



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3RD FLOOR CONFERENCE ROOM

THURSDAY, NOVEMBER 4, 2010

3:30 P.M.

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, November 4, 2010.
2. Discuss the proposed contract with Georgetown Railroad for the purchase of approximately 6.2 miles of railroad right of way located in southeast Temple.

Executive Session – Pursuant to Chapter 551, Government Code, §551.072 – Real Property – The City Council may enter into executive session to discuss the purchase, exchange, lease or value of real property relating to City projects, the public discussion of which would have a detrimental effect on negotiations with a third party

3. Executive Session: Chapter 551, Government Code, §551.074 – Personnel Matter – The City Council will meet in executive session to discuss the employment, evaluation, duties and work plan of the Director of Finance. No final action will be taken.

5:00 P.M.
MUNICIPAL BUILDING
2 NORTH MAIN STREET
CITY COUNCIL CHAMBERS – 2ND FLOOR
TEMPLE, TX
REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. (A) Nurse Practitioner Week November 7–13, 2010
- (B) Municipal Court Week November 1-5, 2010
- (C) Recognition of Melissa Saunders, Solid Waste Division Employee

III. PUBLIC COMMENTS

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

IV. CONSENT AGENDA

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

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

Minutes:

- (A) [October 21, 2010 Special Called and Regular Meeting](#)

Contracts, Leases & Bids

- (B) [2010-6168-R](#): Consider adopting a resolution authorizing the purchase of a backhoe with attachments from Hi-Way Equipment Company of Houston, from the BuyBoard contract in the amount of \$81,875.
- (C) [2010-6169-R](#): Consider adopting a resolution authorizing a three-year agreement with Star Tex Propane, Inc. of Waco for propane delivery services in an estimated annual amount for FY 11 of \$35,000.
- (D) [2010-6170-R](#): Consider adopting a resolution authorizing the purchase of Interactive Voice Response (IVR) software from Selectron in the amount of \$80,400 and related interfaces to the HTE Utility Billing software from Sungard Public Sector in the amount of \$16,590 in support of implementing automated telephone functions for the Utility Billing Office.
- (E) Consider adopting resolutions approving farm leases with Edward Brenek, Jr. for:
1. [2010-6171-R](#): 8.164 acres east of Wilson Park, and
 2. [2010-6172-R](#): 39 acres on Little Flock Road.
- (F) [2010-6173-R](#): Consider adopting a resolution authorizing a Chapter 380 grant agreement with James and Jana Warren for redevelopment improvements at 1217 West Avenue H and 807 South 25th Street in the Avenue G and H Strategic Investment Zone corridor in an amount not to exceed \$34,500 plus waiver of permit fees.

Ordinances – Second and Final Reading

- (G) [2010-4402](#): SECOND READING – Z-FY-10-54: Consider adopting an ordinance authorizing a zoning change from Two Family District (2F) and General Retail District (GR) to Planned Development - General Retail District (PD-GR) on Lots 4 - 6, and 10 - 12, Block 5, Eugena Terrace Addition, located at 1510 South 1st Street.
- (H) [2010-4378](#): SECOND READING – Z-FY-10-33: Consider adopting an ordinance authorizing a Conditional Use Permit allowing a package store with alcoholic beverage sales for off-premise consumption on the South one-half of Lot 1, Block 292-1, Temple Original at 1 North 6th Street. **(Note: approval of this item will require four affirmative votes of the City Council)**
- (I) 1. [2010-4403](#): SECOND READING – Consider adopting an ordinance authorizing the expansion of the boundary of Tax Increment Financing Reinvestment Zone Number One.
2. [2010-4404](#): SECOND READING – Consider adopting an ordinance extending the life of Tax Increment Financing Reinvestment Zone Number One.

3. [2010-4405](#): SECOND READING – Consider adopting an ordinance authorizing amendments to the Tax Increment Financing Reinvestment Zone Number One Financing Plan and Project Plan to align with the 2022 Master Plan.

Misc.

- (J) [2010-6174-R](#): Consider adopting a resolution authorizing property, liability and workers compensation insurance premiums for FY2010-11.
- (K) [2010-6175-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2009-2010.
- (L) [2010-6176-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2010-2011.

V. REGULAR AGENDA

ORDINANCES

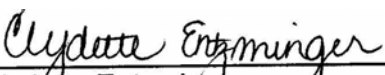
- 5. [2010-4406](#): FIRST READING – PUBLIC HEARING - Z-FY-10-53: Consider adopting an ordinance authorizing a Conditional Use Permit for the sale of alcoholic beverages with more than 50% and less than 75% revenue from alcohol sales in a restaurant on Lot 10, Block 1, Hillside Addition, located at 2906 South General Bruce Drive. **(Note: approval of this item will require four affirmative votes of the City Council)**
- 6. [2010-4407](#): FIRST READING – PUBLIC HEARING - Consider adopting an ordinance amending the Code of Ordinances of the City of Temple by adding a new Chapter 27, “Storm Water Management,” including a section entitled “Erosion and Sedimentation Control” per the City of Temple’s Storm Water Management Program and as required by Texas Commission on Environmental Quality (TCEQ).

RESOLUTIONS:

- 7. [2010-6177-R](#): Consider adopting a resolution appointing two members to the Temple Public Safety Advisory Board to fill unexpired terms through September 1, 2011.

***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 10:25 AM, on October 29, 2010.


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 _____ 2010. _____



COUNCIL AGENDA ITEM MEMORANDUM

11/04/10
Item #3(A)-(B)
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamations:

- (A) Nurse Practitioner Week November 7—13, 2010
- (B) Municipal Court Week November 1—5, 2010
- (C) Recognition of Melissa Saunders, Solid Waste Division Employee

STAFF RECOMMENDATION: Present proclamations as presented in item description.

ITEM SUMMARY: (A) This proclamation was requested by, and will be received by, Dr. Susan E. Johnston, Endocrinology Nurse Practitioner at the Central Texas Veterans Health Care System.

(B) This proclamation was requested by Municipal Court Judge Kathleen Person. It will be received by Judge Person and Municipal Court Staff.

(C) This proclamation will be received by Melissa Saunders, Solid Waste Division employee, for actions she took to assist a citizen in need.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

11/04/10
Item #4(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) October 21, 2010 Special Called and 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:

[October 21, 2010 Special Called and Regular Meeting](#)

TEMPLE CITY COUNCIL

OCTOBER 21, 2010

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, October 21, 2010 at 3:30 P.M., in the Staff Conference Room, 3rd Floor, Municipal Building, 2 North Main Street.

Present:

Councilmember Danny Dunn
Councilmember Marty Janczak
Mayor Pro Tem Patsy E. Luna
Mayor William A. Jones, III

Absent:

Councilmember Russell Schneider

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, October 21, 2010.

Consent Agenda Item #4(D) - Purchase of excavator: Councilmember Janczak asked what this equipment is used for and if staff has considered renting one.

Nicole Torralva, Director of Public Works, stated it is used to clear drainage channels and is used on a weekly basis so rental is not a viable option. They also have a truck to haul the excavator with.

Consent Agenda Item #4(K) - Rezoning on Little Mexico Road: Councilmember Dunn asked if this item should be pulled from the Consent Agenda.

Mayor Pro Tem Luna stated she felt the applicant should be allowed to build the home as requested.

Kim Foutz, Assistant City Manager, stated staff has more information regarding noise contours near the Airport that can be shared during the regular meeting.

Councilmember Janczak asked that the height of the glide slope be provided at the regular meeting also.

Regular Agenda Item #9 - CUP for Package Store at 1 North 6th: Mayor Jones stated four affirmative votes will be required for approval of this item and only four Councilmembers will be present for the meeting so a unanimous vote is required. He suggested the item be tabled if any Councilmember is uncomfortable with the current proposal to allow the applicant the benefit of a full Council.

2. Discuss proposed locations for bus shelters to be installed by Hill Country Transit District.

David Blackburn, City Manager, introduced Robert Ator, Hill Country Transit District, who presented this report to the City Council.

Mr. Ator began with a review of the New Freedom Passenger Shelter Project. The proposed shelters will be fully ADA accessible and meet Texas Accessibility Standards. The shelter will include a loading platform and a minimum sidewalk width of 5 feet, with the sidewalk being constructed at least to the end of the block or connecting with the nearest reasonable hard surface.

Mr. Ator stated the locations for the shelters were selected with priority based on passenger use. Hill Country Transit District has worked with City staff to determine right of way depth and suitability of the preferred locations. They are also working with Oncor and TxDOT to ensure acceptability and suitability. However, even with planning and research, Mr. Ator noted that one or more of the proposed locations may not be suitable for a shelter and the locations may need to be adjusted.

The initial project provides for a total of 31 shelters in Temple but the actual number will vary depending on the cost of actual installation, Mr. Ator stated. The first phase will include 13 shelters, with 18 or more in the second phase. The goal of the HOP is to complete the installation of 100 or more passenger shelters by the end of August 2012.

Mr. Ator presented the following locations for installation of the first phase of the shelter program in Temple and showed photos of the proposed sites. Mr. Ator noted the list has been reviewed and recommended by the Temple Transit Advisory Committee.

1. Temple Medical Center after King's Daughters Hospital Entrance
2. South 31st Street after Forest Trail
3. Canyon Creek Drive after South 31st Street
4. Paseo Del Oro before South 31st Street
5. Loop 363 access road at Fazoli's
6. Loop 363 access road before 13th Street
7. Country Lane Senior Living Center
8. West French Avenue before 3rd Street
9. East Barton before 7th Street (Graham Hall)
10. West Avenue H before 27th Street
11. West Avenue H after 29th Street - Santa Fe Hospital
12. East Avenue H after 22nd Street
12. South 24th Street at Ferguson Park

Mr. Ator also noted the route changes for 510, 520 and 530 that have been approved and will be implemented January 17, 2011.

Mr. Blackburn stated in addition to the shelters provided under the New Freedom Project, a local brick association is installing three brick shelters, one of which will be located at City Hall, and two shelters will be provided through the CDBG program.

3. Discuss the water treatment plant process assessment.

Nicole Torralva, Director of Public Works, presented this item to the City Council, beginning with some background information about the City's two water treatment plants, the conventional plant and the membrane plant. This process assessment was identified during the last capital improvement project funding cycle as a component in long-term operation of the utility system. Mrs. Torralva showed an

aerial photo of the water treatment plants, noting the various components. She reviewed the goals of the process assessment and the scope of work. The report confirmed the future capacity requirements and indicates that given the current rated capacity, a need for expansion is unlikely within the next 10 years and will serve a future population of up to 135,000.

Mrs. Torralva discussed the seasonal stratification in Belton Lake and how it affects water quality, with a resulting affect to the Leon River where the water treatment plant intake is located. The process assessment recommends the conventional treatment process as it provides the most operation flexibility and future expansion. Five projects were identified to implement the recommended improvements and all will be completed within the existing adopted CIP.

Mr. Blackburn noted the process assessment will help staff to prioritize and sequence the five recommended projects.

- 4. Executive Session: Chapter 551, Government Code, §551.074 - Personnel Matter - The City Council will meet in executive session to discuss the employment, evaluation, duties and work plan of the City Secretary. No final action will be taken.**

Mayor Jones stated the City Council would enter into executive session at this time, approximately 4:30 p.m.

Mayor Jones reconvened the worksession at approximately 5:00 p.m, with no action being taken by the City Council.

I. CALL TO ORDER

1. Invocation

Pastor Martin Knox, First Baptist Church, voiced the Invocation.

2. Pledge of Allegiance

Gary Smith, Chief of Police, led the Pledge of Allegiance.

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. (A) Community Planning Month October, 2010

Mayor Jones presented this proclamation to Brian Mabry, Planning Director, Planning and Zoning Commission members and Planning Department Staff.

III. PUBLIC COMMENTS

There were no public comments made during this meeting.

IV. CONSENT AGENDA

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

(A) October 7, 2010 Special Called and Regular Meeting

(B) 2010-6152-R: Consider adopting a resolution authorizing the purchase of a brush chipper from Poston Equipment Sales of Pearland on the HGAC contract in the amount of \$34,168.93.

(C) 2010-6153-R: Consider adopting a resolution authorizing the purchase of a crack sealer off of the BuyBoard from Crafcro Texas Inc. of San Antonio in the amount of \$26,703.50.

(D) 2010-6154-R: Consider adopting a resolution authorizing the purchase of a Volvo EC160C excavator from Romco Equipment Company of Round Rock off the TXMAS contract in the net amount of \$101,770.19.

(E) 2010-6155-R: Consider adopting a resolution authorizing the purchase of the following equipment:

- 1. Truck chassis to equip a new Vactor truck from Freightliner of Austin utilizing the BuyBoard in the amount of \$88,743; and**
- 2. Truck mounted Vactor equipment and accessories from Kinloch Equipment of Arlington utilizing the BuyBoard in the amount of \$209,970.80.**

(F) 2010-6156-R: Consider adopting a resolution authorizing the purchase and installation of Toro irrigation control equipment from Professional Turf Products of Euless, Texas, utilizing the BuyBoard in the amount of \$94,697.06.

(G) 2010-6157-R: Consider adopting a resolution authorizing the purchase of sewer line chemical root control services for FY 10-11 from Duke's Root Control, Inc. of Syracuse, New York, utilizing a BuyBoard contract in the estimated annual amount of \$65,000.

(H) 1. 2010-6158-R: Consider adopting a resolution authorizing the City Manager to execute a Letter of Understanding with Texas Department of Transportation (TxDOT) to provide reimbursement to the City by TxDOT, in the amount of \$212,880 for utility engineering relocation services in association with IH-35 improvements from South Loop 363 to North Loop 363.

- 2. 2010-6159-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates LP of Temple (KPA) in an amount not to exceed \$126,690 for utility relocation engineering services in association with IH-35 Improvements from South Loop 363 to Nugent.**
- 3. 2010-6160-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates LP of Temple (KPA) in an amount not to exceed \$86,190 for utility relocation engineering services in association**

with IH-35 Improvements from Nugent to North Loop 363.

(I) 2010-6161-R: Consider adopting a resolution authorizing an amendment to the Interlocal Agreement with the Temple Independent School District (TISD) providing for one additional Temple Police Department School Resource Officer.

(J) 2010-4396: SECOND READING - Consider adopting an ordinance dual naming a portion of North and South 34th Street, beginning at East Adams Avenue and ending at East Avenue H, to North or South 34th Street/Myrtle Captain Street.

(K) 2010-4397: SECOND READING - Z-FY-10-49: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to Single Family One District (SF1), on a 0.23 ± acre tract of land in the John Cummings Survey, Abstract No. 178, located at 8566 Little Mexico Road.

(L) 2010-4400: SECOND READING - Z-FY-10-51: Consider adopting an ordinance authorizing an amendment to Section 7-564, "Applicability," in the Zoning Ordinance, related to the I-35 Corridor Overlay.

(M) 1. 2010-4401: SECOND READING - Consider adopting an ordinance amending Chapter 28, "Police," of the Code of Ordinances, Article III, "Burglar Alarm Systems."

2. 2010-6162-R: Consider adopting a resolution establishing alarm permit renewal and reinstatement fees, and false alarm service fees.

(N) 2010-6163-R: Consider adopting a resolution authorizing the use of the Construction Manager-at-Risk procurement delivery method for the acquisition of construction services related to the rehabilitation of the Police Headquarters facility.

(O) 2010-6164-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2010-2011.

(P) 2010-6165-R: Consider adopting a resolution authorizing an interlocal agreement with Hill Country Transit District for transit services.

Motion by Councilmember Danny Dunn to adopt resolution approving the Consent Agenda, with the exception of item 4(K), seconded by Councilmember Marty Janczak.

Motion passed unanimously.

(K) 2010-4397: SECOND READING - Z-FY-10-49: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to Single Family One District (SF1), on a 0.23 ± acre tract of land in the John Cummings Survey, Abstract No. 178, located at 8566 Little Mexico Road.

Brian Mabry, Planning Director, presented this item to the City Council. The purpose of the rezoning is to establish a single-family dwelling. The foundation was framed before a permit was obtained but construction stopped waiting on the rezoning. Mr. Mabry displayed an aerial photo of the property, noting the airport property line and lighted approach. He showed a map of this area taken from the Reinvestment Zone Aviation Campus report which recommends no new residential development in this location. The protected height restriction is 45 feet and this proposed home would not encroach into that area. Staff recommended denial of the requested rezoning because it does not comply with the Future Land Use and Character Map and Land Use Policy No.7, which recommends industrial or office zoning in this location. The Planning and Zoning Commission recommended approval of the request.

Councilmember Janczak asked a question about the noise contours around the airport and noted there is a landing light across the street from this house. The permit has been issued and he would not want to deny the family the right to build their home. However, Councilmember Janczak emphasized that even though there is no danger in building here it will not be comfortable with the noise issues. He stated he was supportive of approving this request but against any further single family development in this area.

Motion by Councilmember Marty Janczak to adopt ordinance on second and final reading, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

Mayor Jones stated the applicant and his family have lived in this area for a long time but they did not know they lived in the City of Temple. He asked how we can get the word to those living in this area that residential development in the future will not be supported to prevent this from happening in the future.

Mr. Blackburn stated it will require educating and informing the residents there. The City can also ensure we continue to have a good, strong relationship with Bell County and the Public Health District so they can help us identify these issues in the future.

V. REGULAR AGENDA

ORDINANCES

- 5. 2010-4391: THIRD & FINAL READING - PUBLIC HEARING: Consider adopting an ordinance granting Richard Curtis, dba Good Times Carriage Rides, a non-exclusive franchise for five years to operate horse-drawn carriages upon the public streets and highways of the City of Temple.**

Jonathan Graham, City Attorney, presented this item to the Council. He stated this is a renewal of a franchise, the first one being issued in 1995. The term of the franchise agreement is five years. We have complied with the notification requirements in the City Charter and recommend the renewal of this franchise.

Mayor Jones declared the public hearing open with regard to agenda item 5 and asked if anyone wished to address this item.

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

Motion by Councilmember Danny Dunn to adopt ordinance on third and final reading, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

6. 2010-4392: THIRD & FINAL READING - PUBLIC HEARING: Consider adopting an ordinance granting Temple Transportation, Inc., dba Yellow Cab, a non-exclusive franchise for five years to provide taxicab service in the City of Temple.

Jonathan Graham, City Attorney, presented this item to the City Council. This is a renewal of a franchise for a taxicab service to be granted to Temple Transportation Company doing business in Temple as Yellow Cab. The ordinance calls for compensation to the City in the form of vehicle and drivers permit fees. It also contains provisions for the inspection of the taxicabs by the City of Temple.

Mayor Jones declared the public hearing open with regard to agenda item 6 and asked if anyone wished to address this item.

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

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance on third and final reading, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

7. 2010-4398: SECOND READING - Z-FY-10-50: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to Single Family One District (SF1) on a 10.00 ± acre tract of land in the Maximo Moreno Survey, Abstract No. 14, in the City of Temple, Bell County, Texas, located on the north side of West FM 93, adjacent to and west of Ridgewood Estates.

Brian Mabry, Planning Director presented this case to the City Council. Staff has worked with the applicant to submit a revised request for a planned development district to limit the density and number of lots. However, the applicant continues to request straight SF1 zoning which would allow a total of 46 lots. The applicant has submitted a conceptual development plan which shows his intent to develop only 28 lots but without approval of a planned development district the applicant would not be legally bound to that density. Ridgewood Estates, the neighboring subdivision, contains 74 acres, with a build-out of 2.1 units per acre. The proposed subdivision contains 46 acres and if maximum build-out occurs would contain 4.6 units per acre and could potentially add 460 vehicle trips

per day to Lakeview Lane. The Mr. Mabry stated this area is recommended for Urban Estate development in the Comprehensive Plan but noted other surrounding developments with SF1 zoning.

Mark Rendon, 413 Downing, Belton, Stellar Development Company, addressed the City Council. He presented his company's vision for this development, which includes development of less than 3 homes per acre. Mr. Rendon addressed the traffic concerns by showing traffic counts for neighboring subdivisions which are much higher. City water and sewer are available to the property and the developer has a good reputation for constructing a quality development. A preliminary plat will be submitted to the City within the next week showing 28 lots and this will likely be the final plat, as well. Mr. Rendon requested consideration of the SF1 zoning change with a density of 3 lots per acre. He noted several conditions that would be included in a standard planned development district ordinance that would cause him concern.

Councilmember Dunn stated he had a good feeling after the last Council meeting about what was being proposed but he is now uncomfortable with the continued request for SF1 zoning. The neighboring subdivisions that were part of Mr. Rendon's traffic study are all new and this proposed development will go through an existing neighborhood.

Mr. Rendon added he was not adverse to the PD-SF1 zoning but he did not see the need for it.

Motion by Councilmember Marty Janczak to adopt ordinance approving SF1 zoning, on second and final reading, seconded by Mayor Pro Tem Patsy E. Luna.

Mayor Jones stated he is concerned with Mr. Rendon's element of distrust in planned development districts. These are not changed at the whim of the Planning and Zoning Commission and City Council. There needs to be an element of trust between both parties. He added he does not have any concern with the current developer but what if the property is sold, before development, with the SF1 zoning and the new owner decides to develop to the maximum potential. The Planned Development District would protect the City from something like this occurring.

Councilmember Dunn agreed he was concerned about what might happen in the future. He felt the first reading approval was a good compromise and the planned development district would be submitted for the second reading.

Mayor Jones stated he would love to see this property built out as planned as it is quite beautiful. He hoped the zoning of each property in this area would be addressed as it comes along because there will continue to be issues as the density of the development occurs in this area.

Councilmember Janczak stated there is no doubt this is going to be a residential area. The question is the density of the housing. Other subdivisions in the area are SF1 with lower densities and he is comfortable with approving the SF1 zoning knowing the plat will be

coming through.

Motion by Councilmember Danny Dunn to amend the previous motion to adopt an ordinance approving PD-SF1 zoning, on second and final reading, seconded by Councilmember Marty Janczak.

Mayor Pro Tem Patsy E. Luna voted nay. The other Councilmembers voted aye. The motion passed.

Motion by Councilmember Marty Janczak to adopt amended motion, which would adopt an ordinance approving PD-SF1 zoning, on second and final reading, seconded by Mayor Pro Tem Patsy E. Luna.

Mayor Pro Tem Patsy E. Luna voted nay. The other Councilmembers voted aye. The motion passed.

- 8. 2010-4402: FIRST READING - PUBLIC HEARING - Z-FY-10-54: Consider adopting an ordinance authorizing a zoning change from Two Family District (2F) and General Retail District (GR) to Planned Development - General Retail District (PD-GR) on Lots 4 - 6, and 10 - 12, Block 5, Eugena Terrace Addition, located at 1510 South 1st Street.**

Brian Mabry, Planning Director, presented this case to the City Council. This property is currently occupied by Lamar Motel, a vacant property. The Council recently approved a Chapter 380 grant in the amount of \$62,500 that will provide for enhanced amenities in line with the proposed Temple Medical and Education District (TMED) standards. Mr. Mabry showed photos of surrounding properties and an aerial of the property. He also reviewed the development plan for this site, noting the proposed sidewalks, landscaping and parking, as well as architectural features of the design. Eighteen notices were sent to surrounding property owners, with 3 returned in approval and none in disapproval. The Planning and Zoning Commission unanimously approved the requested rezoning.

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

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

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance, with second reading and final adoption set for November 4, 2010, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

- 9. 2010-4378: FIRST READING - PUBLIC HEARING - Z-FY-10-33: Consider adopting an ordinance authorizing a Conditional Use Permit allowing a package store with alcoholic beverage sales for off-premise consumption on the South one-half of Lot 1, Block 292-1,**

Temple Original at 1 North 6th Street. (Note: approval of this item will require four affirmative votes of the City Council)

Brian Mabry, Planning Director, presented this case to the City Council. The proposal is for a package store in the Central Area zoning district. The Planning and Zoning Commission denied the previous proposal on August 2, 2010 so this item will require four affirmative votes from the City Council for approval. Mr. Mabry reviewed the background for this item, noting the actions that have been taken by the City Council and the applicant. He showed photos of the surrounding properties, including the duplex that has been purchased by the applicant and will be demolished to provide the required parking. Mr. Mabry reviewed the conditional use permit criteria contained in the Zoning Ordinance.

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

Mike Grisham, representing the applicant and owner of the property, addressed the City Council. He stated removing the duplex removes the residences from the entire area and will enhance the development. This business will add jobs to the community and increase the tax base from what it currently is.

Jon Mark Johnson, J&J Properties, owner of the duplex, addressed the Council. There are no other residences in this area and he agreed it would be better to remove the duplex and allow the City to develop the rest of the area commercially.

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance, with second reading and final adoption set for November 4, 2010, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

10. (A) 2010-6166-R: Consider adopting a resolution adopting the 2022 Master Plan of the Tax Increment Financing Reinvestment Zone Number One.

David Blackburn, City Manager, stated in 1982 the Tax Increment Financing Reinvestment Zone Number One was created which was likely the most significant action taken relative to economic development in the City of Temple. The Reinvestment Zone Number One Board of Directors recently completed a year-long study to develop a new master plan for the Zone. This is the most significant revision to the master plan in more than a decade. The Council has been provided with an executive summary of this master plan in which various entities have provided input and support. Mr. Blackburn recognized the board members and consulting engineer, Kasberg, Patrick and Associates, LP, that worked on this plan.

(B) 1. 2010-4403: FIRST READING - PUBLIC HEARING- Consider adopting an ordinance authorizing the expansion of the boundary of Tax Increment Financing Reinvestment Zone Number One.

2. 2010-4404: FIRST READING - PUBLIC HEARING - Consider adopting an ordinance extending the life of Tax Increment Financing Reinvestment Zone Number One.

Jonathan Graham, City Attorney presented items 10(B)(1-2) to the City Council. These items were recommendations from the master plan and are recommended by the Reinvestment Zone Number One Board of Directors. Under state law, the City can expand the boundary of the Zone but only for the City's own increment. Mr. Graham provided some background information on tax increment financing. The taxing entities pay their full levy and the increment from the Zone is used for infrastructure within the Zone. For the last thirty years, tax increment financing has been the primary economic development tool for the City. The proposed ordinance contains certain findings required for the expansion of the Zone, including the importance of the TMED area, location of the City's two largest taxpayers and Temple College within the proposed expansion area, which is also the gateway into the downtown area. Infrastructure needs have been identified in this area and a list of projects developed but the property must be included in the Zone boundary to use increment funds for that purpose. Mr. Graham noted the restrictions on areas that can be included in the Zone and explained the proposed boundary does meet the criteria in state law for inclusion in the Zone. The Temple Independent School District cannot participate in the expanded area, per state law, but the other taxing entities can decide on their level of participation. Mr. Graham displayed a map showing the TMED area proposed for inclusion in the Zone boundary.

Mr. Graham stated the original ordinance creating the Zone set an expiration date of December 31, 2022. Recent changes in the Tax Code now allow cities to extend the life of these Zones. The RZ Board recommends extending the term for an additional 40 years, to 2062, only for the City's increment. As with the boundary expansion, the other taxing entities will have the option to approve the extension of the term of the Zone.

3. 2010-4405: FIRST READING - PUBLIC HEARING - Consider adopting an ordinance authorizing amendments to the Tax Increment Financing Reinvestment Zone Number One Financing Plan and Project Plan to align with the 2022 Master Plan.

Traci Barnard, Director of Finance, presented this item to the City Council. The proposed amendment will align with the 2022 Master Plan. She reviewed the components of the funding allocation, including the increment, payment in lieu of taxes and miscellaneous revenues. These funds are allocated to debt service, operating expenditures and projects. Mrs. Barnard also reviewed the outstanding bonds, all of which expire no later than 2022. The proposed project list was also presented by project area, totalling \$25,946,216.

Mayor Jones declared the public hearing open with regard to agenda items 10 (B-1,2,3).

Bob Browder, Chair of the Reinvestment Zone Number One Board of Directors, addressed the City Council. He stated there has been a great deal of work over the past year on the development of this master plan and associated projects. The Zone develops real projects and funding is available to move them forward. These are the engines that move economic development forward in this community.

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

Motion by Councilmember Danny Dunn to adopt resolution presented in item 10(A) and ordinance presented in items 10 (B-1,2 and 3), with second reading and final adoption of ordinances set for November 4, 2010, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

RESOLUTIONS

- 11. 2010-6167-R: Consider adopting a resolution authorizing a Chapter 380 grant agreement with Jimmy Palasota for redevelopment improvements at 500 West Avenue G in the Avenue G and H Strategic Investment Zone corridor in an amount not to exceed \$27,500 plus waiver of permit fees.**

Kim Foutz, Assistant City Manager, presented this item to the City Council. This is the 11th grant provided for under the SIZ program, with this one located at 500 West Avenue G. It is the location of the existing Ramona Business Center and also contains residences. Improvements must be complete by May 2011, and total approximately \$55,000. Mrs. Foutz reviewed the details of the improvements to be completed under the grant agreement. The applicant is eligible for a maximum of \$27,500 in matching funds.

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

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydetta Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

11/04/10
Item #4(B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva P.E., Director of Public Works
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of a backhoe with attachments from Hi-Way Equipment Company of Houston, from the BuyBoard contract in the amount of \$81,875.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Street Services Division of the Public Works Department regularly utilizes a backhoe in the maintenance of streets and alley ways (street cuts, alley maintenance, tree removal, etc). The existing backhoe is 15 years old and has exceeded the recommended replacement cycle and is no longer cost effective or dependable, resulting in the need for replacement. In addition, and in an effort to reduce the size of the fleet and maintain equipment conducive to current staffing limitations, this purchase will also eliminate an additional 15 year old machine which is also undependable and no longer cost effective to operate. Purchase of this equipment for frequent and long term usage is the most economical option.

The price received for replacement of the existing unit is from the BuyBoard, a cooperative purchasing contract, and is for the supply of a Case 580 SM backhoe in the amount of \$81,875.

All purchases from the BuyBoard meet competitive bid requirements.

FISCAL IMPACT: Funding in the amount of \$98,500 is available in account 110-5900-531-62-20, project # 100645.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A BACKHOE WITH ATTACHMENTS FROM HI-WAY EQUIPMENT COMPANY OF HOUSTON, TEXAS, THROUGH THE BUYBOARD LOCAL GOVERNMENT ONLINE PURCHASING COOPERATIVE, IN THE AMOUNT OF \$81,875.00; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Street Department has 2 existing 15-year old backhoes which are no longer cost effective to operate or dependable and need to be replaced;

Whereas, the Staff recommends purchasing a new backhoe with attachments from Hi-Way Equipment Company of Houston, Texas, through the BuyBoard local government online purchasing cooperative, for a total purchase price of \$81,875.00;

Whereas, funds are available for the purchase in Account No. 110-5900-531-6220, Project # 100645; and

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

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

Part 1: The City Council authorizes the purchase of a backhoe with attachments from Hi-Way Equipment Company of Houston, Texas, through the BuyBoard local government online purchasing cooperative, in the amount of \$81,875.00.

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

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

PASSED AND APPROVED this the 4th day of **November**, 2010.

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

11/04/10
Item #4(C)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a three-year agreement with Star Tex Propane, Inc. of Waco for propane delivery services in an estimated annual amount for FY 11 of \$35,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City currently utilizes propane at three City facilities: Central Service Center for heating (three 1000-gallon tanks; average annual usage of 15,000 gallons), Fire Station No. 7 for cooking and heating (one 1,000-gallon tank; average annual usage of 2,000 gallons), and the Fire Training Center for fire training props (one 500-gallon tank; 500 average annual usage). There are also two underground 1,000-gallon propane tanks in the construction plans for Fire Station No. 8/EOC/Training Center.

The City currently does not have a contract for propane delivery services. The tanks at the Central Service Center are currently on loan from Ferrellgas and the tanks at the two fire department sites are on loan from Star Tex Propane. The Texas Railroad Commission regulates the propane industry, and per their regulations, propane companies are prohibited from delivering propane into a tank owned by another company. Accordingly, propane has been purchased from the respective vendors that own the tanks for several years without a current contract.

On October 12, 2010, the City received two proposals for propane delivery services. A summary of the proposed pricing received is shown on the attached pricing summary. A proposal evaluation committee was formed to review the two proposals. Based on the lower price per gallon offered by Star Tex Propane and Star Tex's proposed plan for transitioning the tanks and maintaining the tanks, it is the committee's unanimous recommendation to award the contract to Star Tex Propane.

The RFP requested pricing for the City to own and to lease the tanks. Based on there being no difference in the pricing for the fuel, it is staff's recommendation to lease the tanks versus purchasing the tanks so Star Tex will remain fully responsible for the maintenance of all of the tanks.

The City has done business with Star Tex Propane for several years and finds them to be a responsible vendor.

The contract will become effective immediately and will continue through September 30, 2013. It is recommended that the contract include an option to renew for two additional 3-year periods if agreed to by the City and Star Tex Propane.

FISCAL IMPACT: Funding for propane purchases in budgeted in the adopted FY 11 budget as follows:

110-2231-522-2637 – Fire Department	\$ 5,000
110-2400-519-2637 – Central Service Center (General Fund)	\$29,650
520-1300-515-2637 – Utility Warehouse	\$ 5,000
520-5200-535-2637 – Central Service Center (Utility Fund)	\$15,000

ATTACHMENTS:

[Price Analysis](#)
[Resolution](#)

Tabulation of Proposed Pricing Received
on October 12, 2010 @ 3:00 pm
Propane Delivery Services

Description	Offerors	
	Star Tex Propane, Inc. Waco, TX	Ferrellgas, Inc. Waco, TX
Annual Lease Rate per 1,000-gallon Tank (including delivery and installation)	Loan tank; no delivery or installation fees	\$ -
Annual Lease Rate per 500-gallon Tank (including delivery and installation)	Loan tank; no delivery or installation fees	\$ -
Purchase Price per 1,000-gallon Tank (including delivery and installation)	\$1,700; no delivery or installation fees	New \$2,131.74; Refurb'd \$1,505.00
Purchase Price per 500-gallon Tank (including delivery and installation)	\$950; no delivery or installation fees	New \$1,162.55; Refurb'd \$850.00
Mark-Up Percentage per Gallon for Propane Delivered to Leased Tank	50¢ over Mont Belvieu	60¢ over Mont Belvieu
Assuming fuel was delivered to a leased tank during the week of Sept 27-Oct 1, the average cost per gallon charged	\$1.71 per gallon	\$1.755 per gallon
Mark-Up Percentage per Gallon for Propane Delivered to City owned Tank	50¢ over Mont Belvieu	60¢ over Mont Belvieu
Assuming fuel was delivered to a City-owned tank during the week of Sept 27-Oct 1, the average cost per gallon charged	\$1.71 per gallon	\$1.755 per gallon
Other Fees to be added to fuel invoices	None	None
Contractor Information Sheet	Yes	Yes
Proposal Affidavit	Yes	Yes
Insurance Affidavit	Yes	Yes
Credit Check Authorization	Yes	Yes
List of 10 entities served in the Temple area	Yes	No
List of 3 References	Yes	No
Documents to support Proposed Pricing	Yes	No
Sample Invoice with Proposed Payment Terms	Yes	No
Proposed Steps to assume services	Yes	No
Contractor's Proposed Maintenance & Delivery Schedule	Yes	No

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

Belinda Mattke

12-Oct-10

Belinda Mattke, Director of Purchasing

Date

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A THREE-YEAR AGREEMENT WITH STAR TEX PROPANE, INC., OF WACO, TEXAS, FOR PROPANE DELIVERY SERVICES FOR FY 2011 IN AN ESTIMATED ANNUAL AMOUNT OF \$35,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 12, 2010, the City received 2 bids for propane delivery services;

Whereas, the staff recommends accepting the bid from Star Tex Propane, Inc., of Waco, Texas, for an estimated annual expenditure of \$35,000;

Whereas, funds are available for this purchase in Account Nos. 110-2231-522-2637; 110-2400-519-2637; 520-1300-515-2637; and 520-5200-535-2637; 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 three-year agreement with Star Tex Propane, Inc., of Waco, Texas, for propane delivery services for FY 2011, in an estimated annual amount of \$35,000.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents which 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 **4th** day of **November**, 2010.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

ATTEST:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/04/10
Item #4(D)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Heather Mikulas, Utility Business Office Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of Interactive Voice Response (IVR) software from Selectron in the amount of \$80,400 and related interfaces to the HTE Utility Billing software from Sungard Public Sector in the amount of \$16,590 in support of implementing automated telephone functions for the Utility Billing Office.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Utility Billing department seeks to enhance customer service by providing 24-hour telephone support to its customers. The Selectron IVR system will allow customers to obtain account information and make credit card payments at any time without having to speak to a customer service representative. The system includes a flexible telephone tree design, giving customers a Spanish option, account balance and payment history, information about billing office location and hours, and the choice to speak to a live person.

The Utility Billing department currently answers around 300 calls per day, which includes approximately 80 over-the-phone credit card payments. By eliminating the practice of taking credit card numbers over the phone, the City will reduce its exposure for credit card fraud and obtain greater compliance with Visa/MasterCard data security standards.

An additional benefit of the IVR system is the outbound delinquency call feature. The Utility Billing office plans to utilize automated outbound calls as a courtesy to delinquent customers to reduce the number of account shut-offs and reconnects, in an effort to save customers in disconnect charges and save the City of Temple in manpower.

In summary, the IVR tool will round out the list of existing Utility Billing customer service offerings, which currently includes the physical office, live telephone assistance during business hours, and 24-hour internet access. Implementing a 24-hour telephone option will affirm the City's commitment to providing excellent customer service to its citizens.

Due to the premier solution provider status that Selectron has with Sungard Public Sector, staff is recommending this as a single source purchase as allowed by the Local Government Code §252.022. The Selectron IVR solution is the only one available that meets our requirements for integration with our HTE Naviline financials software.

FISCAL IMPACT: Funding in the amount of \$95,000 is available in account 520-5800-535-6221, project #100660 for the purchase of the Interactive Voice Response software. A budget adjustment is presented for Council's approval appropriating an additional \$1,990 to fund the remaining cost of the software and equipment.

The maintenance is for 1 year on all hardware and software and is included in the price from Selectron and Sungard Public Sector.

ATTACHMENTS:

[Budget Adjustment
Resolution](#)

FY 2011**BUDGET ADJUSTMENT FORM**

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

Adjustments should be rounded to the nearest \$1.

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
520-5800-535-62-21	100660	Computer Software-IVR	\$ 1,990			
520-5800-535-22-21		Capital < \$5,000			1,990	
TOTAL.....			\$ 1,990		\$ 1,990	

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

Appropriate additional funding for the purchase of Interactive Voice Response (IVR) software and equipment from Selectron and related interfaces to the HTE Utility Billing software from Sungard Public Services.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

November 4, 2010

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF INTERACTIVE VOICE RESPONSE (IVR) SOFTWARE FROM SELECTRON, IN THE AMOUNT OF \$80,400, AND RELATED INTERFACES TO THE UTILITY BILLING SOFTWARE FROM SUNGARD PUBLIC SECTOR, IN THE AMOUNT OF \$16,590, IN SUPPORT OF IMPLEMENTING AUTOMATED TELEPHONE FUNCTIONS FOR THE UTILITY BILLING OFFICE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Utility Billing Office desires to enhance customer service by providing 24-hour telephone support to its customers;

Whereas, the Staff recommends purchasing Interactive Voice Response (IVR) software from Selectron, in the amount of \$80,400, which will allow customers to obtain account information and make credit card payments at any time without having to speak to a customer service representative;

Whereas, the Staff also recommends purchasing related interfaces to the HTE Utility Billing Software from Sungard Public Sector, in the amount of \$16,590, in support of implementing the automated telephone functions for the Utility Billing Office;

Whereas, due to the premier solution provider status that Selectron has with Sungard Public Sector, Staff recommends this as a single source purchase as allowed by the Local Government Code §252.022;

Whereas, funds are available for these purchases but an amendment to the FY2010-2011 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

Part 1: The City Council authorizes the purchase of Interactive Voice Response (IVR) software from Selectron, in the amount of \$80,400, and related interfaces to the HTE Utility Billing software from Sungard Public Sector, in the amount of \$16,590, in support of implementing automated telephone functions for the Utility Billing Office.

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

Part 3: The City Council approves an amendment to the FY2010-2011 budget, substantially in the form of the copy attached as Exhibit A, for this project.

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

PASSED AND APPROVED this the 4th day of **November**, 2010.

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

11/4/10
Item #4(E)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting resolutions approving farm leases with Edward Brenek, Jr. for:

1. 8.164 acres east of Wilson Park, and
2. 39 acres on Little Flock Road.

STAFF RECOMMENDATION: Adopt resolutions as presented in item description.

ITEM SUMMARY: (A) Edward Brenek is requesting a one-year lease of approximately 8.164 acres of City land located east of Wilson Park. Mr. Brenek has leased the City's tract since 2001 and farmed it with a larger adjoining tract owned by American GI Forum. He uses the land to harvest hay. Mr. Brenek paid \$20 per acre for the 2010 lease ($\$20 \times 8.164 \text{ acres} = \163.28). That price will stay the same for 2011. Parks and Leisure Services does not foresee using the property in the near future.

(B) Mr. Brenek also requests a one-year lease of approximately 39 acres located on Little Flock Road. The City purchased the land in 1999. Mr. Brenek has leased it since 2001 and farmed it with adjoining land leased from other owners. In the past year, the other owners have sold the property reducing the number of acres Mr. Brenek is able to farm. He now wishes to graze cattle on the land. Mr. Brenek paid \$25 per acre for the entire lease in 2009 ($\$25 \times 39 \text{ acres} = \975 .) That price will stay the same for 2010. Mr. Brenek has volunteered to fence the land at his cost. The Solid Waste Department does not foresee using the property in the near future.

If a need arises for the City to use any of the leased properties, the lease may be terminated for any reason by giving the tenant 30 days' notice. The leases will eliminate mowing expense.

Staff recommends approval of both leases, from January 1, 2010 to December 31, 2010, with rent of \$163.28 for the Wilson Park tract and \$975 for the Little Flock Road tract.

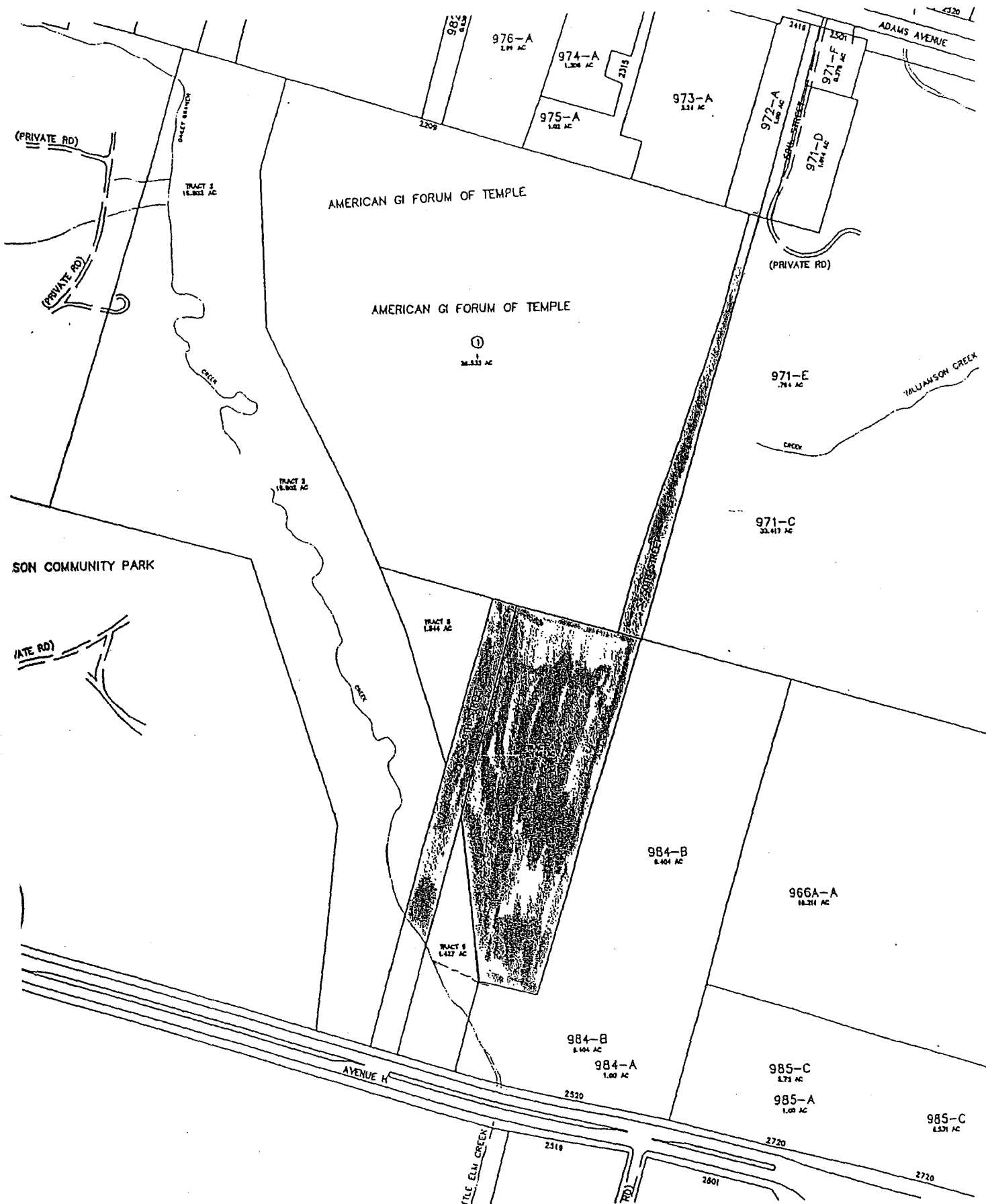
FISCAL IMPACT: Compensation to City for the Wilson Park tract will be \$163.28; and compensation to City for Little Flock Road tract will be \$975.

ATTACHMENTS:

[Location map](#)
[Resolution](#)

tabbles

"A"



EXHIBIT

tabbles

A



RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, AUTHORIZING A FARM LEASE FOR APPROXIMATELY 8.164
ACRES OF CITY-OWNED LAND LOCATED EAST OF WILSON PARK;
AND PROVIDING AN OPEN MEETINGS CLAUSE.**

Whereas, the City has had a request to renew a lease with Ed Brenek to continue leasing approximately 8.164 acres of City-owned land located east of Wilson Park for farming purposes;

Whereas, the annual lease amount will be \$163.28 (\$20 x 8.164 acres), and the lease term will be from January 1, 2011, through December 31, 2011, and will provide that the City can terminate the lease with a thirty (30) day notice;

Whereas, granting the lease now allows the tenant time to prepare the land for next year's crop; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a farm lease for an annual amount of \$163.28, between the City of Temple and Ed Brenek, after approval as to form by the City Attorney, for lease of approximately 8.164 acres of City-owned land located east of Wilson Park.

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

PASSED AND APPROVED this the **4th** day of **November**, 2010.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A FARM LEASE FOR APPROXIMATELY 39 ACRES OF CITY-OWNED LAND ON LITTLE FLOCK ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has had a request to renew a lease with Ed Brenek to continue leasing approximately 39 acres of City-owned land on Little Flock Road for farming purposes;

Whereas, the annual lease amount will be \$975 (\$25 x 39 acres), and the lease term will be from January 1, 2011, through December 31, 2011, and will provide that the City can terminate the lease with a thirty (30) day notice;

Whereas, granting the lease now allows the tenant time to prepare the land for next year's crop; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a farm lease for an annual amount of \$975, between the City of Temple and Ed Brenek, after approval as to form by the City Attorney, for lease of approximately 39 acres of City-owned land on Little Flock Road.

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

PASSED AND APPROVED this the **4th** day of **November**, 2010.

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

11/04/10
Item #4(F)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager
Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Chapter 380 grant agreement with James and Jana Warren for redevelopment improvements at 1217 West Avenue H and 807 South 25th Street in the Avenue G and H Strategic Investment Zone corridor in an amount not to exceed \$34,500 plus waiver of permit fees.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This agreement outlines the obligations and representations of James and Jana Warren, and also defines the City's incentive package. 1217 West Avenue H (corner of 25th Street and Avenue H) and 807 South 25th Street (one lot south of 1217 West Avenue H) are situated within the Avenue G and H Strategic Investment Zone. The site is currently used as a car detail business and residential.

The agreement and resolution will allow the Warrens to receive a Chapter 380 grant of up to \$15,000 for façade improvements (estimated \$12,000); up to \$10,000 for landscaping, hardscape, and irrigation (estimated \$10,000); up to \$2,500 signage (estimated \$2,500); up to \$5,000 for residential improvements (estimated \$5,000); and up to \$2,000 for demolition (estimated \$2,000) and waiver of permits and fees. Warren's total estimated project investment is \$88,000 in buildings, site, and infrastructure improvements with the City's total cash match being up to \$34,500 plus waiver of permits/fees. These improvements are not required by City ordinance. Improvements must be completed by October 30, 2011. In return, the Warrens have agreed to:

Commercial

Façade Improvements:

- Remodel existing exterior structure and install stone, brick or equivalent façade
- Interior remodel (walls, restrooms, flooring, etc)

- Replace roof
- Demolish existing metal awnings and shelter
- Repair and resurface lot with asphalt
- Install new central heat and air unit

Landscape/hardscape/irrigation improvements:

- Install new landscape areas/raised beds and install landscaping
- Erect an iron fence around the perimeter

Sign improvements: Install new sign

Residential:

- Full interior and exterior renovations

FISCAL IMPACT: The total maximum grant by the City is \$34,500 plus waiver of permit fees. In the FY '10 budget, there is \$19,813 in SIZ funds remaining which will be carried forward to the FY '11 budget. In the FY '11 budget, \$85,000 was appropriated for Strategic Investment Zone matching grant incentives bringing the total funds available for FY '11 of \$104,813 in account 110-1500-515-2695 to fund this grant. So far this fiscal year, two grants in the combined maximum amount of \$62,750 have been approved by Council which leaves \$42,063 to fund this grant.

Payment of the grant funds will not be made until work and inspections are completed, and receipts are received by the City.

ATTACHMENTS:

[Grant Agreement](#)
[Location map and picture](#)
[Resolution](#)

Avenue G and H Strategic Investment Zone Chapter 380 Development Agreement



This Agreement is executed by and between the City of Temple, a home rule city in Bell County, Texas (hereinafter “the City”) and James and Jana Warren dba J.S. Auto Sales, a Sole Proprietorship hereinafter “Owner”).

City and Owner agree as follows:

Section 1. Purpose. Pursuant to authority granted to home rule cities under Chapter 380 of the Local Government Code and pursuant to a program established for the Avenue G and H Strategic Investment Zone under City Ordinance Number 2009-4286, the City and the Owner enter into this Agreement to promote economic development within the Avenue G and H Strategic Investment Zone. As an inducement to Owner to make certain specified improvements to the properties located at 1217 W. Avenue H and 807 S. 25th Street (hereinafter the “Property and Properties”), City and Owner agree to assume the responsibilities set forth below.

Section 2. Obligations of Owner. Owner proposes to make certain improvements to the Properties, which are described generally below and as attached, and to use the Property at 1217 W. Avenue H as a commercial property and the Property at 807 S. 25th as a residential property after the Improvements are completed. Owner is seeking matching grants for certain types of additional improvements described in Section 3, and further agrees to complete all of the additional improvements described in the subparts of Section 3:

Commercial: Remodel existing exterior structure; add walls and a restroom; replace ceiling and flooring; replace roof; remove old windows and install energy efficient windows; replace façade with stone, brick or equivalent; remove existing metal awnings; repair and resurface lot with asphalt; erect a perimeter fence; install landscaping; and erect a new monument sign; hereinafter collectively referred to as “the Improvements.” The cost of total estimated Commercial Improvements are \$60,000.

Residential: Install new roof, replace windows, and other interior/exterior renovations. The cost of total anticipated Residential Improvements are \$28,000.

Owner agrees to complete said Improvements on or before October 30, 2011. As a condition to receiving the matching grants from the City described in Section 3, Owner further agrees to complete the improvements described in each subpart of Section 3.

Section 3. Matching Grants by the City. The City agrees to provide matching grants to the Owner as described below if Owner satisfactorily completes and maintains the additional improvements described in each subpart below:

- (a) **Façade Improvement Grant (commercial only).** The City will make a grant of \$15,000 on a 1:1 matching basis (estimated match is \$12,000) for the replacement of an existing façade with an eligible masonry product on the Improvements. Eligible masonry materials for a replacement façade under this subsection include brick, stone, stucco, EIFS, simulated stone block, and such other materials that the City may approve from time to time. A list of eligible materials for the Avenue G and H Strategic Investment Zone is maintained in the Construction Safety Office, 1st Floor, the Municipal Building, 2 North Main Street. Other façade improvement costs eligible for reimbursement with a façade improvement grant include demolition costs (including labor), landfill costs, and material and construction (including labor) costs, but specifically exclude design costs.

A description of the Façade Improvements to be completed by Owner is as follows:

- Remodel existing exterior structure
- Replace roof
- Remove old windows and install energy efficient windows
- Replace façade with stone, brick or equivalent

- (b) **Landscaping Improvement Grant (commercial only).** The City will make a grant of \$10,000.00 on a 1:1 matching basis (estimated match is \$10,000) for the installation of new or additional landscaping and irrigation system on the Property. To be eligible the landscaping must meet or exceed the City's landscaping requirements for the area, as the same may be established from time to time. Landscaping improvement costs eligible for reimbursement with a landscaping improvement grant include ground preparation costs (including labor), materials (trees, irrigation, shrubs, soil and amendments thereto and other decorative hardscape such as arbors, art, and walls or fences) and material and construction (including labor) costs, but specifically exclude design costs. The City will also consider making grants of trees from the City's tree farm if requested by the Owner as part of a landscaping improvement grant application.

A description of the Landscaping Improvements to be completed by Owner is as follows:

- Add several landscaped areas and raised beds
- Install variety of plants

- Install irrigation (optional)
- Install perimeter fence; erect a black iron fence or black coated chain link fence along two sides of the property and a privacy fence on the other two sides

(c) **Sign Improvement Grant (commercial only).** The City will make a grant of up to \$2,500.00 on a 1:1 matching basis (estimated match is \$2,500) for the installation of new ground mounted, monument type sign. To be eligible, then base or footing of the sign must be concrete or metal. Sign improvement costs eligible for reimbursement with a sign improvement grant include demolition costs (including labor), landfill costs, and material and construction (including labor) costs, but specifically exclude design costs.

(d) **Demolition.** The City will make a grant of up to \$2,000 on a 1:1 matching basis (\$2,000 estimated match) for façade material, awning, building, and sign demolition. Eligible costs include the labor and landfill costs, and equipment rental, but exclude any design costs.

(e) **Residential remodel.** The City will make a grant of up to \$5,000 on a 1:1 matching basis (estimated match is \$5,000)) for residential remodeling expenses. A description of the Residential Remodeling to be completed by Owner is as follows:

- Interior remodel of residence to include new sheet rock, texture and paint; new electrical wiring; new flooring; install plumbing fixtures; install new lighting and ceiling fans; install new doors; windows; repair front porch; install new window units for heat and air conditioning; install all cabinetry in kitchen and bath; install a range and refrigerator.

(f) **Waiver of Platting, Zoning and Permit Fees.** The City will waive platting, zoning, water and wastewater tap fees, and building permit fees related to the Improvements on the Properties.

Section 4. Acceptance of Improvements and Payment of Matching Grants.

The City's obligation to provide the matching grants described in Section 3 is conditioned upon the Owner completing the Improvements described in Section 2 and subparts of Section 3. After the Improvements described in Section 2 and in the subparts of Section 3 are inspected and accepted by the City, the City will make payment to the Owner within 30 days of such acceptance and upon evidence of receipts for expenses.

Section 5. Maintenance of Improvements. Owner, or its successors and assigns, agree to maintain the Improvements described in Section 2 and the subparts of

Section 3 for a period of not less than ten (10) years from the date matching grants are received from the City.

Section 6. Assignment. Owner shall have the right to assign this Agreement as collateral for the financing of the construction of the Improvements, and in the event that Owner is unable to complete the project for any reason, its assignee shall have the right, but not the obligation to finish the project, and receive a contribution from the City in the amounts specified in this Agreement upon final inspection and acceptance of the Improvements by the City.

Section 7. Availability of Records. Owner agrees to make its books and other records related to the construction of the Improvements available for inspection by the City during reasonable business hours.

Executed on this the ____ day of _____, 20__.

City of Temple, Texas

Owner

David A. Blackburn
City Manager

James Warren
Owner, dba J.S. Auto Sales

Jana Warren
Owner , dba J.S. Auto Sales

Attest:

Approved as to form:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

State of Texas §
County of Bell §

This instrument was acknowledged before me on the ____ day of _____,
20____ by David A. Blackburn, City Manager, for the City of Temple, a Texas
home rule City.

Notary Public

State of Texas §
County of Bell §

This instrument was acknowledged before me on the ____ day of _____,
20__ by _____ and _____.

Notary Public

Project Site and Location Map



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 “MATCHING GRANT” AGREEMENT BETWEEN THE CITY OF TEMPLE AND JAMES AND JANA WARREN FOR REDEVELOPMENT IMPROVEMENTS AT 1217 WEST AVENUE H AND 807 SOUTH 25TH STREET IN THE AVENUE G AND H STRATEGIC INVESTMENT ZONE CORRIDOR, IN AN AMOUNT NOT TO EXCEED \$34,500; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, James and Jana Warren owns property located at 1217 West Avenue H and 807 South 25th Street, which is located in the Avenue G and H Corridor Strategic Investment Zone, making the owner eligible to apply for matching grant incentives which are authorized by Ordinance No. 2009-4286, passed by the Temple City Council on March 5, 2009;

Whereas, a Chapter 380 “matching grant” agreement will outline the obligations and representations of the applicants, and define the City’s incentive package;

Whereas, the total project investment for 1217 West Avenue H and 807 South 25th Street is estimated at \$88,000, and the City’s total match may not exceed \$34,500;

Whereas, funds are available for this matching grant incentive in Account No. 110-1500-515-2695; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a Chapter 380 “matching grant” agreement, between the City of Temple and James and Jana Warren, after approval as to form by the City Attorney, for redevelopment improvements at 1217 West Avenue H and 807 South 25th Street which is located in the Avenue G and H Corridor Strategic Investment Zone, in an amount not to exceed \$34,500.

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

PASSED AND APPROVED this the **4th** day of **November**, 2010.

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

11/04/10
Item #4(G)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-10-54: Consider adopting an ordinance authorizing a zoning change from Two Family District (2F) and General Retail District (GR) to Planned Development - General Retail District (PD-GR) on Lots 4 - 6, and 10 - 12, Block 5, Eugena Terrace Addition, located at 1510 South 1st Street.

P&Z COMMISSION RECOMMENDATION: At its October 4, 2010 meeting, the Planning and Zoning Commission voted 8/0 in accordance with staff recommendation to recommend approval of a zone change from 2F and GR to PD-GR with the following stipulations:

1. Except as modified by the binding site development plan, the use and development standards of the property must conform to the requirements of the General Retail zoning district.
2. In the event of a conflict between the site development plan and the text of the Planned Development ordinance, the stricter standard applies.
3. Notwithstanding what is shown on the site development plan, street tree placement along S. 1st Street is subject to approval of the Texas Department of Transportation (TxDOT). In no case may a reduction in the number of trees adjacent to any public right-of-way be reduced as a result of TxDOT policy.
4. One monument sign, and no other freestanding sign type is allowed on the property as depicted on the site development plan. If built, the monument sign must have a maximum area of 50 square feet and a maximum height of four feet.

Commissioner Barton was absent.

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

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-10-54, from the Planning and Zoning meeting, October 4, 2010. The applicant requests the rezoning in order to establish an 8,000-square foot Family Dollar store on the subject property, which is in the Temple Medical and Educational District (TMED) and is currently occupied by the vacant Lamar Motel. The

TMED form-based code requires development that is pedestrian-friendly, mixed use and more dense than conventional styles of development rather. The City is providing incentives to the developer to meet such requirements in the form of grant money and in-kind services to the applicant such as demolition of the existing motel. The City Council approved the contract for the grant funding and in-kind services on October 7, 2010.

ENHANCED AMENITIES: Enhancements related to TMED are shown on the attached binding site development plan and elevations and explained in the attached Planning and Zoning Commission Staff Report. The site development plan and elevations will be attached to the ordinance that approves the planned development and are legally binding on the applicant. In order to receive building permit approval from staff, the submitted drawings for the permit must comply with the approved site development plan and elevations.

PUBLIC NOTICE:

Eighteen notices of the Planning and Zoning Commission public hearing were sent out. As of September 29 at 5 PM, three notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on September 23, 2010 in accordance with state law and local ordinance

FISCAL IMPACT: NA

ATTACHMENTS:

Aerial
Land Use and Character Map
Thoroughfare Plan Map
Utility Map
Zoning Map
Binding Site Development Plan
Binding Elevations
Notice Map
Response Letters
P&Z Staff Report (Z-FY-10-54)
P&Z Minutes (October 4, 2010)
Ordinance



Z-FY-10-54

Eugenia Terrace, Blk 5, Lots 4-6 & 10-12

1510 S 1st Street



2008 Aerial Shown (newer image unavailable)

 ZFY1054

Feet 0 50 100 150 200

J Stone 9.14.10



Z-FY-10-54

Eugenia Terrace, Blk 5, Lots 4-6 & 10-12

1510 S 1st Street



- | | | | | | |
|-----------------------|-------------------------|--------------------|---------------------------|-----------------------------------|--------------|
| ZFY1054 | Auto-Urban Mixed Use | Business Park | Neighborhood Conservation | Suburban Commercial | Urban Center |
| Agricultural/Rural | Auto-Urban Multi-Family | Estate Residential | Parks & Open Space | Suburban Residential | |
| Auto-Urban Commercial | Auto-Urban Residential | Industrial | Public Institutional | Temple Medical Education District | |

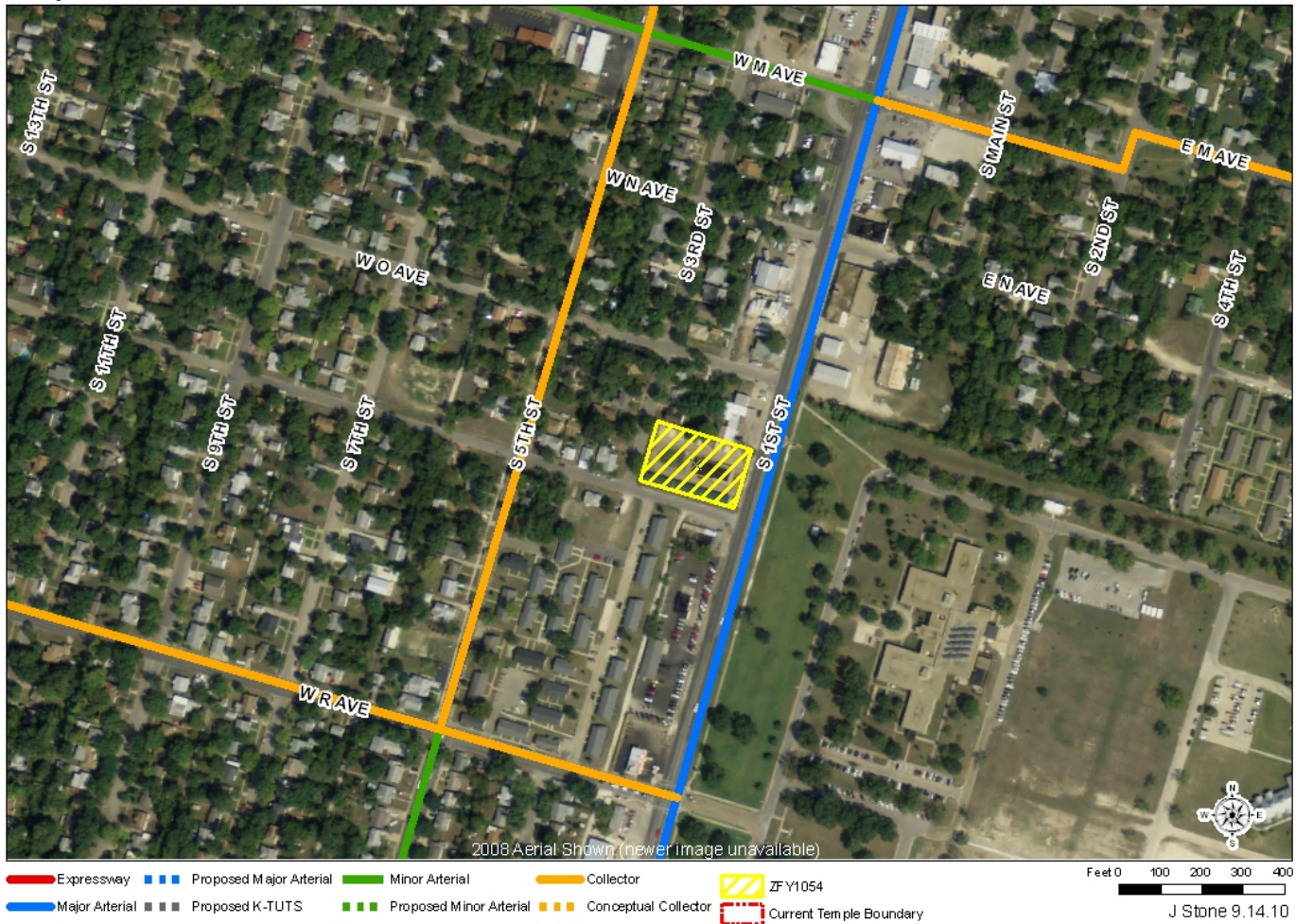
1 inch = 200 feet
J Stone 9.14.10

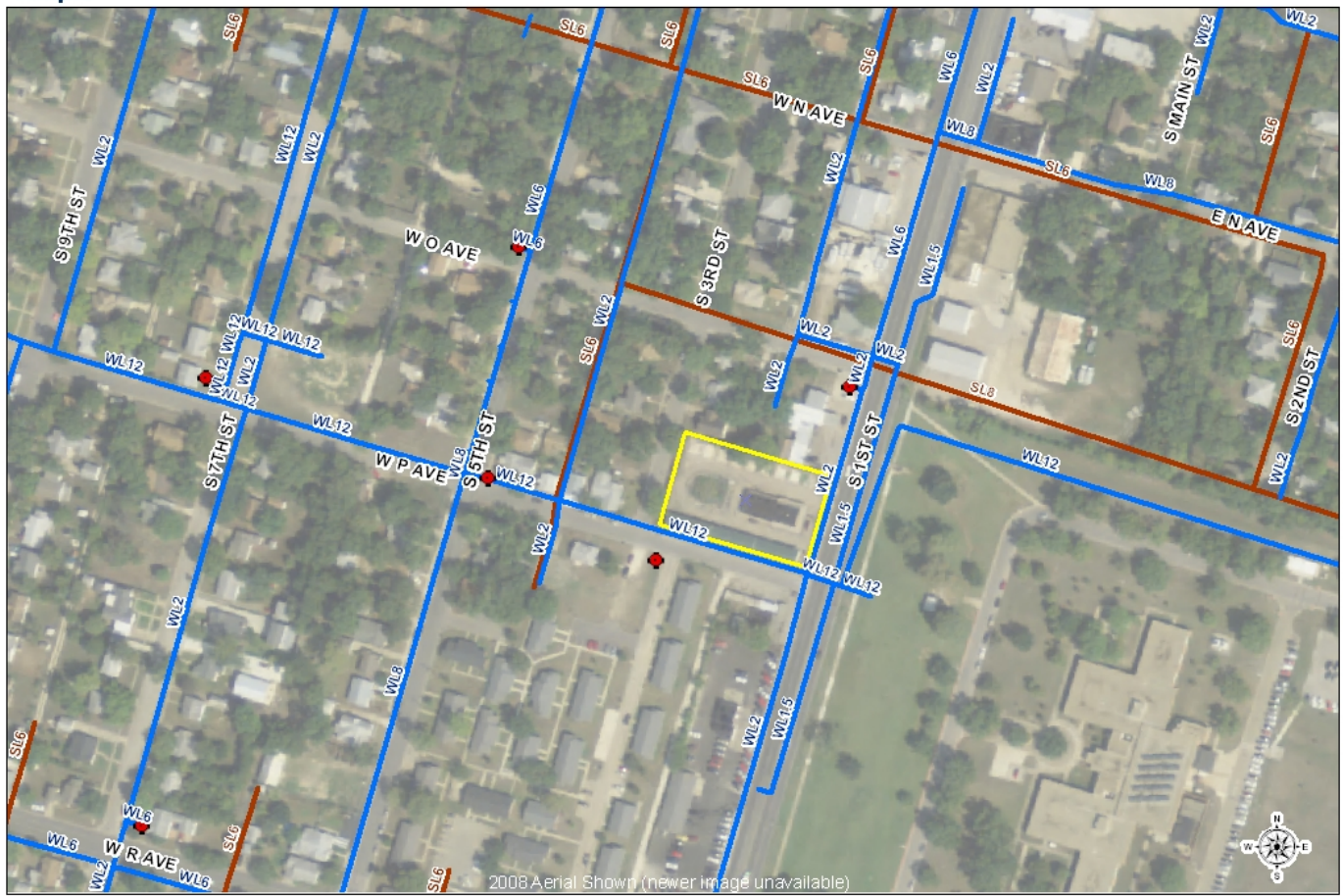


Z-FY-10-54

Eugenia Terrace, Blk 5, Lots 4-6 & 10-12

1510 S 1st Street





 ZFY1054 WATER LINE SEWER LINE

Feet 0 50 100 150 200

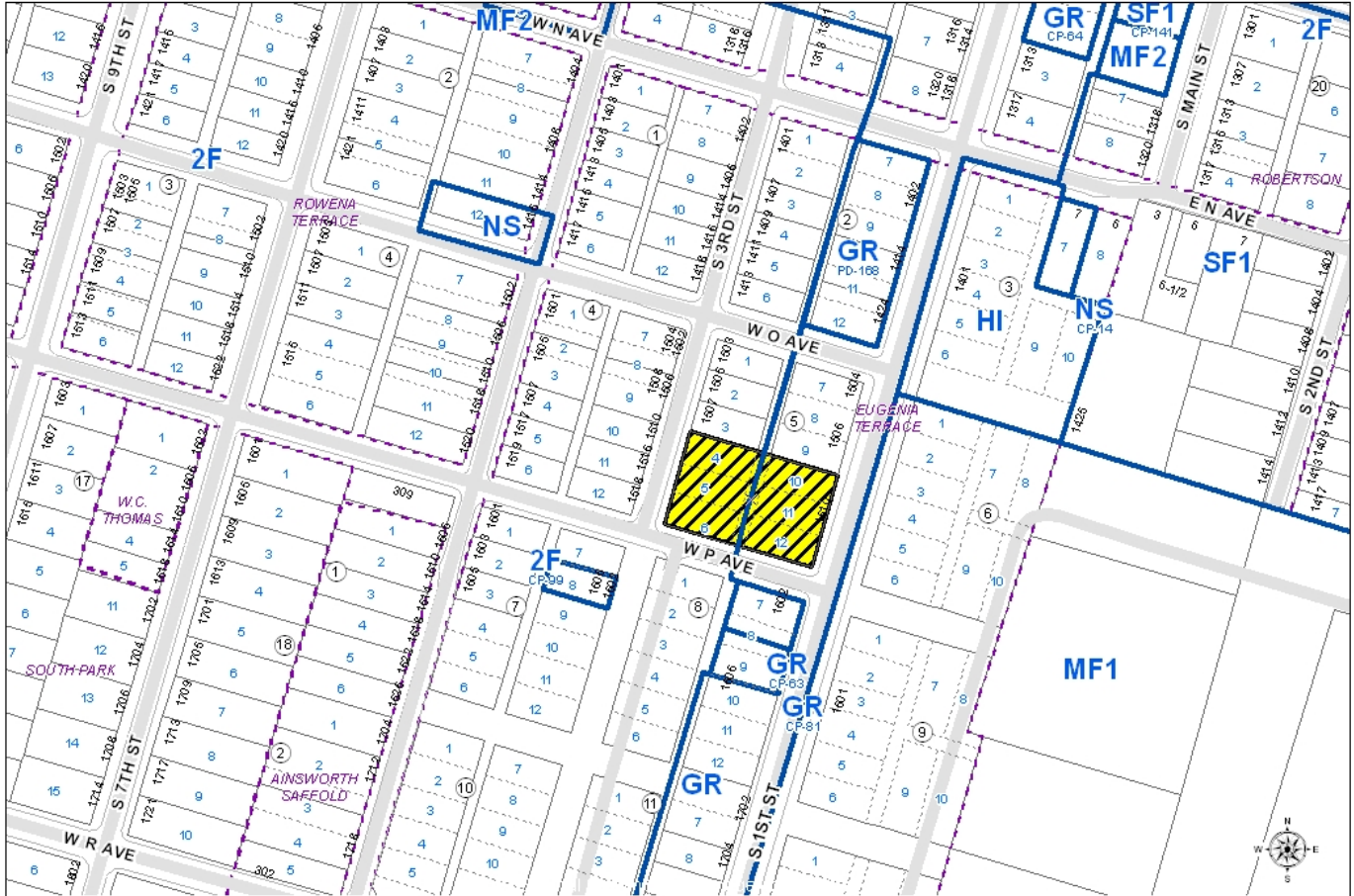
J Stone 9.14.10



Z-FY-10-54

Eugenia Terrace, Blk 5, Lots 4-6 & 10-12

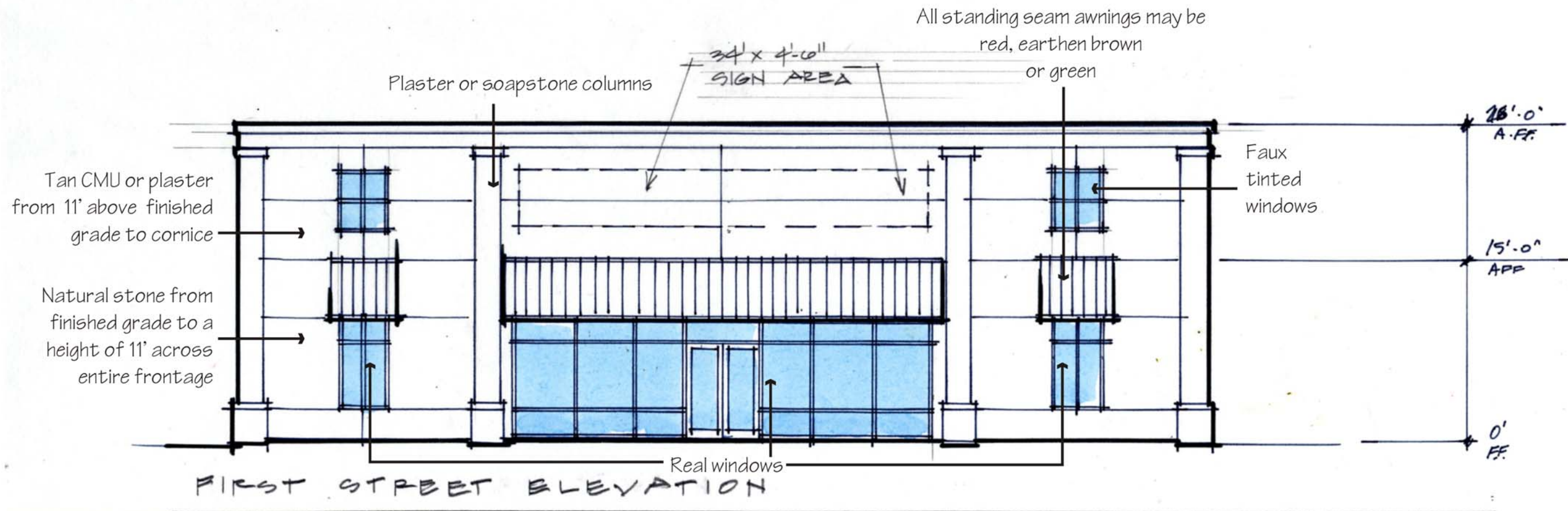
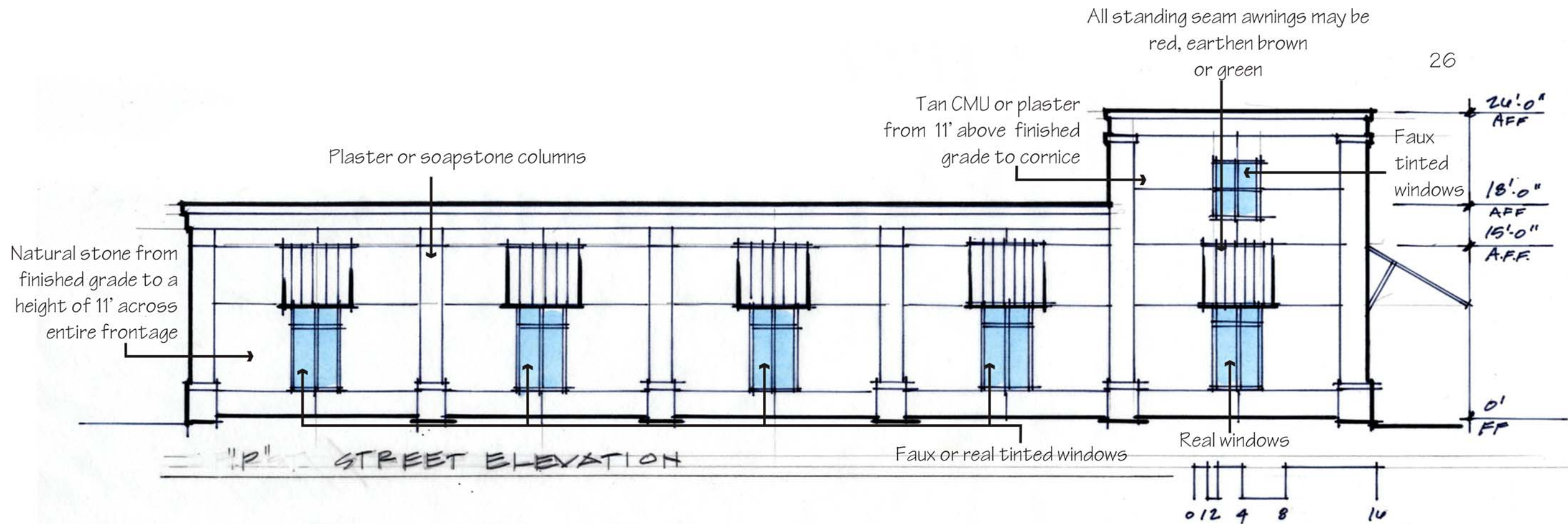
1510 S 1st Street



 ZFY1054

Feet 0 50 100 150 200

J Stone 9.14.10

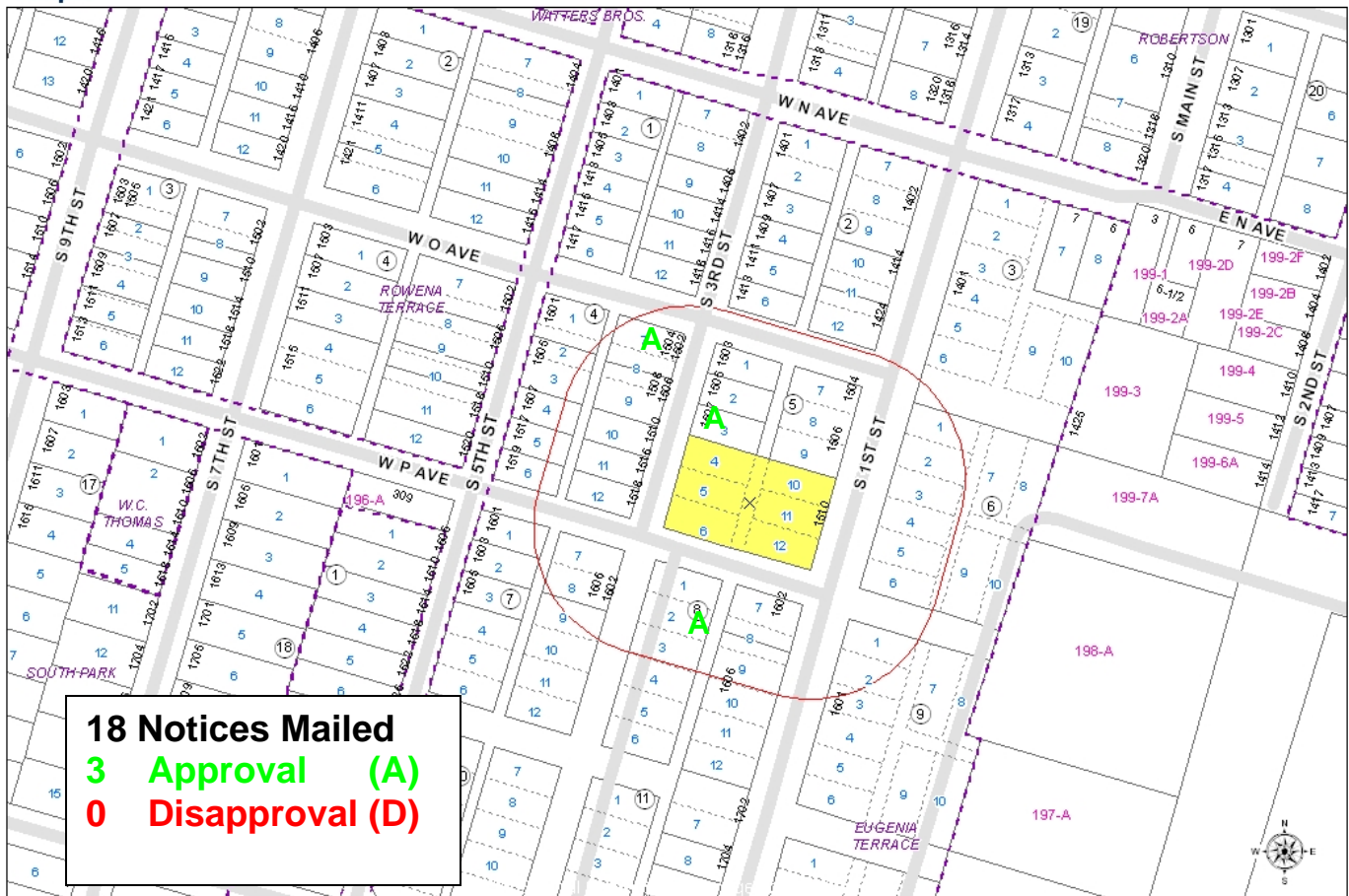




Z-FY-10-54

Eugenia Terrace, Blk 5, Lots 4-6 & 10-12

1510 S 1st Street



18 Notices Mailed

3 Approval (A)

0 Disapproval (D)

200' Buffer ZFY1054

Feet 0 50 100 150 200

J Stone 9.14.10



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Douglas R. Griffiths
1507 South 3rd Street
Temple, Texas 76504

Zoning Application Number: Z-FY-10-54

Project Manager: Brian Mabry

The proposed rezoning will allow development of a retail store which is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend ☒ approval ☐ denial of this request.

Comments:

A fire business located at 1504 and 1506 South 1st
street needs to be up graded.

Douglas R. Griffiths
Signature

Douglas R. Griffiths
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than October 4, 2010.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

SEP 27 2010

City of Temple
Planning & Development

Number of Notices Mailed: 18

Date Mailed: September 23, 2010



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

James Etux Melissa Przybylski
340 Green Park Drive
Temple, Texas 76513

Zoning Application Number: Z-FY-10-54

Project Manager: Brian Mabry

The proposed rezoning will allow development of a retail store which is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend (☒) approval (☐) denial of this request.

Comments:

So long not liquor sales allowed.

James Przybylski
Signature

Jim Przybylski
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than October 4, 2010.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

SEP 29 2010

City of Temple
Planning & Development

Number of Notices Mailed: 18

Date Mailed: September 23, 2010



**RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE**

RECEIVED
SEP 24 2010

Housing Authority of the City of Temple
P.O. Box 1326
Temple, Texas 76503-1326

BY: _____

Zoning Application Number: Z-FY-10-54

Project Manager: Brian Mabry

The proposed rezoning will allow development of a retail store which is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend (☒) approval (☐) denial of this request.

Comments:

IT IS OUR UNDERSTANDING THIS MAY BECOME A
DOLLAR STORE, THIS WOULD BE CONVENIENT
FOR OUR NEARBY RESIDENTS.

Barbara B. Bozon

Signature

BARBARA B. BOZON

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than October 4, 2010.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

Number of Notices Mailed: 18

Date Mailed: September 23, 2010



PLANNING AND ZONING COMMISSION AGENDA ITEM

10/07/10
Item #2
Regular Agenda
Page 1 of 5

APPLICANT / DEVELOPMENT: Jim Gunn for Temple G2K Development Partners, LLC

CASE MANAGER: Brian Mabry, AICP, Planning Director


ITEM DESCRIPTION: Z-FY-10-54 Hold a public hearing to discuss and recommend action on a rezoning from Two Family District (2F) and General Retail District (GR) to Planned Development (General Retail) District (PD-GR) on Lots 4 - 6, and 10 - 12, Block 5, Eugena Terrace Addition, located at 1510 South 1st Street.

BACKGROUND: The applicant requests the rezoning in order to establish an 8,000-square foot Family Dollar store on the subject property, which is in the Temple Medical and Educational District (TMED) and is currently occupied by the vacant Lamar Motel. The TMED form-based code requires development that is pedestrian-friendly, mixed use and more dense than conventional styles of development rather. Rather than concentrating on minimum distances that a building must be setback from the road, it requires buildings to be close to the street, as one might see in a downtown environment. Rather than segregating residential uses from commercial uses, it encourages a mix of residential and appropriate commercial uses in the same building. The form-based code has not yet been adopted by City Council but many of the elements shown on the attached Planned Development site plan and elevations reflect TMED requirements.

The City is providing incentives to the developer to meet such requirements in the form of grant money and in-kind services to the applicant such as demolition of the existing motel. The contract to approve the grant funding and in-kind services goes before City Council on October 7, 2010. Approval of the proposed Planned Development and grant funding will provide assurance that the proposed TMED-oriented site enhancements will be constructed. A standard rezoning with no grant funding cannot provide such assurance.

SURROUNDING PROPERTY AND USES:

The following table shows the existing zoning and current land uses for the subject property and its general vicinity:

Direction	Zoning	Current Land Use	Photo
Subject Property	GR and 2F (PD-GR proposed)	Vacant motel	

Direction	Zoning	Current Land Use	Photo
North	GR	Tire shop	
	2F	Single-family dwelling	
South	GR	Vacant bar	
	2F	Duplex complex	
East	MF1	Hospital	
West	2F	Single-family dwellings	

COMPREHENSIVE PLAN COMPLIANCE:

The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan, Trails Master Plan and other adopted plans:

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character	Y
CP	Map 5.2 - Thoroughfare Plan	Y
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Y
CTMP	Citywide Trails Master Plan Map	Y

CP = Comprehensive Plan AMP = Airport Master Plan CTMP = Citywide Trails Master Plan

Future Land Use and Character (CP Map 3.1)

The request, with its enhanced amenities described below, conforms to the Future Land Use and Character Map which designates the property as TMED.

Thoroughfare Plan (CP Map 5.2)

This request conforms to the Thoroughfare Plan since the subject tract has access to S. 1st Street and W. Avenue P, designated as Arterial and Local streets, respectively.

Availability of Public Facilities (CP Goal 4.1)

A 12-inch water line and a six-inch sewer line serve the site. Public facilities are available.

Citywide Sidewalk and Trails Master Plan (Spine Trail Map)

The Citywide Sidewalk and Trails Master Plan calls for a spine trail, which may be composed of concrete that is 10 to 12 feet in width along the S. 1st Street Corridor. The proposed sidewalk conforms to such recommendation.

ENHANCED AMENITIES: Enhancements related to TMED are shown on the attached binding site development plan and elevations. They will be attached to the ordinance that approves the planned development and are legally binding on the applicant. In order to receive building permit approval from staff, the submitted drawings for the permit must comply with the approved site development plan and elevations. Below is a description of the enhancements that these two documents show.

Public Frontages

An important part of the TMED form-based code is the requirement that the frontage of a property within the public right-of-way be furnished with public amenities such as generous sidewalks and street trees. These amenities make walking more appealing. The binding site development plan shows a total of 17 trees along the S. 1st St., S. 5th St. and W. Ave. P rights-of-way. The City's existing Zoning Ordinance allows trees in the right-of-way but does not require them as a public amenity. In addition, a 10-foot wide sidewalk is provided along S. 1st St. and a six-foot wide sidewalk is provided along S. 5th St. and W. Ave. P. The landscaping beneath the street trees in the right-of-way will consist of Asian Jasmine, which is a type of groundcover more suited for urban environments than sod or hydromulch.



Asian Jasmine

Private Frontages

Private frontage is the area of the private property between the property line and the building facade. In order to create a pedestrian oriented area, the TMED form-based code allows minimal parking in front of the building. The site plan reflects this concept by showing only a single row of “teaser parking” along the front property line. The row of parking is screened by a solid hedge row across the frontage adjacent to S. 1st Street. Very little private frontage exists along W. Ave. P. The building is brought right up to the property line with the awnings and street trees working together to make the sidewalk more walkable. Public and private street trees on S. 5th Street make that adjacent sidewalk shaded and walkable.

Parts of the building façade are also considered private frontage. The site development plan and elevations show use of awnings to give visual interest to the storefront and provide shade. In addition, real and faux windows are used to reduce the amount of blank wall on the building. This is especially important for the W. Ave. P frontage because pedestrians feel more comfortable walking along a wall that is not blank but instead has some patterned architectural elements such as a sequence of windows.

Building Disposition

The building is as close to S. 1st Street as the City and the applicant could reach consensus on. As TMED develops it is important to maintain a consistent wall plane along the block face, just as one would typically see downtown. The building is very close to the property line along W. Ave. P, which, as stated above, is a pedestrian-related enhancement.

Building Configuration

The TMED form-based code requires buildings along S. 1st to be between two and three stories in height. The form-based code also requires a mixing of uses with retail on the first floor and office or residential use on the second floor. The applicant could not commit to building a true second story so he and the City reached a compromise that a faux second story would be provided along the S. 1st Street façade and along both sides of the building, as shown on the attached elevations. The TMED form-based code does not require a certain architectural theme, but the building will be composed of limestone, soapstone and plaster along its primary and secondary facades. The rear of the building meets the basic masonry standards of the zoning ordinance.

This is advantageous to the City and owner because should the proposed Dollar General go out of business, the building could be marketed for any permitted use, rather than only for another chain format store.

PUBLIC NOTICE:

Eighteen notices of the Planning and Zoning Commission public hearing were sent out. As of September 29 at 5 PM, three notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on September 23, 2010 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of Z0FY-10-54, a rezoning from GR and 2F to PD-GR, including the binding site development plan and elevations, with the following stipulations:

1. Except as modified by the binding site development plan, the use and development standards of the property must conform to the requirements of the General Retail zoning district.
2. In the event of a conflict between the site development plan and the text of the Planned Development ordinance, the stricter standard applies.
3. Notwithstanding what is shown on the site development plan, street tree placement along S. 1st Street is subject to approval of the Texas Department of Transportation (TxDOT). In no case may a reduction in the number of trees adjacent to any public right-of-way be reduced as a result of TxDOT policy.
4. One monument sign, and no other freestanding sign type is allowed on the property as depicted on the site development plan. If built, the monument sign must have a maximum area of 50 square feet and a maximum height of four feet.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial
Land Use and Character Map
Thoroughfare Plan Map
Utility Map
Zoning Map
Binding Site Development Plan
Binding Elevations
Notice Map
Response Letters

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

MONDAY, OCTOBER 4, 2010

ACTION ITEMS

Item 2: Z-FY-10-54: Hold a public hearing to discuss and recommend action on a rezoning from Two Family District (2F) and General Retail District (GR) to Planned Development (General Retail) District (PD-GR) on Lots 4 - 6, and 10 - 12, Block 5, Eugenia Terrace Addition, located at 1510 South 1st Street. (Applicant: Jim Gunn for Temple G2K Development Partners, LLC)

Mr. Brian Mabry, Planning Director, stated this request was for a Family Dollar Store and although the applicant was unable to attend the meeting, he was in agreement with everything being presented regarding the site plan and building elevations. The proposed Family Dollar would be 8,000 square feet on property zoned GR and 2F and located at the Lamar Motel near South 1st and Avenue P.

Grant money in the amount of approximately \$65,000 had been proposed to the applicant to provide enhanced amenities on the site which were in line with the TMED standards. The purpose of TMED was to have a walkable, mixed use, more urban environment. The Planned Development being recommended by Staff and the grant provide for certainty as to how the site would develop. Staff and applicant were excited about this development and Staff recommended approval.

The surrounding property had a vacant bar to the south, the VA to the east, single family residential to the west, and a tire shop and single family dwellings to the north.

The Future Land Use and Character Map indicated the area as TMED, the Thoroughfare Plan showed South 1st as an arterial and West , the Thoroughfare Plan just off of 1st Street was an arterial and west Avenue P and south 3rd were local streets, and water and sewer are available to serve the property.

The Citywide Hike & Bike Master Plan called for a Citywide spine trail along the front. The trail was actually a sidewalk, 10' wide. The front portion of the property is zoned GR and the rear was zoned 2F and in order for the development to take place the back portion needed to be rezoned to GR. The site plan for the property if adopted and approved, would be binding.

A 10 foot sidewalk along the front and 6 foot wide sidewalk along Avenue P and 3rd Street would be required under the proposed TMED standards. Minimal parking would be in front of the building to get the building closer to the street. One TMED element was to minimize surface parking and have buildings close to the street to make the area more walkable. A screening hedge would be in place for the parking along 1st Street and the awnings would be built almost at the property line to create a walkable environment.

The proposed awnings would be along the front and sides and would provide shade along Avenue P and visual interest. The awnings would be red to represent and substitute for the Family Dollar's brand of a red stripe. Real and faux windows would be intermixed on Avenue P and 1st Street sides to break up the blank wall effect. The applicant proposed a single story, however, under the proposed TMED requirements, two stories are required along 1st Street. Buildings are required to have a mix of uses for retail and residential in the proposed TMED standards. As part of the PD, the applicant and City have compromised on a false second story to be added along the front and a portion of the side on Avenue P and on the north.

18 notices were mailed out; three were received in favor and zero were received in opposition.

Staff recommended approval of this rezoning from GR and 2F to PD-GR, including the binding site plan and elevations, with the following stipulations:

1. Except as modified by the binding site development plan, the use and development standards of the property must conform to the requirements of the General Retail zoning district.
2. In the event of a conflict between the site development plan and the text of the Planned Development ordinance, the stricter standard applies.
3. Notwithstanding what is shown on the site development plan, street tree placement along South 1st Street is subject to approval of the Texas Department of Transportation (TxDOT). In no case may a reduction in the number of trees adjacent to any public right-of-way be reduced as a result of TxDOT policy.
4. One monument sign, and no other freestanding sign type is allowed on the property as depicted on the site development plan. If built, the monument sign must have a maximum area of 50 square feet and a maximum height of four feet.

Commissioner Barton asked if TMED had been approved and Mr. Mabry stated no, it would come to P&Z for a workshop and recommendation probably in late November and then go to City Council for final readings in December and/or January.

Commissioner Barton asked about the TMED two-story requirement, if approved, and would that be considered a variance in the future. Mr. Mabry stated since this was a Planned Development Staff worked with the applicant to try and reach a compromise. The applicant could not commit to building a true second story so he and the City reached a compromise that a faux second story would be provided along the S. 1st Street façade and along both sides of the building. Once TMED was adopted, the base standard would be to have two stories. If someone could not provide two stories, a true hardship would need to be proven and would go before the Zoning Board of Adjustment for a real variance approval.

Commissioner Barton asked if the trees would have grates on the 1st Street side. Mr. Mabry stated right now, no, but discussions with TxDOT are still ongoing. Commissioner Barton asked if TMED have tree grates written into the Ordinance and Mr. Mabry stated parts of the Code do along certain portions of 1st and 5th, but the City was still working with TxDOT to finalize.

Commissioner Barton noted the date on the report was 10/07/10 and Mr. Mabry stated that should have been 10/04/10.

Commissioner Staats asked about the second story and if it would just be a façade with nothing behind it and Mr. Mabry stated that was correct and would be used for screening of mechanical equipment, etc.

Commissioner Sears asked about the maintenance of the trees and landscaping and Mr. Mabry stated maintenance would be the responsibility of the property owner, even if it were in the right-of-way.

Vice-Chair Martin opened the public hearing. There being no speakers, Vice-Chair Martin closed the public hearing.

Vice-Chair Martin stated he appreciated the applicant working with the City for the first development in the TMED and would look very nice.

Commissioner Staats made a motion to approve **Z-FY-10-54** with the exceptions and Commissioner Pilkington made a second.

Motion passed: (7:0)

Commissioner Pope and Chair Talley absent

[PLANNING NO. Z-FY-10-54]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM TWO FAMILY DISTRICT (2F) AND GENERAL RETAIL DISTRICT (GR) TO PLANNED DEVELOPMENT GENERAL RETAIL DISTRICT (PD-GR) ON LOTS 4—6, AND 10—12, BLOCK 5, EUGENIA TERRACE ADDITION, LOCATED AT 1510 SOUTH 1ST STREET, IN ACCORDANCE WITH SECTIONS 7-500 THROUGH 7-509 OF THE COMPREHENSIVE ZONING ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the owner of the property consisting of Lots 4—6, and 10—12, Block 5, Eugenia Terrace Addition, located at 1510 South 1st Street, has requested that the property be rezoned from Two Family District (2F) and General Retail District (GR) to Planned Development General Retail District (PD-GR); and

Whereas, the City Council, after notice and a public hearing, finds that it is in the public interest to authorize this action.

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

Part 1: The City Council approves a zoning change from Two Family District (2F) and General Retail District (GR) to Planned Development General Retail District (PD-GR) on the property consisting of Lots 4—6, and 10—12, Block 5, Eugenia Terrace Addition, Temple, Bell County, Texas, located at 1510 South 1st Street, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: In accordance with Sections 7-500 through 7-509 of the Comprehensive Zoning Ordinance of the City of Temple, Texas, Ordinance No. 91-2101, is amended by changing the zoning classification of the property described in Part 1 above, to Planned Development General Retail District, and shall comply with all applicable sections of the Code of Ordinances of the City of Temple, Texas, and all local, State and Federal laws and regulations as they may now read or hereafter be amended, including but not limited to the following conditions:

- (a) Except as modified by the binding site development plan, attached hereto as Exhibit B, the use and development standards of the property must conform to the requirements of the General Retail zoning district.
- (b) In the event of a conflict between the site development plan and the text of the Planned Development ordinance, the stricter standard applies.
- (c) Notwithstanding what is shown on the site development plan, street tree placement along S. 1st Street is subject to approval of the Texas Department of Transportation

(TxDOT). In no case may a reduction in the number of trees adjacent to any public right-of-way be reduced as a result of TxDOT policy.

- (d) One monument sign, and no other freestanding sign type is allowed on the property as depicted on the site development plan. If built, the monument sign must have a maximum area of 50 square feet and a maximum height of four feet.

These conditions shall be expressed conditions of any building permit issued for construction on the property which may be enforced by the City of Temple by an action either at law or in equity, including the right to specifically enforce the requirements of the ordinance, and these requirements shall run with the land.

Part 4: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

Part 5: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

Part 6: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

PASSED AND APPROVED on First Reading and Public Hearing on the **21st** day of **October**, 2010.

PASSED AND APPROVED on Second Reading on the **4th** day of **November**, 2010.

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

11/04/10
Item #4(H)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-10-33: Consider adopting an ordinance authorizing a Conditional Use Permit allowing a package store with alcoholic beverage sales for off-premise consumption on the South one-half of Lot 1, Block 292-1, Temple Original at 1 North 6th Street. **(Note: approval of this item will require four affirmative votes of the City Council)**

PLANNING & ZONING COMMISSION RECOMMENDATION: At its August 2, 2010 meeting, the Planning and Zoning Commission voted 7/0 to recommend denial of a Conditional Use Permit to allow a package store with alcoholic beverage sales for off-premise consumption on the subject property.

Chair Pilkington and Commissioner Hurd were absent.

Due to the recommendation for denial from the Planning and Zoning Commission, in order for the City Council to approve this CUP, a minimum of four favorable votes is required.

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

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-10-33, from the Planning and Zoning Commission meeting, August 2, 2010.

This case was originally presented to the Planning and Zoning Commission on May 17, 2010. The Planning and Zoning Commission voted 5/3 to deny approval of the Conditional Use Permit (CUP) for a package store at the subject property.

As a result, on June 3, 2010, the original proposal was not approved at City Council due to a lack of a second of a Council member's motion for approval.

The applicant revised the CUP site plan and resubmitted it for Planning and Zoning Commission review and recommendation on August 2, 2010. The primary outstanding issue was meeting the off-street parking requirement for package stores. The applicant was relying on a parking agreement with a property to the east in order to meet the off-street parking requirement. The Planning and Zoning Commission voted 7/0 to recommend denial. The revised application went to City Council on August 19, 2010 but the applicant voluntarily tabled the application because the property owner to the east

rescinded the parking agreement. The Council held a public hearing but did not vote on the application.

The applicant has since revised the site plan again to show off-street parking on the adjacent lot to the north that a duplex currently occupies. The applicant plans on buying the duplex property, demolishing the duplex and providing off-street parking on the property. An abbreviated copy of the contract to purchase the property and an earnest money check for \$500 is attached to this report. The site plan shows adequate parking spaces at the rate of one space per 250 square feet of retail floor area. In addition, the parking area shows a planter strip along the subject building that is 500 square feet in area.

COMPREHENSIVE PLAN COMPLIANCE: The proposed CUP relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan:

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character	Y*
	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Y*
	Map 5.2 - Thoroughfare Plan	Y*
STP	NA	NA

* = See Comments Below CP = Comprehensive Plan STP = Sidewalk and Trails Plan

Future Land Use and Character (CP Map 3.1)

The request conforms to the Future Land Use and Character Map which designates the property as Auto Urban Commercial.

Thoroughfare Plan (CP Map 5.2)

This request conforms to the Thoroughfare Plan since the subject tract has access to North 6th Street, a local street on the Thoroughfare Plan and Central Avenue, designated an Arterial street.

Availability of Public Facilities (CP Goal 4.1)

A six-inch water line and a six-inch sewer line serve the site.

CUP APPROVAL CRITERIA:

Part of the CUP process is for the P&Z and City Council to utilize their discretionary abilities in making a recommendation and taking final action. As a guide, the Zoning Ordinance establishes seven general criteria for evaluation of all CUPs. They are listed below the P&Z's consideration:

1. The conditional use permit will be compatible with and not injurious to the use and enjoyment of the property, nor significantly diminish or impair property values within the immediate vicinity;
2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property;
3. Adequate utilities, access roads, drainage, and other necessary support facilities have been or will be provided;
4. The design, location, and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development;
5. Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise, and vibration;
6. Directional lighting will be provided so as not to disturb or adversely affect neighboring properties; and
7. There is sufficient landscaping and screening to insure harmony and compatibility with adjacent property.

Many of the comments of the adjacent property owners relate to criterion #1.

PUBLIC NOTICE:

Ten notices of the Planning and Zoning Commission public hearing were sent out. As of Monday, August 9 at 5 PM, four notices were returned in favor of and three notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on July 22, 2010 in accordance with state law and local ordinance

FISCAL IMPACT: NA

ATTACHMENTS:

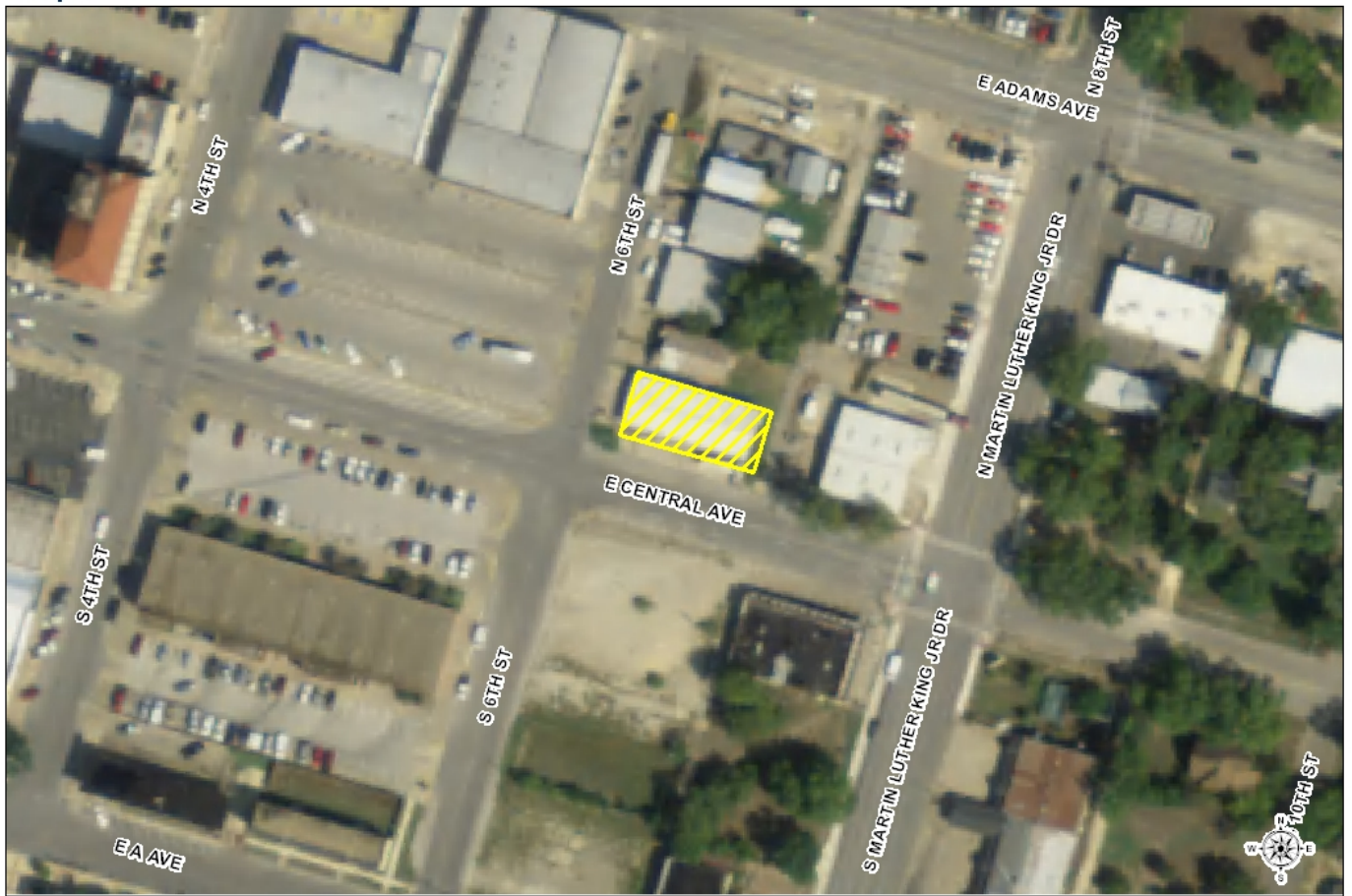
Aerial
Land Use and Character Map
Zoning Map
Utility Map
CUP Site Plan
Contract to Purchase Duplex Property (abbreviated)
Notice Map
Response Letters
P&Z Staff Report (Z-FY-10-33)
P&Z Minutes (08/02/10)
Ordinance



Z-FY-10-33

Temple Original, Blk 292, S 1/2 of Lot 1

1 N 6th Street



Feet 0 50 100 150

J Stone 5.25.10

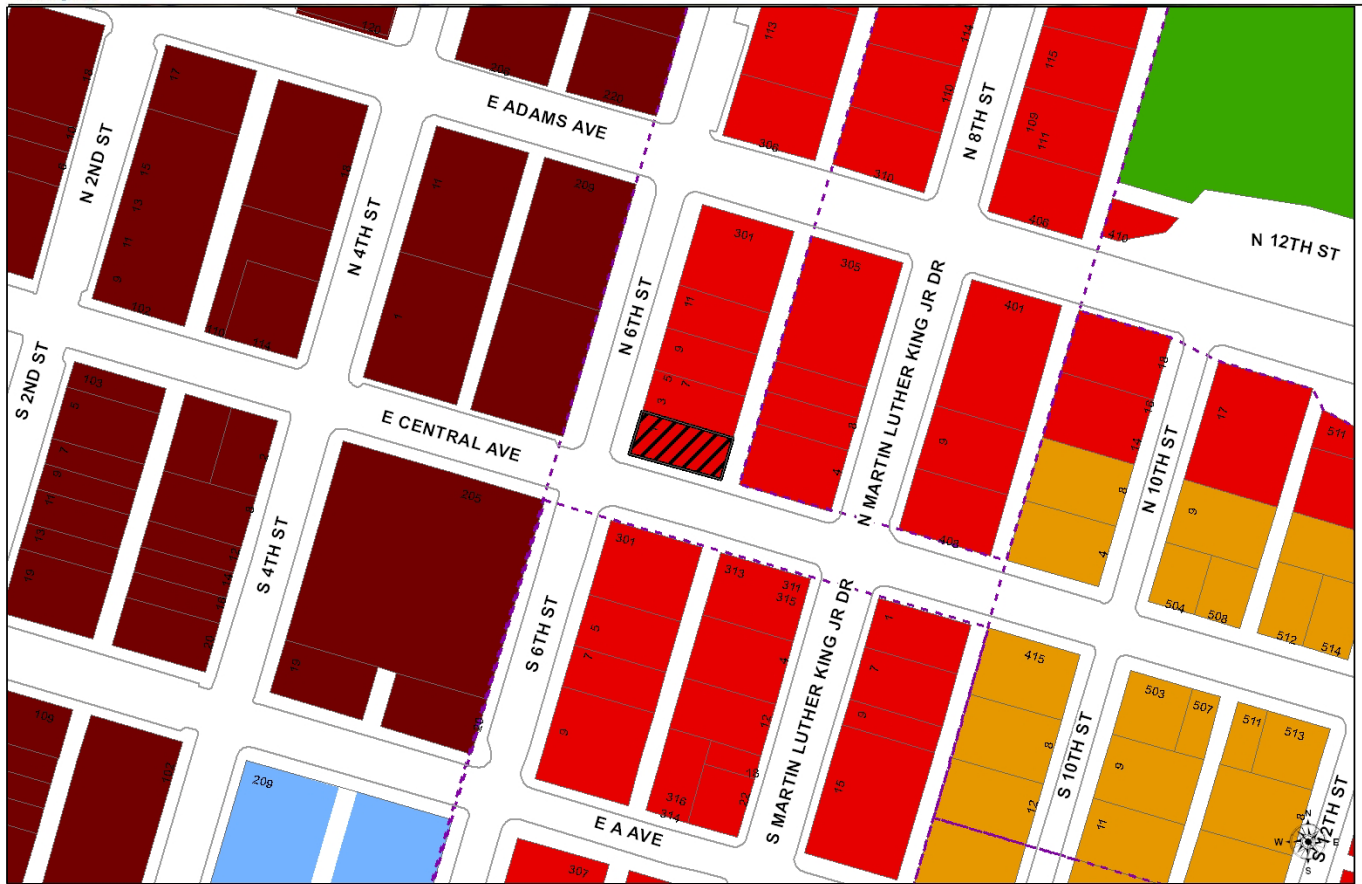
 ZFY 1033



Z-FY-10-33

Temple Original, Blk 292, S 1/2 of Lot 1

1 N 6th Street



Z-FY-10-28

Neighborhood Conservation



Estate Residential



Suburban Residential



Auto-Urban Residential



Auto-Urban Multi-Family



Auto-Urban Mixed Use



Auto-Urban Commercial



Suburban Commercial



Industrial



Urban Center



Temple Medical Education District



Business park



Public/Institutional



Agricultural/Rural



Parks and Open Space

1 inch = 150 feet

J Stone 4.14.10



Z-FY-10-33

Temple Original, Blk 292, S 1/2 of Lot 1

1 N 6th Street



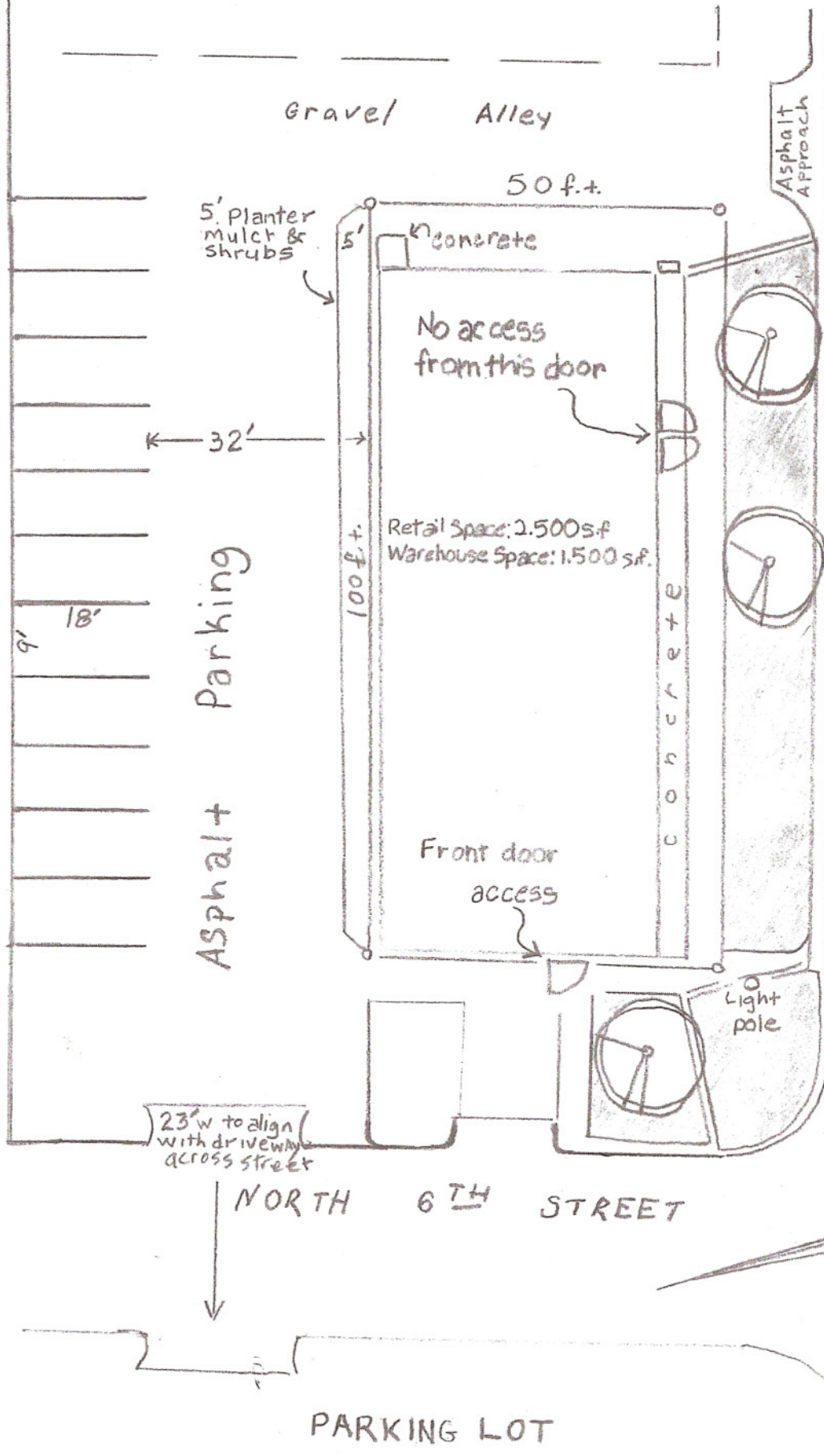


Z-FY-10-33

Temple Original, Blk 292, S 1/2 of Lot 1

1 N 6th Street





Note: Only wall signs are permitted Free-standing signs are prohibited.

EAST CENTRAL AVENUE



Min. 5' 2" calip
Canopy Tree
as listed in Zon
Ordinance



Asian Jasmine
Liriope



PROMULGATED BY THE TEXAS REAL ESTATE COMMISSION (TREC)
ONE TO FOUR FAMILY RESIDENTIAL CONTRACT (RESALE)

06-30-08

NOTICE: Not For Use For Condominium Transactions

1. **PARTIES:** The parties to this contract are Jon Mark Johnson, Guadalupe Johnson (Seller) and Richard Lewis Heating & Air (Buyer). Seller agrees to sell and convey to Buyer and Buyer agrees to buy from Seller the Property defined below.

2. **PROPERTY:**

A. **LAND:** Lot N 1/2 of 1 Block 292,
Temple Original Addition, City of
Temple, County of Bell
Texas, known as 3 North 6th Street 76501 (address/zip code), or as described on attached exhibit.

B. **IMPROVEMENTS:** The house, garage and all other fixtures and improvements attached to the above-described real property, including without limitation, the following **permanently installed and built-in items**, if any: all equipment and appliances, valances, screens, shutters, awnings, wall-to-wall carpeting, mirrors, ceiling fans, attic fans, mail boxes, television antennas and satellite dish system and equipment, heating and air-conditioning units, security and fire detection equipment, wiring, plumbing and lighting fixtures, chandeliers, water softener system, kitchen equipment, garage door openers, cleaning equipment, shrubbery, landscaping, outdoor cooking equipment, and all other property owned by Seller and attached to the above described real property.

C. **ACCESSORIES:** The following described related accessories, if any: window air conditioning units, stove, fireplace screens, curtains and rods, blinds, window shades, draperies and rods, controls for satellite dish system, controls for garage door openers, entry gate controls, door keys, mailbox keys, above ground pool, swimming pool equipment and maintenance accessories, and artificial fireplace logs.

D. **EXCLUSIONS:** The following improvements and accessories will be retained by Seller and must be removed prior to delivery of possession: All personal items, wall heater, appliances, window units will be removed prior to demolishing bldg.
The land, improvements and accessories are collectively referred to as the "Property".

3. **SALES PRICE:**

A. Cash portion of Sales Price payable by Buyer at closing \$ 40,000.00
B. Sum of all financing described below (excluding any loan funding fee or mortgage insurance premium) \$ _____
C. Sales Price (Sum of A and B) \$ 40,000.00

4. **FINANCING:** The portion of Sales Price not payable in cash will be paid as follows: (Check applicable boxes below)

☐ A. **THIRD PARTY FINANCING:** One or more third party mortgage loans in the total amount of \$ _____ (excluding any loan funding fee or mortgage insurance premium).

(1) **Property Approval:** If the Property does not satisfy the lenders' underwriting requirements for the loan(s), this contract will terminate and the earnest money will be refunded to Buyer.

(2) **Financing Approval:** (Check one box only)

☐ (a) This contract is subject to Buyer being approved for the financing described in the attached Third Party Financing Condition Addendum.

☐ (b) This contract is not subject to Buyer being approved for financing and does not involve FHA or VA financing.

☐ B. **ASSUMPTION:** The assumption of the unpaid principal balance of one or more promissory notes described in the attached TREC Loan Assumption Addendum.

☐ C. **SELLER FINANCING:** A promissory note from Buyer to Seller of \$ _____, secured by vendor's and deed of trust liens, and containing the terms and conditions described in the attached TREC Seller Financing Addendum. If an owner policy of title insurance is furnished, Buyer shall furnish Seller with a mortgagee policy of title insurance.

5. **EARNEST MONEY:** Upon execution of this contract by all parties, Buyer shall deposit \$ 500.00 as earnest money with Centraland Title Company, as escrow agent, at 2005 Birdcreek Drive, Temple, TX 76502 (address). Buyer shall deposit additional earnest money of \$ N/A with escrow agent within _____ days after the effective date of this contract. If Buyer fails to deposit the earnest money as required by this contract, Buyer will be in default.

6. **TITLE POLICY AND SURVEY:**

A. **TITLE POLICY:** Seller shall furnish to Buyer at ☐ Seller's ☒ Buyer's expense an owner policy of title insurance (Title Policy) issued by Centraland Title Company (Title Company) in the amount of the Sales Price, dated at or after closing, insuring Buyer against loss under the provisions of the Title Policy, subject to the promulgated exclusions

(TAR 1601) 06-30-08 Initialed for identification by Buyer RL and Seller mgj TREC NO. 20-8 Page 1 of 8

Hal Dunn Realty PO Box 4215 Temple, TX 76505
Hal Dunn

Phone: 254.773.7222

Fax: 254.742.1615

Produced with ZipForm® by zipLogix 18070 Fifteen Mile Road, Fraser, Michigan 48026 www.ziplogix.com

Lewis - 3 North 6th

15091

P.O. Box 6136 (254) 771-5550
Temple, Texas 76503-6136



First State Bank
Central Texas
Friendly Style Banking

88-1000/1119
01

9-24-10

DATE

Centralized Title Company — \$ 500.⁰⁰/₁₀₀
Five Hundred & no/100

DOLLARS

Enclosed 3 N. 6th St

Betty Lewis

⑈015091⑈ ⑆111910005⑆ 001 161 9⑈

THE POINT
147 FM 2483 PH. 254-780-1540
MORGANS POINT RESORT
BELTON, TX 76513

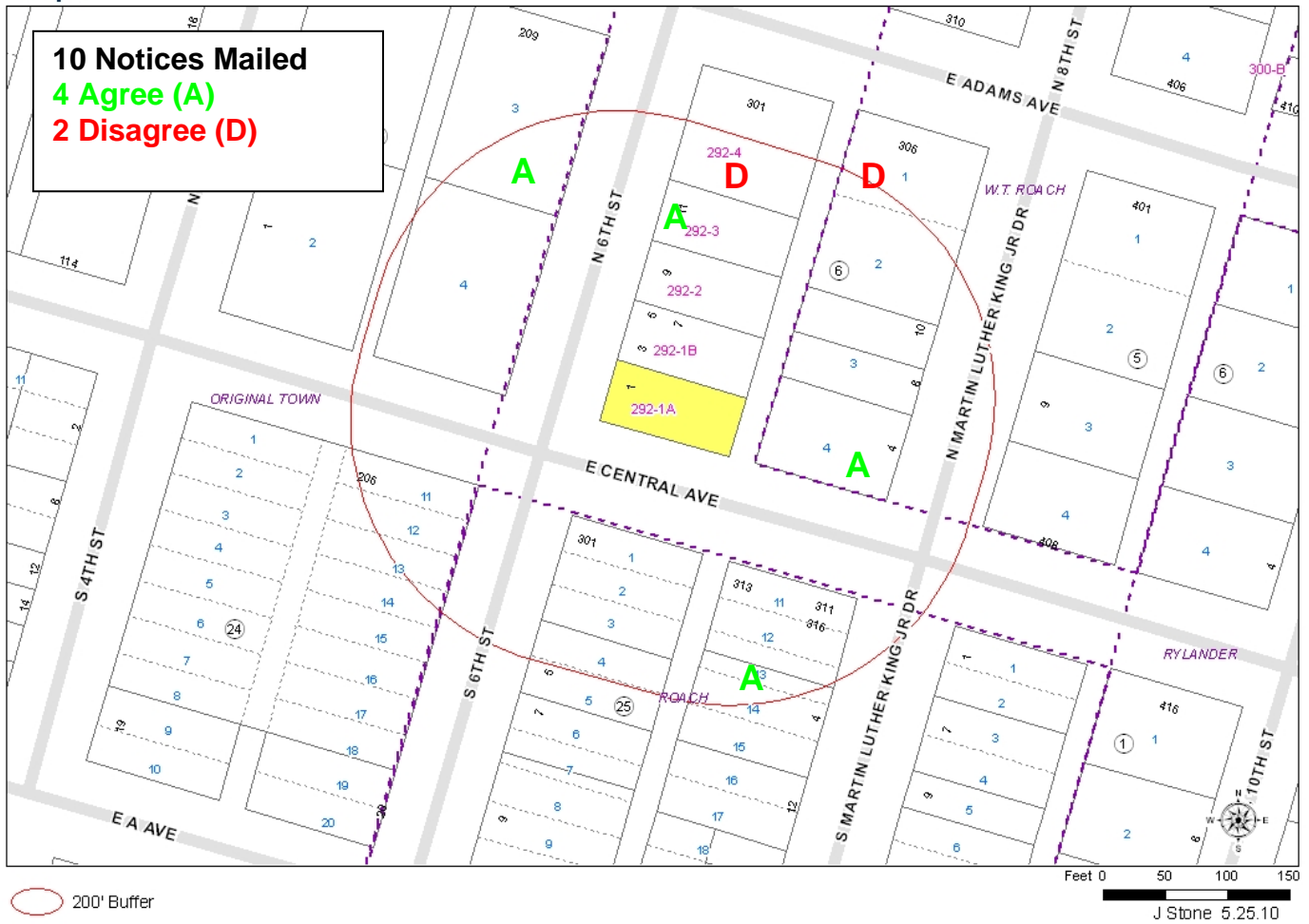
PAY
TO THE
ORDER OF



Z-FY-10-33

Temple Original, Blk 292, S 1/2 of Lot 1

1 N 6th Street





**2nd RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT
CITY OF TEMPLE**

Central Texas Mortuary LLC
11 North 6th Street
Temple, Texas 76701

Zoning Application Number: Z-FY-10-33

Project Manager: Brian Mabry

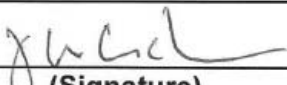
Proponent/Applicant: Mike Grisham for Carmela Thomas

This 2nd notice of a public hearing is being sent to you because the Planning and Zoning Commission did not have enough members to conduct a meeting on July 19, 2010. The Planning and Zoning Commission will consider this request for a Conditional Use Permit on August 2, 2010.

The proposed request for a Conditional Use Permit is the area shown in hatched marking on the attached map. The Conditional Use Permit will allow the sales of distilled liquors, wines and beers in unbroken original containers in a package store for off-premises consumption. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have.

I recommend ☒ approval () denial of this request.

Comments:


(Signature)

J.W. Anderson
(Print Name)

Please mail or hand-deliver this comment form to the address shown below, no later than August 2, 2010

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

JUL 27 2010

City of Temple
Planning & Development

Number of Notices Mailed: 10

Date Mailed: July 22, 2010



**RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT
CITY OF TEMPLE**

Michael T. Etux Cody Cramer, Jr.
40 Market Loop
Belton, Texas 76513

Zoning Application Number: Z-FY-10-33

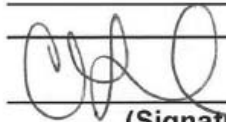
Project Manager: Brian Mabry

Proponent/Applicant: Mike Grisham for Carmela Thomas

The proposed request for a Conditional Use Permit is the area shown in hatched marking on the attached map. The Conditional Use Permit will allow the sales of distilled liquors, wines and beers in unbroken original containers in a package store for off-premises consumption. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have.

I recommend ☒ approval ☐ denial of this request.

Comments:


(Signature)

Cody Cramer
(Print Name)

Please mail or hand-deliver this comment form to the address shown below, no later than July 19, 2010.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

JUL 15 2010

City of Temple
Planning & Development

Number of Notices Mailed: 10

Date Mailed: July 8, 2010



**2nd RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT
CITY OF TEMPLE**

Amanda Krcha
8817 Oak Hills Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-10-33

Project Manager: Brian Mabry

Proponent/Applicant: Mike Grisham for Carmela Thomas

This 2nd notice of a public hearing is being sent to you because the Planning and Zoning Commission did not have enough members to conduct a meeting on July 19, 2010. The Planning and Zoning Commission will consider this request for a Conditional Use Permit on August 2, 2010.

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I recommend () approval ☒ denial of this request.

Comments:

There are enough homeless drunks laying around this neighborhood without a liquor store so I think this would be a horrible addition to the neighborhood.

I am not in favor of this request & this is the 3rd time I've sent in my comments!

Amanda Krcha
(Signature)

AMANDA KRCHA
(Print Name)

Please mail or hand-deliver this comment form to the address shown below, no later than August 2, 2010.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

JUL 26 2010

City of Temple
Planning & Development

Number of Notices Mailed: 10

Date Mailed: July 22, 2010



**RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT
CITY OF TEMPLE**

ORO Holdings Ltd
P.O. Box 449
Temple, Texas 76503-449

Zoning Application Number: Z-FY-10-33

Project Manager: Brian Mabry

Proponent/Applicant: Mike Grisham for Carmela Thomas

The proposed request for a Conditional Use Permit is the area shown in hatched marking on the attached map. The Conditional Use Permit will allow the sales of distilled liquors, wines and beers in unbroken original containers in a package store for off-premises consumption. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have.

I recommend (☒) approval (☐) denial of this request.

Comments:


(Signature)

Barry GIRDEN
(Print Name)

Please mail or hand-deliver this comment form to the address shown below, no later than July 19, 2010.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

Number of Notices Mailed: 10

Date Mailed: July 8, 2010



**2nd RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT
CITY OF TEMPLE**

Southwest Federated Inc.
1150 North Loop 1604 W
San Antonio, Texas 78248

Hey! I'm running out of stamps :)

Zoning Application Number: Z-FY-10-33

Project Manager: Brian Mabry

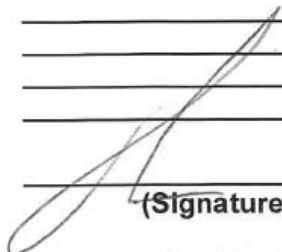
Proponent/Applicant: Mike Grisham for Carmela Thomas

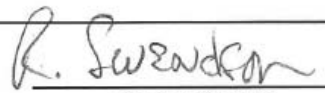
This 2nd notice of a public hearing is being sent to you because the Planning and Zoning Commission did not have enough members to conduct a meeting on July 19, 2010. The Planning and Zoning Commission will consider this request for a Conditional Use Permit on August 2, 2010.

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I recommend ☒ approval () denial of this request.

Comments:


(Signature)


(Print Name)

Please mail or hand-deliver this comment form to the address shown below, no later than August 2, 2010.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

JUL 23 2010

City of Temple
Planning & Development

Number of Notices Mailed: 10

Date Mailed: July 22, 2010



**RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT
CITY OF TEMPLE**

David & Randy Sodek
909 West Park
Temple, Texas 76501

Zoning Application Number: Z-FY-10-33

Project Manager: Brian Mabry

Proponent/Applicant: Mike Grisham for Carmela Thomas

The proposed request for a Conditional Use Permit is the area shown in hatched marking on the attached map. The Conditional Use Permit will allow the sales of distilled liquors, wines and beers in unbroken original containers in a package store for off-premises consumption. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have.

I recommend () approval ☒ denial of this request.

Comments:

David Sodek
(Signature)

DAVID SODEK
(Print Name)

Please mail or hand-deliver this comment form to the address shown below, no later than July 19, 2010.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

JUL 14 2010

City of Temple
Planning & Development

Number of Notices Mailed: 10

Date Mailed: July 8, 2010



PLANNING AND ZONING COMMISSION AGENDA ITEM

08/02/10
Item #7
Regular Agenda
Page 1 of 5

APPLICANT: Mike Grisham for Carmella Thomas

CASE MANAGER: Brian Mabry, AICP, Interim Planning Director

ITEM DESCRIPTION: Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow a package store with alcoholic beverage sales for off-premise consumption on the South one-half of Lot 1, Block 292-1, Temple Original at 1 North 6th Street. Zoned Central Area District (CA).

BACKGROUND: This case was originally presented to the Planning and Zoning Commission (P&Z) on May 17, 2010. The P&Z voted 5/3 to deny approval of the Conditional Use Permit (CUP) for a package store at the subject property. Among the expressed concerns at the P&Z and City Council public hearings were:

- **Parking:** The legitimacy and usefulness of the off-street parking on a lot across the alley behind the proposed package store;
- **Parking:** The potential for patrons of the proposed store to park in the right-of-way public parking in front of the adjacent duplex;
- **Trespassing:** The possibility of patrons trespassing through the narrow space between the proposed package store and the adjacent duplex; and
- **Policy:** Appropriateness of allowing a package store at this location east of downtown.

As a result, the proposal was not approved at City Council due to a lack of a second of a Council member's motion for approval.

The current submittal attempts to address the previous concerns that were raised at P&Z and City Council. See the CONCERNS section below.

Surrounding Property and Uses

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

Direction	Zoning	Current Land Use	Photo
Subject Property	CA	Vacant building	
North	CA	Duplex	
South	CA	Public parking lot	
East	CA	Alley/vacant building	
West	CA	Public parking lot	

COMPREHENSIVE PLAN COMPLIANCE: The proposed CUP relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan:

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character	Y*
	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Y*
	Map 5.2 - Thoroughfare Plan	Y*
STP	NA	NA

* = See Comments Below CP = Comprehensive Plan STP = Sidewalk and Trails Plan

Future Land Use and Character (CP Map 3.1)

The request conforms to the Future Land Use and Character Map which designates the property as Auto Urban Commercial.

Thoroughfare Plan (CP Map 5.2)

This request conforms to the Thoroughfare Plan since the subject tract has access to North 6th Street, a local street on the Thoroughfare Plan and Central Avenue, designated an Arterial street.

Availability of Public Facilities (CP Goal 4.1)

A six-inch water line and a six-inch sewer line serve the site.

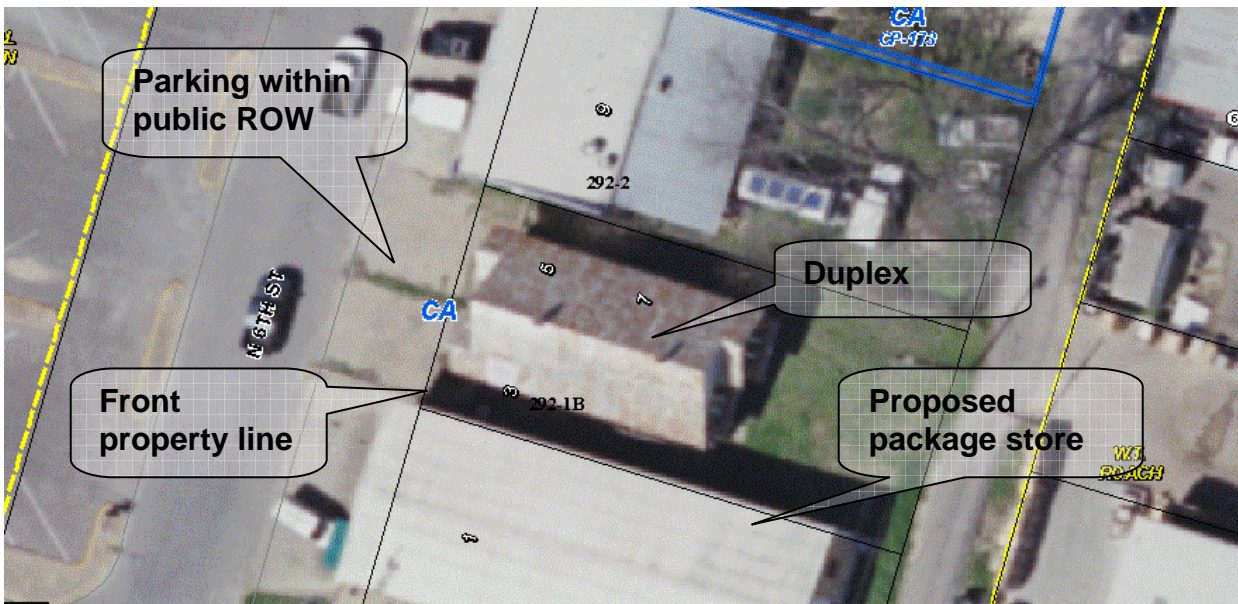
CONCERNS:

Parking

The specific use standards for package stores, adopted by City Council and codified in Sec. 7-611.5 of the Zoning Ordinance, requires that a package store have one on-site parking space per 250 square feet of retail area. Sec. 10-100 of the Zoning Ordinance states that parking is required on a "lot or tract or on an immediately contiguous lot or tract, or on a lot or tract within 150 feet of such building or structure." Therefore Staff's interpretation of the two provisions is that parking a maximum of 150 away from the subject building satisfies the "on-site" parking requirement.

At the time of the original P&Z and City Council public hearings, the applicant had secured a parking agreement for 10 spaces for a duration of 20 years. This would have satisfied the on-site parking requirement described above. However, since that time, the person leasing the spaces to the potential package store operator has canceled the lease. The applicant approached the City about leasing 10 spaces from a nearby public parking lot, but the City Manager declined the offer. At this time, no on-site or off-premises private parking is in place for the proposed package store.

One final parking concern that the owner of the adjacent duplex raised at previous meetings was that the parking in front of the duplex might be used by patrons of the package store, rather than his tenants. As demonstrated in the picture below, the parking in front of the duplex is in the public right-of-way and is therefore available to the general public, regardless of destination. The duplex owner could apply for a street use license to reserve the adjacent right-of-way parking spaces for the duplex. This is a solution consistent with previous similar situations in which a private property owner wanted to reserve adjacent public right-of-way parking spaces for his or her own use.



On the attached site plan, staff additionally recommends four spaces along E. Central Avenue to not be landscaped over in order to discourage parking directly in front of the duplex.

Trespassing

The owner of the duplex, Jon Johnson, expressed concern about trespassing and loitering in the space between the duplex and the proposed package store. The space between the two buildings belongs to Mr. Johnson. As shown on the attached site plan, the package store applicant proposes a fence at the front property line between the two structures and along the rear property line as a preventative measure. Of course, the duplex owner would need to give his permission for this to occur. At the time of writing this staff report, Staff is unaware of such permission being given, but Staff does know that the applicant and duplex owner are in conversation on the matter.

Such trespass was not a Staff concern originally because in the original submittal, the entrance to the building was proposed along E. Central Avenue. Due to the impracticality of building a properly sloped ADA-compliant ramp at this entrance, the applicant has elected to use the entrance along N. 6th Street instead. This location makes it more likely that patrons may walk between the two buildings if they parked across the alley, so Staff thinks that the fences should be required.

Policy

Various stakeholders have raised concern as to whether the subject property is a good location for a package store or not. Part of the CUP process is for the P&Z and City Council to utilize their discretionary abilities in making a recommendation and taking final action. As a guide, the Zoning Ordinance establishes seven general criteria for evaluation of all CUPs. They are listed below the P&Z's consideration:

1. The conditional use permit will be compatible with and not injurious to the use and enjoyment of the property, nor significantly diminish or impair property values within the immediate vicinity;
2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property;
3. Adequate utilities, access roads, drainage, and other necessary support facilities have been or will be provided;
4. The design, location, and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development;

5. Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise, and vibration;
6. Directional lighting will be provided so as not to disturb or adversely affect neighboring properties; and
7. There is sufficient landscaping and screening to insure harmony and compatibility with adjacent property.

Many of the comments of the adjacent property owners relate to criterion #1. The lack of on-site or off-premises private parking should be considered when evaluating criterion #4 above.

PUBLIC NOTICE:

Ten notices of the Planning and Zoning Commission public hearing were sent out. As of Wednesday, July 28 at 5 PM, four notices were returned in favor of and three notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on July 22, 2010 in accordance with state law and local ordinance

STAFF RECOMMENDATION: NA (per direction of the Package Store Subcommittee)

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial
Land Use and Character Map
Zoning Map
Utility Map
CUP Site Plan
Parking Agreement
Notice Map
Response Letters

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

MONDAY, AUGUST 2, 2010

ACTION ITEMS

Item 7: Z-FY-10-33: Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow a package store with alcoholic beverage sales in a for off-premise consumption on the South one-half of Lot 1, Block 292-1, Temple Original at 1 North 6th Street. Zoning: Central Area District. (Applicant: Mike Grisham for Carmela Thomas)

Mr. Brian Mabry stated the applicant for this item was Mr. Mike Grisham for Ms. Carmela Thomas. If approved, this item would go to City Council on August 19th for first reading and September 2nd for second reading and final action.

This item had been before the P&Z Commission previously, but there are some new changes to the request. This proposal was for a package store and the property is zoned Central Area (CA). This case was originally presented to the Planning and Zoning Commission (P&Z) on May 17, 2010 and P&Z voted 5/3 to deny approval of the Conditional Use Permit (CUP) for a package store at the subject property. Among the expressed concerns at the P&Z and City Council public hearings were:

- Parking: The legitimacy and usefulness of the off-street parking on a lot across the alley behind the proposed package store;
- Parking: The potential for patrons of the proposed store to park in the right-of-way public parking in front of the adjacent duplex;
- Trespassing: The possibility of patrons trespassing through the narrow space between the proposed package store and the adjacent duplex; and
- Policy: Appropriateness of allowing a package store at this location east of downtown.

As a result, the proposal was not approved at City Council due to a lack of a second of a Council member's motion for approval.

The Future Land Use and Character Map designated the property auto/urban and the proposal conformed to the Thoroughfare Plan due to the location at the intersection of a local and arterial street. A 6" water and 6" sewer line would serve the property.

Surrounding uses included a parking lot across Central Avenue, a parking lot across 6th Street, a duplex to the north, and a vacant building across the alley to the east which was where the original parking agreement was located but had since been canceled by the building's property owners.

Package store standards in the Zoning Ordinance:

1. Such use must comply with Chapter 4, "Alcoholic Beverages," of the City Code;
2. Outdoor lighting must comply with the standards in Zoning Ordinance, Section 7-566(G);
3. If applicable, a pick-up window must be visible from the public right-of-way, and may not be placed in the alley;
4. The drive-through lane must provide a minimum of 60 feet of stacking space from the pick-up window to the beginning;
5. An escape (bypass) lane must be provided parallel to the drive-through lane, if applicable, from the beginning of the drive-through lane;
6. Parking (in any zoning district included in CA) must be provided on-site, not less than one space for each 250 square feet of retail space (plus the number of parking spaces required for non-retail space as specified by other City ordinances);
7. Window signs are prohibited; and
8. Lighted advertising signs must be turned off at closing time.

With particular interest to No. 6, parking must be provided on-site which counted as either on-site, adjacent to the property, or within 150 feet of the subject property, for one space per 250 square feet and this was currently not in effect and no parking agreement was currently in effect.

Concerns from the previous P&Z, City Council, and stakeholder meetings were the legitimacy and usefulness of the parking across the alley [which was now moot since the parking agreement had been withdrawn], the potential for customers of the proposed store to park in the right-of-way public parking in front of the adjacent duplex, trespassing through the narrow space between the duplex and store, and the appropriateness of allowing a package store at this location.

The owner of the adjacent duplex had voiced concern that the parking in front of the duplex might be used for package store customers instead of the residents of the duplex; however, the parking in front of the duplex is public right-of-way and

available to any member of the general public. The duplex owner could potentially apply for a street use license to reserve the adjacent right-of-way for parking spaces for the duplex and this would require City Council approval.

Another concern was trespassing between the two buildings, the proposed package store and the duplex. The property line was right at the wall of the proposed package store so anything between the wall of the duplex and the package store is the duplex owner's property. To try and address that, due to ADA requirements, the applicant would make the only entrance to the building oriented toward 6th Street rather than Central Avenue. The proposed plan showed a fence between the package store and the duplex, however, the duplex owner had not shown any interest in having the fence installed.

Various stakeholders have raised concern as to whether the subject property was a good location for a package store or not. Part of the CUP process was for the P&Z and City Council to utilize their discretionary abilities in making a recommendation and taking final action. As a guide, the Zoning Ordinance established seven general criteria for evaluation of all CUPs:

1. The conditional use permit will be compatible with and not injurious to the use and enjoyment of the property, nor significantly diminish or impair property values within the immediate vicinity;
2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property;
3. Adequate utilities, access roads, drainage, and other necessary support facilities have been or will be provided;
4. The design, location, and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development;
5. Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise, and vibration;
6. Directional lighting will be provided so as not to disturb or adversely affect neighboring properties; and
7. There is sufficient landscaping and screening to insure harmony and compatibility with adjacent property.

Many of the comments of the adjacent property owners related to criterion #1. The lack of on-site or off-premises private parking should be considered when evaluating criterion #4 above.

Four property owners were in favor of this proposal and three were opposed.

Per the Package Store Subcommittee, no Staff recommendation had been made.

Commissioner Barton asked about the parking requirements for Central Area (CA) district being clearly stated that the parking requirement was one space for every 250 feet of the building and now that the parking agreement had been nullified, the applicant no longer met that requirement. Mr. Mabry agreed. Mr. Mabry also stated the applicant informed him the property owner was looking at buying a nearby property within 150 feet, demolishing the building, and using it for parking but had not heard anything final regarding this.

Commissioner Secrest asked if the P&Z and City Council approved this request, the package store would not be able to open until appropriate parking were in place. Mr. Mabry confirmed.

Vice-Chair Talley opened the public hearing.

Mr. John Mark Johnson, owner of the duplex, approached and stated this particular plan looked to be the plan that was not seconded at City Council. Since the parking lot was across the street parking was not an issue. His concern was what it would do to the area. Currently, the area had several vagrants and debris and trash are a problem.

Mr. Johnson stated he was told that if the CUP were not approved, a wine and beer bar would be put there, which was allowed in the CA, and would operate from 8 a.m. to 2 p.m.

Mr. Johnson stated the fence proposed was a 4 foot chain link fence in the back and a 6 foot wooden fence in the front.

Mr. Mike Grisham, representative of the property owner, stated the second property from the proposed building was for sale and the subject property owner was interested in purchasing it. The building on the property had burned and once demolished, the space would provide a nice parking lot which would also be within the 150 foot requirement. Mr. Grisham asked for a proposal to make that a condition of approval if that property could be used for the parking area.

Mr. Richard Lewis, 6819 Jupiter, potential purchaser of the building, stated he already made a proposal for purchase and Mr. Hal Dunn was working on closing the deal on the property so there would be plenty of parking for the proposed package store.

Mr. Grisham stated Mr. Lewis had owned a package store for 25 years at Morgan's Point and had experience. Mr. Lewis would provide jobs, improvements to the building, and provide adequate parking.

Mr. Johnson stated to the Commission that he received a letter and email from Mr. Lewis and then asked Mr. Lewis if the CUP were not approved, would Mr. Lewis still intend to put a bar there and Mr. Lewis stated he had no comment.

Vice-Chair Talley closed the public hearing.

Commissioner Martin stated he made a mistake on this since he did not go by the property and originally look at it. Commissioner Martin felt the way the City presented the case, there was ample parking to satisfy the CUP permits. When Commissioner Martin went to look at the property, he stated he would not park his car where the parking was intended. Commissioner Martin stated he looked more closely at the regulations for the store and parking and did not feel they were appropriate.

Commissioner Secrest asked if he would vote for this if there were parking available because even if this request were approved, the parking would have to be in place before opening the business. Commissioner Secrest stated that if P&Z and City Council passed this request, they would not open until the parking were in place.

Commissioner Barton stated he had concerns about where the parking would be located, even if it met the 150 foot requirement. It was an obvious inconvenience. Commissioner Staats stated it was injurious to the party who had the property between the two and Commissioner Barton agreed.

Mr. Grisham stated there were parking spaces partially owned by the property where the building is currently, and asked the Commission why that parking could not be used. Commissioner Barton stated he could not answer that question but even if it could be used, it was only 4 or 5 parking spaces which did not meet the requirements for a 2500 square foot building--10 spaces were required. Mr. Grisham stated there were 10 existing spaces currently there and Commissioner Barton stated if the required landscaping were done required by the site plan, there would only be 5 parking spaces, one being a handicapped space.

Mr. Mabry tried to clarify that the majority of the parking area was not controlled by the property owner.

Vice-Chair Talley stated the parking, in one respect, was not a problem, people could park anywhere. Vice-Chair Talley stated he felt this was an ethical issue; there were residents right next to the property. Vice-Chair Talley went to look at the area and spoke to the convenience store owner and asked if there a lot of individuals were taking beer and going off into the property next door, which is owned by the City, and he stated this was a problem. Vice-Chair Talley stated he spoke with the Police and they confirmed it was a problem. The neighbors have stated it was a problem. Vice-Chair Talley stated he knew and liked the

applicant, was pro-business for the area, and did not want to see empty buildings but this request did not make any sense to him.

Commissioner Staats stated he did not feel the Commission had yet seen the best proposal for use of this building.

Mr. Richard Lewis stated he had spoken with TABC and was told that if anyone were drinking anywhere around that property, they (TABC) will put them in jail on the spot. You cannot drink around a package store. If Mr. Lewis were running the place and people were drinking on City property, he would call the police or TABC to haul them off.

Mr. Mabry asked the Commission should anyone make a motion regarding parking on the other property two lots down, to tie that parking into the CUP approval by requesting submission of a parking site plan to the City Council as part of the package for the CUP. The description would be Lot 9, Block 7 of Original Town Addition.

Commissioner Martin made a motion for denial of **Z-FY-10-33** and Commissioner Barton made a second.

Motion passed for denial: (7:0)

Chair Pilkington and Commissioner Hurd absent.

ORDINANCE NO. _____

[PLANNING NO. Z-FY-10-33]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW A PACKAGE STORE WITH ALCOHOLIC BEVERAGE SALES FOR OFF-PREMISE CONSUMPTION ON THE SOUTH ONE-HALF OF LOT 1, BLOCK 292-1, TEMPLE ORIGINAL AT 1 NORTH 6TH STREET; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, the Comprehensive Zoning Ordinance of the City of Temple, Texas, provides for the issuance of conditional use permits under certain conditions and authorizes the City Council to impose such developmental standards and safeguards as the conditions and locations indicate to be important to the welfare or protection of adjacent property and for the protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions, and for the establishment of conditions of operation, time limits, location, arrangement and construction for any use for which a permit is authorized;

WHEREAS, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of 1 North 6th Street, recommends that the City Council deny the application for this Conditional Use Permit for an off-premise consumption package store; and

WHEREAS, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted by the applicant concerning the proposed plans for operation of said establishment and has heard the comments and evidence presented by all persons supporting or opposing this application at said public hearing, and after examining the conditions, operation and the location of said establishment, finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

Part 1: The City Council approves a Conditional Use Permit to allow a package store with alcoholic beverage sales for off-premise consumption on the south one-half of Lot 1, Block 292-1, Temple Original at 1 North 6th Street, more fully shown on Exhibit A, attached hereto and made a part of for all purposes.

Part 2: The owner/applicant, his employees, lessees, agents or representatives, hereinafter called "permittee" shall comply with the following developmental standards and conditions of operation;

General:

- (a) The permittee must design and operate the establishment in such a manner that the proposed use or actual use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
- (b) The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within 6 months from the date of the issuance of the conditional use permit by the City Council, such limitation in time being subject to review and possible extension by the City.
- (c) The permittee bears the burden of showing that the establishment does not exceed the limitation on gross receipts from sales of alcoholic beverages applicable to its conditional use permit. The permittee must maintain accounting records of the sources of its gross revenue and allow the City to inspect such records during reasonable business hours. (Not applicable for package stores).
- (d) The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
- (e) The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment premises to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee shall consult with the Chief of Police, who shall act in an advisory capacity to determine the number of qualified employees necessary to meet the obligations hereunder.
- (f) The establishment must provide adequate parking spaces to accommodate its members and their guests provided, however, the number of parking spaces shall never be less than those required for similar uses in that zoning district where the establishment is located.
- (g) The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.
- (h) The City Council may deny or revoke this conditional use permit if it affirmatively determines that the issuance of the permit is incompatible with the surrounding uses of property, or detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
- (i) A conditional use permit issued under this section runs with the property and is not affected by a change in the owner or lessee of a permitted establishment.
- (j) All conditional use permits issued under this section will be further conditioned that the same may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-609.

Specific to Package Stores:

- (k) Such use must comply with Chapter 4, “Alcoholic Beverages,” of the City Code.
- (l) Outdoor lighting must comply with the standards in Section 7.566 (G) of the Zoning Ordinance.
- (m) If applicable, a pick-up window must be visible from the public right-of-way, and may not be placed in alleys.
- (n) The drive-through lane must provide a minimum of 60 feet of stacking space from the pick-up window to the beginning.
- (o) An escape (bypass) lane must be provided parallel to the drive-through lane, if applicable, from the beginning of the drive-through lane.
- (p) Parking (in any zoning district including the CA) must be provided on-site, not less than one space for each 250 square feet of retail space (plus the number of parking spaces required for non-retail space as specified by other City ordinances).
- (q) Window signs are prohibited.
- (r) Lighted advertising signs must be turned off at closing time.

Specific to this CUP:

- (s) The permittee’s site plan is an exhibit to the conditional use permit, attached hereto as Exhibit B.

These conditions shall be expressed conditions of any building permit issued for construction on the property which may be enforced by the City of Temple by an action either at law or in equity, including the right to specifically enforce the requirements of the ordinance, and these requirements shall run with the land.

Part 3: The Director of Planning is hereby directed to make the necessary changes to the City Zoning Map accordingly.

Part 4: The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

Part 5: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

Part 6: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

TABLED on First Reading and Public Hearing on the **19th** day of **August**, 2010.

PASSED AND APPROVED on First Reading and Public Hearing on the **21st** day of **October**, 2010.

PASSED AND APPROVED on Second Reading on the **4th** day of **November**, 2010.

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

11/04/10
Items #4(I-1) & (I-2)
Consent Agenda
Page 1 of 6

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney
David Blackburn, City Manager
Traci Barnard, Director of Finance

ITEM DESCRIPTION: 1. SECOND READING – Consider adopting an ordinance authorizing the expansion of the boundary of City of Temple Tax Increment Financing Reinvestment Zone Number One.

2. SECOND READING — Consider adopting an ordinance extending the life of City of Temple Tax Increment Financing Reinvestment Zone Number One.

STAFF RECOMMENDATION: Adopt ordinances (I-1 and I-2) as presented in item description, on second and final reading.

ITEM SUMMARY: These items are the result of a year-long effort to update the Master Plan for City of Temple Tax Increment Financing Reinvestment Zone Number One (TIFRZ#1). The items under consideration are: A resolution adopting an updated Master Plan for TIFRZ#1 that was adopted by Council at the October 21st meeting; (1) an ordinance expanding the boundaries of TIFRZ#1 to include the Temple Medical Education District (TMED) area; and (2) an ordinance extending the life of TIFRZ#1 for an additional forty year period. A related item under a separate memorandum (Item #4 I-3) is an ordinance that amends the Project and Financing Plans for TIFRZ#1.

2022 Master Plan for TIFRZ#1 (adopted by Council, October 21st)

The Board of Directors for TIFRZ#1 recently completed a year-long study to develop a new Master Plan for the Zone. The proposed “2022 Master Plan” is the most significant revision of the Master Plan for TIFRZ#1 in more than a decade. An executive summary of the 2022 Master Plan is included within your packet. The Master Plan is a planning guide for projects and infrastructure improvements within the boundaries of TIFRZ#1 for its remaining life. The Master Plan attempts to prioritize projects and identify the probable cost of those projects.

Two of the items that came out of the Master Plan process were recommendations to expand the boundaries of TIFRZ#1 to include the TMED area [Item #4(I)(1)] and a recommendation to extend the life of TIFRZ#1 for an additional forty years [Item #4(I)(2)]. The Board of Directors recommended approval of the Master Plan at their August 25, 2010 meeting and Council adopted it at its October 21st meeting.

Expansion of the Boundaries of TIFRZ#1 Ordinance # 2010-4403

The Board of Directors for TIFRZ#1 also recommended the expansion of the boundaries of the Zone to include the TMED area (as shown on an attachment to the ordinance). The proposed updated Master Plan identifies a number of projects in the TMED area that will encourage redevelopment of that area, and also benefit the existing Zone by providing an improved gateway into the downtown area. Chapter 311 of the Texas Tax Code allows cities with TIFRZs to expand the boundaries of their zones by following certain procedural requirements and subject to certain restrictions on the composition of the TIFRZ. Procedurally, a city is required to publish notice of the proposed expansion in a newspaper at least 7 days prior to the action. We published notice of the proposed expansion on Wednesday, October 13—final action on this ordinance would not be taken until November 4, 2010. We are also required to conduct a public hearing on the proposed expansion, and allow anyone opposed to such action to speak against the item at the public hearing. We conducted a public hearing on October 21 at the first reading of the ordinance.

To satisfy the compositional requirements under Section 311.006 of the Texas Tax Code, Temple may not add an area to boundaries of our existing TIFRZ#1 if the effect of the addition would result in more than fifteen percent (15%) of the total assessed value of taxable real property for either the City, Bell County or any of our school districts being within the boundaries of the expanded TIFRZ.

Our preliminary calculations show that with the addition of the TMED area, the total assessed value of taxable real property within the boundaries of the expanded TIFRZ#1 would be far less than 15% for the City of Temple, Bell County, Belton Independent School District or Troy Independent School District. Our calculation for Temple Independent School District shows that with the addition of the TMED area, Temple Independent School District would be very close to 15%, or perhaps a slight amount in excess of 15%. We are verifying our numbers with the Bell County Appraisal District, and will have final numbers for our second reading of the ordinance.

Should our final calculations show that the percentage of total assessed taxable real property for TISD would exceed 15% with the full expanded area of TMED as proposed—we will recommend (prior to the 2nd reading of the ordinance) a slight reduction in the area of the proposed addition to reduce TISD's total percentage below 15%. Note that this calculation under Section 311.006 requires that the percentage for TISD be below 15% even though we are not requesting or anticipating that TISD will participate in the expanded area. (School districts choose not to participate because of provisions in the State school financing laws that financially penalize school districts for participating in tax increment financing for an area unless that area was within the boundaries of an existing TIFRZ prior to September 1, 1999).

The City Council must also make a finding that inclusion of the expanded area within the boundaries of a tax increment financing district is necessary because the area is “unproductive, underdeveloped, or blighted,” and that:

The area's present condition substantially impairs the city's growth, retard the provision of housing, or constitute an economic or social liability to the public health, safety, morals or welfare because of the presence of one or more of the following conditions: a substantial number of substandard or deteriorating structures, inadequate sidewalks or street layout, faulty lot layouts, unsanitary or unsafe conditions, a tax or special assessment delinquency that exceeds the fair market value of the land; defective or unusual conditions of title, or conditions that endanger life or property by fire or other cause; *or*

the area is predominately open, and because of obsolete platting, deteriorating structures or other factors, it substantially impairs the growth of the city." **(Section 311.005, Texas Tax Code)**

The Staff and Board of Directors for TIFRZ#1 believe that the TMED area is underdeveloped and blighted and that its present condition has suffered from a number of substandard or deteriorating structures, e.g., the former nursing home property on South 5th Street, the former Seville apartments, and a number of vacant or abandoned properties within its boundaries that substantially impair the City's growth, and that are unlikely to improve without the use of tax increment funds to fund infrastructure improvements.

A final compositional requirement/restriction for expanding TIFRZ#1 is that no more than ten percent (10%) of the property being added can be property used for residential purposes, excluding property that is used for public purposes. For purposes of Section 311.006, only property with single family dwellings, duplexes and quadplexes are counted as residential. Our calculations show that the amount of property being used for residential purposes within the boundary of the TMED area is very close to the ten percent requirement, and may be closer to eleven percent. As with the 15% calculation for TISD, we are verifying our calculations.

If our final calculations show that the amount of property being used for residential purposes is slightly in excess of ten percent, we will propose (prior to the second reading of the ordinance) a slight reduction in the area of the proposed expansion to reduce the amount of residentially used property to ten percent or less. There is a concentration of residential property within the TMED (proposed expansion) boundaries in an area bounded by Avenue M to the north, South 15th on the west, West V Avenue to the south, and South 5th Street to the east. Note that a reduction of the boundaries of the proposed expansion to reduce the percentage of residentially used property within the expanded area will also beneficially reduce the percentage of total assessed taxable real property included within TIFRZ#1 for TISD's calculation.

One final note, expansion of the boundaries to include the TMED area, only impacts the City of Temple's contribution to the increment for TIFRZ#1, it does not without further action by the other participating taxing entities affect their contribution. If the City Council approves the expansion of TIFRZ#1, we will request official action by Bell County (the County and their Road Fund), Temple College, and the Elm Creek Flood Control District to participate in the expanded area of TIFRZ#1. We will not request participation in the expanded area of TIFRZ#1 by Temple ISD, Belton ISD or Troy ISD because of school financing laws.

Each of the taxing entities that we do request participation from will have the option of deciding *whether* to participate and at *what level*. We will be asking them to participate at 100% of their increment (the taxes they will levy on any increased value of taxable real property measured from the date of the expansion). Note that a decision to participate or not participate within the expanded area will not impact the increment contributed by any of the taxing entities on property within the boundaries of the existing TIFRZ#1—all entities including the City and all of the TISDs contribute 100% of their increment within the existing Zone.

Extension of the Life of TIFRZ#1 Ordinance # 2010-4404

Under Chapter 311 of the Texas Tax Code the life of a tax increment financing reinvestment zone is established by the original enacting ordinance. City of Temple Ordinance Number 1457 created TIFRZ#1 and established December 31, 2022 as the termination date for the Zone. Prior to the 2009 session of the Texas Legislature, cities with TIFRZs could only shorten the life of their zone; they could not extend the life of an existing zone beyond the date spelled out in the enacting ordinance for that zone. That changed in 2009, and cities can now extend the life of their TIFRZs.

The Board of Directors for TIFRZ#1 in completing their Master Plan update, recognized that TIFRZ#1 has been the primary economic development tool for Temple and the surrounding area for the past years, and has identified a number of public infrastructure projects within the boundaries of TIFRZ#1 (including the proposed expansion area) that will be difficult or impossible to fund without tax increment funds, or within the time frame of the existing life of TIFRZ#1 (December 2022). For those reasons, the Board has recommended extension of the life for an additional forty years running from 2022 to 2062.

Under Section 311.017 of the Texas Tax Code, the City Council may extend the life of TIFRZ#1 by ordinance. As with the expansion of the boundaries of TIFRZ#1, extending the life of TIFRZ#1 only applies to the City's own contribution of an increment to TIFRZ#1 after the original termination date for the Zone. The other contributing taxing entities, Bell County (the County and their Road Fund), Temple College, and the Elm Creek Flood Control District, and the three participating independent school districts (Temple, Belton and Troy) are not required to pay any of their tax increment in the tax increment fund after the original expiration date (December 2022), unless the governing body of those taxing units enter into an agreement to do so with the City.

Accordingly, if the City Council adopts the proposed ordinance extending the life of TIFRZ#1 to 2062, the Staff will seek to negotiate an agreement with the government body of each of the participating taxing entities, including our three current/participating school districts, to authorize their participation in the extended life of TIFRZ#1 at the 100% level.

As the City Council is aware, the chair of the Board of Directors for TIFRZ#1 and the Staff have been holding meetings with representatives of each of the participating entities to discuss both the possibility of expanding the Zone and extending its life. When we last expanded the boundaries of TIFRZ#1 in 1999, we were required by law to enter into agreements with each of the participating school districts if we wished to secure their participation. (At the time, we didn't need similar

agreements by law with the other taxing entities.) We did so, and one of the terms of those agreements was a commitment by the City/TIFRZ#1 to make each school district whole if they were financially impacted by their contribution to the Zone. The commitment in our 1999 agreements with our three school districts is to track any financial impact, set aside those funds and make those funds available for joint use education facilities that will benefit the City/Zone and the school district.

Since 1999, only TISD has been significantly impacted by their participation. (Usually the impact comes from a lag in reporting tax values so that TISD might have received additional funding from the State in the first year that new taxable real property comes into the Zone. In 2006, the City and TISD agreed to use about \$420,000 in tax increment funds to acquire furniture and lab equipment for the new Temple Bioscience Institute—that \$420,000 represented “make whole” dollars for TISD’s participation.) We will propose similar language to each of our school districts as in inducement for them to participate in the extended life of TIFRZ#1.

It appears from our reading of the State law allowing an extension of life for a TIFRZ (Section 311.017) that school districts *can* participate in the extended life of a zone—given that the property within the TIFRZ was subject to tax increment financing prior to September 1, 1999. The Texas Legislature was very careful to protect cities and TIFRZs when they changed the school financing laws in the mid-2000s to ensure that school districts could continue to contribute to TIFRZs (as they were contractually obligated to do) without a financial penalty throughout the life of their particular TIFRZ. **There remains a lack of clarity in the law as to whether that requirement that the State make local districts who participate in TIFRZs financially whole through their funding mechanism will continue if the life of a TIFRZ is extended by a city that initially created the zone.**

In our discussion with our local school districts, we have ensured them that we will propose the same “make whole” language in any agreement we reach with them regarding their participation after 2022. Should the current law be interpreted, or changed during future legislative sessions, to financially penalize school districts who contribute to a local TIFRZ, we would have to make them whole on a dollar for dollar basis. It wouldn’t be advantageous to continue collecting dollars from school districts after 2022 (assuming they agree to participate) if we had to make them whole by giving them what they contributed to make them whole. TISD currently provides in excess of 60% of the annual funding for TIFRZ#1.

My suggestion is that we make a commitment to our local school districts that if they agree to participate beyond 2022, that we will seek clarification of the law (e.g., AG opinions or court decisions) and if necessary legislative changes to school financing laws or Chapter 311 of the Texas Tax Code to ensure that they are not financial penalized if they participate in TIFRZ#1 beyond 2022. If we were unsuccessful in obtaining a favorable interpretation or a change (if needed) in State law, we would have the option of either changing the termination date of TIFRZ#1 back to 2022 (allowed by State law) or just refunding the contributions by school districts each year and continuing with the other participating taxing entities. Obviously, we would likely need either a favorable clarification of the existing State laws regarding school district participation or a legislative change before we sold bonds financed in whole or part with tax increment funds.

FISCAL IMPACT: The Reinvestment Zone No. 1 Finance and Project Committees recommended changes to the Financing and Project Plans to align with the 2022 Master Plan. These amendments were approved by the Reinvestment Zone No. 1 Board of Directors on August 25, 2010. The total amount allocated in FY 2011 through 2022 is \$78,603,962. With these allocations, fund balance at the end of the year from FY2011-2022 ranges from a high of \$2,584,380 in FY 2011 to a low of \$472,201 in FY 2017. Projected ending fund balance in FY 2022 is \$0.

The Financing and Project Plans are attached for your reference but are being considered for approval in a separate agenda item.

ATTACHMENTS:

[Financing Plan](#)
[Summary Financing Plan with Detailed Project Plan](#)
[Ordinance \(I-1\)](#)
[Ordinance \(I-2\)](#)

FINANCING PLAN

DESCRIPTION		Y/E 9/30/10 Year 28	9/30/2010 Forecasted	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	\$ 129,278,361		\$ 129,282,220	\$ 132,020,000	\$ 139,995,945	\$ 143,080,007	\$ 145,017,763	\$ 202,529,247	\$ 220,811,496	\$ 224,519,611	\$ 228,264,807	\$ 231,297,455	\$ 234,360,430	\$ 236,704,034
1	FUND BALANCE, Begin	\$ 7,946,615	\$ 7,946,615	\$ 6,491,490	\$ 2,584,380	\$ 646,390	\$ 580,971	\$ 1,677,287	\$ 1,015,894	\$ 520,330	\$ 491,280	\$ 539,460	\$ 636,757	\$ 685,311	\$ 769,331
2	Adjustments to Debt Service Reserve	(880,371)	(2,880,371)	(1,300,000)	462,707	1,761,865	1,765,643	-	-	-	-	-	-	-	-
3	Fund Balance Available for Appropriation	\$ 7,066,244	\$ 5,066,244	\$ 5,191,490	\$ 3,047,087	\$ 2,408,255	\$ 2,346,614	\$ 1,677,287	\$ 1,015,894	\$ 520,330	\$ 491,280	\$ 539,460	\$ 636,757	\$ 685,311	\$ 769,331
SOURCES OF FUNDS:															
4	Tax Revenues	3,749,329	3,762,647	3,742,462	4,135,611	4,337,625	4,400,312	4,449,698	6,049,648	6,531,300	6,602,434	6,674,282	6,737,970	6,802,296	6,858,393
6	Allowance for Uncollected Taxes	(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)
8	Interest Income-Other	50,000	37,702	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	40,000	40,000	30,000	10,000
10	Grant Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-
12	License Fee - Central Texas Railway	-	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
14	Other Revenues	-	-	-	-	-	-	-	-	-	-	-	-	-	-
16	P.I.L.O.T.	2,000,000	2,000,000	1,300,000	1,300,000	-	-	-	-	-	-	-	-	-	-
20	Total Sources of Funds	\$ 5,686,988	\$ 5,836,349	\$ 5,013,945	\$ 5,405,956	\$ 4,306,824	\$ 4,368,351	\$ 4,416,566	\$ 6,015,334	\$ 6,495,791	\$ 6,565,719	\$ 6,626,348	\$ 6,688,805	\$ 6,741,888	\$ 6,776,730
25	TOTAL AVAILABLE FOR APPROPRIATION	\$ 12,753,232	\$ 10,902,593	\$ 10,205,435	\$ 8,453,043	\$ 6,715,079	\$ 6,714,965	\$ 6,093,853	\$ 7,031,228	\$ 7,016,121	\$ 7,056,999	\$ 7,165,808	\$ 7,325,562	\$ 7,427,199	\$ 7,546,061
USE OF FUNDS:															
DEBT SERVICE															
26	2003 Bond Issue {\$11.740}	868,545	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
27	2008 Bond Issue {\$16.010 mil}	201,960	201,960	201,960	201,960	201,960	201,960	201,960	201,960	201,960	201,960	201,960	1,786,960	1,787,292	1,784,972
28	2009 Bond Refunding	405,462	405,462	370,669	1,473,669	1,474,569	1,479,969	1,499,769	1,508,775	1,510,150	1,488,750	1,485,000	-	-	-
29	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
30	Issuance Costs	57,331	57,331	-	-	-	-	-	-	-	-	-	-	-	-
31	Refunding Bonds Proceeds	(10,877,950)	(10,877,950)	-	-	-	-	-	-	-	-	-	-	-	-
32	Payment to Refunding Bond Agent	10,810,887	10,810,887	-	-	-	-	-	-	-	-	-	-	-	-
33	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
40	Subtotal-Debt Service	2,004,370	2,004,370	1,979,184	3,785,799	3,786,425	3,793,479	3,811,092	3,819,319	3,820,846	3,800,620	3,798,573	3,895,544	3,898,232	3,898,664
OPERATING EXPENDITURES															
50	Prof Svcs/Proj Mgmt	333,463	208,463	250,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
52	Legal/Audit	1,100	1,100	1,200	1,200	1,200	1,200	1,200	1,200	1,300	1,300	1,300	1,300	1,300	1,400
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	175,000	150,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
56	Rail Maintenance	254,893	254,893	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58	Road/Signage Maintenance	250,111	250,111	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
60	Contractual Payments [TEDC - Marketing]	100,000	100,000	150,000	165,000	181,500	199,650	219,615	241,577	253,655	266,338	279,655	293,638	308,320	323,736
62	TISD-Joint Use facilities	152,132	-	174,779	22,873	23,102	23,333	23,567	23,802	24,040	24,281	24,523	24,769	25,016	25,267
65	Subtotal-Operating Expenditures	1,266,699	964,567	950,979	739,073	755,802	774,183	794,382	816,579	828,995	841,919	855,478	869,707	884,636	900,403
70	TOTAL DEBT & OPERATING EXPENDITURES	\$ 3,271,069	\$ 2,968,937	\$ 2,930,163	\$ 4,524,872	\$ 4,542,227	\$ 4,567,662	\$ 4,605,474	\$ 4,635,898	\$ 4,649,841	\$ 4,642,539	\$ 4,654,051	\$ 4,765,251	\$ 4,782,868	\$ 4,799,067
80	Funds Available for Projects	\$ 9,482,163	\$ 7,933,656	\$ 7,275,272	\$ 3,928,171	\$ 2,172,852	\$ 2,147,303	\$ 1,488,379	\$ 2,395,330	\$ 2,366,280	\$ 2,414,460	\$ 2,511,757	\$ 2,560,311	\$ 2,644,331	\$ 2,746,995
PROJECTS															
150	North Zone/Rail Park	1,083,290	722,219	250,000	250,000	250,000	250,000	250,000	-	-	-	-	-	-	-
200	Airport Park	101,662	93,232	-	125,000	625,000	-	-	-	-	-	-	-	-	-
250	Bio-Science Park	609,164	363,965	250,000	-	-	-	-	-	-	-	-	-	-	-
300	Outer Loop [from Wendland Rd to IH-35 North]	300,000	41,550	-	1,200,000	-	-	-	-	-	-	-	-	-	-
350	Northwest Loop 363 Improvements (TxDOT commitment)	905,410	-	930,000	-	-	-	-	-	-	-	-	-	-	-
400	Synergy Park	1,246,000	126,200	-	-	-	-	-	-	-	-	-	-	-	-
450	Downtown	388,769	95,000	480,892	206,781	216,881	220,016	222,485	-	-	-	-	-	-	-
500	TMED	-	-	2,780,000	1,500,000	500,000	-	-	-	-	-	-	-	-	-
501	Major Gateway Entrances	400,000	-	-	-	-	-	-	-	-	-	-	-	-	-
600	Bond Contingency	176,730	-	-	-	-	-	-	-	-	-	-	-	-	-
610	Public Improvements	263,964	-	-	-	-	-	-	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	2,746,995
	Subtotal-Projects	5,474,989	1,442,166	4,690,892	3,281,781	1,591,881	470,016	472,485	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	2,746,995
TOTAL USE OF FUNDS		\$ 8,746,058	\$ 4,411,103	\$ 7,621,055	\$ 7,806,653	\$ 6,134,108	\$ 5,037,678	\$ 5,077,959	\$ 6,510,898	\$ 6,524,841	\$ 6,517,539	\$ 6,529,051	\$ 6,640,251	\$ 6,657,868	\$ 7,546,062
700	FUND BALANCE, End	\$ 4,007,174	\$ 6,491,490	\$ 2,584,380	\$ 646,390	\$ 580,971	\$ 1,677,287	\$ 1,015,894	\$ 520,330	\$ 491,280	\$ 539,460	\$ 636,757	\$ 685,311	\$ 769,331	\$ (0)

TIF Reinvestment Zone #1

Summary Financing Plan with Detailed Project Plan

Project Plan - 09/22/2010 - to Zone Board

PROJECT PLAN

SUMMARY FINANCING PLAN							
	FY 2010	FY 2010 Forecast	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
1Beginning Available Fund Balance, Oct 1	\$ 7,946,615	\$ 7,946,615	\$ 6,491,490	\$ 2,584,380	\$ 646,390	\$ 580,971	\$ 1,677,287
20Total Sources of Funds	5,686,988	5,836,349	5,013,945	5,405,956	4,306,824	4,368,351	4,416,566
2Adjustments to Debt Service Reserve	(880,371)	(2,880,371)	(1,300,000)	462,707	1,761,865	1,765,643	-
25Net Available for Appropriation	12,753,232	10,902,593	10,205,435	8,453,043	6,715,079	6,714,965	6,093,853
50/52General Administrative Expenditures	334,563	209,563	251,200	176,200	176,200	176,200	176,200
54Zone Park Maintenance [mowing, utilities, botanical supplies]	175,000	150,000	175,000	175,000	175,000	175,000	175,000
56Rail Maintenance	254,893	254,893	100,000	100,000	100,000	100,000	100,000
58Road/Signage Maintenance	250,111	250,111	100,000	100,000	100,000	100,000	100,000
60Contractual Payments (TEDC - Marketing)	100,000	100,000	150,000	165,000	181,500	199,650	219,615
62TISD - Joint Use Facilities [look at contracts and calculation]	152,132	-	174,779	22,873	23,102	23,333	23,567
26Debt Service - 2003 Issue {\$11.740 mil}	869,745	869,745	869,620	868,235	870,255	871,055	870,130
27Debt Service - 2008 Issue {\$16.010 mil}	201,960	201,960	201,960	201,960	201,960	201,960	201,960
28Debt Service - 2009 Issue {Refunding}	405,462	405,462	370,669	1,473,669	1,474,569	1,479,969	1,499,769
29Debt 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
30Issuance Costs	57,331	57,331	-	-	-	-	-
31Refunding Bond Proceeds	(10,877,950)	(10,877,950)	-	-	-	-	-
32Payment to Refunding Bond Agent	10,810,887	10,810,887	-	-	-	-	-
70Total Debt & Operating Expenditures	3,271,069	2,968,937	2,930,163	4,524,872	4,542,227	4,567,662	4,605,474
80Funds Available for Projects	\$ 9,482,163	\$ 7,933,656	\$ 7,275,272	\$ 3,928,171	\$ 2,172,852	\$ 2,147,303	\$ 1,488,379

PROJECT PLAN							
	FY 2010	FY 2010 Forecast	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
NORTH ZONE/RAIL PARK (including Enterprise Park):							
100Railroad Spur Improvements	667,166	337,986	-	-	-	-	-
102Elm Creek Detention Pond	98,227	90,954	-	-	-	-	-
103ROW Acquisition - Public Improvements	3,661	-	-	-	-	-	-
104Extension of Rail Service	121,550	121,550	-	-	-	-	-
105BN Trans-Load NE Site Phase I - [\$850K total project cost]	-	-	-	-	-	-	-
106Wendland Road Improvements	192,686	171,729	-	-	-	-	-
107Wendland Property Roadway Phase I - [\$1.87M total project cost]	-	-	-	-	-	-	-
110Public Improvements in North Zone	-	-	250,000	250,000	250,000	250,000	250,000
150Total North Zone/Rail Park (including Enterprise Park)	1,083,290	722,219	250,000	250,000	250,000	250,000	250,000
AIRPORT PARK:							
151Airport Park Infrastructure Construction	101,662	93,232	-	-	-	-	-
155Trail Connections to Airport Park Phase I - [\$750K total project cost]	-	-	-	125,000	625,000	-	-
200Total Airport Park	101,662	93,232	-	125,000	625,000	-	-
BIO-SCIENCE PARK:							
201Greenbelt Development along Pepper Creek	321,723	251,685	-	-	-	-	-
202Outer Loop Phase II (from Hwy 36 to FM 2305)	245,320	96,405	-	-	-	-	-
203Bio-Science Park Phase 1	42,121	15,875	-	-	-	-	-
204Trail Connections to S&W (City of Temple portion)	-	-	250,000	-	-	-	-
250Total Bio-Science Park	609,164	363,965	250,000	-	-	-	-
300Outer Loop (from Wendland Rd to IH-35 North) - [\$15.5M total project cost]	300,000	41,550	-	1,200,000	-	-	-
350Northwest Loop 363 Improvements (TxDOT commitment)	905,410	-	930,000	-	-	-	-
SYNERGY PARK:							
351Southeast Ind Park (Lorraine Drive) - [\$1.5M total project cost]	1,246,000	126,200	-	-	-	-	-
400Total Synergy Park	1,246,000	126,200	-	-	-	-	-
DOWNTOWN:							
401Downtown Improvements [look at 1999 Ordinance]	388,769	95,000	350,892	206,781	216,881	220,016	222,485
402Rail Safety Zone Study	-	-	25,000	-	-	-	-
403Lot Identification & Signage	-	-	80,000	-	-	-	-
404Plaza Study	-	-	25,000	-	-	-	-
405Santa Fe Plaza Parking Lot - [\$1.3M total project cost]	-	-	-	-	-	-	-
450Total Downtown	388,769	95,000	480,892	206,781	216,881	220,016	222,485
TMED:							
451TMED Phase I - [\$2.9M total project cost]	-	-	500,000	-	-	-	-
452Master Plan Integration 2010	-	-	50,000	-	-	-	-
453Monumentation Identification Conceptual Design	-	-	30,000	-	-	-	-
4541st Street Pedestrian Bridge to Loop 363 Design/Construction - [\$2M total project cost]	-	-	300,000	500,000	500,000	-	-
455Friars Creek Trail Phase I - [\$1.9M total project cost - DOE Grant of \$400K]	-	-	1,500,000	-	-	-	-
456Avenue R (31st St to 15th Street) - [\$3.3M total project cost]	-	-	400,000	1,000,000	-	-	-
500Total TMED	-	-	2,780,000	1,500,000	500,000	-	-
OTHER PROJECTS:							
501Gateway Entrance Projects	400,000	-	-	-	-	-	-
550Total Other Projects	400,000	-	-	-	-	-	-
600Undesignated Funding - Bonds	176,730	-	-	-	-	-	-
610Undesignated Funding - Public Improvements	263,964	-	-	-	-	-	-
Total Planned Project Expenditures	5,474,989	1,442,166	4,690,892	3,281,781	1,591,881	470,016	472,485
700Fund Balance at Year End	\$ 4,007,174	\$ 6,491,490	\$ 2,584,380	\$ 646,390	\$ 580,971	\$ 1,677,287	\$ 1,015,894

ORDINANCE NO. 2010-4403

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING EXPANSION OF THE CITY OF TEMPLE TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER ONE BOUNDARIES TO INCLUDE THE TEMPLE MEDICAL EDUCATION DISTRICT AREA; 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 Tax Increment Financing Reinvestment Zone Number One, City of Temple, Texas (the "Zone") by Ordinance No. 1457 adopted on September 16, 1982 pursuant to authority granted to cities under the Tax Increment Financing Act, Chapter 311 of the Texas Tax Code;

Whereas, under Section 311.007 of the Texas Tax Code, the governing body of a municipality may through the adoption of an ordinance enlarge the area of an existing tax increment financing reinvestment zone after complying with certain procedural and substantive requirements of Section 311.006 of the Texas Tax Code;

Whereas, the Board of Directors of the Zone recommended expanding the Zone's boundaries to include property containing approximately 2,221.86 acres, commonly known as the Temple Medical Education District (TMED), and forwarded such plans to the Council for appropriate action;

Whereas, under Section 311.011 a municipality may amend the project plan for an existing reinvestment zone by ordinance, but under Section 311.011(e) and Sections 311.003(c) and (d) of the Texas Tax Code, a municipality that is considering an amendment to its project plan that increases the geographic area of its reinvestment zone, must give notice of a public hearing in a newspaper having general circulation within the city, conduct a public hearing, and afford a reasonable opportunity for the owner(s) of property proposed to be included within the reinvestment zone to protest the inclusion of their property;

Whereas, notice of a proposed public hearing on this ordinance was published in the Temple Daily Telegram, a newspaper of general circulation within the Temple city limits on October 13, 2010, a public hearing was held by the City Council on this ordinance and the property expansion of the Zone on October 21, 2010, and a reasonable opportunity for owners of property within the boundaries of the TMED area to protest the inclusion of their property within the boundaries of the Zone;

Whereas, under Section 311.006 of the Texas Tax Code, a municipality may not change the boundaries of an existing reinvestment zone to include more than fifteen percent (15%) of the total appraised value of taxable real property in the municipality, by a county or a school district;

Whereas, with the inclusion of the area known as the TMED area within the boundaries of the Zone, the expanded zone would contain 11.8% of the total appraised value of taxable real property in the City, 2.52% of the appraised value of taxable real property by Bell County; 5.92% of the total appraised value of taxable real property in the Troy Independent School District; .00026% of the total appraised value of taxable real property in the Belton Independent School District, and 13.9% of the total appraised value of taxable real property in the Temple Independent School District (9.48% if you consider that Temple Independent School is not anticipated to participate in tax increment financing within the boundaries of the TMED area) based on data provided by the Bell County Appraisal District;

Whereas, under Section 311.006 of the Texas Tax Code, a municipality may not change the boundaries of an existing reinvestment zone to include property more than ten percent (10%) of which, excluding property dedicated to public use is used for residential purpose;

Whereas, approximately 9.002% of the property proposed to be added to the Zone, the TMED area, is used for residential purposes, after excluding property dedicated to public use based on data provided by the City's GIS/IT Department;

Whereas, the Council finds that development or redevelopment of the area proposed for expansion would not occur solely through private investment in the reasonably foreseeable future;

Whereas, the Council finds that inclusion of the expanded area within the boundaries of the Zone is necessary because the area proposed for expansion is underdeveloped and blighted, it suffers from a number of substandard or deteriorating structures and a number of vacant or abandoned properties within its boundaries that substantially impair the City's growth, and the area is unlikely to improve without the use of tax increment funds to fund infrastructure improvements.

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. Incorporation of the Temple Medical Education District Area into the Tax Increment Financing Reinvestment Zone Number One. The City Council amends the boundaries of Tax Increment Financing Reinvestment Zone Number One, City of Temple, Texas to incorporate an area containing approximately 2,221.86 acres, commonly known as the Temple Medical Education District ("TMED"), as shown on the drawing attached to this ordinance as Exhibit "A," and made a part hereof for all purposes. The City commits to contributing 100% of its taxes levied on the increased value of taxable real property within the boundaries of the TMED area expansion throughout the remaining life of the Zone in accordance with the terms of Chapter 311 of the Texas Tax Code.

Part 3. Copies to Taxing Units. The City Secretary shall provide a copy of this ordinance for Tax Increment Financing Reinvestment Zone Number One to each taxing unit that taxes real property located in the Zone.

Part 4. 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 5. Effective Date. This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 6. 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 after a public hearing on the **21st** day of **October**, 2010.

PASSED AND APPROVED on Second and Final Reading on the **4th** day of **November**, 2010.

THE CITY OF TEMPLE, TEXAS

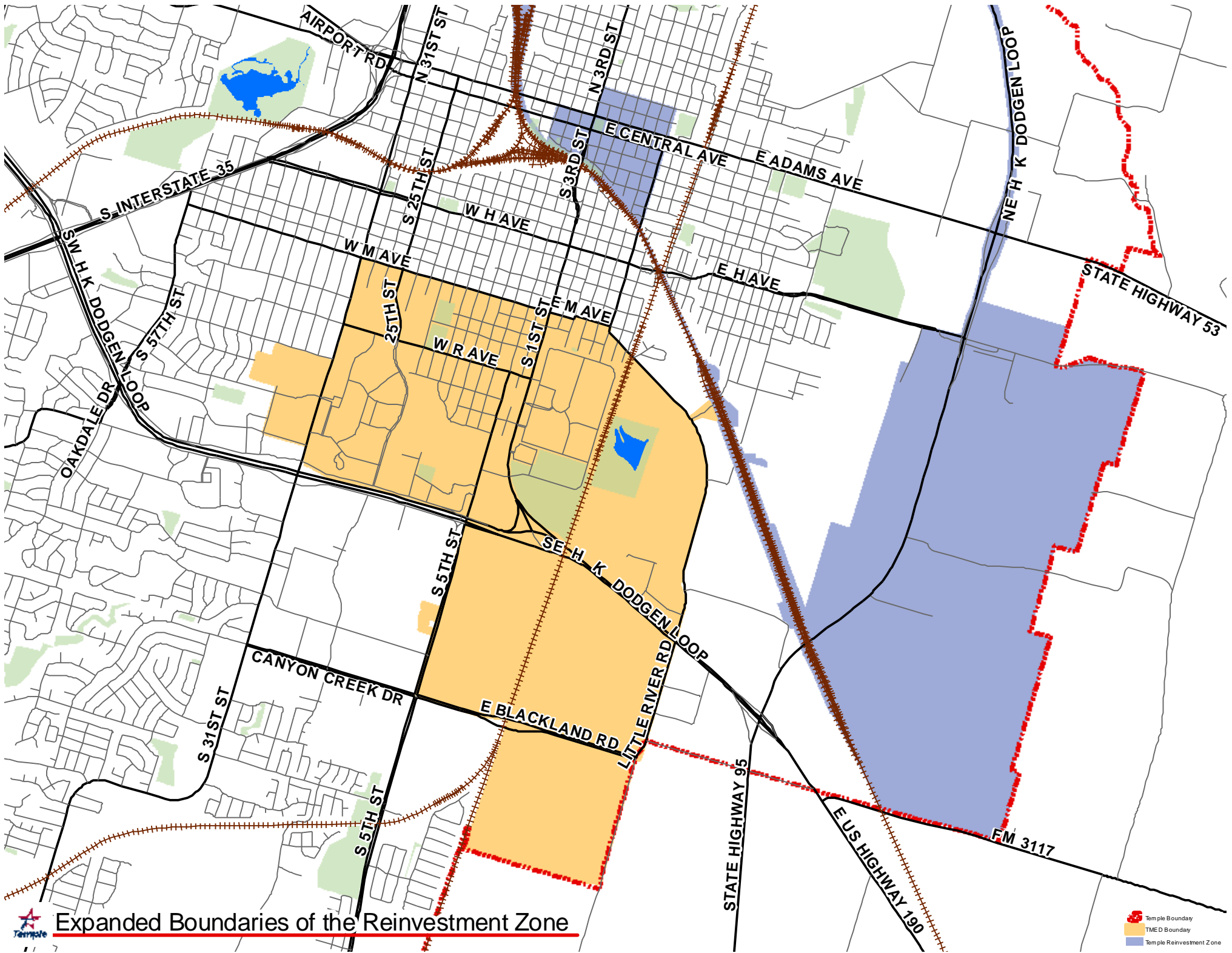
WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



Expanded Boundaries of the Reinvestment Zone

ORDINANCE NO. 2010-4404

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
EXTENDING THE LIFE OF CITY OF TEMPLE TAX INCREMENT FINANCING
REINVESTMENT ZONE NUMBER ONE; PROVIDING A SEVERABILITY
CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN
MEETINGS CLAUSE.

Whereas, under Chapter 311 of the Texas Tax Code the life of a tax increment financing reinvestment zone is established by the original enacting ordinance – Ordinance No. 1457 created the City of Temple Tax Increment Financing Reinvestment Zone Number One (TIFRZ#1) and established December 31, 2022, as the termination date for the Zone;

Whereas, prior to the 2009 session of the Texas Legislature, cities with TIFRZs could only shorten the life of their zone – they could not extend the life of an existing zone beyond the date spelled out in the enacting ordinance for that zone; however, that changed in 2009 and cities can now extend the life of their TIFRZs;

Whereas, the Board of Directors for TIFRZ#1, in completing their Master Plan update, recognized that TIFRZ#1 has been the primary economic development tool for Temple and the surrounding area for the past years, and has identified a number of public infrastructure projects within the boundaries of TIFRZ#1 (including the proposed expansion area) that will be difficult or impossible to fund without tax increment funds, or within the time frame of the existing life of TIFRZ#1 (December 2022);

Whereas, the Board of Directors of TIFRZ#1 recommends extension of the life of the Zone for an additional forty years, running from 2022 to 2062; and

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

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

Part 1: The City Council approves extending the life of the City of Temple Tax Increment Financing Reinvestment Zone Number One through December 31, 2062. The City commits to contributing 100% of its taxes levied on the increased value of taxable real property within the boundaries of the TMED area expansion throughout the remaining life of the Zone in accordance with the terms of Chapter 311 of the Texas Tax Code.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **21st** day of **October**, 2010.

PASSED AND APPROVED on Second Reading on the **4th** day of **November**, 2010.

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

11/04/10
Item #4(I-3)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: SECOND READING - Consider adopting an ordinance authorizing amendments to the Tax Increment Financing Reinvestment Zone Number One Financing Plan and Project Plan to align with the 2022 Master Plan.

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

ITEM SUMMARY: The Reinvestment Zone No. 1 Finance and Project Committees met on August 9th, 11th, and 18th to finalize the recommended changes to the Financing and Project Plans to align with the 2022 Master Plan. The outcome of those meetings was the recommendation of the amendments to the Financing and Project Plans as described below. The Reinvestment Zone No. 1 Board approved the recommendation to amend the Financing Plan and Project Plan at its August 25, 2010 board meeting. The Board made an additional recommendation to amend the Financing Plan and Project Plan at its September 22, 2010 board meeting.

Revenues in the plans were adjusted based on the following assumptions:

Property taxes:

FY 2011 Taxable Values were revised to reflect the certified tax roll received from the Bell County Appraisal District. For FY 2012-2022 a 1% growth factor was applied to the FY 2011 base. Adjustments were made for expiring tax abatements and new growth in applicable years.

Payments in lieu of taxes (PILOT):

Funds totaling \$4.6 million were added in FY 2010 (\$2.0M), 2011 (\$1.3M), and 2012 (\$1.3M). These funds will be reserved for future debt service and released beginning in FY 2012.

License Fee:

Beginning in FY 2011-FY 2022, \$36,000 was added each year to reflect the Railroad and Operating Agreement with Temple & Central Texas Railway, Inc. which generates revenue equal to 4% of the Rail Park operations revenue. To date, \$32,300 has been generated from the agreement.

Operating Expenditures in the plans were adjusted as follows:

Debt service payments, Zone park maintenance, and TISD-Joint Use facilities lines have not been amended. These items remain the same as the plans adopted July 28, 2010.

Line 50-General Engineering Services was increased to \$250,000 for FY 2011 and increased to \$175,000 each year for FY 2012-2022.

Line 52-Legal/Audit Fees was increased to \$1,200 in FY 2011-FY 2016, to \$1,300 in FY 2017-2021, and to \$1,400 in FY 2022.

Line 56-Rail Maintenance was funded in FY 2011-2022 at \$100,000 each year.

Line 58-Road/Signage Maintenance was funded in FY 2011-2022 at \$100,000 each year.

Line 60-Marketing services provided by Temple Economic Development Corporation (TEDC) was increased to \$150,000 in FY 2011 and increases by 10% in each FY 2012 through FY 2016 and increases by 5% in each FY 2017 through FY 2022.

The following projects were incorporated into the plans to align with the 2022 Master Plan:

North Zone/Rail Park (including Enterprise Park)

Line 110-Public Improvements North Zone - \$250,000 added each year beginning FY 2011 through FY 2015.

Airport Park

Line 155-Trail Connections to Airport Park Phase I - \$125,000 added in FY 2012 and \$625,000 added in FY 2013. Total project cost is \$750,000.

Bio-Science Park

Line 204-Trail Connections to S&W (City of Temple portion) - \$250,000 added in FY 2011.

Outer Loop (from Wendland Road to IH-35)

Line 300-Outer Loop (from Wendland Road to IH-35) - \$1,200,000 added in FY 2012 for ROW Acquisition. Total project cost is \$15.5M.

Northwest Loop 363 Improvements (TxDOT project)

Line 350-Northwest Loop 363 Improvements) - \$930,000 added in FY 2011. Total project cost is \$44.9M. Funding for the project will come from multiple sources to include Zone, City, and TxDOT.

Downtown

Line 401-Downtown funding was recalculated at 5% of the new calculated levy for FY 2011-2022. FY 2011 also includes remaining funds from FY 2010.

Line 402-Rail Safety Zone Study - \$25,000 added in FY 2011.

Line 403-Lot Identification & Signage - \$80,000 added in FY 2011.

Line 404-Plaza Study - \$25,000 added in FY 2011.

TMED

Line 451-TMED Phase I - \$500,000 added in FY 2011. Total project cost is \$2.9M. Grant funding in the amount of \$2.155M and City funds will also be used for the project.

Line 452-Master Plan Integration 2010 - \$50,000 added in FY 2011.

Line 453-Monumentation Identification Conceptual Design - \$30,000 added in FY 2011.

Line 454-1st Street Pedestrian Bridge to Loop 363 Design/Construction - \$300,000 added in FY 2011, \$500,000 added in FY 2012 and \$500,000 added in FY 2013. Total project cost is \$2.0M.

Line 455-Friars Creek Trail Phase I - \$1,500,000 added in FY 2011. Total project cost is \$1.9M. \$400,000 is funded outside of Zone through a Department of Energy Grant.

Line 456-Avenue R (31st Street to 15th Street) - \$400,000 added in FY 2011 and \$1,000,000 added in FY 2012. Total project cost is \$3.3M.

Public Improvements

Line 610-Beginning in FY 2016, funding for general “non-project specific” improvements is allocated in the Financing Plan. FY 2016-2021 has \$1,875,000 each year. FY 2022 has \$2,746,995 which represents the total amount available to allocate.

FISCAL IMPACT: The total amount allocated in FY 2011 through 2022 is \$78,603,962. With these allocations, fund balance at the end of the year from FY2011-2022 ranges from a high of \$2,584,380 in FY 2011 to a low of \$472,201 in FY 2017. Projected ending fund balance in FY 2022 is \$0.

Budget adjustments are presented for Council approval appropriating the funds as shown in the Financing Plan. A budget adjustment is presented for FY 2010 and a budget adjustment is presented for FY 2011. The FY 2011 budget adjustment aligns the previously adopted Financing Plan for FY 2011 with the Financing Plan presented.

ATTACHMENTS:

[Financing Plan](#)

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

[Budget Adjustments](#)

[Ordinance](#)

FINANCING PLAN

DESCRIPTION		Y/E 9/30/10 Year 28	9/30/2010 Forecasted	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	\$ 129,278,361		\$ 129,282,220	\$ 132,020,000	\$ 139,995,945	\$ 143,080,007	\$ 145,017,763	\$ 202,529,247	\$ 220,811,496	\$ 224,519,611	\$ 228,264,807	\$ 231,297,455	\$ 234,360,430	\$ 236,704,034
1	FUND BALANCE, Begin	\$ 7,946,615	\$ 7,946,615	\$ 6,491,490	\$ 2,584,380	\$ 646,390	\$ 580,971	\$ 1,677,287	\$ 1,015,894	\$ 520,330	\$ 491,280	\$ 539,460	\$ 636,757	\$ 685,311	\$ 769,331
2	Adjustments to Debt Service Reserve	(880,371)	(2,880,371)	(1,300,000)	462,707	1,761,865	1,765,643	-	-	-	-	-	-	-	-
3	Fund Balance Available for Appropriation	\$ 7,066,244	\$ 5,066,244	\$ 5,191,490	\$ 3,047,087	\$ 2,408,255	\$ 2,346,614	\$ 1,677,287	\$ 1,015,894	\$ 520,330	\$ 491,280	\$ 539,460	\$ 636,757	\$ 685,311	\$ 769,331
SOURCES OF FUNDS:															
4	Tax Revenues	3,749,329	3,762,647	3,742,462	4,135,611	4,337,625	4,400,312	4,449,698	6,049,648	6,531,300	6,602,434	6,674,282	6,737,970	6,802,296	6,858,393
6	Allowance for Uncollected Taxes	(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)
8	Interest Income-Other	50,000	37,702	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	40,000	40,000	30,000	10,000
10	Grant Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-
12	License Fee - Central Texas Railway	-	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
14	Other Revenues	-	-	-	-	-	-	-	-	-	-	-	-	-	-
16	P.I.L.O.T.	2,000,000	2,000,000	1,300,000	1,300,000	-	-	-	-	-	-	-	-	-	-
20	Total Sources of Funds	\$ 5,686,988	\$ 5,836,349	\$ 5,013,945	\$ 5,405,956	\$ 4,306,824	\$ 4,368,351	\$ 4,416,566	\$ 6,015,334	\$ 6,495,791	\$ 6,565,719	\$ 6,626,348	\$ 6,688,805	\$ 6,741,888	\$ 6,776,730
25	TOTAL AVAILABLE FOR APPROPRIATION	\$ 12,753,232	\$ 10,902,593	\$ 10,205,435	\$ 8,453,043	\$ 6,715,079	\$ 6,714,965	\$ 6,093,853	\$ 7,031,228	\$ 7,016,121	\$ 7,056,999	\$ 7,165,808	\$ 7,325,562	\$ 7,427,199	\$ 7,546,061
USE OF FUNDS:															
DEBT SERVICE															
26	2003 Bond Issue {\$11.740}	868,545	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
27	2008 Bond Issue {\$16.010 mil}	201,960	201,960	201,960	201,960	201,960	201,960	201,960	201,960	201,960	201,960	201,960	1,786,960	1,787,292	1,784,972
28	2009 Bond Refunding	405,462	405,462	370,669	1,473,669	1,474,569	1,479,969	1,499,769	1,508,775	1,510,150	1,488,750	1,485,000	-	-	-
29	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
30	Issuance Costs	57,331	57,331	-	-	-	-	-	-	-	-	-	-	-	-
31	Refunding Bonds Proceeds	(10,877,950)	(10,877,950)	-	-	-	-	-	-	-	-	-	-	-	-
32	Payment to Refunding Bond Agent	10,810,887	10,810,887	-	-	-	-	-	-	-	-	-	-	-	-
33	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
40	Subtotal-Debt Service	2,004,370	2,004,370	1,979,184	3,785,799	3,786,425	3,793,479	3,811,092	3,819,319	3,820,846	3,800,620	3,798,573	3,895,544	3,898,232	3,898,664
OPERATING EXPENDITURES															
50	Prof Svcs/Proj Mgmt	333,463	208,463	250,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
52	Legal/Audit	1,100	1,100	1,200	1,200	1,200	1,200	1,200	1,200	1,300	1,300	1,300	1,300	1,300	1,400
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	175,000	150,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
56	Rail Maintenance	254,893	254,893	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58	Road/Signage Maintenance	250,111	250,111	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
60	Contractual Payments [TEDC - Marketing]	100,000	100,000	150,000	165,000	181,500	199,650	219,615	241,577	253,655	266,338	279,655	293,638	308,320	323,736
62	TISD-Joint Use facilities	152,132	-	174,779	22,873	23,102	23,333	23,567	23,802	24,040	24,281	24,523	24,769	25,016	25,267
65	Subtotal-Operating Expenditures	1,266,699	964,567	950,979	739,073	755,802	774,183	794,382	816,579	828,995	841,919	855,478	869,707	884,636	900,403
70	TOTAL DEBT & OPERATING EXPENDITURES	\$ 3,271,069	\$ 2,968,937	\$ 2,930,163	\$ 4,524,872	\$ 4,542,227	\$ 4,567,662	\$ 4,605,474	\$ 4,635,898	\$ 4,649,841	\$ 4,642,539	\$ 4,654,051	\$ 4,765,251	\$ 4,782,868	\$ 4,799,067
80	Funds Available for Projects	\$ 9,482,163	\$ 7,933,656	\$ 7,275,272	\$ 3,928,171	\$ 2,172,852	\$ 2,147,303	\$ 1,488,379	\$ 2,395,330	\$ 2,366,280	\$ 2,414,460	\$ 2,511,757	\$ 2,560,311	\$ 2,644,331	\$ 2,746,995
PROJECTS															
150	North Zone/Rail Park	1,083,290	722,219	250,000	250,000	250,000	250,000	250,000	-	-	-	-	-	-	-
200	Airport Park	101,662	93,232	-	125,000	625,000	-	-	-	-	-	-	-	-	-
250	Bio-Science Park	609,164	363,965	250,000	-	-	-	-	-	-	-	-	-	-	-
300	Outer Loop [from Wendland Rd to IH-35 North]	300,000	41,550	-	1,200,000	-	-	-	-	-	-	-	-	-	-
350	Northwest Loop 363 Improvements (TxDOT commitment)	905,410	-	930,000	-	-	-	-	-	-	-	-	-	-	-
400	Synergy Park	1,246,000	126,200	-	-	-	-	-	-	-	-	-	-	-	-
450	Downtown	388,769	95,000	480,892	206,781	216,881	220,016	222,485	-	-	-	-	-	-	-
500	TMED	-	-	2,780,000	1,500,000	500,000	-	-	-	-	-	-	-	-	-
501	Major Gateway Entrances	400,000	-	-	-	-	-	-	-	-	-	-	-	-	-
600	Bond Contingency	176,730	-	-	-	-	-	-	-	-	-	-	-	-	-
610	Public Improvements	263,964	-	-	-	-	-	-	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	2,746,995
	Subtotal-Projects	5,474,989	1,442,166	4,690,892	3,281,781	1,591,881	470,016	472,485	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	2,746,995
TOTAL USE OF FUNDS		\$ 8,746,058	\$ 4,411,103	\$ 7,621,055	\$ 7,806,653	\$ 6,134,108	\$ 5,037,678	\$ 5,077,959	\$ 6,510,898	\$ 6,524,841	\$ 6,517,539	\$ 6,529,051	\$ 6,640,251	\$ 6,657,868	\$ 7,546,062
700	FUND BALANCE, End	\$ 4,007,174	\$ 6,491,490	\$ 2,584,380	\$ 646,390	\$ 580,971	\$ 1,677,287	\$ 1,015,894	\$ 520,330	\$ 491,280	\$ 539,460	\$ 636,757	\$ 685,311	\$ 769,331	\$ (0)

TIF Reinvestment Zone #1

Summary Financing Plan with Detailed Project Plan

Project Plan - 09/22/2010 - to Zone Board

PROJECT PLAN

SUMMARY FINANCING PLAN							
	FY 2010	FY 2010 Forecast	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
1Beginning Available Fund Balance, Oct 1	\$ 7,946,615	\$ 7,946,615	\$ 6,491,490	\$ 2,584,380	\$ 646,390	\$ 580,971	\$ 1,677,287
20Total Sources of Funds	5,686,988	5,836,349	5,013,945	5,405,956	4,306,824	4,368,351	4,416,566
2Adjustments to Debt Service Reserve	(880,371)	(2,880,371)	(1,300,000)	462,707	1,761,865	1,765,643	-
25Net Available for Appropriation	12,753,232	10,902,593	10,205,435	8,453,043	6,715,079	6,714,965	6,093,853
50/52General Administrative Expenditures	334,563	209,563	251,200	176,200	176,200	176,200	176,200
54Zone Park Maintenance [mowing, utilities, botanical supplies]	175,000	150,000	175,000	175,000	175,000	175,000	175,000
56Rail Maintenance	254,893	254,893	100,000	100,000	100,000	100,000	100,000
58Road/Signage Maintenance	250,111	250,111	100,000	100,000	100,000	100,000	100,000
60Contractual Payments (TEDC - Marketing)	100,000	100,000	150,000	165,000	181,500	199,650	219,615
62TISD - Joint Use Facilities [look at contracts and calculation]	152,132	-	174,779	22,873	23,102	23,333	23,567
26Debt Service - 2003 Issue {\$11.740 mil}	869,745	869,745	869,620	868,235	870,255	871,055	870,130
27Debt Service - 2008 Issue {\$16.010 mil}	201,960	201,960	201,960	201,960	201,960	201,960	201,960
28Debt Service - 2009 Issue {Refunding}	405,462	405,462	370,669	1,473,669	1,474,569	1,479,969	1,499,769
29Debt 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
30Issuance Costs	57,331	57,331	-	-	-	-	-
31Refunding Bond Proceeds	(10,877,950)	(10,877,950)	-	-	-	-	-
32Payment to Refunding Bond Agent	10,810,887	10,810,887	-	-	-	-	-
70Total Debt & Operating Expenditures	3,271,069	2,968,937	2,930,163	4,524,872	4,542,227	4,567,662	4,605,474
80Funds Available for Projects	\$ 9,482,163	\$ 7,933,656	\$ 7,275,272	\$ 3,928,171	\$ 2,172,852	\$ 2,147,303	\$ 1,488,379

PROJECT PLAN							
	FY 2010	FY 2010 Forecast	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
NORTH ZONE/RAIL PARK (including Enterprise Park):							
100Railroad Spur Improvements	667,166	337,986	-	-	-	-	-
102Elm Creek Detention Pond	98,227	90,954	-	-	-	-	-
103ROW Acquisition - Public Improvements	3,661	-	-	-	-	-	-
104Extension of Rail Service	121,550	121,550	-	-	-	-	-
105BN Trans-Load NE Site Phase I - [\$850K total project cost]	-	-	-	-	-	-	-
106Wendland Road Improvements	192,686	171,729	-	-	-	-	-
107Wendland Property Roadway Phase I - [\$1.87M total project cost]	-	-	-	-	-	-	-
110Public Improvements in North Zone	-	-	250,000	250,000	250,000	250,000	250,000
150Total North Zone/Rail Park (including Enterprise Park)	1,083,290	722,219	250,000	250,000	250,000	250,000	250,000
AIRPORT PARK:							
151Airport Park Infrastructure Construction	101,662	93,232	-	-	-	-	-
155Trail Connections to Airport Park Phase I - [\$750K total project cost]	-	-	-	125,000	625,000	-	-
200Total Airport Park	101,662	93,232	-	125,000	625,000	-	-
BIO-SCIENCE PARK:							
201Greenbelt Development along Pepper Creek	321,723	251,685	-	-	-	-	-
202Outer Loop Phase II (from Hwy 36 to FM 2305)	245,320	96,405	-	-	-	-	-
203Bio-Science Park Phase 1	42,121	15,875	-	-	-	-	-
204Trail Connections to S&W (City of Temple portion)	-	-	250,000	-	-	-	-
250Total Bio-Science Park	609,164	363,965	250,000	-	-	-	-
300Outer Loop (from Wendland Rd to IH-35 North) - [\$15.5M total project cost]	300,000	41,550	-	1,200,000	-	-	-
350Northwest Loop 363 Improvements (TxDOT commitment)	905,410	-	930,000	-	-	-	-
SYNERGY PARK:							
351Southeast Ind Park (Lorraine Drive) - [\$1.5M total project cost]	1,246,000	126,200	-	-	-	-	-
400Total Synergy Park	1,246,000	126,200	-	-	-	-	-
DOWNTOWN:							
401Downtown Improvements [look at 1999 Ordinance]	388,769	95,000	350,892	206,781	216,881	220,016	222,485
402Rail Safety Zone Study	-	-	25,000	-	-	-	-
403Lot Identification & Signage	-	-	80,000	-	-	-	-
404Plaza Study	-	-	25,000	-	-	-	-
405Santa Fe Plaza Parking Lot - [\$1.3M total project cost]	-	-	-	-	-	-	-
450Total Downtown	388,769	95,000	480,892	206,781	216,881	220,016	222,485
TMED:							
451TMED Phase I - [\$2.9M total project cost]	-	-	500,000	-	-	-	-
452Master Plan Integration 2010	-	-	50,000	-	-	-	-
453Monumentation Identification Conceptual Design	-	-	30,000	-	-	-	-
4541st Street Pedestrian Bridge to Loop 363 Design/Construction - [\$2M total project cost]	-	-	300,000	500,000	500,000	-	-
455Friars Creek Trail Phase I - [\$1.9M total project cost - DOE Grant of \$400K]	-	-	1,500,000	-	-	-	-
456Avenue R (31st St to 15th Street) - [\$3.3M total project cost]	-	-	400,000	1,000,000	-	-	-
500Total TMED	-	-	2,780,000	1,500,000	500,000	-	-
OTHER PROJECTS:							
501Gateway Entrance Projects	400,000	-	-	-	-	-	-
550Total Other Projects	400,000	-	-	-	-	-	-
600Undesignated Funding - Bonds	176,730	-	-	-	-	-	-
610Undesignated Funding - Public Improvements	263,964	-	-	-	-	-	-
Total Planned Project Expenditures	5,474,989	1,442,166	4,690,892	3,281,781	1,591,881	470,016	472,485
700Fund Balance at Year End	\$ 4,007,174	\$ 6,491,490	\$ 2,584,380	\$ 646,390	\$ 580,971	\$ 1,677,287	\$ 1,015,894

FY 2010

BUDGET ADJUSTMENT FORM

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

Adjustments should be rounded to the nearest \$1.

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
795-0000-461-06-14		PAYMENT IN LIEU OF TAXES	\$ 2,000,000			
795-0000-354-05-12		RESERVED FOR DEBT SERVICE	\$ 2,000,000			
		DO NOT POST				
TOTAL.....			\$ 4,000,000		\$ -	

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

Budget Adjustment to amend the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2010 to appropriate the PILOT payment to be received from Gulf States Toyota resulting from the amendment to the 2008 Economic Development Agreement. The funds will be reserved for future debt service payments.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING 11/4/2010

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date _____

	Approved
	Disapproved

Finance

Date _____

	Approved
	Disapproved

City Manager

Date _____

	Approved
	Disapproved

BUDGET ADJUSTMENT FORM

FY 2011

Use this form to make adjustments to your budget. All adjustments must balance within a Department.
Adjustments should be rounded to the nearest \$1.

		+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE	
795-0000-411-01-11		PROPERTY TAXES		\$ 937,132	
795-0000-422-05-10		LICENSE FEE	\$ 36,000		
795-0000-461-06-14		PAYMENT IN LIEU OF TAXES	\$ 1,300,000		
795-0000-354-05-12		RESERVED FOR DEBT SERVICE	\$ 1,300,000		
795-9500-531-26-16		PROFESSIONAL-AUDIT FEE	\$ 100		
795-9500-531-26-16		PROFESSIONAL	\$ 156,153		
795-9500-531-65-14	100692	RAIL MAINTENANCE	\$ 100,000		
795-9500-531-63-17	100693	ROAD MAINTENANCE/SIGNAGE	\$ 100,000		
795-9500-531-26-27		MARKETING-TEDC	\$ 50,000		
795-9500-531-26-27		JOINT USE FACILITIES	\$ 152,132		
795-9500-531-65-18	100694	PUBLIC IMPROVEMENTS IN NORTH ZONE	\$ 250,000		
795-9500-531-65-54	100695	TRAIL CONNECTIONS TO S&W	\$ 250,000		
795-9700-531-25-87	100681	NORTHWEST LOOP 363 {TXDOT} TOTAL \$930,000	\$ 188,430		
795-9500-531-25-87	100681	NORTHWEST LOOP 363 {TXDOT} TOTAL \$930,000	\$ 741,570		
795-9500-531-65-28	100328	DOWNTOWN IMPROVEMENTS	\$ 350,892		
795-9500-531-25-39	100697	RAIL SAFETY ZONE STUDY-DOWNTOWN	\$ 25,000		
795-9500-531-25-39	100698	LOT IDENTIFICATION & SIGNAGE-DOWNTOWN	\$ 80,000		
795-9500-531-25-39	100699	PLAZA STUDY-DOWNTOWN	\$ 25,000		
795-9500-531-65-50	100629	TMED PHASE I {STEP Grant match}	\$ 500,000		
795-9500-531-26-16		MASTER PLAN INTEGRATION 2010-{TMED}	\$ 50,000		
795-9500-531-26-16		MONUMENTATION ID CONCEPTUAL DESIGN {TMED}	\$ 30,000		
795-9500-531-65-51	100700	1ST STREET PEDESTRIAN BRIDGE DESIGN {TMED}	\$ 300,000		
795-9500-531-65-52	100585	FRIAR'S CREEK TRAIL PHASE I {DOE grant} {TMED} TOTAL \$1.5m	\$ 106,900		
795-9600-531-65-52	100585	FRIAR'S CREEK TRAIL PHASE I {DOE grant} {TMED} TOTAL \$1.5m	\$ 723,100		
795-9700-531-65-52	100585	FRIAR'S CREEK TRAIL PHASE I {DOE grant} {TMED} TOTAL \$1.5m	\$ 670,000		
795-9500-531-65-53	100696	AVE R {31ST TO 15TH STREET} {TMED}	\$ 400,000		
795-9500-531-63-17		STREETS & ALLEYS		\$ 1,915,500	
795-9500-531-65-21		UTILITY IMPROVEMENTS		\$ 109,650	
795-9500-531-65-28		DOWNTOWN IMPROVEMENTS		\$ 195,747	
795-0000-358-11-10		UNRESERVED FUND BALANCE-DEPT 95		\$ 2,347,982	
795-0000-315-11-16		RESERVED FOR FUTURE EXP-2003 CO BONDS-DEPT 96		\$ 723,100	
795-0000-315-11-16		RESERVED FOR FUTURE EXP-2008 CO BONDS-DEPT 97		\$ 670,000	
795-0000-315-11-16		RESERVED FOR FUTURE EXP-2008 TAX REV BONDS-DEPT 97		\$ 188,430	
		DO NOT POST			
TOTAL.....			\$ 7,885,277	\$ 7,087,541	

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

Budget Adjustment to appropriate funds as adopted in the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2011. First reading of the ordinance to amend the plan was October 21, 2010, second reading is November 4, 2010.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes ☐ No

DATE OF COUNCIL MEETING 11/4/2010

WITH AGENDA ITEM?

☒ Yes ☐ No

Department Head/Division Director

Date

☐ Approved
☐ Disapproved

Finance

Date

☐ Approved
☐ Disapproved

City Manager

Date

☐ Approved
☐ Disapproved

ORDINANCE NO. 2010-4405

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AMENDMENTS TO THE TAX INCREMENT FINANCING REINVESTMENT ZONE NO. 1 FINANCING PLAN AND PROJECT PLAN TO ALIGN WITH THE 2022 MASTER PLAN; 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; Ordinance No. 2009-4290 on the 16th day of April, 2009; Ordinance No. 2009-4294 on the 21st day of May, 2009; Ordinance No. 2009-

4316 on the 17th day of September, 2009; Ordinance No. 2009-4320 on the 15th day of October, 2009; Ordinance No. 2010-4338 on the 18th day of February, 2010; and Ordinance No. 2010-4371 on the 19th day of August, 2010;

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 and Project Plan, heretofore adopted by the Board of Directors of the Zone and referred to in the preamble of this ordinance, are hereby

approved and adopted, as set forth in the Amendments to Reinvestment Zone Number One, City of Temple, Texas, attached hereto as Exhibits A and B.

Part 3: Plans Effective. The Financing Plan and Project 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 and Public Hearing on the **21st** day of **October**, 2010.

PASSED AND APPROVED on Second Reading on the **4th** day of **November**, 2010.

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

11/04/10
Item #4(J)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing property, liability and workers compensation insurance premiums for FY2010-11.

STAFF RECOMMENDATION: Adopt resolution presented in item description.

ITEM SUMMARY: The City is a member of the Texas Municipal League Intergovernmental Risk Pool (TML), and all of the City's property, liability and workers compensation insurance are currently purchased through TML and have been for several years. As an intergovernmental agency, purchases from TML meet competitive bidding requirements.

The annual premiums for property and liability insurance are billed quarterly. The City participates in a "self billing" workers compensation program and makes payments to TML on a monthly basis. The property and liability premiums for FY2010-11 are as follows: (1) Real and Personal Property, \$121,500; Mobile Equipment, \$16,824; General Liability, \$29,592; Law Enforcement Liability, \$33,215; Errors & Omissions Liability, \$45,774; Automobile Liability, \$45,406; and Airport Liability, \$10,461. Since the workers compensation premium is based on a payroll employee classification schedule, the exact premium amount cannot be determined until after the end of the fiscal year; however \$410,997 is budgeted in the FY2010-11 budget for all funds.

FISCAL IMPACT: Funds are budgeted for property and liability insurance premiums in each Department's FY2010-11 budget (Account #2611).

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING PROPERTY, LIABILITY AND WORKERS COMPENSATION INSURANCE PREMIUMS FOR FY2010-11; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is a member of the Texas Municipal League Intergovernmental Risk Pool (TML), and all of the City's property, liability and workers compensation insurance are currently purchased through TML, and have been for several years;

Whereas, as an intergovernmental agency, purchases from TML meet competitive bidding requirements;

Whereas, funds for property and liability insurance are budgeted in each Department's FY2010-11 budget (Account #2611) and the workers compensation premium is based on a payroll employee classification schedule; 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 property, liability, and workers compensation insurance premiums for FY2010-11, as follows: Real and Personal Property, \$121,500; Mobile Equipment, \$16,824; General Liability, \$29,592; Law Enforcement Liability, \$33,215; Errors and Omissions Liability, \$45,774; Automobile Liability, \$45,406; Airport Liability, \$10,461; and Workers Compensation, estimated annual expenditure of \$410,997.

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

PASSED AND APPROVED this the 4th day of **November**, 2010.

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

11/04/10
Item #4(K)
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 2009-2010.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2009-2010 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$32,133.

ATTACHMENTS:

Budget amendments
Resolution

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2010 BUDGET
November 4, 2010

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-3300-519-2584		EDC - O&M Funding Allocation	\$ 32,133	
110-3300-519-2585		Economic Development Agreements		\$ 9,500
110-0000-352-1345		Designated Capital Projects - Unallocated		\$ 22,633

TOTAL AMENDMENTS			\$ 32,133	\$ 32,133
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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	\$ 77,833
Added to Contingency Judgments & Damages from Council Contingency	\$ 8,000
Taken From Judgments & Damages	\$ (84,939)
Net Balance of Judgments & Damages Contingency Account	\$ 894
Beginning Fuel Contingency	\$ 125,000
Added to Fuel Contingency	\$ -
Taken From Fuel Contingency	\$ (125,000)
Net Balance of Fuel Contingency Account	\$ -
Beginning Solid Waste - Future Capital Replacement Contingency	\$ 48,400
Added to Solid Waste - Future Capital Replacement Contingency	\$ -
Taken From Solid Waste - Future Capital Replacement Contingency	\$ -
Net Balance of Solid Waste - Future Capital Replacement Contingency Account	\$ 48,400
Net Balance Council Contingency	\$ 49,294
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	\$ 247,423
Added to Contingency Sweep Account	\$ -
Taken From Contingency	\$ (37,522)
Net Balance of Contingency Account	\$ 209,901
Beginning Approach Mains Contingency	\$ -
Added to Approach Mains Contingency	\$ 488,270
Taken From Approach Mains Contingency	\$ (488,270)
Net Balance of Approach Mains Contingency Account	\$ -
Net Balance Water & Sewer Fund Contingency	\$ 209,901

HOTEL/MOTEL TAX FUND

Beginning Contingency Balance	\$ 26,336
Added to Contingency Sweep Account	\$ -
Taken From Contingency	\$ (26,336)
Net Balance of Contingency Account	\$ -

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2010 BUDGET
November 4, 2010

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
DRAINAGE FUND				
		Beginning Contingency Balance	\$	-
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	-
FED/STATE GRANT FUND				
		Beginning Contingency Balance	\$	15,243
		Carry forward from Prior Year	\$	51,505
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(49,241)
		Net Balance of Contingency Account	\$	17,507

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE
2009-2010 CITY BUDGET; AND PROVIDING AN OPEN
MEETINGS CLAUSE.

Whereas, on the 3rd day of September, 2009, the City Council approved a budget for the 2009-2010 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2009-2010 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 2009-2010 City Budget by adopting the budget amendments which are more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED this the 4th day of **November**, 2010.

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

11/04/10
Item #4(L)
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 2010-2011.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2010-2011 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$4,435,227.

ATTACHMENTS:

Budget amendments
Resolution

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2011 BUDGET
November 4, 2010

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
110-2330-540-2516		Judgments & Damages (Solid Waste - Residential)	\$ 325	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 325
Settlement of a claim filed against the City seeking reimbursement for damage to a fence by a garbage truck emptying a container at 1103 S. 6th St.				
110-9100-591-8165		Transfer Out - Health Insurance Fund	\$ 628,756	
110-1500-515-6532		Contingency - Self Insurance Start Up Cost		\$ 628,756
240-9100-591-8165		Transfer Out - Health Insurance Fund	\$ 10,968	
240-4400-551-6532		Contingency - Self Insurance Start Up Cost		\$ 10,968
292-9100-591-8165		Transfer Out - Health Insurance Fund	\$ 9,911	
292-2900-534-6532		Contingency - Self Insurance Start Up Cost		\$ 9,911
520-9100-591-8165		Transfer Out - Health Insurance Fund	\$ 100,365	
520-5000-535-6532		Contingency - Self Insurance Start Up Cost		\$ 100,365
650-0000-447-2556		Employer Contributions - Active		\$ 1,545,592
650-0000-447-2557		Employer Contributions - Retiree		\$ 112,200
650-0000-447-2559		Employee Contributions		\$ 982,288
650-0000-447-2561		Retiree Contributions		\$ 275,002
650-0000-490-2520		Transfer In - Water & Sewer		\$ 100,365
650-0000-490-2540		Transfer In - Hotel/Motel		\$ 10,968
650-0000-490-2543		Transfer In - Cont from General Fund		\$ 628,756
650-0000-490-2592		Transfer In - Drainage Fund		\$ 9,911
650-2700-515-2565		Employee Claims Filed	\$ 2,785,998	
650-2700-515-2566		Retiree Claims Filed	\$ 322,672	
650-2700-515-2611		Insurance & Bonds (Specific Stop Loss)	\$ 257,321	
650-2700-515-2611		Insurance & Bonds (Aggregate Stop Loss)	\$ 48,114	
650-2700-515-2623		Other Contract Services (Admin Fee)	\$ 250,977	
This budget adjustment transfers contingency funds for self insurance start up cost and appropriates the revenues and expenditures for the Health Insurance Fund.				
292-2900-534-6310	100701	Buildings & Grounds - Vehicle Wash Bay Cover (Drainage)	\$ 15,000	
292-0000-352-1345		Designated Capital Projects - Unallocated		\$ 15,000
The budget adjustment appropriates Drainage Fund Balance for the purchase and installation of a vehicle wash bay cover. This project was approved by Council as part of the FY 2010 Capital Improvement Program as revised on November 19, 2009.				
TOTAL AMENDMENTS			\$ 4,430,407	\$ 4,430,407
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			\$	80,000
Added to Contingency Judgments & Damages from Council Contingency			\$	-
Taken From Judgments & Damages			\$	(6,197)
Net Balance of Judgments & Damages Contingency Account			\$	73,803
Beginning Fuel Contingency			\$	55,841
Added to Fuel Contingency			\$	-
Taken From Fuel Contingency			\$	-
Net Balance of Fuel Contingency Account			\$	55,841

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2011 BUDGET
November 4, 2010

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Beginning Self Insurance Start Up Cost Contingency		\$ 628,756
		Added to Self Insurance Start Up Cost Contingency		\$ -
		Taken From Self Insurance Start Up Cost Contingency		\$ (628,756)
		Net Balance of Self Insurance Start Up Cost Contingency Account		\$ -
		Net Balance Council Contingency		\$ 129,644
		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		\$ 50,000
		Added to Contingency Sweep Account		\$ -
		Taken From Contingency		\$ -
		Net Balance of Contingency Account		\$ 50,000
		Beginning Self Insurance Start Up Cost Contingency		\$ 100,365
		Added to Self Insurance Start Up Cost Contingency		\$ -
		Taken From Self Insurance Start Up Cost Contingency		\$ (100,365)
		Net Balance of Self Insurance Start Up Cost Contingency Account		\$ -
		Net Balance Water & Sewer Fund Contingency		\$ 50,000
		HOTEL/MOTEL TAX FUND		
		Beginning Self Insurance Start Up Cost Contingency		\$ 10,968
		Added to Self Insurance Start Up Cost Contingency		\$ -
		Taken From Self Insurance Start Up Cost Contingency		\$ (10,968)
		Net Balance of Self Insurance Start Up Cost Contingency Account		\$ -
		DRAINAGE FUND		
		Beginning Self Insurance Start Up Cost Contingency		\$ 9,911
		Added to Self Insurance Start Up Cost Contingency		\$ -
		Taken From Self Insurance Start Up Cost Contingency		\$ (9,911)
		Net Balance of Self Insurance Start Up Cost Contingency Account		\$ -
		FED/STATE GRANT FUND		
		Beginning Contingency Balance		\$ 2,284
		Carry forward from Prior Year		\$ -
		Added to Contingency Sweep Account		\$ -
		Taken From Contingency		\$ -
		Net Balance of Contingency Account		\$ 2,284

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE
2010-2011 CITY BUDGET; AND PROVIDING AN OPEN
MEETINGS CLAUSE.

Whereas, on the 2nd day of September, 2010, the City Council approved a budget for the 2010-2011 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2010-2011 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 2010-2011 City Budget by adopting the budget amendments which are more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED this the 4th day of **November**, 2010.

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

11/04/10
Item #5
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-10-53: Consider adopting an ordinance authorizing a Conditional Use Permit for the sale of alcoholic beverages with more than 50% and less than 75% revenue from alcohol sales in a restaurant on Lot 10, Block 1, Hillside Addition, located at 2906 South General Bruce Drive. **(Note: approval of this item will require four affirmative votes of the City Council)**

P&Z COMMISSION RECOMMENDATION: At its October 18, 2010 meeting, the Planning and Zoning Commission voted 6/0 in accordance with staff recommendation to recommend approval of a Conditional Use Permit for the sale of alcoholic beverages with more than 50% and less than 75% revenue from alcohol sales in a restaurant with the following conditions:

General to All CUPs for On-Premise Alcohol Consumption

1. The permittee must design and operate the establishment in such a manner that the proposed use or actual use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
2. The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within six months from the date of the issuance of the conditional use permit by the City Council, such limitation in time being subject to review and possible extension by the City.
3. The permittee bears the burden of showing that the establishment does not exceed the limitation on gross receipts from sales of alcoholic beverages applicable to its CUP. The permittee must maintain accounting records of the sources of its gross revenue and allow the City to inspect such records during reasonable business hours.
4. The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
5. The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment premises to prevent incidents of drunkenness, disorderly conduct and raucous behavior.
6. The establishment must provide adequate parking spaces to accommodate its members and their guests. Provided, however, the number of parking spaces shall never be less than those required for similar uses in that zoning district where the establishment is located.
7. The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.

8. The City Council may deny, cancel, suspend or revoke this CUP in accordance with the revocation clause set forth in Section 7-608 of the Zoning Ordinance if it affirmatively determines that the issuance of the permit is (a) incompatible with the surrounding uses of property, or (b) detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
9. The CUP runs with the property. Changes in the owner or lessee of a permitted establishment do not affect the permit.
10. The applicant's site plan and floor plan are exhibits to the ordinance that grants CUP.

Specific to this CUP

11. The parking lot must be striped to match CUP site plan, including traffic flow arrows.

Commissioners Barton, Williams and Sears were absent.

STAFF RECOMMENDATION: Conduct a public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for November 18, 2010.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-10-53, from the Planning and Zoning meeting, October 18, 2010. The applicant requests a Conditional Use Permit (CUP) in order to sell beer, wine and mixed drinks in his restaurant that is 2,385 square feet in area. The nearest protected use is a church that is approximately 1,550 feet away, measured front door to front door. The minimum separation distance between a business with on-premise alcohol consumption and a protected use is 300 feet. The Temple Police Department was informed of this CUP request and had no issues or concerns about granting the request.

Per State Statutes, if owners of more than 20 percent of the land area in the notification radius send in written comments disapproving of the proposal, then a super majority vote is required from City Council to approve the proposal. ***In this case, owners of 49 percent of the land in the notification area sent in negative written comments, so a super majority (at least 4 favorable votes) is required from City Council to approve this CUP. (See the Notification Map attached to this report)***

CUP APPROVAL CRITERIA

Part of the CUP process is for the P&Z and City Council to utilize their discretionary abilities in making a recommendation and taking final action. As a guide, the Zoning Ordinance establishes seven general criteria for evaluation of all CUPs. They are listed below for the Council's consideration:

1. The conditional use permit will be compatible with and not injurious to the use and enjoyment of the property, nor significantly diminish or impair property values within the immediate vicinity;
2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property;
3. Adequate utilities, access roads, drainage, and other necessary support facilities have been or will be provided;

4. The design, location, and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development;
5. Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise, and vibration;
6. Directional lighting will be provided so as not to disturb or adversely affect neighboring properties; and
7. There is sufficient landscaping and screening to insure harmony and compatibility with adjacent property.

Adjacent property owners sent in a recommendation for disapproval with a concern related to criterion #1. As shown in the meeting minutes, one surrounding property owner spoke out against the proposed CUP at the Planning and Zoning Commission public hearing. He was opposed to the possibility of littering on his car lot and opposed to the fact that the restaurant could get 50 to 75 percent of its revenue from alcohol sales.

PUBLIC NOTICE:

Four notices of the Planning and Zoning Commission public hearing were sent out to surrounding property owners and occupants. As of Monday, October 25 at 5 PM, one notice was returned in favor of and two notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on October 7, 2010 in accordance with state law and local ordinance.

FISCAL IMPACT: NA

ATTACHMENTS:

Aerial
Land Use and Character Map
Zoning Map
Thoroughfare Plan Map
Utility Map
CUP Site Plan
CUP Floor Plan
Notice Map
Response Letters
P&Z Staff Report (Z-FY-10-53)
P&Z Minutes (Oct. 18, 2010)
Ordinance



Z-FY-10-53

Approx. 3000sf Hillside Addition, Blk 1, Lot 10

2906 S General Bruce Dr



2008 Aerial Shown (newer image unavailable)

Feet 0 50 100 150 200

 ZFY1053

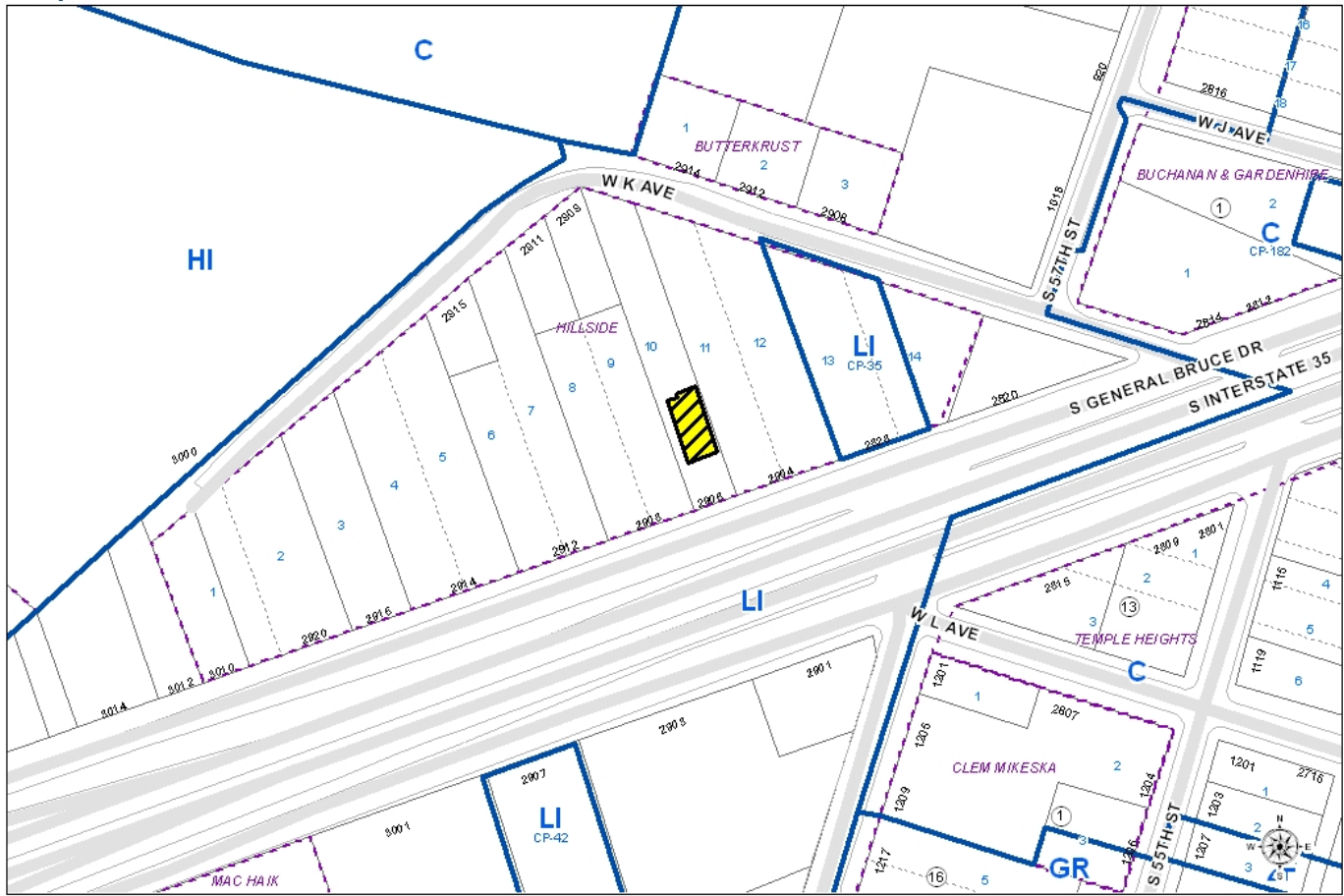
J Stone 9.13.10



Z-FY-10-53

Approx. 3000sf Hillside Addition, Blk 1, Lot 10

2906 S General Bruce Dr



ZFY1053

J Stone 9.13.10



Z-FY-10-53

Approx. 3000sf Hillside Addition, Blk 1, Lot 10

2906 S General Bruce Dr

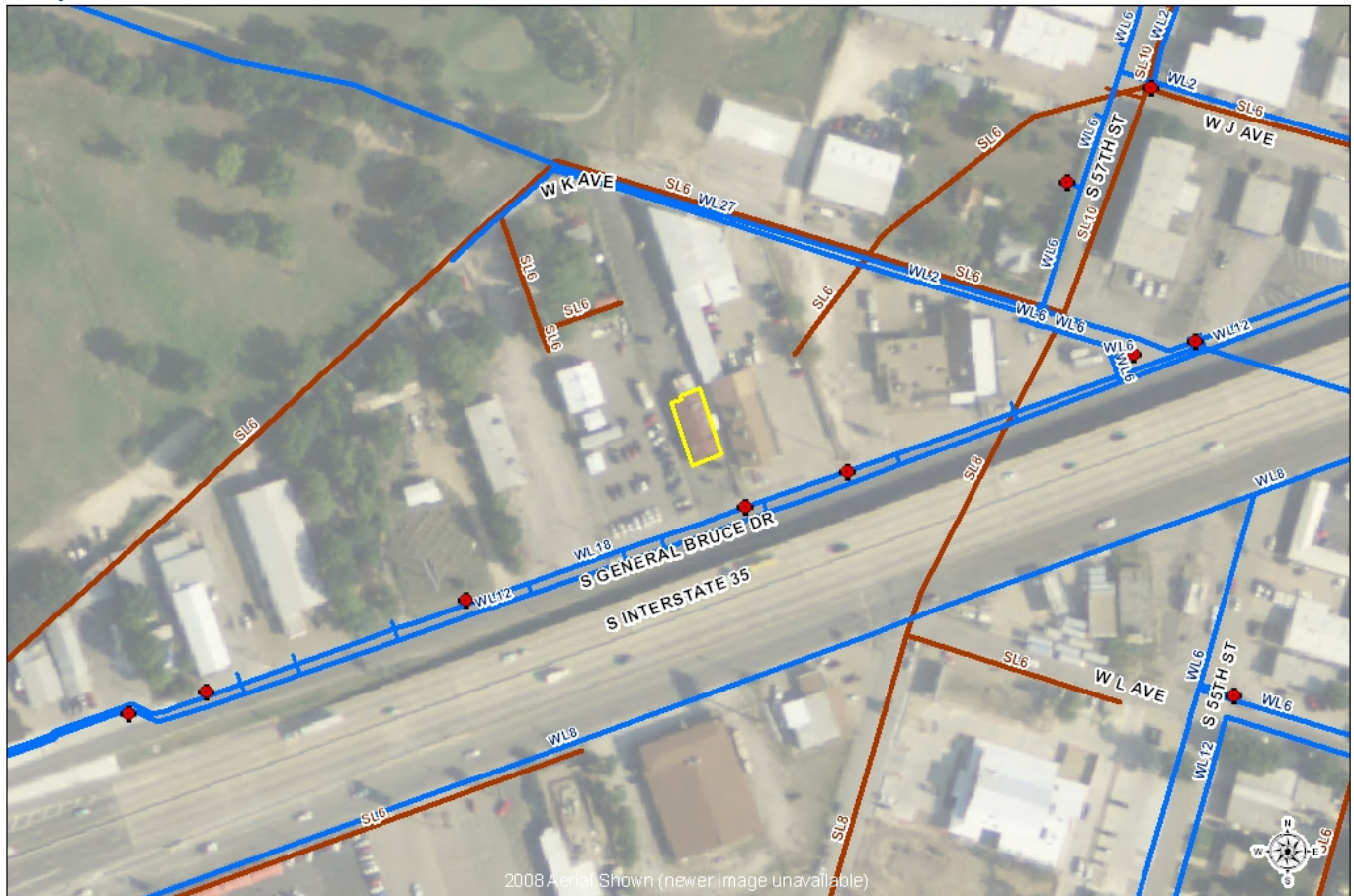




Z-FY-10-53

Approx. 3000sf Hillside Addition, Blk 1, Lot 10

2906 S General Bruce Dr



2008 Aerial Shown (newer image unavailable)

ZFY1053 WATER LINE SEWER LINE

Feet 0 50 100 150 200

J Stone 9.13.10

NOTES*

ZONING: LIGHT INDUSTRIAL (LI)

FRONT YARD SET-BACK

EXIST. SETBACK 52.7' TO PROPERTY LINE

REQ. FRONT YARD SET-BACK = MIN. 30' CENTER LN. STREET

REQ. SIDE YARD SET-BACK = 0 FT < 10' FROM SIDE STREET

EXIST. MINIMUM SETBACK 9' TO PROPERTY LINE

REQ. REAR YARD = 0 FEET

EXIST. SETBACK 308.4' TO PROPERTY LINE

NOTE: EXISTING RESIDENTIAL USE ON WEST LINE OF LOT 10 APPROX. 100' DEPTH FROM AVE K. ALL OTHER ADJOINING USES COMMERCIAL OR LIGHT INDUSTRIAL.

SCREENING FENCES: CHAIN LINK, RET. WALL, WOOD & GUARD RAIL FENCES EXISTING ON EAST AND WEST PROPERTY LINES. A SMALL PORTION ON THE WEST PROPERTY LINE CAN BE CONSIDERED AS SCREENING FENCES.

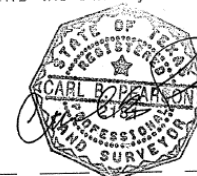
LANDSCAPING: A SMALL PLATER BOX EXIST IN FRONT ON THE RESTAURANT. NO OTHER LANDSCAPING EXIST ON THE SITE.

COUNTY OF BELL,
STATE OF TEXAS

KNOW ALL BY THESE PRESENTS: That I, Carl B. Pearson did cause to be surveyed on the ground on September 7th, 2010, the improvements located on Lot 10, Hillside Addition to the City of Temple, Texas, and that the attached plat map is a true and accurate representation of said survey.

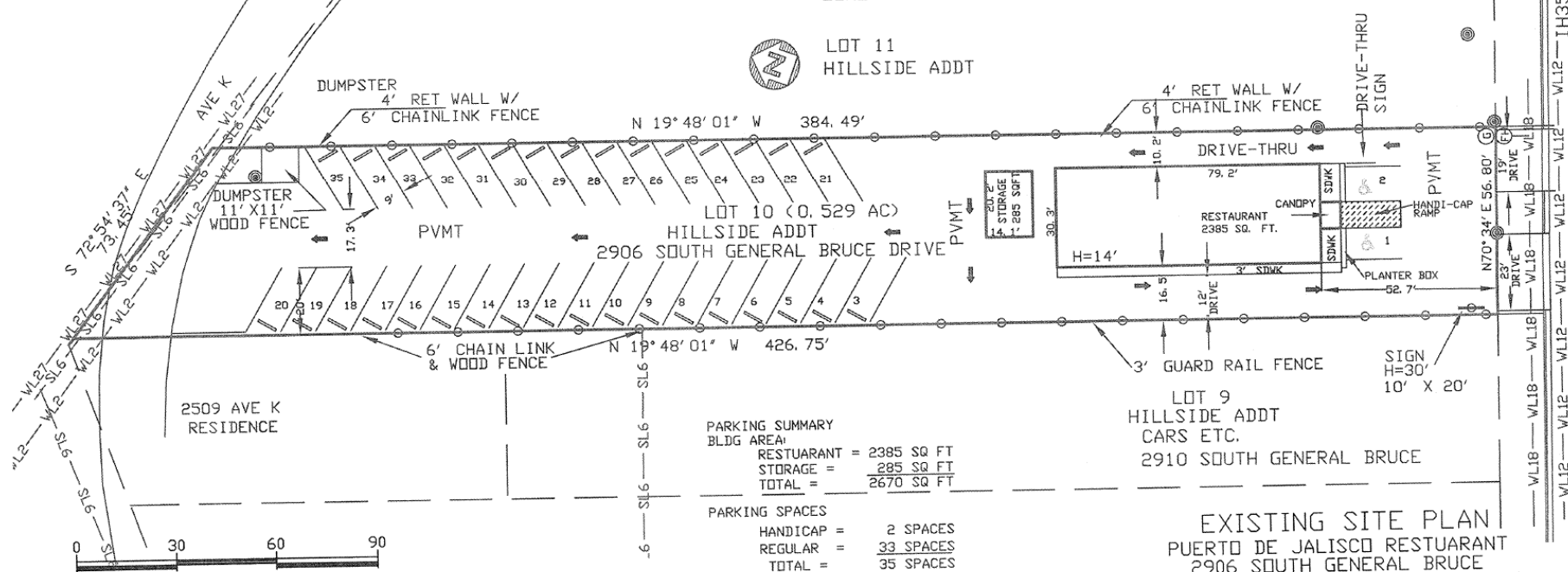
IN WITNESS THEREOF, my hand and seal, this the 8th day of September, 2010.

Carl B. Pearson, P.E., RPLS,
11 West Ave G, Temple, Texas 76504.



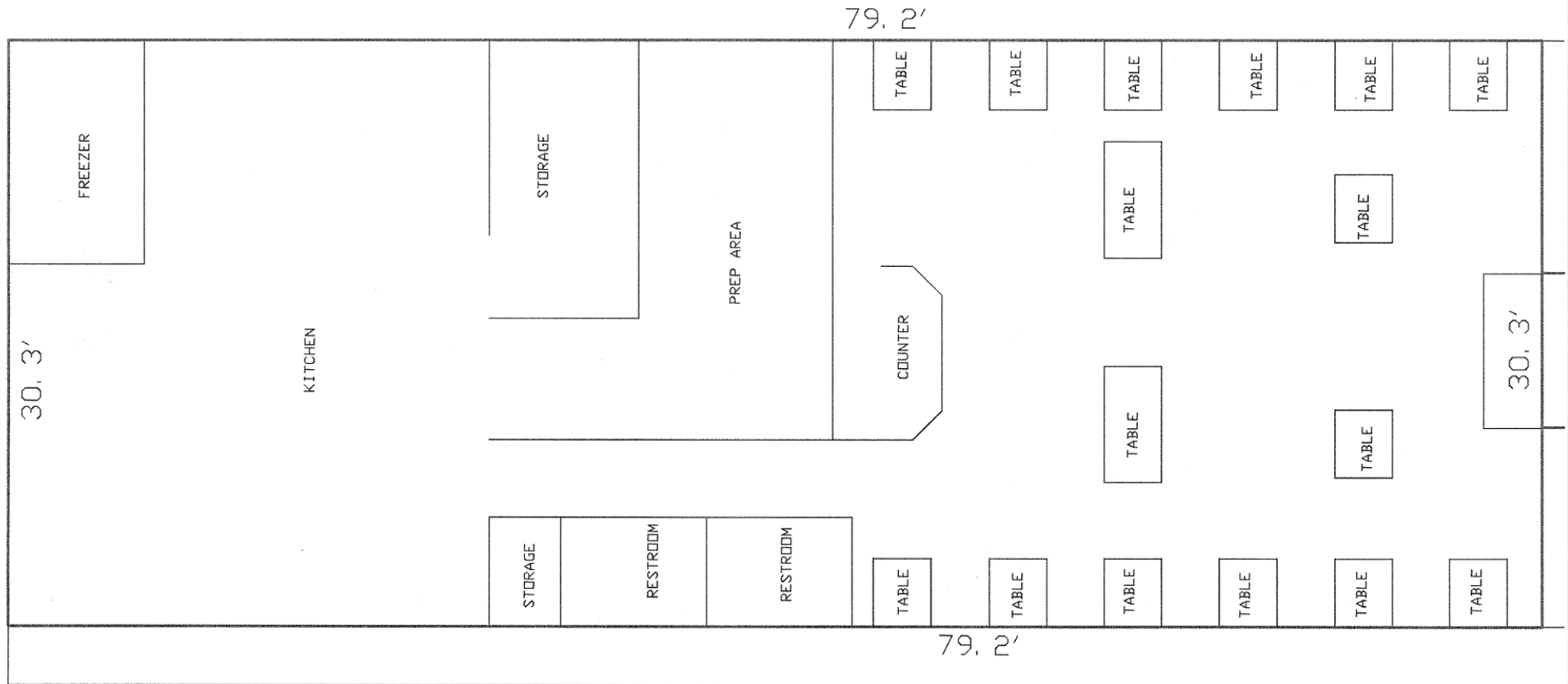
PONDERS AUTO & FLEET SERVICE
LONE STAR SECURITY

LOT 11
HILLSIDE ADDT



TEMPLE CIVIL ENGINEERING COMPANY INC.
ENGINEERS, PLANNERS, SURVEYORS
11 WEST AVE G, TEMPLE, TEXAS 76504
TEL: 254-271-1111 FAX: 254-271-1112

— VL12 — IH35—SOUTH BOUND FRONTAGE RD



TEMPLE CIVIL ENGINEERING COMPANY INC.
ENGINEERS, PLANNERS, SURVEYORS
11 WEST AVENUE 2
TAMPA, FL 33604
TEL: 813-776-0144
FAX: 813-776-0144

PUERTO DE JALISCO RESTAURANT FLOOR PLAN

SEPT. 8, 2010
TCE-8261

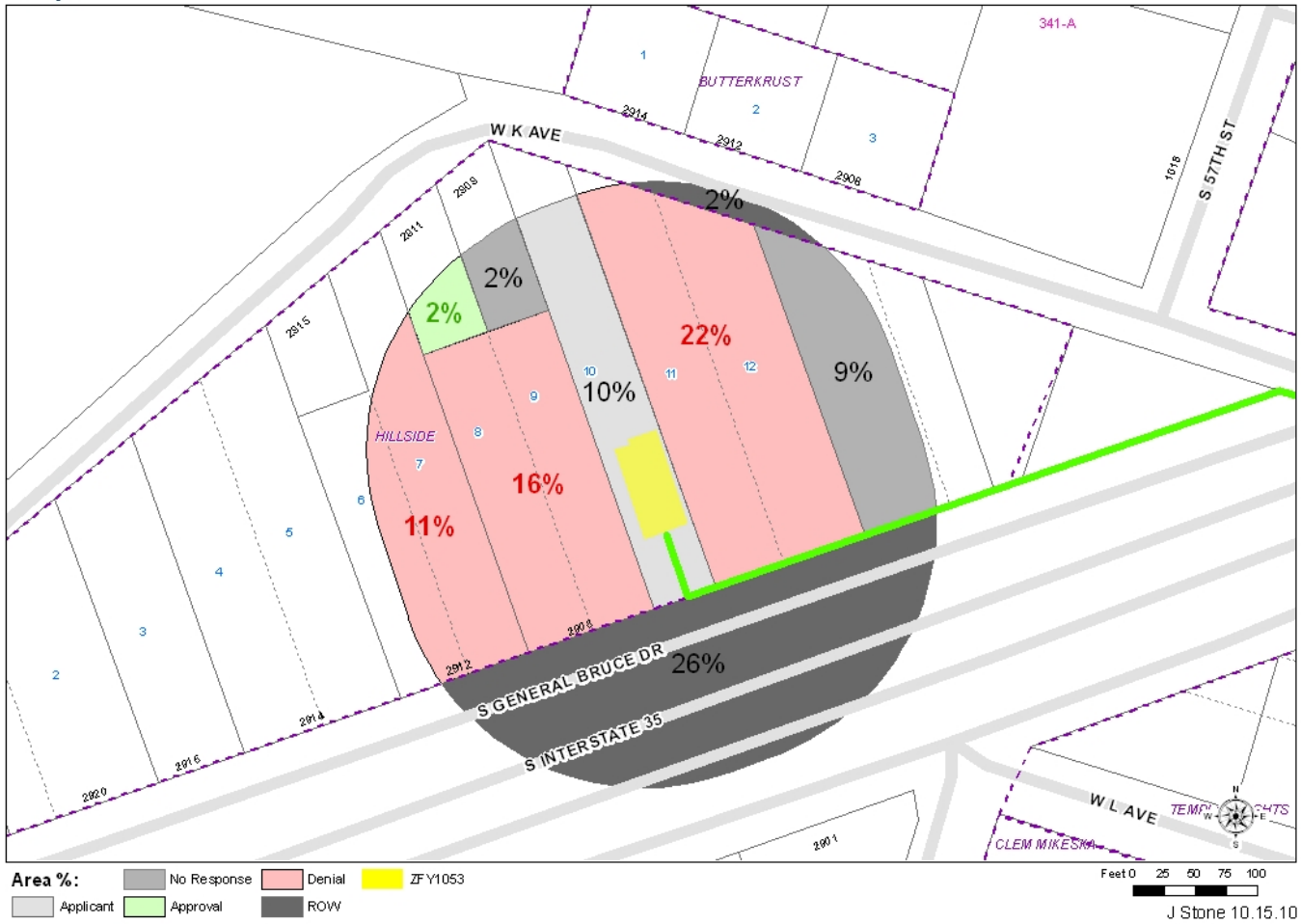




Z-FY-10-53

Approx. 3000sf Hillside Addition, Blk 1, Lot 10

2906 S General Bruce Dr





**RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT
CITY OF TEMPLE**

RECEIVED

OCT 14 2010

City of Temple
Planning & Development

RMJ Investments Ltd
P.O. Box 826
Temple, Texas 76503-826

Zoning Application Number: Z-FY-10-53 **Project Manager:** Brian Mabry

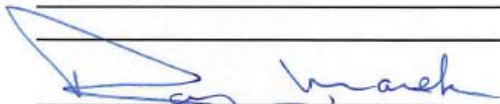
Proponent/Applicant: Jose M. Flores / Francisco Camarena

The proposed request for a Conditional Use Permit is the area shown in hatched marking on the attached map. The Conditional Use Permit will allow the sale of alcoholic beverages for on-premise consumption more than 50% and less than 75% of the gross revenue in a restaurant. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have.

I recommend () approval ☒ denial of this request.

Comments:

Have enough Bars - Liquor
places already.


(Signature)

Reuben Masek
(Print Name)

Please mail or hand-deliver this comment form to the address shown below, no later than October 18, 2010.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

Number of Notices Mailed: 4

Date Mailed: October 7, 2010



**RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT
CITY OF TEMPLE**

Lohman

Donald Etux Leticia Lohan, Sr.
2911 West Avenue K
Temple, Texas 76504

RECEIVED

OCT 15 2010

City of Temple
Planning & Development

Zoning Application Number: Z-FY-10-53

Project Manager: Brian Mabry

Proponent/Applicant: Jose M. Flores / Francisco Camarena

The proposed request for a Conditional Use Permit is the area shown in hatched marking on the attached map. The Conditional Use Permit will allow the sale of alcoholic beverages for on-premise consumption more than 50% and less than 75% of the gross revenue in a restaurant. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have.

I recommend ☒ approval () denial of this request.

Comments:

Donald Lohman
(Signature)

Donald Lohman
(Print Name)

Please mail or hand-deliver this comment form to the address shown below, no later than October 18, 2010.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501



Attn: Clydette Entsminger

RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT
CITY OF TEMPLE

Chris Etux Karen McGregor
2806 Wickersham Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-10-53 Project Manager: Brian Mabry

Proponent/Applicant: Jose M. Flores / Francisco Camarena

The proposed request for a Conditional Use Permit is the area shown in hatched marking on the attached map. The Conditional Use Permit will allow the sale of alcoholic beverages for on-premise consumption more than 50% and less than 75% of the gross revenue in a restaurant. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have.

I recommend () approval ☒ denial of this request.

Comments: I own 2908 & 2912 S. Gen. Bruce - both within 200' of this. Last year I purchased Train Wreck Bar & Grille on the other side of my car lot just to prevent alcohol sales in the area. I am using this property as storage for my car lot, or would lease to an office store, etc - anything but a bar or alcohol sales. We had trouble with damage to our cars from beer bottles from their customers and were constantly sweeping up broken glass on my lot. By selling alcohol you are attracting drinkers with bottles driving up just looking for a place to throw them. Plus I am sure occasionally several walked out the door with bottles - even though illegal. I am very adamantly against the sale or consumption of alcohol anywhere near my properties.

(Signature)

(Print Name)

Please mail or hand-deliver this comment form to the address shown below, no later than October 18 2010.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

OCT 12 2010

City of Temple
Planning & Development

Number of Notices Mailed: 4

Date Mailed: October 7, 2010



PLANNING AND ZONING COMMISSION AGENDA ITEM

10/18/10
Item #3
Regular Agenda
Page 1 of 4

APPLICANT: Carl Pearson for Francisco Camarena

CASE MANAGER: Brian Mabry, AICP, Planning Director

ITEM DESCRIPTION: Z-FY-10-53 Hold a public hearing to discuss and recommend action on a Conditional Use Permit for the sale of alcoholic beverages more than 50% and less than 75% revenue from alcohol sales in a restaurant on Lot 10, Block 1, Hillside Addition, located at 2906 South General Bruce Drive.






BACKGROUND: The applicant requests a Conditional Use Permit (CUP) in order to sell beer, wine and mixed drinks in his restaurant that is 2,385 square feet in area. The nearest protected use is a church that is approximately 1,550 feet away, measured front door to front door. The minimum separation distance between a business with on-premise alcohol consumption and a protected use is 300 feet. The Temple Police Department was informed of this CUP request and had no issues or concerns about granting the request.

The subject property is very narrow and deep with a width of 56 feet and a depth of 427 feet at its deepest. City staff normally recommends additional landscaping when a property is deficient in that area and needs a CUP. However, additional landscaping was challenging for the applicant to provide without cutting off a drive aisle or placing the landscaping in the public right-of-way. Landscaping placed in the right-of-way would likely be destroyed when the adjacent portion of Interstate 35 is widened in the near future. The current landscaping, in the form of foundation plantings along the front façade of the building, is all that the applicant proposes for this property.

Per State Statutes, if owners of more than 20 percent of the land area in the notification radius send in written comments disapproving of the proposal, then a super majority vote is required from City Council to approval the proposal. In this case, owners of a majority of the land in the notification area sent in negative written comments, so a super majority (at least 4 favorable votes) is required from City Council to approve this CUP. (See the Notification Map attached to this report0

SURROUNDING PROPERTY AND USES:

The following table shows the existing zoning and current land uses for the subject property and its general vicinity:

Direction	Zoning	Current Land Use	Photo
Subject Property	LI (CUP proposed)	Restaurant	
North	C	Park (across Ave K)	
South	LI	I-35	
East	LI	Major vehicle repair	
West	LI	Auto sales	

COMPREHENSIVE PLAN COMPLIANCE:

The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan, Trails Master Plan and other adopted plans:

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character	Y
CP	Map 5.2 - Thoroughfare Plan	Y

Document	Policy, Goal, Objective or Map	Compliance?
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Y

CP = Comprehensive Plan

Future Land Use and Character (CP Map 3.1)

The Future Land Use and Character Map designates the property as Auto Urban Commercial. The CUP request conforms to the Future Land Use and Character Map.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates Interstate 35 as an expressway. The CUP request conforms to the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

An 18-inch water line and a six-inch sewer line serve the property. Public facilities are available for the property.

CUP APPROVAL CRITERIA

Part of the CUP process is for the P&Z and City Council to utilize their discretionary abilities in making a recommendation and taking final action. As a guide, the Zoning Ordinance establishes seven general criteria for evaluation of all CUPs. They are listed below the P&Z's consideration:

1. The conditional use permit will be compatible with and not injurious to the use and enjoyment of the property, nor significantly diminish or impair property values within the immediate vicinity;
2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property;
3. Adequate utilities, access roads, drainage, and other necessary support facilities have been or will be provided;
4. The design, location, and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development;
5. Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise, and vibration;
6. Directional lighting will be provided so as not to disturb or adversely affect neighboring properties; and
7. There is sufficient landscaping and screening to insure harmony and compatibility with adjacent property.

Adjacent property owners sent in a recommendation for disapproval with a concern related to criterion #1.

PUBLIC NOTICE:

Four notices of the Planning and Zoning Commission public hearing were sent out to surrounding property owners and occupants. As of Wednesday, October 13 at 5 PM, two notices was returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on October 7, 2010 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of Z-FY-10-53, a CUP to allow the sale of alcoholic beverages, more than 50% and less than 75% of the total gross revenue, for on-premise consumption in a restaurant subject to the following conditions:

General to All CUPs for On-Premise Alcohol Consumption

1. The permittee must design and operate the establishment in such a manner that the proposed use or actual use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
2. The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within six months from the date of the issuance of the conditional use permit by the City Council, such limitation in time being subject to review and possible extension by the City.
3. The permittee bears the burden of showing that the establishment does not exceed the limitation on gross receipts from sales of alcoholic beverages applicable to its CUP. The permittee must maintain accounting records of the sources of its gross revenue and allow the City to inspect such records during reasonable business hours.
4. The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
5. The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment premises to prevent incidents of drunkenness, disorderly conduct and raucous behavior.
6. The establishment must provide adequate parking spaces to accommodate its members and their guests. Provided, however, the number of parking spaces shall never be less than those required for similar uses in that zoning district where the establishment is located.
7. The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.
8. The City Council may deny, cancel, suspend or revoke this CUP in accordance with the revocation clause set forth in Section 7-608 of the Zoning Ordinance if it affirmatively determines that the issuance of the permit is (a) incompatible with the surrounding uses of property, or (b) detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
9. The CUP runs with the property. Changes in the owner or lessee of a permitted establishment do not affect the permit.
10. The applicant's site plan and floor plan are exhibits to the ordinance that grants CUP.

Specific to this CUP

11. The parking lot must be striped to match CUP site plan, including traffic flow arrows.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial
Land Use and Character Map
Zoning Map
Thoroughfare Plan Map
Utility Map
CUP Site Plan
CUP Floor Plan
Notice Map
Response Letters

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

MONDAY, AUGUST 16, 2010

ACTION ITEMS

Item 3: Z-FY-10-53: Hold a public hearing to discuss and recommend action on a Conditional Use Permit for the sale of alcoholic beverages more than 50% and less than 75% revenue from alcohol sales in a restaurant on Lot 10, Block 1, Hillside Addition, located at 2906 South General Bruce Drive. (Applicant: Carl Pearson for Francisco Camarena)

Mr. Brian Mabry, Planning Director, stated the applicant was Jose Flores for Francisco Camarena and would go to City Council for first reading on November 4th and second and final action on November 18th.

The applicant requested a CUP to sell alcoholic beverages in a restaurant and was a standard request for a CUP. The property was zoned Light Industrial (LI) and had approximately 55 feet of frontage along I35. The I35 Corridor standards are not triggered by this request since no physical improvements were proposed by the application. The CUP would apply to the building, not the entire lot the building sat on.

The nearest protected use, Faith Baptist Church, was approximately 1,550 feet away on the other side of Interstate 35 located at 51st and Avenue K. Surrounding properties consisted of I35 frontage to the south, a vehicle repair establishment to the east, auto sales to the west, and Sammons Park to the north.

The Future Land Use and Character Map designated the property as Auto-Urban Commercial and the Thoroughfare Plan called I35 an expressway. A 12 inch water line and 6 inch sewer line serve the property.

The site plan for the request indicated adequate parking to the rear of the building, a curb was at the front, and an entry and exit driveway are available. Two small foundation plantings were in front of the building and the only landscaping on the property. Since the property was so narrow and limited, additional landscaping was not necessary. The floor plan for the restaurant would be part of the CUP request.

Four letters were mailed out and two were returned in opposition of the CUP and one in favor. The two property owners in opposition had enough property area to trigger a supermajority requirement from City Council in order for approval. The two property owners also expressed concerns regarding the potential for litter of alcoholic bottles.

The general criteria for all CUPs were as follows:

1. The conditional use permit will be compatible with and not injurious to the use and enjoyment of the property, nor significantly diminish or impair property values within the immediate vicinity;
2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property;
3. Adequate utilities, access roads, drainage, and other necessary support facilities have been or will be provided;
4. The design, location, and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development;
5. Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise, and vibration;
6. Directional lighting will be provided so as not to disturb or adversely affect neighboring properties; and
7. There is sufficient landscaping and screening to insure harmony and compatibility with adjacent property.

Adjacent property owners sent in a recommendation for disapproval with a concern related to criterion #1.

Staff recommended approval for this CUP request subject to the following conditions:

General for all CUPs for On-Premise Alcohol Consumption:

1. The permittee must design and operate the establishment in such a manner that the proposed use or actual use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
2. The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within six months from the date of the issuance of the conditional use permit by the City Council, such limitation in time being subject to review and possible extension by the City.
3. The permittee bears the burden of showing that the establishment does not exceed the limitation on gross receipts from sales of alcoholic beverages applicable to its CUP. The permittee must maintain accounting records of the sources of its gross revenue and allow the City to inspect such records during reasonable business hours.
4. The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.

5. The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment premises to prevent incidents of drunkenness, disorderly conduct and raucous behavior.

6. The establishment must provide adequate parking spaces to accommodate its members and their guests. Provided, however, the number of parking spaces shall never be less than those required for similar uses in that zoning district where the establishment is located.

7. The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.

8. The City Council may deny, cancel, suspend or revoke this CUP in accordance with the revocation clause set forth in Section 7-608 of the Zoning Ordinance if it affirmatively determines that the issuance of the permit is (a) incompatible with the surrounding uses of property, or (b) detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.

9. The CUP runs with the property. Changes in the owner or lessee of a permitted establishment do not affect the permit.

10. The applicant's site plan and floor plan are exhibits to the ordinance that grants CUP.

Specific to this CUP

11. The parking lot must be striped to match CUP site plan, including traffic flow arrows.

Commissioner Hurd asked if the entrance and exit driveways would be one-way and Mr. Mabry stated they would both be one-way due to the narrow width of both, one way entrance and one way exit circulation.

Chair Talley asked if anyone could go to the drive through window and pick up alcoholic beverages and Mr. Mabry stated under the TABC rules and regulations, that would not be permissible.

Brief discussion about protected uses and distances.

Commissioner Pilkington asked about the floor plan being strictly adhered to and Mr. Mabry stated the applicant could not add more tables to increase the parking demand or remove items and create a true bar without having any amendment approved by the P&Z Commission.

Chair Talley opened the public hearing.

Mr. Chris McGregor, 2006 Wickersham, Temple, owned two properties within 200 feet of the subject property; one a car lot and the other the old Train Wreck bar. Mr. McGregor stated although this current business was a restaurant, when the Train Wreck was in operation major problems occurred with bottles coming onto Mr. McGregor's property, broken windshields, and people driving in, parking, and leaving with open containers.

Mr. McGregor stated an establishment selling alcohol would not benefit his business whatsoever, would draw a crowd he was not interested in, and business was hard enough without other problems. There were trash issues from the restaurant which Mr. McGregor just "dealt with," but felt this would further the problem. He purchased the property next to him to try and rid the problem of alcohol issues in the area.

Mr. McGregor stated he realized it was a restaurant with occasional drinking but also wanted to address the wording of the Ordinance "more than 50% and less than 75% of revenue would be alcohol sales." Mr. McGregor felt this made it sound as if the City was forcing people to sell 50 to 75% of alcohol to comply with this wording, intentional or not.

Ms. Trudi Dill, Assistant City Attorney, stated the intention was not to exceed that range. Mr. McGregor insisted it said 50 to 75; it should say 75 or below. Ms. Dill stated a person would not lose their permit if they sold less. Mr. McGregor reiterated "they have to sell 50 to 75, it was very clear" and Ms. Dill did not explain it.

Mr. Mabry stated the categories in the use table, as far as alcohol sales, fall in line with TABC licenses and permits and that was the rationale for the percentages in the use table and to sell less than 50% would not be breaking the terms of their permit. Mr. McGregor stated the wording said "50 to 75" and should say "75 or less" if that was what was meant.

Mr. McGregor stated he was against the request even if it were one percent.

Mr. Carl Pearson, Temple Civil Engineering, stated he did the site plan for the applicant and his observation of their business was that it was strictly a restaurant; they did not sell beer, he did not see trash around the building or the area, and the Commission recently approved a liquor store approximately two blocks from this location.

Mr. Sergio Lozano, LOC Consultants, 1000 E. Cesar Chavez Street, Austin, Texas, stated he had worked with Mr. Camarena before and Mr. Camarena was not in the bar business but the Mexican food business and had operated this particular establishment for more than 6 years. Mr. Lozano stated what the business was trying to do was supplement the type of request his clients have asked for. This business would not become a bar. Mr. Lozano stated the TABC rules and guidelines are very strict and clearly defined and they would not be here if they had less than 50% of alcohol sales. Mr. Camarena had no intention of turning or converting this business into a bar, it would remain a restaurant, and the request only allowed him to sell alcoholic beverages with the food already supplied.

Commissioner Staats stated if there were concerns about the activities of alcohol sales, TABC and the City had regulations in place by which CUPs may be revoked for violations. The owners and operators of the establishment were probably aware of those regulations and being neighbors, a common ground and resolution for both businesses should be sought out. Commissioner Staats encouraged everyone to be good neighbors while being vigilant.

Chair Talley stated the key word was "conditional" use permit.

Mr. McGregor asked to make a further comment and stated he understood the word conditional and there were regulations in place since he had been in business for 35 years. However, Mr. Lozano just stated it would at least 50% of alcohol sales and that was a lot of alcohol. Mr. McGregor stated for a \$20 meal somebody is spending \$20 for alcohol, which is more than an occasional beer.

Chair Talley asked Mr. McGregor if he was correct in his understanding that Mr. McGregor's concerns were more about bottles coming onto his property, damage to his vehicles, and damage to his property than it was about the 50% or 1% and Mr. McGregor stated true, however, the more alcohol sold would create more of a problem.

Commissioner Staats asked the owners/operators of the business if they would or did allow people to come in and buy nothing but alcohol and Mr. Lozano replied no sir, they have to buy a meal in order to buy alcohol.

Mr. Lozano approached the lecturn and stated no, this was not a business that dispensed alcohol only. The consumption of alcohol would only be included with the food consumption. This was not going to be a bar, this was a supplement to the existing food that was sold on the premises. Alcohol would not be dispensed through the drive through window, patrons were not allowed to leave the premises with their glass or bottle, and no one would come in with their own drinks.

Commissioner Pilkington stated there was a category on the use table for all alcoholic beverages 50% or less revenues and had not noticed it before. He agreed with Mr. McGregor's point that it seemed like a lot, 50 to 75. Commissioner Pilkington asked if the owner/applicant could operate the restaurant and sell with 50% or less. Mr. Mabry responded 50% or less still required a CUP in a LI district and was more restrictive than what was originally requested. Commissioner Pilkington asked if the owner could explain why it would be between 50 and 75. Mr. Lozano stated the 50 plus one percent was one of the requirements by the state TABC and he was not aware of the percentages based on the zone district for LI. In order to hold a liquor and beer license they needed 50 plus one percent of alcohol sales.

Vice-Chair Martin asked if this was the same whether it was this Mexican food restaurant or something like Chili's and Mr. Lozano stated it was the same state wide for any establishment that offered food and liquor at the same time.

Vice-Chair Martin stated the percentages sounded off but it they were on par with any other restaurant or CUP offered, this was more an issue with wording or TABC.

Mr. McGregor stated with Applebee's or Chili's you could enter and purchase just a drink so 50% in this restaurant would be more than Chili's or Applebee's.

Chair Talley closed the public hearing.

Vice-Chair Martin made a motion to approve Z-FY-10-53 subject to the conditions stated and Commissioner Hurd made a second.

Motion passed: (6:0)

Commissioners Williams, Barton and Sears absent.

ORDINANCE NO. _____

[PLANNING NO. Z-FY-10-53]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES, MORE THAN 50% AND LESS THAN 75% REVENUE FROM ALCOHOL SALES, FOR ON-PREMISE CONSUMPTION IN A RESTAURANT ON LOT 10, BLOCK 1, HILLSIDE ADDITION, LOCATED AT 2906 SOUTH GENERAL BRUCE DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Comprehensive Zoning Ordinance of the City of Temple, Texas, provides for the issuance of conditional use permits under certain conditions and authorizes the City Council to impose such developmental standards and safeguards as the conditions and locations indicate to be important to the welfare or protection of adjacent property and for the protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions, and for the establishment of conditions of operation, time limits, location, arrangement and construction for any use for which a permit is authorized;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the location and zoning classification of the establishment, has recommended that the City Council approve this application; and

Whereas, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted concerning the establishment at 2906 South General Bruce Drive and has heard the comments and evidence presented by all persons supporting or opposing this matter at said public hearing, and after examining the location and the zoning classification of the establishment finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

Part 1: The City Council approves a Conditional Use Permit to allow the sale of alcoholic beverages, more than 50% and less than 75% revenue from alcohol sales, for on-premise consumption in a restaurant on Lot 10, Block 1, Hillside Addition, located at 2906 South General Bruce Drive, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The owners/applicants, their employees, lessees, agents or representatives, hereinafter called "permittee" shall comply with the following developmental standards and conditions of operation:

General:

- (a) The sale and consumption of alcoholic beverages shall occur only within the designated area, in accordance with the site plan and floor plan attached as Exhibit B.
- (b) The permittee must design and operate the establishment in such a manner that the proposed use or actual use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
- (c) The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within six (6) months from the date of the issuance of the conditional use permit by the City Council, such limitation in time being subject to review and possible extension by the City.
- (d) The permittee bears the burden of showing that the establishment does not exceed the limitation on gross receipts from sales of alcoholic beverages applicable to its conditional use permit. The permittee must maintain accounting records of the sources of its gross revenue and allow the City to inspect such records during reasonable business hours.
- (e) The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
- (f) The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment premises to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee shall consult with the Chief of Police, who shall act in an advisory capacity to determine the number of qualified employees necessary to meet his obligations hereunder.
- (g) The establishment must provide adequate parking spaces to accommodate its members and their guests. Provided, however, the number of parking spaces shall never be less than those required for similar uses in that zoning district where the establishment is located.
- (h) The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.

- (i) The City Council may deny or revoke a conditional use permit if it affirmatively determines that the issuance of the same is (a) incompatible with the surrounding uses of property, or (2) detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
- (j) A conditional use permit issued under this section runs with the property and is not affected by a change in the owner or lessee of a permitted establishment.
- (k) All conditional use permits issued under this section will be further conditioned that the same may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-609.

Specific to this CUP:

- (l) The parking lot must be striped to match CUP site plan, including traffic flow arrows.

Part 3: The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

Part 4: 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 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 **4th** day of **November**, 2010.

PASSED AND APPROVED on Second Reading on the **18th** day of **November**, 2010.

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

11/04/10
Item #6
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Consider adopting an ordinance amending the Code of Ordinances of the City of Temple by adding a new Chapter 27, “Storm Water Management,” including a section entitled “Erosion and Sedimentation Control” per the City of Temple’s Storm Water Management Program and as required by Texas Commission on Environmental Quality (TCEQ).

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for November 18, 2010.

ITEM SUMMARY: Staff recommends approval of language to create a new Chapter 27, “Storm Water Management” and to include a section entitled “Erosion and Sedimentation Control” as described above. The EPA has implemented a body of regulations (“Phase II Storm Water Rules”) involving storm water that applied to cities under 100,000 (prior regulations had just applied to cities greater than 100,000). In the State of Texas, TCEQ has implemented the Phase II regulation by requiring cities with a population of less than 100,000 to adopt several new ordinances as a part of the best management practices (BMP) mandated in the City of Temple’s Storm Water Management Program. These ordinances include erosion and sedimentation during construction, post construction after construction, and illicit discharge to streams and illegal dumping. The ordinance being proposed in this item is the erosion and sedimentation control ordinance, intended to improve water quality during land disturbances of an area of one or more acres inside of the city limits. The proposed ordinance language mirrors current state law minimum requirements.

City staff discussed proposed ordinance language with Temple Area Builders Association (TABA) review committee on March 25, 2010 and provided a presentation to the Governmental Affairs Committee on April 28, 2010. City staff provided a workshop presentation to City Council on August 19, 2010. On October 18, 2010 the Planning and Zoning Commission held a public hearing. There were no speakers present. No Planning and Zoning Commission action was taken or required as this ordinance is not amending either the Subdivision or Zoning ordinances.

The City Council is the final authority to approve language changes to ordinances.

FISCAL IMPACT: No fiscal impact to City funds. Requirements for review, inspection and enforcement activities will increase city staff work load. Such workload increases are believed to be absorbed with existing positions. However, as development increases, and as future stated unfunded mandates are implemented, the need for additional city staff may need to be revisited.

ATTACHMENTS:

[Temple Area Builders Association – Governmental Affairs Committee Letter of Support Ordinance](#)



October 11, 2010

Mr. Michael Newman
City Engineer
City of Temple
3210 East Avenue H
Bldg A, Ste 130
Temple, TX 76501

Mr. Newman,

It has been brought to the attention of the Government Affairs Committee of the Temple Area Builders Association that you will soon be asking the Temple City Council to consider adopting an erosion ordinance. We have been made to understand that the Texas Commission on Environmental Quality requires several ordinances as part of Temple's Phase 2 Texas Pollutant Discharge Elimination System - Storm Water Management Program. They are Erosion and Sedimentation Control (ESC), Post-construction (PC) and Illicit Discharge (ID).

You and your staff have graciously included our organization in the formulation of this ordinance. City staff presented to TABA ESC review committee on March 25, 2010 and to the TABA-GAC on April 28, 2010. This ordinance applies to soil disturbance 1 acre or more inside of the city limits. It will be administered through the existing "construction permit" issued by engineering services in Public Works Department; therefore not a new permit, but appending an existing permit process. No new fees are proposed at this time.

We agree with and appreciate the fact that there are some exemptions such as existing nursery and agriculture operations (including ranching), tree cutting and mulching (no soil disturbance over 1 acre), and land fill operations.

It remains our hope that the City will carefully consider questions that remain in regard to the erosion ordinance as they move to adopt it. These include:

- How will the City administer this program?
- Does the City intend to enforce this program in the ETJ?

We remain committed to working with the City to address issues as they arise. The TCEQ mandates under TPDES are among a handful of items that we've worked with the City of Temple on this year. Thanks again for including TABA in the process. We support your effort to adopt the erosion effort in keeping with the TCEQ mandate and we ask that every effort is taken to assure that it accomplishes it's goals while assuring every opportunity to assess future land development projects without unnecessary or costly interruption.

Sincerely,


John Howe
Chairman
TABA Government Affairs Committee

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF TEMPLE BY ADDING A NEW CHAPTER 27, ENTITLED, "STORM WATER MANAGEMENT," PROVIDING REGULATIONS FOR THE DESIGN, CONSTRUCTION, USE, AND MAINTENANCE OF ANY RESIDENTIAL AND NON-RESIDENTIAL SUBDIVISION DEVELOPMENT AND APPLICABLE CITY PROJECTS OR OTHER ACTIVITY THAT DISTURBS OR BREAKS THE TOPSOIL OR RESULTS IN THE MOVEMENT OF EARTH ON LAND IN THE CITY OF TEMPLE; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the construction process causes an increased likelihood of soil erosion;

Whereas, soil erosion threatens water quality, animal habitats, and can require repair of drainage ways, waterways and watercourses; and

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

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

Part 1: The Code of Ordinances of the City of Temple, Texas, is amended by adding a new Chapter 27, entitled, "Storm Water Management," to read as follows:

Chapter 27

STORM WATER MANAGEMENT

ARTICLE I. EROSION AND SEDIMENTATION

Sec. 27 -1. Intent.

During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of

drainage ways, waterways, and watercourses. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.

As a result, the purpose of this local regulation is to safeguard persons, protect property, and prevent damage to the environment in the city. This ordinance will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any residential and non-residential subdivision development and applicable city projects or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in the city.

Sec. 27-2. Jurisdiction.

This ordinance shall only apply to projects occurring within the city limits.

Sec. 27 -3. Definitions.

Clearing is any activity that removes the vegetative surface cover. Vegetative cutting and mulching is exempted from this definition.

City Engineer shall mean city engineer or his/her designee.

Drainage way is any creek, stream, channel, swale, or low lying area that conveys surface runoff throughout the site.

Erosion control is a measure that prevents erosion.

Grading is the excavation or fill of material, including the resulting conditions thereof.

Land disturbing activity means any activity, including but not limited to excavation, clearing, and grading, which disturbs the natural or improved vegetative ground cover so as to expose soil to the erosive forces of rain, storm water runoff or wind for residential and non-residential subdivisions and applicable city projects. Land disturbing activity does not include any vegetative cutting and mulching. All installations and maintenance of franchised utilities, including but not limited to telephone, gas, cable and electric, shall be considered land disturbing activities.

Perimeter control is a barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

Permittee is any individual or organization which holds or acquires a building permit or construction permit.

Phasing is clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

Sediment control is any measure that prevents eroded sediment from leaving the site.

Site is a parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

Stabilization is the use of practices that prevent exposed soil from eroding.

Start of construction is the first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

Watercourse is any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water delineated by the city.

Waterway is a channel that directs surface runoff to a watercourse or to the public storm drain.

Sec. 27-4. Erosion and sedimentation control plan.

- (a) Generally. An erosion and sedimentation control plan shall consist of a site plan with necessary details, showing the property where land disturbing activity will take place and showing the locations and types of devices, procedure and practices to be used to control erosion and sedimentation. No person shall conduct any land-disturbing activity without the prior written approval of an erosion and sediment control plan by the city engineer.
- (b) Applicability. Any time land disturbing activities which will disturb an area of land one (1) acre or more erosion and sedimentation control plans must be prepared by or under the direction of a licensed professional engineer or a certified professional in erosion and sedimentation control (CPESC) indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.
 - 1. The erosion and sedimentation control plan shall be part of the application for construction permit for the construction of public improvements for all sites meeting the aforementioned applicability criteria.
 - 2. The erosion and sedimentation control plan shall be part of the application for building permit for the construction of all structures on sites meeting the aforementioned applicability criteria.
 - 3. If fill or grading are proposed to take place on a site not requiring either a construction permit submittal or building permit submittal, a separate erosion and sedimentation control plan shall be required to be reviewed by the city engineer.
- (c) The erosion and sediment control plan shall include the following:
 - 1. A geotechnical report or soil conservation map identifying soils;
 - 2. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation;
 - 3. All erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season;
 - 4. Provisions for maintenance of control facilities, including easements and

- estimates of the cost of maintenance where applicable; and
5. Modifications to the plan shall be processed and approved or disapproved in the same manner as subsection 27-4 (f) of this regulation, may be authorized by the city engineer by written authorization to the permittee, and shall include:
 - a. Major amendments of the erosion and sediment control plan submitted to the city engineer; and
 - b. Field modifications of 10% of quantity or greater.
- (d) Once implemented, an erosion and sedimentation control plan shall be maintained by permittee until 70% vegetative coverage, which effectively controls erosion, is achieved.
- (e) Submission by the permittee of an erosion and sediment control plan is not required for the following:
1. Areas zoned agriculture;
 2. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources;
 3. Existing nursery and agricultural operations conducted as a main or accessory use;
 4. A legally permitted land fill operation; or
 5. Vegetative cutting and mulching.
- (f) The city will review each application for an erosion and sedimentation control plan to determine its conformance with the provisions of this regulation and shall:
1. Approve the erosion and sedimentation control plan;
 2. Approve the erosion and sedimentation control plan subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
 3. Disapprove the erosion and sedimentation control plan, indicating the reason(s) and procedure for submitting a revised application and/or submission.

Sec. 27 -5. Design requirements.

- (a) Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of the city's Drainage Criteria and Design Manual Erosion and Sediment Control section, and shall meet all requirements of the Texas Commission on Environmental Quality (TCEQ) and the city. Cut and fill slopes shall be no greater than 3:1, except as approved by the city engineer to meet other community or environmental objectives.
- (b) Clearing and grading of natural resources shall not be permitted, except when in compliance with all other chapters of this code. Clearing techniques that retain natural vegetation and drainage patterns, as described in the city's Drainage Criteria and Design Manual Erosion and Sediment Control section, shall be used to the satisfaction of the city engineer.
- (c) Clearing, except that necessary to establish sediment control devices, engineering and surveying, shall not begin until all sediment control devices have been installed and have been stabilized.

(d) When phasing is requested, the erosion plan in each phase must be established, reviewed and approved by city engineer prior to the start of any subsequent phase.

(e) Erosion control requirements shall include the following:

1. Soil stabilization shall be completed prior to final acceptance of areas within public rights of way and open channel drainage easements.
2. If seeding or another vegetative erosion control method is used, it shall become established within six weeks or the city may require the site to be reseeded or a nonvegetative option employed;
3. Special techniques that meet the design criteria outlined in the city's Drainage Criteria and Design Manual Erosion and Sediment Control section on steep slopes or in drainage ways shall be used to ensure stabilization;
4. Soil stockpiles must have adequate erosion control if in place more than 14 days; and
5. Techniques that divert upland runoff past disturbed slopes may be employed where appropriate.

(f) Sediment controls requirements may include:

1. Silt fencing, rock berms, severe weather rock berms, stabilized construction entrances, settling basins, sediment traps, tanks, perimeter controls or other methods included in the city's Drainage Criteria and Design Manual;
2. Settling basins that are designed in a manner that allows adaptation to provide long term storm water management, if required by the city engineer; and
3. Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls.

(g) Waterway and watercourse protection requirements shall include:

1. A temporary stream crossing installed and approved by the city engineer if a wet watercourse will be crossed regularly during construction;
2. Stabilization of the watercourse channel before, during, and after any in-channel work;
3. All on-site storm water conveyance channels designed according to the criteria outlined in the city's Drainage Criteria and Design Manual; and
4. Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels.

(h) Construction site access requirements shall include:

1. A temporary access road provided at all sites;
2. A stabilized construction entrance; or
3. Other measures required by city engineer in order to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains.

Sec. 27-6. Inspection.

(a) The city engineer shall make inspections as hereinafter required and either shall approve

that portion of the work completed or shall notify the permittee wherein the work fails to comply with the erosion and sediment control plan as approved. To obtain inspections, the permittee shall notify the city engineer at least two working days before the following:

1. Start of construction;
 2. Installation of sediment and erosion measures; and
 3. Final acceptance of public infrastructure, or prior to issuance of certificate of occupancy dependent upon respective development stage.
- (b) The permittee or his/her agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved erosion and sediment control plan. The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections shall be documented in written form and kept on file available for viewing upon request.
- (c) The city engineer shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed under subsection (b) above.

Sec. 27-7. Appeals and Enforcement.

- (a) *Appeals.* In the event the developer or builder does not agree with a decision of the city engineer, they may appeal to the director of public works. Appeals from the director's decision shall be automatically referred to the city manager for final decision, with due regard for the city engineer and public works directors recommendations. The city manager's decision shall be rendered as soon as possible and shall be final.
- (b) *Stop-Work Order; Revocation of Permit.* In the event that any person holding an approved erosion and sediment control plan pursuant to this ordinance violates the terms of the permit or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the city may suspend or revoke the building or construction (for public infrastructure) permit.
- (c) *Violation and Penalties.* No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this ordinance. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this ordinance shall be required to bear the expense of such restoration.

Part 2: *Criminal penalty.* Any person or persons, firm or corporation which violates any of the provisions of this chapter may be deemed guilty of a misdemeanor and, upon conviction shall be fined not less than fifty (\$50.00) dollars nor more than two thousand (\$2000.00) dollars for each offense and each violation hereof shall be deemed a separate and distinct offense for each of said days and shall be punishable as such.

Part 3: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

Part 4: 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 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 **4th** day of **November**, 2010.

PASSED AND APPROVED on Second Reading on the **18th** day of **November**, 2010.

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

11/04/10
Item #7
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Consider adopting a resolution appointing two members to the Temple Public Safety Advisory Board to fill unexpired terms through September 1, 2011.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Karl Kolbe and Pat Bell have forfeited their positions on the Temple Public Safety Advisory Board, effective September 14, 2010, due to non-attendance. We request the Council appoint two members to fill these unexpired terms through September 1, 2011.

Please see the attached summary form for this board which lists current board members, purpose, membership requirements, term and meeting time/place for the boards. Board applications from citizens requesting service on the Public Safety Advisory Board are also attached.

FISCAL IMPACT: N/A

ATTACHMENTS:

Board Summary Form
Board Applications

TEMPLE PUBLIC SAFETY ADVISORY BOARD

TERM EXPIRATION: SEPTEMBER - 3 YEAR TERMS

APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Bill E. Moore	06/05	2012	2005 East Avenue K, 76501	773-3589 H
John Mayo	04/10	2012	6918 Valley Mist, 76502 John.Mayo@hotmail.com	773-9966 W 541-6816 C
Twila Coley	09/10	2013	714 South 13 th Street, 76504 Tcoley3@att.net	931-7669 W/C
John Bush	09/09	2013	1302 North 13 th , 76501 Jbush83498@sbcglobal.net	774-8899 W 773-1416 H 760-9313 C
Donald W. Nelson	09/09	2012	3105 Hemlock Blvd., 76502 Dnelson8@hotmail.com	778-1803 H/F
Sylvia Chesser	09/10	2013	802 Westpoint Dr., 76504 Kd5usi@aol.com	771-1171 H
Dee Blackwell	09/10	2013	8520 Oak Crossing, 76502 dahblackwell@hotmail.com	228-5609 H 541-8873 C
Corey Richardson, Chair	09/07	2013	100 Ottoway Drive, 76501 cdrich@excite.com	760-8330 W
Temikia Brown	09/09	2012	8228 Starview, 76502 brownchrist@aol.com	780-2822 H 778-8036 W 217-5476 C
Margaret Goodwin	06/10	2013	3206 Keller Road, 76504 mag47goo@msn.com	541-0894 C
Karl J. Kolbe Forfeit term-non attendance 09-14-10	04/07	2011	4802 S. 31 st Street, #Apt 515 kkolbe@hotmail.com	512-771-4132 C 254-231-3445 H
Gerald Richmond	09/05	2011	3210 Glenwood Drive 76502 n5zxj@n5zxj.us	773-6868 W 771-3006 H 913-7041 C
Pat Bell Forfeit term-non attendance 09-14-10	06/10	2011	PO Box 2062 76503 3201 Pecan Valley Dr. 76502 atwoodbell@yahoo.com	721-6925 C
Arben "Benny" Ismaili	09/07	2011	2787 S. MLK Dr. #2203 arben1976@hotmail.com	771-0169 W 231-7824 C
John Barina	09/08	2011	2109 Stagecoach Trl 76502 johnbarina@hotmail.com	760-6525 W/C 773-9580 H

Created by Resolution 94-641-R February 3, 1994; previously under authority of resolution adopted September 1, 1983 as Temple Law Enforcement Advisory Board.

Purpose: Advise the Council on matters of law enforcement, fire, emergency medical service, communications and emergency management.

Membership: 15 members - all residents of the City;
Ex-Officio members - Chief of Police, Fire Chief

Term: 3 years

City Staff: Police Chief Gary Smith/Fire Chief Lonzo Wallace

Meeting Time/Place: 2nd Tuesday of each month at 6:00 p.m., Temple Police Department. Revised 08/19/10



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

AIRPORT ADVISORY BOARD
BUILDING & STANDARDS COMMISSION
CIVIL SERVICE COMMISSION
ELECTRICAL BOARD
ZONING BOARD OF ADJUSTMENT
LIBRARY BOARD
PLANNING & ZONING COMMISSION
REINVESTMENT ZONE NUMBER ONE
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD
BUILDING BOARD OF APPEALS
COMMUNITY SERVICES ADVISORY BOARD
TEMPLE PUBLIC SAFETY ADVISORY BOARD
DEVELOPMENT STANDARDS ADVISORY BOARD
PARKS & LEISURE SERVICES ADVISORY BOARD
TRANSIT ADVISORY COMMITTEE
CENTRAL TEXAS HOUSING CONSORTIUM
TREE BOARD

• If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.

• If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci.temple.tx.us.

Name Jeff Blackwell Residence Address 8520 Oak Crossing Temple TX
Mailing Address 8520 Oak Crossing Temple 76502 Phone Number (Business) _____ (Home) 254-228-5609
Fax Number 254-228-5609 Cell Phone Number 254-541-8874 E-Mail Address jblackwell@swmail.sw.rr.com
Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: Scott & White Memorial Hosp - Cardiology Fellow (Physician)

What City Boards have you served on before & When? None

Name, in priority order, the Board or Boards on which you would prefer to serve: Public Safety Adv Board

What experience and/or educational background do you have that could be applied to community service?

previously appointed by Governor to a State Board when living in Arkansas;

education and interest in public health and safety

Comments (Attach additional page if desired):

Strong desire to become involved in local community

Signed: [Signature] Date: 10/24/10

PLEASE NOTE: All information supplied on this form is public information.

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CITY OF TEMPLE
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 CIVIL SERVICE COMMISSION
 ELECTRICAL BOARD
 ZONING BOARD OF ADJUSTMENT
 LIBRARY BOARD
 PLANNING & ZONING COMMISSION
 REINVESTMENT ZONE NUMBER ONE
 TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD
 BUILDING BOARD OF APPEALS
 COMMUNITY SERVICES ADVISORY BOARD
 TEMPLE PUBLIC SAFETY ADVISORY BOARD
 DEVELOPMENT STANDARDS ADVISORY BOARD
 PARKS & LEISURE SERVICES ADVISORY BOARD
 TRANSIT ADVISORY COMMITTEE
 CENTRAL TEXAS HOUSING CONSORTIUM

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Name JIM MALONE Residence Address 5304 Wildflower Lane
76502
 Mailing Address same Phone Number(Business) _____ (Home) 742-0376
 Fax Number _____ Cell Phone Number _____ E-Mail Address Jmalone002@hotmail.com
 Temple Resident: ☒ Yes ☐ No
 Current Employer/Nature of Business: Retired / Schlumberger - Schlumberger is the world largest oil & gas service company
 What City Boards have you served on before & When? none

Name, in priority order, the Board or Boards on which you would prefer to serve: most any except library

What experience and/or educational background do you have that could be applied to community service?

B.S. Math - Physics 30yrs of experience in management - mostly operational. Strong experience in making budgets, managing people and costs. serve as president / general manager of credit union - ~~worked~~ worked with many service organizations

Signed Jim Malone Date: 9-11-08

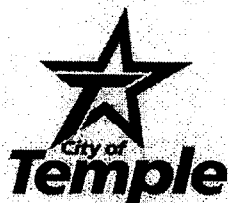
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CITY OF TEMPLE, TX
 CITY SECRETARY

Hy



CITY OF TEMPLE

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CIVIL SERVICE COMMISSION
ELECTRICAL BOARD
ZONING BOARD OF ADJUSTMENT
LIBRARY BOARD
PLANNING & ZONING COMMISSION
REINVESTMENT ZONE NUMBER ONE
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD
BUILDING BOARD OF APPEALS
COMMUNITY SERVICES ADVISORY BOARD
TEMPLE PUBLIC SAFETY ADVISORY BOARD
DEVELOPMENT STANDARDS ADVISORY BOARD
PARKS & LEISURE SERVICES ADVISORY BOARD
TRANSIT ADVISORY COMMITTEE
CENTRAL TEXAS HOUSING CONSORTIUM

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• If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci.temple.tx.us.

Name Richard E. Morgan Residence Address 214 West Houston Ave.
Temple, TX 76501
Mailing Address 214 W. Houston Ave. Phone Number (Business) 254.634.4244 (Home) 254.771.0109
Temple, TX 76501
Fax Number 254.634.8809 Cell Phone Number 254.760.0331 E-Mail Address richard.morgan@hst.ir.com

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: Self Employed/Sole Proprietor/Clinical Social Worker

What City Boards have you served on before & When? _____

Name, in priority order, the Board or Boards on which you would prefer to serve (1) Planning & Zoning Commission

(2) Community Services Advisory Board (3) Temple Public Safety Advisory Board
(4) Reinvestment Zone Number One (5) Transit Advisory Board

What experience and/or educational background do you have that could be applied to community service?

Served on Numerous Committees including Bell County Resource Group

Parents Without Partners Board of Directors - Bell County Mental Health

Comments (Attach additional page if desired): I have a Master of Science Degree
in Social Work from University of Texas
over 20 years as a Clinical Social Worker

Signed: Richard E. Morgan Date: 7/26/09

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CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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BUILDING & STANDARDS COMMISSION
CIVIL SERVICE COMMISSION
CONVENTION CENTER & TOURISM BOARD
ZONING BOARD OF ADJUSTMENT
LIBRARY BOARD
PLANNING & ZONING COMMISSION
REINVESTMENT ZONE NUMBER ONE
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD
BUILDING BOARD OF APPEALS
COMMUNITY SERVICES ADVISORY BOARD
ELECTRICAL BOARD
DEVELOPMENT STANDARDS ADVISORY BOARD
PARKS & RECREATION BOARD
TRANSIT ADVISORY COMMITTEE
TEMPLE HOUSING AUTHORITY
TEMPLE PUBLIC SAFETY ADVISORY BOARD

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• If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci.temple.tx.us. (Temple)

Name David Perkins Residence Address 814 Pecos, Temple 76504

Mailing Address 814 Pecos, Temple 76504 Phone Number (Business) 773-9292 Home) 778-5650

Fax Number 770-0811 Cell Phone Number 931-1900 E-Mail Address davidwperkins@sbcglobal.net

Current Employer/Nature of Business: Viron International/Environmental Control Systems

What City Boards have you served on before & When? N/A

Name, in priority order, the Board or Boards on which you would prefer to serve: Temple Public

Safety Advisory Board, Zoning Board of Adjustment

What experience and/or educational background do you have that could be applied to community service?

BS, History UTA at Tyler

minor: Economic Geography

Comments (Attach additional page if desired):

Signed: David Perkins

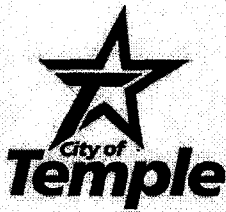
Date: 7/15/2008

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CITY OF TEMPLE, TX
CITY SECRETARY



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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ZONING BOARD OF ADJUSTMENT
LIBRARY BOARD
PLANNING & ZONING COMMISSION
REINVESTMENT ZONE NUMBER ONE
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD
BUILDING BOARD OF APPEALS
COMMUNITY SERVICES ADVISORY BOARD
TEMPLE PUBLIC SAFETY ADVISORY BOARD
DEVELOPMENT STANDARDS ADVISORY BOARD
PARKS & LEISURE SERVICES ADVISORY BOARD
TRANSIT ADVISORY COMMITTEE
CENTRAL TEXAS HOUSING CONSORTIUM

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- If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci.temple.tx.us.

Name Bernie Trevino Residence Address 1003 South 13th St
Mailing Address 1003 S. 13th St Phone Number (Business) _____ (Home) 254-771-3859
Fax Number 254-771-3859 Cell Phone Number _____ E-Mail Address bnn-trevino@yahoo.com
Temple Resident: ☒ Yes ☐ No
Current Employer/Nature of Business: not employed
What City Boards have you served on before & When? none

Name, in priority order, the Board or Boards on which you would prefer to serve: Building Board of Appeals
electrical board, community services, public safety board.

What experience and/or educational background do you have that could be applied to community service?
25 years as an electrician 18 as an industrial maintenance electrician

Comments (Attach additional page if desired):

Signed: Bernie Trevino Date: 1-28-09

PLEASE NOTE: All information supplied on this form is public information.