water and Wastewater Capital Improvement Implementation Plan (2008) prepared by Kasberg, Patrick & Associates (KPA) and adopts it as the Water and Wastewater Capital Improvement Implementation Plan (2008), incorporated herein and referred to by reference, a copy of which is on file in the Office of the Director of Public Works.

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

PASSED AND APPROVED this the **4th** day of **September**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution amending the current utility system fees to be effective October 1, 2008 by:

- (1) Increasing the current water rate monthly minimum service charge based on meter size and increasing the volumetric rate;
- (2) Increasing the current wastewater rate monthly minimum service charge and increasing the volumetric rate.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Staff has developed an 'in-house' rate study to evaluate the existing water and wastewater rate structures' ability to meet the revenue requirement necessary to provide water and wastewater services. One of the key elements of the study is to meet the revenue requirement to continue a long-term Capital Improvement Program to replace or rehab the numerous components in the City of Temple distribution and collection systems.

The long-term Capital Improvement Program was based on a **10-year line replacement program** as an effort to systematically replace or rehab deteriorated water/wastewater lines.

The long-term objective of line replacement program was to:

- slowly rebuild the integrity of the infrastructure in place and avoid unnecessary excavation of streets, yards and sidewalks
- be able to effectively manage the O&M of existing lines as new lines are added without significantly increasing the operating budget (staffing levels and overtime)
- be able to comply with Federal and State regulations on management of the collection system and distribution systems

Over the past year, the City has faced demands from Federal/State regulators to develop a more aggressive schedule of system improvements. Combined with the demands from regulatory agencies and the line relocations associated with TxDOT projects, the City has developed a revised Capital Improvement Program.

The 'in-house' rate study included a revenue requirement to continue \$2,304,000 of "pay-as-you go" capital improvements (\$354,000 will fund an in house crew dedicated to line replacement and repair), debt service for the proposed \$15,000,000 Waterworks & Sewer System Revenue Bonds, Series 2009 and increased operating cost associated with fuel, utilities, and chemicals. The following tables detail the current and proposed rates:

Water -

Water Minimum Bill Rates Current and Proposed ⁽³⁾

| Meter Size | Current Minimum Bill Rate (includes 2,000 gallons) | Proposed Minimum Bill Rate (includes 2,000 gallons) |
|-------------------|---|--|
| 5/8" or 3/4" | \$9.50 | \$10.00 |
| 1" | \$13.25 | \$13.95 |
| 1 1/2" | \$17.00 | \$17.90 |
| 2" | \$27.40 | \$28.85 |
| 3" | \$103.95 | \$109.40 |
| 4" | \$132.30 | \$139.30 |
| 6" | \$198.45 | \$208.90 |
| 8" | \$274.05 | \$288.50 |
| 10" | \$274.05 | \$288.50 |

Water Volumetric Rates Current and Proposed ⁽³⁾

| <i>Per 1,000 gallons for consumption of more than 2,000 gallons monthly:</i> | | |
|---|----------------|-----------------|
| | Current | Proposed |
| Inside City Limits Customers | \$3.10 | \$3.20 |

(3) Rates are for customers inside city limits; outside city limits customers are charged 1.25 times the rates of customers within the city limits

Wastewater -

Wastewater Rates Current and Proposed ⁽⁴⁾

| | Current | Proposed |
|---|----------------|-----------------|
| Minimum Bill Rate (includes 2,000 gal) | \$9.50 | \$10.00 |
| <i>Per 1,000 gallons for consumption of more than 2,000 gallons monthly:</i> | | |
| Inside City Limits Customers | \$4.15 | \$4.25 |

(4) Rates are for customers inside city limits; outside city limits customers are charged 1.25 times the rates of customers within the city limits

FISCAL IMPACT: The proposed rate structure meets the estimated revenue requirement for FY 2009 of \$26,033,246. The revenue requirement includes the amount to continue with \$2,304,000 of “pay-as-you go” (of which \$354,000 is allocated to the cost of materials, equipment and staff for an in house crew) rehab/replacement capital projects, increased operating cost related to fuel, electricity and chemicals, and the debt service for the proposed Revenue Bond Issue.

The following table lists the projected average monthly bills for water and wastewater service under the proposed rates.

Average Monthly Bills

| | Current | Proposed | Change (%) |
|--------------------------------|-----------------|-----------------|-------------------|
| Residential 3/4" Meter | | | |
| Water (10,000 gal) | \$34.30 | \$35.60 | 3.79% |
| Wastewater (6,000 gal) | \$26.10 | \$27.00 | 3.45% |
| Combined Bill | \$60.40 | \$62.60 | 3.64% |
| | | | |
| Commercial 1 1/2" Meter | | | |
| Water (50,000 gal) | \$165.80 | \$171.50 | 3.44% |
| Wastewater (50,000 gal) | \$208.70 | \$214.00 | 2.54% |
| Combined Bill | \$374.50 | \$385.50 | 2.94% |

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, SETTING UTILITY SYSTEM FEES; AND PROVIDING AN
OPEN MEETINGS CLAUSE.

Whereas, Section 38-31, "Rates, deposits, penalties and service charges," provides that amounts to be charged shall be established by resolution of the City Council and adjusted from time to time to sustain efficient utility services and comply with laws and regulations; 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:

Part 1: The following utility system fees are hereby adopted by the City of Temple, Texas:

WATER AND SEWER TAP FEES

- (a) **Rates.** The following charges shall be made and collected by the Utility Business Office for each water and sewer tap connection furnished and made by it:

| Tap Size | Current Rates | | Plus Costs |
|--------------|---------------|------------|------------|
| | Full Short | Full Long | |
| Water | | | |
| ¾" | \$390.00 | \$1,150.00 | |
| 1" | 410.00 | 1,170.00 | |
| 1½" | 450.00 | 1,210.00 | (a) |
| 2" | 490.00 | 1,240.00 | (a) |
| 3" | 960.00 | 3,240.00 | (b) |
| >3" | 320.00 * | 1,080.00 * | (b) |
| Sewer | | | |
| 4" | 420.00 | 1,180.00 | (c) |
| 6" | 500.00 | 1,260.00 | (c) |

* Per Inch

- (a) plus the cost of meter
(b) plus the cost of meter and materials required to complete the tap
(c) plus the cost of materials required to complete the tap

- (b) **Changeover fee.** A \$50 changeover fee, but no tap fee, will be charged for replacing a smaller meter (3/4" x 5/8") with a full 3/4" meter.
- (c) **Fire taps:** All connections for fire protection systems sprinklers shall be charged at the rate of two hundred dollars (\$200.00) per inch of tap for short connections and three hundred dollars (\$300.00) per inch of tap for long connections.
- (d) **Stand-by charge.** A "stand-by" charge shall be assessed on each fire protection connection. This charge shall be two dollars (\$2.00) per inch per month.
- (e) **Taps made by utility contractors:** The charge for connecting a private water or service line to a short or long tap made by a utility contractor within a platted subdivision shall be one-half (1/2) the amount charged when the City makes a *short* tap of the same type and diameter.
- (f) **Subsurface taps:**
- (1) *Boring Accomplished by City Crews.* When a tap requires the City, acting through its own crews or its employees, to bore or go under an existing improved public street, right-of-way, railroad right-of-way, public utility easements, other improved public property or private property in order to make a connection, charges for long connections requiring such boring will be the standard tap fee plus fifteen dollars (\$15.00) per each foot of bore in dirt and twenty dollars (\$20.00) per each foot of bore in rock.
- (2) *Boring Accomplished by Contractors.* When the City hires a private party or private party contractor other than the city to bore or go under existing streets, right-of-ways, railroad right-of-ways, public utility easements or other improved public property or private property in order to make a connection, the charge for a private party bore will be the standard tap fee plus the actual cost to the city of the bore.

RATES FOR WATER SERVICE

- (a) **Rates.** The rates for services furnished by the City's waterworks system shall be as follows:

| Current Water Rates | | | |
|---|--------------|---|----------------|
| Minimum service charge by meter size for 1 to 2,000 gallons | 5/8" or 3/4" | \$ 9.50 | \$10.00 |
| | 1" | 13.25 | 13.95 |
| | 1 1/2" | 17.00 | 17.90 |
| | 2" | 27.40 | 28.85 |
| | 3" | 103.95 | 109.40 |
| | 4" | 132.30 | 139.30 |
| | 6" | 198.45 | 208.90 |
| | 8" | 274.05 | 288.50 |
| | 10" | 274.05 | 288.50 |
| Plus straight volumetric rate for consumption above 2,000 gallons | | \$ 3.10 3.20 per thousand gallons | |

- (b) **Customers outside City.** The City's regional water customers, Troy, Morgan's Point Resort, and Little River-Academy, shall pay the same rates as customers inside the city limits. All other customers located outside the city limits of Temple shall pay 1.25 times the in-city water rate schedule.

RATES FOR SEWER SERVICE

(a) **Definitions**

(1) "*Winter Billing Period*" means the period of service for which customers are billed in January, February and March.

(2) "*Winter Water Average*" means the average of a customer's actual monthly water consumption reported on the bills sent to the customer in January, February and March.

(b) **Rates**

The rates for services furnished by the City's sewer system shall be as follows:

| Current Sewer Rates | |
|------------------------------|---|
| Minimum service charge | |
| First 2000 gallons water | \$9.50 10.00 |
| Straight volumetric rate for | |
| Gallons over 2,000 | \$ 4.15 4.25 (per thousand gallons) |

- (c) **Customers outside City.** Customers outside the city limits will be billed at 1.25 times the in-city sewer rates.

(d) **Sewer charges based on actual water consumption**

(1) When a customer with Class A utility service has a separate water meter for an irrigation system, charges for sewer service will be based on the customer's actual monthly water consumption during the billing period, excluding separately metered water consumed solely for irrigation.

(2) Every customer with Class B utility service shall be billed for sewer service on the basis of actual monthly water consumption during the billing period, excluding any separately metered water consumed solely for irrigation.

(e) **Sewer charges based on Billing Winter Water Average**

(1) When a customer with Class A sewer service does not have a separate water meter for an irrigation system, charges for sewer service shall be based on the customer's Winter Water Average. At the conclusion of the Winter Billing Period, the city will calculate the customer's new Winter Water Average and use the new Winter Water Average to calculate sewer charges billed from May of the current year through April of the following year.

(2) Customers who transfer water service to a different location will transfer their Winter Water Average with their service.

(3) The Utility Department shall assume a Winter Water Average of 6,000 gallons for any Winter Water Average for which a billing history of water service from the City is not available.

(4) It is the intent of this Resolution that charges for sewer service bear a reasonable relation to the actual amount of sewer discharged by the customer. In exceptional circumstances, when the procedures established in this article for calculating monthly service charges do not produce a reasonable estimate of actual discharge, the city reserves the right to use an alternate method.

(5) The Utility Department may adjust a customer's Winter Water Average to deduct extraordinary consumption resulting from a leak or other unusual circumstances. Requests for adjustments must be supported by documentation such as an invoice for plumbing repair or an affidavit explaining the reason for the unusual consumption.

DEPOSITS

- (a) **Deposits.** The deposits for City utility accounts shall be as follows:

| Class A Service | | Class B Service | |
|------------------------|---------|------------------------|-----------|
| All meters | \$65.00 | 5/8" meter | \$ 115.00 |
| | | 1" meter | 170.00 |
| | | 1 1/2" meter | 200.00 |
| | | 2" meter | 450.00 |
| | | 3" meter | 550.00 |
| | | 4" meter | 650.00 |
| | | 6" meter | 850.00 |
| | | 8" meter | 1,200.00 |
| | | 10" meter | 2,500.00 |
| | | Fire Hydrant Meter | 600.00 |

- (b) **Waiver.** The deposit for a 6" or larger meter may be waived in connection with an economic development agreement within an enterprise zone.

SERVICE CHARGES

Rates. The rates *per occurrence* for various services furnished by the City's Utility Business Office sewer system shall be as follows:

| Service | Charge |
|--|---------------|
| (1) <i>Rereading water meter</i> | \$ 10.00 |
| (2) <i>Processing returned checks/bank draft</i> | 25.00 |
| (3) <i>Ten (10) day cleanup service (flat fee for consumption and labor)</i> | 25.00 |
| (4) <i>Reconnect-disconnect-new connect fee</i> | |
| During business hours | 20.00 |
| After business hours | 30.00 |
| (5) <i>Tampering with or damaging meters, padlocks or locking devices</i> | 40.00 |

| | |
|--|-------------|
| (6) <i>Transferring service to different address</i> | 20.00 |
| (7) <i>Testing water meters for accuracy</i> | |
| 5/8" meter | 25.00 |
| 1" meter | 30.00 |
| 1 1/2" meter | 35.00 |
| 2" meter | 35.00 |
| 3" meter & larger | actual cost |

PENALTIES

Penalties. The penalty for delinquent payment of utility invoices is a minimum fee of \$5.00 or 5% of the current bill, whichever is greater.

Part 2: The new utility system fees will take effect on October 1, 2008.

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

PASSED AND APPROVED this the 4th day of **September**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Bruce A. Butscher, PE, Director of Public Works
Michael C. Newman, PE, CFM, Assistant Director of Public Works/City Engineer

ITEM DESCRIPTION: Consider adopting a resolution accepting a report on Drainage Capital Improvements and Drainage Rate Recommendations prepared by Jacobs Carter & Burgess and adopting it as the Drainage Capital Improvement Implementation Plan (2008).

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On January 17, 2008 City Council approved a professional service contract with Jacobs, Carter and Burgess to prepare a report evaluating the City's current drainage system, drainage fee rate structure and to develop a priority list of needed projects and estimates of probable cost. The previous Drainage Basin Study and Drainage Criteria and Design Manual was adopted in 1997. The report prepared by Jacobs Carter & Burgess includes the following list of items:

- 1) Drainage Capital Improvement Program List of Projects: A list of geocoded responses from drainage customer surveys assisted in identifying project areas citywide. More than 1,400 customers participated in the drainage customer survey. Drainage projects areas were identified which include low water roadway crossings, regional detention opportunities, and storm drain system improvements in neighborhoods (outside of FEMA designated flood plain).
- 2) Drainage Utility Rate Study and Recommendations: The study included four scenarios for funding costs associated with operations, capital improvement projects and program needs to meet TCEQ Texas Pollution Discharge Elimination System rules. Drainage capital improvement projects were prioritized on a point system by severity of flooding based on house/business, garage, front yard, back yard, and car (street) from highest to lowest, respectively.
- 3) A review of hydrologic and hydraulic models that was performed by the previous Drainage Master Plan (1997) concluded that Temple's FEMA flood plains did not warrant additional study at this time.

Public meetings were conducted in each Council district in late May and June 2008. Also, several coordination meetings were held with area organizations, and presentations were made to the City Manager, Director of Finance, and engineering staff. Presentations to City Council were provided in June and July 2008.

In addition, Jacobs, Carter & Burgess will work with city staff to provide general recommendations related to existing drainage criteria (such as engineering methodologies), erosion hazards, localized flood hazards and maintaining community participation in the National Flood Insurance Program. These items would be general recommendations that would be developed through city staff discussions. If changes are necessary, City staff would work with interested stakeholders to further develop proposed changes prior to proceeding with implementing new or revised rules. Rules requiring ordinance promulgation or revisions would require City Council approval before becoming effective.

FISCAL IMPACT: In the proposed FY 2009 Annual Operating Budget, the rates that were recommended by Staff to fund the Special Revenue Drainage Fund are shown below and will be adopted by separate resolution by the Council:

Single-family Residential Property:

\$2.75 per monthly billing cycle per single family dwelling unit. The \$2.75 per month billing cycle drainage fee will be waived during any billing cycle in which the owner of a single-family residential unit uses less than 2,000 gallons of water as reflected in the records of the City.

Developed Property other than Single-Family Residential Property:

| <u>Building Size</u> | <u>Monthly Billing Cycle</u> |
|--------------------------|------------------------------|
| 0 to 2,500 sq.ft. | \$6.88 |
| 2,501 to 10,000 sq.ft. | \$13.75 |
| 10,001 to 50,000 sq.ft. | \$34.38 |
| 50,001 to 100,000 sq.ft. | \$51.56 |
| 100,001 sq.ft. and above | \$68.75 |

ATTACHMENTS:

Drainage Capital Improvement Implementation Plan (2008) (available in City Engineer's office)
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ACCEPTING A REPORT ON DRAINAGE CAPITAL IMPROVEMENTS AND DRAINAGE RATE RECOMMENDATIONS PREPARED BY JACOBS CARTER & BURGESS AND ADOPTING IT AS THE DRAINAGE CAPITAL IMPROVEMENT IMPLEMENTATION PLAN (2008); AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on January 17, 2008, the City Council approved a professional services agreement with Jacobs, Carter and Burgess to prepare a Drainage Master Plan 2008 Update, which the Staff recommends renaming to *Drainage Capital Improvement Implementation/Drainage Rate Study (2008)* so as not to confuse study elements with the Comprehensive Plan;

Whereas, public hearings were conducted in each City Council district in May and June, 2008; several coordination meetings were held with area organizations; and presentations were made to the City Council in June and July, 2008, discussing the study's recommendations;

Whereas, Jacobs, Carter and Burgess will work with City staff to provide general recommendations related to existing drainage criteria (such as engineering methodologies), erosion hazards, localized flood hazards and maintaining community participation in the National Flood Insurance Program – rules requiring ordinance promulgation or revisions would require City Council approval before becoming effective; and

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

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

Part 1: The City Council accepts a report on Drainage Capital Improvements and Drainage Rate Recommendations prepared by Jacobs Carter & Burgess and adopts it as the Drainage Capital Improvement Implementation Plan (2008), incorporated herein and referred to by reference, a copy of which is on file in the Office of the Director of Public Works.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of

the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **4th** day of **September**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Finance Director
Michael C. Newman, PE, CFM, Assistant Director of Public Works/City Engineer

ITEM DESCRIPTION: SECOND READING – Consider adopting an ordinance re-establishing the Special Revenue Drainage Fund.

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

ITEM SUMMARY: On October 1, 1998, City Council adopted an ordinance establishing a Special Drainage Revenue Fund and levying municipal drainage fees. This ordinance was the result of a 1997 engineering study which identified the need for infrastructure improvements to the City's drainage system in excess of \$16M and annual appropriations for the operation and maintenance of the drainage system of \$600,000 annually. In 2008, an engineering study identified and prioritized 104 drainage capital improvement projects totaling \$32M (2008 dollars). In addition, the state has mandated that cities, less than 100,000 in population, comply with Texas Pollution Discharge Elimination System Phase II rules. Operation expenses are estimated to be approximately \$1.1M by the time the Storm Water Management Program is fully implemented by year 2011. Drainage capital improvement projects may be supported by drainage fees as funding is available. Drainage fees have not been changed since their inception in 1998. Drainage rates need to change to at least keep up with increased operational expenses.

City staff recommends that drainage fee calculations be established by City Council resolution and reference to the calculation of the drainage fees be removed from the Special Revenue Drainage Fund Ordinance. Drainage fee calculations will continue to apply to single-family residential and other than single-family residential properties. City staff also recommends the sunset review language be removed from the Special Revenue Drainage Fund Ordinance in order to not inhibit the city's ability to acquire multiple-year bonds for drainage capital improvement projects.

Proposed language specific to city staff recommendations are included in the attached ordinance. The City Council has previously received presentations related to proposed ordinance changes via TPDES Ph.2 – Storm Water Management Plan, Drainage Capital Improvement Project Implementation/Drainage Rate Study (2008) and FY2008-2009 budget discussions.

FISCAL IMPACT: The Special Revenue Drainage Fund Ordinance currently sets the rates to be charged by the City for the drainage fee. Staff is recommending that the calculation of drainage fees be set by resolution of the Council, on second reading of this ordinance, September 4th. Drainage fees shall apply to single-family residential property and developed property other than single family residential property.

In the proposed FY 2009 Annual Operating Budget, the rates that were recommended by Staff are shown below:

Single-family Residential Property:

\$2.75 per monthly billing cycle per single family dwelling unit. The \$2.75 per month billing cycle drainage fee will be waived during any billing cycle in which the owner of a single-family residential unit uses less than 2,000 gallons of water as reflected in the records of the City.

Developed Property other than Single-Family Residential Property:

| <u>Building Size</u> | <u>Monthly Billing Cycle</u> |
|--------------------------|------------------------------|
| 0 to 2,500 sq.ft. | \$6.88 |
| 2,501 to 10,000 sq.ft. | \$13.75 |
| 10,001 to 50,000 sq.ft. | \$34.38 |
| 50,001 to 100,000 sq.ft. | \$51.56 |
| 100,001 sq.ft. and above | \$68.75 |

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

An Ordinance Reenacting the Special Revenue Drainage Fund; Providing for Administration of the Fund; Levying a Drainage Fee; Providing a Mechanism to Review the Assessment of the Drainage Fee; ~~Establishing a Sunset Provision~~; Providing a Severability Clause; Providing a Repealer Clause; Providing an Effective Date; and Providing an Open Meetings Clause.

WHEREAS, Chapter 402, Subchapter C, “Municipal Drainage Utility Systems,” of the Texas Local Government Code authorizes municipalities to create municipal drainage utilities and to levy a municipal drainage fee;

WHEREAS, on October 1, 1998, the City Council adopted Ordinance No. 98-2576 which established a Special Drainage Revenue Fund and levied municipal drainage fees;

WHEREAS, this ordinance was the result of a 1997 engineering study which identified the need for infrastructure improvements to the City’s drainage system in excess of \$16 million, and annual appropriations for operation and maintenance of the drainage system of \$600,000 annually;

WHEREAS, the ordinance was amended on March 18, 1999, by Ordinance No. 99-2618 which recalculated drainage fees for developed property other than single-family residential property;

~~**WHEREAS**, Ordinance No. 98-2576 contains a 5-year sunset provision which was included for the City Manager to provide the City Council with a comprehensive report on the operation and financial state of the City's drainage system and fund, and the need for reenacting this ordinance;~~

WHEREAS, the accomplishments of this special fund have been very successful over the past **10** 5 years and the Staff recommends its continuance and reauthorization of the current drainage fee structure; and

WHEREAS, the City Council has determined that the most effective way to continue to meet the financial constraints imposed by these drainage system needs is through continuing a combination of property tax revenue and continued imposition of a municipal drainage fee on property owners in the City.

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

Part 1:

SPECIAL REVENUE DRAINAGE FUND

Sections:

- 1.010 Purpose.
- 1.020 Definitions.
- 1.030 Dedication of Assets to the Special Revenue Drainage Fund.
- 1.040 Drainage service area.
- 1.050 Special Revenue Drainage Fund.
- 1.060 Administration of the drainage services.
- 1.070 No assumed liability for floods and nonpoint source pollution.
- 1.080 Establishment of a drainage fee.
- 1.090 Calculation of drainage fees.
- 1.100 Billing and payment -- penalties.
- 1.110 Adjustment of fees.

1.010 Purpose.

The Special Revenue Drainage Fund and associated drainage functions are established in order to protect the public health and safety within the City from the loss of life and property caused by surface water overflows, surface water stagnation, and pollution arising from nonpoint source runoff within the boundaries of the service area of the special revenue drainage fund as established in the Ordinance. Drainage service will be offered on nondiscriminatory, reasonable and equitable terms within the service area.

1.020 Definitions.

The following definitions shall apply to terms within this Ordinance:

"Benefited property" means an improved lot or tract to which a drainage service is made available under this Ordinance. "Improved lot or tract" means a lot or tract that has a structure or other improvement on it that causes an impervious coverage of the soil under the structure.

"Building square footage" means the total square footage of structural improvements, as determined by the Bell County Central Appraisal District, that is associated with a municipal water or sanitation account and can include the living or working areas of buildings, and garages, or carports. In the case of multiple water meters, each with separate utility billings, serving the same building areas, such square footage will be counted only once and billed to only one utility account.

"Cost of service" as applied to a drainage system service to any benefited property means allowable uses of such funds, including:

1. The prorated cost of the acquisition, whether by eminent domain or otherwise, of land, rights-of-way, options to purchase land, easements and interests in land relating to structures, equipment and facilities used in draining the benefited property;

2. The prorated cost of the acquisition, construction, repair and maintenance of structures, equipment and facilities used in draining the benefited property or the repayment of debt used to finance the same;

3. The prorated cost of architectural, engineering, legal and related services, mapping, plant and specifications, studies, surveys, estimates of cost and of revenue, and all other expenses necessary or incident to planning, providing or determining the feasibility and practicability of structures, equipment and facilities used in draining the benefited property;

4. The prorated cost of all machinery, equipment, furniture and facilities necessary or incident to the provision and operation of draining the benefited property; and

5. The direct and indirect administrative costs of operating a municipal drainage system (e.g., computer, postage, bill, legal, financial services, etc.).

"Drainage" means bridges, catch basins, channels, conduits, creeks, culverts, detention ponds, ditches, draws, flumes, pipes, pumps, sloughs, treatment works and appurtenances to those items, whether natural or artificial, or using force or gravity, that are used to draw off surface water from land, carry the water away, collect, store, or treat the water, or divert the water into natural or artificial watercourses.

"Drainage charge" means:

1. The levy imposed to recover the cost of the service of the municipality in furnishing drainage for any benefited property; and

2. An amount made in contribution to funding of future drainage system construction by the City.

"Drainage system" means the drainage owned or controlled in whole or in part by the City and dedicated to the service of benefited property, including provisions for additions to the system.

"Drainage fee" means the drainage charge, including any interest and penalties paid by a benefited or served property for stormwater drainage services including, but not limited to, the items described as "cost of service" in Section 1.020 of this Ordinance, provided by the drainage function.

"Drainage services" are those municipal drainage functions that are regularly provided by the City through City property dedicated to that service to the users of benefited property within the service area and that is based on:

1. An established schedule of charges;

2. The use of the police power to implement the service; and

3. Nondiscriminatory, reasonable and equitable terms as determined by the City Council.

"Facilities" means the property, either real, personal or mixed, that is used in providing

drainage and included in the system.

"Non-single family residential property" shall mean any developed lot or parcel used for something other than single family residential use, including apartments, commercial, religious, industrial, institutional (including non-profit organizations) and governmental activities.

"Parcel" means one or more lots or portions of lots which are contiguous and under single ownership.

"Service area" means the geographic area which shall be served by the City's drainage services, as established by this Ordinance.

"Single-family Residential property" shall refer to any property platted or used for single family residential development (i.e., single-family residential, mobile homes, duplex, triplex, fourplex, etc., but not including larger apartment buildings) upon which a structure has been placed.

"Single-family residential dwelling unit" shall refer to the number of dwelling units contained within any property platted or used for single family residential purposes. For purposes of this ordinance, a single family detached structure shall equal one dwelling unit, a duplex shall equal two dwelling units, a triplex shall equal three dwelling units, and a fourplex shall equal four dwelling units. Larger apartment buildings shall not be considered as single family dwelling units.

"User" means the person or entity who owns or occupies a benefited property.

1.030 Dedications of Assets to Special Revenue Drainage Fund.

The City dedicates all City-owned property, facilities, materials and supplies constituting the City's drainage system to the Special Revenue Drainage Fund created under Section 1.050 hereinafter on the effective date of the ordinance codified. All future acquisitions of real or personal property related to drainage shall be maintained as a part of the Special Revenue Drainage Fund.

1.040 Drainage service area.

The service area for the Special Revenue Drainage Fund shall include the City limits as they shall be amended from time to time by action of the City Council.

1.050 Special Revenue Drainage Fund.

A separate special revenue drainage fund, within the City's fund structure, shall be created as of the effective date of the ordinance codified in this ordinance, known as the Special Revenue Drainage Fund, for the purpose of identifying the controlling all revenues and expenses attributable to municipal drainage services. All drainage fees collected by the City after the effective date of this Ordinance and such other monies as may be available by or to

the City for the purpose of drainage shall be deposited in the Special Revenue Drainage Fund. Such drainage revenues shall be used for the purpose of the creation, operation, planning, engineering, inspection, construction, repair, maintenance, capital improvements as funding is available improvement, reconstruction administration and other reasonable and customary charges associated with the operation of drainage services of the City. It shall not be necessary that the expenses from the Special Revenue Drainage Fund for any authorized purpose specifically relate to any particular benefited property from which the revenues for such purposes were collected. The income derived from the operation of municipal drainage services must be segregated in one or more accounts and completely identifiable from other City accounts. Drainage fees will be used for the sole purpose of promoting drainage services and will not be transferred to other municipal fund accounts for non-drainage purposes, except where specifically permitted by Chapter 402, Subchapter C, of the Local Government Code.

1.060 Administration of Municipal Drainage Services.

The City Manager, acting through the Director of Planning and Community Development, shall be responsible for the administration of this Ordinance including, but not limited to, enacting any procedures necessary for the administration of the drainage charges and the consideration of variances, developing maintenance programs, capital improvements as funding is available, and establishing drainage criteria and standards for operation of the drainage system.

1.070 No assumed liability for floods and nonpoint source pollution.

Floods from drainage and stormwater runoff may occasionally occur which exceed the capacity of the drainage system maintained and financed with the drainage charges. In addition, surface water stagnation and pollution arising from nonpoint source runoff may occasionally occur which exceed the capacity of the drainage system maintained and financed with drainage charges. This Ordinance does not imply that properties subject to charges shall always be free from flooding or flood damage, surface water stagnation or nonpoint source pollution or that all flood control and water treatment projects to control the quantity and quality of runoff can be constructed effectively. Nothing whatsoever in this Ordinance should be construed as or be deemed to create additional duties on the part of the City to hold the City liable for any damages incurred in a flood or from adverse water quality due to drainage runoff. Nothing in this Ordinance shall be deemed to waive the City's immunity under State law or reduce the need or necessity for flood insurance by property owners within or without the City.

1.080 Establishment of a drainage fee.

A drainage fee is imposed upon each developed lot and parcel with structural improvements within the City for drainage services and facilities provided by the City. For purposes of imposing the drainage fee, all lots and parcels within the City are classified into the following two customer categories:

- A. Single-family residential property; and
- B. Non-(single family residential) property (which includes all other developed property).

1.090 Calculation of drainage fees.

A. Calculation of drainage fees shall be set by separate resolution approved by the City Council. Drainage fees shall apply to single-family residential and other than single-family residential properties.

~~A. The following schedule shall be used to determine the applicable drainage fee:~~

~~Single-family Residential Property:~~

~~\$2.00 per monthly billing cycle per single family dwelling unit~~

~~(The \$2.00 per monthly billing cycle drainage fee will be waived during any billing cycle in which the owner of a single family residential unit uses less than 2,000 gallons of water as reflected in the records of the City.)~~

~~Developed property other than Single-Family Residential Property:~~

| <u>Building Size</u> | <u>Monthly Billing Cycle</u> |
|-----------------------------|-------------------------------------|
| 0 to 2,500 sq. ft. | \$5.00 |
| 2,501 to 10,000 sq. ft. | \$10.00 |
| 10,001 to 50,000 sq. ft. | \$25.00 |
| 50,001 to 100,000 sq. ft. | \$37.50 |
| > 100,000 sq. ft. | \$50.00 |

B. Drainage fees will apply to improved lots and parcels within the City regardless of whether or not the City of Temple Water & Wastewater Department bills the improved lots or parcels for water and/or sewage and/or garbage service.

C. The City Manager shall be responsible for determining building square footage area of non-single family residential property based on data obtained from the Bell County Appraisal District. If such information is unavailable from the Appraisal District files, the property owner, tenant or developer may submit a certified survey or a foundation survey to assist the City Manager in determining building area. The City Manager may require additional information as necessary to make the determination. The amount of any fee may be revised by the City Manager based on additions to the impervious area as approved through the City of Temple's building permit process or as shown from the records of the Bell County Appraisal District.

D. The City Council may review the ~~foregoing schedule~~ of fees at any time and may, by resolution, increase or decrease the fees within the schedule upon a determination that such increase or decrease is warranted.

E. The City Council finds and determines that the drainage fee has been established in accordance with the provisions of the Chapter 402, Subchapter C, "Municipal Drainage Utility Systems,@ of the Local Government Code.

1.100 Billing and payment -- Penalties.

A.1. Bills or statements for the drainage fee shall be rendered by the City for all properties subject to the fee. Bills shall be payable when rendered and shall be considered as received by the customer and/or owner, whether actually received or not, when deposited in the United States mail, postage prepaid, addressed to the utility customer.

2. Bills shall be rendered monthly.

3. Bills shall be for services for the preceding month.

B. Bills are due when rendered, and subject to late charges, disconnection of service, and reconnection fees authorized under the provisions relating to water/wastewater service under Section 38-33, 38-38 and 38-43 of the City Code. Current penalties and service charges for reconnection are reflected in a resolution approved by the City Council

C. Drainage fees shall be billed with the City's water and/or sanitation billings and shall be identified separately on the bill as a drainage fee. Delinquent fee bills shall be mailed to the customer at the address at which the owner receives other City utility services, or if no other City utility services are rendered, to any known address of the owner.

D. 1. Any charge due hereunder which is not paid when due will subject the user to discontinuance of all utility services provided by the City of Temple, including water, wastewater, and sanitation service.

2. Any drainage charge due hereunder which shall not be paid when due may be recovered in an action at law by the City. The employees of the City's drainage services shall have access, at all reasonable times, to any benefited properties served by the drainage services for inspection, repair or enforcement of Sections 1.090 through 1.110.

E. Notice of the imposition of drainage fees shall be mailed to all customers of the City's water, wastewater, and sanitation services. Such notice shall state that drainage fees will be billed to the customer of each such service and that failure of a customer and/or owner to pay such fees may result in the discontinuance of all City water, sewer and sanitation services.

1.110 Adjustment of fees.

A. A request for adjustment of a drainage fee shall be submitted through the City Manager or his designee, who shall be given authority to administer the procedures and standards, and review criteria for the adjustment of fees as established herein. All requests shall be evaluated based upon the amount of building square footage. *No drainage fee credit shall be given for the installation of facilities required by City development codes or Texas Water Code Requirements.* The following procedures shall apply to all requests for adjustment of the drainage fee:

1. Any owner or customer who has paid drainage fees and who believes the calculation or determination of the drainage fee to be incorrect may, subject to the restrictions set forth in this Ordinance, submit an adjustment request to the **Public Works Department Planning and Development**. Requests for adjustment of drainage fees paid by an owner or customer making the request shall be in writing and set forth in detail the grounds upon which relief is sought.
2. Adjustment requests for drainage fees will be reviewed by the Director of **Public Works Planning and Community Development** within 30 days from the date of receipt of an adjustment request. Adjustments resulting from such a request shall be prospective, but may be made retroactive for no greater time period than three months prior to the receipt of the request, at the discretion of the Director of **Public Works Planning and Community Development**.
3. The owner or customer requesting an adjustment may be required, at the requesting party's own cost, to provide supplemental information to the Director of **Public Works Planning and Community Development**, including, but not limited to, survey data approved by a Texas registered professional land surveyor (R.P.L.S.), or detailed development plan (DDP) approved by the City of Temple. Failure to provide requested information may result in the denial of the adjustment request.
4. Adjustments to the drainage fee will be made upon the granting of the adjustment request, in writing, by the Director of **Public Works Planning and Community Development**. Denials of adjustment request shall be made in writing by the Director of **Public Works Planning and Community Development**.

B. Upon receipt of the written denial of the adjustment request, the owner or customer who initially requested the adjustment may, within 30 days of receipt of such denial, apply to the City Manager for review of the denial.

1. The City Manager, shall complete this review within 60 days of receipt of the request for review. The City Manager's determination on the review shall be in writing and set forth in detail the reasons for the decision.
2. In reviewing denial of adjustment requests, the City Manager, exclusive of his designee, shall apply the standards and review criteria contained in this section.
3. All findings and determinations made by the City Manager arising out of this section will be final.

~~**Part 2:** Sixty (60) months after the effective date of this Ordinance, this Ordinance shall expire and be of no further effect, subject to the right of the City Council to reenact said Ordinance. In addition to Council's annual review of the special revenue drainage fund as part of the City's annual financial reports and during the annual budgetary review, the City Manager shall, not less than ninety (90) days before the sunset of this Ordinance, provide the City Council with a comprehensive report on the operation and financial state of the City's drainage system and fund, and the need for any of reenacting this Ordinance.~~

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

Part 4: This ordinance shall take effect on September 4, 2008.

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 **21st** day of **August, 2008**.

PASSED AND APPROVED on second reading on the **4th** day of **September, 2008**.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution setting drainage fees.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On August 21, 2008, an item was presented for first reading and public hearing to consider adopting an ordinance re-establishing the Special Revenue Drainage Fund. In addition, staff recommended that drainage fee calculations be established by City Council resolution and reference to the calculation of the drainage fees be removed from the Special Revenue Drainage Fund Ordinance.

The final reading and public hearing will be held on September 4, 2008. If passed, staff recommends consideration of this resolution amending the current drainage fees for single-family residential and other than single-family residential properties.

FISCAL IMPACT: The proposed rate structure meets the estimated revenue requirement for FY 2009 of \$959,735.

In the proposed FY 2009 Annual Operating Budget, the rates that were recommended by Staff are shown below:

Single-Family Residential Property:

\$2.75 per monthly billing cycle per single family dwelling unit

(The \$2.75 per month billing cycle drainage fee will be waived during any billing cycle in which the owner of the a single-family residential unit uses less than 2,000 gallons of water as reflected in the records of the City.)

Developed Property other than Single-Family Residential Property:

| Building Size | Monthly Billing Cycle |
|---------------------------------|-----------------------|
| Per Unit Rate (maximum 4 units) | \$ 2.75 |
| 0 – 2,500 sq. ft. | \$ 6.88 |
| 2,501 – 10,000 sq. ft. | \$13.75 |
| 10,001 – 50,000 sq. ft. | \$34.38 |
| 50,001 – 100,000 sq. ft. | \$51.56 |
| 100,001 sq. ft. & above | \$68.75 (maximum) |

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TEMPLE, TEXAS, SETTING DRAINAGE FEES; AND PROVIDING
AN OPEN MEETINGS CLAUSE.

Whereas, Ordinance No. 2008-4250 establishes a Special Revenue Drainage Fund and associated drainage functions in order to protect the public health and safety within the City from the loss of life and property caused by surface water overflows, surface water stagnation, and pollution arising from nonpoint source runoff within the boundaries of the service area of the special revenue drainage fund;

Whereas, the ordinance provides that drainage fees shall be set by resolution approved by the City Council and shall apply to single-family residential and other than single-family residential properties; 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 following drainage fees are hereby adopted by the City of Temple, Texas:

Single-Family Residential Property:

~~\$2.00~~ **\$2.75** per monthly billing cycle per single-family dwelling unit

(The ~~\$2.00~~ **\$2.75** per month billing cycle drainage fee will be waived during any billing cycle in which the owner of the single-family residential unit uses less than 2,000 gallons of water as reflected in the records of the City.)

Developed Property other than Single-Family Residential Property:

| Building Size | Monthly Building Cycle | |
|--|-------------------------------|--------------------------|
| Per Unit Rate (maximum 4 units) | \$2.75 | |
| 0 – 2,500 sq. ft. | \$5.00 | \$6.88 |
| 2,501 – 10,000 sq. ft. | \$10.00 | \$13.75 |
| 10,001 – 50,000 sq. ft. | \$25.00 | \$34.38 |
| 50,001 – 100,000 sq. ft. | \$37.50 | \$51.56 |
| 100,000 sq. ft. & above | \$50.00 | \$68.75 (maximum) |

Part 2: The new drainage fees will take effect on October 1, 2008.

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

PASSED AND APPROVED this the **4th** day of **September**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Bruce Butscher, Director of Public Works
Lisa Sebek, Director of Solid Waste Services

ITEM DESCRIPTION: Consider adopting a resolution setting the collection charges for solid waste services.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This resolution will increase residential rates by \$1.25 per month and commercial rates are being increased by 6% to cover the ever increasing fuel costs and maintenance related to the delivery of services. The following information will highlight the rates in this resolution:

| | |
|-------------------------|---------|
| Residential Garbage Fee | \$14.55 |
| Commercial Fees | up 6% |

Brush and bulk rates will remain the same. However, we have expanded the schedule to allow a 7-day window to set out brush and bulk items. All other rates were increased accordingly to address increased cost for delivery of existing levels of service. These rates include monthly and daily rental fees for roll-off containers, initial delivery fees, reload fees and extra pickup fees.

FISCAL IMPACT: The proposed increase in residential minimum base rate of \$1.25 will generate approximately \$264,200 in additional gross revenue. The proposed 6% increase in the regular service rates for the commercial customers will generate approximately \$151,700 in additional gross revenue.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, SETTING SOLID WASTE COLLECTION FEES; AND PROVIDING
AN OPEN MEETINGS CLAUSE.

Whereas, Section 15-12, "Collection Charges," of Chapter 15, "Garbage and Refuse," of the Code of Ordinances of the City of Temple, Texas, provides that amounts to be charged shall be established by resolution of the City Council; 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:

Part 1: The following solid waste fees are hereby adopted by the City of Temple, Texas:

(a) *Rates for residences:*

- (1) Single-family dwelling unit \$ ~~13.30~~ **\$14.55**
- (2) Each unit of a multifamily unit to a four-plex ~~13.30~~ **14.55**
- (3) Multifamily dwellings having more than four (4) units may be at the commercial rate.
- (4) A single-family dwelling unit may at the customer's request be furnished additional ninety-gallon containers at an additional charge of \$5.50 per month per container, but in no case will this service be provided for a period of less than twelve (12) months.
- (5) The following items will be collected at the curb for a charge of \$65 per six (6) cubic yards:
 - a. brush and/or bulk items in excess of six (6) cubic yards;
 - b. mixed piles of brush and bulk items; and
 - c. out-of-cycle collection of brush and/or bulk items placed at the curb.
- (6) Rocks, dirt, remodeling, demolition and construction materials placed at the curb will be collected for a fee of \$300 per twenty (20) cubic yards.
- (7) Tires will be collected at the curb for the following fees:

up to 17-inch rim – \$10 per tire,
 from 18-inch to 22.5-inch rim – \$15 per tire,
 over 22.5-inch rim – \$35 per tire.

- (8) The following items will not be collected under any circumstances: dead animals and fowl, animal manure, paint, gasoline products and any waste classified as a hazardous waste.

(b) *Commercial and industrial monthly rate schedule:*

- (1) Regular service:

Costs Per Month (Pick-ups Per Week)

| Container Size/CuYds | 1 | 2 | 3 | 4 | 5 | 6 | Reload Fee* | Extra Pickup |
|----------------------|--------|---------|--------|--------|--------|--------|-------------|--------------|
| $\frac{1}{2}$ | | 26.20** | | | | | | |
| 1 $\frac{1}{2}$ | 37.54 | 63.76 | | | | | 8.00 | 28.00 |
| 2 | 49.29 | 90.37 | 131.90 | 173.42 | | | 10.40 | 30.40 |
| 3 | 60.89 | 115.21 | 156.19 | 203.04 | 249.82 | 286.53 | 15.00 | 35.00 |
| 4 | 81.18 | 140.48 | 189.43 | 236.26 | 290.39 | 334.33 | 19.20 | 39.20 |
| 6 | 101.48 | 180.73 | 244.06 | 293.73 | 352.47 | 398.30 | 26.40 | 46.40 |
| 8 | 125.53 | 223.50 | 294.84 | 376.49 | 451.92 | 501.64 | 32.00 | 52.00 |

Costs Per Month (Pick-ups Per Week)

| Container Size/CuYds | 1 | 2 | 3 | 4 | 5 | 6 | Reload Fee* | Extra Pickup |
|----------------------|--------|---------|--------|--------|--------|--------|-------------|--------------|
| $\frac{1}{2}$ | | 27.80** | | | | | | |
| 1 $\frac{1}{2}$ | 39.80 | 67.60 | | | | | 8.50 | 29.70 |
| 2 | 52.20 | 95.80 | 139.80 | 183.80 | | | 11.00 | 32.20 |
| 3 | 64.50 | 122.10 | 165.60 | 215.20 | 264.80 | 303.70 | 15.90 | 37.10 |
| 4 | 86.10 | 148.90 | 200.80 | 250.40 | 307.80 | 354.40 | 20.40 | 41.60 |
| 6 | 107.60 | 191.60 | 258.70 | 311.40 | 373.60 | 422.20 | 28.00 | 49.20 |
| 8 | 133.10 | 236.90 | 312.50 | 399.10 | 479.00 | 531.70 | 33.90 | 55.10 |

* *Immediate refilling of container not requiring return of truck.*

** *Must qualify as a small quantity commercial solid waste generator as defined by Section 15-1.*

- (2) Shared container service (two [2] pick-ups per week) shall be pro-rated by the number of customers with a minimum charge of ~~thirty-seven dollars and fifty-four cents (\$37.54)~~ \$39.80 for each customer.
- (3) Business qualifying as a small quantity commercial solid waste generator would qualify for a ~~\$26.20~~ \$27.80 rate for a prorata share (equal to 2 yard/week) of a shared container.

(4) Industrial size containers.

Initial delivery charge---~~Fifty dollars (\$50)~~ **\$53.00**

Pick-up charge--~~one hundred ten dollars and twenty five cents (\$110.25)~~ **\$117.00**
per load plus 1.05 x City of Temple landfill charge, plus following monthly rental charge:

Pick-up charge for waste requiring special handling – ~~\$152.00~~ **\$161.00** per load plus 1.05 x City of Temple landfill charge, plus following monthly rental charge:

| <i>Container Size/Cu.Yds.</i> | <i>Monthly Charge</i> |
|---|-------------------------------------|
| 20 | \$ 82.00 \$87.00 |
| 30 | \$ 88.00 \$93.00 |
| 40 | \$102.00 \$108.00 |
| Temporary rental charge-- Three dollars and seventy five cents (\$3.75) \$4.00 per day. | |

- (5) Containerized commercial cardboard collection service shall be offered at a rate equal to one-half (1/2) of the solid waste collection rate for comparable service.
- (6) Brush and bulk items must be separated and will be collected for a fee of \$65 per six cubic yards.
- (7) *Minimum service levels for business.* The minimum fee to be charged to all other places of business shall be ~~\$37.54~~ **\$39.80** and shall entitle the owner or manager thereof to the removal of a one and one-half (1½) cubic yards of waste dumped each week.
- (8) *Sharing of containers.* Commercial and residential accounts may, in some areas, share the same container. In this event, each shall pay its respective fees.
- (9) *When business service requires more than current maximum level of service.* In the event the amount of garbage customarily being removed from any place of business exceeds the current maximum service level authorized for a class of service (including the small quantity commercial solid waste generator class), the owner or manager thereof shall be required to pay an additional fee for the removal of such garbage, based on the fees established herein.

The fee for each place of business shall be based on the frequency collection required and the amount of garbage being collected and picked up and from said place of business. The Director of the Solid Waste Services shall, upon adjusting the fee for any place of business, immediately notify the owner or manager thereof of the amount of the fee fixed as a monthly charge for garbage pickup.

Commercial customers who require more than one container shall be given a 15% discount on additional containers at the same location.

In the event the owner or the manager of any such place of business is dissatisfied with the fee adjustment established by the Director of Solid Waste Services, or any decision of the Director under authority of this chapter, he shall have the right of appeal to the Director of Public Works within thirty (30) days from the date such owner or manager receives notice from Solid Waste Services of the adjustment or decision. Each and every appeal shall be in writing and filed with the Director of Public Works. Subsequent to the appeal, the Director of Public Works shall determine the facts and may uphold the fee as reasonable, raise the fee, lower the fee, or make any adjustment which, based upon the facts, is reasonable. The Director of Public Works, shall notify the person so appealing of his decision, and, in the event such person is dissatisfied with the decision of the Director of Public Works, he shall have the right to appeal the decision to the City Manager. Each and every appeal to the City Manager shall be in writing and filed with the City Manager within thirty (30) days from the date of the decision of the Director of Public Works. The decision of the City Manager shall be final.

Part 2: The new solid waste collection fees will take effect on October 1, 2008.

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

PASSED AND APPROVED this the 4th day of **September**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/04/08
Item #4(H)
Consent Agenda
Page 1 of 3

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: SECOND READING - Z-FY-07-19: Consider adopting an ordinance approving the Draft Comprehensive Plan, *Choices '08*, including the Introduction, Community Overview, Urban Design & Future Land Use, Growth Plan, Transportation, Housing, Economic Development, Implementation, Tables and Documents Included by Reference.

PLANNING & ZONING COMMISSION AND STAFF RECOMMENDATION: The Planning & Zoning Commission by a vote of 9-0, the Comprehensive Plan Advisory Committee (CPAC) and Staff recommend approval of the Comprehensive Plan.

ITEM SUMMARY: The City Council approved the first reading of the ordinance after a public hearing at its meeting, June 5, 2008. Following that meeting, the Council sponsored four district meetings in June and July to introduce the draft Plan to the public. The Council also discussed the draft Plan in a work shop with Staff on July 24th.

From those meetings the draft Plan includes the following changes:

1. Chapter 3, Figure 3.1-2030 Future Land Use and Character Map contains urban estate uses for the area north of FM 93, east of 31st Street and west of Hartick Bluff Road. This change reflects the area's surrounding development.
2. Chapter 5, Figure 5.2, Figure 5.2 – Thoroughfare Plan Map contains a change for a planned collector sized roadway to come north of FM 93, progress northward along property lines, using topography, and bend east towards Hartick Bluff Road. This change was discussed in the district meeting wrap-up in June and the Council workshop. The planned extension from 31st Street has been removed.
3. Chapter 7 Economic Development - contains the revised language removing the information about the Southeast Industrial Park and inter-modal use and the discussion of the Freeport Exemption.
4. Chapter 8, Implementation Tables - contains the changes requested by the City Manager for those items planned for immediate, short-term, mid-term and long-term.

The Plan contains the following recommendations:

1. Move toward a Unified Development Code, Phase 1
2. Consolidate the zoning districts
3. Revise and modernize the Use Table in the zoning ordinance
4. Update the Future Land Use Plan when utilities are extended to an area
5. Construct a new fire station or upgrade existing stations
6. Prepare a Transportation Master Plan
7. Adopt classifications for arterials and collector roadways
8. Designate the Temple Medical Education District (TMED) and the Scott & White West Campus as a strategic investment zone corridor (SIZ)
9. Incorporate buffer yards into the zoning ordinance
10. Adopt specifications for protecting trees
11. Establish residential densities in the 'holding areas'
12. Amend development regulations near the airport to protect from incompatible uses

In spring 2007, City Council appointed the Comprehensive Plan Advisory Committee (CPAC) to work with Kendig Keast Collaborative and staff to create a new Comprehensive Plan. Councilmembers Jeter and Schneider served on the CPAC which met 12 times for more than 50 hours of regular meetings, workshops, and subcommittee meetings. The CPAC reviewed in detail all of the chapters that comprise the Plan and recommended revisions throughout.

CPAC Chairman, Jack Crews, presented the Plan with the CPAC's consensus recommendation at the City Council/P&Z Commission joint workshop on May 15th. The City Council had further discussion of the plan at a special meeting on Thursday, May 29th.

Please refer to the Staff Report and minutes from the P&Z Commission meeting.

As a reminder, the purpose of the Comprehensive Plan is to lay out a "big picture" vision for the growth and enhancement of Temple. It considers at once the entire geographic area of the City including the extraterritorial jurisdiction. The Plan also assesses needs and desires across a variety of topics that are the "building blocks" of the city. The draft Comprehensive Plan is organized into the following chapters:

- Chapter 1 – Introduction and Vision
- Chapter 2 – Community Overview
- Chapter 3 – Urban Design & Future Land Use
- Chapter 4 – Growth Plan
- Chapter 5 – Transportation
- Chapter 6 – Housing
- Chapter 7 – Economic Development
- Chapter 8 – Implementation

The Plan contains three very important maps:

- Figure 3.1 – 2030 Future Land Use and Character
- Figure 4.2 – 20 Year Growth Planning
- Figure 5.2 – Thoroughfare Plan

The Plan also includes the most current version of the following documents by reference:

- *Airport Master Plan*
- *Aviation Planning Document*
- *Capital Improvement Plan*
- *Drainage Capital Improvement Implementation Plan*
- *Parks, Recreation and Open Space Master Plan*
- *Temple Fire and Rescue Master Plan and the*
- *Water and Wastewater Capital Improvement Implementation Plan*

Ultimately, the Plan aims at accomplishing Temple's VISION that...

Families, merchants & industry leaders CHOOSE TEMPLE...where suburban neighborhoods & an urban center combine with unequalled medical facilities, schools, parks, & people to create economic growth and an excellent quality of life!

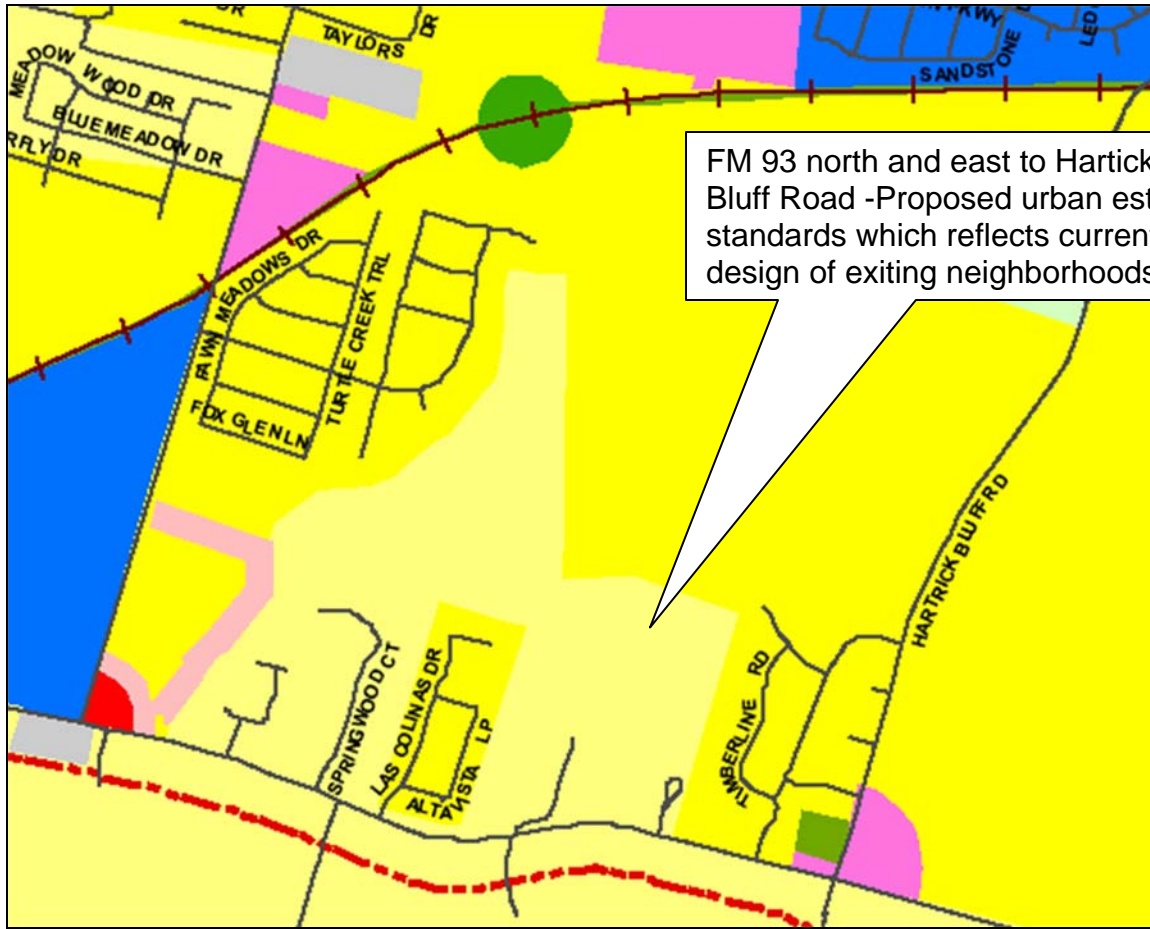
The Plan's title is **Choices '08** because it presents the choices that the City has made about how future growth and development should happen from now through the year 2030. The Plan will guide the P&Z Commission, City Council, staff, and citizens in making decisions about:

- Targeted programs and expenditures,
- Major public improvements and land acquisitions,
- New and amended ordinances and regulations,
- Departmental work programs,
- Ongoing planning and studies,
- Pursuit of external funding and partnership initiatives

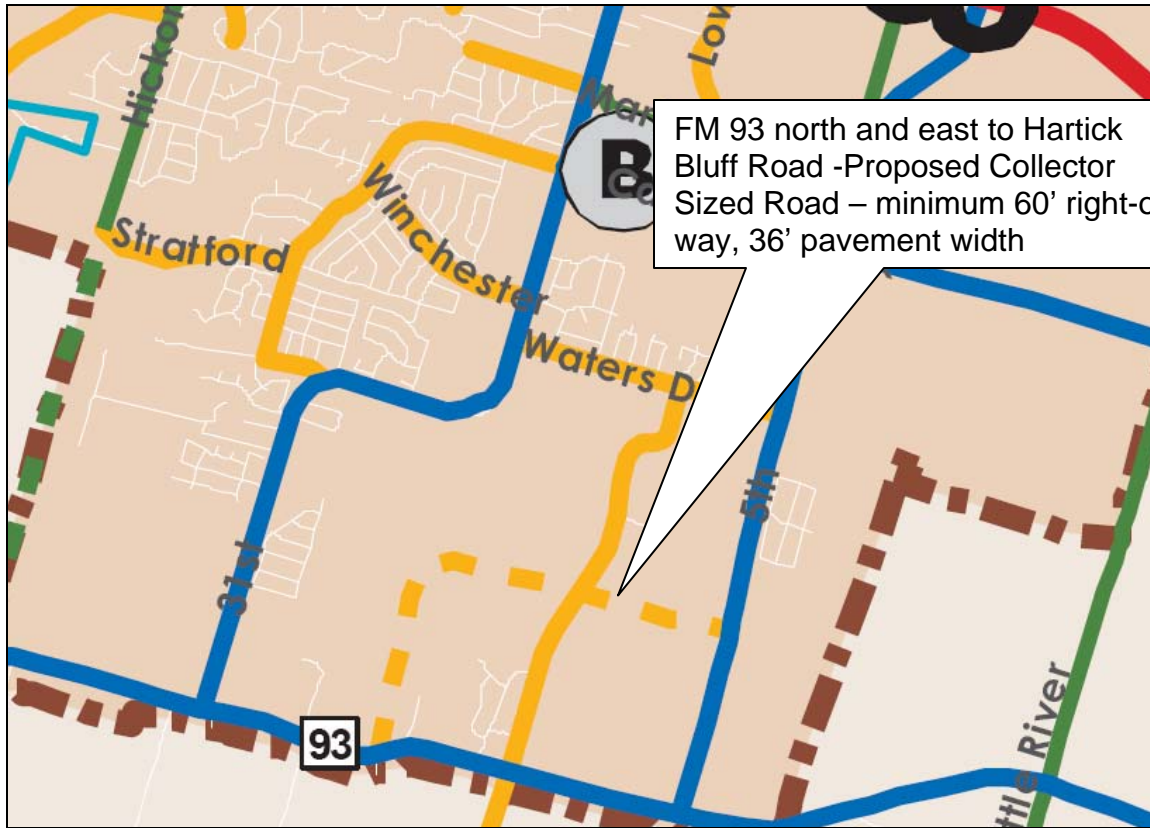
FISCAL IMPACT: \$239,852.02 – Contract with Kending Keast Collaborative

ATTACHMENTS:

[Draft Land Use Plan near FM 93 and Hartick Bluff Road](#)
[Draft Thoroughfare Plan near FM 93 and Hartick Bluff Road](#)
[Excerpt Chapter 7 – Economic Development](#)
[Implementation Table](#)
[P&Z Staff Report](#)
[P&Z Minutes](#)
[Ordinance](#)



FM 93 north and east to Hartick Bluff Road -Proposed urban estate standards which reflects current design of exiting neighborhoods



Chapter 7 – Proposed Plan revised to delete language about inter-modal and free port exemption.

♦ *Promote the development of the Southeast Industrial Park near the future proposed location of TTC-35.*

1. Continue to aggressively pursue and monitor future improvements on the TTC-35 corridor. With support from the TEDC, the City should continue to meet with the Texas Department of Transportation and other parties who can influence the scheduled timing of its construction.
2. Promote a route for TTC-35 that runs closer to Temple to maximize access to the City's existing transportation and utilities infrastructure. The route that the City should promote should lie within close proximity to existing rail lines and the convergence of highways 36/190, 95 and 363. Also, a site in this area would be closer to Temple's city limits (if not already within the City) and would promote new development that would contribute significantly to the City's property tax base.
3. Include Temple's Southeast Industrial Park among the City's list of Strategic Investment Zones (SIZ's) to ensure land development ordinances and other policies encourage interpositional developments within the area.
4. Prioritize a list of capital improvement projects for sites within the SIZ (evaluate infrastructure availability at each site, including electricity, natural gas, water/ wastewater, road, and telecommunications). Sites with access to the rail lines and the TTC-35 route should be considered a high priority. Consideration should also be given to developing a short rail spur to serve the Southeast Industrial Park.

IMMEDIATE - Actions that should begin immediately

| ACTION | Action Type | PRIORITY | | | | Lead Dept. |
|--|-------------|-----------|------------|----------|-----------|------------------|
| | | Immediate | Short Term | Mid Term | Long Term | |
| AIR – Airport, CD – Community Dev, CM – City Manager, CS – Construction Safety, DRC – Design Review Comm., FD – Fire, IT – Info Tech, L – Legal, PALS – Parks, PD – Police, PL – Planning, PW – Public Works, \$ - Finance | | | | | | |
| 3.1.3 Move toward a UDC (Phase I and Phase II) | Reg | X (I) | X (II) | | | PL, L |
| 3.1.6 Immediately revise and modernize the Use Table in the code | Reg | X | | | | PL, L |
| 3.4.1 Create standards for high-priority corridors | Reg | X | | | | PL, L |
| 4.3.1 Consider TFR Master Plan recommendations relating to staffing | Study | X | | | | FD, \$ |
| 4.3.3 Determine how best to achieve a new TFR headquarters (new construction or remodel) | Study | X | | | | FD |
| 4.3.4 Consider a new location for the EOC | Study | X | | | | FD |
| 4.3.6 Construct new TFR stations or upgrade existing stations | Capital | X | | | | FD, \$ |
| 4.3.8 Update & unify codes used by TFR & Construction Safety | Reg | X | | | | FD, CS, L |
| 5.1.1 Immediately after adopting the comp plan, prepare a Transportation Master Plan | Study | X | X | | | PW |
| 5.3.9 Immediately following adoption of the Comp Plan, prepare a bike & pedestrian plan | Study | X | | | | PALS, PL, CM, PW |
| 7.1.1 Designate both the TMED and Scott & White West campus area as a SIZ | Program | X | | | | CM |
| 7.1.2 Buffer these campuses by designating compatible land uses surrounding the campus | Policy | X | | | | PL |
| 7.1.4 Develop a revitalization plan for the TMED area promoting dense, mixed-use environment | Study | X | X | | | CM |
| 7.1.5 Develop incentives to promote investment in the TMED area | Policy | X | X | | | CM, \$ |
| 7.1.6 Identify ways to preserve in perpetuity TMED becomes a truly mixed-income community | Study | X | X | | | CM |
| 7.2.1 Focus on SIZ areas & TMED for new/expanded retail locations | Policy | X | | | | PL |
| 7.3.7 Prioritize CIP projects within the SIZ areas | Study | X | X | | | CM, \$ |



PLANNING AND ZONING COMMISSION AGENDA ITEM

5/19/08
Item # 7
Page 1 of 1

APPLICANT: City of Temple

CASE MANAGER: Aaron Adel, AICP – Special Projects Planner

ITEM DESCRIPTION: Z-FY-07-19: Hold a public hearing to consider recommending approval for the Draft Comprehensive Plan, *Choices '08*, including the Introduction, Community Overview, Urban Design & Future Land Use, Growth Plan, Transportation, Housing, Economic Development, Implementation, Tables and Documents Included by Reference.

STAFF RECOMMENDATION: Staff suggests that the Commission recommend approval of the proposed Comprehensive Plan, *Choices '08*, to the City Council.

PROJECT STATUS: All commissioners have received a complete draft of the new Comprehensive Plan (dated May 1, 2008.) in the packets distributed for the last meeting on Monday, May 5th. Both the City Council and the P&Z Commission discussed the findings and recommendations presented in the Plan at the joint workshop on Thursday, May 15th.

If the Commission recommends approval of the Plan at tonight's meeting, it can be scheduled for a public hearing and first reading of the adoption ordinance as early as the June 5th City Council meeting.

As a reminder, the purpose of the Comprehensive Plan is to lay out a "big picture" vision for growth and enhancement of the community. It considers at once the entire geographic area of Temple, including potential growth areas in the extraterritorial jurisdiction. The Plan also assesses needs and desires across a variety of topics that are the "building blocks" of the city.

There is an important distinction between the function of the Comprehensive Plan relative to the City's Zoning Ordinance and Subdivision Regulations. The plan establishes overall policy and direction for various aspects of community enhancement. The Zoning Ordinance and zoning district map then implement the plan in terms of specific land uses and building and site development standards. The Subdivision Regulations also establish standards in conformance with the plan for the division of land, layout of streets and buildings, and the design of roads, water and sewer lines, storm drainage, and other infrastructure that dedicated to the City for long-term maintenance.

The draft Comprehensive Plan is organized into the following chapters:

[over]

Executive Summary
Chapter 1 – Introduction and Vision
Chapter 2 – Community Overview
Chapter 3 – Urban Design & Future Land Use
Chapter 4 – Growth Plan
Chapter 5 – Transportation
Chapter 6 – Housing
Chapter 7 – Economic Development
Chapter 8 – Implementation

The Plan also contains three very important maps:

- Figure 3.1 – 2030 Future Land Use and Character
- Figure 4.2 – 20 Year Growth Planning
- Figure 5.2 – Thoroughfare Plan

The Comprehensive Plan includes the most current version of the following documents by reference:

- *Airport Master Plan*
- *Aviation Planning Document*
- *Capital Improvement Plan*
- *Drainage Master Plan*
- *Parks, Recreation and Open Space Master Plan*
- *Temple Fire and Rescue Master Plan*
- *Water and Wastewater Utilities Master Plan*

Ultimately, the Plan aims at accomplishing Temple's VISION that...

Families, merchants and industry leaders CHOOSE TEMPLE...where suburban neighborhoods and an urban center combine with unequalled medical facilities, schools, parks, and people to create economic growth and an excellent quality of life!

The new Plan's title is **Choices '08** because it presents the choices that the City has made about how future growth and development in Temple should happen from now through the year 2030. The Plan will guide the P&Z Commission, City Council, staff, and citizens in making decisions about:

- Targeted programs and expenditures,
- Major public improvements and land acquisitions,
- New and amended ordinances and regulations,
- Departmental work programs,
- Ongoing planning and studies,
- Pursuit of external funding and
- Partnership initiatives

FISCAL IMPACT: \$239,852.02

ATTACHMENTS: None

**PLANNING AND ZONING COMMISSION
MAY 19, 2008
5:30 P.M.
REGULAR MEETING**

PLANNING AND ZONING MEMBERS PRESENT

Chair Susan Luck Vice-Chair Bert Pope

Commissioners:

| | |
|-----------------|-----------------|
| H. Allan Talley | Mike Pilkington |
| Jamey Secrest | Derek Martin |
| Jason Carothers | Michael Norman |
| Ken Kjelland | |

STAFF PRESENT

Tim Dolan, AICP, Planning Director
Trudi Dill, Deputy City Attorney
Aaron Adel, Special Projects Planner
Michael Newman, City Engineer
Bryan Neaves, Assistant City Engineer
Tammy Lyerly, Planner
Mary Maxfield, Planning Technician

The agenda for this meeting was posted on the bulletin board at the Municipal Building, May 15, 2008 at 3:10 p.m. in compliance with the Open Meetings Law.

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

1. Chair Luck called Meeting to Order at 5:34 PM.

Invocation by Commissioner Secrest; Pledge of Allegiance by Commissioner Kjelland.

CONSENT ITEMS

2. Approve the minutes of the May 5, 2008 5:30 p.m. regular meeting.

Approve the minutes of the workshop of April 19, 2008 meeting.

Minutes were unanimously approved (9:0).

P-FY-08-34 Final Plot-RVOS addition. One commercial lot on 7.3 acres on the east side of 31st Street, across from Blue Meadow and north of Georgetown Railroad. Zoned Commercial: C. Applicant: RVOS.

CONSENT ITEMS

2. Chair Susan P. Luck asks for comments and questions concerning **P-FY-08-34** Final Plot-RVOS addition. One commercial lot on 7.3 acres on the east side of 31st Street, across from Blue Meadow and north of Georgetown Railroad. With no further questions or concerns, Chair Luck asks for motions.

Motion to approve Final Plat **P-FY-08-34** made by Vice-Chair Bert Pope.

Commissioner H. Allen Talley seconds the motion to approve the Final Plat **P-FY-08-34**.

A unanimous vote of confidence and consent was cast in favor of **P-FY-08-34** Final Plat.

ACTION ITEMS

3. **Z-FY-08-21** Hold a public hearing to consider a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a restaurant at the Holiday Inn, located at 5247 South General Bruce Drive, on Lot 1, Block 1, Kenny B. Addition Replat # 1. Zoned Commercial—Applicant: Dilip Patel.

Ms. Tammy Lyerly, Planner, presented the council with a listing of the City Council meetings. The first reading will occur on June 5, 2008 and the final action is to be on June 19, 2008. She presented an aerial view that showed the site of the Holiday Inn. The establishment is located on the east side of IH-35 between Midway Drive and the Outdoor America Mall. The plan requires the zoning be commercial, which it is. All of the surrounding property is also commercial. The zoning laws do permit alcoholic sales for on-site consumption in a commercial district with a Conditional Use Permit. The plan has been reviewed and does meet the conditions of the current zoning laws and the Conditional Use Permit. Staff recommends approval of **Z-FY-08-21** the Conditional Use Permit to permit alcoholic sales for on-site consumption, subject to the site plan and documentation presented.

Ms. Lyerly explained that notices were sent out pertaining to the proposed zoning and only one was received back; it was in agreement. There were none in opposition. She opened the floor to questions and comments from the commissioners. No questions were posed and the floor was handed over to a public hearing on the matter. Public hearing is closed and the floor handed over to the commissioners.

Commissioner Ken Kjelland makes a motion to approve action item **Z-FY-08-21**. Commissioner Derek Martin seconds the Conditional Use Permit.

The motion passed (9:0)

4. **Z-FY-08-23:** Regarding the sign regulations. Chair Luck asks if this action item is cancelled.

Planning Director Tim Dolan requests that the action item be cancelled until further notice to allow for the Offices of the City Attorney and City Manager to review it further.

Chair Luck Asks if there is a specified date and Planning Director Dolan states that there is no set date.

The item **Z-FY-08-23:** Regarding the sign regulations was cancelled.

5. **Z-FY-08-24** Hold a public hearing to consider the permanent zoning of Office O-2 with additional uses of laboratory manufacturing and laboratory scientific or research for agricultural on 63.8+ acres, being part of the PM Mercer survey, Abstract no-553, located on the west side of Old Howard Road.

Mr. Tim Dolan, Planning Director, reminds the commission that they had already approved a Final Plat on this property west of Old Howard Road. It was implied that there would be more acreage added but the Temple Economic Development Corp decided to offer it at the current acreage which had been planned for the Airport Park Phase 1.

The O-2 zoning is not typically zoned for laboratory usage but the TEDC asked that the property not be zoned light industrial as much of the surrounding property is. They wish to market this property for High-Tech uses. The request complies with the Future Land Use Plan map of the Comprehensive plan. It also complies with the future Thoroughfare plan and water and sewer is currently being extended out to it. The area is already being planned for bio-tech uses. Notices were published in the newspaper and letters were mailed to adjacent property owners. No notices have been returned.

Planning Director Dolan entertains questions and comments from the commission.

The public hearing was opened concerning Action Item 5 **Z-FY-08-24** to consider the permanent zoning of Office O-2 with additional uses of laboratory manufacturing and laboratory scientific or research for agricultural on 63.8+ acres located on the west side of Old Howard Road .

No comments or questions were heard from the public and Chair Luck closed the public hearing.

Chair Luck opens the floor to comments and questions from the commissioners.

Commissioner H. Allen Talley asks exactly what is meant by research. "What will be going on in that area?"

Planning Director Tim Dolan replies that there are no end users for the park. And that is why they are trying to develop in infrastructure, to attract them. However, he will ask TEDC if they have any users in mind. They requested to have the laboratory uses as part of the bio-science park. They could already be approved for the light industrial zoning but they would prefer the O-2 zoning due to it being more restrictive. No other questions were posed regarding Item 5 **Z-FY-08-24**.

Chair Luck asked for motions on **Z-FY-08-24**.

Commissioner Michael T. Norman motioned for approval of Item 5: **Z-FY-08-24**. Vice-Chair Pope seconds the motion. The item is then held for a vote.

The item is unanimously passed (9:0).

Chair Susan P. Luck states that the next two items will be heard together. And that one of them will have a public hearing, item 6A: **Z-FY-08-22B** to consider the permanent zoning of Single Family-3 from Agriculture on 24.1+ acres, located on the north side of French Street, west of 42nd Street; while the other will not, Item 6B: **P-FY-08-35** the Final Plat of the French Hill Addition. Four single family lots on 0.6 acres on the north side of French Street, west of 42nd Street.

6A Z-FY-08-22B To hold the public hearing to consider the permanent zoning of Single Family-3 from Agriculture on 24.1+ acres, being part of the Maximo Moreno Survey, Abstract No. 14, located on the north side of French Street, west of 42nd Street.

6B P-FY-08-35 To consider the Final Plat of the French Hill Addition. Four single family lots on 0.6 acres on the north side of French Street, west of 42nd Street.

Mr. Tim Dolan, Planning Director presented the proposal of Single Family-3 development on 24+ acres currently zoned Agricultural. It does comply with the Comprehensive Plan and the Thoroughfare plan. Seven total notices were mailed to the adjacent property owners. Three have been received back and two agree while one disagrees.

The Final Plat is for 4 Single Family homes on 0.6 acres on the north side of French Street. The right of way is being dedicated to bring French Street up to code. IE 55 feet' right of way with at least 36 feet of pavement. He then recommends both the Zoning case and the Final Plat to the commission for approval. He asks for questions from the commission.

Chair Luck opens the item 6A, **Z-FY-08-22B** the permanent zoning of Single Family-3 from Agriculture on 24.1+ acres, located on the north side of French Street, west of 42nd Street for public hearing, comments and questions.

Mr. J.C. Wall begins speaking on the proposed rezoning and the Final Plat. He states that those four lots will be on the existing sewer line.

Chair Luck asks for questions and then asks J.C. Wall, "Ok, so on the 24.1 acres, you would be having the Single Family-3?"

Planning Director Tim Dolan then reminds the commission that SF-3 means a minimum 4000 square foot lot which allows a 15 foot front building line. However, they have been discussing with the engineers to have a 20 foot front building line so that the garages will be at least 20 feet from the property line to allow for parked vehicles not to be in the right of way.

Commissioner Ken Kjelland asked Mr. J.C. Wall what type of homes would be on the lots. He stated that they would be affordable homes with assistance programs.

Chair Luck thanks Mr. Wall. Then asks for other speakers regarding the zoning request.

Chair Luck asks Mr. Wall, "At the time of planning the route, there were no notices sent out?" Planning Director Dolan states that the notices came in "today". She asks, "Do you happen to have a copy of those. I think there were 2 affirming and 1 against?" Planning Director Dolan states that the notices had no comments other than in favor or against.

Chair Luck closes the public hearing and calls for a vote on Item 6A: **Z-FY-08-22B** the permanent zoning of Single Family-3 from Agriculture on 24.1+ acres, located on the north side of French Street, west of 42nd Street. She asks for a motion.

Commissioner Derek Martin motions for approval on Item 6A: **Z-FY-08-22B** the permanent zoning of Single Family-3 from Agriculture on 24.1+ acres, located on the north side of French Street, west of 42nd Street and Commissioner Ken Kjelland seconds said motion. Chair Luck calls for the vote.

The vote passes (9:0).

Chair Luck turns the commissioners' attention to item 6B: **P-FY-08-35** Final Plat of the French Hill Addition. Four single family lots on 0.6 acres on the north side of French Street, west of 42nd Street.

She asks for further questions from the commissioners.

No further questions were posed and Chair Luck asks for a motion.

Commissioner Jamey Secrest moves to approve item 6B: **P-FY-08-35** Final Plat of the French Hill Addition. Four single family lots on 0.6 acres on the north side of

French Street, west of 42nd Street and Commissioner H. Allen Talley seconds the motion.

Chair Luck asks for the vote. The vote passes (9:0).

7. Z-FY-07-19 Comprehensive Plan Project – Chair Susan Luck states that due to a TISD commitment that she may need to leave before this item is concluded. She goes on to state that she is turning this item over to Vice-Chair Bert Pope. Vice-Chair Pope states that they still have quite a bit of time and that he will just “pick it up” where she leaves off. Special Projects Planner Aaron Adel agrees to the arrangement. Chair Luck states that she may be able to stay through out the entire thing but that she doesn’t want to cut it off short in any way.

Chair Luck begins the discussion on Item 7: **Z-FY-07-19. Hold a public hearing to consider recommending approval for the Draft Comprehensive Plan, Choices ’08; including the Introduction, Community Overview, Urban Design & Future Land Use, Growth Plan, Transportation, Housing, Economic Development, Implementation, Tables and Documents Included by Reference.**

Chair Luck thanks Ms. Aaron Adel and the Planning staff for their work on the project. She goes on to thank Commissioner Pilkington and Commissioner Norman for their work on the project and for serving as the representatives from P&Z on the CPAC. She opens the floor to Ms. Adel for the overview and then on to the public hearing to consider recommending approval for the **Draft Comprehensive Plan, Choices ’08; including the Introduction, Community Overview, Urban Design & Future Land Use, Growth Plan, Transportation, Housing, Economic Development, Implementation, Tables and Documents Included by Reference.**

Ms. Adel explains that the first Comprehensive Plan Advisory Committee (CPAC) took place in March 2007. The committee was made up of approximately forty people that would attend an initial six meetings. Ms. Adel also thanked Commissioners Pilkington and Norman for contributing to the process.

Ms. Adel stated that she intended to go through the Comprehensive Plan quickly but concisely and then turn most of the emphasis to the Table 8.2 and the implementation chapter. She goes on to emphasize that it is the action of the Commission to prepare a recommendation for the City Council, who will in turn conduct an additional public hearing. Then the document must go on to be adopted by ordinance. The soonest that it can move forward to City Council is June 5th.

Ms. Adel informs the committee that there were focus group meetings, community design workshops and the City Council had a midpoint briefing in September. A sub-consultant conducted a telephone survey of over 400 adult Temple residents,

asking their opinions. Summaries of that input is scattered throughout the chapters of this document. CPAC meetings and sub-committee meetings were also held.

Ms. Adel explained that the things that this Plan is going to try to present to the community are answers to questions like: What's special about Temple? What do you have control over? What can you influence? How will Temple look by 2030? What action items rise to the top as priorities for the community? Those items are addressed in the first two chapters of the Plan: Introductory and Vision and Community Overview. Chapters 3 thru 7 establish goals and objectives with regard to Urban Design and Future Land Use, Growth Planning, Housing, Economic Development and Transportation. Each chapter also contains recommended actions. Chapter 8 takes each of those actions and prioritizes them into different intervals of urgency. Each chapter has been brought before the committee as it was being reviewed by the CPAC.

Ms. Adel states that the chapters 2, 3, and 5 have appendices that provide additional background information that was used to create that chapter. There are three major maps in the document. The Future Land Use and Character Map which utilizes the 20 Year Growth Plan Map as a foundation. There is also a new Thoroughfare Plan Map. It is intended to be a Comprehensive Plan and as such it includes by reference planning documents prepared by other departments within the city. They are the Airport master Plan, Aviation Planning Document, Capital Improvement Plan, Drainage Master Plan, Parks, Recreation and Open Space master Plan, Temple Fire and Rescue master Plan and the Water and Wastewater Utilities master Plan. As these plans are updated, the most current Plan will automatically be considered part of **the Comprehensive Plan**.

Ms. Adel states that this Plan will replace a lot of other plans that together have been considered the Comprehensive Plan. All of the other plans will be "defunked" and this Plan will now take their place. Chapter One explains how the Plan was developed, highlighting the differing community involvement opportunities and presents a community vision..."Families, merchants and industry leaders CHOOSE TEMPLE. Where neighborhoods and an urban center combine with unequalled medical facilities, schools, parks, and people to create economic growth and an excellent quality of life!" It also explains the name "*Choices '08*". She goes on to say that State law and the city charter both state that the city must have a Comprehensive Plan. The Comp Plan provides a big picture vision of what the city should grow to look like and considers all of the different parts of the city establishing realistic goals and strategies and creating an action agenda. This agenda should serve as a checklist so that you can work through the actions, checking them off. At the annual review the things that are complete will roll off the agenda while those incomplete will shift down into their place. It is to be used by many different people and is different from the ordinances in that it is a policy setting document and it sets direction and priorities. Ms. Adel confirms that this is a policy guide. It will be amended but there are guidelines by which it is to be

amended. Furthermore, it is different from the Subdivision and Zoning Regulations because it is policy directives and priorities.

Ms. Adel states that in Chapter 2 the document presents the socioeconomic information comparing Temple to other peer communities. This chapter finds that we have a steady growth and aging population that is increasingly more ethnically diverse and that our household incomes and poverty rates are comparable to those across the board. Educational attainment is also comparable and housing is quite affordable. This chapter presents population projections Plan for a growth of 10,000 each decade through 2030. By the year 2030 the population will be 90,000.

Chapter 3 begins the meaty part of the document. Goals and actions are being set. It emphasizes community character. It begins with a definition of Temple's character. Then goes into an overview, a statement of issues and opportunities and ends with goals and actions. She explained that Temple is a very friendly and inviting place to live. This chapter also sets out a list of land use policies. As this is the master list, we will refer to it for all future land use decisions. There are a total of 17 policies that will guide land use decisions.

This chapter also has the Future Land Use and Character map. This map is character based and includes a spectrum of different types of community character. It is intended to look beyond the individual site. It recognizes the impact of the automobile on the way land is used. On page 3.17 there is a list of the different character districts. There are only proposed land uses within the growth area. This map does not show specific uses within the holding area. Most of the industrial uses are proposed off of the I-35 corridor. It also discusses what makes up good urban design.

Ms. Adel gives an overview of Chapter 4, the growth planning chapter. She begins with why Temple has grown in the way that it has. It highlights the issues and opportunities of managing/directing growth. It also presents some tools for growth management that are in the toolbox. Chapter 4 presents 4 different areas of interest: developed areas, growth areas, protected areas and holding areas. The 20 Year Growth Planning map needs to be revisited and updated annually. Each year the planning staff will present recommendations for amending the 20 Year Growth Planning map. There are parameters to define how the map is to be amended.

Commissioner H. Allen Talley asks if amending the maps will require a public hearing and Ms. Adel replies, "Yes."

Commissioner Ken Kjelland asks, "Who will do the actual amending? Will we have the consultant come back and assist or would this be something the city staff could do?" Ms Adel replies, "That would be staff driven, the annual one. Now every 5 years or so the city may want to have the consultant come back and revisit the

maps and do a more overhaul type of amendment. But the annual updates will be a staff driven process.”

Ms. Adel then moves on to Chapter 5, the Transportation chapter. It contains the proposed new Thoroughfare Plan. It also contains street design guidelines and functional classifications. And it covers Traffic Impact Analyses and how the city can use those to make decisions about developments. The major issues and opportunities in this chapter are the street and transportation network, making better use of different modes of travel, and neighborhood connectivity. The Thoroughfare Plan is a guide for network improvements and it will be interpreted by the DRC with developers. The intent of the map is to follow existing alignments as much as possible, respect parcel boundaries, and topography. On page 5.15 is the discussion of how to amend the Thoroughfare map and what to consider when thoroughfare planning is being done, i.e....overall traffic conditions and engineering design criteria. It also removes impractical and ill advised lines from the map. It does a better job of connecting arterials and using appropriate arterial spacing as well as collector spacing. It includes more east-west connectivity in west Temple and includes some road extensions to the North Temple Industrial Park. It also takes into consideration the Trans-Texas 35 corridor and the proposed Outer Loop. There are some gray lines that represent the K-TUTS alignments that the committee feels are not in the best interest of Temple. In these vicinities there are new alignments shown that would be preferable on the new K-TUTS map.

Ms. Adel states that immediately after adopting the Comprehensive Plan the CPAC recommends beginning work on a Transportation Master Plan to include a more detailed analysis of key areas including: the south Outer Loop from I-35 down to 93; east and north east Outer Loop alignments; and, an east-west connection between south 31st Street and Hartick Bluff north of Highway 93 in the vicinity of the Deerfield development.

Chapter 6 is the housing chapter and discusses the housing market, existing and needed housing, housing amenities, and other things that effect home buying, how economic development is connected to the housing market, and the livability of Temple. One of the opportunities that Temple has is to make it more appealing than other areas. This chapter addresses housing affordability and special needs which includes a full spectrum of housing from assisted housing to assisted living and even high end housing. There will need to be 13,500 more housing units by the year 2030.

Ms Adel begins to dissect Chapter 7, the last of the meaty chapters. This chapter discusses quality of place, intentionally establishing places that are interesting and inviting; also how to support and retain existing businesses to encourage reinvestment. The chapter also talks about training the community's workforce. Strategies come out of these opportunities and issues. We also need to strengthen the image of education in Temple. The Plan tries to help us to close leaks in the retail sectors and retain more of the retail dollars in Temple.

Chapter 8 is the implementation chapter. It explains how to implement and who is responsible for that implementation. It also addresses specific strategies that Temple will use to make the Plan a reality. Methods to achieve this include; development ordinances, capital improvement programs, and special projects, programs and initiatives. This chapter is intended to be updated annually and an appraisal should be done by staff, at the Commission's direction, each year to determine if we are progressing as we should and to make sure that the actions are prioritized the right way. Ms. Adel addresses Table 8.2, the Action Agenda. The CPAC has also requested that we have a Unified Development Code, which staff is working on. The immediate priority interval includes some regulatory directives and they will also be in the short term priority. It is logical and feasible to have a consultant on board for this process, as the consultant would be helping with the regulatory issues.

In the mid-term and long-term, there will be more study and policy items in those years with some capital items as well. There would also be some program items included. The capital items in the long-term interval items are all related to the utility master planning or the Temple Fire and Rescue Master Plan.

Chair Luck asks for questions.

Commissioner Norman refers to the Future Land Use Map and comments, "Our subdivision ordinance is not changed by this. The expectation is that we will have a consultant and that this will be a couple of year's process to actually go through and change the ordinances to reflect the Plan. How are we going to operate in the mean time? How will they mesh in the interim?"

Ms. Adel states that the committee had already, in the immediate, suggested that we revise and modernize the Use table and the code. We decided that as staff that we should use the use table amendment as a way to link the uses and the districts that are in that table in the zoning ordinance to make a direct link to the character districts on the Future Land Use Map. We propose that the Future Land Use Map be compared to the current zoning districts that we have right now. Then as it is revised, that would be fine tuned and perfected. In order to use the new map with our existing code, we have to make correlations. We included that direction in Chapter 3 on page 3.21; there is a text box that explains transitioning to the new Land Use Map.

Chair Luck asks for other questions. She comments that a lot of detailing has been put into the Plan and that it is well thought out. Ms. Adel comments that there are 198 items on the list in Table 8.2. Chair Luck asks for further questions or thoughts. Then asks if it requires a public hearing and Ms. Adel affirms that it does.

Vice-Chair Pope states that this run through is much better than the previous one and Commissioner Pilkington thanks Ms. Adel for her work on the project and for clarifying it for the Commission.

Chair Luck opens the issue to a public hearing and asks for speakers.

Mr. L.N. Vogle comes forward. He begins to express his feelings and concerns on the proposed thoroughfare forming the east-west connection between south 31st Street and Hartick Bluff north of Highway 93 in the vicinity of the Deerfield development. He states that he spoke on this same subject 2 years ago. He understands that it may change. He goes on to say that, at that time, there was a petition of 141 signatures that were in opposition of the proposed road. He states that the people of both subdivisions would prefer if the new road could be brought up from 93 to Hartick Bluff.

Vice-Chair Pope asks if they are opposed to the road coming through the existing developments there. Mr. Vogle retraces the route and states that it affects 2 subdivisions. He goes on to state that he does not understand how it could keep from adversely impacting both subdivisions. Mr. Pope goes on to say that because of the cost of a bridge over Friar's Creek is why there is no road there and there hasn't been one in the last 100 years. Furthermore, to connect them there has to be a bridge built. He continues by saying that it will have to happen either there or at another location, in order to cross the creek and connect east to west. Mr. Vogle counters with the proposal to come off of 93 to Hartick Bluff. Mr. Pope replies that he does not know how that will help from 31st Street to Hartick Bluff. He continues by asking Ms. Adel if that isn't one of the items that will be included in the Transportation Master Plan that is to take place immediately. She replies, "Yes, it's one of the line items for the Transportation Master Plan." Mr. Vogle continues to reiterate that they, the home owners, have already addressed this issue and still feel the same about it. The Commissioners thank him and he returns to his seat.

Chair Luck asks when the Transportation Master Plan is done if that is when they would receive the input and concerns from the citizenry. Ms. Adel states that she believes that the process does involve public response. City Engineer Michael Newman affirms this. Commissioner Pilkington confirms this. Ms. Adel reminds everyone that amending the map takes a public hearing and there would be further opportunity to voice agreement or opposition at that time.

Chair Luck opens the floor to other speakers on item 7 **Z-FY-07-19 the Draft Comprehensive Plan, Choices '08**. Mr. Merlin Moore approaches the podium. He voices that he owns the property where the new road and the bridge will be placed. He asks for specifics on road size and right of way. Ms. Adel informs him that there must be at least 55 feet of right-of-way for a collector street. He tells her that is good and tells her that his major objection is that the traffic on 31st Street will increase. He goes on and describes the area as "Bobby Arnold's new subdivision

of 60 homes and the backside of Springwood Creek Estates.” He voices concerns over the devaluation of the property due to the road coming through. He tells the Commissioners that he has plans for a high-end 12 home development on his property. He comments that he thought that there would be commercial property in the subdivision, 2 years ago, and that is why he did not fight the road coming through. Now he knows that there will not be such. He too states that he would prefer for the road to bypass 31st and start on 93 and finish up on Hartick Bluff. He goes on to explain that the Friar’s Creek area is a beautiful area and that they wish to preserve it. Then asks for questions.

There were no questions and Chair Luck asks for more speakers on the issue. She closes the public hearing and asks for questions and comments from the Commissioners.

Commissioner Norman asks how many properties are in that area. Commissioner Kjelland answers with there are three developments Deerfield, a new one to the south and Springwood Creeks. Chair Pope states that there is also Misty Creek, Las Colinas and Baird. There are also 6 to 12 undeveloped parcels in that area. Commissioner Carothers asks if it is a new line or an old one that is displayed on the map. Ms. Adel replies that it is the one that came from the committee. It is then voiced that a road has always been thought of for that area, long before the subdivisions went into it and that the developers knew this from the beginning.

Mrs. Joanna Moore begins to ask questions about the proposed road and Ms. Adel tries to answer them. Chair Luck directs Mrs. Moore to go to the podium.

Chair Luck re-opens the public hearing on **Z-FY-07-19 the Draft Comprehensive Plan, Choices ’08**. Mrs. Moore begins by giving a history of the area and tells that she has sold a lot of houses in Deerfield. She goes on to tell the Commission that she has assured those buyers that there would be other nice houses coming into that property. She explains that they intend to protect the area and the beautiful creek that runs through it. She goes on to voice concerns over the devaluation of the surrounding homes. She states that there are those that believe that there will be “pretty homes” going up in the Fox Glenn area and how she hates to disappoint them. She re-emphasizes that they will protect the area because there is another way that this road could go.

Chair Luck asks for more questions of Mrs. Moore. No questions are posed. She re-closes the public hearing.

Chair Luck asks for comments and questions from the Commissioners. Commissioner Kjelland asks if **the Thoroughfare Plan** is set in stone or not. Ms. Adel replies that it is not and that the Transportation Master Plan is where this issue will be hammered out and made more solid. Furthermore, the Transportation Master Plan is recommended to be an immediate action as soon as this Plan is passed.

Commissioner Kjelland points out that the proposed road has been sketched onto maps of that area long before development ever took place and that the developers knew that it would be put into the area one day. The proposed road is just that, and may not be exactly where it is drawn. That decision will be up to more discussion and be addressed further in the Transportation Master Plan.

Chair Luck asks for a motion in **Z-FY-07-19 Comprehensive Plan**. Commissioner Michael Pilkington moves to approve the **Z-FY-07-19 Comprehensive Plan**. Commissioner Ken Kjelland seconds the motion. Ms. Luck calls for the vote.

The **Z-FY-07-19 Comprehensive Plan** is approved (9:0).

Chair Susan Luck turns over the proceedings to Vice-Chair Bert Pope at 7:15 and leaves.

REPORTS

8. **P-FY-07-29** Planning Director's Report – Mr. Tim Dolan, Planning Director, presented this item as presented in the Planning and Zoning Commission Agenda item.

Commissioner Jason Carothers asks Mr. Dolan if the Moore's had submitted their plans for a residential development on the 12 acres where the road for the Thoroughfare Plan is to be located.

Mr. Dolan states that they have reviewed a Sketch Plan that may become a Preliminary Plat. And that it is on the agenda for the next meeting as a Concept Plan for commercial and single family development off of 31st Street. Furthermore, the DRC comments have been provided to them and it *may* become a Preliminary Plat. Currently it is only a Sketch Plan, which is not a Plat. It is only an idea to be able to receive input from all concerned city departments.

Mr. Carothers asks how it will affect the Thoroughfare plan if the Concept Plan becomes an approved project before the Comprehensive Plan is approved. Mr. Dolan answers that it has already been discussed with the developer and that he, the developer would have to take it into consideration if he moves forward to a plat.

Mr. Dolan opens the floor for further questions and comments from the commissioners.

The meeting ended at 7:27 p.m. and Vice-Chair Pope adjourns the meeting.

Respectfully submitted,
Ruth Arthur

ORDINANCE NO. 2008-4230

[PLANNING NO. Z-FY-07-19]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE COMPREHENSIVE PLAN, *CHOICES '08*, INCLUDING THE INTRODUCTION, COMMUNITY OVERVIEW, URBAN DESIGN & FUTURE LAND USE, GROWTH PLAN, TRANSPORTATION, HOUSING, ECONOMIC DEVELOPMENT, IMPLEMENTATION, TABLES AND DOCUMENTS INCLUDED BY REFERENCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple has adopted comprehensive zoning regulations under Chapter 211 of the Local Government Code;

Whereas, Section 211.004 of the Local Government Code provides that zoning regulations adopted by a city must be adopted in accordance with a comprehensive plan;

Whereas, Section 213.002, "Comprehensive Plan," of the Local Government Code provides that a city may adopt a comprehensive plan for the long-range development of the city, and Section 213.003 of the Local Government Code provides that a comprehensive plan, if adopted, must authorized by ordinance;

Whereas, in the Spring of 2007, the City Council appointed a Comprehensive Plan Advisory Committee (CPAC) to work with Kendig Keast Collaborative and staff to recommend an updated Comprehensive Plan for the City of Temple;

Whereas, on May 19, 2008, the Planning & Zoning Commission approved the Comprehensive Plan, *Choices '08*;

Whereas, the proposed Comprehensive Plan also assesses needs and desires across a variety of topics that are the "building blocks" of the City, such as: moving toward a Unified Development Code, Phase I; consolidating zoning districts; revising and modernizing the Use Table in the Zoning Ordinance; updating the Future Land Use Plan when utilities are extended to an area; preparing a Transportation Master Plan; adopting classifications for arterials and collector roadways; enhancing the character and development guidance for key economic assets; designating the Temple Medical Education District (TMED) and the Scott & White West Campus as a Strategic Investment Corridor (SIZ); incorporating buffer yards into the Zoning Ordinance; adopting specifications for protecting trees; establishing residential densities in the "holding areas;" and amending development regulations near the Airport to protect from incompatible uses;

Whereas, the proposed Comprehensive Plan also includes the Future Land Use Plan (Figure 3.1); the Growth Plan (Figure 4.1); and the Thoroughfare Plan (Figure 5.2), which are all valuable tools which will assist officials in planning future development;

Whereas, Section 213.005 of the Local Government Code provides that a map of a city's comprehensive plan must contain a notation that "a comprehensive shall not constitute zoning regulations or establish zoning district boundaries;" and

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

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

Part 1: The City Council adopts the document, entitled "Comprehensive Plan, *Choices '08*, including the Introduction, Community Overview, Urban Design & Future Land Use, Growth Plan, Transportation, Housing, Economic Development, Implementation, Tables and Documents," and all exhibits and attachments thereto, made a part hereof by reference, as the Comprehensive Plan for the City of Temple, Texas for purposes of Chapter 213 of the Local Government Code. Any existing land use documents, maps, studies or future land use plans previously approved by the City Council that are in conflict with this ordinance are repealed to the extent that they conflict with this ordinance.

Part 2: Notwithstanding the adoption of the document referenced in Part 1, the City shall have the ability to prepare other plans, policies, or strategies as required in the future, and the same shall also become part of the City's Comprehensive Plan upon their adoption as provided in Section 213.004 of the Local Government Code.

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

PASSED AND APPROVED on First Reading and Public Hearing on the 5th day of **June**, 2008.

PASSED AND APPROVED on Second Reading on the **4th** day of **September**, 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

09/04/08
Item #4(l)-(1)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing
Bruce Butscher, PE, Director of Public Works

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to the annual contract with Franklin Industrial Minerals of Belton for aggregate base for FY 08-09 the estimated amount of \$40,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On October 5, 2006, the City Council authorized an annual purchase agreement with Franklin Minerals for aggregate base for the Street and Water Departments at the following prices:

- \$4.85 per ton for 25-ton loads delivered;
- \$6.85 per ton for 13-ton loads delivered; and
- \$2.60 per ton if City picks up at Franklin Minerals site

On September 6, 2007, the Council authorized a one-year extension to the contract. The current contract will expire on September 30, 2008. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do again this year.

Staff is pleased with the products provided by Franklin Minerals and recommends Council authorize an extension to their contract. This will be the second one-year renewal authorized under this contract, with two remaining.

FISCAL IMPACT: Budgeted amount: \$68,500 in 110-3400-531-2316, Repairs & Maintenance
Streets & Alleys, Streets Department
\$64,850 in 520-5200-535-2316, Repairs & Maintenance
Streets & Alleys, Water Department
Estimated expenditure: \$40,000.00

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL PURCHASE
AGREEMENT FOR THE PURCHASE OF AGGREGATE BASE FOR FISCAL YEAR
2008-09 WITH FRANKLIN MINERALS OF BELTON, TEXAS, IN THE ESTIMATED
AMOUNT OF \$40,000; PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 6, 2006, the City Council approved an annual purchase agreement with Franklin Minerals of Belton, Texas, for aggregate base for the Street and Water Departments – on September 6, 2007, the City Council authorized a one year extension as allowed by the original bid which provided for 4 one-year renewals and the Staff recommends renewing the agreement for an additional one-year period;

Whereas, the materials will be purchased on an "as needed" basis throughout the year by the Street and Water Departments, and other departments if necessary, and funds are budgeted for this expenditure in the Street and Water Departments' budgets (annual estimated expenditure of \$40,000); and

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

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

Part 1: The City Council authorizes a one-year renewal to the annual purchase agreement with Franklin Minerals of Belton, Texas, for the purchase of aggregate base as follows: \$4.85 per ton for 25-ton loads delivered; \$6.85 per ton for 13-ton loads delivered; and \$2.60 per ton if picked up at site.

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

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

PASSED AND APPROVED this the 4th day of **September**, 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

09/04/08
Item #4(l)-(2)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing
Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to the annual contract with Temple Heat & Air of Temple for HVAC repair and preventative maintenance services for FY 08-09 the estimated amount of \$130,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 16, 2004, the City Council authorized an annual contract for HVAC repair and preventative maintenance with Temple Heat & Air. On September 15, 2005, September 21, 2006, and September 6, 2007, the Council authorized one-year extensions to the contract. The current contract will expire on September 30, 2008. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do again this year.

Staff is pleased with the services provide by Temple Heat & Air and recommends Council authorize an extension to the contract. This will be the last renewal available under this contract.

FISCAL IMPACT: Budgeted amount: Money budgeted in several departments' accounts and services will be ordered as needed.

Estimated expenditure: \$130,000.00 (Based on FY 07-08 estimated actual annual expenditures)

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR EXTENSION TO THE CONTRACT WITH TEMPLE HEAT & AIR OF TEMPLE, TEXAS, FOR HVAC REPAIR AND PREVENTATIVE MAINTENANCE SERVICES FOR FISCAL YEAR 2008-09 IN THE ESTIMATED AMOUNT OF \$130,000; PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 16, 2004, the City Council awarded an annual contract for HVAC repair and preventative maintenance services to Temple Heat & Air of Temple, Texas – on September 15, 2005, September 21, 2006, and September 7, 2007, the City Council authorized one-year extensions to the contract;

Whereas, the Staff is pleased with the services provided by Temple Heat & Air and recommends a additional one-year extension to the contract, as provided by the original bid;

Whereas, funds are budgeted in several departments' accounts and services will be ordered as needed (estimated annual expenditure is \$130,000); and

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

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

Part 1: The City Council authorizes a one-year extension to the contract with Temple Heat & Air of Temple, Texas, for HVAC repair and preventative maintenance services for Fiscal Year 2008-09 (estimated expenditure of \$130,000).

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

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

PASSED AND APPROVED this the 4th day of **September**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to the annual contract with T. Morales Company of Florence for electrical services for all City facilities on an as-needed basis for FY 08-09 in the estimated amount of \$43,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 6, 2007, the City Council authorized an annual contract for electrical services to T. Morales Company. The current contract will expire on September 30, 2008. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is pleased with the services provide by T. Morales Company and recommends Council authorize an extension to the contract. This will be the first renewal available under this contract, with three years remaining.

FISCAL IMPACT: Budgeted amount: **General Electrical Repair** - \$15,000 Money budgeted in several departments' accounts and services will be ordered as needed.

High Voltage/Telemetry Services - \$28,000 in 520-5100-535-2338

Estimated expenditure: \$43,000.00

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL CONTRACT WITH T. MORALES COMPANY OF FLORENCE, TEXAS, FOR ELECTRICAL SERVICES FOR ALL CITY FACILITIES ON AN AS-NEEDED BASIS FOR FY2008-09, IN THE ESTIMATED AMOUNT OF \$43,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 7, 2007, the City Council authorized an annual contract with T. Morales Company of Florence, Texas, for electrical services for all City facilities on an as-needed basis for FY2007-08 – the original bid allowed for 4 additional one-year extensions;

Whereas, the Staff recommends a one-year renewal with T. Morales Company for FY2008-2009 for these services, for an estimated annual expenditure of \$43,000;

Whereas, funds are budgeted in several different departments' account and services will be ordered as needed; 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 one-year renewal to the annual contract for electrical services for all City facilities on an as-needed basis for FY2008-09 with T. Morales Company of Florence, Texas, for an estimated annual expenditure of \$43,000.

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

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

PASSED AND APPROVED this the 4th day of **September**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Michael Newman, PE, CFM, Assistant Director of Public Works/City Engineer
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to the professional services agreement with Kleinfelder Central, Inc. of Waco to provide construction materials testing for all public infrastructural projects, both City-initiated and subdivision-related, for FY 08-09 in the estimated amount of \$100,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 6, 2007, the City Council authorized a professional services agreement with Kleinfelder Central, Inc. to provide construction materials testing for all infrastructural projects, both City-initiated and subdivision-related. This testing includes, but is not limited to, density of subgrade, base and hot mixed asphaltic concrete (HMAC) for roadway construction, gradation of subgrade and base material as well as HMAC, California Bearing Ratios (CBD), concrete strength and density and bedding of trench excavation for utility installations. This testing is essential to assure quality construction and compliance with City specifications and standards. The current contract will expire on September 30, 2008. The original proposal allowed for four (4) additional one-year extensions.

Staff is satisfied with the professional services provide by Kleinfelder Central, Inc. and recommends Council authorize an extension to the contract. This will be the first one-year renewal authorized under this contract, with three years remaining.

FISCAL IMPACT: Budgeted amount: \$40, 0000 in 110-3900-533-2513 for subdivision testing.
Estimated expenditure: \$100,000.00 (based on estimated actual expenditures in FY 07-08)

*Project specific testing is budgeted within each project's budget

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE PROFESSIONAL SERVICES AGREEMENT WITH KLEINFELDER CENTRAL, INC., OF WACO, TEXAS, TO PROVIDE CONSTRUCTION MATERIALS TESTING FOR ALL INFRASTRUCTURAL PROJECTS, BOTH CITY-INITIATED AND SUBDIVISION-RELATED FOR FISCAL YEAR 2008-2009, IN THE ESTIMATED AMOUNT OF \$100,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 7, 2007, the City authorized a professional services agreement with Kleinfelder Central, Inc., of Waco, Texas, for construction materials testing for all infrastructural projects, both City-initiated and subdivision-related, for FY2007-2008;

Whereas, the Staff recommends a one-year renewal with Kleinfelder Central, Inc., for FY2008-2009 for these services, for an estimated annual expenditure of \$100,000;

Whereas, funds are budgeted in Account No. 110-3900-553-2513 for subdivision testing, and specific project testing is budgeted within each project's budget – the estimated annual expenditure is \$100,000; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a one-year renewal to the professional services agreement with Kleinfelder Central, Inc., of Waco, Texas, after approval as to form by the City Attorney, for construction materials testing for all infrastructural projects, both City-initiated and subdivision-related, for Fiscal Year 2008-2009 (estimated expenditure of \$100,000).

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

PASSED AND APPROVED this the 4th day of **September**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Bruce Butscher, PE, Director of Public Works
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing one-year renewals to the annual contracts for bacteriological sample testing for FY 08-09 in the estimated amount of \$32,000 with the following companies:

1. Coliform sample testing with Waco Regional Water Quality Lab of Waco at \$13/sample
2. Cryptosporidia sample testing with EMSL Analytical, Inc. of Waco at \$525/sample

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 15, 2005, the City Council authorized annual contracts for bacteriological sample testing to Waco Regional Water Quality Lab and EMSL Analytical, Inc. On September 21, 2006 and September 6, 2007, the Council authorized one-year extensions to the contracts. The current contracts will expire on September 30, 2008. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do again this year.

Staff is pleased with the services provide by both Waco Regional Water Quality Lab and EMSL Analytical and recommends Council authorize one-year extensions to their contracts. This will be the third one-year renewal authorized under these contracts, with one year remaining.

FISCAL IMPACT: Budgeted amount: \$32,000 in account 520-5100-535-2616
Estimated expenditure: \$32,000

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL CONTRACTS FOR BACTERIOLOGICAL SAMPLE TESTING FOR FISCAL YEAR 2008-09 WITH WACO REGIONAL WATER QUALITY LAB OF WACO, TEXAS, AND EMSL ANALYTICAL OF HOUSTON, TEXAS; PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 15, 2005, the City Council authorized annual contracts for bacteriological sample testing with Waco Regional Quality Lab of Waco, Texas, and EMSL Analytical of Houston, Texas – on September 21, 2006, and September 7, 2007, the City Council authorized a one-year extensions to both contracts;

Whereas, the Staff is pleased with the services provided by these two companies and recommends a one-year renewal to the contracts;

Whereas, funds for these expenditures are budgeted in Account No. 520-5100-535-2616 – estimated annual expenditure is \$32,000; and

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

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

Part 1: The City Council authorizes an annual contracts for bacteriological sample testing for FY2008-09 in the estimated amount of \$32,000 with the following companies;

- A. Coliform sample testing, Waco Regional Water Quality Lab of Waco, Texas, at \$13.00 a sample; and
- B. Cryptosporidia sample testing, EMSL Analytical of Houston, Texas, at \$525 a sample.

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

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

PASSED AND APPROVED this the **4th** day of **September**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Bruce Butscher, PE, Director of Public Works
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to the annual contract with S&M Vacuum & Waste, LTD of Killeen for the hauling and disposal of sludge for FY 08-09 in the estimated amount of \$100,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 7, 2006, the City Council authorized an annual contract with S&M Vacuum & Waste, LTD for the hauling and disposal of sludge at the following prices:

- \$.0275 per gallon for hauling and disposing of sludge from the sewer manhole located at South Pea Ridge Road and Poison Oak;
- \$.0500 per gallon for hauling and disposing of sludge from the sewer manhole located at 50th Street and Lavendusky; and
- \$.0299 per gallon for hauling and disposing of sludge from other locations

On September 6, 2007, the Council authorized a one-year extension to the contract. The current contract will expire on September 30, 2008. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do again this year.

Staff is pleased with the services provide by S&M Vacuum & Waste, LTD and recommends Council authorize a one-year extension to the contract. This will be the second one-year renewal authorized under this contract, with two years remaining.

FISCAL IMPACT: Budgeted amount: \$100,000 in account 520-5100-535-2616
Estimated expenditure: \$100,000

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL CONTRACT WITH
S&M VACUUM AND WASTE, LTD, OF KILLEEN, TEXAS, FOR THE HAULING AND
DISPOSAL OF SLUDGE FOR THE WATER TREATMENT PLANT IN AN ESTIMATED
ANNUAL AMOUNT OF \$100,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 7, 2006, the City Council approved an annual contract with S&M Vacuum and Waste, Ltd., of Killeen, Texas, for the hauling and disposal of sludge for the Water Treatment Plant – the bid allowed for 4 one-year renewals and the Staff recommends renewing the contract for an additional one year period;

Whereas, funds are budgeted for this service in Account No. 520-5100-535-2616 and the estimated annual expenditure is \$100,000; and

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

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

Part 1: The City Council authorizes a one-year renewal to the annual contract with S&M Vacuum & Waste, Ltd., of Killeen, Texas, for the hauling and disposal of sludge, in the estimated amount of \$100,000.

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

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

PASSED AND APPROVED this the **4th** day of **September**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Judy Duer, Library Director
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to the annual contract with Texas Star USA, Inc. of Belton for the provision of security guard services at the Temple Public Library for FY 08-09 in the estimated amount of \$28,145.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On February 15, 2007, the City Council authorized an annual contract with Texas Star USA, Inc. (dba Texas Star Security) of Belton for the provision of security guard services at the Temple Public Library. The contract provides security guards in the library during peak hours to promote the safety and security of patrons, building tenants and staff both in the library and in the parking garage.

The current contract will expire on September 30, 2008. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do again this year.

Staff is pleased with the services provided by Texas Star USA, and recommends Council authorize an extension to their contract. This will be the second one-year renewal authorized under this contract, with two remaining.

FISCAL IMPACT: Budgeted amount: \$28,145 in 110-4000-555-2623
Estimated expenditure: \$28,145.00

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL CONTRACT WITH TEXAS STAR USA OF BELTON, TEXAS, FOR THE PROVISION OF SECURITY GUARD SERVICES AT THE TEMPLE PUBLIC LIBRARY IN AN ESTIMATED AMOUNT OF \$28,145; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on February 15, 2007, the City Council authorized an annual contract with Texas Star USA, Inc. (dba Texas Star Security) of Belton, Texas, for the provision of security guard services at the Temple Public Library – the original bid allowed for 4 one-year renewals;

Whereas, the Staff recommends extending the contract with Texas Star USA for an additional one-year period, in an estimated amount of \$28,145;

Whereas, funds are available for this service in Account No. 110-4000-555-2623; 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 one-year extension to the annual contract between the City of Temple, Texas, and Texas Star USA of Belton, Texas, after approval as to form by the City Attorney, for the provision of security guard services at the Temple Public Library for FY2008-09, in the estimated amount of \$28,145.

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

PASSED AND APPROVED this the 4th day of **September**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to the annual contract with Temple Daily Telegram for the graphics design, printing and mailing of the Play-by-Play brochures for FY 08-09 in the estimated amount of \$46,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On December 2, 2004, the City Council authorized an annual contract for graphics design and printing of the Play-by-Play brochures with Temple Daily Telegram. The contract also includes having the printer mail the brochures at an estimated cost of 28.8 cents per brochure. The total cost of the postage depends on the weight of the brochure and the number of brochures mailed.

On September 15, 2005, September 21, 2006, and September 6, 2007, the Council authorized one-year extensions to the contract. The current contract will expire on September 30, 2008. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do again this year.

Staff is pleased with the products and services provided by Temple Daily Telegram, and recommends Council authorize an extension to the contract. This will be the last renewal available under this contract.

FISCAL IMPACT: Budgeted amount: \$34,000 in 110-3200-551-2511 (printing)
\$12,000 in 110-3200-551-2128 (postage)
Estimated expenditure: \$46,000.00

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR EXTENSION TO THE CONTRACT WITH THE TEMPLE DAILY TELEGRAM OF TEMPLE, TEXAS, FOR THE GRAPHICS DESIGN, PRINTING AND MAILING OF THE PLAY-BY-PLAY BROCHURES FOR THE PARKS AND LEISURE SERVICES DEPARTMENT FOR FISCAL YEAR 2008-09 IN THE ESTIMATED AMOUNT OF \$46,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on November 16, 2004, the City Council awarded a contract to the Temple Daily Telegram for the graphics design and printing of the Play-by-Play brochures for the Parks and Leisure Services Department – on September 15, 2005, September 21, 2006, and September 7, 2007, the City Council authorized one-year extensions to the contract;

Whereas, the staff has been pleased with the products and services provided by the Temple Daily Telegram, and recommends another one-year extension to the contract as allowed by the original bid;

Whereas, funds are available for the service in Account Nos. 110-3200-551-2511 and 110-3200-551-2128 – estimated annual expenditure is \$46,000; and

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

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

Part 1: The City Council authorizes a one-year extension to the contract with the Temple Daily Telegram of Temple, Texas, for the graphics design, printing and mailing of the Play-by-Play brochures for the Parks and Leisure Services Department for Fiscal Year 2008-09 in the estimated amount of \$46,000.

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

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

PASSED AND APPROVED this the 4th day of **September**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

ATTEST:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Heather Mikulus, Utility Business Office Manager
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to the annual contract with MailMax Direct of Waco for the printing, folding, stuffing and mailing of water bills and folding, stuffing, and mailing of accounts receivable statements for FY 08-09 in the estimated amount of \$170,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On February 16, 2006, the City Council authorized an annual contract with MailMax Direct of Waco for printing, folding, stuffing and mailing of water bills and folding, stuffing, and mailing of accounts receivable statements. On September 21, 2006 and September 6, 2007, the Council authorized one-year extensions to the contract.

The current contract will expire on September 30, 2008. The original proposal allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do again this year.

Staff is pleased with the services provide by MailMax Direct and recommends Council authorize a one-year extension to the contract. This will be the third one-year renewal authorized under this contract, with one remaining.

FISCAL IMPACT: The printing and mailing cost is 43.8¢ per item. It is estimated that we will have 22,000 utility statements, 4,600 reminder notices and 500 accounts receivable statements per month for an annual amount of 325,200 items. The estimated annual amount to print, fold, stuff and mail the utility statements and reminder notices and to fold, stuff and mail the accounts receivable statements is \$142,500. Funds are budgeted in accounts 520-5800-535-2623 in the amount of \$170,000 in FY 2009 adopted operating budget.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE CONTRACT WITH MAILMAX DIRECT FOR THE PRINTING, FOLDING, STUFFING AND MAILING OF WATER BILLS AND THE FOLDING, STUFFING AND MAILING OF ACCOUNTS RECEIVABLE STATEMENTS IN THE ESTIMATED ANNUAL AMOUNT OF \$170,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on February 16, 2006, the City Council approved a contract with MailMax Direct of Waco, Texas, for the printing, folding, stuffing, and mailing of water bills and the folding, stuffing and mailing of accounts receivable statements – on September 21, 2006, and September 7, 2007, the City Council awarded one-year extensions to the contract;

Whereas, the Staff has been pleased with the services provided by MailMax Direct and recommends a one-year extension to the contract, as allowed by the original proposal;

Whereas, the estimated annual amount for the services is \$170,000, and funds are available in Account Nos. 520-5800-535-2623; 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 one-year renewal to the contract with Mailmax Direct, after approval as to form by the City Attorney, for the printing, folding, stuffing, and mailing of water bills and the folding, stuffing and mailing of accounts receivable statements for FY2008-09, in the estimated amount of \$170,000.

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

PASSED AND APPROVED this the 4th day of **September**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing one-year renewals to the annual contracts for the following services:

- (A) W. Howard Wright Real Estate for broker's opinions - \$65 per unit;
- (B) Centraland Title Company for title work services – title letters \$100 each; runsheets \$125 each; and
- (C) Central Texas Appraisal Company and Kokel-Oberrender-Wood on a rotating basis for appraisals – (prices vary)

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On February 16, 2006, the City Council authorized annual contracts with W. Howard Wright Real Estate for broker's opinions, Centraland Title Company for title services, and Central Texas Appraisals and Kokel-Oberrender-Wood on a rotating basis for appraisals. On September 21, 2006 and September 6, 2007, the Council authorized one-year extensions to the contracts. The current contracts will expire on September 30, 2008. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do again this year.

Staff is pleased with the services provide by all vendors and recommends Council authorize one-year extensions to their contracts. This will be the third one-year renewal authorized under these contracts, with one remaining.

FISCAL IMPACT: Funds will be allocated in each project budget or expended from departmental budgets as the need arises for these services.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ONE-YEAR RENEWALS TO THE CONTRACTS WITH W. HOWARD WRIGHT REAL ESTATE FOR BROKER'S OPINIONS;CENTRALAND TITLE COMPANY FOR TITLE WORK SERVICES; AND CENTRAL TEXAS APPRAISAL COMPANY AND KOKEL-OBERRENDER-WOOD ON A ROTATING BASIS FOR APPRAISALS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on February 16, 2006, the City Council awarded contracts to W. Howard Wright Real Estate for broker's opinions (\$65 per unit), Centraland Title Company for title services (title letters \$100 each; runsheets \$125 each), and Central Texas Appraisal Company and Kokel-Oberrender-Wood on a rotating basis for appraisals (prices vary);

Whereas, the original proposal allowed for 4 one-year extensions to the contract – Staff has been pleased with the services provided by all vendors and recommends approval of a one-year extension;

Whereas, funds will be allocated in each project budget or expended from departmental budgets as the need arises for these services; 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 one-year renewals to the contracts, after approval as to form by the City Attorney, for the following services: (a) W. Howard Wright Real Estate for broker's opinions (\$65 per unit); (b) Centraland Title Company for title work services (title letters \$100 each; runsheets \$125 each); (c) Central Texas Appraisal Company and Kokel-Oberrender-Wood on a rotating basis for appraisals – prices vary), for FY2008-09.

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

PASSED AND APPROVED this the 4th day of **September**, 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

09/04/08
Item #4(J)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Smetana & Associates Construction Company, Inc., for the 2008 East Adams Avenue Sanitary Sewer Rehabilitation Project in the amount of \$294,315.40.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In March 2008, Council authorized a professional services agreement with Clark & Fuller, PLLC, for engineering and design services required for the rehabilitation of sanitary sewer lines along East Adams Avenue, between Fowler Road and 36th Street. This area has received numerous sanitary sewer complaints over the years, and recently was discovered to contribute to unauthorized discharges in the area.

On July 29, 2008, three bids were received for construction of the project. Per the attached bid tabulation, Smetana & Associates submitted the low bid in the amount of \$294,315.40. Clark & Fuller's opinion of probable construction cost for the project was approximately \$290,000.

These proposed improvements will rehabilitate the aging infrastructure by replacing the existing clay tile mains with new PVC lines, located outside of the existing TxDOT roadway, and modify the existing route as it crosses Adams Avenue. The proposed changes will also eliminate one aerial crossing of the existing creek between Central Avenue and Adams Avenue.

FISCAL IMPACT: This project was not budgeted as part of the FY 2008 operating budget. Due to the circumstances surrounding the sewer line, it is recommended that funding in the amount of \$295,000 be reallocated from account 520-5700-580-7211, Bond Interest, to account 520-5400-535-6361, project # 100373, Sewer Line Replacement, for construction of the project.

In the FY 2008 operating budget, rates were set to fund principal and interest payments related to the Utility Revenue bonds sold to fund the FY 2008 Capital Improvement Program. Since the bonds were not sold until July 2008, there will be no interest or principal payments on these newly issued bonds until FY 2009. Since there are no payments to be made related to this bond issue, there are sufficient funds available for this project.

ATTACHMENTS:

Engineer's Letter of Recommendation
Bid Tabulation
Budget Adjustment
Resolution



2010 SW HK Dodgen Loop, Suite 105
Temple, Texas 76504
(254) 899-0899
Fax (254) 899-0901

July 31, 2008

City of Temple
Thomas Brown
3210 E. Ave. H, Bldg. A
Temple, Texas 76501

Re: City of Temple, East Adams Sanitary Sewer Main Reconstruction

Dear Mr. Brown,

We have reviewed the bids for the above referenced project. Smetana & Associates Construction Company, Inc. submitted a Base Bid of \$294,315.40. Please see the enclosed Bid Tabulation Sheet for detailed information. We are recommending that you award the contract to Smetana & Associates Construction Company, Inc. We believe, through personal experience, that Smetana & Associates Construction Company, Inc. is qualified and is capable of providing the sanitary sewer improvements as required in this project.

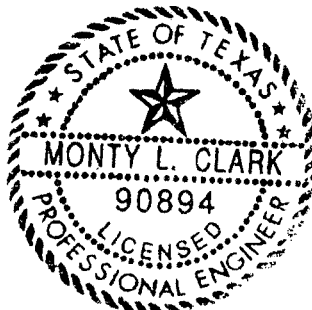
Smetana & Associates Construction Company, Inc. is a proven company with many successfully completed projects and we look forward to working with them on this project.

Please advise us as to which contractor you select.

Sincerely,

A handwritten signature in black ink, appearing to be "M. Clark", is written over the printed name.

Monty Clark, P.E.



7-31-08

Cc: Belinda Mattke, City of Temple, Purchasing

Bid Tabulation Sheet East Adams Sanitary Sewer Main Reconstruction City of Temple

| Bid Date - July 29, 2008 | | | | Bell Contractors, Inc. | | TTG Utilities, Inc. | | Smetana & Associates Construction | |
|--|---|------------|-----|-------------------------------|----------------------|----------------------------|----------------------|--|----------------------|
| No | Item Descr. | Est. Quan. | UOM | Unit Price | Total Cost | Unit Price | Total Cost | Unit Price | Total Cost |
| Exhibit "A" BID Schedule-Site Preparation | | | | | | | | | |
| 1 | Site Preparation & Clearing | 19 | STA | \$ 478.25 | \$ 9,086.75 | \$ 95.00 | \$ 1,805.00 | \$ 290.00 | \$ 5,510.00 |
| 2 | Mobilization, Bonds, Permits, & Insurance | 100% | LS | \$ 8,800.00 | \$ 8,800.00 | \$ 9,200.00 | \$ 9,200.00 | \$ 16,654.00 | \$ 16,654.00 |
| 3 | Saw Cut, Removal & Replace, Ex. HMAC Pavement | 192 | SY | \$ 48.00 | \$ 9,216.00 | \$ 35.00 | \$ 6,720.00 | \$ 51.00 | \$ 9,792.00 |
| 4 | Saw Cut, Removal & Replace, Ex. Concrete Pavement | 42 | SY | \$ 61.00 | \$ 2,562.00 | \$ 40.00 | \$ 1,680.00 | \$ 77.00 | \$ 3,234.00 |
| 5 | Removal & Replace, Ex. Gravel Pavement | 123 | SY | \$ 42.00 | \$ 5,166.00 | \$ 8.50 | \$ 1,045.50 | \$ 21.00 | \$ 2,583.00 |
| 6 | Demolish & Removal Ex. Concrete Pavement | 37 | SY | \$ 38.00 | \$ 1,406.00 | \$ 40.00 | \$ 1,480.00 | \$ 19.00 | \$ 703.00 |
| 7 | Sawcut, Remove & Replace Concrete Curb & Gutter | 220 | LF | \$ 11.65 | \$ 2,563.00 | \$ 22.50 | \$ 4,950.00 | \$ 40.00 | \$ 8,800.00 |
| 8 | Provide & Implement a Traffic Control Plan | 100% | LS | \$ 8,500.00 | \$ 8,500.00 | \$ 8,500.00 | \$ 8,500.00 | \$ 7,879.00 | \$ 7,879.00 |
| 9 | Provide 8" Sandy-Loam Topsoil & Hydromulch Grass | 100% | LS | \$ 6,300.00 | \$ 6,300.00 | \$ 11,100.00 | \$ 11,100.00 | \$ 9,929.00 | \$ 9,929.00 |
| Subtotal Site Preparation Bid: | | | | | \$ 53,599.75 | | \$ 46,480.50 | | \$ 65,084.00 |
| New 8" PVC Sanitary Sewer Main | | | | | | | | | |
| 10 | Demolish & Removal Ex. Sanitary Sewer Manhole | 3 | EA | \$ 915.00 | \$ 2,745.00 | \$ 550.00 | \$ 1,650.00 | \$ 1,083.00 | \$ 3,249.00 |
| 11 | Demolish & Removal Ex. Sanitary Sewer Aerial Crossing | 1 | EA | \$ 2,374.00 | \$ 2,374.00 | \$ 3,500.00 | \$ 3,500.00 | \$ 1,785.00 | \$ 1,785.00 |
| 12 | Cap & Abandon Ex. Sanitary Sewer Main | 1900 | LF | \$ 10.65 | \$ 20,235.00 | \$ 7.25 | \$ 13,775.00 | \$ 7.00 | \$ 13,300.00 |
| 13 | Provide 4' Dia. Precast Conc. Manhole w/ 32" Ring & Lid | 5 | EA | \$ 2,142.60 | \$ 10,713.00 | \$ 3,150.00 | \$ 15,750.00 | \$ 2,671.00 | \$ 13,355.00 |
| 14 | Provide Cored Connection to Ex. Sanitary Sewer Manhole | 1 | EA | \$ 677.00 | \$ 677.00 | \$ 750.00 | \$ 750.00 | \$ 1,326.00 | \$ 1,326.00 |
| 15 | Provide Connection To Ex. Sanitary Sewer Main | 1 | EA | \$ 1,027.00 | \$ 1,027.00 | \$ 700.00 | \$ 700.00 | \$ 826.00 | \$ 826.00 |
| 16 | Provide Internal Drop Connection | 1 | EA | \$ 740.00 | \$ 740.00 | \$ 500.00 | \$ 500.00 | \$ 1,080.00 | \$ 1,080.00 |
| 17 | Provide 8" PVC SDR 26 Sanitary Sewer Main | 290 | LF | \$ 53.10 | \$ 15,399.00 | \$ 105.00 | \$ 30,450.00 | \$ 60.84 | \$ 17,643.60 |
| 18 | Provide 8" PVC SDR 26 Class 160 Sanitary Sewer Main | 1580 | LF | \$ 53.00 | \$ 83,740.00 | \$ 106.00 | \$ 167,480.00 | \$ 47.31 | \$ 74,749.80 |
| 19 | Provide 18" Steel Pipe Encasement by Roadway Bore | 90 | LF | \$ 295.00 | \$ 26,550.00 | \$ 215.00 | \$ 19,350.00 | \$ 270.00 | \$ 24,300.00 |
| 20 | Provide 18" Steel Pipe Encasement | 45 | LF | \$ 90.70 | \$ 4,081.50 | \$ 105.00 | \$ 4,725.00 | \$ 112.00 | \$ 5,040.00 |
| 21 | Provide 6" Concrete Pipe Encasement | 20 | LF | \$ 47.55 | \$ 951.00 | \$ 48.00 | \$ 960.00 | \$ 48.00 | \$ 960.00 |
| 22 | Provide Sanitary Sewer Service & Service Connection | 20 | EA | \$ 1,595.00 | \$ 31,900.00 | \$ 890.00 | \$ 17,800.00 | \$ 645.00 | \$ 12,900.00 |
| 23 | Sanitary Swr Service Pipe & Replacement directed by COT | 500 | LF | \$ 29.30 | \$ 14,650.00 | \$ 28.00 | \$ 14,000.00 | \$ 19.60 | \$ 9,800.00 |
| 24 | Provide & Implement Trench Shoring Plan | 100% | LS | \$ 2,380.00 | \$ 2,380.00 | \$ 16,632.33 | \$ 16,632.33 | \$ 4,621.00 | \$ 4,621.00 |
| Subtotal New 8" PVC Sanitary Sewer Main : | | | | | \$ 218,162.50 | | \$ 308,022.33 | | \$ 184,935.40 |
| New 6" PVC Water Main | | | | | | | | | |
| 25 | Provide 6" PVC C900 Class 150 Water Main | 650 | LF | \$ 33.85 | \$ 22,002.50 | \$ 55.00 | \$ 35,750.00 | \$ 33.80 | \$ 21,970.00 |
| 26 | Connect Existing Water Main | 2 | EA | \$ 1,650.00 | \$ 3,300.00 | \$ 1,800.00 | \$ 3,600.00 | \$ 1,867.00 | \$ 3,734.00 |
| 27 | Provide 6" MJ Gate Valve | 2 | EA | \$ 1,265.00 | \$ 2,530.00 | \$ 800.00 | \$ 1,600.00 | \$ 982.00 | \$ 1,964.00 |
| 28 | Provide Domestic Water Service Connection & Meter Box | 12 | EA | \$ 1,020.00 | \$ 12,240.00 | \$ 840.00 | \$ 10,080.00 | \$ 714.00 | \$ 8,568.00 |
| 29 | Provide Standard Fire Hydrant Assemblies | 1 | EA | \$ 3,100.00 | \$ 3,100.00 | \$ 4,235.00 | \$ 4,235.00 | \$ 3,483.00 | \$ 3,483.00 |
| 30 | Provide All Testing per TCEQ & C.O.T. | 100% | LS | \$ 2,600.00 | \$ 2,600.00 | \$ 1,000.00 | \$ 1,000.00 | \$ 4,577.00 | \$ 4,577.00 |
| Subtotal New 6" PVC Water Main : | | | | | \$ 45,772.50 | | \$ 56,265.00 | | \$ 44,296.00 |
| | | | | Bell Contractors, Inc. | | TTG Utilities, Inc. | | Smetana & Associates Construction | |
| Total Bid Exhibit "A" | | | | | \$ 317,534.75 | | \$ 410,767.83 | | \$ 294,315.40 |

Tabulation of Bids Received
on July 29, 2008 at 2:00 p.m.
East Adams Sanitary Sewer Main Reconstruction

| Description | Bidders | | |
|------------------------------------|----------------------------|-------------------|-----------------------------|
| | Bell Contractors Belton | Smetana Temple | TTG Utilities Gatesville |
| Total Bid Price | \$317,534.75 | \$294,315.40 | \$410,767.83 |
| Bid Bond (Required at Bid Opening) | 5% | 5% | 5% |

| | | | |
|----------------------------|-----|-----|-----|
| Insurance Affidavit | Yes | Yes | Yes |
| Bond Affidavit | Yes | Yes | Yes |
| Credit Check Authorization | Yes | Yes | Yes |
| Acknowledged Addendum | Yes | Yes | Yes |
| Local Preference | No | No | No |

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

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

Belinda Mattke ***7/29/2008***

Belinda Mattke, Director of Purchasing

Date

Vendors who picked up the Invitation to Bid:

McLean Construction - Killeen, Texas
Smetana & Associates - Temple, Texas
AGC/ISQFT (Plan Room) - Ft Worth, Texas
AGC Waco (Plan Room) - Waco, Texas
ACT Pipe - Temple, Texas
TTG Utilities - Gatesville, Texas
HD Supply - Belton, Texas
Horsehoe Construction Inc. - La Porte, Texas

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

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

Adjustments should be rounded to the nearest \$1.

+

-

| ACCOUNT NUMBER | PROJECT # | ACCOUNT DESCRIPTION | INCREASE | DECREASE |
|--------------------|-----------|------------------------------|-------------------|-------------------|
| 520-5400-535-63-61 | 100373 | East Adams Sewer Replacement | \$ 295,000 | |
| 520-5700-580-72-11 | | Bond Interest | | 295,000 |
| | | | | |
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| | | | | |
| | | | | |
| | | | | |
| TOTAL..... | | | \$ 295,000 | \$ 295,000 |

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

To appropriate funds for the construction contract for the 2008 East Adams Avenue Sanitary Sewer Rehabilitation Project. Bids were received on July 29, 2008, in the amount of \$294,315.40. The engineer's opinion of probable cost for construction of the project was approximately \$290,000. Total project cost including engineering and construction is \$330,316. Funds are available from interest expense that was appropriated to pay interest cost related to the FY 2008 Utility Revenue bonds. These bonds were sold in July 2008. There will be no debt service payment related to these bonds in FY 2008.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

9/4/2008

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 A CONSTRUCTION CONTRACT WITH SMETANA & ASSOCIATES CONSTRUCTION COMPANY OF TEMPLE, TEXAS, FOR THE 2008 EAST ADAMS AVENUE SANITARY SEWER REHABILITATION PROJECT, IN AN AMOUNT NOT TO EXCEED \$294,315.40; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 29, 2008, the City received 3 bids for construction of the 2008 East Adams Avenue Sanitary Sewer Rehabilitation project;

Whereas, the Staff recommends accepting the bid (\$294,315.40) received from Smetana & Associates Construction Company of Temple, Texas;

Whereas, funds are available for this project 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 City Manager, or his designee, to execute a construction contract, not to exceed \$294,315.40 with Smetana & Associates Construction Company of Temple, Texas, after approval as to form by the City Attorney, for the 2008 East Adams Avenue Sanitary Sewer Rehabilitation project.

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

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

PASSED AND APPROVED this the 4th day of **September**, 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

09/04/08
Item #K(1)&(2)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: 1. Consider adopting a resolution authorizing a development agreement with Temple Economic Development Corporation pursuant to Chapter 380 of the Local Government Code to provide for the construction of a gas line on Wendland Road.

2. Consider adopting a resolution authorizing a development agreement with Temple Economic Development Corporation pursuant to Chapter 380 of the Local Government Code to reimburse them for the construction of a rail spur in Tax Increment Financing Reinvestment Zone Number One.

STAFF RECOMMENDATION: Adopt resolutions as presented in item descriptions.

ITEM SUMMARY: (1) As part of the City's Chapter 380 development agreement last fall with Gulf States Toyota, the City and TEDC committed, among other things, to extend a gas line up Wendland Road. The proposed resolution under consideration will provide funding for TEDC to hire a contractor to extend a gas line up Wendland Road to a point adjacent to Moore's Mill Road. This gas line will not only serve the Gulf States site, but adjoining property on both sides of Wendland Road and provide for the eventual extension of a gas line on property to the north of Moore's Mill Road. As part of the project, the gas line on Wendland Road will be encased in steel at locations where a future extension of a rail line across Wendland Road is likely to occur.

(2) TEDC recently arranged to have a rail switch put into the rail spur serving the Wilsonart site, to provide for the future connection of a rail spur to serve the Integrigo site. The proposed resolution authorizes the reimbursement of TEDC under Chapter 380 in the amount of \$33,000 for the cost of installing a rail switch in the Wilsonart line that they recently engaged Trakwork to install. Pre-installing this switch eliminates the need to tear up this section of the line in the future to install a rail switch when the Integrigo rail spur is constructed as part of an upcoming rail project in the Zone.

FISCAL IMPACT: (1) Funds in the amount of \$260,000 are available within the Reinvestment Zone No. 1 Financing Plan and are appropriated in account 795-9700-531-6831, project # 950007, to fund this agreement.

(2) Funds in the amount of \$33,000 are available within the Reinvestment Zone No. 1 Financing Plan and are appropriated in account 795-9500-531-6825, project # 100166, to fund this agreement.

ATTACHMENTS:

[Resolutions](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AGREEMENT WITH THE TEMPLE ECONOMIC DEVELOPMENT CORPORATION (TEDC) PURSUANT TO CHAPTER 380 OF THE LOCAL GOVERNMENT CODE TO PROVIDE FOR THE CONSTRUCTION OF A GAS LINE ON WENDLAND ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, as part of the City's Chapter 380 development agreement last fall with Gulf States Toyota, the City and TEDC committed, among other things, to extend a gas line up Wendland Road to a point adjacent to Moore's Mill Road;

Whereas, the gas line will not only serve on the Gulf States site, but also on the adjoining property on both sides of Wendland Road and provide for the future extension of a gas line on property to the north of Moore's Mill Road;

Whereas, as part of the project, the gas line on Wendland Road will be encased in steel at locations where a future extension of a rail line across Wendland Road is likely to occur;

Whereas, funds are available in the Reinvestment Zone No. 1 Financing Plan and are appropriated in Account 795-9700-531-6831, project 950007, to fund this agreement; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute an agreement with the Temple Economic Development Corporation pursuant to Chapter 380 of the Local Government Code, after approval as to form by the City Attorney, not to exceed \$260,000, to provide for the construction of a gas line on Wendland Road.

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

PASSED AND APPROVED this the 4th day of **September**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AGREEMENT WITH THE TEMPLE ECONOMIC DEVELOPMENT CORPORATION (TEDC) PURSUANT TO CHAPTER 380 OF THE LOCAL GOVERNMENT CODE TO PROVIDE FOR THE CONSTRUCTION OF A RAIL SPUR IN THE TAX INCREMENT FINANCING REINVESTMENT ZONE NO. ONE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, TEDC recently arranged to have a rail switch put into the rail spur serving the Wilsonart site, to provide for the future connection of a rail spur to serve the Integrigo site;

Whereas, the Staff recommends authorizing a development agreement with TEDC pursuant to Chapter 380 of the Local Government Code authorizing reimbursement of \$33,000 to TEDC for the cost of installing a rail switch in the Wilsonart line that they recently engaged Trac-Work, Inc., of Ennis, Texas, to install -- pre-installing this switch eliminates the need to tear up this section of the line in the future to install a rail switch when the Integrigo rail spur is constructed as part of an upcoming rail project in the Zone;

Whereas, funds are available in the Reinvestment Zone No. 1 Financing Plan and are appropriated in Account 795-9700-531-6825, project 100166, to fund this agreement; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute an agreement with the Temple Economic Development Corporation pursuant to Chapter 380 of the Local Government Code, after approval as to form by the City Attorney, not to exceed \$33,000, to provide for the construction of a rail spur in the Tax Increment Financing Reinvestment Zone No. One.

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

PASSED AND APPROVED this the 4th day of **September**, 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

09/04/08
Item #4(L)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing an escrow agreement with Northland Oil Company and Extraco Bank under which Northland Oil will fund its portion of rail improvements under a rail spur construction contract authorized by the City of Temple.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In July, the City Council authorized a \$9.14 million contract with James Construction Group, Belton, Texas for the construction of an industrial rail spur in the City's northwest industrial park. As part of that authorization, the proposed contract includes \$414,840 as an add alternate for the construction of a rail spur to serve the proposed Northland Oil development. Northland's development is on a 10.5 acre tract just south of the Gulf States Toyota site. The \$414,840 will construct specialized rail for the loading and unloading of tanker cars and will primarily benefit Northland and as such, Northland is covering the cost of this part of the project and has made arrangements with the City to escrow \$414,840 for the City's benefit with Extraco Bank.

FISCAL IMPACT: The amount for the add alternate, \$414,840, will be deposited into an escrow account by Northland Oil Company at Extraco Bank and will be drawn down by the City as that portion of the contract is constructed and invoiced by James Construction Group, LLC. The escrowed funds must be deposited into an escrow account at Extraco Bank before the City issues a notice to proceed to James Construction Group to commence construction of the rail improvements.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ESCROW AGREEMENT WITH NORTHLAND OIL COMPANY AND EXTRACO BANK UNDER WHICH NORTHLAND OIL WILL FUND ITS PORTION OF RAIL IMPROVEMENTS UNDER A RAIL SPUR CONSTRUCTION CONTRACT AUTHORIZED BY THE CITY OF TEMPLE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in July, 2008, the City Council authorized a \$9.14 million contract with James Construction Group, of Belton, Texas, for the construction of an industrial rail spur in the City's northwest industrial park;

Whereas, as part of that authorization, the proposed contract included \$414,840 as an add alternate for the construction of a rail spur to serve the proposed Northland Oil development which is on a 10.5 acre tract just south of the Gulf States Toyota site – the \$414,840 will construct specialized rail for the loading and unloading of tanker cars and will primarily benefit Northland and as such Northland is covering the cost of this part of the project and has made arrangements with the City to escrow \$414,840 for the City's benefit with Extraco Bank;

Whereas, the amount for the add alternate, \$414,840, will be deposited into an escrow account by Northland Oil Company at Extraco Bank and will be drawn down by the City as that portion of the contract is constructed and invoiced by James Construction Group, LLC – the escrowed funds must be deposited into an escrow account at Extraco Bank before the City issues a notice to proceed to James Construction Group to commence construction of the rail improvements; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute an escrow agreement with Northland Oil Company and Extraco Bank, after approval as to form by the City Attorney, providing that Northland Oil will fund its portion of rail improvements under a rail spur construction contract authorized by the City of 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 **4th** day of **September**, 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

09/04/08
Item #4(M)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing lease agreements with Alltel for the lease of two City of Temple properties for the construction of communications towers.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Alltel has approached the City about leasing two City properties for cellular telephone communication towers. The two proposed sites are each approximately 75' x 75' or approximately ¼ acre in size. Alltel proposes thirty year leases for each site. Under the proposed lease, the base rental amount (\$6,000 annually) is set for the initial five years, and then increases by 10% every five years. The Staff has reviewed the sites in question, and can recommend these leases to the City Council. In addition, the lease provides that if Alltel needs access to the sites during the term of the lease(s), they will pay the City \$500 for each 12 month period that they need access.

FISCAL IMPACT: Alltel will pay the City \$6,000 annually during the first 5 years. After the first 5 years, the amount increases by 10%. The 10% increase is cumulative and will be applied to the lease payment every fifth year to calculate the lease payment for the next 5 year period.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING LEASE AGREEMENTS WITH ALLTEL FOR THE LEASE OF TWO CITY OF TEMPLE PROPERTIES FOR THE CONSTRUCTION OF COMMUNICATIONS TOWERS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Alltel has requested to lease two City properties for constructing cellular telephone communication towers – the two proposed sites are each approximately 75 ft. x 75 ft. or approximately ¼ acre in size;

Whereas, Alltel has proposed 30 year leases and will pay the City \$6,000 annually during the first 5 years – after the first 5 years, the amount increases by 10% which is cumulative and will be applied to the lease payment every fifth year to calculate the lease payment for the next 5 year period;

Whereas, the Staff has reviewed the sites in question and recommends the leases to the City Council; 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 lease agreements with Alltel, after approval as to form by the City Attorney, for the lease of 2 City of Temple properties for the construction of communications towers.

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

PASSED AND APPROVED this the 4th day of **September**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Purchasing Director
Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Wiginton, Hooker, & Jeffry, P.C., for design of the proposed new main fire station in an amount not to exceed \$696,000 and declaring an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this project.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: WIGINTON, HOOKER & JEFFRY, Plano, Texas, was engaged this past spring to prepare a conceptual design for the new main fire station and to prepare a preliminary cost estimate for the station to allow the City to go to voters for a bond election. Based on their knowledge of our needs and prior experience designing fire stations in other Texas cities, the Staff now proposes to hire WIGINTON, HOOKER & JEFFRY as the most qualified design engineer for the design and construction phase of the new main fire station. We are currently negotiating the terms of the architectural contract with WIGINTON, HOOKER & JEFFRY and anticipate completing those negotiations prior to next week's City Council meeting. Due to recent increases in construction materials, we are trying to maintain a tight design and construction schedule.

FISCAL IMPACT: This item declares an official intent to reimburse the professional services costs from the 2009 General Obligation bonds to be issued the summer of 2009. The General Obligation bond issue was approved by voters on May 10, 2008. Total project costs for the proposed new main fire station are \$7,174,840, which will be funded in account 363-2200-522-6850, project # 100120.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH WIGINTON, HOOKER & JEFFREY, P.C., FOR DESIGN OF THE PROPOSED NEW MAIN FIRE STATION, IN AN AMOUNT NOT TO EXCEED \$696,000.00; DECLARING OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS FOR THIS PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Wiginton, Hooker & Jeffry, P.C., of Plano, Texas, was engaged this past spring to prepare a conceptual design for the new main fire station and to prepare a preliminary cost estimate for the station to allow the City to go to voters for a bond election;

Whereas, based on their knowledge of the City's needs and prior experience designing fire stations in other Texas cities, the Staff proposes hiring Wiginton, Hooker & Jeffry as the most qualified design engineer for the design and construction phase of the new main fire station, for an amount not to exceed \$696,000.00;

Whereas, the City of Temple anticipates the issuance of one or more series of obligations, the interest on which will be excludable from gross income under Section 103 of the Internal Revenue Code of 1986, as amended, in order to finance all or a portion of this project;

Whereas, certain expenditures relating to the Project will be paid prior to the issuance of the Obligations;

Whereas, the City hereby certifies that such expenditures have not been made prior to the date of passage of this Resolution;

Whereas, upon issuance of the Obligations, the City desires to reimburse these prior expenditures with proceeds of the Obligations;

Whereas, Section 1.150-2 of the Treasury Regulations provides that an expenditure on the Project may not be reimbursed from Obligation proceeds unless, along with other requirements, the City declares official intent to reimburse the expenditure prior to the date that the expenditure to be reimbursed was paid; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a professional services agreement, not to exceed \$696,000.00, between the City of Temple, Texas, and Wiginton, Hooker & Jeffrey, P.C., after approval as to form by the City Attorney, for the design of the proposed new main fire station.

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

Part 3: This Resolution is a declaration of official intent under Section 1.150.2 of the Treasury Regulations by the City that it reasonably expects to reimburse the expenditures described in Part 4 with proceeds of debt to be incurred by the City, such debt to be issued on or before eighteen (18) months after the date of (i) the date the first expenditure is paid; or (ii) the date on which the property is placed in service, but in no event three years after the first expenditure is paid.

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

Project Description

Debt To Be Issued

Design of proposed new fire station

\$696,000.00

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

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

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

PASSED AND APPROVED on this the **4th** day of **September**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Bruce Butscher P.E., Director of Public Works
Michael Newman P.E., Assistant Director of Public Works

ITEM DESCRIPTION: SECOND READING – Consider adopting an ordinance establishing school crosswalks and setting speed limits within school zones to conform to school schedules, and changing the 1100 block of South 33rd Street between West Avenue K and West Avenue L to be a one way street south bound from 7:00am – 8:30am and 2:00pm – 3:00pm.

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

ITEM SUMMARY: In January of 2008 the City adopted an ordinance establishing school crosswalks and setting limits within the school zones as agreed upon by City, TISD and BISD. TISD will open the Dickson campus at 1100 South 33rd Street in August of 2008 as a fully functioning pre-kindergarten campus. TISD has requested that the 1100 block of South 33rd Street between West Avenue K and West Avenue L to be a one way street south bound from the hours of 7:00am – 8:30am and 2:00pm – 3:00pm. The ordinance needs to be updated to accommodate these changes.

FISCAL IMPACT: Budgeted Amount \$33,200.00 in account 110-3400-531-23-34
Estimated Expenditures \$130.65

ATTACHMENTS:

[List of school crossings](#)
[Map](#)
[Ordinance](#)

| SCHOOLS | CONES | FLAGS | FLASHING LIGHTS |
|---|-------|-------|-------------------------------------|
| Bethune Elementary 510 East Ave J A. Crossing Guard works "Crosswalk" on 8th Street and Ave J. B. School Zone is on East Ave. J and on 10th Street, (In front and on the West side of the school) | X | X | |
| Cater Elementary 4111 Lark Trail A. Crossing Guard works "Crosswalk" in school parking area. B. School Zone is on Lark Trail. (In front of the school) | X | X | |
| Emerson Elementary 1400 East Ave. B A. Crossing Guard works Ave. B and 24th Street. B. Crossing Guard works Ave. B and Adams C. Crossing Guard works Ave. H and 24th Street. | X | X | |
| Hector Garcia Elementary 2525 Lavendusky Drive A. No "Crosswalks" planned at this time. School Zone 50th & E. Adams Lights | | | X 6:30 to 8:15 14:45 to 15:30 |
| Jefferson Elementary 400 West Walker A. Crossing Guards (2) work "Crosswalk" on 3rd and Walker. B. Crossing Guard works 3rd and Industrial (This is a controlled signal light) C. Flashing Lights on North 3rd Street and Walker (Lights are north and south of Walker on 3 rd Street) | X | X | X 6:30 to 8:15 14:45 to 15:30 |
| Kennedy-Powell Elementary 3707 West Nugent A. Crossing Guard will work Nugent and Cearly Roads B. No lights. | X | X | |
| Meridith-Dunbar Elementary 1717 East Ave. J A. Crossing Guard works 30th Street and Ave. J. B. Flashing lights at S 30 th and Ave J | X | X | X 6:30 to 8:15 14:45 to 15:30 |

| SCHOOLS | CONES | FLAGS | FLASHING LIGHTS |
|---|-------|-------|--|
| Raye-Allen Elementary 5015 South 5th Street A. Crossing Guards will work South 5th and Marlandwood Road. B. Crossing Guard to work RxR Crossing on South 5th Street C. Flashing Lights to be activated north of Marlandwood on 5th Street and south of school site on 5th Street. | X | X | X 6:30 to 8:15 14:45 to 15:30 |
| Scott Elementary 2301 West Ave. P A. Crossing Guard works 45th Street and Ave M. B. School Zone is on Ave. P in front of the school. | X | X | |
| Thornton Elementary 2900 Pin Oak Drive A. Crossing Guard works on Pin Oak and East Street. B. School Zones on Pin Oak and Cottonwood. | X | X | |
| Western Hills Elementary 600 Arapaho A. Crossing Guard works Deer and Apache. B. Crossing Guard works Gila and Apache. C. Flashing Lights north of Deer on Apache and south of Gila on Apache. | X | X | X 6:30 to 8:15 14:45 to 15:30 |
| Kennedy-Powell Elementary 3707 W Nugent Ave A. Flashing Lights north of school on W Nugent Ave Bonham Middle School 4600 Midway Drive A. Flashing Lights east of school and west of school on Midway. | | | X 6:30 to 8:15 14:45 to 15:30 X 7:00 to 8:30 15:00 to 16:30 |
| Dickson Elementary 1100 S 33 rd St One way south from W Ave K to W Ave L Lamar Middle School 2120 North 1st Street A. School Zone is north at Virginia and 1st Street and south to Oakland Avenue. One way north from Oakland to Virginia B. Flashing lights north of Shell Avenue and south of Shell Avenue, on North 3 rd Street (Spur 290) | | | 7:00 to 8:00 14:00 to 15:00 X 7:00 to 8:30 15:00 to 16:30 |
| Travis Middle School 1500 South 19th Street A. Crossing Guards works at 19th Street and Ave M. | X | X | X 7:00 to 8:30 15:00 to 16:30 |

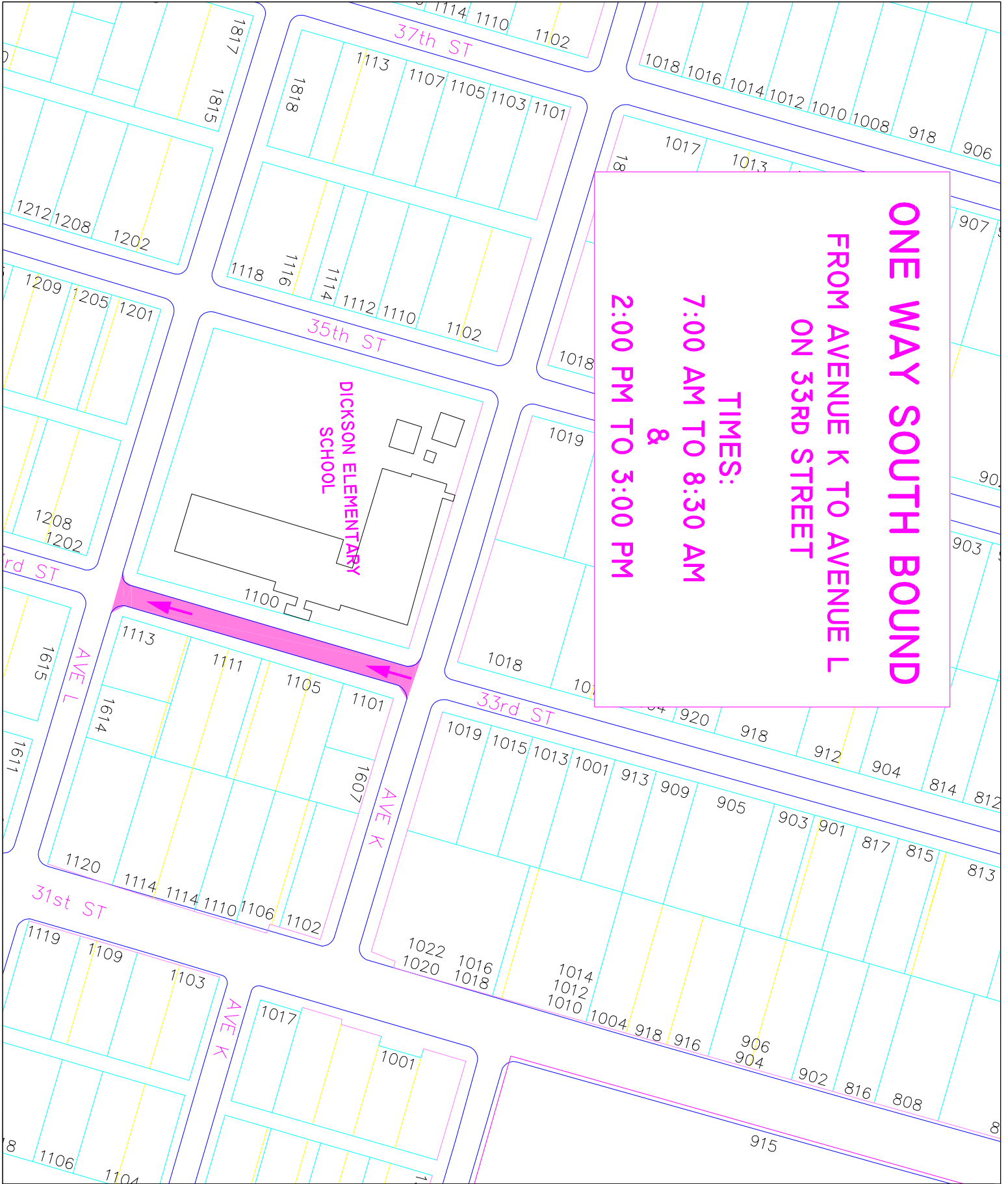
| | | | |
|---|--|--|--|
| B. Flashing Lights west of 19th Street on Ave. M and east of 19th on Ave. M. | | | |
| C. Flashing lights west of 19th Street on Ave. R and east of 19th Street on Ave. R. | | | |

| SCHOOLS | CONES | FLAGS | FLASHING LIGHTS |
|--|-------|-------|------------------------|
| Temple High School 415 North 31st Street A. School Zone from north of Barton on 31st to north of Houston Drive on 31st Street. | | | x 7:00am to 16:00pm |
| Temple High South Campus 1414 West Barton A. School Zone west on Barton to 31st Street and East on Barton to 27th Street. | | | |

Belton School Zones (in Temple City Limits)

| | | | |
|--|--|--|-------------------------------------|
| Lakewood Elementary 2305 Lake Road A. School Zone Flashing Lights | | | X 7:15 to 8:00 14:15 to 15:00 |
| Tarver Middle School 8818 Tarver A. School signs. | | | |
| Joe M. Pirtle Elementary 714 South Pea Ridge A. 25 mph zone (school hours) | | | X 7:15 to 8:00 14:15 to 15:00 |

| | | | |
|--|--|--|-------------------------------------|
| Lake Belton Middle School 8818 Tarver A. School signs. | | | |
| Joe M. Pirtle Elementary 714 South Pea Ridge A. 25 mph zone (school hours) | | | X 7:15 to 8:00 14:15 to 15:00 |
| Tarver Elementary School | | | |
| 7949 Stone Hollow Dr | | | |
| School Zone is on Stone Hollow (in Front of School) | | | |
| Prairie Lark (on North side of school) | | | |
| Westfield (on South side of school) | | | 7:00 to 8:00 |
| A. 20mph zone (school hours) | | | 14:15 to 15:00 |
| | | | |
| | | | |



ONE WAY SOUTH BOUND
FROM AVENUE K TO AVENUE L
ON 33RD STREET
TIMES:
7:00 AM TO 8:30 AM
&
2:00 PM TO 3:00 PM

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ESTABLISHING SCHOOL CROSSWALKS IN THE CITY OF TEMPLE; PROVIDING FOR REASONABLE AND PRUDENT PRIMA FACIE MAXIMUM SPEED LIMITS IN THE SCHOOL ZONES; DECLARING FINDINGS OF FACT; PROVIDING FOR A PENALTY FOR VIOLATIONS NOT TO EXCEED \$500 FOR EACH VIOLATION; PROVIDING AN EFFECTIVE DATE; PROVIDING A REPEALER; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City Staff and the Temple Independent School District worked together to establish recommended school crosswalk locations in the City of Temple and entered into an interlocal agreement in 1997 regarding the designation and equipping of school zones within the City;

Whereas, the Temple Independent School District and the City of Temple desire to update the crosswalk and school zone time schedule;

Whereas, an engineering and traffic investigation has been made to determine the reasonable and prudent prima facie maximum speed for motor vehicles within the school zones;

Whereas, it has been determined by these traffic and engineering investigations that the reasonable and safe prima facie maximum speed limit shall be 20 miles per hour; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve the school crosswalks, including the speed limits within the school zones, for the benefit of the citizens for the promotion of the public welfare and safety.

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

Part 1: The City of Temple hereby establishes the school crosswalk locations, which are more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The Director of Public Works is authorized to proceed with installation of flashing lights and school crossing painting and signage, as needed, for the locations described in Exhibit A.

Part 3: The reasonable and prudent prima facie maximum speed limit for vehicular traffic within the school zones described in Exhibit A, shall be established at 20 miles per hour on the days when school is in session.

Part 4: It shall be unlawful for any person to drive or operate a motor vehicle, bicycle, or other vehicle of any kind, whether or not motor powered, on that portion of the roadways described above under the conditions described herein, at a speed greater than is reasonable and prudent under the circumstances then existing, but any speed in excess of the

reasonable and prudent prima facie maximum speed limits as set forth in Part 3 hereof shall be prima facie evidence that such speed is not reasonable or prudent and that it is unlawful.

Part 5: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

Part 6: A person who violates a provision of this ordinance is guilty of a separate offense for each day or portion of a day which the offense is committed, continued, or permitted, and each offense is punishable by a fine not to exceed \$500.

Part 7: 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 8: 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 9: 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 **21st** day of **August**, 2008.

PASSED AND APPROVED on Second Reading on the **4th** day of **September**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

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

FISCAL IMPACT: The total amount of budget amendments is \$40,376,876.

ATTACHMENTS:

Budget amendments
Resolution

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2008 BUDGET
September 4, 2008

| ACCOUNT # | PROJECT # | DESCRIPTION | APPROPRIATIONS | |
|---|-----------|---|----------------|-------------------|
| | | | Debit | Credit |
| 110-1900-519-2115 | | Automotive Supplies - ITS | \$ 850 | |
| 110-2000-521-2115 | | Automotive Supplies - Police | \$ 40,800 | |
| 110-2100-529-2115 | | Automotive Supplies - Animal Services | \$ 2,300 | |
| 110-2200-522-2115 | | Automotive Supplies - Fire | \$ 30,900 | |
| 110-2310-540-2115 | | Automotive Supplies - Solid Waste Administration | \$ 5,800 | |
| 110-2320-540-2115 | | Automotive Supplies - Solid Waste Brush/Bulk | \$ 21,900 | |
| 110-2330-540-2115 | | Automotive Supplies - Solid Waste Residential | \$ 45,500 | |
| 110-2350-540-2115 | | Automotive Supplies - Solid Waste Frontload | \$ 20,500 | |
| 110-2360-540-2115 | | Automotive Supplies - Solid Waste Sideload | \$ 6,000 | |
| 110-2370-540-2115 | | Automotive Supplies - Solid Waste Rolloff | \$ 38,500 | |
| 110-2380-540-2115 | | Automotive Supplies - Solid Waste Recycling | \$ 6,800 | |
| 110-2400-519-2115 | | Automotive Supplies - Solid Waste Facility Services | \$ 2,500 | |
| 110-2800-532-2115 | | Automotive Supplies - Traffic Signals | \$ 11,000 | |
| 110-3110-551-2115 | | Automotive Supplies - Golf Course | \$ 1,700 | |
| 110-3120-551-2115 | | Automotive Supplies - Golf Course Maintenance | \$ 1,700 | |
| 110-3400-551-2115 | | Automotive Supplies - Streets | \$ 16,100 | |
| 110-3500-552-2115 | | Automotive Supplies - Parks | \$ 29,200 | |
| 110-3600-560-2115 | | Automotive Supplies - Airport | \$ 7,400 | |
| 110-3800-519-2115 | | Automotive Supplies - Fleet Services | \$ 2,800 | |
| 110-3900-519-2115 | | Automotive Supplies - Engineering | \$ 1,500 | |
| 110-4000-555-2115 | | Automotive Supplies - Library | \$ 50 | |
| 110-0000-352-1345 | | Designated Capital Projects - Unallocated | | \$ 293,800 |
| 520-1300-515-2115 | | Automotive Supplies - W&S Purchasing | \$ 200 | |
| 520-5000-535-6532 | | Contingency | | \$ 200 |
| 520-5100-535-2115 | | Automotive Supplies - Water Treatment Plant | \$ 300 | |
| 520-5100-535-6532 | | Contingency | | \$ 300 |
| 520-5200-535-2115 | | Automotive Supplies - Water Distribution | \$ 4,300 | |
| 520-5200-535-6532 | | Contingency | | \$ 4,300 |
| 520-5300-535-2115 | | Automotive Supplies - Metering | \$ 1,800 | |
| 520-5300-535-6532 | | Contingency | | \$ 1,800 |
| 520-5400-535-2115 | | Automotive Supplies - Sewer Collection | \$ 25,400 | |
| 520-5400-535-6532 | | Contingency | | \$ 25,400 |
| 292-2900-534-2115 | | Automotive Supplies - Drainage | \$ 15,700 | |
| 292-2900-534-2317 | | Drainage Systems | | \$ 13,043 |
| 292-2900-534-6530 | | Contingency | | \$ 1,495 |
| 292-2900-534-6536 | | Contingency - Compensation | | \$ 1,162 |
| <p>This budget adjustment appropriates funds to cover additional fuel costs for departments through the end of the fiscal year. Funds are available in Designated Fund Balance - Unallocated.</p> | | | | |
| 110-3300-519-2585 | | Economic Development Agreement | \$ 166,573 | |
| 110-0000-412-0421 | | Sales Tax Revenue | | \$ 166,573 |
| <p>The FY 2008 operating budget included \$394,210 of funding to pay Primus Real Estate Services, LLP incentive payments based upon the economic development agreement approved by Council. The amount budgeted in the FY 2008 operating budget represented six months of incentive payments. An additional \$166,573 of funding is necessary to fund the agreement for a full fiscal year. This amount is based on actual incentive payments from December 2007 to May 2008, and estimated incentive payments for June, July, August and September 2008.</p> | | | | |

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2008 BUDGET
September 4, 2008

| | | | APPROPRIATIONS | |
|--|------------------|---|-----------------------|---------------|
| ACCOUNT # | PROJECT # | DESCRIPTION | Debit | Credit |
| 110-3600-560-2710 | | Jet Fuel (Airport) | \$ 1,010,000 | |
| 110-3600-560-2711 | | AV Gas | \$ 40,000 | |
| 110-3600-560-2712 | | Oil & Prist | \$ 1,200 | |
| 110-0000-446-1016 | | Jet Fuel Sales | | \$ 1,010,000 |
| 110-0000-446-1011 | | AV Gas Sales | | \$ 40,000 |
| 110-0000-446-1012 | | Oil Sales | | \$ 1,200 |
| This budget adjustment appropriates additional funds for the purchase of Jet Fuel and AV Gas and the associated increase in revenue. | | | | |
| 110-4000-555-2225 | | Books & Periodicals (Library) | \$ 1,090 | |
| 110-0000-445-0242 | | Memorials | | \$ 1,090 |
| Purchase memorial books as designated. | | | | |
| 361-2000-521-6832 | 100406 | Automotive (Police - 5 marked Police Cars) | \$ 15,000 | |
| 361-1900-519-6802 | 100087 | Broadband Network | | \$ 15,000 |
| Appropriate additional funding to purchase 5 marked police cars in FY 2009. Funding in the amount of \$155,000 from the 2008 CO bond issue, Wireless Broadband project, was reallocated per Council's direction on July 31, 2008. The additional \$15,000 is available from 2006 CO bond issue. The full purchase price of the police cars is \$170,000. | | | | |
| 361-2400-519-6807 | 100158 | Municipal Building Brick & Mortar Repair | \$ 75,000 | |
| 361-2400-519-6807 | 100157 | Sears Building Brick & Mortar Repair | \$ 70,000 | |
| 361-2400-519-6807 | 100159 | Clarence Martin Rec Center Roof Replacement | \$ 80,000 | |
| 361-2400-519-6807 | 100160 | Sears Building HVAC Replacement | \$ 120,000 | |
| 361-2400-519-6807 | 100154 | Blackmon Center Paint Interior & Exterior | \$ 27,500 | |
| 361-2400-519-6807 | 100151 | Blackmon Center Roof Replacement | \$ 45,000 | |
| 361-2400-519-6807 | 100156 | Wilson Recreation Center Paint | \$ 77,500 | |
| 361-2400-519-6807 | 100329 | Santa Fe Depot Exterior Improvements | \$ 300,000 | |
| 361-4000-555-6808 | 100395 | Library Roof Replacement | \$ 118,577 | |
| 361-2200-522-6805 | 100120 | Fire Station No. 1/Admin Building | \$ 200,000 | |
| 361-2000-521-6832 | 100406 | Automotive | \$ 155,000 | |
| 361-4000-555-6808 | 100348 | Library Improvements | \$ 875,000 | |
| 361-1800-525-6849 | 100240 | New Court Facility | \$ 800,000 | |
| 361-3500-552-6846 | 100382 | West Temple Park Land | \$ 721,423 | |
| 361-2000-521-6803 | 100061 | Portable Digital Radio Replacement | \$ 235,000 | |
| 361-3400-531-6835 | 100222 | Northwest Loop 363 Expansion | \$ 1,890,000 | |
| 361-3400-531-6813 | 100089 | Research Parkway (Outer Loop) | \$ 5,280,000 | |
| 361-3400-531-6833 | 100331 | Intersection Enhancements | \$ 135,000 | |
| 361-3400-531-6834 | 100332 | 1st Street Gateway | \$ 470,000 | |
| 361-3400-531-6847 | 100392 | Tarver Road Extension | \$ 1,360,000 | |
| 361-3400-531-6848 | 100393 | Highway 93/Hartrick Bluff Connectors | \$ 500,000 | |
| 361-5700-580-7312 | | Bond Issuance Costs | \$ 200,628 | |
| 361-5700-580-7314 | | Bond Discount | \$ 90,513 | |
| 361-0000-490-1518 | | Bond Premium | | \$ 306,141 |
| 361-0000-490-1516 | | Bond Proceeds | | \$ 13,520,000 |
| Appropriate the Certificates of Obligation (CO) bond proceeds as authorized by Council on July 3, 2008. Bond proceeds were received by the City on August 6, 2008. | | | | |

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2008 BUDGET
September 4, 2008

| ACCOUNT # | PROJECT # | DESCRIPTION | APPROPRIATIONS | |
|-------------------|-----------|-------------------------------|----------------|--------------|
| | | | Debit | Credit |
| 362-3500-552-6838 | 100356 | Family Aquatics Center | \$ 4,090,500 | |
| 362-3500-552-6839 | 100357 | Sammons Indoor Aquatic Center | \$ 1,900,000 | |
| 362-3100-551-6840 | 100358 | Golf Course Improvements | \$ 350,000 | |
| 362-3200-551-6841 | 100359 | Summit Expansion | \$ 1,625,000 | |
| 362-3500-552-6842 | 100360 | Miller Park Expansion | \$ 600,000 | |
| 362-3500-552-6843 | 100361 | West Temple Spray Park | \$ 475,000 | |
| 362-3500-552-6844 | 100362 | Lions Soccer Field | \$ 400,000 | |
| 362-3500-552-6845 | 100363 | Ferguson Park Improvements | \$ 300,000 | |
| 362-5700-580-7312 | | Bond Issue Cost - AG Cost | \$ 9,500 | |
| 362-5700-580-7312 | | Bond Issue Cost | \$ 160,119 | |
| 362-5700-580-7314 | | Bond Discount | \$ 65,253 | |
| 362-0000-490-1518 | | Bond Premium | | \$ 315,372 |
| 362-0000-490-1516 | | Bond Proceeds | | \$ 9,660,000 |

Appropriate the General Obligation (GO) bond proceeds as authorized by Council on July 3, 2008. Bond proceeds were received by the City on August 6, 2008.

| | | | | |
|-------------------|--------|---|--------------|----------------------|
| 561-5200-535-6928 | 100172 | West Temple W&WW Ext -North FM-2305 | \$ 4,950,000 | |
| 561-5100-535-6921 | 100229 | Pre-Sedimentation & Sludge Disposal | \$ 2,965,000 | |
| 561-5200-535-6909 | 100333 | South Temple Water System Improvements | \$ 1,000,000 | |
| 561-5200-535-6911 | 100171 | Waterline Replacement - Somerville Dr (Phase 2) | \$ 335,000 | |
| 561-5400-535-6925 | 100045 | Birdcreek Wastewater Line Replacement | \$ 500,000 | |
| 561-5800-535-6929 | 100240 | Water Business Office Improvements | \$ 200,000 | |
| 561-5100-535-6924 | 100335 | Rehab WTP Mixed Media Filters | \$ 1,700,000 | |
| 561-5100-535-6931 | 100336 | SCADA Network | \$ 400,000 | |
| 561-5200-535-6934 | 100388 | Waterline Replacement - Avenue G to 25th | \$ 1,350,000 | |
| 561-5400-535-6935 | 100390 | Lilac Lane | \$ 500,000 | |
| 561-5200-535-6930 | 100089 | Utilities Relocation - Outer Loop (Phase 3) | \$ 900,000 | |
| 561-5200-535-6936 | 100391 | Utilities Relocation - Tarver - Old Waco | \$ 200,000 | |
| 561-0000-373-0422 | | Reserved for Bond Proceeds | | \$ 15,000,000 |

Appropriate the Utility Revenue (UR) bond proceeds as authorized by Council on July 3, 2008. Bond proceeds were received by the City on August 6, 2008.

TOTAL AMENDMENTS

\$ 40,376,876 \$ 40,376,876

GENERAL FUND

| | |
|---|--------------|
| Beginning Contingency Balance | \$ - |
| Added to Contingency Sweep Account | \$ - |
| Carry forward from Prior Year | \$ - |
| Taken From Contingency | \$ - |
| Net Balance of Contingency Account | \$ - |
| Beginning Judgments & Damages Contingency | \$ 70,000 |
| Added to Contingency Judgments & Damages from Council Contingency | \$ - |
| Taken From Judgments & Damages | \$ (61,058) |
| Net Balance of Judgments & Damages Contingency Account | \$ 8,942 |
| Beginning Master Plan Implementation Contingency | \$ 250,000 |
| Added to Master Plan Implementation Contingency | \$ - |
| Taken From Master Plan Implementation Contingency | \$ (206,813) |
| Net Balance of Master Plan Implementation Contingency Account | \$ 43,187 |

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2008 BUDGET
September 4, 2008

| ACCOUNT # | PROJECT # | DESCRIPTION | APPROPRIATIONS | |
|-----------|-----------|---|----------------|------------------|
| | | | Debit | Credit |
| | | Beginning Performance Pay Contingency | \$ | 150,000 |
| | | Added to Compensation Plan Contingency | \$ | - |
| | | Taken From Compensation Plan Contingency | \$ | (150,000) |
| | | Net Balance of Compensation Plan Contingency Account | \$ | - |
| | | Net Balance Council Contingency | \$ | 52,129 |
| | | Beginning Balance Budget Sweep Contingency | \$ | - |
| | | Added to Budget Sweep Contingency | \$ | - |
| | | Taken From Budget Sweep | \$ | - |
| | | Net Balance of Budget Sweep Contingency Account | \$ | - |
| | | WATER & SEWER FUND | | |
| | | Beginning Contingency Balance | \$ | 904,672 |
| | | Added to Contingency Sweep Account | \$ | - |
| | | Taken From Contingency | \$ | (245,528) |
| | | Net Balance of Contingency Account | \$ | 659,144 |
| | | Beginning Performance Pay Contingency | \$ | 30,000 |
| | | Added to Compensation Plan Contingency | \$ | - |
| | | Taken From Compensation Plan Contingency | \$ | (30,000) |
| | | Net Balance of Compensation Plan Contingency Account | \$ | - |
| | | Beginning Approach Mains Contingency | \$ | 500,000 |
| | | Added to Approach Mains Contingency | \$ | - |
| | | Taken From Approach Mains Contingency | \$ | (13,568) |
| | | Net Balance of Approach Mains Contingency Account | \$ | 486,432 |
| | | Net Balance Water & Sewer Fund Contingency | \$ | 1,145,576 |
| | | HOTEL/MOTEL TAX FUND | | |
| | | Beginning Contingency Balance | \$ | 20,126 |
| | | Added to Contingency Sweep Account | \$ | - |
| | | Taken From Contingency | \$ | (18,928) |
| | | Net Balance of Contingency Account | \$ | 1,198 |
| | | Beginning Performance Pay Contingency | \$ | 8,000 |
| | | Added to Compensation Plan Contingency | \$ | - |
| | | Taken From Compensation Plan Contingency | \$ | (8,000) |
| | | Net Balance of Compensation Plan Contingency Account | \$ | - |
| | | Net Balance Hotel/Motel Tax Fund Contingency | \$ | 1,198 |
| | | DRAINAGE FUND | | |
| | | Beginning Contingency Balance | \$ | 1,495 |
| | | Added to Contingency Sweep Account | \$ | - |
| | | Taken From Contingency | \$ | (1,495) |
| | | Net Balance of Contingency Account | \$ | - |
| | | Beginning Performance Pay Contingency | \$ | 2,000 |
| | | Added to Compensation Plan Contingency | \$ | - |
| | | Taken From Compensation Plan Contingency | \$ | (2,000) |
| | | Net Balance of Compensation Plan Contingency Account | \$ | - |
| | | Net Balance Drainage Fund Contingency | \$ | - |

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2008 BUDGET
September 4, 2008

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

RESOLUTION NO. _____

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

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

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

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

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

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

PASSED AND APPROVED this the 4th day of **September**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/04/08
Item #5
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

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

PLANNING & ZONING COMMISSION & STAFF RECOMMENDATION: The Commission, by a vote of 7/0, and Staff recommend adoption of ordinance as presented in item description, on first reading, with second reading and final adoption scheduled for September 18, 2008.

ITEM SUMMARY: The Council took no action at its last meeting August 7th, because this item was double notified, meaning it was scheduled before the Planning & Zoning Commission could review it and make a recommendation. The Planning and Zoning Commission recommended tabling the ordinance August 4th since it had more questions from the Code Enforcement and the City Manager Staff.

The stakeholder committee met on August 8th to review the questions from the Planning and Zoning Commission. The following changes were made:

- Section 12-132 Construction Signs was divided into 2 separate sections, Construction Signs, Commercial and Construction Signs, Residential. Commercial construction signs stayed the same and residential construction signs changed from per construction work site not to exceed 64 s.f. to one per every platted lot or tract not to exceed 6 s.f.
- Section 12-133 Development Signs was divided into 2 separate sections, Development Signs, Commercial and Development Sign, Residential. Commercial development signs were changed from one per every 100 acres not to exceed 300 s.f. to 2 per every 100 acres not to exceed 128 s.f. Residential development signs were changed to 2 signs on the exterior/perimeter of the development not to exceed 128 s.f. and a maximum of 10 signs on the interior of the development not to exceed 320 s.f.
- Section 12-155 Real Estate Signs was changed from 1 sign per property to 1 builder sign and 1 real estate agent sign per property.
- Section 12-159 Streamers was prohibited and was changed to allow with a permit, only 3 permits per calendar year and only to be displayed for 3 consecutive days per permit.

The Planning & Zoning Commission, on August 18th, recommended the following amendments:

- Section 12-135 (Directional Signs) to allow directional signs with three square feet instead of two; and
- Section 12-156 (Real Estate Signs, Residential) to allow two real estate signs on corner lots, one for each street frontage.

The area stakeholders agreed to the Commission's recommendations. 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.

Please refer to the Staff Report and draft minutes of case Z-FY-08-23, from the Planning and Zoning meeting August 18, 2008.

FISCAL IMPACT: N/A

ATTACHMENTS:

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



PLANNING AND ZONING COMMISSION AGENDA ITEM

08/18/08
Item # 4
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 September 4, 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

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, AUGUST 16, 2008**

ACTION ITEMS

4. **Z-FY-08-23:** Hold a public hearing to recommend approval and recommend action for certain proposed amendment(s) to Section 12 (Sign Regulations) of the City of Temple Zoning Ordinance. (Applicant: Staff)

Ms. Barbara Morgenroth, Construction & Safety, gives an overview of the updates and clarifications of definitions, wording, details, permit requirements, and related information to provide better accuracy of the Ordinance.

Commissioner Pilkington discussed size changes he would recommend to include in the Ordinance regarding corner lot signs. Ms. Morgenroth stated the change would go back to the stakeholders for approval. Chair Luck asked if the Commission approved it as is, what would happen taking it back to the stakeholders.

Tim Dolan, Planning Director, explained that if the Commission desired to recommend approval, Staff would be able to report to City Council what the stakeholders wanted and be able to bring that forward to the Commission, unless the Commission wanted to review it again at the next meeting. It has been scheduled to go forward.

Commissioners are in agreement they want to see it approved and not held up.

Chair Luck opened the public hearing for comments.

Troy Glasson, Temple Area Builders Association, approached the Commission and explained TABA was not a stakeholder for this overview but did meet with the stakeholders, and asks the Commission for favorable support on the Sign Ordinance.

There being no other speakers, Chair Luck closed the public hearing.

Commissioner Pilkington moved to approve the amendment of the Sign Ordinance, with the exceptions of the change to 12-135 to 3 square feet on corner lots and 12-156 regarding increasing two signs to four on corner lots. Commissioner Secrest seconded the motion.

Chair Luck asked for clarification on how the Commissioners would vote not knowing if the stakeholders want these changes or not. Mr. Dolan stated the Commission is recommending those changes be included if the stakeholders want them and the stakeholders can either accept them or not.

Motion passed. (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 12, "SIGN REGULATIONS," TO REGARDING SIGN DEFINITIONS, CERTAIN SIGN TYPES, AND CREATION OF A SIGN MAINTENANCE SECTION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves an amendment to Ordinance No. 91-2101, the Zoning Ordinance of the City of Temple, by amending Section 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 **City**.
- 4. **Advertising Device** – ~~Banners or streamers affixed to poles, wires, or ropes, wind operated devices, flashing lights, and other similar contrivances.~~ **A device, sign, flag, light, figure, statue, picture, letter, word, message, symbol, plaque or poster visible from outside the premises on which it is located and designed to inform or attract the attention of persons not on the premises.**
- 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. **Double Faced Sign (Back to Back)** – An advertising structure device with two closely located signs with faces in opposing directions, with less than a 15 degree angle between the sign faces.
23. **Erect** – To build, construct, attach, hang, place, suspend, or affix, or paint a sign and ~~shall also include the painting of signs.~~
24. **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.
25. **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.
26. **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.~~
27. **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.
28. **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.
29. **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.~~
30. **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.

31. **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.~~
32. **Handmade Sign** – A sign made by hand—not produced by a commercial sign-making establishment.
33. **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.
34. **Historical Signs** – ~~An integral part of the~~ A sign announcing the historic character of a landmark building or historic district.
35. **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.
36. **Home Occupation Sign** – A sign or any other advertising device, advertising a business, profession, occupation or trade conducted in the residence.
37. **Horizontal Projecting Sign** – A projecting sign which is greater in width than height.
38. **Illuminated Sign** – Any sign which has characters, letters, figures, designs or outlines illuminated externally ~~or internally~~ by electric lights or internally by luminous tubes.
39. **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).
40. **Institutional Sign** – ~~An accessory~~ A sign for the identity of a school, church, hospital or similar public or quasi-public institution.
41. **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.

~~"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.~~
42. **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.~~
43. **Median Strip** – A paved or planted strip dividing a street or highway into lanes according to direction of travel.

44. **Memorial Sign** – A memorial or commemorative plaque or tablet denoting a building name and/or date of erection of a location of historic significance.
45. **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.
46. **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.~~
47. **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.
48. **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.
49. **National Flag** – The flag of the United States of America.
50. ~~"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.
51. **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.
52. **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.~~
53. **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.
54. **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.~~
55. **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.~~

56. **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.
57. **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.
58. **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.~~

59. **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 place. 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.
60. **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.
61. **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.

~~**"Sign"**—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.~~

62. **Sign Area** – The entire advertising face of a sign excluding any framing, trim, or molding and the supporting structure. 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.

63. **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.
64. **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.
65. **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.
66. **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.
67. **Spirit Flag** – A school flag that contains crests, pictures and such but no advertising.
68. **State Flag** – The flag of the State of Texas, or the flags of other states in the United States of America, or its protectorates.
69. **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.~~
70. **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.~~
71. **Vertical Projecting Sign** – A projecting sign which is greater in height than in width.
72. **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.~~
73. **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 **device** 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 **device** 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. **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.~~
19. **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:

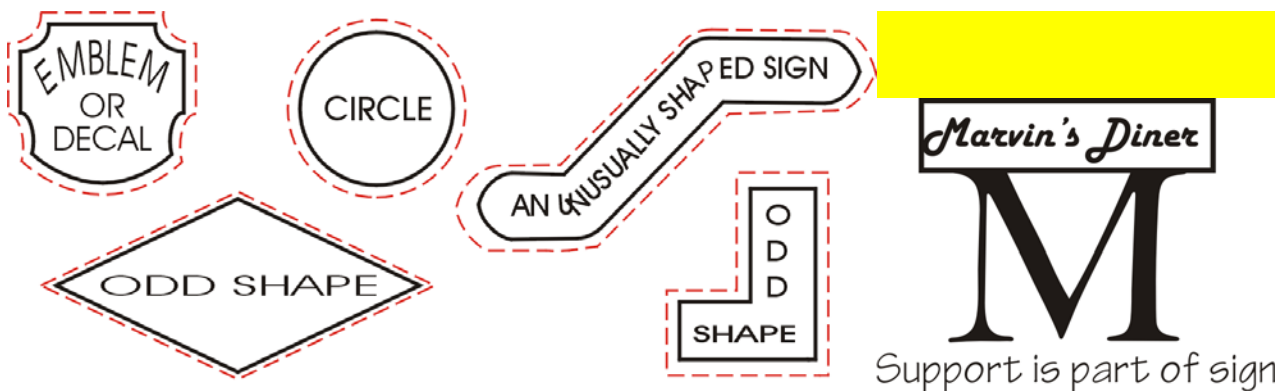
1. Free-standing Signs
2. Wall Signs
3. Roof Signs
4. Projecting Signs
5. Awnings and Canopies

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.

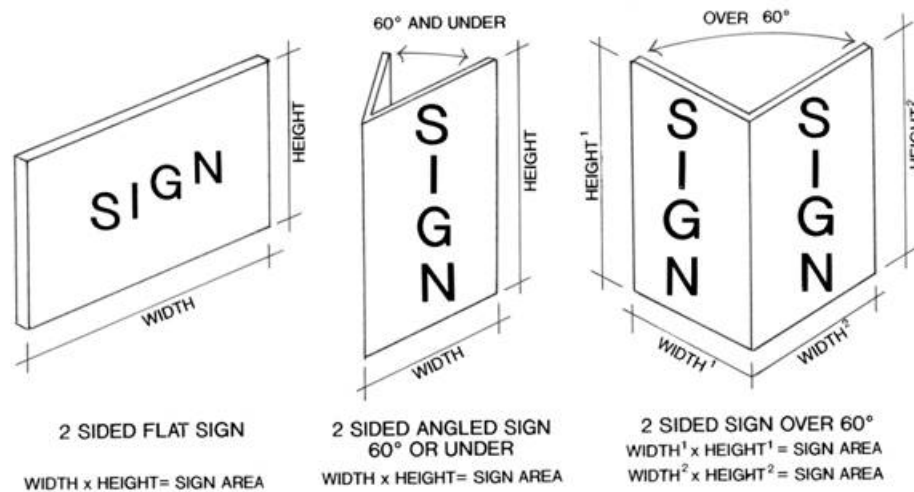
(2) Where a sign consists of individual letters, words or symbols attached to a surface, the sign area shall be the area of the smallest rectangle which completely encompasses all such letters, words or symbols and any accompanying background of a color different than the color of the wall.



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.]

| Sec. Number | Type | District Permitted | Maximum Area | Permit Req'd? | Time Limit | TABLE 3 | Illustration |
|-------------|---------------------|--------------------------|---|---------------|------------|---|--------------|
| | | | | | | Standards | |
| 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 | All except 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> | |
| 12-129 | Banner | All except residential | 10% of façade mounted on. On multi-tenant buildings, not to exceed 10% of leased frontage façade it is mounted on | No | None | <p>One per building or tenant.</p> <p>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.</p> | |
| 12-130 | Banner, Pole | All except residential | 12 SF | No | None | <p>One per every 40 LF, separated by at least 5 feet, not to exceed 10 pole banners per property.</p> <p>Height of pole must not exceed 35 feet.</p> <p>Must be secured to permanent pole and mounted with brackets</p> | |

| Sec. Number | Type | District Permitted | Maximum Area | Permit Req'd? | Time Limit | TABLE 3 | Illustration |
|-------------|--------------------------------|------------------------|---|---------------|--|--|--------------|
| | | | | | | Standards | |
| | | | | | | <p>manufactured for that purpose. No T-posts allowed.</p> <p>Combinations of corporate, spirit, and pole banners may be used, but may not exceed a combined total of 10.</p> | |
| 12-131 | Canopy | All except residential | 25% of surface | Yes | None | <p>Shall not be less than 9 feet above the level of the sidewalk or public thoroughfare over which it is erected.</p> <p>Shall not extend 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 or the awning.</p> <p>Canopy signs associated with gasoline service stations shall be limited to gas prices, name, and company identification.</p> | |
| 12-132 | Community Event Sign | All districts | 40 SF | No | From 30 days before to 7 days after event | <p>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.</p> <p>No community event sign shall be placed in public right-of-way.</p> | |
| 12-133 | Construction Sign, Commercial | Non-Residential | 64 SF | No | From issuance of building permit to 7 days after completion of project | One per construction work site. | |
| 12-134 | Construction Sign, Residential | Residential | 6 SF | No | From issuance of building permit to 7 days after completion of project | <p>1 per platted lot or tract</p> <p>H-Frame allowed.</p> | |
| 12-135 | Development Sign, Commercial | All | 128 SF | Yes | 7 days after completion of project. | <p>Two per project for every 100 acres in the project.</p> <p>Signs may be double faced.</p> | |
| 12-136 | Development Sign, Residential | Residential | <p>128 SF</p> <p>Exterior</p> <p>320 SF</p> | No | From issuance of building permit to 7 days after completion of project | <p>Two per entrance at exterior/perimeter roads of development.</p> <p>One interior residential sign per 40 LF, not to exceed total of 10, with a maximum combined area of 320 SF</p> <p>Signs may be double faced.</p> | |

| Sec. Number | Type | District Permitted | Maximum Area | Permit Req'd? | Time Limit | TABLE 3 | Illustration |
|-------------|----------------------------|------------------------|--|---------------|------------|---|--------------|
| | | | | | | Standards | |
| | | | Interior | | | Must have uniform design elements and colors | |
| 12-137 | Directional Sign | Non-residential | 3 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> | |
| 12-138 | Directory Sign | All except residential | 4 SF | Yes | None | One per street frontage. | |
| 12-139 | 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> | |
| 12-140 | Flag, Corporate and Spirit | All except 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> | |
| 12-141 | 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</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> | |

| Sec. Number | Type | District Permitted | Maximum Area | Permit Req'd? | Time Limit | TABLE 3 | Illustration |
|-------------|------------------------------------|---------------------------------------|--------------|---------------|---|---|--------------|
| | | | | | | Standards | |
| | | | district. | | | | |
| 12-142 | Freestanding (pole or ground) Sign | See section 12-123 | | | | | |
| 12-143 | 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. | |
| 12-144 | Handheld Sign | All | 10 SF | No | None | | |
| 12-145 | Historical Sign | All | 4 SF | No | None | None | |
| 12-146 | Holiday Decoration | Non-residential | N/A | No | From 45 days before to 14 days after celebration | | |
| 12-147 | Inflatable device | Residential | None | No | From 45 days before to 14 days after celebration | Maximum of 10 feet tall. | |
| 12-148 | Inflatable device | Non-residential | N/A | Yes | 14 consecutive days per permit. 30 days after grand opening. | Maximum of 2 permits per year per business. Maximum of 20 feet tall. Must be ground mounted; must not be affixed to roof. | |
| 12-149 | Institutional Sign | All | 32 SF | Yes | None | One per street frontage. | |
| 12-150 | Memorial Sign | All | 4 SF | No | None | N/A | |
| 12-151 | Message Board | Non-residential | 150 SF | Yes | None | A message board must not have any distracting appearance of animated motion of graphics, blinking, flashing, or shimmering. A message board with an electronic message may have a scrolling message. When the display of a message board with an electronic message displays changes from message to message, it must change as rapidly | |

| Sec. Number | Type | District Permitted | Maximum Area | Permit Req'd? | Time Limit | TABLE 3 | Illustration |
|-------------|-------------------------|------------------------|--|---------------|--|---|--------------|
| | | | | | | Standards | |
| | | | | | | as technologically practicable with no phasing, rolling, flashing, or blending and no more than every 8 seconds. | |
| 12-152 | 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> | |
| 12-153 | 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 | |
| 12-154 | 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> | |
| 12-155 | Projecting Sign | All except 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 in the routine manner only in the Central Area District. In other locations, a</p> | |

| TABLE 3 | | | | | | | |
|-------------|-------------------------------|------------------------|--------------|---------------|---|--|--------------|
| Sec. Number | Type | District Permitted | Maximum Area | Permit Req'd? | Time Limit | Standards | Illustration |
| | | | | | | projecting sign over public property requires approval of a right-of-way license by the City Council. | |
| 12-156 | Protective Sign | All | 1 SF | No | None | No more than 2 per property. | |
| 12-157 | Real Estate Sign, Commercial | Non-residential | 32 SF | No | 7 days after sale or rental of subject property | One per street frontage, platted lot or tract. For acreage, one per 200 feet of street frontage. The set back for a nonresidential sign is 8 feet from the property line. The maximum height of an on-premise real estate sign in a non-residential district is 15 feet. An off-premise real estate sign is allowed only if erected on a City-authorized kiosk. | |
| 12-158 | Real Estate Sign, Residential | Residential | 6 SF | No | 7 days after sale or rental of subject property | One builder sign and one real estate agent sign per platted lot or tract. On corner lots, one builder sign and one real estate agent sign per street frontage per platted lot or tract. For acreage, one builder sign per 200 feet of street frontage, with combined maximum area of 32 SF. H-Frame sign is allowed. | |
| 12-159 | Roof Sign | Non-residential | 300 SF | Yes | None | 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. Highest point must not extend 20 feet above the roof level. | |
| 12-160 | Searchlight | All except residential | N/A | Yes. | 3 consecutive days per permit | Shall not have glaring or illumination which interferes with traffic safety. Shall not be within 500 feet of a residential area. Shall not be placed in public right-of-way. Limit of 2 permits per year per business. | |
| 12-161 | Streamers | All | N/A | Yes | 3 consecutive days per permit; 3 permits per business per calendar year | In residential districts streamers are allowed only at entrances of developments under construction. Must not be tied to a utility pole or other public structure. | |
| 12-162 | Subdivision | All except | 80 SF | Yes | | The signs shall bear only the name of the subdivision. | |

| TABLE 3 | | | | | | | |
|-------------|----------------|--------------------|------------------------|---------------|------------|--|--------------|
| Sec. Number | Type | District Permitted | Maximum Area | Permit Req'd? | Time Limit | Standards | Illustration |
| | Entry Sign | LI and HI | | | | <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> | |
| 12-163 | 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> | |
| 12-164 | Wall Sign | See Section 12-124 | | | | | |
| 12-165 | 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

- 12-166. 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.
- 12-167. 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.
- 12-168. 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.
- 12-169. 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.
- 12-170. 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.
- 12-171. 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.
- 12-172. 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.
- 12-173. 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.
- 12-174. 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.
- 12-175. 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.
- 12-176. 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.

- 12-177. **Roof.** No off-premise sign may be erected or maintained upon the roof of any building structure.
- 12-178. **Light.** No off-premise sign may be constructed where it obscures or shades the windows or doorways of adjacent buildings.
- 12-179. **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.
- 12-180. **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.
- 12-181. **Construction.** An off-premise sign must have a steel post and be constructed and erected in conformance with current building codes.
- 12-182. **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.
- 12-183. **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.
- 12-184. **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.
- 12-185. **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.
- 12-186. **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.
- 12-187. **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.

12-188. 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.

12-189. 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.

12-190. 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:

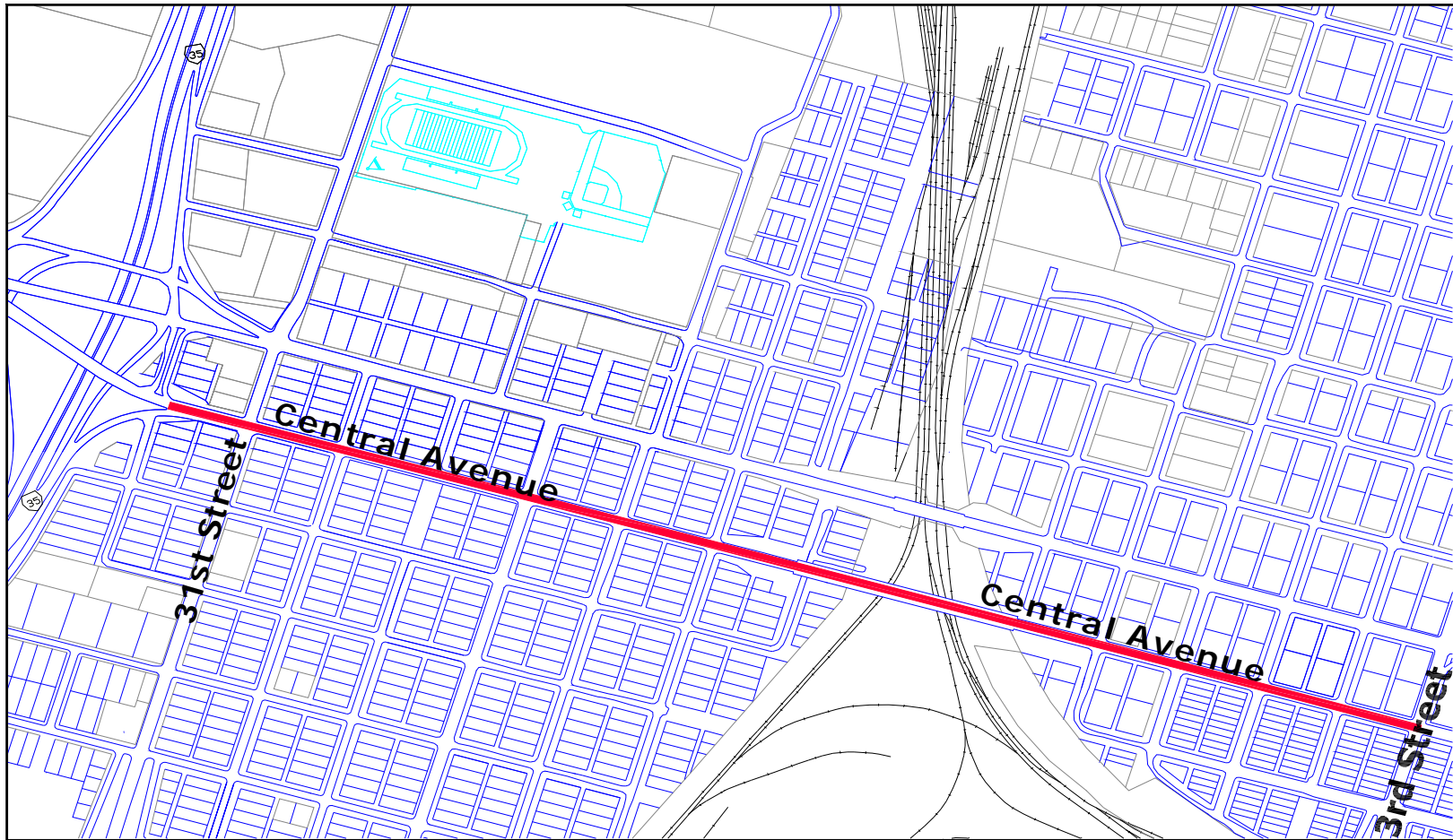
1. must have a permit, but will not require payment of a permit fee;
2. may be erected no less than 5 feet from any highway right of way line;
3. may be constructed with the same number of poles and same type of materials as the existing sign; and

4. may be erected without enlarging the sign face.

SPECIAL STANDARDS FOR CENTRAL AVENUE CORRIDOR

- 12-191. 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.
- 12-192. 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.
- 12-193. 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.
- 12-194. 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.
- 12-195. Illumination:** Signs may be illuminated internally or externally. Illumination shall be constant and represent no traffic hazard.
- 12-196. Movement:** Signs shall not be permitted to move or rotate in any manner.
- 12-197. Materials:** Signs shall be constructed from environmentally sound materials and meet all city building, electrical, and other safety codes.
- 12-198. 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.
- 12-199. 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.

- 12-200.** Street right-of-way encroachment by any advertising sign is prohibited within the Central Avenue Corridor.
- 12-201.** A sign may not conflict with the operation of utilities located within an easement area.
- 12-202.** 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

CntrlAvCrdr.dwg
m.steer 2/07/01
scale:1"/600'



12-203. 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.

12-204. 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.

12-205.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.

12-206. 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

12-207. 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.

| TABLE 3 SUMMARY SIGN REGULATIONS | | | |
|---|---------------------------------|-----------------------------|---|
| SIGN TYPE | DISTRICT PERMITTED | MAXIMUM AREA | SPACING STANDARDS |
| Permanent On-Premise Signs | | | |
| 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 |
| Temporary On-Premise Signs | | | |
| 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. |
| | Non-residential | 32 square feet | For acreage, one per 200 feet of street frontage 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 7th day of **August**, 2008.

PASSED AND APPROVED on Second Reading on the 4th day of **September**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

APPROVED AS TO FORM:

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/04/08
Item #6
Regular Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Z-FY-08-31: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to Light Industrial District (LI) on 349. 4 ± acre of land being out of the J.B. Daniel Survey, Abstract 259, M.A. Young Survey, Abstract 937 and the G.W. Graves Survey, Abstract 355 in Bell County Texas, located on the north side of McLane Boulevard and on the east side of Old Howard Road.

PLANNING & ZONING COMMISSION & STAFF RECOMMENDATION: The Planning and Zoning Commission voted 8/0, upon Staff's recommendation, to recommend approval of Case Z-FY-08-31 for the following reasons:

1. The Future Land Use Plan Map shows the area as Industrial;
2. The Thoroughfare Plan shows McLane Boulevard and on the east side of Old Howard Road (area to be part of the future Outer Loop) both Minor Arterial Roadways; and
3. The Adequacy of Public Facilities shows the area as part of the CIP and RZ areas for water and wastewater improvements.

Staff recommendation is to conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for September 18, 2008.

ITEM SUMMARY: The subject area is part of a series of zoning cases for City owned properties to change the zoning district from Agriculture (A) to Light Industrial (LI). The Council approved several zoning cases last year in this general area.

Please refer to the Staff Report and draft minutes of case Z-FY-08-31, from the Planning and Zoning meeting, August 18, 2008.

FISCAL IMPACT: N/A

ATTACHMENTS:

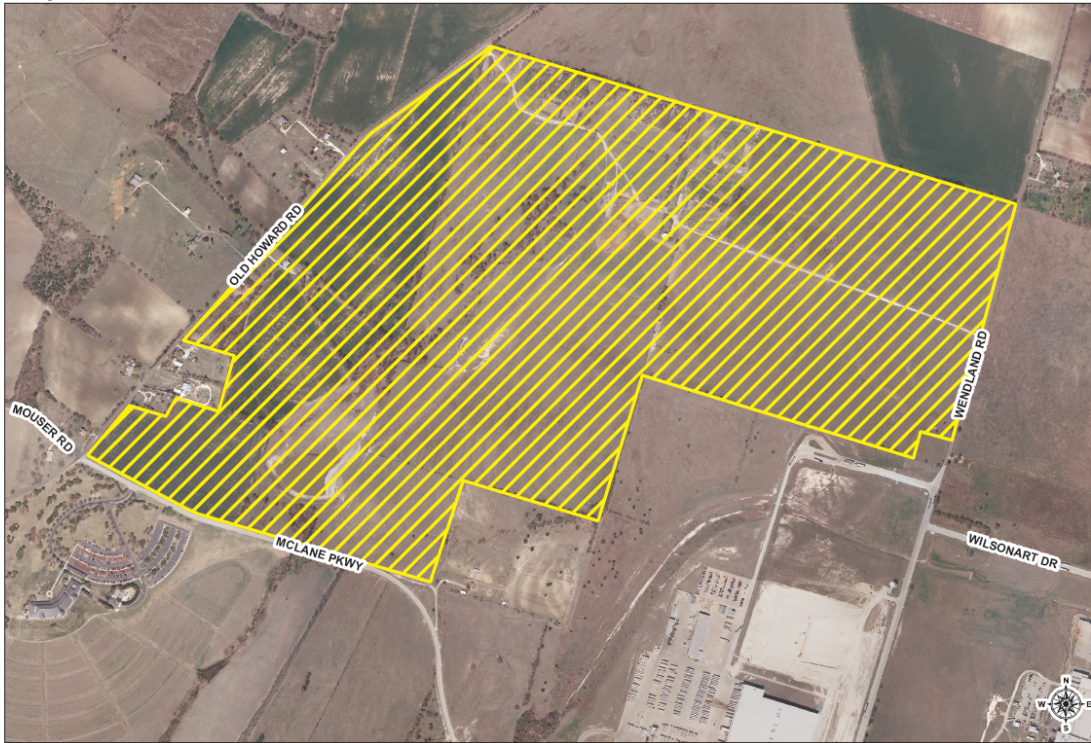
[Aerial](#)
[Land Use Map](#)
[Zoning Map](#)
[Notice Map](#)
[P&Z Staff Report](#)
[P&Z Minutes](#)
[Ordinance](#)



Z-FY-08-31

349.39 Acres

Temple Economic Development Corporation



 ZFY0831

A to LI Zoning

1 inch equals 800 feet
J Stone 07.09.08

Future Land Use Plan

Warehouse & Distribution

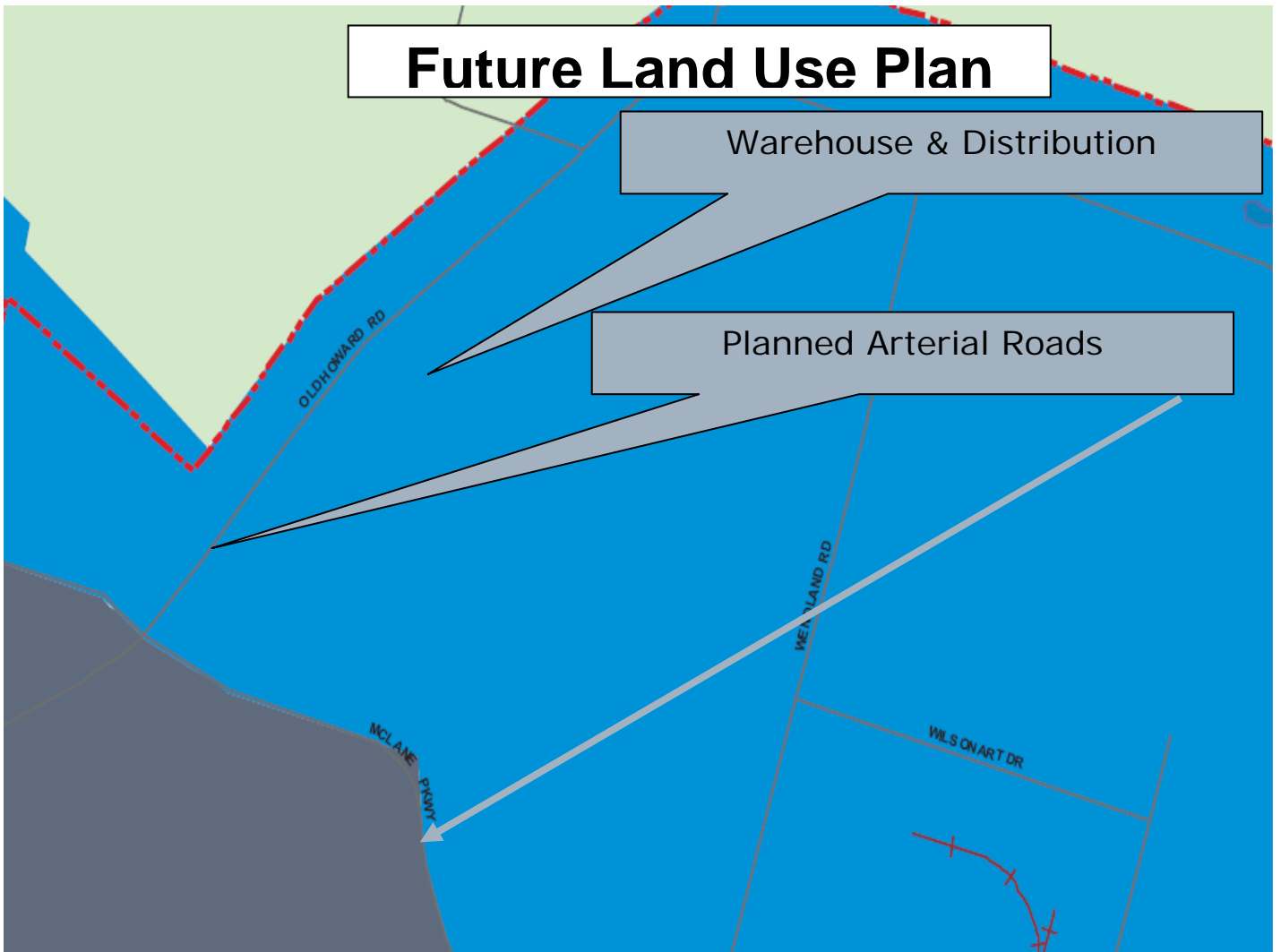
Planned Arterial Roads

OLDHOWARD RD

MENTLAND RD

WILSONART DR

MCLANE PKWY

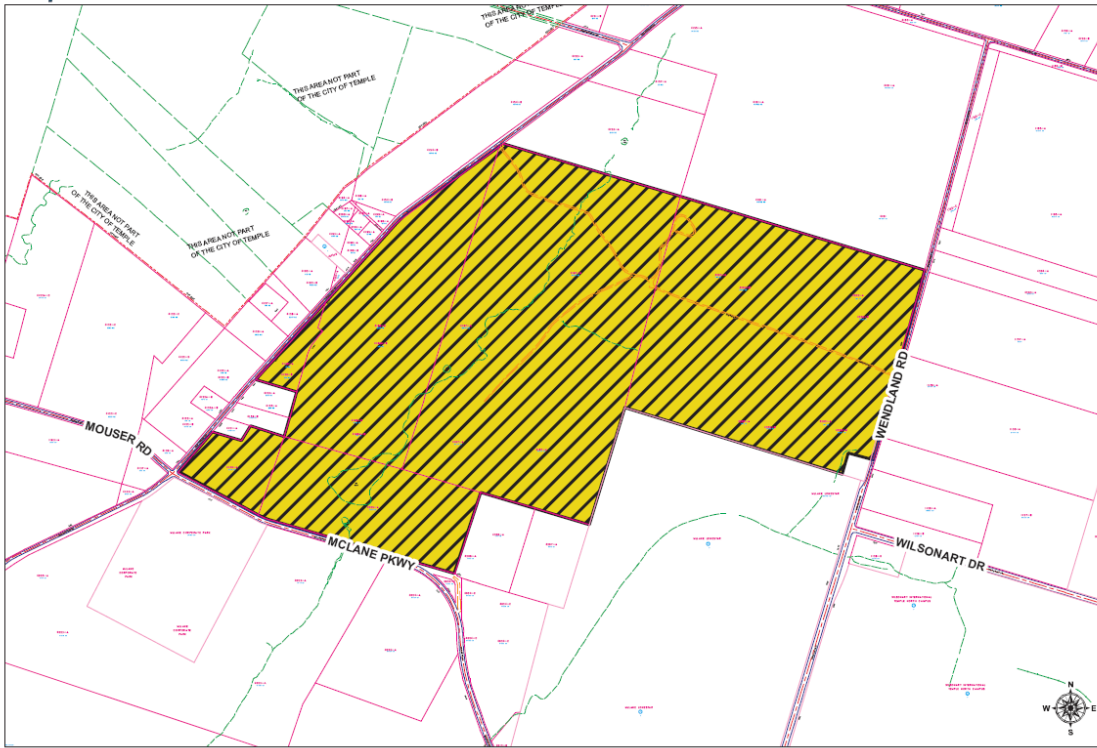




Z-FY-08-31

349.39 Acres

Temple Economic Development Corporation



 ZFY0831

A to LI Zoning

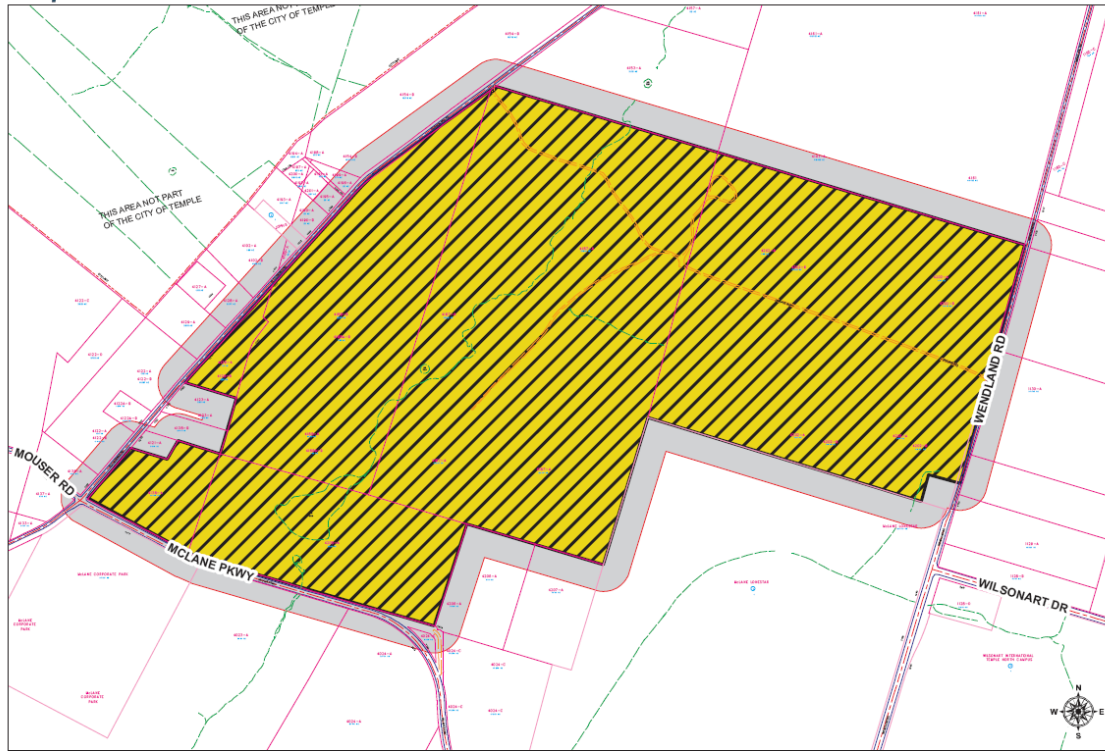
1 inch equals 1,000 feet
J Stone 07.09.08



Z-FY-08-31

349.39 Acres

Temple Economic Development Corporation



 ZFY0831  200' Buffer

A to LI Zoning

1 inch equals 800 feet
J Stone 07.09.08



PLANNING AND ZONING COMMISSION AGENDA ITEM

08/18/08
Item 5
Page 1 of 5

APPLICANT / DEVELOPMENT: Applicant: Temple Economic Development Corporation

CASE MANAGER: Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION:

Z-FY-08-31 Discuss and recommend action to consider a zone change from Agricultural District (A) to Light Industrial District (LI) on 349. 4 ± acre of land being out of the J.B. Daniel Survey, Abstract 259, M.A. Young Survey, Abstract 937 and the G.W. Graves Survey, Abstract 355 in Bell County Texas. Property is located on the north side of McLane Boulevard and on the east side of Old Howard Road.

BACKGROUND:

The Commission tabled this item from the last meeting at the applicant's request.

The subject area is part of a series of zoning cases for City owned properties to change the zoning district from Agriculture (A) to Light Industrial (LI). Staff recommends the Commission recommend approval of the zoning case. The Commission should remember that it approved several zoning cases last year in the general area.

Surrounding Property and Uses

The subject area is surrounded by properties that are zoned Agriculture (A) and Light Industrial (LI) and undeveloped land.

Future Land Use Plan

The subject area complies with the Future Land Use Plan as an Industrial Use.

Thoroughfare Plan

The subject area complies with the Thoroughfare Plan, with access to McLane Boulevard and on the east side of Old Howard Road (area to be part of the future Outer Loop) both Minor Arterial Roadways.

Adequacy of Public Facilities

This area will be served by water and sewer as part of the CIP and RZ projects.

Development Regulations

The purpose of the Light Industrial District serves a transition from other commercial or retail areas to industrial uses. The LI area should be isolated from planned areas of residential development.

The land uses allowed are manufacturing and assembly, subject to performance standards of odor, noise, glare, smoke, air contaminants, vibration, and open storage.

The maximum lot coverage for LI is 55% for a main building, and maximum lot coverage of 65% for a main building and all accessory buildings. The front setback requirements are thirty feet (30.0') from

the centerline of a road, no side or rear yard setback for industrial uses, and a ten foot (10.0') setback from properties adjacent to a residential district.

Public Notice

A total of three notices were sent out. As of August 1, 2007 at 5:00 P.M., one letter was returned in favor. The letters were mailed and the newspaper printed the public hearing on August 8th, in accordance with state law and local ordinance

STAFF RECOMMENDATION:

Staff recommends approval of Z-FY-08-32 subject area to:

1. The Future Land Use Plan Map showing the area as Industrial
2. The Thoroughfare Plan showing McLane Boulevard and on the east side of Old Howard Road (area to be part of the future Outer Loop) both Minor Arterial Roadways, and
3. The Adequacy of Public Facilities shows the area as part of the CIP and RZ areas for water and wastewater improvements.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial

Land Use Map

Zoning Map

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

MONDAY, AUGUST 16, 2008

ACTION ITEMS

5. **Z-FY-08-31:** Hold a public hearing to recommend approval and recommend action to consider a zone change from Agricultural District (A) to Light Industrial District (LI) on 349. 4 ± acre of land being out of the J.B. Daniel Survey, Abstract 259, M.A. Young Survey, Abstract 937 and the G.W. Graves Survey, Abstract 355 in Bell County Texas. Property is located on the north side of McLane Boulevard and on the east side of Old Howard Road. (Applicant: Temple Economic Development Corporation).

Staff recommends approval of the zone change from Agricultural to Light Industrial since it complies with the future land use plan, thoroughfare plan, and adequate public facilities are being extended to the site.

Chair Luck opened the public hearing for comments.

Mr. Pat Patterson commented that Temple Economic Development Corporation owns this property and wants to change the zoning to make it more marketable.

There being no further questions, Chair Luck closed the public hearing. Commissioner Martin moved to approve a zone change from Agricultural to Light Industrial for Z-FY-08-31 and Commissioner Kjelland seconded the motion.

Motion passed. (7/0)

ORDINANCE NO. _____

[PLANNING NO. Z-FY-08-31]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO LIGHT INDUSTRIAL DISTRICT (LI) ON APPROXIMATELY 349.4 ACRES OF LAND OUT OF THE J.B. DANIEL SURVEY, ABSTRACT NO. 259, M.A. YOUNG SURVEY, ABSTRACT NO. 937 AND THE G.W. GRAVES SURVEY, ABSTRACT NO. 355 IN BELL COUNTY, TEXAS, LOCATED ON THE NORTH SIDE OF MCLANE BOULEVARD AND ON THE EAST SIDE OF OLD HOWARD ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Agricultural District (A) to Light Industrial District (LI) on approximately 349.4 acres of land out of the J.B. Daniel Survey, Abstract No. 259, M.A. Young Survey, Abstract No. 937, and the G.W. Graves Survey, Abstract No. 355 in Bell County, Texas, located on the north side of McLane Boulevard and on the east side of Old Howard 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 **4th** day of **September**, 2008.

PASSED AND APPROVED on Second Reading on the **18th** day of **September**, 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

09/04/08
Item #7(A)
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-08-33-A: Consider adopting an ordinance authorizing an amendment to the West Temple Comprehensive Plan to allow commercial uses on a 1.6 ± acre tract of land being part of the Baldwin Robertson Survey, Abstract No. 17, located at the northeast corner of Tarver Drive and SH 317.

PLANNING & ZONING COMMISSION & STAFF RECOMMENDATION: The Planning and Zoning Commission voted 8/0, upon Staff's recommendation, to recommend approval of Case Z-FY-08-33-A to amend the Future Land Use Map from low density residential to commercial Uses for the following reasons:

1. The proposed Plan Amendment for Regional Commercial conforms to the Future Trends of the Future Land Use Plan since the area is located near a designated intersection and contains adequate size for development;
2. The Plan Amendment conforms to the Thoroughfare Plan since access comes SH 317, an Arterial roadway; and
3. The Plan Amendment conforms to the Adequacy of Public Facilities since the site contains sufficient area for the existing septic tank.

Staff recommendation is to conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for September 18, 2008.

ITEM SUMMARY: This item was annexed in the late 1990's and the holding zoning was Agricultural, which shows the future use as low density residential. Commercial uses are suitable for the properties fronting SH 317.

The guidelines in the West Temple Plan are summarized as follows:

- Maximum building height of one to two-story buildings
- Low profile appearance, including pitched roofs, windows and foundation plantings
- Brick or masonry construction where possible, and
- Parking areas screened from street view where possible by continuous hedge along street

FISCAL IMPACT: N/A

ATTACHMENTS:

[Aerial](#)

[PZ Staff Report](#)

[PZ Minutes](#)

[Ordinance](#)



Z-FY-08-33_^A

1.5476 Acres

OB#2506-A

NEC Hwy 317 & Tarver Dr



 ZFY0833

A to C Zoning

1 inch = 200 feet
J Stone 07.30.08



PLANNING & ZONING COMMISSION AGENDA ITEM MEMORANDUM

08/18/08
Item 6A
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director _____

ITEM DESCRIPTION:

Z-FY-08-33-A: Hold a public hearing to consider an amendment to the West Temple Comprehensive Plan to allow commercial uses on a 1.6 ± acre tract of land being part of the Baldwin Robertson Survey, Abstract No. 17, located at the northeast corner of Tarver Drive and SH 317. (Applicant: Lloyd Thomas for Thomas Hoherd).

STAFF RECOMMENDATION:

Staff recommends approval of the first reading for Case Z-FY-08-33-A to amend the Future Land Use Map from low density residential to commercial Uses subject to:

1. The proposed Plan Amendment for Regional Commercial conforms to the Future Trends of the Future Land Use Plan since the area is located near a designated intersection and contains adequate size for development;
2. The Plan Amendment conforms to the Thoroughfare Plan since access comes SH 317, an Arterial roadway; and
3. The Plan Amendment conforms to the Adequacy of Public Facilities since the site contains sufficient area for the existing septic tank.

If approved on first reading, the second reading is set for September 4, 2008.

ITEM SUMMARY: This item was annexed in the late 1990's and the holding zoning was Agriculture, which shows the future use as low density residential. Commercial uses are suitable for the properties fronting SH 317.

The guidelines in the West Temple Plan are summarized as follows:

- Maximum building height of one to two-story buildings
- Low profile appearance, including pitched roofs, windows and foundation plantings
- Brick or masonry construction where possible, and
- Parking areas screened from street view where possible by continuous hedge along street

FISCAL IMPACT: None

ATTACHMENTS:

Land Use Map
Aerial

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

MONDAY, AUGUST 16, 2008

ACTION ITEMS

- 6A. Z-FY-08-33-A:** Hold a public hearing to consider an amendment to the West Temple Comprehensive Plan to allow commercial uses on a 1.6 ± acre tract of land being part of the Baldwin Robertson Survey, Abstract No. 17, located at the northeast corner of Tarver Drive and SH 317. (Applicant: Lloyd Thomas for Thomas Hoherd).

Mr. Tim Dolan, Planning Director, presented a detailed presentation and explained this was an amendment to the West Temple Plan with zoning change of Agricultural to General Retail. If this moved forth, the City Council would consider a public hearing at the first reading on September 4th with a second regarding on September 18th.

This area is part of West Temple Plan adopted approximately 1994 and the purpose was to salvage architectural guidelines of single story masonry buildings for non-residential and all uses to be recommended for planned development. The future land use plan is moving it from Agricultural to General Retail.

Staff recommended approval for this case.

Chair Luck opened the public hearing for comments. Since no one approached, Chair Luck closed the public hearing.

Commissioner Talley made a motion to approve and Commissioner Kjelland seconded the motion.

Motion passed. (7/0)

ORDINANCE NO. _____

[PLANNING. Z-FY-08-33(A)]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING AN AMENDMENT TO THE WEST TEMPLE COMPREHENSIVE PLAN TO ALLOW COMMERCIAL USES ON AN APPROXIMATELY 1.6 ACRE TRACT OF LAND BEING PART OF THE BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17, LOCATED ON THE NORTHEAST CORNER OF TARVER DRIVE AND SH 317; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves an amendment to the West Temple Comprehensive Plan to allow commercial uses on an approximately 1.6 acre tract of land being part of the Baldwin Robertson Survey, Abstract No. 17, located on the northeast corner of Tarver Drive and SH 317, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 4th day of September, 2008.

PASSED AND APPROVED on Second Reading on the **18th** day of **September**, 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

09/04/08
Item #7(B)
Regular Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Z-FY-08-33-B: Consider adopting an ordinance authorizing a zoning change from Agricultural District to General Retail District on 1.6± acre tract of land being part of the Baldwin Robertson Survey, Abstract No. 17, located at the northeast corner of Tarver Drive and SH 317.

PLANNING & ZONING COMMISSION & STAFF RECOMMENDATION: The Planning and Zoning Commission voted 8/0, upon Staff's recommendation, to recommend approval of Case Z-FY-08-33B for the following reasons:

1. The request complies with the Future Land Use Plan of the West Temple Plan;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public and private facilities will serve the site from existing septic service.

Staff recommendation is to conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for September 18, 2008.

ITEM SUMMARY: This application tracks with a requested amendment to the West Temple Plan, Z-FY-08-33A. The purpose of the zoning change request is to change from A to GR for proposed commercial uses.

Please refer to the Staff Report and draft minutes of case Z-FY-08-33B, from the Planning and Zoning meeting, August 18, 2008.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Aerial](#)
[Land Use Map](#)
[Zoning Map](#)
[Notice Map](#)
[PZ Staff Report](#)
[PZ Minutes](#)
[Ordinance](#)

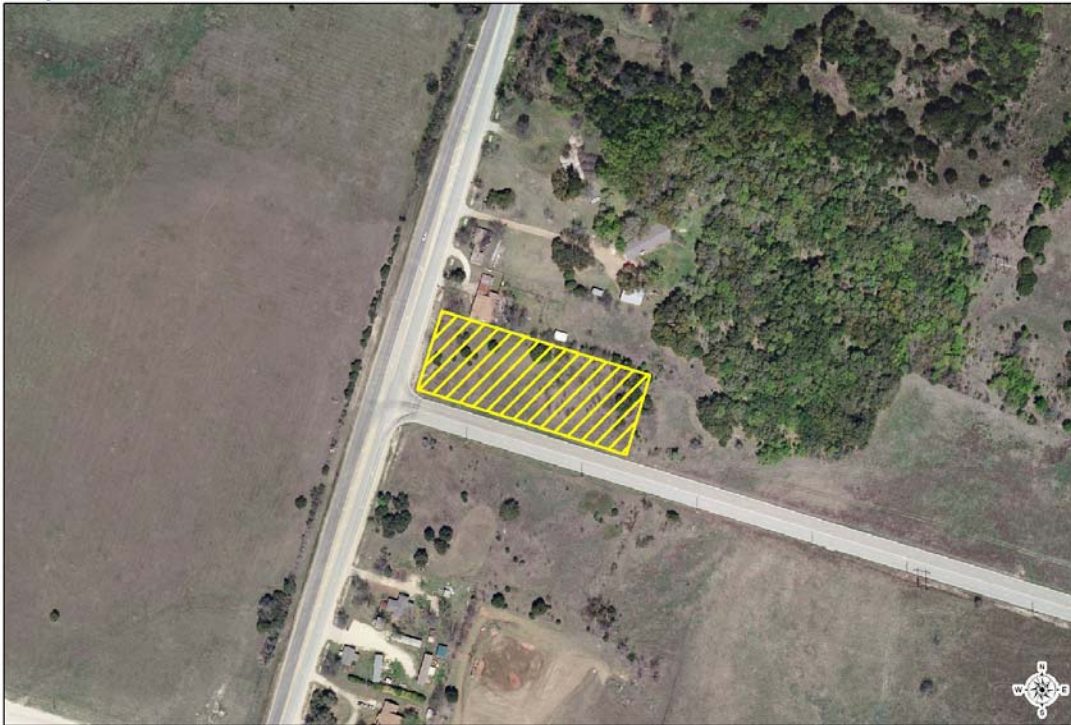


Z-FY-08-33B

1.5476 Acres

OB#2506-A

NEC Hwy 317 & Tarver Dr



 ZFY0833

A to C Zoning

1 inch = 200 feet
J Stone 07.30.08



Z-FY-08-33B

1.5476 Acres

OB#2506-A

NEC Hwy 317 & Tarver Dr

CLUP

Agricultural

AGRICULTURE

Residential

LOW DENSITY (LD)

MED DENSITY (SF1, SF2, SF3, MH, MF)

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

HIGH DENSITY (MF2)

Commercial

OFFICE (O1, O2)

RETAIL (RS, GR)

COMMERCIAL (C, CA)

Mixed Use

MIXED USE (MU)

Industrial

INDUSTRIAL (I, HI)

Warehouse/Distribution

Manufacturing/Distribution

Bi-Science/Technology

Corporate Campus & Office

Aviation Industrial Dvmt

Fwy Com/Tech/Indust

Intermodal

Community Facilities

COMMUNITY FACILITY

CF-E (EDUCATIONAL)

CF-G (GENERAL)

CF-R (RESIDENTIAL)

CF-M (MEDICAL)

Park Land

PROPOSED FLOATING PARK

PARKS

Downtown

DOWNTOWN



A to C Zoning

1 inch = 300 feet
J Stone 07.30.08



Z-FY-08-33B

1.5476 Acres

OB#2506-A

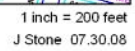
NEC Hwy 317 & Tarver Dr



 ZFY0833

A to C Zoning

1 inch = 300 feet
J Stone 07.30.08





PLANNING & ZONING COMMISSION AGENDA ITEM MEMORANDUM

08/18/08
Item 6B
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director _____

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING -

Z-FY-08-33-B: Discuss and recommend action to consider a zone change from Agricultural District to General Retail District on 1.6± acre tract of land being part of the Baldwin Robertson Survey, Abstract No. 17, located at the northeast corner of Tarver Drive and SH 317. (Applicant: Lloyd Thomas for Thomas Hoherd).

STAFF RECOMMENDATION: Staff recommends approval of the Zone change from A, Agricultural District to GR, General Retail because:

1. The request complies with the requested amendment to the Future Land Use Plan of the West Temple Plan;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public and private facilities will serve the site from existing septic service.

ITEM SUMMARY:

This application tracks with a requested amendment to the West Temple Plan, Z-FY-08-33A. The purpose of the zone change request is to change from A to GR for proposed commercial uses.

Future Land Use Plan

The zone change complies with the requested amendment to the Future Land Use Plan of the West Temple Plan.

Thoroughfare Plan

SH 317 and Tarver Road function as an Arterial on the Thoroughfare Plan. The zone change complies with the Thoroughfare Plan.

Adequacy of Public Facilities

The site is large enough for on-site sewage facility.

Development Regulations

The purpose of the GR, General Retail district is intended to serve larger service areas than neighborhoods. This district should be located at the intersection of major arterials and should provide total on-site traffic maneuvering such that traffic entering and exiting the facility should have room to turn, queue for parking areas, and park within the confines of the retail facility. This is the most intensive 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 (nonresidential uses) | |
| Min. Lot Area (sq. ft.) | None |
| Min. Lot Width (ft.) | None |
| Min. Lot Depth (ft.) | None |
| Max. Height (stories) | 3 stories |
| Min. Yard (ft) | |
| Front | 30 from street centerline |
| Side | 10 adjacent to residential district |
| Rear | 10 adjacent to residential district |

Public Notice

A total of four notices of the P&Z meeting were sent out. As of Thursday, August 14 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 August 7, 2008 in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of the Zone change from A, Agricultural District to GR, General Retail because:

1. The request complies with the requested amendment to the Future Land Use Plan of the West Temple Plan;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public and private facilities will serve the site from existing septic service.

FISCAL IMPACT:

Not Applicable

ATTACHMENTS:

Zoning Map
Land Use Map
Aerial
Notification Radius Map

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

MONDAY, AUGUST 16, 2008

ACTION ITEMS

- 6B. Z-FY-08-33-B:** Discuss and recommend action to consider a zone change from Agricultural District to General Retail District on 1.6± acre tract of land being part of the Baldwin Robertson Survey, Abstract No. 17, located at the northeast corner of Tarver Drive and SH 317. (Applicant: Lloyd Thomas for Thomas Hoherd).

Mr. Tim Dolan, Planning Director, gave a detailed presentation and explained this was a zone change from Agricultural to General Retail. If this moved forth, the City Council would consider a public hearing at the first reading on September 4th with a second regarding on September 18th.

Four (4) notices were mailed out; one (1) was received in support of this and zero (0) were received in opposition.

Staff recommended approval for this case.

Commissioner Talley made a motion to approve the zone change from Agricultural to General Retail and Commissioner Kjelland seconded the motion.

Motion passed. (7/0)

ORDINANCE NO. _____

[PLANNING NO. Z-FY-08-33(B)]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO GENERAL RETAIL DISTRICT (GR) ON APPROXIMATELY 1.6 ACRES OF LAND BEING PART OF THE BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17, LOCATED ON THE NORTHEAST CORNER OF TARVER DRIVE AND SH 317; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Agricultural District (A) to General Retail District (GR) on approximately 1.6 acres of land being part of the Baldwin Robertson Survey, Abstract No. 17, located on the northeast corner of Tarver Drive and SH 317, 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 4th day of September, 2008.

PASSED AND APPROVED on Second Reading on the **18th** day of **September**, 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

09/04/08
Item #8(A)
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Z-FY-08-34-A: Consider adopting an ordinance authorizing an amendment to the West Temple Comprehensive Plan to allow commercial uses on a 2.8± acre tract of land being part of the Baldwin Robertson Survey, Abstract No. 17, located at the southeast corner of Tarver Drive and SH 317.

PLANNING & ZONING COMMISSION & STAFF RECOMMENDATION: The Planning and Zoning Commission voted 7/0, upon Staff's recommendation, to recommend approval of Case Z-FY-08-34A for the following reasons:

1. The proposed Plan Amendment for Regional Commercial conforms to the Future Trends of the Future Land Use Plan since the area is located near a designated intersection and contains adequate size for development;
2. The Plan Amendment conforms to the Thoroughfare Plan since access comes from SH 317, an Arterial roadway; and
3. The Plan Amendment conforms to the Adequacy of Public Facilities since the site contains sufficient area for the existing septic tank.

Staff recommendation is to conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for September 18, 2008.

ITEM SUMMARY: This item was annexed in the late 1990's and the holding zoning was Agricultural, which shows the future use as low density residential. Commercial uses are suitable for the properties fronting SH 317.

The guidelines in the West Temple Plan are summarized as follows:

- Maximum building height of one to two-story buildings
- Low profile appearance, including pitched roofs, windows and foundation plantings
- Brick or masonry construction where possible, and
- Parking areas screened from street view where possible by continuous hedge along street

FISCAL IMPACT: N/A

ATTACHMENTS:

[Aerial](#)

[Land Use Map](#)

[PZ Staff Report](#)

[PZ Minutes](#)

[Ordinance](#)

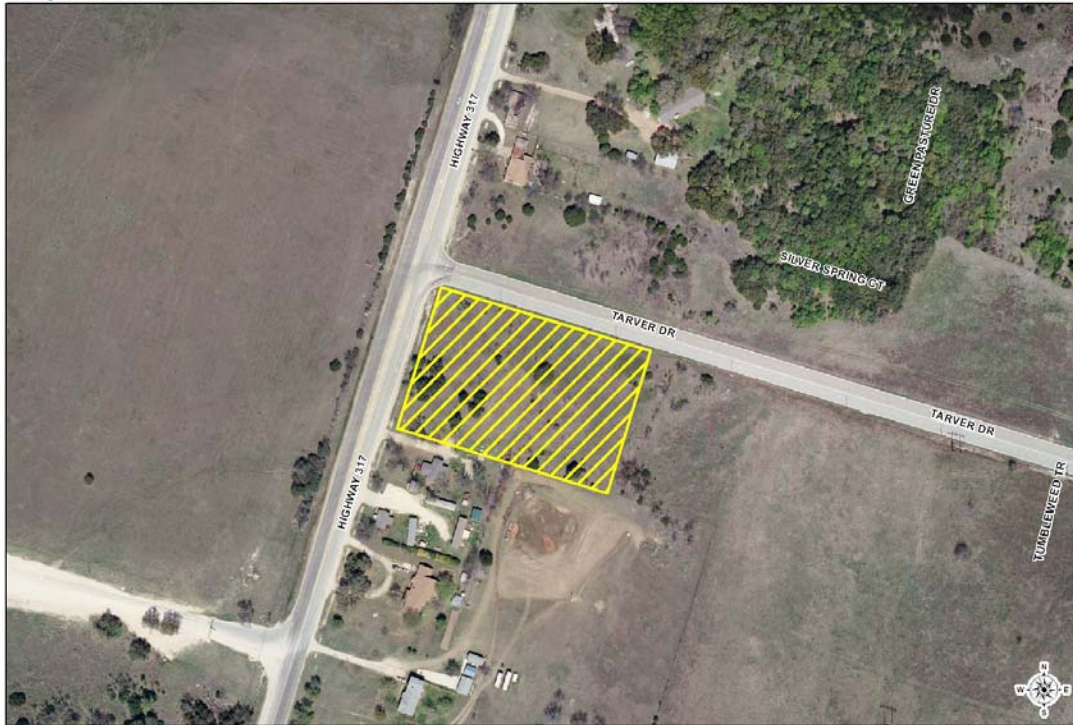


Z-FY-08-34 A

2.764 Acres

OB#2506-A

SEC Hwy 317 & Tarver Dr



 ZFY0834

A to C Zoning

1 inch = 200 feet
J Stone 07.30.08



Z-FY-08-34A

2.764Acres

OB#2506-A

SEC Hwy 317 & Tarver Dr

CLUP

Agricultural

AGRICULTURE

Residential

LOW DENSITY (UE)

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

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

HIGH DENSITY (MF2)

Commercial

OFFICE (O1, O2)

RETAIL (RS, GR)

COMMERCIAL (C, CA)

Mixed Use

MIXED USE (MU)

Industrial

INDUSTRIAL (U, HI)

Warehouse/Distribution

Manufacturing/Distribution

Bi-Science/Technology

Corporate Campus & Office

Aviation Industrial Dvmt

Fwy Com/Tech/Indust

Intermodal

Community Facilities

COMMUNITY FACILITY

CF-E (EDUCATIONAL)

CF-G (GENERAL)

CF-R (RESIDENTIAL)

CF-M (MEDICAL)

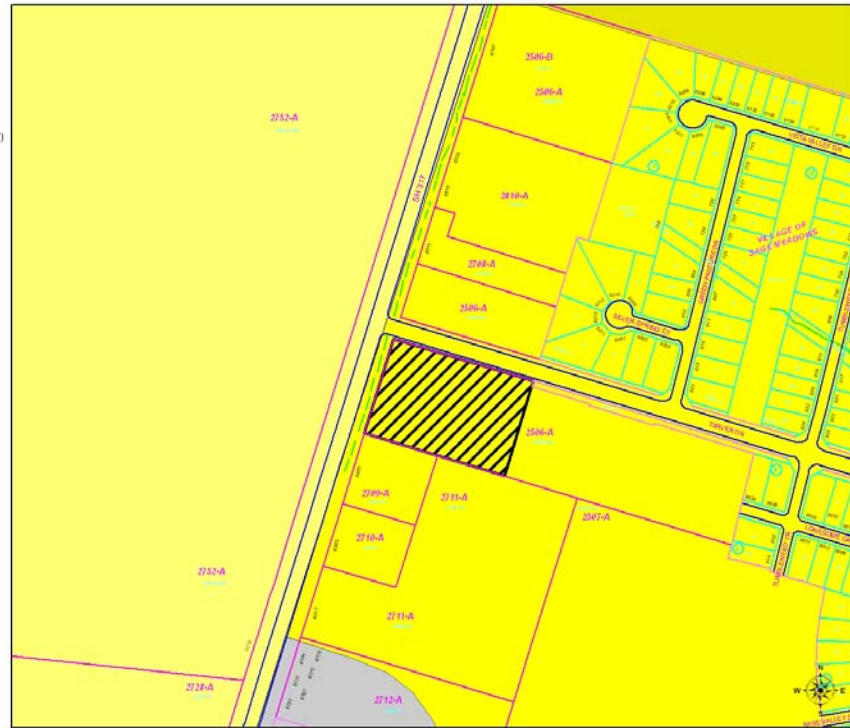
Park Land

PROPOSED FLOATING PARK

PARKS

Downtown

DOWNTOWN



A to C Zoning

1 inch = 300 feet
J Stone 07.30.08



PLANNING & ZONING COMMISSION AGENDA ITEM MEMORANDUM

08/18/08
Item 7A
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director _____

ITEM DESCRIPTION:

Z-FY-08-34-A: Hold a public hearing to consider an amendment to the West Temple Comprehensive Plan to allow commercial uses on a 2.8± acre tract of land being part of the Baldwin Robertson Survey, Abstract No. 17, located at the southeast corner of Tarver Drive and SH 317. (Applicant: Lloyd Thomas for Thomas Hoherd).

STAFF RECOMMENDATION:

Staff recommends approval of the first reading for Case Z-FY-08-34-A to amend the Future Land Use Map from low density residential to commercial Uses subject to:

1. The proposed Plan Amendment for Regional Commercial conforms to the Future Trends of the Future Land Use Plan since the area is located near a designated intersection and contains adequate size for development;
2. The Plan Amendment conforms to the Thoroughfare Plan since access comes SH 317, an Arterial roadway; and
3. The Plan Amendment conforms to the Adequacy of Public Facilities since the site contains sufficient area for the existing septic tank.

If approved on first reading, the second reading is set for September 4, 2008.

ITEM SUMMARY: This item was annexed in the late 1990's and the holding zoning was Agriculture, which shows the future use as low density residential. Commercial uses are suitable for the properties fronting SH 317.

The guidelines in the West Temple Plan are summarized as follows:

- Maximum building height of one to two-story buildings
- Low profile appearance, including pitched roofs, windows and foundation plantings
- Brick or masonry construction where possible, and
- Parking areas screened from street view where possible by continuous hedge along street

FISCAL IMPACT: None

ATTACHMENTS:

Land Use Map
Aerial

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

MONDAY, AUGUST 16, 2008

ACTION ITEMS

- 7A. Z-FY-08-34-A:** Hold a public hearing to consider an amendment to the West Temple Comprehensive Plan to allow commercial uses on a 2.8± acre tract of land being part of the Baldwin Robertson Survey, Abstract No. 17, located at the southeast corner of Tarver Drive and SH 317. (Applicant: Lloyd Thomas for Thomas Hoherd).

Mr. Tim Dolan, Planning Director, presented a detailed presentation and explained this was an amendment to the West Temple Plan with zoning change from Agricultural to General Retail.

Staff recommended approval for this case.

Commissioner Kjelland made a motion to approve and Commissioner Martin seconded the motion.

Motion passed. (7/0)

ORDINANCE NO. _____

[PLANNING. Z-FY-08-34(A)]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING AN AMENDMENT TO THE WEST TEMPLE COMPREHENSIVE PLAN TO ALLOW COMMERCIAL USES ON AN APPROXIMATELY 2.8 ACRE TRACT OF LAND BEING PART OF THE BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17, LOCATED ON THE SOUTHEAST CORNER OF TARVER DRIVE AND SH 317; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves an amendment to the West Temple Comprehensive Plan to allow commercial uses on an approximately 2.8 acre tract of land being part of the Baldwin Robertson Survey, Abstract No. 17, located on the southeast corner of Tarver Drive and SH 317, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 4th day of September, 2008.

PASSED AND APPROVED on Second Reading on the **18th** day of **September**, 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

09/04/08
Item #8(B)
Regular Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Z-FY-08-34-B: Consider adopting an ordinance authorizing a zoning change from Agricultural District to the General Retail District on 2.8± acres being part of the Baldwin Robertson Survey, Abstract No. 17, located at the southeast corner of Tarver Drive and SH 317.

PLANNING & ZONING COMMISSION & STAFF RECOMMENDATION: The Planning and Zoning Commission voted 8/0, upon Staff's recommendation, to recommend approval of Case Z-FY-08-34B for the following reasons:

1. The request complies with the requested amendment to the Future Land Use Plan of the West Temple Plan;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public and private facilities will serve the site from existing septic service.

Staff recommendation is to conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for September 18, 2008.

ITEM SUMMARY: This application tracks with a requested amendment to the West Temple Plan, Z-FY-08-34A. The purpose of the zone change request is to change from A to GR for proposed commercial uses.

Please refer to the Staff Report and draft minutes of case Z-FY-08-34B, from the Planning and Zoning meeting, August 18, 2008.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Aerial](#)
[Land Use Map](#)
[Zoning Map](#)
[Notice Map](#)
[PZ Staff Report](#)
[PZ Minutes](#)
[Ordinance](#)

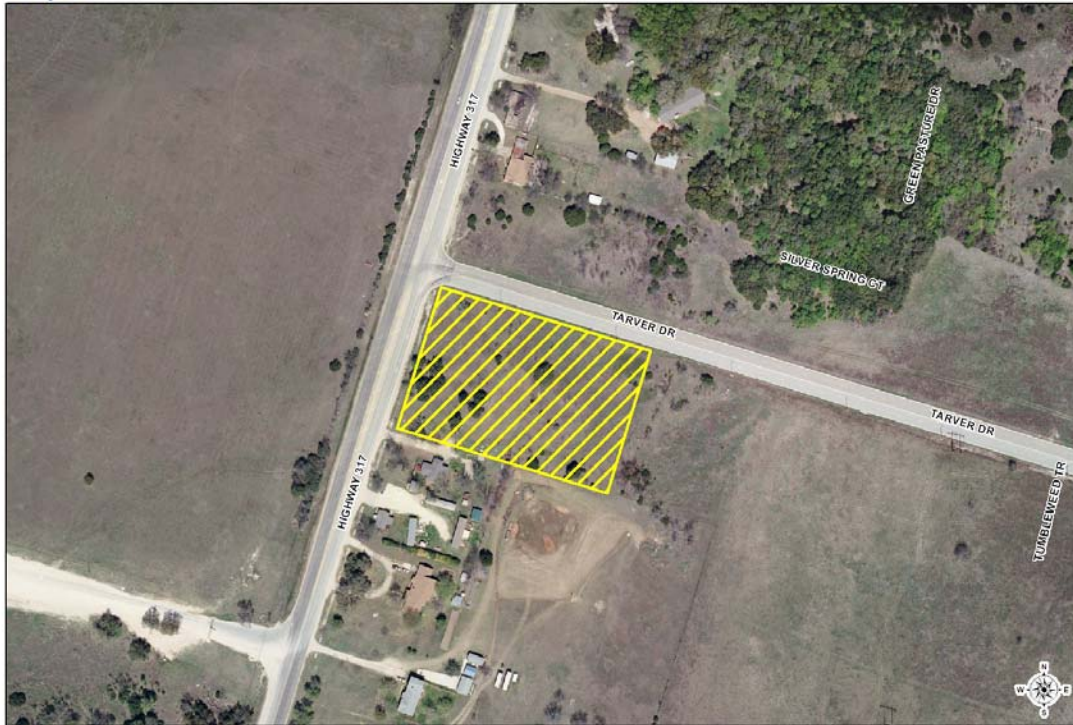


Z-FY-08-34B

2.764 Acres

OB#2506-A

SEC Hwy 317 & Tarver Dr



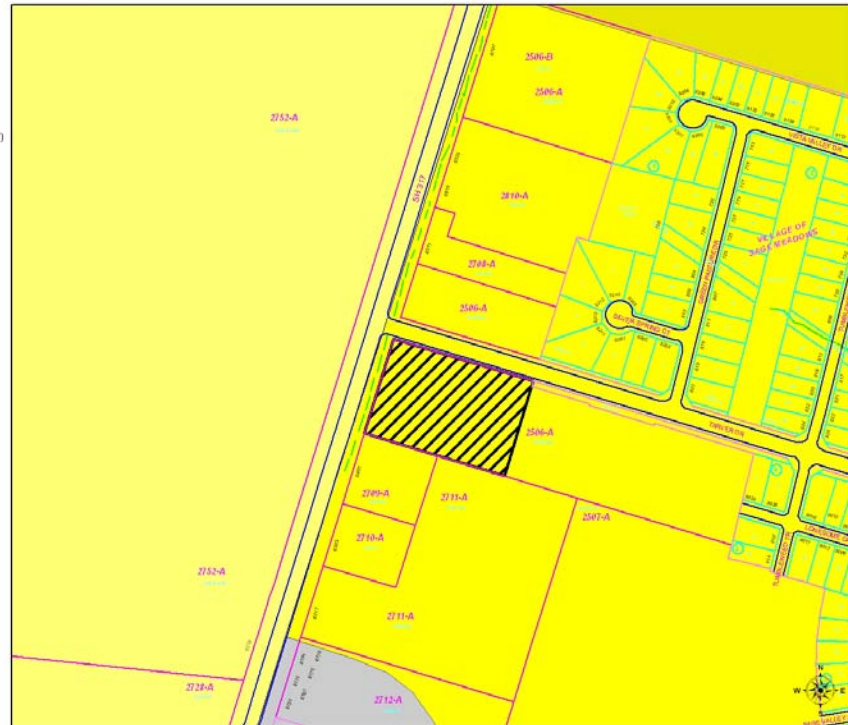
 ZFY0834

A to C Zoning

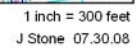
1 inch = 200 feet
J Stone 07.30.08



Downtown
DOWNTOWN



1 inch = 300 feet
J Stone 07.30.08



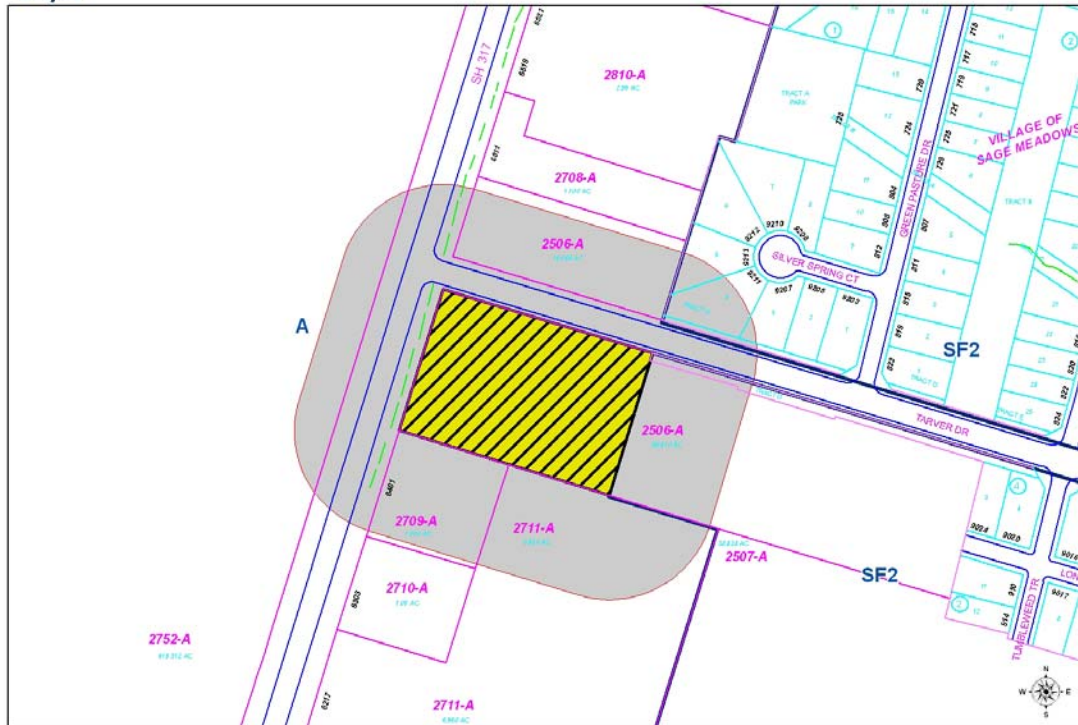


Z-FY-08-34B

2.764 Acres

OB#2506-A

SEC Hwy 317 & Tarver Dr



ZFY0834 200' Buffer

A to C Zoning

1 inch = 200 feet
J Stone 07.30.08



PLANNING & ZONING COMMISSION AGENDA ITEM MEMORANDUM

08/18/08
Item 7B
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director _____

ITEM DESCRIPTION: Z-FY-08-34-B: Hold a public hearing to consider a zone change from the Agricultural District to the General Retail District on 2.8± acres being part of the Baldwin Robertson Survey, Abstract No. 17, located at the southeast corner of Tarver Drive and SH 317. (Applicant: Lloyd Thomas for Thomas Hoherd).

STAFF RECOMMENDATION: Staff recommends approval of the Zone change from A, Agricultural District to the GR, General Retail District because:

1. The request complies with the requested amendment to the Future Land Use Plan of the West Temple Plan;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public and private facilities will serve the site from existing septic service.

ITEM SUMMARY:

This application tracks with a requested amendment to the West Temple Plan, Z-FY-08-34A. The purpose of the zone change request is to change from A to GR for proposed commercial uses.

Future Land Use Plan

The zone change complies with the requested amendment to the Future Land Use Plan of the West Temple Plan.

Thoroughfare Plan

SH 317 and Tarver Road function as an Arterial on the Thoroughfare Plan. The zone change complies with the Thoroughfare Plan.

Adequacy of Public Facilities

The site is large enough for on-site sewage facility.

Development Regulations

The purpose of the GR, General Retail district is intended to serve larger service areas than neighborhoods. This district should be located at the intersection of major arterials and should provide total on-site traffic maneuvering such that traffic entering and exiting the facility should have room to turn, queue for parking areas, and park within the confines of the retail facility. This is the most intensive 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 (nonresidential uses) | |
|---|-------------------------------------|
| Min. Lot Area (sq. ft.) | None |
| Min. Lot Width (ft.) | None |
| Min. Lot Depth (ft.) | None |
| Max. Height (stories) | 3 stories |
| Min. Yard (ft) | |
| Front | 30 from street centerline |
| Side | 10 adjacent to residential district |
| Rear | 10 adjacent to residential district |

Public Notice

A total of four notices of the P&Z meeting were sent out. As of Thursday, August 14 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 August 7, 2008 in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of the Zone change from A, Agricultural District to GR, General Retail because:

1. The request complies with the requested amendment to the Future Land Use Plan of the West Temple Plan;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public and private facilities will serve the site from existing septic service.

FISCAL IMPACT:

Not Applicable

ATTACHMENTS:

Zoning Map
Land Use Map
Aerial
Notification Radius Map

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

MONDAY, AUGUST 16, 2008

ACTION ITEMS

- 7B Z-FY-08-34-B** Hold a public hearing to consider a zone change from the Agricultural District to to the General Retail District on 2.8± acres being part of the Baldwin Robertson Survey, Abstract No. 17, located at the southeast corner of Tarver Drive and SH 317. (Applicant: Lloyd Thomas for Thomas Hoherd).

Mr. Tim Dolan, Planning Director, presented a detailed presentation and explained this was a zone change from Agricultural to General Retail.

Staff recommended approval for this case.

Commissioner Secrest made a motion to approve and Commissioner Norman seconded the motion.

Motion passed. (7/0)

ORDINANCE NO. _____

[PLANNING NO. Z-FY-08-34(B)]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT TO GENERAL RETAIL DISTRICT ON APPROXIMATELY 2.8 ACRES BEING PART OF THE BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17, LOCATED ON THE SOUTHEAST CORNER OF TARVER DRIVE AND SH 317; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Agricultural District to General Retail District on approximately 2.8 acres of land being part of the Baldwin Robertson Survey, Abstract No. 17, located on the southeast corner of Tarver Drive and SH 317, 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 4th day of **September**, 2008.

PASSED AND APPROVED on Second Reading on the 18th day of **September**, 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

09/04/08
Item #9(A)
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Z-FY-08-35-A: Consider adopting an ordinance authorizing an amendment to the West Temple Comprehensive Plan to allow commercial uses on 3.7± acre of land being part of the Baldwin Robertson Survey, Abstract No. 17, located on the east side of SH 317, north of Tarver Drive.

PLANNING & ZONING COMMISSION & STAFF RECOMMENDATION: The Planning and Zoning Commission voted 8/0, upon Staff's recommendation, to recommend approval of Case Z-FY-08-35-A to amend the Future Land Use Map from low density residential to commercial Uses for the following reasons:

1. The proposed Plan Amendment for Regional Commercial conforms to the Future Trends of the Future Land Use Plan since the area is located near a designated intersection and contains adequate size for development;
2. The Plan Amendment conforms to the Thoroughfare Plan since access comes from SH 317, an Arterial roadway; and
3. The Plan Amendment conforms to the Adequacy of Public Facilities since the site contains sufficient area for the existing septic tank.

Staff recommendation is to conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for September 18, 2008.

ITEM SUMMARY: This item was annexed in the late 1990's and the holding zoning was Agricultural, which shows the future use as low density residential. Commercial uses are suitable for the properties fronting SH 317.

The guidelines in the West Temple Plan are summarized as follows:

- Maximum building height of one to two-story buildings
- Low profile appearance, including pitched roofs, windows and foundation plantings
- Brick or masonry construction where possible, and
- Parking areas screened from street view where possible by continuous hedge along street

FISCAL IMPACT: N/A

ATTACHMENTS:

[Aerial](#)

[Land Use Map](#)

[PZ Minutes](#)

[Ordinance](#)



Z-FY-08-35 A

3.650 Acres

OB#2506-A & B

6707 Hwy 317



 ZFY0835





A to C Zoning

1 inch = 300 feet
J Stone 07.30.08

CLUP

Agricultural
AGRICULTURE

Residential

 LOW DENSITY (JE)
 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

 MXEDUSE (MU)

Industrial

-  INDUSTRIAL (U, HI)
-  Warehouse/Distribution
-  Manufacturing/Distribution
-  Bio-Science/Technology
-  Corporate Campus & Office
-  Aviation Industrial Dvmt
-  Fwy Corn/Tech/Indust
-  Intermodal

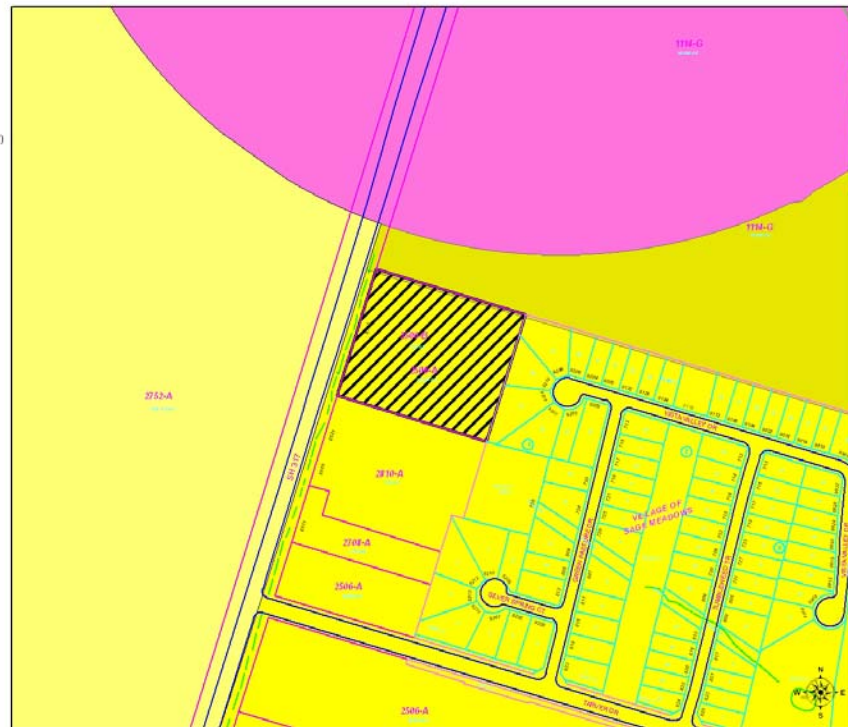
Community Facilities

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

Park Land

PROPOSED FLOATING PARK
PARKS

Downtown

 DOWNTOWN

A to C Zoning

1 inch = 300 feet
J Stone 07.30.08

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

MONDAY, AUGUST 16, 2008

ACTION ITEMS

- 8A Z-FY-08-35-A** Hold a public hearing to consider an amendment to the West Temple Comprehensive Plan to allow commercial uses on 3.7+ acre of land being part of the Baldwin Robertson Survey, Abstract No. 17, located on the east side of SH 317, north of Tarver Drive. (Applicant: Lloyd Thomas for Thomas Hoherd).

Mr. Tim Dolan, Planning Director, presented a detailed presentation and explained this was an amendment to the West Temple Plan.

Staff recommended approval for this case.

Commissioner Pilkington made a motion to approve and Commissioner Talley seconded the motion.

Motion passed. (7/0)

ORDINANCE NO. _____

[PLANNING. Z-FY-08-35(A)]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING AN AMENDMENT TO THE WEST TEMPLE COMPREHENSIVE PLAN TO ALLOW COMMERCIAL USES ON AN APPROXIMATELY 3.7 ACRE TRACT OF LAND BEING PART OF THE BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17, LOCATED ON THE EAST SIDE OF SH 317, NORTH OF TARVER DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves an amendment to the West Temple Comprehensive Plan to allow commercial uses on an approximately 3.7 acre tract of land being part of the Baldwin Robertson Survey, Abstract No. 17, located on the east side of SH 317, north of Tarver Drive, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 4th day of September, 2008.

PASSED AND APPROVED on Second Reading on the **18th** day of **September**, 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

09/04/08
Item #9(B)
Regular Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Z-FY-08-35-B: Consider adopting an ordinance authorizing a zoning change from Agricultural District to the General Retail District on 3.7± acres being part of the Baldwin Robertson Survey, Abstract No. 17, located on the east side of SH 317, north of Tarver Drive.

PLANNING & ZONING COMMISSION & STAFF RECOMMENDATION: The Planning and Zoning Commission voted 8/0, upon Staff's recommendation, to recommend approval of Case Z-FY-08-35B for the following reasons:

1. The request complies with the Future Land Use Plan of the West Temple Plan;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public and private facilities will serve the site from existing septic service.

Staff recommendation is to conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for September 18, 2008.

ITEM SUMMARY: This application tracks with a requested amendment to the West Temple Plan, Z-FY-08-35A. The purpose of the zone change request is to change from A to GR for proposed commercial uses.

Please refer to the Staff Report and draft minutes of case Z-FY-08-35B, from the Planning and Zoning meeting, August 18, 2008.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Aerial](#)
[Land Use Map](#)
[Zoning Map](#)
[Notice Map](#)
[PZ Staff Report](#)
[PZ Minutes](#)
[Ordinance](#)



Z-FY-08-35B

3.650 Acres

OB#2506-A & B

6707 Hwy 317



 ZFY0835

A to C Zoning

1 inch = 300 feet
J Stone 07.30.08



Z-FY-08-35/ B

3.650Acres

OB#2506-A & B

6707 Hwy 317

CLUP

Agricultural

AGRICULTURE

Residential

LOW DENSITY (LD)

MED 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

Flex Com/Tech/Indust

Intermodal

Community Facilities

COMMUNITY FACILITY

CF-E (EDUCATIONAL)

CF-G (GENERAL)

CF-R (RECREATIONAL)

CF-M (MEDICAL)

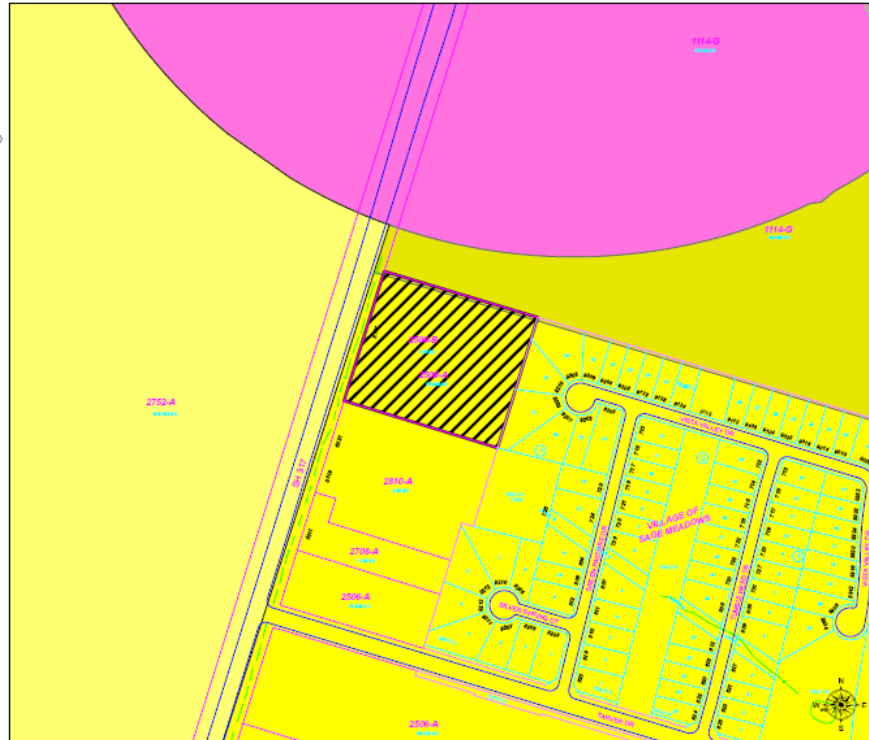
Park Land

PROPOSED FLOATING PARK

PARKS

Downtown

DOWNTOWN



A to C Zoning

1 inch = 300 feet

J Stone 07.30.08

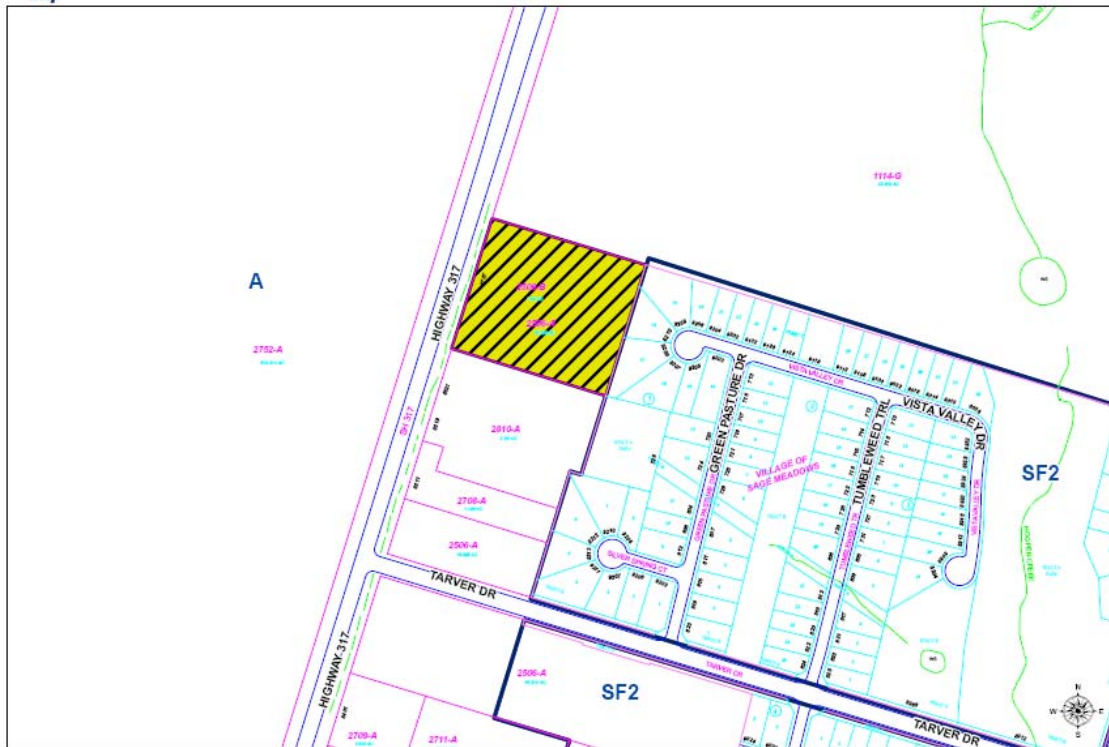


Z-FY-08-35B

3.650Acres

OB#2506-A & B

6707 Hwy 317



 ZFY0835

A to C Zoning

1 inch = 300 feet
J Stone 07.30.08

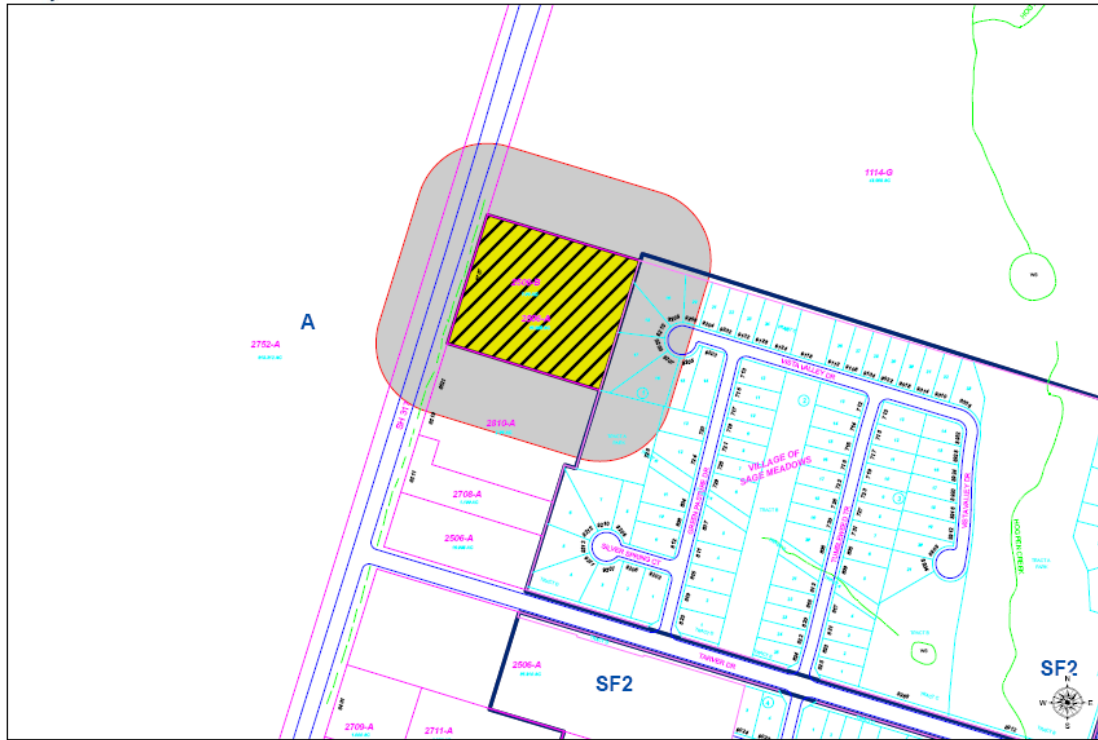


Z-FY-08-35B

3.650Acres

OB#2506-A & B

6707 Hwy 317



ZFY0835 200' Buffer

A to C Zoning

1 inch = 300 feet
J Stone 07.30.08



PLANNING & ZONING COMMISSION AGENDA ITEM MEMORANDUM

08/18/08
Item 8B
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director _____

ITEM DESCRIPTION: Z-FY-08-35-B: Hold a public hearing to consider a zone change from the Agricultural District to the General Retail District on 3.7± acres being part of the Baldwin Robertson Survey, Abstract No. 17, located on the east side of SH 317, north of Tarver Drive. (Applicant: Lloyd Thomas for Thomas Hoherd).

STAFF RECOMMENDATION: Staff recommends approval of the Zone change from A, Agricultural District to the GR, General Retail District because:

1. The request complies with the requested amendment to the Future Land Use Plan of the West Temple Plan;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public and private facilities will serve the site from existing septic service.

ITEM SUMMARY:

This application tracks with a requested amendment to the West Temple Plan, Z-FY-08-35A. The purpose of the zone change request is to change from A to GR for proposed commercial uses.

Future Land Use Plan

The zone change complies with the requested amendment to the Future Land Use Plan of the West Temple Plan.

Thoroughfare Plan

SH 317 and Tarver Road function as an Arterial on the Thoroughfare Plan. The zone change complies with the Thoroughfare Plan.

Adequacy of Public Facilities

The site is large enough for on-site sewage facility.

Development Regulations

The purpose of the GR, General Retail district is intended to serve larger service areas than neighborhoods. This district should be located at the intersection of major arterials and should provide total on-site traffic maneuvering such that traffic entering and exiting the facility should have room to turn, queue for parking areas, and park within the confines of the retail facility. This is the most intensive 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 (nonresidential uses) | |
|---|-------------------------------------|
| Min. Lot Area (sq. ft.) | None |
| Min. Lot Width (ft.) | None |
| Min. Lot Depth (ft.) | None |
| Max. Height (stories) | 3 stories |
| Min. Yard (ft) | |
| Front | 30 from street centerline |
| Side | 10 adjacent to residential district |
| Rear | 10 adjacent to residential district |

Public Notice

A total of four notices of the P&Z meeting were sent out. As of Thursday, August 14 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 August 7, 2008 in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of the Zone change from A, Agricultural District to GR, General Retail because:

1. The request complies with the requested amendment to the Future Land Use Plan of the West Temple Plan;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public and private facilities will serve the site from existing septic service.

FISCAL IMPACT:

Not Applicable

ATTACHMENTS:

Zoning Map
Land Use Map
Aerial
Notification Radius Map

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

MONDAY, AUGUST 16, 2008

ACTION ITEMS

- 8B. Z-FY-08-35-B:** Hold a public hearing to consider a zone change from Agricultural District to to General Retail District on 3.7± acres being part of the Baldwin Robertson Survey, Abstract No. 17, located on the east side of SH 317, north of Tarver Drive. (Applicant: Lloyd Thomas for Thomas Hoherd)

Mr. Tim Dolan, Planning Director, presented a detailed presentation and explained this was a zone change from Agricultural to General Retail.

Staff recommended approval for this case.

Commissioner Martin made a motion to approve the zone change and Commissioner Kjelland seconded the motion.

Motion passed. (7/0)

ORDINANCE NO. _____

[PLANNING NO. Z-FY-08-35(B)]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT TO GENERAL RETAIL DISTRICT ON APPROXIMATELY 3.7 ACRES BEING PART OF THE BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17, LOCATED ON THE EAST SIDE OF SH 317, NORTH OF TARVER DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Agricultural District to General Retail District on approximately 3.7 acres of land being part of the Baldwin Robertson Survey, Abstract No. 17, located on the east side of SH 317, north of Tarver Drive, 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 4th day of **September**, 2008.

PASSED AND APPROVED on Second Reading on the 18th day of **September**, 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

09/04/08
Item #10
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Consider adopting a resolution authorizing the Mayor to cast an official ballot for the election of four members to the Texas Municipal League Intergovernmental Risk Pool Board of Trustees.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: As a member of the Texas Municipal League Intergovernmental Risk Pool, the City of Temple is entitled to vote for Board of Trustee members. Four places are up for election at this time to serve six-year terms.

Please see the attached official ballot which lists each of the candidates for each place in this election.

Staff recommends the Council adopt a resolution indicating their desired candidates for the four places on the TML Intergovernmental Risk Pool Board of Directors and authorize the Mayor to submit the official ballot on behalf of the City of Temple.

FISCAL IMPACT: None

ATTACHMENTS:

[Official Ballot
Resolution](#)

OFFICIAL BALLOT

Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election

Ballots must reach the office of David Reagan, Secretary of the Board, no later than September 30, 2008. Ballots received after September 30, 2008, cannot be counted. The ballot must be properly signed and all pages of the ballot must be mailed to: Trustee Election, David Reagan, Secretary of the Board, P. O. Box 149194, Austin, Texas 78714-9194.

The names of the officials listed on this ballot have been nominated to serve a six-year term on the TML Intergovernmental Risk Pool (Workers' Compensation, Property and Liability) Board of Trustees.

Each Member of the Pool is entitled to vote for Board of Trustee members. Please record your organization's choices by placing an "X" in the square beside the candidate's name. You can only vote for one candidate for each place.

PLACE 1

- ☐ **E. 'Henry' Garcia.** City Manager for the City of Bracketville (Region 7). Mr. Garcia served in the U.S. Air Force in Southeast Asia during the Vietnam conflict. He worked for Pacific Bell/SBC for 31 years where he held various positions. At the time of retirement he was the area project manager for a 13-state area, responsible for standardizing methods and procedures for the outside installation and repair technician force.
- ☐ **Robert T. Herrera** (Incumbent). City Manager of the City of Hondo (Region 7) since 2003. Mr. Herrera served as City Manager of La Porte from 1986 to 2002. He has served other Texas cities, including management positions with the cities of San Marcos, Missouri City and Woodway. He has been a Board member of the TML Intergovernmental Risk Pool since 1993 and has served as Chair and Vice Chair of the Board.
- ☐ **Michael S. Nyren.** Risk Manager for Capital Metropolitan Transportation Authority in Austin (Region 10). Mr. Nyren has 26 years of experience in insurance and risk management. He was a claims adjuster with Liberty Mutual Insurance before joining Capital Metro 13 years ago. He has earned the Insurance Institute of America's designation of Associate in Risk Management (ARM) and Associate in Risk Management for Public Entities (ARM-P).

WRITE IN CANDIDATE:

PLACE 2

- ☐ **Kevin Carruth.** City Manager for Paris (Region 15). Mr. Carruth has served as City Manager for Brownwood, Daingerfield, Hillsboro, and Prosper. He also served as Senior Program Analyst and Emergency Management Coordinator for Harris County Housing and Community Development Agency and on the Board of Directors for Fort Bend M.U.D. #41. He is an ICMA Credentialed Manager and active in the Texas City Management Association.
- ☐ **Charles Cox.** Finance Director for Farmers Branch (Region 13). Mr. Cox has 23 years of government finance experience. He holds a master's degree in Finance from SMU and a Certificate from the Harvard University's J.F.K. School of Government Senior Executives in State and Local Government Program. He has served as President of the National GFOA and the Texas GFOA. In 2007 Mr. Cox received the Texas GFOA outstanding service award.
- ☐ **Makia Epie** (Incumbent). Council Member for Cedar Hill (Region 13) since 1995. Mr. Epie is a hearing officer for the Texas Board of Pardons and Paroles, President of the North Central Texas Housing Finance Corporation, and an active participant on National League of Cities (Board of Directors 2005 – 2007) and Texas Municipal League committees. Mr. Epie has served on the Board of the TML Intergovernmental Risk Pool since 1997.
- ☐ **Chris Jones.** Council Member for San Marcos (Region 10) since 2005. Mr. Jones serves on the Energy, Environment and Natural Resources Steering Committee for the National League of Cities. He completed undergraduate studies in public administration at Texas State University where he currently is a career advisor. He also worked as an intern for Lt. Governor Bill Ratliff and State Representative Patrick Rose.
- ☐ **John Mitchiner.** Board of Directors of Galveston County W.C.I.D. #1 (Region 14) since 2004. Mr. Mitchiner served as Mayor for Dickinson from 1994 to 1999, as President for the Galveston County Mayors and Councilmen Association, as a Director for the North Galveston County Chamber of Commerce, as President of the Mainland Association of Life Underwriters, and as a Board Member of the Bay Area Harbour Playhouse.
- ☐ **David L. Ragan.** Mayor of Richland Hills (Region 8) since 2006. Mr. Ragan served on the Richland Hills City Council from 1972 to 1978 and as Mayor from 1978 to 1986. He chairs the Richland Hills Development Corporation and has served on the Fort Worth Transportation Authority, the Tarrant County Transportation Coalition, the Tarrant County Mayor's Council, the Metroplex Partners in Mobility, and the Tarrant Regional Transportation Committee.
- ☐ **Garry B. Watts.** Mayor of Shenandoah (Region 14). Mr. Watts served as a City Council member from 2006 until elected as Mayor in 2008. He retired as Senior Vice President of Marketing for AIG/American General in 2002, after more than 30 years in the insurance and banking industry. He is currently owner and President of G.B. Watts Investments, LLP. He has also received the designation of Certified Municipal Officer for the year 2008 from TML.

WRITE IN CANDIDATE:

PLACE 3

- ☐ **Paul Parker** (Incumbent). City Manager for Lufkin (Region 16). He has served as City Manager of Mount Pleasant for five years and as Assistant City Manager and Director of Planning for Tyler for 15 years. He also served as Assistant City Manager for Fort Smith, Arkansas, and as Assistant Executive Director for the Kiamichi Economic Development District of Oklahoma. Mr. Parker is the current President of the Texas City Management Association.

WRITE IN CANDIDATE:

PLACE 4

- ☐ **Rickey C. Childers** (Incumbent). City Manager for the City of Lancaster (Region 13). Mr. Childers has served as City Manager of Longview, Assistant City Manager of Abilene and Carrollton, and Deputy City Manager of Arlington. Mr. Childers is a past president of the Texas City Management Association and was on the Executive Board of ICMA. He has served on the TML Intergovernmental Risk Pool Board since 2002 and is its incoming Chair.
- ☐ **Doris Holtman**. Finance Officer for the Waco Housing Authority and Affiliates (Region 9) for the past 11 years. Ms. Holtman is a 1975 graduate of the University of Mary Hardin-Baylor with a BBA in Accounting. She received her Certified Public Accounting license in 1991. She has served on the Girl Scouts of America – Waco Council Executive Board for the past several years.
- ☐ **Beverly Queen**. City Manager for Bedford (Region 8) since 2006. Ms. Queen has served in municipal government for 30 years and has worked as a Finance Director, Director of Administrative Services, and Deputy City Manager. She has a Masters in Public Administration from the University of North Texas. She is a member of the National GFOA and has served GFOA of Texas as an At-Large Representative and Treasurer of the Board of Directors.

WRITE IN CANDIDATE:

BALLOT MUST BE SIGNED TO BE COUNTED

Certificate

I certify that the vote cast above has been cast in accordance with the will of the majority of the governing body of the public entity named below.

Witness by hand, this _____ day of _____, 2008.

Signature of Authorized Official

Title

Printed Name of Authorized Official

Printed name of Political Entity

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE MAYOR TO CAST AN OFFICIAL BALLOT FOR THE ELECTION OF FOUR MEMBERS TO THE TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL BOARD OF TRUSTEES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, as a member of the Texas Municipal League Intergovernmental Risk Pool, the City of Temple is entitled to vote for Board of Trustees members;

Whereas, four places on the Board of Trustees are up for election at this time to serve six-year terms;

Whereas, the Staff recommends that the City Council indicate their desired candidates and authorize the Mayor to submit an official ballot; 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 Mayor to submit, on behalf of the City of Temple, Texas, the official ballot for the election of four members to the Texas Municipal League Intergovernmental Risk Pool Board of Trustees, as follows:

- | | |
|----------|----------|
| 1. _____ | 3. _____ |
| 2. _____ | 4. _____ |

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

PASSED AND APPROVED this the **4th** day of **September**, 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

09/04/08
Item #11(A)-(D)
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

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

- (A) Animal Services Advisory Board – one member to fill an unexpired term through September 1, 2009
- (B) Civil Service Commission – one member to fill an unexpired term through September 1, 2009
- (C) Parks and Leisure Services Advisory Board – one member to fill an expired term through March 1, 2011
- (D) Temple Public Safety Advisory Board – one member to fill unexpired term through September 1, 2009 and one member to fill expired term through September 1, 2011

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: (A) Linda Mohlstrom has forfeited her term on the Animal Services Advisory Board due to non-attendance. We request the appointment of one member to fill Mrs. Mohlstrom's unexpired term through September 1, 2009.

(B) Jim Boyd has resigned from the Civil Service Commission, effective September 1st. We request the appointment of one member to fill Mr. Boyd's unexpired term through September 1, 2009.

(C) The terms of Don Nelson and Terri Matthew, members of the Convention Center & Tourism Board before its merger with the Parks Board, expire September 1, 2008. Don is not eligible for reappointment due to term limitations. Terri has requested reappointment for another 3-year term. If reappointed, her term will expire March 1, 2011 to coincide with the Parks Board terms. If the desire is to not reappoint Terri, the position should remain vacant as the goal is get the number of members on the Parks and Leisure Services Advisory Board to 9 members by resignations and term limitations.

(D) Lisa Skinner was appointed to the Public Safety Advisory Board at the August 21st Council meeting to fill an expiring term. However, Ms. Skinner is not eligible since she is currently a City employee (City Attorney's Office part-time clerk). We request the appointment of one member to fill this term through September 1, 2011.

Matthew Wilder has resigned from the Public Safety Advisory Board, effective August 20th. We request the appointment of one member to fill Mr. Wilder's unexpired term through September 1, 2009.

Please see the attached board summary forms, which list current board members, purpose, membership requirements, term and meeting time/place for the boards. Current City Board Application forms for those individuals desiring to serve on either the Civil Service Commission or the Public Safety Advisory Board are also attached for your information, along with a board application summary.

FISCAL IMPACT: N/A

ATTACHMENTS:

Application Summary – hard copy
Board Summary Forms - hard copy
City Board Application Forms – hard copy



COUNCIL AGENDA ITEM MEMORANDUM

09/04/08
Item #12
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of land in the downtown area for the construction of a new central fire station

Executive Session: Pursuant to Section 551.072 of the Government Code, the City Council may conduct a closed meeting 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: The Staff has been working to identify sites in downtown Temple for a new central fire station called for in the Master Plan for the Fire Department adopted the City Council. We have narrowed our choices to a single site and entered into negotiations with the owner of that tract. We believe that we will have the terms of an agreement to purchase that site completed by the September 4th meeting.

Since the public discussion of the possible sites for a central fire station would have a detrimental impact on negotiations to acquire those tracts, we will discuss this item with you in executive session.

FISCAL IMPACT: In the FY 2007 and FY 2008 Capital Improvement Programs (CIP), \$600,000 was identified and funded for a space needs assessment, Fire Master Plan Update, preliminary design, and land acquisition for the new central fire station. There is currently \$507,702 available in the account 361-220-522-6805, project 100120, to fund the items listed above.

ATTACHMENTS:

To be handed out at the meeting