



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

TEMPLE, TX

THURSDAY, MAY 7, 2009

3:30 P.M.

3RD FLOOR CONFERENCE ROOM

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, May 7, 2009.
2. Discuss requests received for naming the new Municipal Courts Building/Utility Business Office, to be located at 401 North 3rd Street.
3. Receive an update on the adoption of SB 1570 by the Texas Legislature and formation of the South Central High Speed Rail Corporation, Inc.
4. Receive an update on policies and funding for speed humps.

5:00 P.M.

MUNICIPAL BUILDING

2 NORTH MAIN STREET
CITY COUNCIL CHAMBERS – 2ND FLOOR

TEMPLE, TX

TEMPLE CITY COUNCIL

REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. (A) Youth Week May 4—8, 2009
- (B) Temple Tourism Week May 9 – 17, 2009
- (C) National Public Works Week May 17—23, 2009
- (D) Heart & Stroke Healthy Recognition Award

III. PUBLIC APPEARANCE

4. Receive comments from Mike and Jennifer Blanton regarding curbside recycling in the City of Temple.

IV. 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 promotion of the meeting. Please limit comments to 3 minutes. No discussion or final action will be taken by the City Council.

V. PRESENTATIONS FROM ADVISORY BOARDS AND STAFF

5. Receive a presentation regarding the [City's Water Conservation Plan](#).

VI. CONSENT AGENDA

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

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

Minutes:

- (A) [April 16, 2009 Special Called Meeting and Regular Meeting](#)

Contracts, Leases & Bids:

- (B) [2009-5703-R](#): Consider adopting a resolution authorizing an interlocal agreement with Bell County for use of the County's software and fiber optic network to process and maintain records regarding early voting, in the amount of \$1200.
- (C) [2009-5704-R](#): Consider adopting a resolution authorizing a construction contract with Bell Contractors, Inc., of Belton for emergency repairs to the sanitary sewer line crossing of Bird Creek at Wren Circle in the amount of \$73,525.
- (D) [2009-5705-R](#): Consider adopting a resolution authorizing the purchase of two (2) one-ton light duty crew cab pickup trucks from Johnson Brothers Ford of Temple in the amount of \$62,747.66.

Ordinances - Second Reading:

- (E) [2009-4292](#): SECOND READING – Z-FY-09-17: Consider adopting an ordinance authorizing a zoning change on a 18± acre tract of land from Commercial District (C) and Multiple-Family Two District (MF-2) to Two-Family District (2F) and a 3.2± acre tract of land from Single-Family Attached District (SF-A) and General Retail District (GR) to Single-Family One District (SF-1) on a total of 21.2± acres situated in the George Givens Survey, Abstract No 345, with platted land recorded as Bird Creek Valley VI, Bird Creek Valley Patio Homes, Bird Creek Valley Commercial Park Phase IV and Bird Creek Valley 4-Plexes Phase III, located on both sides of Battle Drive, 352± feet north of Midway Drive, 190± west of Arrowhead Drive.

Misc.:

- (F) [2009-5706-R](#): Consider adopting a resolution authorizing the City Manager to file an application for pass through financing for the I-35 reliever route project.

- (G) [2009-5707-R](#): Consider adopting a resolution authorizing payment to Atmos Energy Corporation for the relocation of a gas main to allow for construction of the new Central Fire Station in the amount of \$29,463.27.
- (H) [2009-5708-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2008-2009.

VII. REGULAR AGENDA

ORDINANCES

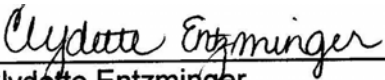
7. [2009-4293](#): FIRST READING – PUBLIC HEARING - Z-FY-07-18: Consider adopting an ordinance authorizing the creation of an IH-35 Overlay District containing regulations for landscaping, building standards, signs and parking by amending the Zoning Ordinance, Section 7-560.
8. [2009-4294](#): FIRST READING – PUBLIC HEARING – Consider adopting an ordinance authorizing an amendment the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2009 for the installation of street lights in the Bioscience Park and along Outer Loop Phase II in an amount not to exceed \$133,000.

BOARD APPOINTMENTS

9. [2009-5709-R](#): Consider adopting a resolution naming the members of the board for the South Central High Speed Rail Authority, Inc.
10. [2009-5710-R](#): Consider adopting a resolution appointing one member to the Bell County Public Health District Board of Directors.

***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 3:30 PM, on May 1, 2009.


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 at _____ on the _____ day of _____ 2009. _____



COUNCIL AGENDA ITEM MEMORANDUM

05/07/09
Item #3(A)-(D)
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamations:

- | | | |
|-----|--|------------------|
| (A) | Youth Week | May 4—8, 2009 |
| (B) | Temple Tourism Week | May 9 – 17, 2009 |
| (C) | National Public Works Week | May 17—23, 2009 |
| (D) | Heart & Stroke Healthy Recognition Award | |

STAFF RECOMMENDATION: Present proclamations as presented in item descriptions.

ITEM SUMMARY:

- (A) This proclamation was requested by Willie Capps on behalf of the Temple Elks Lodge #138. Mr. Capps will receive the proclamation.
- (B) This proclamation was requested by Nancy Glover on behalf of the Temple Tourism.
- (C) This proclamation was requested by the City of Temple Public Works Department and it will be received by representatives from that department.
- (D) The City of Temple has received recognition form the Texas Council on Cardiovascular Disease and Stroke for working to prevent and control heart disease and stroke. Mr. Louis West, a member of the Texas Council on Cardiovascular Disease and Stroke, will present the award to the City.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

05/07/09
Item #4
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager

ITEM DESCRIPTION: Receive comments from Mike and Jennifer Blanton regarding curbside recycling in the City of Temple.

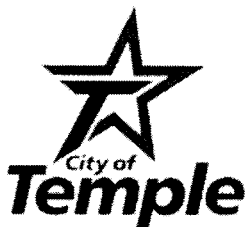
STAFF RECOMMENDATION: Receive comments as presented in item description.

ITEM SUMMARY: Mike and Jennifer Blanton have filed a Request for Placement on the City Council Agenda. Please see the attached form.

FISCAL IMPACT: None

ATTACHMENTS:

[Request for placement on agenda](#)



CITY OF TEMPLE, TEXAS
CITY COUNCIL MEETINGS

RECEIVED
APR 30 2009
CITY OF TEMPLE, TX
CITY SECRETARY

REQUEST FOR PLACEMENT ON AGENDA

__Priority

NAME OF PRESENTER: Mike Blanton and/or Jennifer Blanton

ADDRESS: 3293 W. Amity Salado, TX 76571

TELEPHONE NO. 254-947-9020

DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note – The City Council meets the first and third Thursdays of each month.) May 7th, 2009

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

Curbside Recycling Business. This business would go to homes that have signed-up for services and pick-up specified recyclable items and then dispose of them at local recycling centers.

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

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

Jennifer Blanton
SIGNATURE OF PRESENTER

4/29/09
DATE

For Office Use:



COUNCIL AGENDA ITEM MEMORANDUM

05/07/09
Item #5
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce Butscher, Director of Public Works

ITEM DESCRIPTION: Receive a presentation regarding the City's Water Conservation Plan.

STAFF RECOMMENDATION: Receive presentation as presented in item description.

ITEM SUMMARY: The City Council received this presentation from the City Manager at the April 16th Council work session. The presentation is being made again as part of the regular meeting to further educate our citizens and bring awareness to water conservation issues.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

05/07/09
Item #6(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) April 16, 2009 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:

[April 16, 2009 Special Called Meeting & Regular Meeting](#)

TEMPLE CITY COUNCIL

APRIL 16, 2009

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, April 16, 2009, at 3:00 PM at the City of Temple Service Center Public Works Department, 3210 East Avenue H, Bldg A.

Present:

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

2. Receive a briefing and tour of the new Emergency Operations Center located in the Temple Service Center.

Mayor Jones stated item 1 would be discussed later in the meeting.

David Blackburn, City Manager, stated the purpose for meeting at the Service Center today is to allow the City Councilmembers the opportunity to view the new Emergency Operations Center (EOC) that has been established in the training room in the Public Works building. The previous EOC was located in the first floor conference room in the Municipal Building and that area presented some real challenges for use. Technology is critical to the City's ability to provide service, particularly in emergency situations. The technology, generator and furniture for this new EOC was funded from 2006 Certificates of Obligation, totalling approximately \$366,000.

Fire Chief and the City's Emergency Management Coordinator Lonzo Wallace explained how the decision was made to relocate the EOC to this building. The generator will operate the entire facility and the portable setup allows everything to be easily moved. There are separate rooms for press conferences and meetings with officials. Fire Station 8, when constructed, will be the location for the second EOC.

Alan DeLoera, IT Director, reviewed all of the technology contained within the facility, which provides integrated video and audio that can be controlled from one panel. Information can also be directed to LCD screens in the conference room across the hall from the EOC. The room can accommodate up to 24 telephones.

3. Receive an update regarding the City's Water Conservation Plan.

David Blackburn, City Manager, provided this report to the City Council. He discussed the reasons for having a water conservation plan and the five stages of the City's plan which are awareness and education, mild to moderate, severe, critical and emergency. Mr. Blackburn also reviewed the triggers associated with each of these stages and when they have been implemented in the past. In 2009, the City will take a pro-active approach by implementing stage 1, voluntary measures, effective June 1st. Information regarding the voluntary measures is being distributed through utility bills and the City web site.

4. Discuss Senate Bill 1570 and the formation of a local government corporation to facilitate, analyze and implement the development of high-speed passenger rail service within the South Central High-Speed Rail Corridor and the Gulf Coast High-Speed Rail Corridor. (Regular Meeting - Agenda Item 10)

Mayor Jones stated the City has been a member of the Texas High Speed Rail Transportation Corporation for a number of years, and he is currently serving as vice-chair of that board. He has made several overseas trips to view rail systems in place to bring to reality the Texas T-Bone High-Speed Rail Corridor in the Temple area. This would be a 440 mile route, with an estimated cost of \$30-\$50 million per rail mile. Mayor Jones reviewed the proposed legislation the City is being asked to support.

Councilmember Schneider asked who would decide how the rail would be built.

Mayor Jones replied the local government corporation that is formed will contract with an engineering firm for these services. A design charette was held in 2007 to begin exchanging ideas and soliciting interested firms.

Councilmember Jeter asked if the local government corporation would have taxing authority. He stated he would be concerned if they did and did not answer to the voters.

Mayor Jones stated he would need to get a confirmation on the taxing authority issue. The bylaws are being drafted at this time.

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, April 16, 2009.

Agenda item 8 - Jonathan Graham, City Attorney, stated he has provided the Council with responses to questions about the proposed quarry on SH 36. On first reading of the ordinance, April 2nd, the Council approved the ordinance with the original site plan. The Council can amend the Conditional Use Permit on the second reading of the ordinance tonight to include a larger area. Any action will require three affirmative votes for approval. Mr. Graham noted the Planning and Zoning Commission denied the recommendation to amend the site plan to expand the area to be mined.

Agenda item 7(D) - Councilmember Janczak asked if there was a local preference option available on this contract.

Belinda Mattke, Purchasing Director, replied that this is a federal contract and local preference options are not allowed.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, April 16, 2009 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

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

I. CALL TO ORDER

1. Invocation

Pastor Dana Wilhelmsen, Immanuel Lutheran Church, gave the Invocation.

2. Pledge of Allegiance

Charlotte Humpherys, Regional Planner, Central Texas Council of Governments, led the Pledge of Allegiance.

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. (A) Arbor Day April 24, 2009

Mayor Jones presented this proclamation to David Lockwood, Tree Board Chair, and Val Roming, City Arborist.

(B) Fair Housing Month April 2009

Mayor Pro Tem Patsy Luna presented this proclamation to Charlotte Humpherys, Regional Planner, Central Texas Council of Governments.

(C) Parks & Leisure Services - 65th Anniversary

Mayor Jones presented this proclamation to Ken Cicora, Director of Parks and Leisure Services, and Staff in recognition of the department's 65th Anniversary .

III. PUBLIC APPEARANCES

4. Receive recommendation letter from Dr. Lee Crossley for the 2009-2010 Community Development Block Grant (CDBG) proposal.

Dr. Lee Crossley, Chair of Citizens for Progress, presented recommendations to the City Council for the 2009-2010 Community Development Block Grant proposal. He introduced Judy Morales, Vice Chair of Citizens for Progress, who assisted him with this presentation. Ms. Morales discussed the proposed outcomes of these recommendations as photos of East Temple were displayed. She showed areas that need updating and renovating and how they could look like other areas in Temple.

Dr. Crossley reviewed the following specific recommendations being made: 1) \$100,00 for revitalization and cleanup of rights of way and neighborhoods in East Temple; 2) \$50,000 for landscaping; 3) \$50,000 for portable security cameras in the Avenue G, Avenue H and Waymon Manor areas; 4) \$100,000 for demolition of unsafe buildings/houses in blighted and designated areas; 5) \$100,000 for small business incentives to provide seed money for 6 to 8 small start up businesses; 6) \$100,000 in seed money for building a business plaza on MLK; and 7) use of any additional funds for upgrades to Jones Park, sidewalks on Avenue G and Avenue H, completion of Martin Luther King, Jr. Drive and HOP shelters at additional areas as recommended by the Hill Country Transit District.

5. Receive comments from Mr. Robert Boop opposing the Conditional Use Permit (Z-FY-09-14) for a mining and mining storage at SH 36 and SH 317.

Mr. Robert Boop, 10990 West Highway 36, addressed the City Council with his concerns regarding the proposed quarry operation on SH 36. He has lived on his property for over 50 years and is concerned with the invasion of his property and the decrease in value. The proposed quarry operation will clear 100 acres of trees and the traffic will greatly increase. He urged the Council to protect them as promised during the recent annexation process. There is no good in this proposal. Mr. Boop displayed several photos of his property and what will likely be the scene if the quarry operation is approved. He also showed photos of the highway in front of this proposed quarry operation.

6. Receive comments from Mr. Mark Forbes opposing the Conditional Use Permit (Z-FY-09-14) for a mining and mining storage at SH 36 and SH 317.

Mr. Mark Forbes, 10044 SH 36, addressed the Council with his concerns regarding the proposed quarry operation. He built his home in 1987 and was annexed by the City about 10 years ago. Mr. Forbes stated he felt that was a blessing because the City would control what took place in that area. He explained he mows about a one-quarter mile strip along SH 36 because he takes pride in his property and in the City of Temple. SH 36 is a main entrance into the City and the quarry is a very destructive use to have in such a high traffic area. Mr. Forbes also expressed his concern with the mining service that would be operating the quarry.

IV. PUBLIC COMMENTS

Mayor Jones announced that comments regarding the quarry operation may be made now or later in the meeting during the second reading of the ordinance.

Leonard Charbeneau, 4668 Cedar Ridge Park Road, expressed his opposition to the proposed quarry operation because of the increased traffic, dust and dirt, as well as the loss of the beautiful roadway into Temple.

Weldon Wilkerson, 15741 Lawson Point, addressed the Council. He stated he enters Temple on SH 36. The crusher fines on the highway will make the roadway very slick. The speed on this narrow highway is 65 mph and the traffic is already very heavy. The Air Quality Board approved the permit for the quarry operation without even looking at the site.

Debbie Huey, 6212 Jupiter Drive, addressed the Council regarding concerns about the proposed Conditional Use Permit being requested on neighboring property. She presented the Council and staff with a letter detailing her concerns and asked them to review the matter.

V. CONSENT AGENDA

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

(A) April 2, 2009 Special Called Meeting and Regular Meeting

(B) 2009-5691-R: Consider adopting a resolution authorizing a contract with Eagle Airport Marking, Inc., of Gladewater for airfield crack filling and runway and taxiway markings at the Draughon-Miller Central Texas Regional Airport in an amount not to exceed \$100,000.

(C) 2009-5692-R: Consider adopting a resolution authorizing a construction contract with Bell Contractors, Inc., of Belton for construction activities required to build the Airport Pump Station as part of the Expansion of West Temple Water & Wastewater Utilities North of FM 2305, Phase 2, in an amount not to exceed \$866,429.

(D) 2009-5693-R: Consider adopting a resolution authorizing a construction contract with Myers Concrete Construction, LP of Wimberley for construction services required for Phase IV of the City of Temple Community Development Block Grant (CDBG) Martin Luther King, Jr. (MLK) Drive Sidewalk and Lighting Improvements in the amount of \$88,250.

(E) 2009-5694-R: Consider adopting a resolution authorizing a professional services agreement with Turley Associates, Inc., of Temple for engineering services including design, surveying, and construction administration required for the Bellaire Waterline Rehabilitation Project (Victory, Virginia, Shell from 3rd to Mayborn) in an amount not to exceed \$43,300.

(F) 2009-5695-R: Consider adopting a resolution authorizing the purchase of sewer line chemical root control services for FY 08-09 from Duke's Root Control, Inc. of Syracuse, New York, utilizing a BuyBoard contract in the estimated annual amount of \$65,000.

(G) 2009-5696-R: Consider adopting a resolution authorizing the execution of agreement granting a right of first refusal to acquire from the City a 10.01 acre tract in Enterprise Park to B & D MAYS LIMITED PARTNERSHIP, d/b/a Indeco.

(H) 2009-4290: SECOND READING - Consider adopting an ordinance authorizing an amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2009 in an amount not to exceed \$30,000 and authorizing a payment to Temple Economic Development Corporation for the acquisition of Block 2, Lot 12, Enterprise Business Park Phase 2.

(I) 2009-5697-R: Consider adopting a resolution authorizing a Memorandum of Understanding with the Cities of Killeen, Belton, and Harker Heights, and Bell County to establish the rights, duties, administration and division of funds received under the 2009 American Recovery and Reinvestment Act Edward Byrne Justice Assistance Grant (JAG) program award.

(J) 2009-5698-R: Consider adopting a resolution authorizing the acceptance of 0.410 acre from the Temple Economic Development Corporation.

(K) 2009-5699-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2008-2009.

Motion by Councilmember Marty Janczak to adopt resolution approving Consent Agenda, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

VI. REGULAR AGENDA

ORDINANCES

- 8. 2009-4291: SECOND READING - Z-FY-09-14: Consider adopting an ordinance authorizing a Conditional Use Permit for mining and mining storage on 119± acres located in the vicinity of the southwest corner of SH 36 (Airport Road) and North SH 317 and authorizing a zoning change from Agricultural to Light Industrial on a 26.3+ acre portion of that tract.**

Tim Dolan, Director of Planning, presented the second reading of this case to the City Council. He displayed several photos of the proposed operation, as well as the future land use map and zoning maps for the property. Five notices were mailed to surrounding property owners, with two being received in opposition and none in approval. He showed the site use plan submitted with the original application, as well as the amended site plan that was presented to the Planning Commission on April 6th. Mr. Dolan reviewed responses to a number of questions posed by Councilmembers during and following the first reading of this item. Next, Mr. Dolan reviewed some of the additional CUP conditions for this proposed mining and mining storage operation. Mr. Dolan presented the recommendation from the Planning and Zoning Commission meeting of March 16, 2009.

Councilmember Janczak asked if TxDOT approved access to this site.

Mr. Dolan replied yes.

Councilmember Jeter stated the amended site plan was not included in agenda packet. He asked if there are any additional requirements with the expanded site plan request. He also asked if additional items can be added to the CUP.

Mr. Dolan replied yes. If the conditions of the approved site plan area are breached it would be grounds for the City to revoke the CUP, he added.

Councilmember Janczak asked if septic tanks will be used and whether there are any environmental infractions on this site.

Mr. Dolan replied that portable restrooms will be used. Staff is not aware of any environmental infractions.

Mayor Pro Tem Luna stated the Council conducted a public hearing on this item at the first reading of the ordinance, April 2nd. However, she announced that public comments will be received again tonight.

Stewart Fine, 5100 Cedar Ridge Park Road, stated his property is located to the right of Cedar Ridge Park but they are affected by this operation. He opposed allowing the quarry to operate in this location. The quarry is not good for Temple, there will be no job stimulus and no income to Temple. Mr. Fine asked why the Council would approve the quarry

operation because they will just get a lot of irate citizens. He urged the Council to not approve the request as Temple will just have a giant hole when the operation is finished. He asked the Council to take these comments into consideration because this will change their lives drastically.

Allan Einboden, 302 Mikey, addressed the Council as a concerned citizen and expressed his gratitude to the Council for their service to this community. Temple's Strategic Vision document, Section 8.2, addresses the maintenance, management and improvement of the water, wastewater, solid waste and drainage systems to meet current and future demands. Mr. Einboden stated this quarry operation would put our precious water supply at risk and that is a concern to him. Section 10.2 of the Strategic Plan addresses public beautification along Temple's corridors. This quarry will not beautify the community and this highway is a gateway into our community. Other concerns of Mr. Einboden were noise pollution, traffic concerns with funneling traffic into the narrow roadway right in front of the quarry site, and dust pollution everywhere. This issue is about our future, he stated.

Lisa McCurley, civil and environmental engineer with Hill Country Environmental, stated Mine Service will provide a needed resource to the community. Regarding the issue of dust, TCEQ issued a standard permit that requires watering of the site and the equipment will be located on the floor of the mine. Concerning visibility, 200' of vegetation is to be left in place to help provide a buffer along the highway. Residual tracking will be reduced by Mine Service paving additional areas. TxDOT did visit the site before issuing an access permit and considered it a safe site. The property is mostly in the flood plain and has no other use. Equipment can be moved to allow the lower area to flood when necessary and adjacent waterways should not be contaminated. Storm water and oil spill plans are in place, as well. This property has been a quarry since the 1950s and from an engineering and environmental aspect it is excellent site. Mine Service has met the permit requirements, as well as these additional requirements.

Councilmember Jeter asked with the 200' buffer in place, how much of the quarry will show from the roadway.

Ms. McCurley stated the mine will be below grade so the buffer will fill in gaps and obscure the mine from view. The actual mining will occur away from the highway and the homes.

Mr. Charbeneau stated he has issues with the blasting and noise. Although the mining operation will be moved from the road they are moving closer to their homes. They moved to this location for serenity. Even though the quarry shut down several years ago with the last flood someone has been blasting there within the last few months.

Cathy Boniface, Lakeaire Circle, stated she has property right across from the mine but she lives outside of Temple. You can see the pits from SH 36 traveling west from the Airport. She travels this road at least 2 times per day. Traffic is quite heavy and turning left is very dangerous.

Dwayne Atchison, Cedar Oaks Subdivision, stated he lives in the proximity to this site. No one is in favor of this quarry. He lived next to one for 5 years in San Antonio. He asked the Council to oppose this operation. There are 80 households in his subdivision. They live outside of Temple but go to school, work and worship in Temple.

Carol Shelley, 50 Oak Ridge Road, stated there will be a lot of traffic and accidents if this quarry opens. On one hand, the Council talks about beautifying the City and on the other

hand is tearing it down. The quarry will bring down the image of Temple and their community.

Dr. John Eberts, Windcliff Subdivision, stated he has resided in Temple 61 years and he accepts the statements of opposition from these people. If we make this giant hole, we are doing a great dis-service to the residents in the area.

Weldon Wilkerson stated he has lived in Temple most of his life. Traffic numbers given earlier were from 2006 and they are very different now in 2009. There is so much more traffic now. His primary concern is with traffic and safety of his neighbors.

Robert Boop stated he has seen the lake when you could launch a boat off SH 36. Would you want this operation behind your house, in your neighborhood, he asked. The City said they would take care of us when we were annexed.

Councilmember Janczak asked how many people will be employed at the quarry.

Ms. McCurley replied 18, including truck drivers. She added Mine Service has not done any blasting on this site.

Councilmember Jeter asked if the applicant would be willing to install an acceleration/deceleration lane.

Ms. McCurley stated TxDOT has jurisdiction since it is their right of way. A traffic study would be required.

Keith Debault, Mine Services, stated TxDOT would have to initiate that and construct the lane if there is a problem.

Councilmember Jeter stated there is a 30 acre hole on this property now. The Council faces this type of issue several times a year where people don't want something to occur. This has been a quarry for many years and most is in the flood plain. This is a property rights issue. The property owner did not have to voluntarily annex their property to operate the quarry. The applicant is agreeing to go above and beyond to work with the surrounding property owners and are meeting the requirements at every level.

Mr. Stewart Fine stated he would like to sit down face to face with the Council to discuss this issue but they don't have that opportunity.

Mr. Carol Shelley stated the quarry has been here for 50 years but now we're trying to do better, be a better city. The quarry has not been in operation that entire time. Last fall there were two big blasts, and it was not Fort Hood, that shook every house.

Mr. Robert Boop confirmed the pit has not been in operation since 1983.

Jonathan Graham, City Attorney, explained the process for revoking a CUP.

Councilmember Jeter explained that if the CUP is approved, the residents would have the ability to bring infractions to the City for resolution.

Motion by Councilmember Tony Jeter to adopt ordinance on second and final reading, to include the revised site plan presented to the Planning Commission on April 6th, with

additional conditions to the Conditional Use Permit to include 375' of asphalt of the road to SH 36, 200' landscaping/vegetation buffer, and closing other entrance to quarry with landscaping to obstruct the view, seconded by Councilmember Marty Janczak.

Councilmember Marty Janczak, and Councilmember Tony Jeter voted aye and Councilmember Russell Schneider, and Mayor William A. Jones, III abstained. The other members voted nay. The motion failed.

- 9. 2009-4292: FIRST READING - PUBLIC HEARING - Z-FY-09-17: Consider adopting an ordinance authorizing a zoning change on a 18+ acre tract of land from Commercial District (C) and Multiple-Family Two District (MF-2) to Two-Family District (2F) and a 3.2+ acre tract of land from Single-Family Attached District (SF-A) and General Retail District (GR) to Single-Family One District (SF-1) on a total of 21.2± acres situated in the George Givens Survey, Abstract No 345, with platted land recorded as Bird Creek Valley VI, Bird Creek Valley Patio Homes, Bird Creek Valley Commercial Park Phase IV and Bird Creek Valley 4-Plexes Phase III, located on both sides of Battle Drive, 352+ feet north of Midway Drive, 190+ west of Arrowhead Drive.**

Brian Mabry, Senior Planner, presented this City-initiated rezoning case to the Council. The purpose is to bring the property into compliance with the future land use and character map. The existing zoning already allows single family and two family dwellings. Mr. Mabry showed an aerial photo of the property, as well as photos of the properties in the surrounding area. The plat will extend water and sewer lines to those portions of the property without services. Battle Drive is a collector road and has adequate right of way and pavement width so no improvements are planned. Mr. Mabry showed the proposed location of single family and two family homes. He also reviewed the dimensional standards for both zoning districts. Twenty-two notices were mailed to surrounding property owners, with 4 being returned in approval and 2 in opposition. The Planning & Zoning Commission recommended approval by a vote of 8-0.

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

Wayne Pope, 3714 Arrowhead Drive, recommended approval since it is a substantial improvement over the previous proposal. He still has concerns about the water and road, as well as development upstream. Battle Drive is not in good condition but will now have heavier traffic. It will adversely affect their homes if more water gets upstream quicker.

Tom Huber, 4809 Arrowhead, supported Mr. Pope's comments.

Cy Long, 5227 West adams Avenue, developer of this property, asked for approval of the rezoning. He stated he would also like to see improvements to Battle Drive and he asked the City to look at that issue.

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

Councilmember Janczak stated the problem with Battle Drive is the same as with IH-35 - the clay that expands and contracts. These new homes will require engineered slabs.

Mayor Jones stated he shared these concerns. The City will probably not have funds to fix

Battle Drive now.

Motion by Councilmember Russell Schneider to adopt ordinance, with second reading set for May 7, 2009, seconded by Mayor Pro Tem Patsy E. Luna.

Councilmember Marty Janczak voted nay. The other Councilmembers voted aye. The motion passed.

RESOLUTIONS

10. Consider adopting resolutions:

(A) 2009-5700-R: Supporting the adoption of Senate Bill 1570 by the Texas Legislature, which would authorize the State of Texas to contract with the "South Central High Speed Rail Corporation, Inc.," a local government corporation organized under Chapter 431 of the Transportation Code, to facilitate, analyze, and implement high speed passenger rail service within the South Central High-Speed Rail Corridor and the Gulf Coast High-Speed Rail Corridor.

(B) 2009-5701-R: Authorizing the City of Temple to form a local government corporation, to facilitate, analyze, and implement the development of high-speed passenger rail service within the South Central High-Speed Rail Corridor and the Gulf Coast High-Speed Rail Corridor.

Jonathan Graham, City Attorney, presented both items 10(A) and (B) to the Council. He stated this item was discussed during the work session and he explained the actions to be taken. In response to a question raised during the work session, Mr. Graham explained that no taxing authority would be granted to this non-profit corporation being formed.

Mayor Jones also received confirmation that a local government corporation does not have taxing authority. He explained the intent of the two proposed resolutions.

Motion by Mayor Pro Tem Patsy E. Luna to adopt resolutions 10(A) and (B), seconded by Councilmember Russell Schneider.

Motion passed unanimously.

BOARD APPOINTMENTS

11. **2009-5702-R: Consider adopting a resolution appointing one member to the Tax Increment Financing Reinvestment Zone No. 1 Board of Directors to fill an unexpired term through September 1, 2010.**

Mayor Jones stated Mike Thompson missed three consecutive meetings and thereby forfeited his term on the Reinvestment Zone No. 1 Board of Directors. Mr. Thompson has requested reinstatement to the board at this time.

Motion by Councilmember Russell Schneider to adopt resolution appointing Michael Thompson to the Tax Increment Financing Reinvestment Zone No. 1 Board of

Directors, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

ATTEST:

William A. Jones, III, Mayor

Clydette Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

05/07/09
Item #6(B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution authorizing an interlocal agreement with Bell County for use of the County's software and fiber optic network to process and maintain records regarding early voting, in the amount of \$1200.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In 2002, an agreement was entered into with Bell County for the City to use the County's early voting system. This system includes computer software developed by the County to process and maintain records regarding early voting, as well as the County's fiber optic network to access the computer programs and voter registration data throughout the year.

This system has been used in all City elections since 2002 and is the same system used in all elections conducted by Bell County. The County continues to provide staff training and modifications to the programs and reports to meet our needs for each specific election. Utilization of this automated system saves time for both employees and voters by streamlining the early voting process. It also allows us to maintain an electronic database of voters for each election.

We recommend approval of this interlocal agreement with Bell County for a period of one year, at a cost of \$1200.

FISCAL IMPACT: \$1200. Funds are available in 110-1400-511-2517.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
AUTHORIZING AN INTERLOCAL AGREEMENT WITH BELL COUNTY FOR
USE OF THE COUNTY'S SOFTWARE AND FIBER OPTIC NETWORK TO
PROCESS AND MAINTAIN RECORDS REGARDING EARLY VOTING, IN THE
AMOUNT OF \$1,200; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in 2002, the City entered into an interlocal agreement with Bell County for the City to use the County's early voting system;

Whereas, the system includes computer software developed by the County to process and maintain records regarding early voting, as well as the County's fiber optic network to access the computer programs and data;

Whereas, the Staff recommends approving an interlocal agreement with Bell County for this purpose for \$1200 per year for a one year period;

Whereas, funds are available in Account No.110-1400-511-2517; 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 interlocal agreement between the City of Temple and the Bell County, after approval as to form by the City Attorney, for use of the County's software and fiber optic network to process and maintain records regarding early voting, in the amount of \$1200 for a one year period.

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

PASSED AND APPROVED this the 7th day of **May**, 2009.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, MAYOR

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/07/09
Item #6(C)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Bell Contractors, Inc., of Belton for emergency repairs to the sanitary sewer line crossing of Bird Creek at Wren Circle in the amount of \$73,525.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In late March 2009, City staff discovered that piers of an existing 8" sewer line crossing Bird Creek near Wren Circle had experienced shifting and differential settlement, causing a risk of catastrophic failure of the sewer line into the bottom of the creek. Clark & Fuller Engineering of Temple subsequently was engaged to prepare construction drawings for the repair project.

As allowed by the Texas Local Government Code §252.022(a)(2) competitive sealed bidding was not conducted for this procurement due to the potential risk to the public health and safety should this line totally fail. Accordingly, on April 23, 2009, written quotes were received for construction of the project from three responsible vendors who have proven experience with the City. Per the attached quote tabulation, Bell Contractors submitted the low quote in the amount of \$73,525. The engineer's opinion of probable construction cost for the project was approximately \$108,000.

These proposed improvements will replace the failing ductile iron sewer line with new PVC sewer line encased inside an aerial creek crossing. New piers will also be constructed, minimizing the impact to the creek flow below. Bell Contractors commenced work on the project on April 27, 2009.

FISCAL IMPACT: This project was not budgeted as part of the FY 2009 operating budget. Due to critical nature of the line, funding in the amount of \$108,000 was reallocated from savings in account 520-5400-535-6359, In-House Construction Crew, to account 520-5400-535-6361, project # 100492, Replace Aerial Sewer Line Replacement of Bird Creek, for construction of the project.

ATTACHMENTS:

Engineer's Letter of Recommendation
Bid Tabulation
Resolution



2010 SW HK Dodgen Loop, Suite 105
Temple, Texas 76504
(254) 899-0899
Fax (254) 899-0901
www.clark-fuller.com

April 23, 2009

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

Re: City of Temple, Emergency Sewer Line Replacement
Bird Creek Crossing at Wren Circle

Dear Mr. Brown:

We have reviewed the bids for the above referenced project. Bell Contractors, Inc. submitted a Base Bid of \$73,525.00. *Please see the attached Bids for additional information.*

We are recommending that you award the contract to Bell Contractors, Inc. We believe, through personal experience, that Bell Contractors, Inc. is qualified and is capable of providing the new Emergency Sewer Line Replacement as required in this project.

Bell Contractors, 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", written over a faint dotted line.

Monty Clark, P.E.

Tabulation of Quotes Received
 on April 23, 2009 at 12:00 p.m.
 Emergency Sewer Line Replacement Bird Creek Crossing at Wren Circle

| Bidders | | | |
|-------------|----------------------------------|--------------------------------|---|
| Description | Bell Contractors, Inc. Belton | TTG Utilities LP Gatesville | Smetana & Associates CO., Inc. Temple |
| | | | |
| Total Bid | \$73,525.00 | No Bid | \$126,667.72 |

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH BELL CONTRACTORS, INC., OF BELTON, TEXAS, IN THE AMOUNT OF \$73,525 FOR EMERGENCY REPAIRS TO THE SANITARY SEWER LINE CROSSING OF BIRD CREEK AT WREN CIRCLE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in late March, 2009, City staff discovered that piers of an existing 8 inch sewer line crossing Bird Creek near Wren Circle had experienced shifting and differential settlement, causing a risk of catastrophic failure of the sewer line into the bottom of the creek – Clark and Fuller Engineering was engaged to prepare construction drawings for the repair project;

Whereas, due to the emergency nature of the project, the Staff requested written quotes from 3 responsible bidders who have proven experience with the City – Bell Contractors, Inc., of Belton, Texas, submitted the low quote in the amount of \$73,525;

Whereas, the Staff recommends accepting the quote (\$73,525) from Bell Contractors, Inc., for this project;

Whereas, funds are available for this project in Account No. 520-5400-535-6361, Project #100492;

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 \$73,525, between the City of Temple, Texas, and Bell Contractors, Inc., of Belton, Texas, after approval as to form by the City Attorney, for emergency repairs to the sanitary sewer line crossing of Bird Creek at Wren Circle.

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

PASSED AND APPROVED this the 7th day of May, 2009.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/07/09
Item #6(D)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing
Sam Weed, Fleet Superintendent

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of two (2) one-ton light duty crew cab pickup trucks from Johnson Brothers Ford of Temple in the amount of \$62,747.66.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On March 3, 2009, bids were received for two (2) one-ton light duty pickups with special purpose bodies. Staff concluded that the bid specifications for this truck were unclear, and as a result, the bids were not comparable. Accordingly, staff recommended and Council authorized the rejection of all bids received for this particular vehicle and authorized a re-bid to eliminate the ambiguousness.

As shown on the attached bid tabulation, on April 21, 2009, the City received ten (10) bids on for the re-drafted bid specifications for two (2) one-ton light duty crew cab pickups with special purpose bodies. Staff recommends award of the bid to the low bidder, Johnson Brothers Ford of Temple.

No exceptions were taken by Johnson Brothers. The City has done business with Johnson Brothers Ford in the past and finds them to be a responsible vendor.

FISCAL IMPACT: Funding for the purchase of the two trucks is available in the following budgeted line items:

- 1) Water Distribution (replaces Asset #10249), Account 520-5200-535-6213, Project #100449
- 2) Sewer Collection (replaces Asset #10478), Account 520-5400-535-6213, Project #100453

ATTACHMENTS:

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

Tabulation of Bids Received
on April 21, 2009 at 2:00 p.m.
2009 One-Ton Light Duty Crew Cab and Chassis with Special Purpose Bodies

| Bidders | | | | | | | | | | | |
|--|-----|-----------------------------------|-------------|---|-------------|---------------------------------------|-------------|------------------------------|-------------|---|-------------|
| | | Wolfe Ford Dodge Vernon, Texas | | Grand Prairie Ford LP Grand Prairie, Texas | | Lone Star Chevrolet Houston, Texas | | Planet Ford Spring, Texas | | Reliable Chevrolet Richardson, Texas | |
| Description | Qty | Unit Price | Total Price | Unit Price | Total Price | Unit Price | Total Price | Unit Price | Total Price | Unit Price | Total Price |
| Light Duty 1-Ton Crew Cab & Chassis w/Special Purpose Bodies | 2 | \$31,743.83 | \$63,487.66 | \$32,552.00 | \$65,104.00 | \$32,899.00 | \$65,798.00 | \$31,486.00 | \$62,972.00 | \$32,894.00 | \$65,788.00 |
| Set of Shop/Service Manuals on CD-Rom | 1 | N/C | \$0.00 | \$300.00 | \$300.00 | \$60.00 | \$60.00 | \$388.00 | \$388.00 | \$105.00 | \$105.00 |
| Total Bid Price | | \$63,487.66 | | \$65,404.00 | | \$65,858.00 | | \$63,360.00 | | \$65,893.00 | |
| Delivery within 180 days? | | Yes | | Yes | | Yes | | Yes | | Yes | |
| Local Preference? | | No | | No | | No | | No | | No | |
| Exceptions? | | No | | No | | No | | Yes | | Yes | |
| Credit Check Authorization | | Yes | | Yes | | Yes | | Yes | | Yes | |

| Bidders | | | | | | | | | | | |
|--|-----|--|-------------|--|-------------|--|-------------|--|-------------|--|-------------|
| | | Reliable Chevrolet (Alt #1) Richardson, Texas | | Reliable Chevrolet (Alt #2) Richardson, Texas | | Reliable Chevrolet (Alt #3) Richardson, Texas | | Johnson Brothers Ford Temple, Texas | | Mac Haik Ford Lincoln Georgetown, Texas | |
| Description | Qty | Unit Price | Total Price | Unit Price | Total Price | Unit Price | Total Price | Unit Price | Total Price | Unit Price | Total Price |
| Light Duty 1-Ton Crew Cab & Chassis w/Special Purpose Bodies | 2 | \$33,500.00 | \$67,000.00 | \$33,752.00 | \$67,504.00 | \$33,779.00 | \$67,558.00 | \$31,283.83 | \$62,567.66 | \$31,984.00 | \$63,968.00 |
| Set of Shop/Service Manuals on CD-Rom | 1 | \$105.00 | \$105.00 | \$105.00 | \$105.00 | \$105.00 | \$105.00 | \$180.00 | \$180.00 | \$200.00 | \$200.00 |
| Total Bid Price | | \$67,105.00 | | \$67,609.00 | | \$67,663.00 | | \$62,747.66 | | \$64,168.00 | |
| Delivery within 180 days? | | Yes | | Yes | | Yes | | No | | Yes | |
| Local Preference? | | No | | No | | No | | Yes | | No | |
| Exceptions? | | Yes | | Yes | | Yes | | No | | No | |
| Credit Check Authorization | | Yes | | Yes | | Yes | | Yes | | Yes | |

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

Belinda Mattke

Belinda Mattke, Director of Purchasing

21-Apr-09

Date

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

Vendors who picked up the Invitation to Bid:

| | |
|--------------------------------|--------------------------------|
| Baby Jack II Automotive LTD | Johnson Brothers Ford |
| BTE Body Company | Lone Star Chevy |
| Corely Auto Group | Maik Kaik Ford Lincoln Mercury |
| Equipment SW | Prime Vendor |
| Ford-Sam Pack's Five Star Ford | Reliable Chevrolet |
| General Motors | STAHL |
| Grand Prairie Ford | Warren, Inc. |
| Henna Chevrolet | Wolfe Ford Dodge |

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 2 ONE-TON LIGHT DUTY CREW CAB PICKUP TRUCKS FROM JOHNSON BROTHERS FORD OF TEMPLE, TEXAS, IN THE AMOUNT OF \$62,747.66; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on April 21, 2009, the City received 10 bids for 2 one-ton light duty crew cab pickups with special purpose bodies;

Whereas, the Staff recommends accepting bid (\$66,747.66) submitted by Johnson Brothers Ford of Temple, Texas;

Whereas, funds are available for the purchase Account No. 520-5200-535-6213, Project # 100449, and Account No. 520-5400-535-6213, Project # 100453; and

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

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

Part 1: The City Council authorizes the purchase of 2 one-ton light duty crew cab pickup trucks from Johnson Brothers Ford of Temple, Texas, in the amount of \$62,747.66.

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

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

PASSED AND APPROVED this the 7th day of **May**, 2009.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/07/09
Item #6(E)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-09-17: Consider adopting an ordinance authorizing a zoning change on a 18± acre tract of land from Commercial District (C) and Multiple-Family Two District (MF-2) to Two-Family District (2F) and a 3.2± acre tract of land from Single-Family Attached District (SF-A) and General Retail District (GR) to Single-Family One District (SF-1) on a total of 21.2± acres situated in the George Givens Survey, Abstract No 345, with platted land recorded as Bird Creek Valley VI, Bird Creek Valley Patio Homes, Bird Creek Valley Commercial Park Phase IV and Bird Creek Valley 4-Plexes Phase III, located on both sides of Battle Drive, 352± feet north of Midway Drive, 190± west of Arrowhead Drive.

P&Z COMMISSION RECOMMENDATION: At its April 6, 2009 meeting, the Planning and Zoning Commission voted 8/0 in accordance with staff recommendation to recommend approval of a zone change from C and MF-2 zoning districts to 2F zoning district and from SF-A and GR zoning districts to SF-1 zoning district for the following reasons:

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

Commissioner Martin was absent.

STAFF RECOMMENDATION: Adopt ordinance on second and final reading.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-09-17, from the Planning and Zoning meeting, April 6, 2009. The City requests this zone change to accommodate a two-family and single-family subdivision. The rezoning request conforms to the Council's amendment for Suburban Residential uses shown on the Future Land Use and Character Plan approved December 4, 2008. The existing zoning of Commercial and Multiple-Family 2 already allows two-family dwellings and the existing zoning of General Retail and Single-Family Attached allows single-family detached dwellings. The applicant could build such dwellings without this rezoning taking place. The zoning change is requested because future amendments to the Zoning Ordinance may make the proposed dwellings nonconforming uses if no rezoning takes place.

The new Comprehensive Plan recommends the use table in the Zoning Ordinance be modernized. One of the ways to modernize the use table is to move away from the cumulative structure so that each zoning district has its own 'flavor' with a predictable set of permitted uses. The two-family dwellings are currently permitted by right in the C and MF-2 zoning districts. The property should be rezoned in the event that two-family dwellings become prohibited in these zoning districts. Otherwise, the development could become a nonconforming use. The same reasoning applies to changing the zoning on the GR and SFA properties to SF-1 to accommodate the single-family dwellings that are proposed in the subdivision.

The Commission did not raise any issues requiring additional staff attention.

FISCAL IMPACT: NA

ATTACHMENTS:

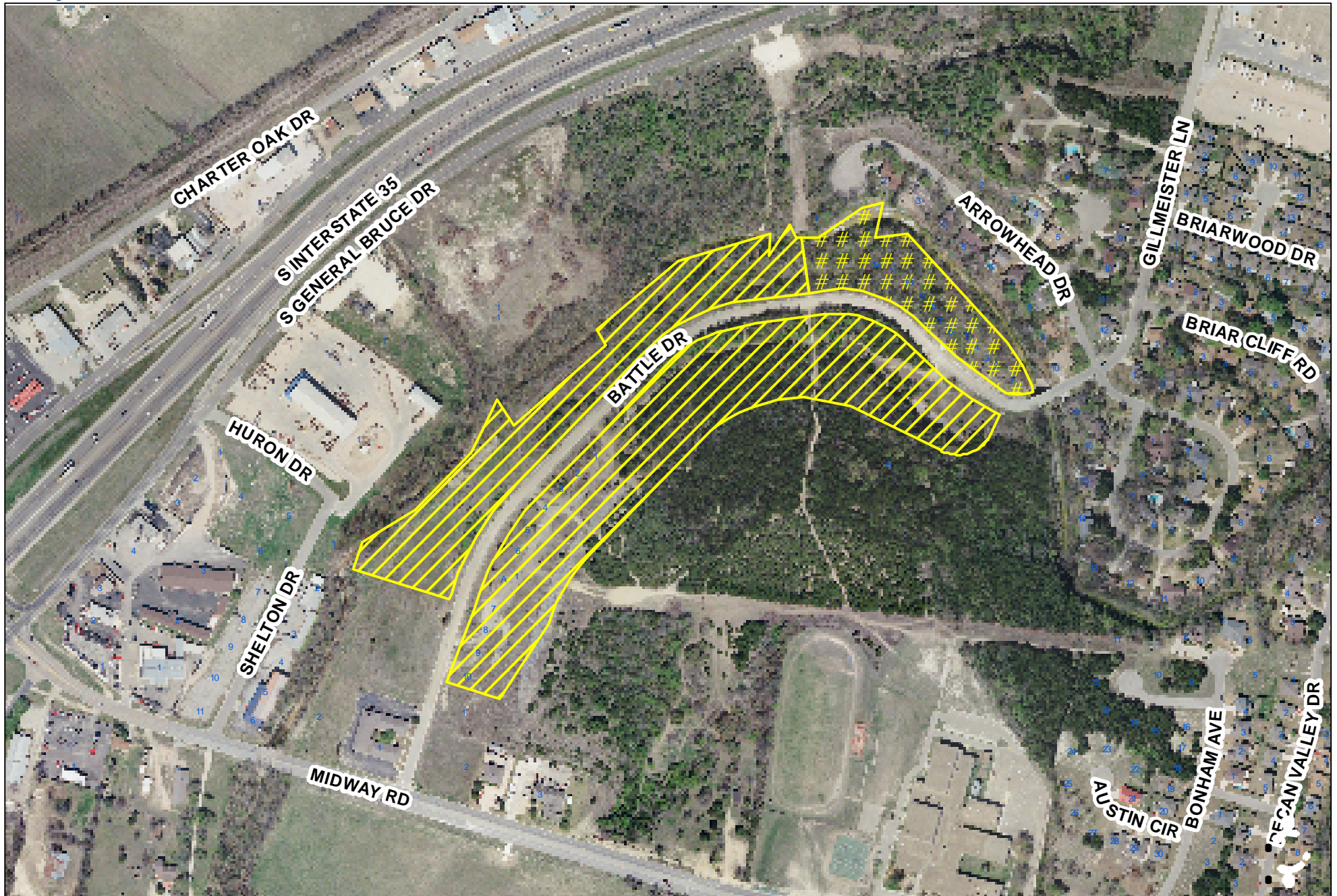
[Aerial](#)
[Zoning Map](#)
[Land Use and Character Map](#)
[Notice Map](#)
[P&Z Staff Report \(Z-FY-09-17\)](#)
[P&Z Minutes \(04/06/09\)](#)
[Ordinance](#)



Z-FY-09-17

Proposed Residences at Bird Creek

2900-3300 Battle Drive



Proposed 2F



Proposed SF1

C & MF2 to 2F

SFA & GR to SF1

1 inch = 400 feet

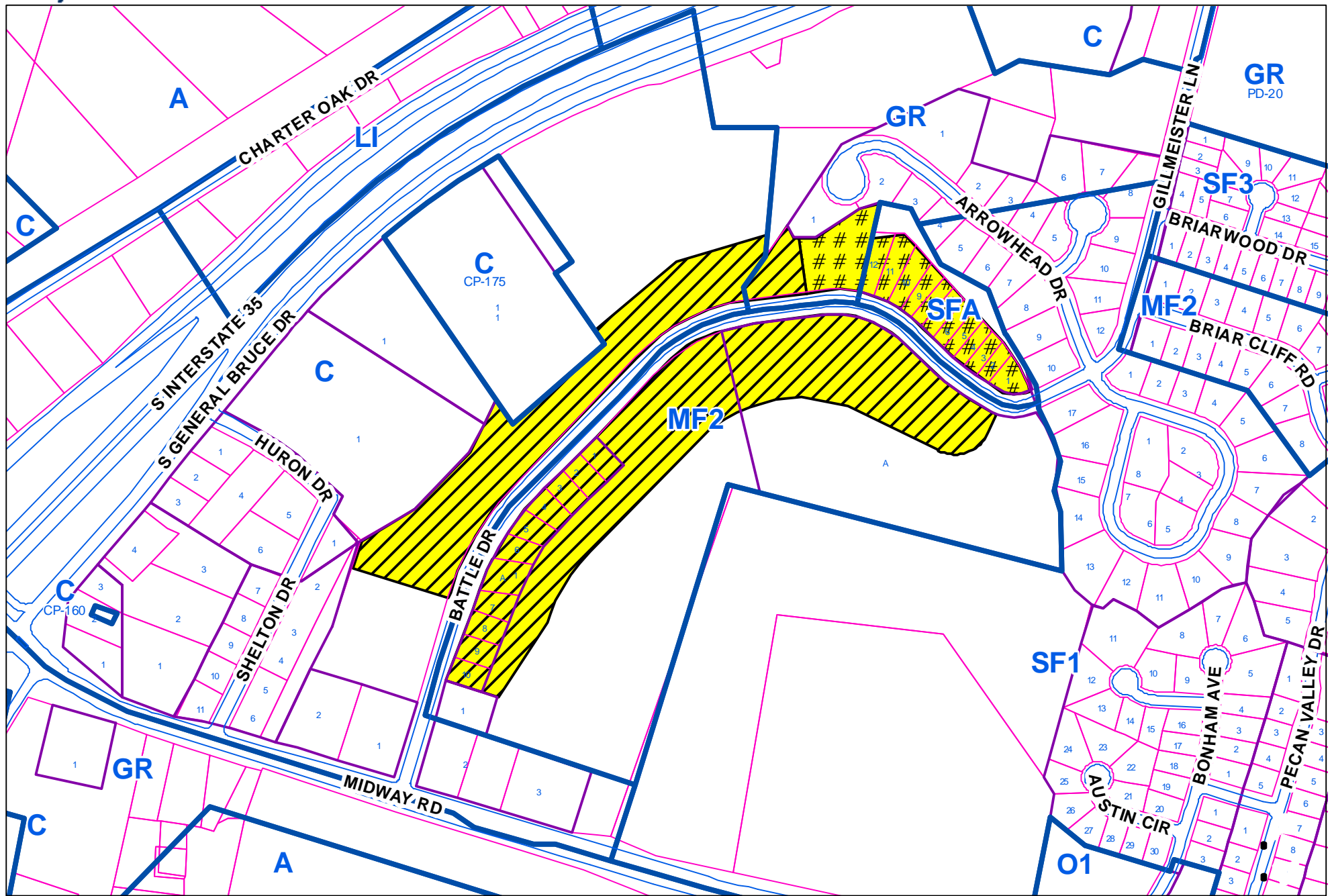
J Stone 3.13.09





Z-FY-09-17

Proposed Residences at Bird Creek

2900-3300 Battle Drive



 Proposed 2F  Proposed SF1

C & MF2 to 2F SFA & GR to SF1

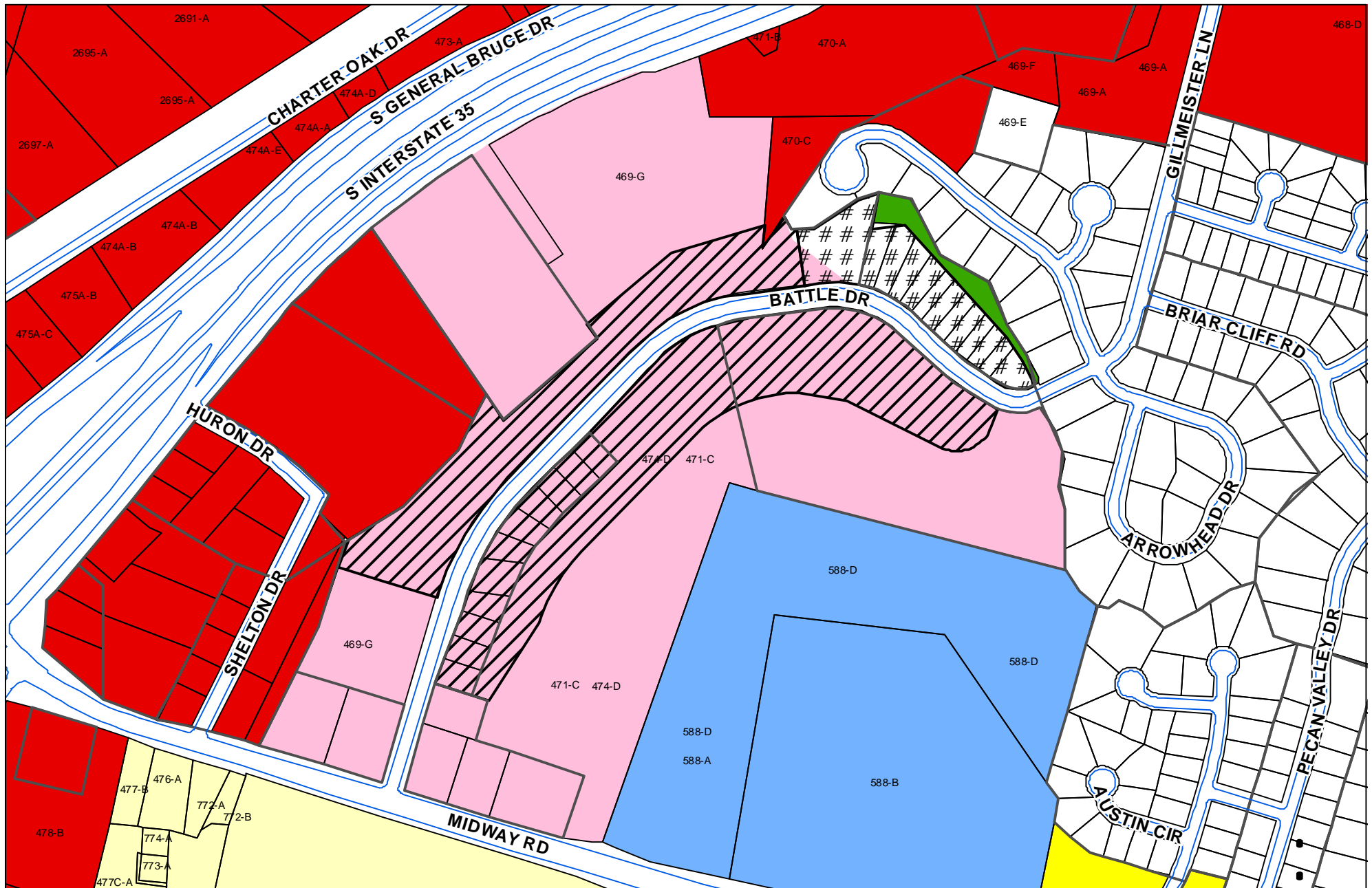
1 inch = 400 feet
J Stone 3.13.09



Z-FY-09-17

Proposed Residences at Bird Creek

2900-3300 Battle Drive



- | | | | | | |
|-----------------|---------------------------|-------------------------|-----------------------|-----------------------------------|----------------------|
| Temple Boundary | Neighborhood Conservation | Auto-urban Residential | Auto-Urban Commercial | Temple Medical Education District | Public/Institutional |
| Proposed 2F | Estate Residential | Auto-Urban Multi-Family | Suburban Commercial | Industrial | Parks and Open Space |
| Proposed SF1 | Suburban Residential | Auto-Urban Mixed Use | Urban Center | Business park | Parks and Open Space |

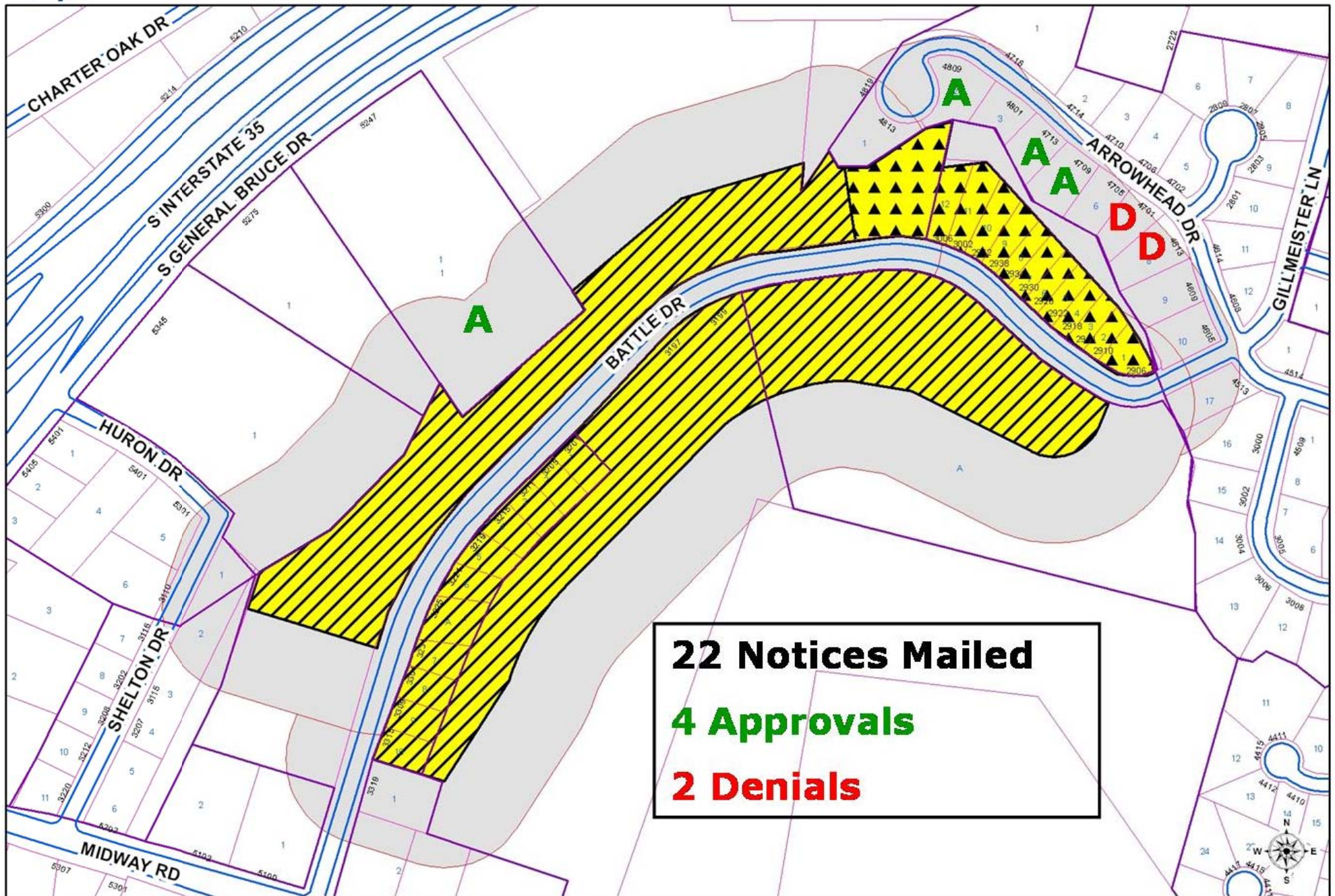
1 inch = 400 feet
J Stone 3.13.09



Z-FY-09-17

Proposed Residences at Bird Creek

2900-3300 Battle Drive



 Proposed 2F  Proposed SF1  200' Buffer

C & MF2 to 2F SFA & GR to SF1

1 inch = 300 feet
J Stone 3.13.09



PLANNING AND ZONING COMMISSION AGENDA ITEM

04/06/09
Item #2
Regular Agenda
Page 1 of 3

APPLICANT / DEVELOPMENT: City of Temple

CASE MANAGER: Brian Mabry, AICP, Senior Planner

ITEM DESCRIPTION: **Z-FY-09-17:** Hold a public hearing to discuss and recommend action on a zone change on a 18± acre tract of land **from** Commercial District (C) and Multiple-Family Two District (MF-2) **to** Two-Family District (2F) and a 3.2± acre tract of land **from** Single-Family Attached District (SF-A) and General Retail District (GR) **to** Single-Family One District (SF-1) on a total of 21.2± acres situated in the George Givens Survey, Abstract No 345, with platted land recorded as Bird Creek Valley VI, Bird Creek Valley Patio Homes, Bird Creek Valley Commercial Park Phase IV and Bird Creek Valley 4-Plexes Phase III, located on both sides of Battle Drive, 352± feet north of Midway Drive, 190± west of Arrowhead Drive.

BACKGROUND: The City requests this zone change to accommodate a two-family and single-family subdivision. The existing zoning of C, Commercial and MF-2, Multiple-Family 2 already allows two-family dwellings and the existing zoning of GR, General Retail and SFA, Single-Family Attached allows single-family detached dwellings. The applicant could build such dwellings without this rezoning taking place.

The zone change is requested because future amendments to the Zoning Ordinance may make the proposed dwellings nonconforming uses if no rezoning takes place. The use table in the Zoning Ordinance has a cumulative structure, meaning that uses allowed in less intensive zoning districts – including residential uses – frequently carry over into more intensive zoning districts. The new Comprehensive Plan recommends that the use table in the Zoning Ordinance be modernized. One of the ways to modernize the use table is to move away from the cumulative structure so that each zoning district has its own ‘flavor’ with a predictable set of permitted uses. Although two-family dwellings are currently permitted by right in the C and MF-2 and zoning districts, the property should be rezoned in the event that two-family dwellings become prohibited in these zoning districts. Otherwise, the development could become a nonconforming use. Applying the 2F, Two-Family zoning district to the property would also prohibit potentially incompatible nonresidential uses from being established in the subdivision. In addition, the 2F zoning district requires a 25’ minimum front yard setback rather than the front yard setback of 30 feet from the centerline of the road that is required in C.

The same reasoning applies to changing the zoning on the GR and SFA properties to SF-1, Single-Family 1 to accommodate the single-family dwellings that are proposed in the subdivision.

Surrounding Property and Uses

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

| Direction | Zoning | Current Land Use |
|-----------|--------|---------------------------|
| North | GR | Single-family subdivision |
| | | Vacant |
| East | MF2 | Vacant |
| | SF-1 | Single-family subdivision |
| South | MF2 | Vacant |
| | C | Vacant |
| West | C | Equipment Rental |

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

Future Land Use and Character

The portion outside of the area shown Neighborhood Conservation (the area near Arrowhead Drive) is designated Suburban Residential on the Future Land Use and Character Map. The request complies with the Future Land Use and Character Map.

Thoroughfare Plan

Battle Drive is designated as collector road on the Thoroughfare Plan. A preliminary plat, still an incomplete application, which the Development Review Committee is currently reviewing shows 24 proposed two-family lots on the south side of Battle Drive being served with rear access, reducing the number of potential curb cuts and on-street parking along Battle Drive. The residential request complies with the Thoroughfare Plan.

Adequacy of Public Facilities

The platting process will ensure that adequate public water and sewer lines will be extended and improved for those portions of the property without services.

Development Regulations – 2F & SF-1

The purpose of the 2F zoning district is to accommodate single-family and duplex dwellings allowing an orderly transition from single-family neighborhoods to higher densities of residential use. Permitted uses include two-family dwellings, single-family dwellings and supporting public uses such as schools or places of worship. Most other nonresidential uses are prohibited.

The minimum lot area and setback requirements for a two-family dwelling in the 2F, Two-Family zoning district are as follows.

| 2F, Two-Family Dwelling | |
|-------------------------|-------------------------|
| Min. Lot Area (sq. ft.) | 4,000 per dwelling unit |
| Min. Lot Width (ft.) | 60 |
| Min. Lot Depth (ft.) | 100 |
| Max. Height (stories) | 2 ½ |
| Min. Yard (ft) | |
| Front | 25 |
| Side | 5 |
| Rear | 10 |

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

Permitted uses include single-family dwellings and supporting public uses such as schools or places of worship. Most other nonresidential uses are prohibited.

The minimum lot area and setback requirements for a single-family dwelling in the SF-1 zoning district are as follows.

| SF-1, Single-Family 1 | |
|-------------------------|---------------------------------------|
| Min. Lot Area (sq. ft.) | 7,500 |
| Min. Lot Width (ft.) | 60 |
| Min. Lot Depth (ft.) | 100 |
| Max. Height (stories) | |
| Min. Yard (ft) | |
| Front | 25 |
| Side | 10% width of lot - 6 min & 7.5 max |
| Rear | 10 |

Public Notice

Twenty-two notices were sent out. As of Tuesday, March 31 at 5 PM, one notice was returned in favor of and one notice was returned in opposition to the request. The newspaper printed notice of the public hearing on March 28, 2009 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of Z-FY-09-17, the zone change from C and MF-2 zoning districts to 2F zoning district and from SFA and GR zoning districts to SF-1 zoning district for the following reasons:

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

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Zoning Map
Land Use and Character Map
Aerial
Notice Map
Response Letters

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

MONDAY, APRIL 6, 2009

ACTION ITEMS

Z-FY-09-17: Hold a public hearing to discuss and recommend action on a zone change on a 18+ acre tract of land from Commercial District (C) and Multiple-Family Two District (MF-2) to Two-Family District (2F) and a 3.2+ acre tract of land from Single-Family Attached District (SFA) and General Retail District (GR) to Single-Family One District (SF-1) on a total of 21.2± acres situated in the George Givens Survey, Abstract No 345, with platted land recorded as Bird Creek Valley VI, Bird Creek Valley Patio Homes, Bird Creek Valley Commercial Park Phase IV and Bird Creek Valley 4-Plexes Phase III, located on both sides of Battle Drive, 352+ feet north of Midway Drive, 190+ west of Arrowhead Drive.

Mr. Brian Mabry, Senior Planner presented this Powerpoint presentation to the Commission and explained the City requested this zone change to accommodate a two-family and single-family subdivision. The existing zoning of Commercial (C) and Multiple-Family 2 (MF-2) already allowed two family dwellings and the existing zoning of General Retail (GR) and Single-Family Attached (SFA) allows single-family detached dwellings. The applicant could build such dwellings without this rezoning taking place.

Mr. Mabry explained the purpose of the 2F zoning district is to accommodate single-family and duplex dwellings allowing an orderly transition from single-family neighborhoods to higher densities of residential use. Permitted uses include two-family dwellings, single-family dwellings and supporting public uses such as schools or places of worship. Most other nonresidential uses are prohibited.

Mr. Mabry clarified this item is basically a housekeeping item for Chair Pope and Staff recommended approval of **Z-FY-09-17**, the zone change from C and MF-2 zoning districts to 2F zoning district and from SFA and GR zoning districts to SF-1 zoning district for the following reasons: The request complies with the Future Land Use and Character Map; the request complies with the Thoroughfare Plan; and adequate public facilities will serve the property.

Chair Pope opened the public hearing for comment.

Mr. Wayne Pope, 4713 Arrowhead, approached the Commission and stated the plan is substantially better now than seen in the past and appreciated fewer homes added value to the existing homes. Mr. Pope had one

suggestion that Single Family homes facing Single Family homes versus duplexes would be nice.

Mr. Pope's concerns however, were the same as before: the road, heavy traffic and water/creek issues. Mr. Pope approached the map and explained to the Commission where his areas of concern were located.

Mr. Cy Long, 5227 W. Adams Avenue, #106, approached the Commission on behalf of the Aspen Development Group who currently owned the property and Mr. Long is in the process of buying the property and had a company to perform the work.

Mr. Long stated duplexes were not welcomed in the area and needed the option of doing Single Family dwellings.

Mr. Long stated an intensive flood study was done in the area that has been submitted to FEMA to get the flood plain cleaned up. Mr. Long approached the map and explained what they would need in order for the flood plain to be cleaned up. Mr. Long stated the debris in the creek area would be cleaned up. He wanted a clean, well-maintained and manicured development in the area so everyone would be pleased and possibly a hike and bike trail would be placed in the area.

Chair Pope and Commissioner Talley questioned Mr. Mabry about drainage and the condition of Battle Drive. Mr. Mabry responded that although those are platting issues and this is a rezoning case, Battle Drive is currently adequate in terms of right-of-way and pavement width and so the City cannot require the developer to widen or improve the street. In addition, the street is not on the Capital Improvements Plan for improvement over the next five years. Regarding drainage, it is the responsibility of the developer's engineer to demonstrate that the development complies with the City's drainage standards and that post-development drainage will be equal to or better than pre-development drainage.

There being no further speakers, discussion or questions, Chair Pope closed the public hearing.

Vice-Chair Pilkington made a motion to approve **Z-FY-09-17** as Staff had presented it and Commissioner Hurd made the second.

Commissioner Derek Martin was absent.

Motion passed. (8:0)

ORDINANCE NO. _____

[PLANNING NO. Z-FY-09-17]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE ON AN APPROXIMATELY 18 ACRE TRACT OF LAND FROM COMMERCIAL DISTRICT (C) AND MULTIPLE-FAMILY TWO DISTRICT (MF-2) TO TWO FAMILY DISTRICT (2F) AND AN APPROXIMATELY 3.2 ACRE TRACT OF LAND FROM SINGLE-FAMILY ATTACHED DISTRICT (SF-A) AND GENERAL RETAIL DISTRICT (GR) TO SINGLE-FAMILY ONE DISTRICT (SF-1) ON A TOTAL OF APPROXIMATELY 21.2 ACRES SITUATED IN THE GEORGE GIVENS SURVEY, ABSTRACT NO. 345, WITH PLATTED LAND RECORDED AS BIRD CREEK VALLEY VI, BIRD CREEK VALLEY PATIO HOMES, BIRD CREEK VALLEY COMMERCIAL PARK PHASE IV AND BIRD CREEK VALLEY 4-PLEXES PHASE III, LOCATED ON BOTH SIDES OF BATTLE DRIVE, APPROXIMATELY 352 FEET NORTH OF MIDWAY DRIVE, APPROXIMATELY 190 FEET WEST OF ARROWHEAD 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 on an approximately 18 acre tract of land from Commercial District (C) and Multiple-Family Two District (MF-2) to Two Family District (2F) and an approximately 3.2 acre tract of land from Single-Family Attached District (SF-A) and General Retail District (GR) to Single-Family One District (SF-1) on a total of approximately 21.2 acres situated in the George Givens Survey, Abstract No. 345, with platted land recorded as Bird Creek Valley VI, Bird Creek Valley Patio Homes, Bird Creek Valley Commercial Park Phase IV and Bird Creek Valley 4-Plexes Phase III, located on both sides of Battle Drive, approximately 352 feet north of Midway Drive, approximately 190 feet west of Arrowhead 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 **16th** day of **April**, 2009.

PASSED AND APPROVED on Second Reading on the **7th** day of **May**, 2009.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/07/09
Item #6(F)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

David A. Blackburn, City Manager
Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing the City Manager to file an application for pass through financing for the I-35 reliever route project.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Texas Department of Transportation ('TxDOT') recently announced a call for projects associated with new 'pass thru financing' rules. The proposed resolution authorizes the City Manager to submit an application with TxDOT to enter into a "pass through financing agreement with TxDOT. The City previously submitted an application under the last program guidelines.

The project under consideration is an expansion of Loop 363 ('I-35 Reliever') to include: the main lanes of Loop 363 where they do not currently exist; frontage roads; grade separations at the BNSF main line railroad crossing, at Wendland Road, and at Industrial Road; construction of a new, grade separated interchange at SH 36; reconstruction and reconfiguration of the FM 2305 interchange; and construction of two high speed south bound direct connectors off of Interstate 35 to the NW Loop at it's north and south connection points.

The State of Texas has authorized "pass through financing agreements" between TxDOT and Texas cities and counties. Under the "pass through financing" concept, cities or counties enter into an agreement with TxDOT in which the parties agree that an addition to the State highway system will be constructed within the boundaries of the city/county, and that the city/county will finance the cost of those improvements upfront, in return for a promise by TxDOT to reimburse the city or county that financed the improvements based on future usage of that road improvement by the public.

Typically under a pass through agreement, the parties agree on: (1) a maximum dollar amount that TxDOT will reimburse the city/county, (2) the formula under which TxDOT will provide an annual reimbursement to the City, and (3) a minimum and maximum amount that TxDOT will reimburse the City each year—as well as a maximum amount for the entire project. For example, TxDOT may agree to reimburse a participating city/county at a rate of \$.15/vehicle-mile traveled on the improvements constructed under the agreement, and agree that in any year they will reimburse the city/county not less than \$8 million or more than \$12 million based on that vehicle-mile rate.

As with our previous application, we continue to believe that the I-35 Reliever project in west Temple is an excellent candidate for a pass-through financing agreement with TxDOT.

FISCAL IMPACT: Financing options for the gap between the state reimbursement and the total cost, principal and interest, for a Pass Through project can include debt issuance, available cash or a mix of both debt and cash. Preliminary cost estimates for the 'I-35 Reliever' compared to the amount eligible for the Pass Through Financing Program with TxDOT estimates the 'gap' (City of Temple's share) of the project to be \$20,000,000.

The City has the ability to sell Pass Through Revenue and Limited Tax Bonds in order to fund the total project including the 'gap'. The bonds would be secured by both TxDOT reimbursements per an agreement and a limited tax pledge of the City. The pledge of the TxDOT reimbursements helps identify to rating agencies that the City and TxDOT, through an agreement, share a responsibility for debt service on the project.

The issuance process is similar to any other debt financing by the City. The City Council requirement is approval of an Ordinance authorizing the issuance of the bonds after pricing of the bonds.

Preliminary estimates on the debt service for a 'gap' of \$20,000,000 would be an increase of 3.5¢ on the Interest & Sinking Fund (I&S) tax rate for FY 2013. The increase was calculated assuming an issuance of \$6,625,000 of debt in FY 2012 for other Capital Improvements and a annual growth in the Assessed Valuation of 1.00% beginning in FY 2011 and thereafter.

The debt structure and issuance associated with Pass Through Financing is complex and involves many variables. At this point in the application process, we are working with estimates and conservative assumptions. Dan Wegmiller, with Specialized Public Finance Inc. will be at the Council Meeting on Thursday May 7, 2009 to address questions related to Pass Through Financing.

Total project cost is estimated to be approximately \$251,000,000 (See attached 'Financial Information' worksheet.) Final project costs, to include the total amount of 'gap' funding required from the City, won't be available until after the project is accepted into the Pass Thru program at TxDOT and a subsequent agreement is negotiated with TxDOT. The final agreement would come back to the City Council for consideration and approval.

ATTACHMENTS:

[I-35 Reliever Route Project Cost](#)

[I-35 Reliever Route Map \(hard copy provided\)](#)

[Resolution](#)

I-35 Reliever Route

Assumptions:

Construction letting date of 3rd Qtr 2010

Annual Inflation 4%

| | | Estimate | |
|--|----|---------------------|--------------|
| Project Cost | | | |
| Engineering (Schematic & Environmental) | \$ | - | ¹ |
| Engineering (PS&E) | \$ | 9,900,000 | |
| ROW | \$ | 19,000,000 | |
| Environmental Mitigation | \$ | 1,500,000 | |
| Utility Relocations | \$ | 20,000,000 | |
| Engineering during Construction | \$ | 9,900,000 | |
| Subtotal | \$ | 60,300,000 | |
| Construction | \$ | 141,329,300 | |
| Contingency | \$ | 22,288,488 | |
| Construction Subtotal | \$ | 163,617,788 | |
| Project Delivery Cost Subtotal | \$ | 223,917,788 | ² |
| Project Inflation | \$ | 26,870,135 | ³ |
| Total Project Delivery Cost | \$ | 250,787,923 | |
| | \$ | | |
| <i>Less: TxDOT District / Federal Contribution</i> | \$ | <i>(27,000,000)</i> | ⁴ |
| | \$ | | |
| Total Pass-Through Requirement | \$ | 223,787,923 | |

¹ Performed by TxDOT District

² Project Delivery Cost = Project Cost Subtotal + Construction Subtotal

³ Inflation calculated at an annual rate of 4% for 3 years

⁴ Reflects TxDOT Contribution

Project Funding Sources

| | | |
|----------------------|-----------|-----------------------------|
| City | \$ | 223,787,922.56 ⁵ |
| TxDOT-District | \$ | 27,000,000.00 |
| Total Sources | \$ | 250,787,922.56 |

⁵ Amount to be financed by local government secured by Pass-Through revenue and other sources of local revenue as required.

Pass-Through Reimbursement Requested

| | | |
|---------------------|-----------|--------------------|
| 100% Payback | \$ | 223,787,923 |
|---------------------|-----------|--------------------|

Proposed Funding Schedule

| | | |
|------------------------------------|----|-------------------------|
| 2010-2013 | \$ | 27,000,000 ⁶ |
| Under development | | |
| 2013 | | |
| operational | | |
| 2014-2028 | | |
| Annual Payback – 15 Year Repayment | \$ | 14,919,195 |
| 2014-2033 | | |
| Annual Payback – 20 year Repayment | \$ | 11,189,396 |

Statements:

No tolling is currently anticipated

A Transportation Reinvestment Zone (TRZ) is intended to be designated

See Appendix A for City Council Resolution

⁶ Reflects TxDOT District/Federal Contribution

RESOLUTION NO. 2009-5706-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION FOR PASS THROUGH FINANCING FOR THE I-35 RELIEVER ROUTE PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Texas Department of Transportation (TxDOT) recently announced a call for projects associated with the new “pass through financing” rules – the project under consideration is an expansion of Loop 363 (I-35 Reliever) to include: the main lanes of Loop 363 where they do not currently exist; frontage roads; grade separations at the BNSF main line railroad crossing, at Wendland Road, and at Industrial Road; construction of a new, grade separated interchange at SH 36; reconstruction and reconfiguration of the FM 2305 interchange; and construction of two high speed south bound direct connectors off of Interstate 35 to the NW Loop at it’s north and south connection points;

Whereas, the Staff requests authorization for the City Manager to submit an application with TxDOT to enter into a “pass through financing agreement” in which the parties agree that an addition to the State highway system will be constructed within the boundaries of the City, and that the City will finance the cost of those improvements upfront, in return for a promise by TxDOT to reimburse the City for financing the improvements based on future usage of the road improvement by the public;

Whereas, financing options for the gap between the State reimbursement and the total cost, principal and interest, for a Pass Through project can include debt issuance, available cash or a mix of both debt and cash – the debt structure and issuance is complex and involves many variables;

Whereas, final project costs, to include the total amount of “gap” funding required from the City won’t be available under after the project is accepted into the Pass Through program at TxDOT and a subsequent agreement is negotiated with TxDOT which would come back to the City Council for consideration and approval; 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 to file an application, after approval as to form by the City Attorney, for pass through financing for the I-35 reliever route project.

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

PASSED AND APPROVED this the 7th day of May, 2009.

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
Lonzo Wallace, Fire Chief

ITEM DESCRIPTION: Consider adopting a resolution authorizing payment to Atmos Energy Corporation for the relocation of a gas main to allow for construction of the new Central Fire Station in the amount of \$29,463.27.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In December 2008, property was acquired from Bank of America to construct a new Central Fire Station on the northern two-thirds block bound by 3rd Street, Calhoun, and 5th Street. There is currently a 4-inch gas main running in the alley of this block. The City has received an invoice from Atmos Energy Corporation in the amount of \$29,463.27 to relocate this gas main to 5th Street along the path of the pending sewer main relocation. Payment to Atmos is required prior to them performing the relocation.

FISCAL IMPACT: Funding for this gas line relocation is available in 2006 certificate of obligation bond funds, account 361-2200-522-6805, project #100120. These funds were designated for a fire master plan update, space needs assessment, preliminary design services, and land acquisition related to the construction of a new Central Fire Station. After funding this gas line relocation, \$252,578.82 will remain available in this account.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PAYMENT OF \$29,463.27 TO ATMOS ENERGY CORPORATION FOR THE RELOCATION OF A GAS MAIN TO ALLOW FOR CONSTRUCTION OF THE NEW CENTRAL FIRE STATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, a new Central Fire Station will be constructed on the northern two-thirds of a block bounded by 3rd Street, Calhoun, and 5th Street on property formerly owned by the Bank of America;

Whereas, there is currently a 4-inch gas main running in the alley of this block, and the City has received an invoice from Atmos Energy Corporation in the amount of \$29,463.27 to relocate this gas main to 5th Street along the path of the pending sewer main relocation;

Whereas, funding for the gas line relocation is available in Account No. 361-2200-522-6805, Project # 100120; 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 payment of \$29,463.27 to Atmos Energy Corporation for the relocation of a gas main to allow for construction of the new Central Fire Station.

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

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

PASSED AND APPROVED this the 7th day of **May**, 2009.

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

05/07/09
Item #6(H)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing budget amendments for fiscal year 2008-2009.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2008-2009 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$296,315.

ATTACHMENTS:

[Budget amendments
Resolution](#)

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2009 BUDGET
May 7, 2009

| | | | APPROPRIATIONS | |
|---|------------------|---|-----------------------|------------------|
| ACCOUNT # | PROJECT # | DESCRIPTION | Debit | Credit |
| 110-1600-512-2512 | | Court Cost/Refunds (Legal) | \$ 5,000 | |
| 110-0000-461-0851 | | Lot Cutting Revenue | | \$ 5,000 |
| Appropriate an additional \$5,000 to pay the lien filing fees at the County Clerk's Office. Funds are available through additional revenues received for lot cuttings. | | | | |
| 110-2330-540-2516 | | Judgments & Damages (Solid Waste-Residential) | \$ 73 | |
| 110-1500-515-6531 | | Contingency - Judgments & Damages | | \$ 73 |
| Settlement of a claim filed against the City by Andrew Lima seeking reimbursement for damage to his vehicle when a Solid Waste operator bumped it with a trash container on February 2, 2009 at 204 Nairm Lane. | | | | |
| 110-3400-531-2516 | | Judgments & Damages (Street) | \$ 1,077 | |
| 110-1500-515-6531 | | Contingency - Judgments & Damages | | \$ 1,077 |
| Settlement of claim filed against the City by Spartan Adjusting Company seeking subrogation for payment of a claim to Frederick Johnson to repair damage to his vehicle after a plastic barricade flew out of the back of a City truck and hit his vehicle at Case Road and Loop 363 in October, 2008. | | | | |
| 110-3400-531-6222 | 100494 | Equipment (Street) | \$ 5,000 | |
| 110-0000-461-0424 | | Sales of Assets | | \$ 5,000 |
| Appropriate funds for the transfer of a 1995 dump truck, asset #9837, from the Water & Sewer Fund to the Street Department within the General Fund. Per research by Fleet Services, the auction value of the 1995 dump truck would be \$5,000. This budget adjustment allows the entry to record the "purchase" of the dump truck by the Street Department. This entry is necessary since the dump truck was originally purchased out of the Water & Sewer Enterprise Fund. Funds are available in the sale of assets from proceeds received at auction. | | | | |
| 110-4000-555-2333 | | Auto & Equipment-Fleet Services (Library) | \$ 300 | |
| 110-0000-461-0841 | | Donations/Gifts | | \$ 300 |
| Expend donated funds as designated. Donation from the City Federation of Women's Clubs for additional graphics for the bookmobile. | | | | |
| 260-3500-552-6516 | 100495 | Park Improvements (Parks) | \$ 235,900 | |
| 260-0000-431-0261 | | State Grants | | \$ 188,720 |
| 260-0000-490-2582 | | Transfer In - General Fund | | \$ 47,180 |
| 110-9100-591-8160 | | Transfer Out - Grant Fund | \$ 47,180 | |
| 110-0000-352-1345 | | Designated Capital Projects - Friar's Creek Nature Trail Phase I Grant Match - 20% | | \$ 47,180 |
| Appropriate revenue for the Texas Recreational Trail Fund Matching Grant for the Friar's Creek Nature Trail Phase I project. City's match is \$47,180 with grant funds in the amount of \$188,720. Total project cost is \$235,900. Council authorized the acceptance of the grant of November 6, 2008. The Friar's Creek Nature Trail will be a water quality interpretive trail as well as a recreational hiking trail along Friar's Creek. The trail will begin in South Temple Park and will travel north along Friar's Creek to Marlandwood Road a distance of about 1 mile. | | | | |

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2009 BUDGET
May 7, 2009

| ACCOUNT # | PROJECT # | DESCRIPTION | APPROPRIATIONS | |
|---|-----------|---|-------------------|-------------------|
| | | | Debit | Credit |
| 351-1100-513-2616 | | Contracted Services/Professional (City Manager) | \$ 1,655 | |
| 351-0000-461-0865 | | Misc. Reimbursements | | \$ 1,655 |
| Recognize revenue to be received from Keep Temple Beautiful for reimbursable expenses related to the professional services agreement (TMED) with TBG Partners. | | | | |
| 520-5400-535-2516 | | Judgments & Damages | \$ 130 | |
| 520-5400-535-6532 | | Contingency Judgments & Damages | | \$ 130 |
| Settlement of claim filed against the City by Dwight Mitchell seeking reimbursement for money paid to a plumber for services related to a sewer backup at his house at 909 Saratoga Drive on March 4, 2009. | | | | |
| TOTAL AMENDMENTS | | | \$ 296,315 | \$ 296,315 |

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 | \$ (37,175) |
| Net Balance of Judgments & Damages Contingency Account | \$ 32,825 |
| Beginning SAFER Grant Match Contingency | \$ 46,821 |
| Added to SAFER Grant Match Contingency | \$ - |
| Taken From SAFER Grant Match Contingency | \$ (41,968) |
| Net Balance of SAFER Grant Match Contingency Account | \$ 4,853 |
| Beginning Compensation Contingency | \$ 184,700 |
| Added to Compensation Contingency | \$ - |
| Taken From Compensation Contingency | \$ (98,395) |
| Net Balance of Compensation Contingency Account | \$ 86,305 |
| Net Balance Council Contingency | \$ 123,983 |
| 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 | \$ 174,121 |
| Added to Contingency Sweep Account | \$ - |
| Taken From Contingency | \$ (164,121) |
| Net Balance of Contingency Account | \$ 10,000 |
| Beginning Compensation Contingency | \$ 34,334 |
| Added to Compensation Contingency | \$ - |
| Taken From Compensation Contingency | \$ (34,334) |
| Net Balance of Compensation Contingency Account | \$ - |

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2009 BUDGET
May 7, 2009

| ACCOUNT # | PROJECT # | DESCRIPTION | APPROPRIATIONS | |
|-----------|-----------|--|----------------|----------------|
| | | | Debit | Credit |
| | | Beginning Approach Mains Contingency | \$ | 500,000 |
| | | Added to Approach Mains Contingency | \$ | - |
| | | Taken From Approach Mains Contingency | \$ | (11,730) |
| | | Net Balance of Approach Mains Contingency Account | \$ | 488,270 |
| | | Beginning T-BRSS Future Plant Expansion Contingency | \$ | 450,000 |
| | | Added to T-BRSS Future Plant Expansion Contingency | \$ | - |
| | | Taken From T-BRSS Future Plant Expansion Contingency | \$ | (73,424) |
| | | Net Balance of T-BRSS Future Plant Expansion Contingency | \$ | 376,576 |
| | | Net Balance Water & Sewer Fund Contingency | \$ | 874,846 |
| | | HOTEL/MOTEL TAX FUND | | |
| | | Beginning Contingency Balance | \$ | 75,221 |
| | | Added to Contingency Sweep Account | \$ | - |
| | | Taken From Contingency | \$ | - |
| | | Net Balance of Contingency Account | \$ | 75,221 |
| | | Beginning Compensation Contingency | \$ | 5,401 |
| | | Added to Compensation Contingency | \$ | - |
| | | Taken From Compensation Contingency | \$ | (3,222) |
| | | Net Balance of Compensation Contingency Account | \$ | 2,179 |
| | | Net Balance Hotel/Motel Tax Fund Contingency | \$ | 77,400 |
| | | DRAINAGE FUND | | |
| | | Beginning Contingency Balance | \$ | - |
| | | Added to Contingency Sweep Account | \$ | - |
| | | Taken From Contingency | \$ | - |
| | | Net Balance of Contingency Account | \$ | - |
| | | Beginning Compensation Contingency | \$ | 4,631 |
| | | Added to Compensation Contingency | \$ | - |
| | | Taken From Compensation Contingency | \$ | (1,901) |
| | | Net Balance of Compensation Contingency Account | \$ | 2,730 |
| | | Net Balance Drainage Fund Contingency | \$ | 2,730 |
| | | FED/STATE GRANT FUND | | |
| | | Beginning Contingency Balance | \$ | 7,962 |
| | | Carry forward from Prior Year | \$ | 99,254 |
| | | Added to Contingency Sweep Account | \$ | - |
| | | Taken From Contingency | \$ | (70,458) |
| | | Net Balance of Contingency Account | \$ | 36,758 |

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2008-2009
CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on the 28th day of August, 2008, the City Council approved a budget for the 2008-2009 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2008-2009 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 2008-2009 City Budget by adopting the budget amendments which are more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED this the 7th day of **May**, 2009.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/07/09
Item #7
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-07-18: Consider adopting an ordinance authorizing the creation of an IH-35 Overlay District containing regulations for landscaping, building standards, signs and parking by amending the Zoning Ordinance, Section 7-560.

P&Z COMMISSION RECOMMENDATION: The Planning and Zoning Commission voted 8/0, April 20, 2009, upon Staff's recommendation, recommending approval for Case Z-FY-07-18.

STAFF RECOMMENDATION: Adopt ordinance on first reading with second reading and final adoption scheduled for May 21, 2009.

ITEM SUMMARY: The Commission has worked on this ordinance since 2004. In advance of the reconstruction of IH 35, the Commission was interested in the appearance of the major gateway into Temple. In 2008, the City Manager's office initiated an idea to include members of the Reinvestment Zone, Temple Economic Development Corporation, Keep Temple Beautiful and representation from the Planning & Zoning Commission. The sub-committee met seven times and included a property owners meeting to discuss the ordinance. The City also hired TBG Architects, as the professional consultant, to create an ordinance for the Interstate 35 area from the southern city limits to the northern city limits.

The proposed ordinance contains standards for the following areas: Civic District, Industrial District, Freeway Retail/Commercial District and a City Entry District. These areas will contain the following regulations:

- Site Plan Review
- Tree Preservation
- Parking
- Screening and Wall Standards
- Landscape
- Signage
- Lighting
- Utilities

Please refer to the Staff Report and draft minutes of case Z-FY-07-18, from the Planning and Zoning meeting, April 20, 2009.

FISCAL IMPACT: NA

ATTACHMENTS:

[P&Z Staff Report](#)

[P&Z Minutes](#)

[Ordinance](#)



PLANNING AND ZONING COMMISSION AGENDA ITEM

04/06/09
Item # 3
Page 1 of 1

APPLICANT / DEVELOPMENT: City of Temple

CASE MANAGER:

Tim Dolan, AICP, Planning Director c/o Planning & Zoning Commission

ITEM DESCRIPTION: Z-FY-07-18: Hold a public hearing to discuss and recommend action for creating an IH-35 Overlay District to discuss landscaping, building standards, signs and parking.

BACKGROUND:

The Commission called a public hearing for today's meeting to amend the Zoning Ordinance Section 7-60 creating the development regulations for the Interstate 35 Overlay District. The City hired TBG Architects, as the professional consultant to create an ordinance for the Interstate 35 area from the southern city limits to the northern city limits. A sub-committee, of which Chairperson Pope and Commissioner Talley are members, has met six times with representatives from the Reinvestment Zone, the Temple Economic Development Corporation, citizen stakeholders from area banks, real estate companies and engineering companies. More recently, TBG presented the draft ordinance to area property owners. The purpose of the memo is to explain the draft ordinance with the assistance of Chairperson Pope and Commissioner Talley.

The ordinance still needs review by the City Attorney's office for appearance to form requirements and for codification.

FISCAL IMPACT:

Not Applicable

ATTACHMENTS:

Draft Ordinance

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

MONDAY, APRIL 20, 2009

ACTION ITEMS

Z-FY-07-18: Hold a public hearing to discuss and recommend action for creating an IH-35 Overlay District to discuss landscaping, building standards, signs and parking. (City of Temple)

Mr. Tim Dolan, Planning Director, stated a P&Z work session was held on this item on April 6, 2009. If recommended for approval tonight, this item would move forward to City Council for the May 7th and 21st meetings. The purpose of this Ordinance is to serve as a focal point or gateway to the City and to address the safety, aesthetic and functional characteristics of development and redevelopment of the City of Temple.

Mr. Dolan stated the history of this item goes back about five or six years. It was first discussed in 2004 and reinitiated in late 2008 to include Temple Economic Development Corporation and the Reinvestment Zone and also involved some subcommittee members from Planning & Zoning Commission and Keep Temple Beautiful. A property owner meeting was held in late March of 2009 and approximately half of the property owners invited attended a presentation made by TBG Partners.

Mr. Dolan stated the I35 area included southern to northern city limits. Areas along the north are still being planned for industrial uses which fit with the Reinvestment Zone area and going south there are retail and commercial uses described as freeway commercial. Some other areas are being looked at for City entry districts where one would come off the interstate and go through Temple. Mr. Dolan explained various aspects of architectural designs and elevations, sidewalk types, landscaping, foundation plantings, and buffer yards, to name a few of the issues.

Chair Pope opened the public hearing for comment.

Mr. Lloyd Thomas of 18 N. 3rd Street approached the Commission and stated he has served on this committee and one item he discovered with car dealerships, boats, motorcycles, etc., was their concern about the parking areas. In discussions with some of the dealerships, concerns were made regarding the landscaped islands, how it affected ability to display the vehicles, constant movement of inventory, and the tree coverage within those islands.

Mr. Dolan confirmed the architects have looked at some of these issues previously and suggestions have been made for using shrubs instead of trees, **keeping the plant percentages, but vary methods of planting** (clusters v. rows), spacing issues, movement of pedestrian and vehicle traffic, etc., but still remain consistent in the requirements needed.

Chair Pope closed the public hearing.

There being no further speakers Chair Pope closed the public hearing.

Commissioner Secrest made a motion to approve **Z-FY-07-18** in accordance with Paragraph E, Subsection 11, and to include 1) Allowing dealerships for passenger cars, trucks, recreational vehicles, motorcycles and boats to use inventory areas with parking islands containing shrubs, and the use of perimeter buffering; and 2) allowing lot areas smaller than required for freeway commercial and industrial uses to conform to the proposed standards for its proportional requirement. Commissioner Hurd made the second.

Motion passed. (7:0)

Commissioners Luck and Dusek were absent

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, ADDING A NEW SECTION 7-560, ENTITLED, "INTERSTATE 35 CORRIDOR OVERLAY DISTRICT," AUTHORIZING THE CREATION OF AN INTERSTATE 35 OVERLAY DISTRICT CONTAINING REGULATIONS FOR LANDSCAPING, BUILDING STANDARDS, SIGNS AND PARKING; AMENDING SECTION 21-100, "DEFINITIONS," TO ADD DEFINITIONS CONTAINED IN THE NEW SECTION 7-560; 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 adding a new Section 7-560, entitled, "Interstate 35 Overlay District," to read as follows:

7-560 INTERSTATE 35 CORRIDOR OVERLAY DISTRICT

7-561 GENERAL PURPOSE AND DESCRIPTION

The general purpose of this overlay zoning district is to exercise greater control over the aesthetic, functional and safety characteristics of development and redevelopment along Interstate 35 (I-35) within the City where higher development standards can effectively enhance the City's image as a desirable place to live, work and shop. This overlay zoning district is limited to specified areas encompassing land that has already been assigned conventional base zoning district classifications. It supplements the standards of the base zoning districts with new or different standards that are more restrictive.

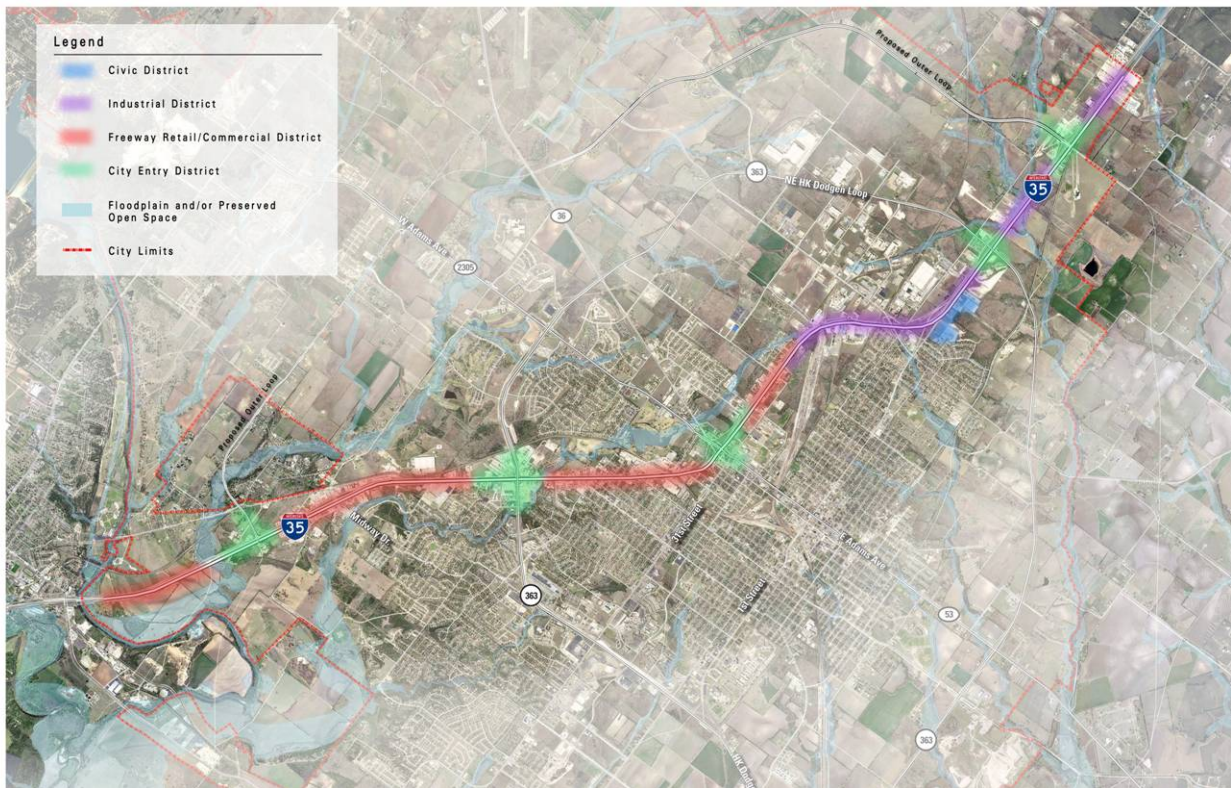
7-562 BOUNDARY

The I-35 Corridor Overlay District applies to the entire length of the Interstate within the City Limits of the City of Temple. The I-35 Corridor Overlay District is defined as the land including:

- A. Tracts of land that abut or adjoin a public street or an intersection with I-35;
- B. Tracts of land that are developed used, managed, or marketed as a group that includes a tract of land that abuts or adjoins a public or private access street or an intersection with I-35; or

Commentary: The interior portion of a shopping center with pad sites is an example of land that lies within I-35 without abutting the highway.

C. Tracts of land that shares parking space with a tract of land that abuts or adjoins a public or private access street or an intersection with I-35.



7-563 SUB-DISTRICTS

The I-35 Corridor Overlay District is divided into four sub-districts. If a property falls within more than one sub-district, the more restrictive sub-district standards apply, regardless of how much land area is in the less restrictive sub-district. Each sub-district must comply with the general requirements listed in this Section and the sub-district requirements. Where the Overlay District requirements conflict with the base zoning requirements, the I-35 Overlay District standards apply. See City of Temple I-35 Corridor Overlay District map. Those sub-districts are:

- A. Civic Sub-District – Located east of I-35 at the Frank W. Mayborn Convention Center and Evangelical Brethren Church.

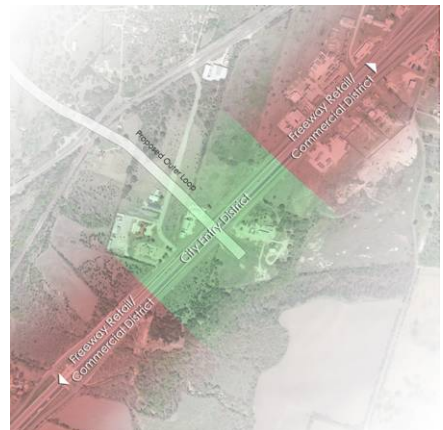
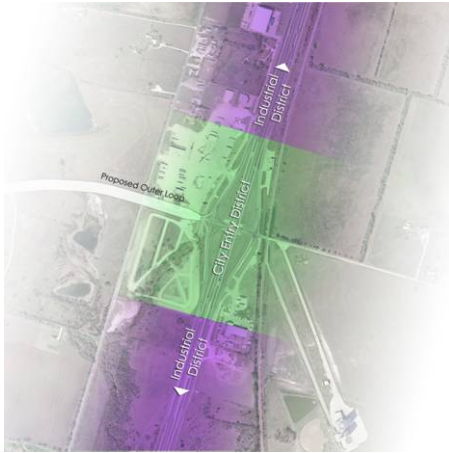


- B. Industrial Sub-District – The boundary extends from the northern city limits, approximately 1,100 feet south of Enterprise Road on the west of I-35 and 560 feet north of Nugent Avenue on the east. It is interrupted by city entry zones, with more strict standards, at the north outer loop and NE HK Dodgen Loop.



- C. Freeway Retail/Commercial Sub-District – The boundary extends from south of Enterprise Avenue to the Leon River, the south City Limits, it is interrupted by city entry zones at Adams Avenue, HK Dodgen Loop and the South outer loop.

D. City Entry Sub-District – There are five City Entry Sub-Districts located at major street locations that access industrial areas, the Central Area, the hospital areas, shopping centers and future retail nodes.



7-564 APPLICABILITY

The provisions of I-35 Corridor Overlay District apply to development types in the table below. Improvements to existing buildings are cumulative within a 15-year period when determining which of the following provisions apply. A development type not shown in the table below is not subject to the requirements of the I-35 Corridor Overlay District.

| Development Type | Site Plan Review | Tree Preservation | Parking | Screening and Wall Standards Architectural Design | Landscape | Signage | Lighting | Utilities |
|--|-------------------------|--------------------------|----------------|--|------------------|----------------|-----------------|------------------|
| New construction | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Increase in gross floor area of 50% or more or improvement resulting in 50% or more increase in value per tax role | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Increase in gross floor area of 25%-49% or improvement resulting in 25%-49% increase in value per tax role | ✓ | ✓ | | ✓ | ✓ | ✓ | ✓ | |
| Increase in gross floor area of 10%-24% or improvement resulting in 10%-24% increase in value per tax role | ✓ | ✓ | | ✓ | ✓ | | | |

7-565 DESIGN REVIEW

A site development plan must be submitted, reviewed and approved prior to construction for all developments within the I-35 Corridor Overlay District as required by this Section.

A. Design Review Process

1. This Section establishes a design review process to ensure that all development within the I-35 Corridor Overlay District meets requirements set forth in these design standards. The review covers site planning, architecture, landscaping, exterior lighting and exterior signage, as well as any changes, additions or renovations to any development on the site.
2. The design review process is divided into three steps:
 - a. Design Orientation
 - b. Conceptual Design Review
 - c. Construction Documents Review
3. Formal submittals for design review must be provided at each of the steps in the design review process listed above. Official approvals must be obtained in writing for each of these steps.
4. All requests for design review approvals must be submitted in writing to the City.
5. All required submittals must be provided to the City in a single package that includes the following information:
 - a. Lot owner's name, mailing address, business telephone and home telephone numbers

- b. Lot number (location of proposed construction)
 - c. Name, address and phone number of architect or owner's representative
 - d. Scale, north arrow, preferably at a scale of 1"=100' or smaller.
6. Questions, meetings and informal and partial submittals are encouraged to promote early communication and resolution of issues. Verbal responses are unofficial and are subject to change in written response. Only written approvals from the City are official.

B. Submittal Requirements

Any and all of the information on the plans required below may be combined to reduce the number of sheet submittals, as long as all sheet detail is provided.

1. Design Orientation

Before any design begins, an optional design orientation session is recommended between a representative of the City and the parcel owner, design architect, landscape architect, engineer and/or contractor. This session includes a discussion of the design concept and design standards for the I-35 Corridor Overlay District, the specific design standards for the particular site and the design review process. This orientation provides valuable information to assist the owner and designers in expediting design review.
2. Conceptual Design Review
 - a. When the initial design for the project is prepared, conceptual drawings must be submitted to the City for formal review. This review covers conceptual site planning, architecture, landscaping, grading and signage.
 - b. The purpose of this conceptual design review is to provide the owner and designer with written assurance that the fundamental designs are acceptable, before requiring plans suitable for City permitting. It also provides a clear list of any issues to be resolved in the Construction Documents Submittal step.
 - c. Two sets of conceptual plans must be submitted for this review. These plans must include, but are not limited to the following:
 - i) Conceptual Site Plan
 - a. All property lines, easements, setbacks and buildable area limits;
 - b. Location of water, sewer and electrical connections and conceptual distribution layout;
 - c. All buildings, walls, driveways, parking, walks, pools, patios, terraces, signs and any other

- above grade development;
 - d. Dimensions between existing and proposed construction and between proposed construction and nearest property lines;
 - e. Building height reference elevation; and
 - f. Vicinity map showing relationships of this site to the rest of the I-35 Corridor Overlay District.
- ii) Preliminary Grading
 - a. Existing and proposed ground level contours and spot elevations; and
 - b. Slope treatment and drainage concepts.
- iii) Conceptual Building Floor Plan(s)
 - a. Layout of all rooms, terraces, atriums, balconies, decks, carports, garages and any other proposed structures and floor area;
 - b. Total gross floor area (measured to the outside edge of the exterior building wall) of all covered (roofed) building space in square feet;
 - c. Conceptual floor level elevation of all floors, terraces, patios and atriums, etc; and
 - d. All window and door openings, exterior columns, arcades, roof overhangs, patio covers and exterior design of the building.
- iv) Conceptual Roof Plan
 - a. Plan of all proposed roofs with slope pitches and ridge heights measured from the building height reference elevation;
 - b. Any unusual conditions or construction requirements; and
 - c. All roof mounted equipment and required screening.
- v) Conceptual Building Elevations
 - a. At least two principal exterior elevations of all proposed buildings (in color);
 - b. Maximum building heights on each elevation drawing; and
 - c. Conceptual finish materials, colors and textures under consideration.
- vi) Conceptual Building Sections
 - a. Two primary sections, perpendicular to one another, through the site and the principal building(s); and
 - b. All significant grade and building height elevations.

- vii) Conceptual Landscape Plan
 - a. Planting concept, including locations and types of all plant materials;
 - b. Hardscape concept, including locations and materials for driveways, parking, walkways, terraces, patios, walls, fences, planter beds, fountains, trellises and pools; and
 - c. Demonstration that plant and wall design along the street frontage meets the streetscape design guideline requirements for the I-35 Corridor Overlay District.
 - viii) Fence and Wall Plans
 - a. Locations, materials, colors and heights in relation to on-site grades; and
 - b. Relationships to walls, fences and grades on adjacent parcels.
 - ix) Sign Plan
 - a. Locations, materials, colors and heights in relation to on-site grades; and
 - b. Elevations and details of sign graphics with data table of permitted and proposed.
 - x) Materials Board
 - a. Materials and color palette board or samples.
- 3. Construction Documents Design Review
 - a. When the conceptual design is further refined and the final construction drawings and specifications for the project have been prepared, they must be submitted to the City for official review and final decision. This review covers all design necessary for construction, including site development, grading utilities, architecture, landscaping, walls, pools, mechanical equipment, exterior lighting and exterior signage.
 - b. The purpose of construction documents design review is to provide the owner and designers with written assurance that the final design is acceptable for construction and that any conditions placed on the previous review have been resolved.
 - c. Two sets of final construction plans must be submitted for this review. They must contain, but are not limited to a Final Site Plan showing:
 - i) Final locations of all structures, terraces, patios, driveways, parking and walk ways, etc. and show dimensions from buildings and paved areas to setbacks and property lines;
 - ii) Water, sewer and electrical connection points and distribution lines.

- iii) Locations of all above-ground mechanical equipment, including electrical transformers, fuel tanks, water tanks, filtration equipment, backflow preventers, air-conditioning units and irrigation controllers, etc; and
 - iv) Any other drawings required by the City for construction permitting.
- d. After the Final Site Plan is approved, an approval letter must be submitted to the owner giving written assurance the Final Site Plan drawings have been found acceptable for construction. At this time the building plans may be submitted to the City for construction permitting.

7-566 GENERAL REQUIREMENTS

This Section establishes the general requirements for site plan review that includes standards for tree preservation, parking, screening, landscape, signs, lighting and utilities. All development within the I-35 Corridor Overlay District must comply with these regulations, which supersede all other regulations. Additional standards and requirements apply for each of the sub-districts.

A. Site Plan Review

1. The site plan must contain sufficient information demonstrating compliance with all of the applicable requirements of this overlay zoning district and any additional information required by the Planning Director
2. A site development plan must be submitted, reviewed and approved prior to construction for all developments proposed on a tract of land with the I-35 Corridor Overlay District as required by the City.
3. In reviewing the site development plan, the City may consider other factors that may be relevant to a particular application, which may include the following:
 - a. The relationship to neighboring properties;
 - b. The zoning and the uses of nearby properties;
 - c. The extent to which the proposed use would substantially harm the value of nearby properties;
 - d. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influence by the use, or present parking problems in the vicinity of the property;
 - e. The extent to which utilities and services, including, but not limited to, sewer, water service, police and fire protection and are available and adequate to serve the proposed use;
 - f. The conformance of the proposed use to the I-35 Corridor Overlay District, the Comprehensive Plan and other adopted planning policies; and
 - g. The recommendation of the professional staff.

B. Tree Preservation

The purpose for these tree preservation standards is to protect the natural beauty of the city, decrease soil erosion, prevent clear cutting and preserve many existing hardwood and canopy trees. Efforts should be made to protect trees on site. All trees over six inches in diameter at breast height (DBH) located within the floodplain plus the area within 300 feet of the floodplain must be protected. A \$100 per caliper-inch fee payable to the City of Temple Parks Department may be made for trees that cannot be accommodated after the required landscape elements are added. Tree mitigation requirements and fees do not apply to Bois D' Arc, Ashe Junipers, Hackberry, Willow, Cottonwood and Mesquite trees on the site. The tree mitigation requirements do not count toward required landscape in Section E below. Tree mitigation requirements are as follows:

1. A tree survey and preservation plan is required with preliminary site plan submittal. The tree survey must be signed and sealed by a licensed landscape architect, arborist, engineer, or land surveyor.
2. The location, diameter, height and common name of all trees with more than a six-inch DBH must be shown on the plan.
3. The removal of protected trees must be replaced on the property by planting new trees, found in Exhibit E, which are equal to the total caliper-inches of the removed trees.

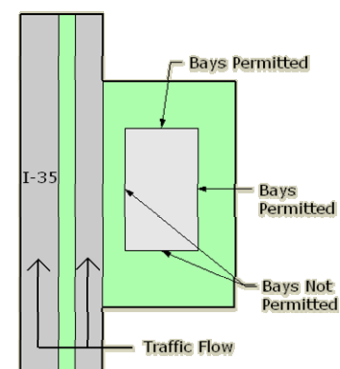
C. Parking

Parking presents one of the greatest challenges in creating an appealing image for the City and the business itself. Parking may be provided in surface lots, parking structures, beneath buildings or below grade, in whatever combination that meets the needs for required spaces and the limits on impervious surface areas.

1. Curb and gutter six inches in height is required around the perimeter of the parking area and all landscaped parking islands.
2. Parking aisles must be designed to be perpendicular to the front of the primary building.
3. Parking to the side and rear of buildings is encouraged and preferred.
4. Parking areas must be planned so that vehicles are not required to back out of parking spaces directly into a public or private street.
5. Parking lots must be designed to preserve the maximum amount of existing trees on site as possible.
6. Parking spaces that face and are adjacent to a building must utilize wheel stops.
7. Wheel stops are required at all landscape and sidewalk conditions.
8. All parking must be landscaped and screened per the standards set forth in Section E below.
9. No parking is allowed in the landscape buffer.

D. Screening and Wall Standards

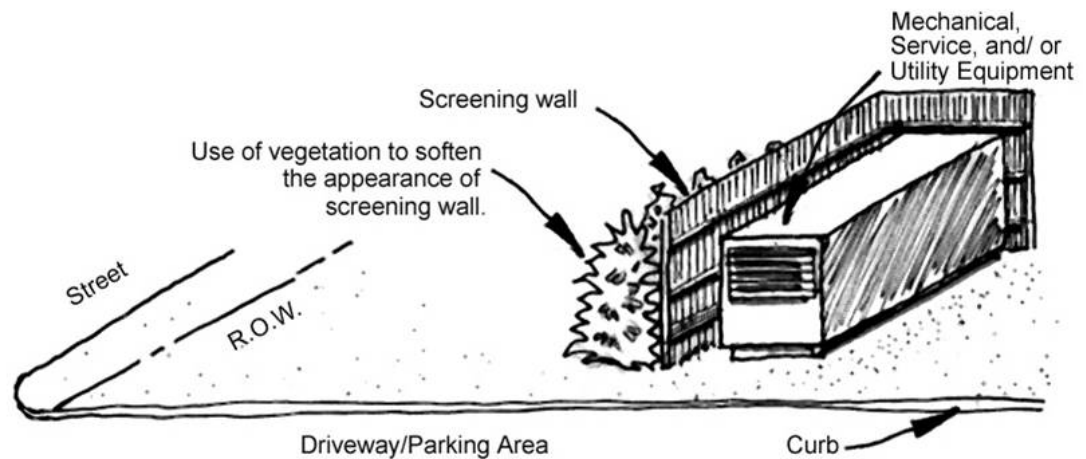
1. Storage in connexes, shipping containers and semi-trailers is not permitted. Portable buildings



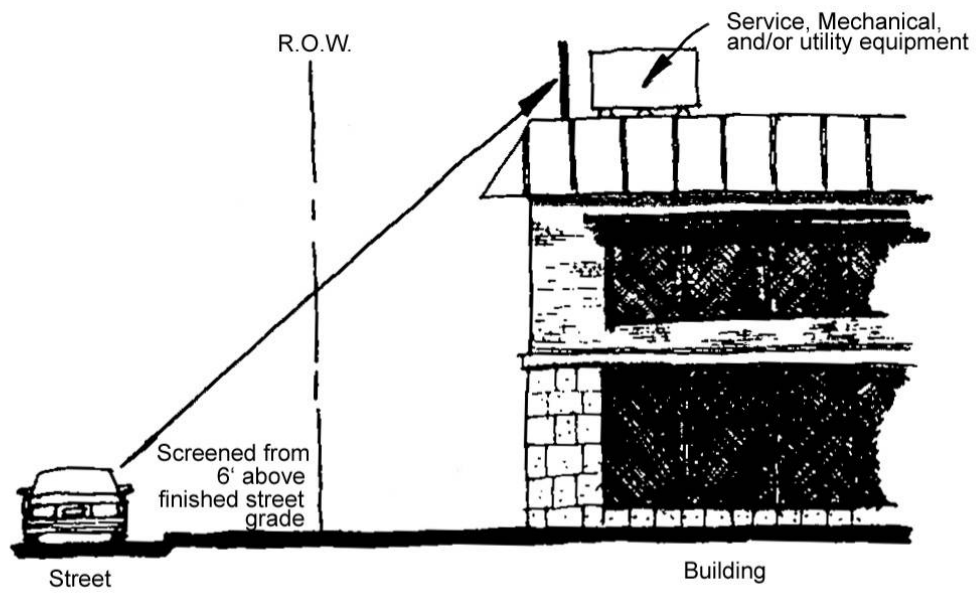
may not be made into permanent structures in any form.

2. All garage and service bays, including but not limited to off-street loading bays and service bays used for vehicle repair and servicing, must be located to the rear of the primary building or on the side of the building that is not visible to the traffic flow on the abutting side of I-35, as illustrated right. Such bays may be located on the on-coming traffic flow side of the building at the approval of the Planning Director, but must be screened by a masonry wall matching the architectural style and color of the building.
3. No outside storage and display, sales, leasing or operations are permitted unless such activity is visually screened with a continuous solid screening device from all streets and adjacent property lines of residentially zoned properties or areas shown as a residential use on the Future Land Use and Character Map.
4. Any public utility stations, such as lift stations and electric sub-stations, must be screened from public view with a masonry wall.
5. A masonry wall matching the architectural style and color of the building must be located between properties when a multiple-family or nonresidential use abuts a residential use or zoning district. Such wall must not be less than six feet or more than eight feet in height, and constructed at grade along the abutting property line. The screening wall is not required if a comparable screening wall in satisfactory condition already exists on the abutting property.
6. Except as provided below, the following site elements must not be clearly visible at eye level from any public right-of-way or any adjoining residential use or located within 100 feet of any public right-of-way, unless a masonry screening wall matching the architectural style and color of the building is used.
 - a. Vehicle Loading and Unloading Zones and Service Areas
Screening for vehicle loading and unloading zones must consist of a continuous solid masonry wall to match the building, earthen berms or evergreen opaque landscaping a minimum of six feet in height. Landscape screening must be solid and reach a minimum height of six feet within two years of the issue date of the Certificate of Occupancy for the building or change of use.
 - b. Refuse Storage and Compactors
Refuse storage and compactors must be enclosed on three sides by a solid wall of wood or masonry to match the building color and be a minimum of one foot taller than the equipment being screened. The enclosure must have a minimum eight-foot self-closing gate. The enclosure must be designed to contain all refuse generated on-site between solid waste collections. The refuse storage and compactors must not be located in required setbacks.
 - c. Mechanical and Utility Equipment

- i. All ground mounted service equipment such as air conditioners, transformers, trash collection equipment, and other service functions must be located at the rear of buildings, and integrated into the building envelope or enclosed service areas, unless the rear of the building faces I-35, in which case such equipment must be located on the side least visible from a public right-of-way. Reduce pressure zones are allowed in front of the building if properly landscaped.
- ii. As illustrated below, if such equipment is visible from a public right-of-way, the screening materials must be 100 percent opaque. Screens must incorporate shrubbery with year-round foliage, or a wall, fence, or architectural element of the adjacent building, and be a minimum of one foot taller than the equipment being screened.



- iii. As illustrated below, all roof-mounted equipment must be screened from a vantage point that is six feet above finished street grade with materials that are 100 percent opaque. In all cases, screening must be compatible with building materials.

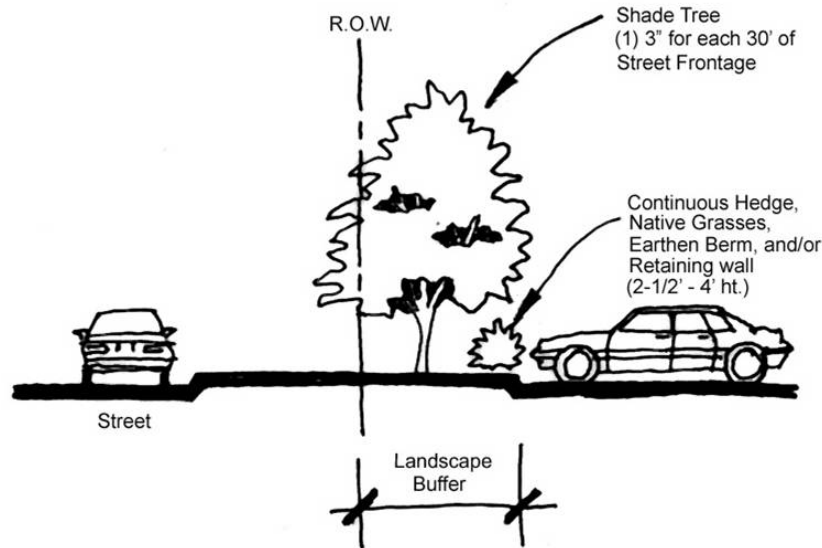


E. Landscape

Each site, outside of a City Entry Sub-District, must provide a minimum of the following landscape elements.

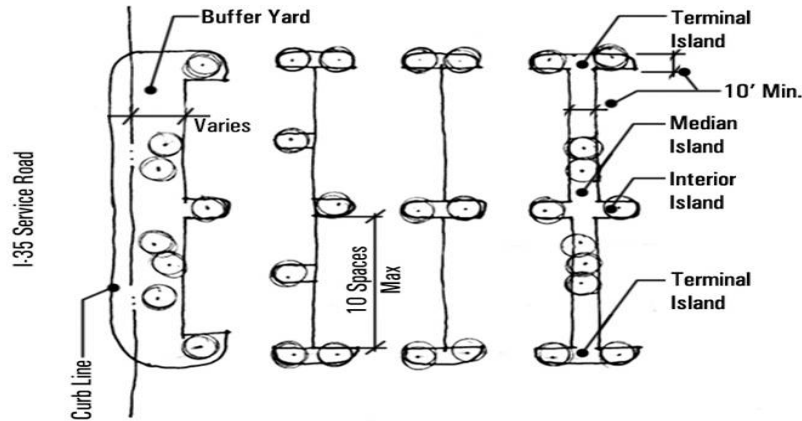
1. A total of 10 percent of the total site area must be landscaped with living approved trees, shrubs and groundcovers as set forth in the approved list of planting materials in Exhibit E of this Ordinance. Such landscape areas must consist of approved plants and irrigation covering 100 percent of the required landscaped area.
2. All required landscaping must be maintained in good condition after installation. Any plant material that becomes diseased, deteriorated or dies must be replaced by the owner within 30 days.
3. Areas not covered by building or pavement must be landscaped.
4. Drainage facilities are not allowed within the landscape area except those that are necessary to convey drainage in the shortest possible route to or from the street right-of-way. Drainage facilities include detention ponds, water quality ponds, outlet structures, drainage berms or other improvements associated with the drainage improvements. Such drainage facilities must have a natural look to them with minimum slopes and landscaping.
5. Vegetation must be used to soften the appearance of walls, including those used for screening. This may include either vines trained up the wall or minimum five-gallon shrubs planted a minimum of thirty inches on center.
6. Foundation plantings are required within a planting area a minimum of six feet in width along 70 percent of the length of any façade visible to the public. Foundation planting may count toward the required minimum site landscape area required in paragraph 1 above.
7. All landscape and turf areas must be irrigated and maintained on a regularly scheduled basis.
8. A landscape buffer is required adjacent to any public right-of-way based on the sub-district's Area Regulations and as follows.
 - a. One minimum three-inch caliper canopy tree must be planted for each 30 feet of frontage along public rights-of-way as measured along the lot lines. (See Exhibit E – Approved list of Planting Materials).
 - b. Required trees must not be planted in a regular interval, but in clusters.
 - c. Substituting four ornamental trees per one canopy tree is allowed under power lines.
 - d. A minimum 60 percent of required trees must be evergreen with year around foliage.
 - e. A minimum 20 percent of the required landscape buffer must have native grass beds or wildflowers.
 - f. Berms not less than 24 inches or more than 48 inches in height at no more than a four to one slope are required in the landscape buffer, covering a minimum of 50 percent of the area.

9. As illustrated below, any of the following must be screened by a continuous hedge or native grasses, earthen berm, or retaining walls that are two and one-half to four feet in height:
- a. Parking lot or vehicle use area;
 - b. Fuel pumps visible from the direction of traffic flow; or
 - c. Vehicle drive-through window facing the street or traffic flow.



10. Meandering sidewalks a minimum of five feet in width are required in accordance with City standards within the landscape buffer the entire length of the street frontage. Such sidewalks are not required in the Industrial Sub-District.
11. Landscaped parking islands are required as follows in all parking lots, but are not required adjacent to industrial truck docks. Parking islands for the sales inventory area for automobile, truck, boat and recreational vehicle dealerships must conform to all spacing and construction dimensions and may contain only 5-gallon evergreen shrubs filling the island area. Parking islands may count toward the required minimum landscape area set forth in the sub-district Area Regulations.
- a. Interior Islands
A curbed landscape island must be provided for every 10 parking spaces. Each island must be a minimum of 170 square feet in area and 10 feet in width back of curb to back of curb. A minimum three-inch caliper tree is required in each island. See illustration below.
 - b. Terminal Islands
All parking rows must terminate in a curbed landscape island. Each terminal island must conform to the specifications described in the paragraph above, except it must be a minimum of 360 square feet in area and contain two minimum three-inch caliper trees. See illustration below.
 - c. Median Islands
A curbed median island a minimum of 10 feet in width back of curb to

back of curb must be located after every third parking bay and along primary internal access drives. Each median island must conform to the applicable specifications described in the paragraphs above and must contain one minimum three-inch caliper tree a minimum of every 30 feet on center. See illustration below.



12. All landscape areas must accent building features, entryways and driveways.
13. Native plants and drought tolerant species are preferable to reduce water requirements.

F. Signage

1. The signage standards for the I-35 Corridor Overlay District are the same as required for On-Promise Low Profile Signs in the Central Avenue Corridor as found in Section 12-205 of this Zoning Ordinance.
2. The General Standards for Off-Premise Signs as found in Section 12-166-190 of this Zoning Ordinance apply to the I-35 Corridor Overlay District.
3. Design, materials and finish of monument signs must match those of the buildings on the same lot.
4. Signs must be reviewed and approved or denied by the Superintendent of Construction Safety and Services in accordance with this Zoning Ordinance.

G. Lighting

The purpose of these lighting regulations is to permit reasonable uses of outdoor lighting for nighttime safety, utility, security and enjoyment while preserving the ambiance of the night. By minimizing glare and obtrusive light that is misdirected, excessive, or unnecessary, energy and resources can be conserved and the natural environment can be protected from the damaging effects of night lighting. Any lighting not in compliance with the standards of this Section within seven years from **May 21, 2009**, must be immediately brought into compliance.

1. Directional Control
 - a. All luminaires of 1,800 or more lumens must be full-cutoff as installed. For luminaires under 1,800 the bulb must be frosted glass or installed behind a translucent cover. Floodlights must be aimed no higher than 45 degrees below horizontal. This can be accomplished by the use of full-cutoff fixture design, shielding, visors, louvers, or other devices.
 - b. Exterior lighting must have soft, indirect illumination concealed behind landscaping or placed in outdoor lighting fixtures that do not produce direct glare. Lighting must be focused and provide the minimum amount of illumination required for safety.
 - c. On-site lighting design must be used to identify and illuminate entries, walks and parking areas. Site lighting used for building illumination must be down wall washing only. No flood lighting or uplighting is permitted.
 - d. Security lighting must be designed to avoid glare, and must direct light toward the building or storage area instead of away.
2. Reasonableness of Intensity
 - a. The maximum allowable total lumens generated on each parcel are 80,000 lumens per net acre with full-cutoff lighting. Parcels less than one net acre are allowed full-cutoff lumens in a portion equal to the parcel's portion of a net acre.
 - b. Lights mounted on the underside of a roof 15 or more feet from any edge of the roof count one-quarter toward the limit. Lights on the underside of a roof less than 15 feet from the edge of the roof count one-half toward total lumens.
 - c. Exterior lighting must have soft, indirect illumination concealed behind landscaping or placed in outdoor lighting fixtures that do not produce direct glare.
 - d. Lighting must be focused and provide the minimum amount of illumination required for safety.
 - e. Outdoor lighting fixtures must be a maximum of 30 feet in height. All light fixtures located within 50 feet of any residential use must not exceed 15 feet in height.
 - f. Lighting that flashes, blinks, or moves in any way is not allowed.
 - g. Mercury vapor lighting is not allowed.
3. Light Trespass
 - a. The maximum illumination at five feet inside an adjacent residential parcel or public right-of-way, or beyond, from light emitted from an artificial light source is 0.1 horizontal footcandles and 0.1 vertical footcandles. Such illumination at 10 feet inside an adjacent nonresidential parcel or on a public roadway, or beyond, must not exceed 0.1 horizontal footcandles or 0.1 vertical footcandles.
 - b. No line of sight to a bulb is permitted five feet or more beyond a residential or public right-of-way property line by an observer viewing

from a position that is level with or higher than the ground below the fixture. Compliance is achieved with fixture shielding, directional control designed into the fixture, fixture location, fixture height, fixture aim, or a combination of these factors.

4. Signage

All illuminated signs must be lighted internally or lighted by top-mounted lights pointed downward. No sign may be illuminated with fixtures not shielded from upward transmission of light. The maximum size of the signs and minimum distances between signs should be established. Off-premise signs must be turned off after 10:30 p.m., and on-site signs turned off upon closing if after 10:30p.m. Lights that flash, pulse, rotate, move, or simulate motion are not permitted.

5. Temporary Lighting

- a. The temporary use of low wattage or low voltage lighting for public festivals, celebrations and the observance of holidays is exempt from regulation except where they create a hazard or nuisance from glare. Light trespass requirements remain in effect. Permits are required for commercial activities such as carnivals and are valid for up to seven consecutive days. Where possible lighting should be full-cutoff.

6. All-Night Lighting

Lighting at places of business or public venues, except for security, must be turned off no later than one hour after closing. The lights of vacant parking lots must not remain lighted except for illuminating entryways by the fixtures closest to building entrances.

7. Lighting Exemptions

The following uses or features are exempt from the standards of this Section unless otherwise noted:

- a. Swimming pools and other water features, monuments, historic structures, or flags;
- b. Stairs and ramps, as required by the Building Code;
- c. Signs must meet the requirements in Sec. 12-127 of this Zoning Ordinance, but all signs are recommended to be fully shielded;
- d. Holiday and temporary lighting must meet the requirements in Sec. 13-124 of this Zoning Ordinance;
- e. Sports lighting is exempt from the lumens per net acre limitations as to the playing field only, but full-cutoff fixture design is required and light trespass requirements apply; and
- f. Low voltage landscape lighting, but such lighting should be shielded in such a way as to eliminate glare and light trespass.

H. Utilities

All electric, telephone and cable television wires and cables from the property line to all structures being served on the site must be located underground.

7-567 CIVIC SUB-DISTRICT

The Civic Sub-District provides a location for important buildings and services that are essentially noncommercial or non-profit in nature and that often serve as community landmarks, gathering places and settings for social interaction. This sub-district is meant to be a destination for events, performances, festivals, and other activities related to civic and cultural arts.

A. Permitted Uses

The following use table establishes land uses allowed by right in the Civic Sub-District. Unless otherwise regulated in the standards for this overlay district, permitted uses are governed by the standards of this Zoning Ordinance for the underlying base zoning district.

B. Prohibited and Conditional Uses

Notwithstanding such uses being permitted in the underlying base zoning district according to Section 7 of this Zoning Ordinance, the following uses require a conditional use permit in accordance with Section 7-600. Uses not listed are prohibited.

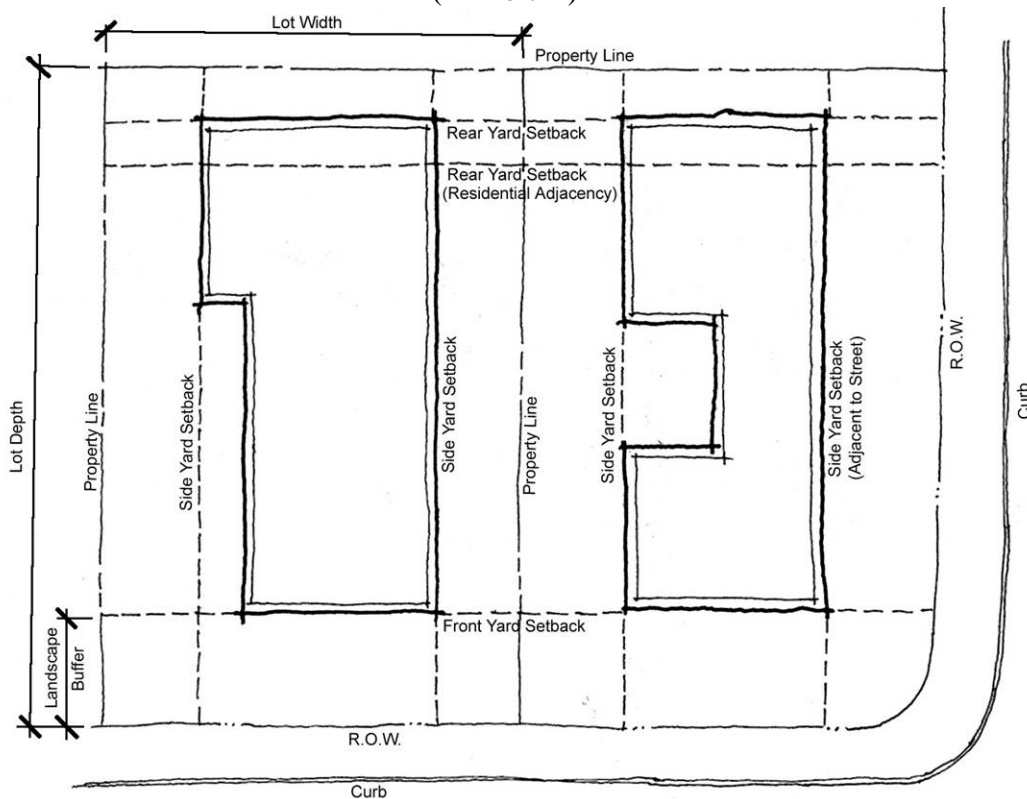
| USES | PERMITTED USE | CONDITIONAL USE |
|---|---------------|-----------------|
| Art Gallery or Museum | ✓ | |
| Accessory Building | ✓ | |
| Day Camp for Children | | ✓ |
| Community Unit Development | | ✓ |
| Community Center (public) | ✓ | |
| Church or Rectory | ✓ | |
| Convent or Monastery | ✓ | |
| Kindergarten or Pre-School | ✓ | |
| Off Street Parking Incidental to Main Use | ✓ | |
| School, Public, or Denominational | | ✓ |
| Mortuary or Funeral Home | | ✓ |
| Park or Playground | ✓ | |
| Single Family Dwelling Attached or Detached | | ✓ |
| Swimming pool (private) | ✓ | |

C. Area Regulations (See Exhibit A)

Area regulations for the base zoning districts as found in Section 8 of this Zoning Ordinance shall apply except that the following regulations supersede such requirements for properties in the Civic Sub-District. Nonconforming lots of record that are smaller than the minimum required lot area may be developed but all requirements of the I-35 Corridor Overlay District apply.

| Regulation | Measurement |
|-------------------------------------|---|
| Minimum Lot Area | 12,500 sf. |
| Minimum Lot Width | 80 ft. |
| Minimum Lot Depth | 80 ft. |
| Minimum Front Yard Setback | 25 ft. |
| Minimum Side Yard Setback | 10 ft. |
| Minimum Side Yard Setback at Street | 25 ft. |
| Minimum Rear Yard Setback | 10 ft. (20 ft. adjacent to residential) |
| Minimum Landscape | 15% of lot area |
| Minimum Landscape Buffer | 25 ft. front and adjacent to public street 10 ft. rear (20 ft. adjacent to residential) 10 ft. side |
| Maximum Building Coverage | 60% |
| Maximum FAR | 4 to 1 |
| Maximum Building Height | 6 stories or 100 ft. including mechanical and roof structure |

AREA REGULATIONS DIAGRAM
(Exhibit A)



D. Landscape

The following landscape requirements are required in addition to those requirements described in Section E, Landscape, above.

1. An additional 10 percent of vegetation is required above the general landscaping requirements in landscape buffer areas.
2. In addition to those trees already required, ornamental trees must be used in the landscape buffer; one minimum two-inch caliper tree must be planted for each 30 feet of frontage along public street rights-of-way as measured along the lot lines.

7-568 INDUSTRIAL SUB-DISTRICT

The industry component of Temple's economy has been and should continue to be a major factor in the City's growth and employment. These Industrial Sub-District standards will keep the City's industrial base strong and growing while protecting the City's image and enhancing the I-35 Corridor.

A. Permitted Uses

Permitted uses are governed by the uses permitted in the land use tables in Section 7 of the City's Zoning Ordinance for the underlying zoning district. Unless otherwise regulated in the standards for this overlay district, permitted uses are governed by the standards of this Zoning Ordinance for the underlying base zoning district.

B. Prohibited and Conditional Uses

Notwithstanding such uses being permitted in the underlying district according to above section, the following uses are prohibited or require a conditional use permit in accordance with Section 7-600.

| USES | PROHIBITED USE | CONDITIONAL USE |
|---|-----------------------|------------------------|
| Residential | | |
| All Residential Uses Except as Follows: | ✓ | |
| Multiple Family Dwelling(Apartment) | | ✓ |
| Nonresidential | | |
| Animal Feed Lot | ✓ | |
| Animal Pound (public or private) | | ✓ |
| Auto Laundry (car wash) | | ✓ |
| Auto Storage or Auto Auction | ✓ | |
| Boat Sales, Servicing | | ✓ |
| Bottling Works | | ✓ |
| Building Material Sales | | ✓ |
| Child Care Facility | ✓ | |
| Contractor Storage and Equipment Yard | | ✓ |

| USES | PROHIBITED USE | CONDITIONAL USE |
|--|----------------|-----------------|
| Day Camp For Children | ✓ | |
| Drag Strip or Commercial Racing | ✓ | |
| Flea Market (outdoors) | ✓ | |
| Greenhouse or Plant Nursery | | ✓ |
| Hatchery, Fish/Shrimp, Fish Farm | ✓ | |
| Hatchery, Poultry | ✓ | |
| Heavy Machinery Sales Storage and Repair | | ✓ |
| Heavy Manufacturing or Industrial Uses | | ✓ |
| Kennel | | ✓ |
| Light Manufacturing or Industrial Uses | | ✓ |
| Live Stock Auction | ✓ | |
| Major Vehicle Repair | | ✓ |
| Milk Depot, Dairy or Ice Cream Plant | | ✓ |
| Minor Vehicle Servicing | | ✓ |
| Motorcycle or Scooter Sales and Repair | | ✓ |
| Open Storage of Furniture, Appliances or Machinery | ✓ | |
| Paint Shop | | ✓ |
| Penal Correctional Facility | ✓ | |
| Sales or Rental: Trailer, Portable Bldg., HUD-Code Manufactured Home | | ✓ |
| Sexually Oriented Business | ✓ | |
| Shooting Range (outdoor) | ✓ | |
| Stable (private) | ✓ | |
| Upholstery Shop | | ✓ |
| Veterinarian Hospital (outside pens) | | ✓ |
| Wrecker or Salvage Yard | ✓ | |

C. Area Regulations (See Exhibit A)

Area regulations for the base zoning districts as found in Section 8 of this Zoning Ordinance shall apply except that the following regulations supersede such requirements for properties in the Industrial Sub-District. Nonconforming lots of record that are smaller than the minimum required lot area may be developed but all requirements of the I-35 Corridor Overlay District apply.

| Regulation | Measurement |
|-------------------|-------------|
| Minimum Lot Area | 1 acre |
| Minimum Lot Width | 160 ft. |

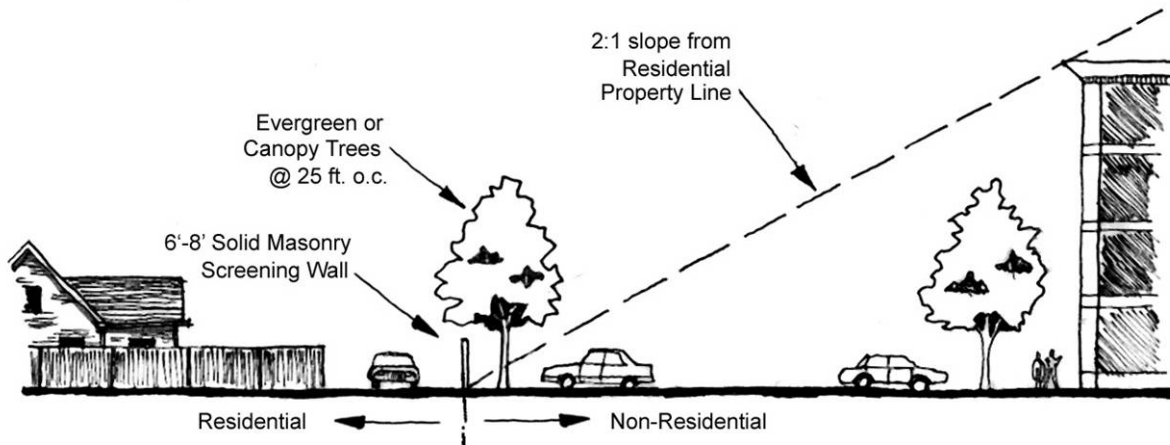
| Regulation | Measurement |
|-------------------------------------|---|
| Minimum Lot Depth | 160 ft. |
| Minimum Front Yard Setback | 50 ft. |
| Minimum Side Yard Setback | 20 ft. |
| Minimum Side Yard Setback at Street | 50 ft. |
| Minimum Rear Yard Setback | 20 ft. (30 ft. adjacent to residential) |
| Minimum Landscape | 10% of lot area |
| Minimum Landscape Buffer | 35 ft. front and adjacent to public street 10 ft. rear (20 ft. adjacent to residential) 20 ft. side |
| Maximum Building Coverage | 50% |
| Maximum FAR | 1 to 1 |
| Maximum Building Height | 42 ft. including mechanical and roof structure |

D. Architectural Design

1. Site Development

- a. The location and placement of buildings on individual sites must reflect consideration for roadway access, the preservation of major existing natural vegetation, visual impact and the relationship to surrounding developments.
- b. In order to preserve privacy of residential properties when located adjacent to nonresidential uses in a non-mixed use setting, the building must fit within a 2:1 slope from the residential property line, regardless if distance is greater than that listed in the Area Regulations table above. See Exhibit B.

**Relationship between Residential and Nonresidential in a Non-Mixed Use setting
(Exhibit B)**

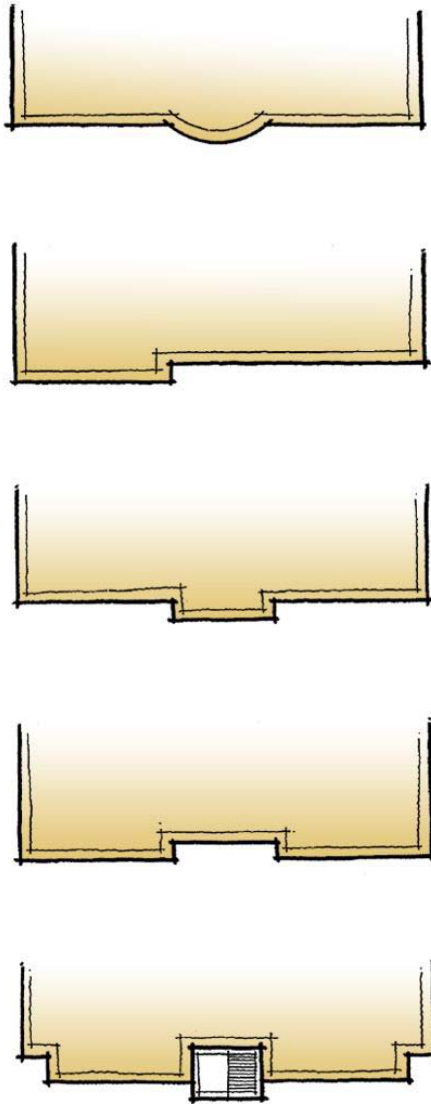


2. Exterior Appearance of Buildings and Structures

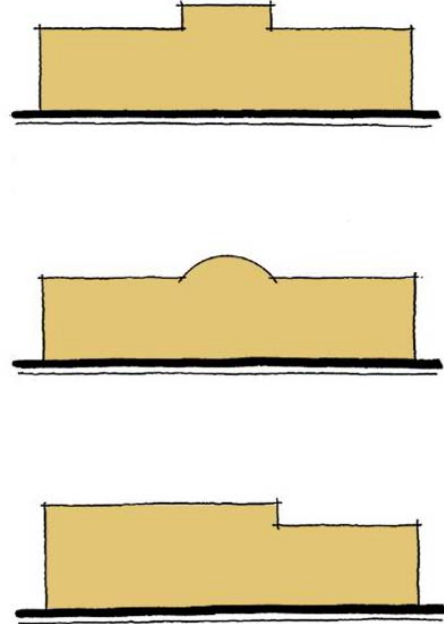
- a. All buildings must be architecturally finished on all sides with same materials, detailing and features, with a higher level of finish on the primary facades.
- b. Building entrances must be articulated six feet and defined to present a strong entry presence (see Exhibit C). All buildings must be designed to incorporate no less than one of the following architectural elements. Buildings over 50,000 square feet must include a minimum of two of the following elements. Buildings over 100,000 square feet must include a minimum of three of the following elements.
 - i) Canopies, awnings or porticos;
 - ii) Overhangs;
 - iii) Recesses or projections;
 - iv) Arcades;
 - v) Peaked roof forms;
 - vi) Arches;
 - vii) Outdoor patios;
 - viii) Display windows;
 - ix) Architectural details (such as tile work or moldings) integrated into building façade;
 - x) Articulated ground floor levels or base;
 - xi) Articulated cornice line;
 - xii) Integrated planters or wing walls that incorporate landscape and sitting areas;
 - xiii) Offsets, reveals or projecting rib used to express architectural or structural bay; or
 - xiv) Accent materials.

BUILDING ARTICULATION DIAGRAM
(Exhibit C)

Possible Building Plans



Possible Building Elevations



- c. Building design must incorporate a basic level of architectural variety. All industrial buildings with facades greater than 250 feet in length, visible from a public right-of-way, must have wall plane projections or recesses that are a minimum of six feet deep. Projections and recesses must be at least 25 percent of the length of the façade on those sides facing a public street. No uninterrupted length of facade may exceed 200 feet in length.

3. Building Materials and Colors

- a. Conceptual facade plans, color palette and sample boards must be submitted with preliminary site plan application. Final facade plan and sample boards must be submitted with final site plan application for all nonresidential uses.
- b. The color of all structures must be generally earth-tone in hue. Accent colors that are not earth tone may be approved by the Planning Director, but not to exceed 10 percent of each façade. Other colors may be approved by the Planning Director, but no color may be neon or florescent.
- c. A variety of exterior materials may be selected for use as the dominant material on the facades of a building, but the number of materials on a single building must be limited to no more than three materials in order to achieve a clean design style.
- d. Windows must not be glazed or re-glazed with mirrored or reflective glass.
- e. Maintenance and durability of materials must be considered as important qualities for every element of the design. Special care must be taken to specify the use of vandal resistant building components.
- f. The following is a list of approved building materials and accent materials per façade (not to exceed 20 percent of materials used). Materials not listed may be approved by the Planning Director.

Primary Materials:
Max. 100%, Min. 80%

- Cast Stone
- Stone
- Brick
- Stucco
- Color Integrated Split Face Block
- Painted Tilt Wall
- Smooth Insulated Panel Wall

Accent Materials:
Max. 20%

- Wood
- Glass Block
- Architectural Metal
- Tile
- Granite
- Marble
- Textured or Patterned Concrete
- All Primary Materials (other than material used to achieve the min. 80%)

7-569 FREEWAY RETAIL / COMMERCIAL SUB-DISTRICT

Enhancing this sub-district will help to attract new commercial activity to the City and enhance the City's image as a desirable place to live, work and shop. These standards are put in place to minimize the adverse impacts on the appearance resulting from a lack of organization and visual disharmony and clutter.

A. Permitted Uses

Permitted uses are governed by the uses permitted in the land use tables in Section 7 of the City's Zoning Ordinance for the underlying zoning district. Unless otherwise regulated in the standards for this overlay district, permitted uses are governed by the standards of this Zoning Ordinance for the underlying base zoning district.

B. Prohibited and Conditional Uses

Notwithstanding such uses being permitted in the underlying district according to above section, the following uses are prohibited or require a conditional use permit in accordance with Section 7-600.

| USES | PROHIBITED USE | CONDITIONAL USE |
|--|----------------|-----------------|
| Residential | | |
| All Residential Uses Except as Follows: | ✓ | |
| Multiple Family Dwelling(Apartment) | | ✓ |
| Nonresidential | | |
| Animal Feed Lot | ✓ | |
| Animal Pound (public or private) | | ✓ |
| Auto Laundry (car wash) | | ✓ |
| Auto Storage or Auto Auction | ✓ | |
| Boat Sales, Servicing | | ✓ |
| Bottling Works | ✓ | |
| Building Material Sales | ✓ | |
| Child Care Facility | | ✓ |
| Contractor Storage and Equipment Yard | ✓ | |
| Day Camp For Children | ✓ | |
| Drag Strip or Commercial Racing | ✓ | |
| Flea Market (outdoors) | ✓ | |
| Greenhouse or Plant Nursery | | ✓ |
| Hatchery, Fish/Shrimp, Fish Farm | ✓ | |
| Hatchery, Poultry | ✓ | |
| Heavy Machinery Sales Storage and Repair | ✓ | |
| Heavy Manufacturing or Industrial Uses | ✓ | |
| Kennel | ✓ | |
| Light Manufacturing or Industrial Uses | ✓ | |
| Live Stock Auction | ✓ | |
| Major Vehicle Repair | | ✓ |
| Milk Depot, Dairy or Ice Cream | ✓ | |

| USES | PROHIBITED USE | CONDITIONAL USE |
|--|----------------|-----------------|
| Plant | | |
| Minor Vehicle Servicing | | ✓ |
| Open Storage of Furniture, Appliances or Machinery | ✓ | |
| Paint Shop | | ✓ |
| Penal Correctional Facility | ✓ | |
| Sales or Rental: Trailer, Portable Bldg., HUD-Code Manufactured Home | ✓ | |
| Sexually Oriented Business | ✓ | |
| Shooting Range (outdoor) | ✓ | |
| Stable (private) | ✓ | |
| Upholstery Shop | | ✓ |
| Veterinarian Hospital (outside pens) | | ✓ |
| Wrecker or Salvage Yard | ✓ | |

C. Area Regulations (See Exhibit A)

Area regulations for the base zoning districts as found in Section 8 of this Zoning Ordinance shall apply except that the following regulations supersede such requirements for properties in the Freeway Retail / Commercial Sub-District. Nonconforming lots of record that are smaller than the minimum required lot area may be developed but all requirements of the I-35 Corridor Overlay District apply.

| Regulation | Measurement |
|-------------------------------------|---|
| Minimum Lot Area | 12,500 sf. |
| Minimum Lot Width | 80 ft. |
| Minimum Lot Depth | 80 ft. |
| Minimum Front Yard Setback | 25 ft. |
| Minimum Side Yard Setback | 20 ft. |
| Minimum Side Yard Setback at Street | 25 ft. |
| Minimum Rear Yard Setback | 10 ft. (20 ft. adjacent to residential) |
| Minimum Landscape | 15% of lot area |
| Minimum Landscape Buffer | 25 ft. front and adjacent to public street 10 ft. rear (20 ft. adjacent to residential) 20 ft. side |
| Maximum Building Coverage | 50% |
| Maximum FAR | 4 to 1 |
| Maximum Building Height | 6 stories or 100 ft. including mechanical and roof structure |

D. Architectural Design

1. Site Development

1. Development must be sited as to maximize street presence.
2. The location and placement of buildings on individual sites must reflect consideration for roadway access, the preservation of major existing natural vegetation, visual impact and the relationship to surrounding developments.
3. In order to preserve privacy of residential properties when located adjacent to nonresidential uses in a non-mixed use setting, the building must fit within a 2:1 slope from the residential property line, regardless if distance is greater than that listed in the Area Regulations table above. See Exhibit B.

4. Exterior Appearance of Buildings and Structures

- a. All buildings, including accessory buildings, must be architecturally finished on all sides with the same materials, detailing and features, with a higher level of finish on the primary facades.
- b. As an alternative for facades that are not visible from the public streets, a single row of trees can be planted along the building or in the landscape buffer on offset 30-foot centers in a minimum 10-foot landscape edge, where 50 percent of the trees are canopy evergreen trees. In this case, the architectural finish must match the remainder of the building in color only.
- c. Building entrances must be articulated and defined to present a strong entry presence. Such entries must be inset or offset from the front building plane by at least six feet (see Exhibit C). All buildings must be designed to incorporate no less than three of the following architectural elements. Buildings over 50,000 square feet must include a minimum of five of the following elements. Buildings over 100,000 square feet must include a minimum of seven of the following elements:
- d. Canopies, awnings, or porticos;
 - i) Overhangs;
 - ii) Recesses or projections;
 - iii) Arcades;
 - iv) Peaked roof forms;
 - v) Arches;
 - vi) Outdoor patios;
 - vii) Display windows;
 - viii) Architectural details (such as tile work or moldings) integrated into building facade;
 - ix) Articulated ground floor levels or base;
 - x) Articulated cornice line;
 - xi) Integrated planters or wing walls that incorporate landscape and sitting areas;

- xii) Offsets, reveals or projecting rib used to express architectural or structural bay; or
- xiii) Accent materials (minimum 10 percent of exterior façade).
- e. All buildings must be designed and constructed in tri-partite architecture to express a base, midsection and top (see Exhibit D). The base and tops of buildings must vary in material, and the heaviest building material must be used as the base. All facades must include:
 - i) Articulated ground floor levels;
 - ii) Minimum three-foot overhangs at eaves; and
 - iii) Articulated cornice lines.

TRI-PARTITE ARCHITECTURE

Building with a “Base”, “Middle” and “Top”
(Exhibit D)



- Heaviest building material located at base.
- No more than three materials in order to achieve a clean design style.
- Incorporate architectural elements
- Use of overhangs and eaves and articulated cornice lines.
- Use of windows on building elevation falls within the required 40 percent to 80 percent.

- f. All buildings must be designed to be consistent with the purpose of the I-35 Corridor Overlay District. Building design must incorporate a basic level of architectural variety. All retail and commercial buildings with facades greater than 200 feet in length, visible from a public right-of-way, must incorporate wall plane projections or recesses that are at least six feet deep. Projections and recesses must be at least 25 percent of the length of the facade. No uninterrupted length of facade may exceed 100 feet in length.
- g. Windows must be a minimum of 40 percent up to a maximum of 80 percent of each building elevation.

2) Building Materials and Colors

- a) Conceptual facade plans, color palette and sample boards must be submitted with preliminary site plan application for all nonresidential uses. Final facade plan and sample boards must be submitted with final site plan application for all nonresidential uses.
- b) The color of all structures must be generally earth-tone in hue. Accent colors that are not earth tone may be approved by the Planning Director, but not to exceed 10 percent of each façade. Other colors may be approved by the Planning Director, but no color may be neon or florescent.

- c) A variety of exterior materials may be selected for use as the dominant material on the facade of a building, but the number of materials on a single building must be limited to no more than three materials in order to achieve a clean design style.
- d) No single building material may cover more than 80 percent of the front of any building, with the exception of on-site utility or service structures.
- e) Windows must not be glazed or re-glazed with mirrored or reflective glass.
- f) Maintenance and durability of materials must be considered as important qualities for every element of the design. Special care must be taken to specify the use of vandal resistant building components.
- g) The following is a list of approved building materials and accent materials per façade (not to exceed 20 percent of materials used). Materials not listed may be approved by the Planning Director.

| Primary Materials: Max. 90%, Min. 70% |
|--|
| <ul style="list-style-type: none"> • Cast Stone • Stone • Brick • Stucco • Granite • Marble • Painted Tilt Wall |

| Accent Materials: Max. 30%, Min. 10% |
|---|
| <ul style="list-style-type: none"> • Wood • Glass Block • Architectural Metal • Tile • Textured or Patterned Concrete • Color Integrated Split Face Block • All Primary Materials (other than material used to achieve the min. 80%) |

7-570 CITY ENTRY SUB-DISTRICT

This sub-district is the gateway into the city core, hospitals, neighborhoods, shopping, airport and industrial parks. Development should enhance the image of the City and entice people to stop, shop and visit the City of Temple. These entries need to create attractive portals to the City.

A. Permitted Uses

Permitted uses are governed by the uses permitted in the land use tables in Section 7 of the City's Zoning Ordinance for the underlying zoning district. Such uses are permitted subject to the requirements of this Section.

B. Prohibited and Conditional Uses

Notwithstanding such uses being permitted in the underlying district according to above section, the following uses are prohibited or require a conditional use permit in accordance with Section 7-600.

| USES | PROHIBITED USE | CONDITIONAL USE |
|--|----------------|-----------------|
| Residential | | |
| All Residential Uses Except as Follows: | ✓ | |
| Multiple Family Dwelling(Apartment) | | ✓ |
| Nonresidential | | |
| Animal Feed Lot | ✓ | |
| Animal Pound (public or private) | ✓ | |
| Auto Laundry (car wash) | | ✓ |
| Auto Storage or Auto Auction | ✓ | |
| Boat Sales, Servicing | ✓ | |
| Bottling Works | ✓ | |
| Building Material Sales | ✓ | |
| Child Care Facility | | ✓ |
| Contractor Storage and Equipment Yard | ✓ | |
| Day Camp For Children | | ✓ |
| Drag Strip or Commercial Racing | ✓ | |
| Flea Market (outdoors) | ✓ | |
| Greenhouse or Plant Nursery | | ✓ |
| Hatchery, Fish/Shrimp, Fish Farm | ✓ | |
| Hatchery, Poultry | ✓ | |
| Heavy Machinery Sales Storage and Repair | ✓ | |
| Heavy Manufacturing or Industrial Uses | ✓ | |
| Kennel | ✓ | |
| Light Manufacturing or Industrial Uses | ✓ | |
| Live Stock Auction | ✓ | |
| Major Vehicle Repair | ✓ | |
| Milk Depot, Dairy or Ice Cream Plant | ✓ | |
| Minor Vehicle Servicing | | ✓ |
| Motorcycle or Scooter Sales and Repair | | ✓ |
| Open Storage of Furniture, Appliances or Machinery | ✓ | |
| Paint Shop | | ✓ |
| Penal Correctional Facility | ✓ | |

| USES | PROHIBITED USE | CONDITIONAL USE |
|--|----------------|-----------------|
| Sales or Rental: Trailer, Portable Bldg., HUD-Code Manufactured Home | ✓ | |

C. Area Regulations (See Exhibit A)

Area regulations for the base zoning districts as found in Section 8 of this Zoning Ordinance shall apply except that the following regulations supersede such requirements for properties in the City Entry Sub-District. Nonconforming lots of record that are smaller than the minimum required lot area may be developed but all requirements of the I-35 Corridor Overlay District apply.

| Regulation | Measurement |
|-------------------------------------|---|
| Minimum Lot Area | 12,500 sf. |
| Minimum Lot Width | 80 ft. |
| Minimum Lot Depth | 80 ft. |
| Minimum Front Yard Setback | 25 ft. |
| Minimum Side Yard Setback | 20 ft. |
| Minimum Side Yard Setback at Street | 25 ft. |
| Minimum Rear Yard Setback | 10 ft. (20 ft. adjacent to residential) |
| Min. Landscape | 15% of lot area |
| Minimum Landscape Buffer | 25 ft. front and adjacent to public street 10 ft. rear (20 ft. adjacent to residential) 20 ft. side |
| Maximum Building Coverage | 60% |
| Maximum FAR | 4 to 1 |
| Maximum Building Height | 6 stories or 100 ft. including mechanical and roof structure |

D. Architectural Design

1. Site Development

- Development must be sited as to maximize street presence.
- The location and placement of buildings on individual sites must reflect consideration for roadway access, the preservation of major existing natural vegetation, visual impact and the relationship to surrounding developments.
- In order to preserve privacy of residential properties when located adjacent to nonresidential uses in a non-mixed use setting, the building must fit within a 2:1 slope from the residential property line, regardless if distance is greater than that listed in the Area Regulations table above. See Exhibit B.

2. Exterior Appearance of Buildings and Structures

- a. All buildings, including “out” buildings, must be architecturally finished on all sides with same materials, detailing and features, with a higher level of finish on the primary facades.
- b. For facades that are not visible from the public streets, a single row of trees can be planted along the building or in the landscape buffer on offset 25-foot centers in a minimum 10-foot landscape edge, where 50 percent of the trees are canopy evergreen trees. In this case, the architectural finish must match the remainder of the building in color only.
- c. The primary building wall is to be setback 18-24 feet from the back of the drive curb.
- d. Building entrances must be articulated and defined to present a strong entry presence. Such entries must be inset or offset from the front building plane by at least four feet (see Exhibit C). All buildings must be designed to incorporate no less than three of the following architectural elements. Buildings over 50,000 square feet must include a minimum of five of the following elements. Buildings over 100,000 square feet must include a minimum of seven of the following elements.
 - 1) Canopies, awnings or porticos
 - 2) Overhangs
 - 3) Recesses or projections
 - 4) Arcades
 - 5) Peaked roof forms
 - 6) Arches
 - 7) Outdoor patios
 - 8) Display windows
 - 9) Architectural details (such as tile work or moldings) integrated into building facade
 - 10) Articulated ground floor levels or base
 - 11) Articulated cornice line
 - 12) Integrated planters or wing walls that incorporate landscape and sitting areas
 - 13) Offsets, reveals or projecting rib used to express architectural or structural bay
 - 14) Accent materials (minimum 10 percent of exterior façade)
- e. All buildings must be designed and constructed in tri-partite architecture to express a base, midsection and top (see Exhibit D). The base and tops of buildings must vary in material, and the heaviest building material must be used as the base. All facades must include:
 - 1) Articulated ground floor levels;
 - 2) Minimum three-foot overhangs at eaves; and
 - 3) Articulated cornice lines.
- f. All buildings must be designed to be consistent with the purpose of the I-35 Corridor Overlay District. Building design must incorporate a

basic level of architectural variety. All retail or commercial buildings with facades greater than 150 feet in length, visible from a public right-of-way, must incorporate wall plane projections or recesses that are at least eight feet deep. Projections or recesses must be at least 25 percent of the length of the facade. No uninterrupted length of facade may exceed 100 feet in length.

- g. Windows must be a minimum of 40 percent up to a maximum of 80 percent of each building elevation.
3. Building Materials and Colors
- a. Conceptual facade plans, color palette and sample boards must be submitted with preliminary site plan application for all nonresidential uses. Final facade plan and sample boards must be submitted with final site plan application for all nonresidential uses.
 - b. The color of all structures must be generally earth-tone in hue. Accent colors that are not earth tone may be approved by the Planning Director, but not to exceed 10 percent of each façade. Other colors may be approved by the Planning Director, but no color may be neon or florescent.
 - c. A variety of exterior materials may be selected for use as the dominant material on the facade of a building, but the number of materials on a single building must be limited to no more than three materials in order to achieve a clean design style.
 - d. No single building material may cover more than 80 percent of the front of any building, with the exception of on-site utility or service structures.
 - e. Windows may not be glazed or re-glazed with mirrored or reflective glass.
 - f. Maintenance and durability of materials are considered important qualities for every element of the design. Special care must be taken to specify the use of vandal resistant building components.
 - g. The following is a list of approved building materials and accent materials per façade (not to exceed 20 percent of materials used). Materials not listed may be approved by the Planning Director.

| Primary Materials: Max. 90%, Min. 70% |
|--|
| <ul style="list-style-type: none"> • Cast Stone • Stone • Brick |

| Primary Materials: Max. 70% |
|---|
| <ul style="list-style-type: none"> • Painted Tilt Wall |

| Accent Materials: Max. 30%, Min. 10% |
|---|
| <ul style="list-style-type: none"> • Wood • Glass Block • Architectural Metal • Tile • Granite • Marble • Textured or Patterned Concrete • All Primary Materials (other than material used to achieve the min. 80%) |

E. Landscape

The following landscape requirements are required in addition to those requirements described in Section E, Landscape.

1. A minimum of 15 percent of the total site area must be landscaped.
2. All driveways into the site must have enhanced paving of stone, brick, or patterned concrete for a minimum of 50 percent of the driveway throat.
3. An additional 10 percent of vegetation is required above the general landscaping requirements in landscaped buffer areas.
4. In addition to those trees already required, ornamental trees must be used in the landscape buffer; one minimum two-inch caliper tree must be planted for each 30 feet of frontage along public street rights-of-way as measured along the lot lines.
5. One minimum three-inch caliper canopy tree must be planted for each 25 feet of frontage along public street rights-of-way as measured along the lot lines.

F. Lighting

All outdoor lighting fixtures in the City Entry Sub-District must be ornamental or decorative where appropriate.

G. Utilities

All electric, telephone and cable television wires along the public right-of-way must be located underground in the City Entry Sub-District.

EXHIBIT E

| Common Name | Scientific Name |
|---|------------------------|
| Canopy Trees | |
| Ash, Green | Fraxinus pennsylvanica |
| Ash, Texas | Fraxinus texensis |
| Cypress, Arizona | Cupressus arizonica |
| Cypress, Bald | Taxodium distichum |
| Elm, American | Ulmus americana |
| Elm, Cedar | Ulmus crassifolia |
| Eve's Necklace | Sophora affinis |
| Holly, American | Ilex opaca |
| Laurelcherry, Carolina | Prunus caroliniana |
| Maple, Bigtooth | Acer grandidentatum |
| Oak Shumard | Quercus shumardii |
| Oak, Blackjack | Quercus marilandica |
| Oak, Bur | Quercus macrocarpa |
| Oak, Chinquapin | Quercus muhlenbergii |
| Oak, Durand | Quercus sinuate |
| Oak, Live | Quercus virginiana |
| Oak, Post | Quercus stellata |
| Oak, Shumard | Quercus shumardii |
| Pecan | Carya drummondii |
| Sycamore | Platanus occidentalis |
| Texas Ash | Fraxinus texensis |
| Texas Pistache | Pistacia texana |
| Walnut, Arizona | Juglans major |
| Walnut, Eastern | Juglans negra |
| Ornamental Trees | |
| Blackhaw, Rusty | Viburnum rufidulum |
| Buckeye, Mexican | Ungnadia speciosa |
| Crabapple | |
| Crepe Myrtle Cultivars: Basham's Party Pink Biloxi Choctaw Dynamite Miami Muscogee Natchez Pink Velour Potomac Red Rocket Siren Red Townhouse Tuscarora Wichita | Lagerstroemia indica |

| Common Name | Scientific Name |
|---|---|
| Chaste Tree | <i>Vitex agnus-castus</i> |
| Dogwood, Roughleaf | <i>Cornus drummondii</i> |
| Hawthorn | <i>Crataegus</i> spp. |
| Holly, Yaupon | <i>Ilex vomitoria</i> |
| Laurel, Texas Mountain | <i>Sophora secundiflora</i> |
| Leadtree, Goldenball | <i>Leucaena retusa</i> |
| Oak, Lacey | <i>Quercus laceyi</i> |
| Oak, Texas Red | <i>Quercus texana</i> |
| Persimmon, Texas | <i>Diospyros texana</i> |
| Pine, Eldarica | <i>Pinus eldarica</i> |
| Pistache, Texas | <i>Pistacia texana</i> |
| Plum, Mexican | <i>Prunus mexicana</i> |
| Possumhaw Holly | <i>Ilex deciduas</i> |
| Redbud, Mexican | <i>Cercis canadensis</i> var. <i>mexicana</i> |
| Redbud, Texas | <i>Cercis canadensis</i> var. <i>texensis</i> |
| Smoketree, American | <i>Cotinus obovatus</i> |
| Sumac, Prairie Flameleaf | <i>Rhus lanceolata</i> |
| Wax Myrtle | <i>Myrica cerifera</i> |
| Walnut, Texas | <i>Juglans microcarpa</i> |
| Willow, Desert | <i>Chilopsis linearis</i> |
| Shrubs | |
| Abelia Glossy | <i>Abelia grandiflora</i> |
| Agarita | <i>Berberis trifoliata</i> |
| Agave, Century Plant | <i>Agave</i> sp. |
| Althea | <i>Hibiscus syriacus</i> |
| American Beautyberry | <i>Callicarpa americana</i> |
| Artemisia | <i>Artemisia</i> 'Powis Castle' |
| Barbados Cherry | <i>Malpighia glabra</i> |
| Barberry, Japanese | <i>Berberis thunbergii</i> |
| Basket Grass (Sacahuista) | <i>Nolina texana</i> |
| Black Dalea | <i>Dalea frutescens</i> |
| Bush Germander | <i>Teucrium fruticans</i> |
| Butterfly Bush | <i>Buddleja davidii</i> |
| Butterfly Bush, Wooly | <i>Buddleja marrubifolia</i> |
| Coralberry | <i>Symphoricarpos orbiculatus</i> |
| Cotoneaster | <i>Cotoneaster</i> sp. |
| Crape Myrtle Cultivars Not Listed in Ornamental Trees Above | <i>Lagerstroemia indica</i> |
| Esperanza/ Yellow Bells | <i>Tecoma stans</i> |
| Flame Acanthus | <i>Anisacanthus quadrifidus</i> var. |
| Holly, Burford | <i>Ilex cornuta</i> 'Burfordii' |
| Holly, Dwarf Burford | <i>Ilex cornuta</i> 'Burfordii Nana' |
| Holly, Dwarf Chinese | <i>Ilex cornuta</i> 'Rotunda nana' |
| Holly, Dwarf Yaupon | <i>Ilex vomitoria</i> 'Nana' |
| Lantana, Pink | <i>Lantana camara</i> |
| Lantana, Texas | <i>Lantana horrida</i> |

| Common Name | Scientific Name |
|------------------------------|---------------------------|
| Mistflower, White | Ageratina havanense |
| Mistflower, BlueBlue Boneset | Eupatorium coelestinum |
| Mountain Sage | Salvia regia |
| Nandina (dwarf-types) | Nandina sp |
| Oleander | Nerium oleander |
| Palmetto, Dwarf Texas | Sabal minor |
| Primrose Jasmine | Jasminum mesnyi |
| Rock Rose | Pavonia lasiopetala |
| Rose, Belinda's Dream | Rosa ' Belinda's Dream' |
| Rose, Knock Out | Rosa 'Knock Out' |
| Rose, Livin' Easy | Rosa 'Livin' Easy' |
| Rose, Marie Pavie | Rosa ' Marie Pavie' |
| Rose, Mutabilis | Rosa 'Mutabilis' |
| Rose, Nearly Wild | Rosa ' Nearly Wild' |
| Rose, Old Blush | Rosa 'Old Blush' |
| Rosemary | Rosmarinus officinalis |
| Sage, Texas | Leucophyllum frutescens |
| Sotol, Texas | Dasylirion texanum |
| Sumac, Evergreen | Rhus virens |
| Sumac, Fragrant (Aromatic) | Rhus aromatica |
| Turk's Cap | Malvaviscus arboreus |
| Wax Myrtle, Dwarf | Myrica pusilla |
| Wax Myrtle, Southern | Myrica cerifera |
| Yucca, Paleleaf | Yucca pallida |
| Yucca, Red | Hesperaloe parviflora |
| Yucca, Softleaf | Yucca recurvifolia |
| Yucca, Twistleaf | Yucca rupicola |
| Groundcover | |
| Asian Jasmine | Trachelospermum asiaticum |
| Aztec Grass | Ophiopogon japonicus |
| Bamboo | Muhlenbergia dumosa Muhly |
| Big Bluestem | Andropogon gerardii |
| Bushy Bluestem | Andropogon glomeratus |
| Carolina Jessamine | Gelsemium sempervirens |
| Coral Honeysuckle | Lonicera sempervirens |
| Coral Vine | Antigonon leptopus |
| Crossvine | Bignonia capreolata |
| Dwarf Fountain Grass | Pennisetum alopecuroides |
| English Ivy | Hedera helix |
| Fig Vine | Ficus pumila |
| Frogfruit | Phyla incisa |
| Horseherb | Calyptocarpus vialis |
| Indian Grass | Sorghastrum nutans |
| Inland Seaots | Chasmanthium latifolium |
| Japanese Honeysuckle | Lonicera japonica |

| Common Name | Scientific Name |
|----------------------------------|--|
| Lady Banksia Rose | <i>Rosa banksiae</i> |
| Leadwort Plumbago | <i>Ceratostigma plumbaginoides</i> |
| Liriope | <i>Liriope muscari</i> |
| Little Bluestem | <i>Schizachyrium scoparium</i> |
| Mexican Feathergrass (Wiregrass) | <i>Stipa tenuissima</i> |
| Monkey Grass (Mondo Grass) | <i>Ophiopogon japonicus</i> |
| Muhly, Big | <i>Muhlenbergia lindheimeri</i> |
| Muhly, Deer | <i>Muhlenbergia rigens</i> |
| Muhly, Gulf | <i>Muhlenbergia capillaris</i> |
| Muhly, Seep | <i>Muhlenbergia reverchonii</i> |
| Oregano | <i>Origanum vulgare</i> |
| Passion Vine | <i>Passiflora incarnata</i> |
| Periwinkle, Littleleaf | <i>Vinca minor</i> |
| Pigeonberry | <i>Rivina humilis</i> |
| Purple Heart | <i>Secreasea pallida</i> |
| Santolina (Lavender Cotton) | <i>Santolina chamaecyparissus</i> |
| Sedge, Berkeley | <i>Carex tumulicola</i> |
| Sedge, Meadow | <i>Carex perdentata</i> |
| Sedge, Texas | <i>Carex texensis</i> |
| Sedum (Stonecrop) | <i>Sedum nuttallianum</i> |
| Sideoats Grama | <i>Bouteloua curtipendula</i> |
| Silver Pony-foot | <i>Dichondra argentea</i> |
| Sweet Autumn Clematis | <i>Clematis paniculata</i> |
| Switch Grass | <i>Punica virgatum</i> |
| Trumpet Vine | <i>Campsis radicans</i> |
| Virginia Creeper | <i>Parthenocissus quinquefolia</i> |
| Wild Rye | <i>Elymus canadensis</i> |
| Wooly Stemodia | <i>Stemodia lanata</i> or <i>tomentosa</i> |

Part 2: The City Council approves an amendment to Ordinance No. 91-2101, the Zoning Ordinance of the City of Temple, by amending Section 21-100, “Definitions,” to include the following the definitions:

21-100 DEFINITIONS.

Cutoff luminaire - A luminaire in which 2.5 percent or less of the lamp lumens are emitted above a horizontal plane through the luminaire's lowest part and 10 percent or less of the lamp lumens are emitted at a vertical angle 80 degrees above the luminaire's lowest point.

Diameter at Breast Height (DBH) – Diameter of a tree measured three and one-half above the ground level on the downhill side of an existing tree.

Impervious surface - A surface consisting of asphalt, concrete, brick, paving block, plastic or other similar material which does not readily absorb water.

Lumen - Measure of brightness of the illumination exiting a bulb, provided by manufacturer.

Luminaire - The complete lighting unit, including the lamp, the fixture and other parts.

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.

Nonconforming lot of record – A legally established lot that does not conform to the Area Regulations of the zoning district in which it is located.

Outdoor lighting fixture - means any type of fixed or movable lighting equipment that is designed or used for illumination outdoors. The term includes billboard lighting, street lights, searchlights and other lighting used for advertising purposes and area lighting.

Primary facade - The exterior wall or walls of a building that are visible from any public or private street or central green space.

Part 3: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 4: Ordinance No. 91-2101, the Zoning Ordinance of the City of Temple, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

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

Part 6: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 7th day of **May**, 2009.

PASSED AND APPROVED on Second Reading on the 21st day of **May**, 2009.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/07/09
Item #8
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Consider adopting an ordinance authorizing an amendment the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2009 for the installation of street lights in the Bioscience Park and along Outer Loop Phase II in an amount not to exceed \$133,000.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for May 21, 2009.

ITEM SUMMARY: The City has received final cost estimates from Oncor Electric Delivery, LLC, for the installation of street lights in the Bioscience Park and along the Outer Loop Phase II. The cost for the street lights within the Bioscience Park is \$36,636.03. This includes nine 250 watt HPS - Cobra street lights on 30' galvanized steel poles. The cost for the street lights along the Outer Loop Phase II is \$95,663.04. This includes fifty-eight 250 Watt HPS – Cobra street lights on twenty-nine 30' galvanized steel poles. The discretionary service agreements with Oncor Electric Delivery Company LLC, will be presented at the May 21, 2009, Council meeting for your consideration.

There is currently not sufficient funding within these projects for the installation of street lights. There is sufficient funding within the bond projects to reallocate to these projects for the installation of the street lights.

FISCAL IMPACT: The proposed amendment to fund the installation of street lights for Bioscience Park in the amount of \$37,000 and Outer Loop Phase II in the amount of \$96,000 both within line 399 on the Financing Plan is proposed to be funded from available bond proceeds from the Elm Creek Detention Pond project, line 199 on the Financing Plan. There is currently \$257,563 remaining in the detention pond project that is available for reallocation. The detention pond project is substantially complete per the project engineer which allows us to reallocate the remaining project funds.

ATTACHMENTS:

[Financing Plan](#)
[Summary Financing Plan with Detailed Project Plan](#)
[Ordinance](#)

| | Y/E 9/30/09 Year 27 | Y/E 9/30/10 Year 28 | Y/E 9/30/11 Year 29 | Y/E 9/30/12 Year 30 | Y/E 9/30/13 Year 31 | Y/E 9/30/14 Year 32 | Y/E 9/30/15 Year 33 | Y/E 9/30/16 Year 34 | Y/E 9/30/17 Year 35 | Y/E 9/30/18 Year 36 | Y/E 9/30/19 Year 37 | Y/E 9/30/20 Year 38 | Y/E 9/30/21 Year 39 | Y/E 9/30/22 Year 40 |
|---|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|
| 1 Appraised Value | \$ 131,160,668 | \$ 140,238,368 | \$ 144,626,499 | \$ 212,822,764 | \$ 233,450,991 | \$ 235,785,501 | \$ 238,143,356 | \$ 240,524,790 | \$ 242,930,038 | \$ 245,359,338 | \$ 314,562,931 | \$ 336,208,561 | \$ 339,570,646 | \$ 342,966,353 |
| 5 FUND BALANCE, Begin | \$ 23,998,646 | \$ 1,209,569 | \$ 2,374,743 | \$ 2,334,314 | \$ 1,475,872 | \$ 1,403,636 | \$ 1,795,805 | \$ 1,753,657 | \$ 1,773,433 | \$ 1,356,959 | \$ 1,306,173 | \$ 1,553,676 | \$ 1,795,022 | \$ 2,109,843 |
| SOURCES OF CASH: | | | | | | | | | | | | | | |
| 10 Tax Revenues | 4,051,439 | 4,592,298 | 4,679,594 | 6,271,181 | 6,789,596 | 6,857,023 | 6,925,124 | 6,993,906 | 7,063,376 | 7,133,540 | 8,749,666 | 9,249,246 | 9,341,269 | 9,434,212 |
| 15 Allowance for Uncoll. Taxes | (108,507) | (112,341) | (114,517) | (115,655) | (116,801) | (117,961) | (119,132) | (120,314) | (121,509) | (122,715) | (123,934) | (125,165) | (126,408) | (127,663) |
| 20 Interest Income-Bonds | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| 25 Interest Income-Other | 40,000 | 50,000 | 50,000 | 50,000 | 50,000 | 50,000 | 50,000 | 50,000 | 50,000 | 50,000 | 40,000 | 40,000 | 30,000 | 10,000 |
| 30 Other-Bond Proceeds | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| 33 Miscellaneous Reimbursements (GST) | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| 34 Sale of Land | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| 35 Grant Funds | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| 35 Miscellaneous Income | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| 40 TOTAL SOURCES | 3,982,932 | 4,529,957 | 4,615,077 | 6,205,526 | 6,722,795 | 6,789,062 | 6,855,992 | 6,923,592 | 6,991,867 | 7,060,825 | 8,665,732 | 9,164,081 | 9,244,861 | 9,316,549 |
| USES OF CASH: | | | | | | | | | | | | | | |
| Operating Expenses | | | | | | | | | | | | | | |
| 50 Prof Svcs/Proj Mgmt | 125,202 | 92,007 | 93,847 | 95,724 | 97,638 | 99,591 | 101,583 | 103,615 | 105,687 | 107,801 | 109,957 | 112,156 | 114,399 | 116,687 |
| 51 Legal/Audit | 1,100 | 1,100 | 1,100 | 1,200 | 1,200 | 1,200 | 1,200 | 1,200 | 1,300 | 1,300 | 1,300 | 1,300 | 1,300 | 1,400 |
| 55 Zone Mtc | 75,000 | 75,000 | 75,000 | 75,000 | 75,000 | 75,000 | 75,000 | 75,000 | 75,000 | 75,000 | 75,000 | 75,000 | 75,000 | 75,000 |
| 60 TEDC | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 |
| 62 Other Contracted Services | 30,000 | - | - | - | - | - | - | - | - | - | - | - | - | - |
| 65 TISD-Joint Use facilities | 129,709 | 22,423 | 22,647 | 22,873 | 23,102 | 23,333 | 23,567 | 23,802 | 24,040 | 24,281 | 24,523 | 24,769 | 25,016 | 25,267 |
| 90 Subtotal-Operating Expenses | 461,011 | 290,530 | 292,594 | 294,797 | 296,940 | 299,124 | 301,350 | 303,617 | 306,027 | 308,382 | 310,780 | 313,225 | 315,715 | 318,354 |
| Projects (2) | | | | | | | | | | | | | | |
| 199 North Zone (3) | 13,593,479 | 40,000 | - | - | 800,000 | - | - | - | - | 2,700,000 | - | - | - | - |
| 299 Western Aviation Zone (3) | 42,342 | 300,000 | 1,225,150 | 2,175,850 | 1,100,000 | - | - | - | - | - | - | - | - | - |
| 399 Western Bio-Science & Medical Zone (3) | 7,306,186 | - | - | - | - | - | - | - | - | - | - | - | - | - |
| 400 Southeast Industrial Park Zone (3) | 1,273,500 | - | - | - | - | - | - | - | - | - | - | - | - | - |
| 405 General Roadway Improvements | 250,111 | - | - | - | - | - | - | - | - | - | - | - | - | - |
| 410 Major Gateway Entrances | 400,000 | - | 400,000 | - | - | - | - | - | - | - | - | - | - | - |
| 415 Downtown Improvements | 204,260 | 192,113 | 195,747 | 197,691 | 199,655 | 201,639 | 203,643 | 205,667 | 207,710 | 209,775 | 211,860 | 213,966 | 216,093 | 218,241 |
| 420 Loop 363 Improvements | 905,410 | - | - | - | - | - | - | - | - | - | - | - | - | - |
| 430 Reserve for Acer facility | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| 500 Zone Projects - Public Improvements | 295,730 | 500,000 | 500,000 | 500,000 | 500,000 | 2,000,000 | 2,500,000 | 2,500,000 | 3,000,000 | - | 4,000,000 | 4,500,000 | 4,500,000 | 6,874,548 |
| 600 Subtotal-Projects | 24,271,018 | 1,032,113 | 2,320,897 | 2,873,541 | 2,599,655 | 2,201,639 | 2,703,643 | 2,705,667 | 3,207,710 | 2,909,775 | 4,211,860 | 4,713,966 | 4,716,093 | 7,092,789 |
| Debt Service | | | | | | | | | | | | | | |
| 625 2003 Bond Issue | 866,385 | 868,545 | 868,420 | 867,035 | 869,055 | 869,855 | 868,930 | 866,530 | 867,440 | 866,753 | 869,240 | 869,640 | 868,070 | 870,070 |
| 626 2008 Bond Issue-Nontaxable (\$16.010 mil) | 635,460 | 635,460 | 635,460 | 1,785,460 | 1,788,540 | 1,784,580 | 1,783,784 | 1,785,948 | 1,785,868 | 1,783,544 | 1,783,976 | 1,786,960 | 1,787,292 | 1,784,972 |
| 627 2008 Bond Issue-Taxable (\$10.365 mil) | 536,935 | 536,935 | 536,935 | 1,241,935 | 1,239,641 | 1,240,495 | 1,239,233 | 1,240,854 | 1,240,096 | 1,241,957 | 1,241,173 | 1,237,744 | 1,241,670 | 1,242,422 |
| 628 Issuance Costs | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| 630 Paying Agent Services | 1,200 | 1,200 | 1,200 | 1,200 | 1,200 | 1,200 | 1,200 | 1,200 | 1,200 | 1,200 | 1,200 | 1,200 | 1,200 | 1,200 |
| 635 Subtotal-Debt Service | 2,039,980 | 2,042,140 | 2,042,015 | 3,895,630 | 3,898,436 | 3,896,130 | 3,893,147 | 3,894,532 | 3,894,604 | 3,893,454 | 3,895,589 | 3,895,544 | 3,898,232 | 3,898,664 |
| 650 TOTAL USES | 26,772,009 | 3,364,783 | 4,655,506 | 7,063,968 | 6,795,031 | 6,396,893 | 6,898,140 | 6,903,816 | 7,408,341 | 7,111,611 | 8,418,229 | 8,922,735 | 8,930,040 | 11,309,807 |
| 660 FUND BALANCE, End | 1,209,569 | 2,374,743 | 2,334,314 | 1,475,872 | 1,403,636 | 1,795,805 | 1,753,657 | 1,773,433 | 1,356,959 | 1,306,173 | 1,553,676 | 1,795,022 | 2,109,843 | 116,585 |
| 670 Required Debt Reserve | (873,237) | (873,237) | (873,237) | (873,237) | (873,237) | (873,237) | (873,237) | (873,237) | (873,237) | (873,237) | (873,237) | (873,237) | (873,237) | - |
| 700 AVAILABLE FUND BALANCE | \$ 336,332 | \$ 1,501,506 | \$ 1,461,077 | \$ 602,635 | \$ 530,399 | \$ 922,568 | \$ 880,420 | \$ 900,196 | \$ 483,722 | \$ 432,936 | \$ 680,439 | \$ 921,785 | \$ 1,236,606 | \$ 116,585 |
| 800 FUND BALANCE, Begin | 23,998,646 | 1,209,569 | 2,374,743 | 2,334,314 | 1,475,872 | 1,403,636 | 1,795,805 | 1,753,657 | 1,773,433 | 1,356,959 | 1,306,173 | 1,553,676 | 1,795,022 | 2,109,843 |
| Prior period Adjustment-net | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| 805 Revenue over/(under)expense | (22,789,077) | 1,165,174 | (40,429) | (858,442) | (72,236) | 392,169 | (42,148) | 19,776 | (418,474) | (50,786) | 247,503 | 241,346 | 314,821 | (1,993,258) |
| 810 FUND BALANCE, End | \$ 1,209,569 | \$ 2,374,743 | \$ 2,334,314 | \$ 1,475,872 | \$ 1,403,636 | \$ 1,795,805 | \$ 1,753,657 | \$ 1,773,433 | \$ 1,356,959 | \$ 1,306,173 | \$ 1,553,676 | \$ 1,795,022 | \$ 2,109,843 | \$ 116,585 |

Summary Financing Plan with Detailed Project Plan

Project Plan - 04/22/09 - to Zone Board

| SUMMARY FINANCING PLAN | | | | | | | |
|---|---|--------------|--------------|--------------|--------------|--------------|--------------|
| | Adjusted FY 09 (with Carry Forwards) | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 | FY 2015 |
| 5 Beginning Available Fund Balance, Oct | \$ 23,998,646 | 1,239,569 | 2,404,743 | 2,364,314 | 1,505,872 | 1,433,636 | 1,825,805 |
| 40 Total Sources (Revenue & Bonds) | 3,982,932 | 4,529,957 | 4,615,077 | 6,205,526 | 6,722,795 | 6,789,062 | 6,855,992 |
| 45 Less Required Debt Reserve | - | - | - | - | - | - | - |
| 49 Net Available for Appropriation | 27,981,578 | 5,769,526 | 7,019,820 | 8,569,840 | 8,228,667 | 8,222,698 | 8,681,797 |
| 50 General Administrative Expenditures | 126,302 | 93,107 | 94,947 | 96,924 | 98,838 | 100,791 | 102,783 |
| 55 Zone Maintenance | 75,000 | 75,000 | 75,000 | 75,000 | 75,000 | 75,000 | 75,000 |
| 60 Contractual Payments (TEDC) | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 |
| 62 Other Contracted Services | 30,000 | - | - | - | - | - | - |
| 65 TISD - Joint Use Facilities | 129,709 | 22,423 | 22,647 | 22,873 | 23,102 | 23,333 | 23,567 |
| 70 Debt Service - 2003 Issue | 867,585 | 869,745 | 869,620 | 868,235 | 870,255 | 871,055 | 870,130 |
| 71 Debt Service - 2008 Issue (\$16.010 mil) | 635,460 | 635,460 | 635,460 | 1,785,460 | 1,788,540 | 1,784,580 | 1,783,784 |
| 72 Debt Service - 2008 Taxable Issue (\$10.365 mil) | 536,935 | 536,935 | 536,935 | 1,241,935 | 1,239,641 | 1,240,495 | 1,239,233 |
| 73 Issuance Costs | - | - | - | - | - | - | - |
| 75 Total Operating & Committed Expenditures | 2,500,991 | 2,332,670 | 2,334,609 | 4,190,427 | 4,195,376 | 4,195,254 | 4,194,497 |
| 99 Net Available for Projects | \$ 25,480,587 | \$ 3,436,856 | \$ 4,685,211 | \$ 4,379,413 | \$ 4,033,291 | \$ 4,027,444 | \$ 4,487,300 |

| PROJECT PLAN | | | | | | | |
|--|--|--------------|--------------|--------------|--------------|--------------|--------------|
| | Adj'd FY 2009 (with Carry Forwards) | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 | FY 2015 |
| NORTH ZONE (including Enterprise Park): | | | | | | | |
| 100 Railroad Spur Improvements | 9,324,943 | - | - | - | - | - | - |
| 105 Elm Creek Detention Pond | 1,044,044 | - | - | - | - | - | - |
| 110 Railroad Improvements Engineering Analysis | - | - | - | - | - | - | - |
| 115 Railroad Repairs/Maintenance based on Analysis | 243,469 | 40,000 | - | - | - | - | - |
| 120 Enterprise Park Water Tank | - | - | - | - | 800,000 | - | - |
| 121 ROW Acquisition - Public Improvements | 3,661 | - | - | - | - | - | - |
| 122 Land Acq-Wendland property (approx 355 acres) | - | - | - | - | - | - | - |
| 125 Wendland Road Improvements | 2,977,362 | - | - | - | - | - | - |
| 199 Total North Zone (including Enterprise Park) | 13,593,479 | 40,000 | - | - | 800,000 | - | - |
| WESTERN AVIATION ZONE: | | | | | | | |
| 200 Detention Pond #2 including W 1-A | - | - | - | - | - | - | - |
| 205 Old Howard Road from Ind Blvd to SH36 | - | - | - | - | - | - | - |
| 210 Old Howard Road Gateway Entrance Project | 8,872 | - | - | - | - | - | - |
| 215 WWI--Waste Water Ext SH36 to Ind Blvd | - | - | - | - | - | - | - |
| 220 R I-B, W I-B--Industrial Blvd Extension | 2,100 | - | - | - | - | - | - |
| 221 Airport Park Infrastructure Construction | 31,370 | - | - | - | - | - | - |
| 225 Airport Study | - | - | - | - | - | - | - |
| 230 Airport Trail Roadway-Ind Blvd to Pepper Crk (R III) | - | - | 115,500 | 654,500 | - | - | - |
| 235 Airport Trail Utilities (W-V, W II, W III) | - | - | 109,650 | 621,350 | - | - | - |
| 240 Old Howard North (R II) | - | 300,000 | 1,000,000 | 700,000 | - | - | - |
| 245 Airport Trail Roadway-Pepper Crk to Mouser (R V) | - | - | - | 200,000 | 1,100,000 | - | - |
| 299 Total Western Aviation Zone | 42,342 | 300,000 | 1,225,150 | 2,175,850 | 1,100,000 | - | - |
| WESTERN BIO-SCIENCE & MEDICAL ZONE: | | | | | | | |
| 300 Greenbelt Development along Pepper Creek | 2,376,428 | - | - | - | - | - | - |
| 305 Outer Loop Phase 2 | 4,431,463 | - | - | - | - | - | - |
| 306 Bio-Science Park Phase 1 | 498,295 | - | - | - | - | - | - |
| 310 Bio-Science Institute | - | - | - | - | - | - | - |
| 399 Total Western Bio-Science & Medical Zone | 7,306,186 | - | - | - | - | - | - |
| OTHER PROJECTS: | | | | | | | |
| 400 Southeast Ind Park (Lorraine Drive) | 1,273,500 | - | - | - | - | - | - |
| 405 Roadway Maintenance/Improvements | 250,111 | - | - | - | - | - | - |
| 410 Gateway Entrance Projects (after Old Howard) | 400,000 | - | 400,000 | - | - | - | - |
| 415 Downtown Improvements | 204,260 | 192,113 | 195,747 | 197,691 | 199,655 | 201,639 | 203,643 |
| 420 Loop 363 Improvements (TxDOT commitment) | 905,410 | - | - | - | - | - | - |
| 430 Reserve for Acer facility | - | - | - | - | - | - | - |
| 499 Total Other Projects | 3,033,281 | 192,113 | 595,747 | 197,691 | 199,655 | 201,639 | 203,643 |
| 500 Undesignated Funding-Public Impr-nontaxable bonds | 295,730 | 500,000 | 500,000 | 500,000 | 500,000 | 2,000,000 | 2,500,000 |
| 501 Undesignated Funding-Public Impr-taxable bonds | - | - | - | - | - | - | - |
| 600 Total Planned Project Expenditures | 24,271,018 | 1,032,113 | 2,320,897 | 2,873,541 | 2,599,655 | 2,201,639 | 2,703,643 |
| 660 Fund Balance at Year End | \$ 1,209,569 | \$ 2,404,743 | \$ 2,364,314 | \$ 1,505,872 | \$ 1,433,636 | \$ 1,825,805 | \$ 1,783,657 |
| 670 Required Debt Reserve | (873,237) | (873,237) | (873,237) | (873,237) | (873,237) | (873,237) | (873,237) |
| 700 AVAILABLE FUND BALANCE | \$ 336,332 | \$ 1,531,506 | \$ 1,491,077 | \$ 632,635 | \$ 560,399 | \$ 952,568 | \$ 910,420 |

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE TAX INCREMENT FINANCING REINVESTMENT ZONE #1 FINANCING PLAN FOR FY 2009 IN AN AMOUNT NOT TO EXCEED \$133,000, FOR THE INSTALLATION OF STREET LIGHTS IN THE BIOSCIENCE PARK AND ALONG OUTER LOOP PHASE II; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; DECLARING FINDINGS OF FACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Whereas, the Council adopted a Project Plan and Reinvestment Zone Financing Plan for the Zone by Ordinance No. 1525 adopted on December 22, 1983, and thereafter amended such plans by Ordinance No. 1664 adopted on June 20, 1985, Ordinance No. 1719 adopted on November 21, 1985, Ordinance No. 1888 adopted on December 21, 1987, Ordinance No. 1945 adopted on October 20, 1988; Ordinance No. 1961 adopted on December 1, 1988; Ordinance No. 2039 adopted on April 19, 1990; Ordinance No. 91-2119 adopted on December 5, 1991; Ordinance No. 92-2138 adopted on April 7, 1992; Ordinance No. 94-2260 adopted on March 3, 1994; Ordinance No. 95-2351 adopted on June 15, 1995; Ordinance No. 98-2542 adopted on February 5, 1998; Ordinance No. 98-2582 adopted on November 19, 1998; Ordinance No. 99-2619 adopted on March 18, 1999; Ordinance No. 99-2629 adopted on May 6, 1999; Ordinance No. 99-2631 adopted on May 20, 1999; Ordinance No. 99-2647 adopted on August 19, 1999; Ordinance No. 99-2678 adopted on December 16, 1999; Ordinance No. 2000-2682 adopted on January 6, 2000; Ordinance No. 2000-2729 adopted on October 19, 2000; Ordinance No. 2001-2772 adopted on June 7, 2001; Ordinance No. 2001-2782 adopted on July 19, 2001; Ordinance No. 2001-2793 adopted on September 20, 2001; Ordinance No. 2001-2807 on November 15, 2001; Ordinance No. 2001-2813 on December 20, 2001; Ordinance No. 2002-2833 on March 21, 2002; Ordinance No. 2002-2838 on April 18, 2002; Ordinance No. 2002-3847 on June 20, 2002; Ordinance No. 2002-3848 on June 20, 2002; Ordinance No. 2002-3868 on October 17, 2002; Ordinance No. 2003- 3888 on February 20, 2003; Ordinance No. 2003-3894 on April 17, 2003; Ordinance No 2003-3926 on September 18, 2003; Ordinance No. 2004-3695 on July 1, 2004; Ordinance No. 2004-3975 on August 19, 2004; Ordinance No. 2004-3981 on September 16, 2004; Ordinance No. 2005-4001 on May 5, 2005; Ordinance No. 2005-4038 on September 15, 2005; Ordinance No. 2006-4051 on January 5, 2006; Ordinance No. 2006-4076 on the 18th day of May, 2006; Ordinance No. 2006-4118; Ordinance No. 2007-4141 on the 19th day of April, 2007; Ordinance No. 2007-4155 on July 19, 2007; Ordinance No. 2007-4172 on the 20th day of September, 2007; Ordinance No. 2007-4173 on October 25, 2007; Ordinance No. 2008-4201 on the 21st day of February, 2008; and Ordinance No. 2008-4217 the 15th day of May, 2008; Ordinance No. 2008-4242 the 21st day of August, 2009; and Ordinance No. 2009-4290 on the 16th day of April, 2009.

Whereas, the Board of Directors of the Zone has adopted an additional amendment to the Reinvestment Zone Financing Plan for the Zone and forwarded such amendment to the Council for appropriate action;

Whereas, the Council finds it necessary to amend the Reinvestment Zone Financing Plan for the Zone to include financial information as hereinafter set forth;

Whereas, the Council finds that it is necessary and convenient to the implementation of the Reinvestment Zone Financing Plan, including the additional amendment, to establish and provide for an economic development program within the meaning of Article III, Section 52-a of the Texas Constitution ("Article III, Section 52-a"), Section 311.010(h) of the Texas Tax Code and Chapter 380 of the Texas Local Government Code to develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone and develop or expand transportation, business and commercial activity in the Zone including programs to make grants and loans of Zone assets or from the tax increment fund of the Zone in an aggregate amount not to exceed the amount of the tax increment produced by the City and paid into the tax increment fund for the Zone for activities that benefit the Zone and stimulate business and commercial activity in the Zone as further determined by the City;

Whereas, the Council further finds that the acquisition of the land and real property assembly costs as described in the additional amendment to the Reinvestment Zone Financing Plan is necessary and convenient to the implementation of the Reinvestment Zone Financing Plan and will help develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone and develop or expand transportation, business and commercial activity in the Zone by providing land for development of future business and commercial activity, attracting additional jobs within the City and attracting additional sales and other taxes within the City; and

Whereas, the Council finds that such amendment to the Reinvestment Zone Financing Plan is feasible and conforms to the Comprehensive Plan of the City, and that this action will promote economic development within the City of Temple.

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

Part 1: Findings. The statements contained in the preamble of this ordinance are true and correct and are adopted as findings of fact hereby.

Part 2: Reinvestment Zone Financing Plan. The amendment to the Tax Increment Financing Reinvestment Zone No. One Financing Plan, heretofore adopted by the Board of Directors of the Zone and referred to in the preamble of this ordinance, is hereby approved and adopted, as set forth in the Amendment to Reinvestment Zone Number One, City of Temple, Texas, attached hereto as Exhibit A.

Part 3: Plans Effective. The Financing Plan for the Zone heretofore in effect shall remain in full force and effect according to the terms and provisions thereof, except as specifically amended hereby.

Part 4: Copies to Taxing Units. The City Secretary shall provide a copy of the amendment to the Reinvestment Zone Financing Plan to each taxing unit that taxes real property located in the Zone.

Part 5: Economic Development Program. The Council hereby establishes an economic

development program for the Zone in accordance with Article III, Section 52-a of the Texas Constitution, Section 311.010(h) of the Texas Tax Code and Chapter 380 of the Texas Local Government Code to develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone and develop or expand transportation, business and commercial activity in the Zone including a program to make grants and loans of Zone assets or from the tax increment fund of the Zone in accordance with the provisions of Article III, Section 52-a, Chapter 311 of the Texas Tax Code and Chapter 380 of the Texas Local Government Code as directed and authorized by the Council. The Council hereby further directs and authorizes the Board of Directors of the Zone to utilize tax increment reinvestment zone bond proceeds to acquire the land and pay other real property assembly costs as set forth in the additional amendment attached hereto to help develop and diversify the economy of the Zone and develop or expand business and commercial activity in the Zone in accordance with Article III, Section 52-a, Chapter 311 of the Texas Tax Code and Chapter 380 of the Texas Local Government Code.

Part 6: Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

Part 7: Effective Date. This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 8: Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act.

PASSED AND APPROVED on First Reading on the 7th day of **May**, 2009.

PASSED AND APPROVED on Second and Final Reading on the 21st day of **May**, 2009.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/07/09
Item #9
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Consider adopting a resolution naming the members of the board for the South Central High Speed Rail Authority, Inc.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Information regarding this item will be provided prior to the meeting.

FISCAL IMPACT: None

ATTACHMENTS:

Resolution (to be provided)



COUNCIL AGENDA ITEM MEMORANDUM

05/07/09
Item #10
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Consider adopting a resolution appointing one member to the Bell County Public Health District Board of Directors.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Dr. William Hardin has served as Temple's representative on the Bell County Public Health District Board of Directors since 1992. Dr. Hardin has indicated his desire to step down from the board at this time to allow a new member some transition time under the direction of the current District Director, Wayne Farrell. Dr. Hardin will continue to serve until his replacement is named by the Council.

FISCAL IMPACT: None

ATTACHMENTS:

[Letter from Dr. Hardin](#)

APR 2 2009
CITY OF TEMPLE, TX
CITY CLERK
April 2, 2009

Mayor Bill Jones
City of Temple
Municipal Building
Temple, Texas 76501

Ref: Public Health District

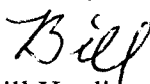
Dear Bill,

I have had the honor of being the representative of the City of Temple on the board of the Bell County Health District since 1992. I feel it is time for a change so I request that you replace me.

The district is in wonderful shape from a financial and leadership standpoint. Wayne Farrell could not be a better District Director. He and I are getting older and he will probably retire in the next few years. I think it would be in the best interest of the city to have someone on board to learn from Wayne and be there for a transition to a new director rather than have me step down about the same time. I will be happy to serve until you name a replacement.

Again, let me say what a pleasure it has been to serve on this board. Wayne's leadership has been a blessing to the entire county!!!

Sincerely,


Bill Hardin

CC:
Wayne Farrell