



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3RD FLOOR CONFERENCE ROOM

THURSDAY, DECEMBER 16, 2010

3:30 P.M.

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, December 16, 2010.
2. Receive information related to proposed modifications to the existing Landscape Irrigation Ordinance, Chapter 7, "Buildings," of the Code of Ordinances.
3. Discuss economic development incentives proposed for the North 3rd Street Strategic Investment Zone.
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 Manager. 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. SPECIAL PRESENTATIONS

3. Holiday performance by the Bella Sona Choir from Holy Trinity Catholic High School.
4. Receive presentation by Jon Burrows, Bell County Judge, and Sharon Long, Tax Assessor/Collector, of [Child Safety Funds](#) collected in the amount of \$77,287.91.

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.

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

Minutes:

- (A) [December 2, 2010 Special Called and Regular Meeting](#)

Contracts, Leases & Bids

- (B) Consider adopting resolutions authorizing contracts with the following:
1. [2010-6197-R](#): Bassco Services, Inc., from Dallas for the purchase of Veeder-Root EMR3 wireless fuel monitoring system and professional installation for two avgas trucks, two jet trucks, three fuel tanks, antenna, and software in the amount of \$30,384; and
 2. [2010-6198-R](#): Wellington-Royce Corporation from Atlanta, Georgia, for professional services associated with the integration and interface of the fuel inventory system with the BASE accounting system installed in 2009 in the amount of \$8,000 for the Draughton-Miller Central Texas Regional Airport.
- (C) [2010-6199-R](#): Consider adopting a resolution authorizing the purchase of a John Deere 6115D cab tractor (\$39,637.48) with a John Deere CX20 foot commercial rotary cut shredder (\$22,110.46) from John Deere, (dba Coufal-Prater Equipment, Ltd. Temple) off the BuyBoard in the amount of \$61,747.94 for the Draughton-Miller Central Texas Regional Airport.
- (D) [2010-6200-R](#): Consider adopting a resolution authorizing a purchase agreement with Daktronics through the BuyBoard, to replace the electronic marquee at the Mayborn Convention Center in the amount of \$68,788.
- (E) [2010-6201-R](#): Consider adopting a resolution authorizing a contract with Scott & White Health Plan and establishing rates for substitute Medicare supplement insurance for City of Temple retirees and the City's contribution thereto for calendar year 2011.
- (F) [2010-6202-R](#): Consider adopting a resolution authorizing a contract amendment to a professional services agreement with Kasberg, Patrick & Associates, LP (KPA), for survey, design, and construction phase services required to integrate the TMED South First Street design with proposed Temple College improvements in an amount not to exceed \$93,200.
- (G) [2010-6203-R](#): Consider adopting a resolution authorizing an interlocal agreement with the City of Fort Worth to allow for the utilization of Fort Worth's commercial card (procurement card) agreement with JP Morgan Chase.
- (H) [2010-6204-R](#): Consider adopting a resolution approving a one year lease contract with the Bell County HELP Center for 4,917 square feet in the Public Services Annex, (102 E. Central Avenue).

Ordinances – Second and Final Reading

- (I) [2010-4410](#): SECOND READING – Z-FY-11-02: Consider adopting an ordinance authorizing a zoning change from Two Family District (2F) to Office One District (O1) on the South 65 feet of Lot 19, Block 4, Tal-Coe Place Addition, located at 1119 South 25th Street.

- (J) [2010-4411](#): SECOND READING – Z-FY-11-03: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to General Retail District (GR) on 0.727 ± acres of land out of the George W. Lindsey Survey, Abstract No. 513, located at 11922 FM 2305.
- (K) [2010-4412](#): SECOND READING – Z-FY-11-04: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to Commercial District (C) on 10.18 ± acres of land with 5.18± acres out of the S. P. Terry Survey, Abstract No. 812, and 5.0± acres of land out of the George W. Lindsey Survey, Abstract No. 523, located at the southeast corner of Oak Trail and West Adams Avenue across from the entrance to Eagle Oaks At The Lake Subdivision.
- (L) [2010-4413](#): SECOND READING – Z-FY-10-09: Consider adopting an ordinance repealing Chapter 33 of the City Code, “Subdivisions,” the Appendix to Chapter 32, “Streets,” and Appendix A of the City Code, “Zoning Ordinance,” and replacing Appendix A of the City Code with a Unified Development Code.
- (M) [2010-4414](#): SECOND READING – Consider adopting an ordinance electing for the City to make current service and prior service contributions to the City’s account in the Municipal Accumulation Fund of the Texas Municipal Retirement System at the actuarially determined rate of total employee compensation.

Misc.

- (N) [2010-6205-R](#): Consider adopting a resolution authorizing a Memorandum of Understanding adopting the Texas Department of Transportation’s federally-approved Disadvantaged Business Enterprise Program.
- (O) [2010-6206-R](#): Consider adopting a resolution approving the annual report of the Tax Increment Financing Reinvestment Zone No. 1 for fiscal year 2009-2010.
- (P) [2010-6207-R](#): Consider adopting a resolution accepting the 2009-2010 Risk Management Annual Report.
- (Q) [2010-6208-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2010-2011.

V. REGULAR AGENDA

ORDINANCES

- 6. [2010-4415](#): FIRST READING – PUBLIC HEARING - Z-FY-11-13: Consider adopting an ordinance amending Ordinance No. 2010-4413, the City of Temple Unified Development Code, to amend Article 2; Development Review Bodies, to establish the TMED Review Committee; amend Article 3, Development Review Procedures, to establish the TMED Site Plan Review procedure; amend Article 6, Special Purpose and Overlay Zoning Districts, to establish Section 6.3 TMED, Temple Medical and Education Districts; and amend Article 11, Definitions, to add applicable definitions for the TMED zoning district.

7. [2010-4416](#): FIRST READING – PUBLIC HEARING – Consider adopting an ordinance designating a certain area as City of Temple Tax Abatement Reinvestment Zone Number Seventeen for commercial/industrial tax abatement.
8. (A) [2010-4417](#): FIRST READING – PUBLIC HEARING - Consider adopting an ordinance designating North 3rd Street Strategic Investment Zone as Tax Abatement Reinvestment Zone Numbers Eighteen and Nineteen for Commercial/Industrial Tax Abatement and authorizing a number of other SIZ economic development incentives for property redevelopment.

(B) [2010-4418](#): FIRST READING –PUBLIC HEARING - Consider adopting an ordinance amending the City's Economic Development Policy ordinance, to establish new criteria and guidelines for tax abatement in the North 3rd Street Strategic Investment Zone to promote local economic development and to stimulate business and commercial activity.

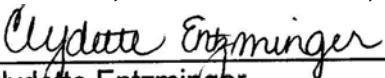
RESOLUTIONS

9. [2010-6209-R](#): Consider adopting a resolution authorizing the purchase of the following vehicles:
 - A. One (1) five-passenger mid-size sedan from Caldwell Country Ford of Rockdale, in the amount of \$14,488*;
 - B. Four (4) ½-ton light duty full-size pickups from Caldwell Country Ford of Rockdale, in the amount of \$74,364;
 - C. One (1) ½-ton super crew/quad cab pickup from Caldwell Country Ford of Rockdale, in the amount of \$20,142;
 - D. One (1) 1-ton diesel cab and chassis dual rear wheels with aerial lift and utility body from Philpott Motors of Port Neches, utilizing the BuyBoard in the amount of \$61,063*;
 - E. 3One (1) 1-ton diesel crew/quad cab and chassis dual rear wheel pickup with utility body from Caldwell Country Ford of Rockdale, in the amount of \$49,892*; and
 - F. One (1) 1-ton light duty diesel cab and chassis with steel floor stake body from Grande Truck Center of San Antonio, in the amount of \$32,286*.

** Local Preference Policy applies to these purchases.*
10. [2010-6210-R](#): Consider adopting a resolution authorizing a utility cost sharing agreement for Lago Terra Subdivision in an amount not to exceed \$145,020.
11. [2010-6211-R](#): Consider adopting a resolution designating the Chair of the Tax Increment Financing Reinvestment Zone No. 1 Board of Directors for 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 12:00 PM, on December 10, 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

12/16/10
Item #4
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Presentation by Jon Burrows, Bell County Judge, and Sharon Long, Tax Assessor/Collector, of Child Safety Funds collected in the amount of \$77,287.91.

STAFF RECOMMENDATION: Receive presentation as presented in item description.

ITEM SUMMARY: Presentation by Bell County Judge Jon Burrows and Sharon Long, Tax Assessor/Collector of child safety funds for the period October 1, 2009 through September 30, 2010 in the amount of \$77,287.91.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

12/16/10
Item #5(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) December 2, 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:

[December 2, 2010 Special Called and Regular Meeting](#)

TEMPLE CITY COUNCIL

DECEMBER 2, 2010

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

Present:

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

- 1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, December 2, 2010.**

Consent Agenda Items 4(D) and (G): Mayor Jones stated these items will be removed from the Consent Agenda for voting purposes as Councilmember Schneider has indicated he would abstain from voting on these items.

Regular Agenda Item 5: David Blackburn, City Manager, reminded the Councilmembers this item will require four affirmative votes for approval.

- 2. Discuss authorizing a Chapter 380 agreement for property located at 1802 - 1818 South 1st Street.**

Executive Session: Chapter 551, Government Code, § 551.087 - Economic Development Negotiations - The City Council may enter into executive session to discuss commercial or financial information received from a business prospect and to deliberate the offer of a financial or other incentive to a business prospect.

Mayor Jones stated the Council would enter into executive session at this time, approximately 3:38 p.m., to discuss item 2, with no action to be taken.

- 3. Discuss the construction manager-at-risk contract for renovations to the Police Headquarters facility.**

Executive Session: Chapter 551, Government Code, §551.071 - Consultation with Attorney - The City Council may meet in executive session with the City Attorney to discuss pending and contemplated litigation.

Mayor Jones stated the Council would enter into executive at this time, approximately 4:15 p.m., to discuss item 3, with no action to be taken.

- 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 Municipal Court Judge. No final action will be taken.**

Mayor Jones stated the Council would enter into executive session at this time, approximately 4:30 p.m., to discuss item 4, with no action to be taken.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, December 2, 2010 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

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

I. CALL TO ORDER

1. Invocation

Wanda Nichols, Pastor of Garden of Gethsemane International Church Ministries, voiced the Invocation.

2. Pledge of Allegiance

Kevin Beavers, Assistant Director of Parks & Leisure Services, led the Pledge of Allegiance.

II. PUBLIC COMMENTS

There were no public comments made during this meeting.

III. PRESENTATIONS & SPECIAL RECOGNITIONS

3. Recognition of the Parks and Leisure Services Department for being a finalist in the 2010 National Parks and Recreation Association Gold Medal Competition for Excellence.

Ken Cicora, Director of Parks & Leisure Services, staff and board members presented this award to Mayor Jones and the City of Temple.

IV. CONSENT AGENDA

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

(A) November 18, 2010 Special Called and Regular Meeting Contracts, Leases & Bids

(B) 2010-6187-R: Consider adopting a resolution authorizing a construction contract for the base bid and all four alternates with TCB Construction of Austin for Sidewalk Improvements on Avenue G in the amount of \$150,633.

(C) 2010-6188-R: Consider adopting a resolution authorizing the following transactions with Heritage Links of Houston related to renovations to Sammons Golf Links:

- 1. A construction contract in the amount of \$520,798.61, which includes the base bid amount of \$398,789.61 and bid alternate #9 in the amount of \$122,000.**
- 2. A deductive change order in the amount of \$75,187.63 that reduces the scope of services in the base bid making the revised contract value \$445,610.98.**

(D) 2010-6189-R: Consider adopting a resolution authorizing demolition contracts with Sierra Contracting Corporation of Round Rock for the demolition of seventeen residential structures funded through the Community Development Block Grant (CDBG) in the amount of \$47,865.

(E) 2010-6190-R: Consider adopting a resolution authorizing the purchase of ten marked police vehicles from Philpott Motor Company of Nederland under the Joint Venture/Cooperative Purchase Interlocal Agreement with Tarrant County, in the amount of \$273,135.80.

(F) 2010-6191-R: Consider adopting a resolution authorizing a professional services agreement with Lone Star Right of Way Services, Inc., for professional services related to right of way acquisition for the Pass-Through Financing Project along NW Loop 363 from FM 2305/West Adams north up to the BNSF main line in an amount not to exceed \$291,400.

(G) 2010-6192-R: Consider adopting a resolution authorizing a construction manager-at-risk contract for renovations to the Police Headquarters facility with American Constructors of Austin in the amount of \$8,000 for preconstruction phase services, 2.5% of the cost of work for construction phase services, a lump sum fee \$180,000 for general condition fees covering an 8-month construction period, a monthly fee of \$20,000 to cover general conditions should the construction period exceed 8 months, and declaring an official intent to reimburse associated expenditures made prior to the issuance of tax-exempt obligations for this project.

(H) 2010-6193-R: Consider adopting a resolution authorizing the acquisition of property in the Avenue G corridor, 9th Street, and 7th Street areas.

(I) 2010-4408: SECOND READING - Z-FY-10-55: Consider adopting an ordinance authorizing a Conditional Use Permit for the sale of distilled liquors, wines and beers in unbroken original containers in a package store for off-premises consumption in a 2,520 square foot lease area on a portion of Lot 1, Block 1, Lakewood Square Subdivision, located at 11725 West Adams Avenue, Suite A.

(J) 2010-6194-R: Consider adopting a resolution naming the baseball complex at Scott and White Park (Guthrie and Wiseman baseball fields) as the Drayton McLane, Jr. Baseball Complex at Scott and White Park.

(K) 2010-6195-R: Consider adopting a resolution directing the Staff to prepare a municipal services plan, and asking the Planning & Zoning Commission to develop a recommendation for the City-initiated annexation containing approximately 3394.9 acres located in the City's extraterritorial jurisdiction including a portion of Lake Belton and surrounding property; adopting a schedule for the proposed annexation; and setting the dates for two public hearings on the proposed annexation.

(L) 2010-6196-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2010-2011.

Motion by Mayor Pro Tem Patsy E. Luna to adopt resolution approving Consent Agenda, with the exception of items 4(D) and 4(G), seconded by Councilmember Russell Schneider.

Motion passed unanimously.

(D) 2010-6189-R: Consider adopting a resolution authorizing demolition contracts with Sierra Contracting Corporation of Round Rock for the demolition of seventeen residential structures funded through the Community Development Block Grant (CDBG) in the amount of \$47,865.

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

Councilmember Russell Schneider abstained. The other Councilmembers voted aye. The motion passed.

(G) 2010-6192-R: Consider adopting a resolution authorizing a construction manager-at-risk contract for renovations to the Police Headquarters facility with American Constructors of Austin in the amount of \$8,000 for preconstruction phase services, 2.5% of the cost of work for construction phase services, a lump sum fee \$180,000 for general condition fees covering an 8-month construction period, a monthly fee of \$20,000 to cover general conditions should the construction period exceed 8 months, and declaring an official intent to reimburse associated expenditures made prior to the issuance of tax-exempt obligations for this project.

Motion by Councilmember Marty Janczak to adopt resolution, seconded by Councilmember Danny Dunn.

Councilmember Russell Schneider abstained. The other Councilmembers voted aye. The motion passed.

V. REGULAR AGENDA

ORDINANCES

- 5. 2010-4409: FIRST READING - PUBLIC HEARING - Z-FY-10-56: Consider adopting an ordinance authorizing an amendment to Ordinance No. 1993 to allow moving van and truck rental in a Planned Development (General Retail) District (PD-GR) on 0.404 ± acres of land being part of the George Givens Survey Abstract No. 345, located at 4515 South General Bruce Drive. (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 purpose of the Conditional Use Permit is to allow a moving van/truck rental business to continue that is already occurring on the property illegally. General retail uses would be allowed plus the rental facility as part of the existing tire shop if the request is approved. The proposed amendment would allow for control of rental vehicle parking. If not approved, the rental activity would have to cease operation on the property. The I-35 Corridor Overlay does not address the moving van/truck rental use. Mr. Mabry reminded the City Council that approval of this item will require four affirmative votes. The item was tabled at the last Council meeting due to having only four Councilmembers present and to allow the applicant the most opportunity for consideration of his request.

The request complies with the Future Land Use and Character Map and Thoroughfare Plan, Mr. Mabry explained, and public utilities are available to serve the tract. He showed the development plan that would be approved with the ordinance, noting the more significant details. Access to the property is from I-35, with the rear access being from the mall property. Mr. Mabry explained the text that would be added to the planned development ordinance if approved. Two notices were mailed to surrounding property owners, with one approving and one disapproving. The Planning and Zoning Commission voted 9-0 to deny the requested planned development amendment. Both of these actions require four affirmative votes from the Council for approval.

Mayor Pro Tem Luna asked if the applicant plans to utilize parking by Gillmeister Roofing.

Mr. Mabry replied yes. That property is in a zoning district that would allow the van/truck rental parking.

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

Rodney Deyoe, president of The Charter Group, representing Outdoor America Mall, addressed the Council, stating they have requested the applicant move the vehicles several times. He has complied each time but the problems continue, some due to customers parking the trucks. The trees proposed as part of the development plan are not good for this location because they will cause a sight obstruction. The Department of Health and Human Services is now located on the mall property and another business is planning to locate here that will greatly increase the traffic. Mr. Deyoe showed examples of these issues utilizing the

photos he provided. He added a fence would be installed on the property line so the back of the applicant's property will not be able to be used at all, unless the vehicles are backed out.

Mr. Deyoe stated he felt the logistics of using the Gillmeister property for parking will just not work. The lot is not paved and will create other issues. The applicant does not currently meet the code for parking with his minor vehicle service operation and there are no striped parking spaces. The use is not a good fit for this particular property's size and location and there is really no way to enforce the proposal if approved.

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

Councilmember Schneider asked if the parking spaces should be striped on the current location to be in compliance.

Mr. Mabry replied yes. There have been several other uses on that lot.

Mayor Jones stated the applicant had to get a permit to make improvements for this type of business on the property and any issues regarding parking should have been addressed at that time.

Councilmember Schneider added this is an opportunity to get compliance with whatever business is located on the property.

Motion by Councilmember Marty Janczak to deny the ordinance on first reading, seconded by Councilmember Danny Dunn.

Motion passed unanimously.

6. 2010-4410: FIRST READING - PUBLIC HEARING - Z-FY-11-02: Consider adopting an ordinance authorizing a zoning change from Two Family District (2F) to Office One District (O1) on the South 65 feet of Lot 19, Block 4, Tal-Coe Place Addition, located at 1119 South 25th Street.

Brian Mabry, Planning Director, presented this case to the City Council. The application is for a small office in an existing structure previously used as a residence. The property fronts South 25th Street. The non-residential use will trigger parking requirements. Mr. Mabry showed an aerial photo of the subject property and photos of surrounding properties. The request complies with the Future Land Use and Character Map and Thoroughfare Plan. Public utilities are present to serve the tract. Much of the surrounding property is zoned 2F, with General Retail to the south. Mr. Mabry presented the dimensional standards for the Office-1 zoning district. Sixteen notices were mailed to surrounding property owners, with two being returned in approval and none in opposition. The Planning and Zoning Commission approved the requested rezoning.

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

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

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance, with second reading and final adoption set for December 16, 2010, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

- 7. 2010-4411: FIRST READING - PUBLIC HEARING - Z-FY-11-03: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to General Retail District (GR) on 0.727 ± acres of land out of the George W. Lindsey Survey, Abstract No. 513, located at 11922 FM 2305.**

Brian Mabry, Planning Director, presented this item to the City Council. The applicant for this case and the following one is A.C. Boston. The purpose is to establish a car wash and oil change business on this property. Mr. Mabry displayed an aerial photo of the property and photos of the surrounding uses. The request complies with the Future Land Use and Character Map and Thoroughfare Plan. Water and sewer serve the property. Other General Retail uses are in place at this intersection. Mr. Mabry reviewed the dimensional standards for the General Retail zoning district. Six notices were mailed to surrounding property owners, with two being returned in approval and none in disapproval. The Planning and Zoning Commission unanimously approved this rezoning request.

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

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

Motion by Councilmember Marty Janczak to adopt ordinance, with second reading and final adoption set for December 16, 2010, seconded by Councilmember Danny Dunn.

Motion passed unanimously.

- 8. 2010-4412: FIRST READING - PUBLIC HEARING - Z-FY-11-04: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to Commercial District (C) on 10.18 ± acres of land with 5.18± acres out of the S. P. Terry Survey, Abstract No. 812, and 5.0± acres of land out of the George W. Lindsey Survey, Abstract No. 523, located at the southeast corner of Oak Trail and West Adams Avenue across from the entrance to Eagle Oaks At The Lake Subdivision.**

Brian Mabry, Planning Director, presented this case to the City Council. The purpose of this request is to accommodate the final building in a commercial complex existing since the late 1970's. The property was annexed into the City limits in 2008 and contains various uses. Mr. Mabry showed an aerial photo of the property, as well as photos of the proposed

building site and surrounding properties. The request does not comply with the Future Land Use and Character Map but staff is supportive since this is a vibrant use that has been in place for many years. The request does comply with the Thoroughfare Plan and water lines and a septic system serve the property. Mr. Mabry reviewed the dimensional standards for the Commercial zoning district. Ten notices were mailed to surrounding property owners, with one being returned in approval and none in disapproval. One courtesy notice was also returned in approval. The Planning and Zoning Commission unanimously recommended approval of 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 Councilmember Danny Dunn to adopt ordinance, with second reading and final adoption set for December 16, 2010, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

9. **2010-4413: FIRST READING - PUBLIC HEARING - Z-FY-10-09: Consider adopting an ordinance repealing Chapter 33 of the City Code, "Subdivisions," the Appendix to Chapter 32, "Streets," and Appendix A of the City Code, "Zoning Ordinance," and replacing Appendix A of the City Code with a Unified Development Code.**

Brian Mabry, Planning Director, presented this item to the City Council. He presented the timeline for adoption of phase 1 of the Unified Development Code (UDC), which started in late 2009. Mr. Mabry explained that a UDC is a coordinated set of regulations related to land development, including zoning, platting, site design, building and sign permits. He stated many features have been included in the document to make it user-friendly while maintaining legal compliance. Mr. Mabry also reviewed the table of contents of the UDC.

Phase 1, which contains four modules, does not incorporate any changes in subject matter. The reason for having a UDC is because it is recommended in the Comprehensive Plan, and to have a user friendly document that is one source for development regulations. Mr. Mabry showed a sample page from the UDC, noting the features used and how it has been reorganized, clarified and streamlined, as well as incorporating changes in state statutes. Stakeholder input was received for each module and learning sessions were held at the Temple Area Builders Association Office. The comments were minimal because no substantive changes were made. In phase 2, which will occur in March - April, 2011, existing policies and codified practices will be reviewed and included in the UDC. The Planning and Zoning Commission approved the adoption of the Unified Development Code, with one person speaking in favor of the ordinance.

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

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

Motion by Councilmember Russell Schneider to adopt ordinance, with second reading and final adoption set for December 16, 2010, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

10. 2010-4414: FIRST READING - PUBLIC HEARING - Consider adopting an ordinance electing for the City to make current service and prior service contributions to the City's account in the Municipal Accumulation Fund of the Texas Municipal Retirement System at the actuarially determined rate of total employee compensation.

Amy Casey, Director of Human Resources, presented this item to the City Council. She stated the TMRS Act provides a limit to the maximum rate a City can be required to contribute for the retirement portion of its plan based on a combination of the employee deposit rate and the matching ratio, excluding supplemental death benefit. The City's current statutory maximum contribution rate is 15.50%, with the phase-in contribution rate for 2011 at 17.01%, including supplemental death benefit.

Mrs. Casey explained the City is currently in year three of an eight year phase-in rate to the full contribution rate of 20.17%. TMRS legislative efforts for 2011 will recommend restructuring funds within the TMRS system which could result in a rate reduction of 1.35%. The FY 2011 budget includes \$4,158,562 for all employees enrolled in TMRS.

Adoption of this ordinance authorizes the City to fund the costs of the pension benefits included in our plan, Mrs. Casey stated, while allowing us to impose our own limit on the contribution rate. The TMRS actuary will calculate the cost of future adoptions and valuation studies each year.

Mayor Jones declared the public hearing open with regard to agenda item 10 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 December 16, 2010, seconded by Councilmember Danny Dunn.

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

12/16/10
Item #5(B)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Sharon Rostovich, Airport Director

ITEM DESCRIPTION: Consider adopting resolutions authorizing contracts with the following:

1. Bassco Services, Inc., from Dallas for the purchase of Veeder-Root EMR3 wireless fuel monitoring system and professional installation for two avgas trucks, two jet trucks, three fuel tanks, antenna, and software in the amount of \$30,384; and
2. Wellington-Royce Corporation from Atlanta, Georgia, for professional services associated with the integration and interface of the fuel inventory system with the BASE accounting system installed in 2009 in the amount of \$8,000 for the Draughon-Miller Central Texas Regional Airport.

STAFF RECOMMENDATION: Adopt resolutions as presented in item description.

ITEM SUMMARY: On November 5, 2010, City Council approved a contract with Wellington-Royce Corporation in the amount of \$118,531 for a complete business aviation accounting software system and wireless aviation fuel monitoring and inventory system for the Airport. The project was completed; however, the Airport experienced multiple problems with the wireless fuel inventory equipment and after multiple attempts to resolve the problems, the Airport requested a refund from Wellington-Royce in the amount of \$55,824.

Airport staff along with Wellington-Royce devoted several months to evaluating the best fuel monitoring system for the Airport that would also interface with the installed BASE accounting software system and determined the Veeder-Root EMR3 wireless fuel monitoring system is the best fit for the Airport. Veeder-Root is the distributor and Bassco is the professional installer for Veeder-Root's equipment. The Airport has done business with Bassco for several years and Bassco is familiar with the fuel trucks and fuel farm system. Wellington-Royce would develop the interface between Veeder-Root fuel monitoring software and the BASE software.

Veeder-Root is the developer of the equipment and Bassco is a professional installer for Veeder-Root equipment. Bassco did not mark up the Veeder-Root quote provided; therefore, staff recommends purchasing the equipment and installation from Bassco and contracting with Wellington-Royce to provide the interface between the two software packages.

In accordance with the Local Government Code section 252.022 staff is recommending this purchase as being exempt from the competitive procurement rules due to the copyrights attached to the software and the professional services associated with the installation of the equipment and the implementation of the software.

The cost for the fuel monitoring system equipment, professional installation and software interface is \$38,384 and is comprised of the following:

-Single Meter System for 2 Avgas Trucks	\$ 6,820
-Dual Meter System for 2 Jet Trucks	\$ 9,822
-EMR3 DataLink – Wireless Office Kit	\$ 1,695
-EMR3 DataLink Kit for TLS-350 Tank Gauge	\$ 1,020
-TLS-2 Tank Inventory System	\$ 4,800
-Professional Installation	\$ 6,227
-Interface Veeder-Root System to BASE (Wellington-Royce)	<u>\$ 8,000</u>
(\$10,000 – 20% discount)	<i>Package Price</i> \$38,384

Electrical work will be completed by T. Morales, Inc., under the City's annual contract provisions in the amount of \$6,291.

FISCAL IMPACT: Funds in the amount of \$55,824 are appropriated in account 110-3600-560-6221, project #100481 for the installation and purchase of a fuel monitoring system. After funding electrical work in the amount of \$6,291, a balance of \$49,533 is available for the purchase of the equipment and the professional services related to the installation.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH BASSCO SERVICES, INC., OF DALLAS, TEXAS, FOR THE PURCHASE OF VEEDER-ROOT EMR3 WIRELESS FUEL MONITORING SYSTEM AND PROFESSIONAL INSTALLATION FOR TWO AVAS TRUCKS, TWO JET TRUCKS, THREE FUEL TANKS, ANTENNA, AND SOFTWARE FOR THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT, IN THE AMOUNT OF \$30,384; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on November 5, 2010, the City Council approved a contract with Wellington-Royce Corporation for a complete business aviation accounting software system and wireless aviation fuel monitoring and inventory system for the Draughon-Miller Central Texas Regional Airport;

Whereas, the project was completed, however, the Airport experienced multiple problems with the wireless fuel inventory equipment and after multiple attempts so solve the problems, the Airport requested a refund from Wellington-Royce in the amount of \$55,824;

Whereas, Airport Staff along with Wellington-Royce devoted several months to evaluating the best fuel monitoring system for the Airport that would interface with the installed BASE accounting software system and determined that Veeder-Root EMR3 wireless fuel monitoring system is the best fit for the Airport;

Whereas, the Staff recommends purchasing the equipment from Bassco and contracting with Wellington-Royce to provide the interface between the two software packages;

Whereas, in accordance with the Local Government Code, Section 252.022, the Staff is recommending the purchase as being exempt from the competitive procurement rules due to the copyrights attached to the software and the professional services associated with the implementation of the software;

Whereas, funds are available for this purchase in Account No. 110-3600-560-6221, Project #100481; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a contract with Bassco Services, Inc., of Dallas, Texas, after approval as to form by the City Attorney, for the purchase of Veeder-Root EMR3 wireless fuel tanks, antenna, and software for the Draughton-Miller Central Texas Regional Airport, in the amount of \$30,384.

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 **16th** day of **December**, 2010.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH WELLINGTON-ROYCE CORPORATION OF ATLANTA, GEORGIA, FOR PROFESSIONAL SERVICES ASSOCIATED WITH THE INTEGRATION AND INTERFACE OF THE FUEL INVENTORY SYSTEM WITH THE BASE ACCOUNTING SYSTEM INSTALLED IN 2009, IN THE AMOUNT OF \$8,000, FOR THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on November 5, 2010, the City Council approved a contract with Wellington-Royce Corporation for a complete business aviation accounting software system and wireless aviation fuel monitoring and inventory system for the Draughon-Miller Central Texas Regional Airport;

Whereas, the project was completed, however, the Airport experienced multiple problems with the wireless fuel inventory equipment and after multiple attempts so solve the problems, the Airport requested a refund from Wellington-Royce in the amount of \$55,824;

Whereas, Airport Staff along with Wellington-Royce devoted several months to evaluating the best fuel monitoring system for the Airport that would interface with the installed BASE accounting software system and determined that Veeder-Root EMR3 wireless fuel monitoring system is the best fit for the Airport;

Whereas, the Staff recommends entering into a professional services agreement with Wellington-Royce Corporation, in the amount of \$8,000, to develop the interface between Veeder-Root fuel monitoring software and the BASE software;

Whereas, in accordance with the Local Government Code, Section 252.022, the Staff is recommending the purchase as being exempt from the competitive procurement rules due to the copyrights attached to the software and the professional services associated with the implementation of the software;

Whereas, funds are available for this service in Account No. 110-3600-560-6221, Project #100481; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a contract with Wellington-Royce Corporation of Atlanta, Georgia, after approval as to form by the City Attorney, for professional services associated with the integration and interface of the fuel inventory system with the BASE accounting system installed in 2009, in the amount of \$8,000, for the Draughon-Miller Central Texas Regional Airport.

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 **16th** day of **December**, 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

12/16/10
Item #5(C)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Sharon Rostovich, Airport Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of a John Deere 6115D cab tractor (\$39,637.48) with a John Deere CX20 foot commercial rotary cut shredder (\$22,110.46) from John Deere, (dba Coufal-Prater Equipment, Ltd. Temple) utilizing the BuyBoard in the amount of \$61,747.94 for the Draughon-Miller Central Texas Regional Airport.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Airport has one fifteen plus year old Wood's brand tractor/shredder to maintain both airside and landside. The addition of the John Deere tractor and twenty foot shredder will assist staff's productivity in maintaining areas not only for appearance, but safety compliance.

The price received is \$61,747.94, utilizing the BuyBoard, a cooperative purchasing contract, and is for the purchase of a John Deere 6115D cab tractor with a John Deere CX20 foot rotary cut shredder. All purchases from the BuyBoard meet competitive bid requirements.

FISCAL IMPACT: A budget adjustment in the amount of \$61,748 is presented for Council's approval appropriating project savings from completed projects and interest earnings from the 2005 Revenue bond proceeds to account 351-3600-560-6222, project #100705 for the purchase of the tractor and shredder. To date, all tenant requested improvements to the hangar have been completed and maintenance is a provision of the lease with the US Army Corps of Engineers; therefore, project savings and interest earnings are available to be used for the purchase of a tractor/shredder.

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.

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
351-3600-560-62-22	100705	Machinery & Equipment-Tractor & Shredder	\$ 61,748			
351-3600-560-61-10	100475	Land Acquisition			49,611	
351-3600-560-65-23	360002	T Hangars			11,918	
351-0000-315-11-16		Reserve for Future Expenditures			219	
		Do not Post				
TOTAL.....			\$ 61,748		\$ 61,748	

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

This budget adjustment appropriates project savings from completed projects and appropriates interest earnings from the 2005 Revenue bond proceeds for the purchase of a tractor and shredder.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

December 16, 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 A JOHN DEERE 6115D CAB TRACTOR (\$39,637.48) WITH A JOHN DEERE XC20 FOOT COMMERCIAL ROTARY CUT SHREDDER (\$22,110.46) THROUGH THE BUYBOARD LOCAL GOVERNMENT ONLINE PURCHASING COOPERATIVE FROM JOHN DEERE (dba COUFAL-PRATER EQUIPMENT, LTD., TEMPLE), IN THE TOTAL AMOUNT OF \$61,747.94, FOR THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Airport needs to replace an old tractor/shredder to maintain both airside and landside;

Whereas, the Staff recommends purchasing a John Deer 6115D cab tractor (\$39,637.48) with a John Deere XC20 foot commercial rotary cut shredder (\$22,110.46) through the BuyBoard Local Government Online Purchasing Cooperative from John Deere (dba Coufal-Prater Equipment, Ltd., Temple), for a total amount of \$61,747.94;

Whereas, funds are available for the purchase but an amendment to the FY2010-11 budget needs to be approved to transfer the funds to the appropriate expense account; and

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

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

Part 1: The City Council authorizes the purchase of a John Deer 6115D cab tractor (\$39,637.48) with a John Deere XC20 foot commercial rotary cut shredder (\$22,110.46) through the BuyBoard Local Government Online Purchasing Cooperative from John Deere (dba Coufal-Prater Equipment, Ltd., Temple), for a total amount of \$61,747.94.

Part 2: The City Council approves an amendment to the FY2009-2010 budget, substantially in the form of the copy attached as Exhibit A, for this project.

Part 3: The City Council authorizes the City Manager, or his designee, to execute any documents, after approval as to form by the City Attorney, that may be necessary for this purchase.

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

PASSED AND APPROVED this the **16th** day of **December**, 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

12/16/10
Item #5(D)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Parks & Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a purchase agreement with Daktronics through the BuyBoard, to replace the electronic marquee at the Mayborn Convention Center in the amount of \$68,788.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The current marquee at the Mayborn Civic and Convention Center is outdated and in disrepair. The staff has continued to call for repair support as problems arise, but the repair technicians are quickly running out of ways to keep the sign in useable condition – in fact many of the bulbs in the sign do not work now and cannot be repaired.

Many different options were considered, from replacing the entire sign to having a billboard type sign installed. The option that makes the most financial sense is to remove the electronic components of the current marquee and replace them with an updated, full color sign that operates on updated software. The new style will allow more flexibility in message content, to include sponsor logos and event graphics. The existing “skeleton” will remain intact. The scope of work includes:

- Removal/disposal of the existing pylon sign one (1) double face Electronic Message Center and retrofitting one (1) new double face Daktronics model #AF-3500 series with five (5) lines of programmable copy and graphics
- Copy size ranges from 9" to 53".
- Venus 1500 programmable software will be installed on the existing PC base computer
- Employee training is included with pricing.

FISCAL IMPACT: A budget adjustment is presented for Council’s approval appropriating Hotel/Motel Unreserved Fund Balance in the amount of \$68,788 to account 240-4400-551-6310, project #100707 to fund the replacement of the electronic marquee.

ATTACHMENTS:

[Rendering of how the new sign will look](#)
[Budget Adjustment](#)
[Resolution](#)

LEWIS★SIGN
ESTABLISHED 1977
16910 S IH 35 Buda, TX 78610
Office: 512.312.4555 Fax: 512.312.4551
email: info@lewissign.com

DESIGN #: 10-671		
Sheet:	1	of 1
PROJECT		
MAYBORN CIVIC CENTER		
ADDRESS		
3303 N. 3RD. TEMPLE, TX.76501		
Acct. Rep.: LEON APOSTOLO		
Designer: K. Du BOSE		
Date: 10/01/10		
REVISION / DATE		

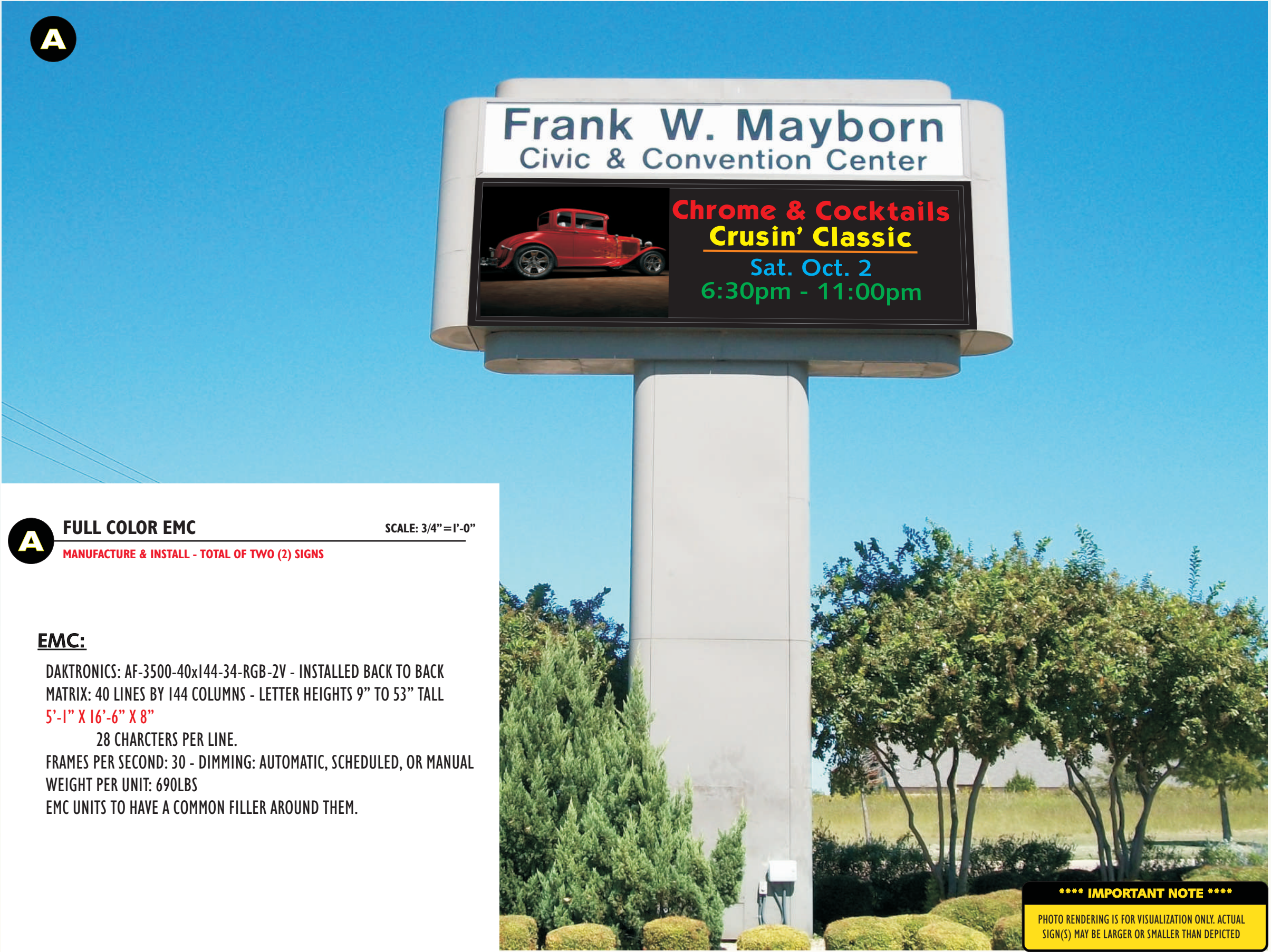
MANDATED BY STATE STATUTE:
Anyone selling, installing or servicing electrical signs, outline lighting, lighted awnings, signals, LED's and existing outdoor electric discharge lighting must be licensed individually and the company they represent must maintain an Electric Sign Contractors License.

These license holders are regulated by the Texas Department of Licensing and Regulation. For compliance verification or complaints contact TDLR in Austin at 1-800-803-9202, 512-463-6599, or www.license.state.tx.us.

This firm's license is TSCL #18067 Sign Master's License #7312. To verify a company's license, log on to www.license.state.tx.us/LicenseSearch Enter the company's name at "Inquire By Name" and press enter.

ELECTRICAL CONNECTION
IF PRIMARY POWER/J-BOX IS WITHIN 10'-0" OF SIGN, FINAL CONNECTION BY LEWIS SIGN. IF PRIMARY POWER/J-BOX IS FURTHER THAN 10'-0" FINAL CONNECTION TO BE BY CLIENTS ELECTRICIAN.

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING & BONDING OF THE SIGN. SIGN WILL BEAR UL LABEL(S).



A

FULL COLOR EMC

MANUFACTURE & INSTALL - TOTAL OF TWO (2) SIGNS

SCALE: 3/4"=1'-0"

EMC:

DAKTRONICS: AF-3500-40x144-34-RGB-2V - INSTALLED BACK TO BACK
MATRIX: 40 LINES BY 144 COLUMNS - LETTER HEIGHTS 9" TO 53" TALL
5'-1" X 16'-6" X 8"
28 CHARCTERS PER LINE.
FRAMES PER SECOND: 30 - DIMMING: AUTOMATIC, SCHEDULED, OR MANUAL
WEIGHT PER UNIT: 690LBS
EMC UNITS TO HAVE A COMMON FILLER AROUND THEM.

**** IMPORTANT NOTE ****
PHOTO RENDERING IS FOR VISUALIZATION ONLY. ACTUAL SIGN(S) MAY BE LARGER OR SMALLER THAN DEPICTED

CLIENT'S APPROVAL _____
APPROVAL REQUIRED BEFORE WORK CAN BEGIN

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	
240-4400-551-63-10	100707	Building & Grounds-Marquee	\$ 68,788			
240-0000-358-11-10		Hotel/Motel Unreserved Fund Balance			68,788	
		Do not Post				
TOTAL.....			\$ 68,788		\$ 68,788	

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

Appropriate Hotel/Motel Unreserved Fund Balance to fund the replacement of the marquee at the Mayborn Convention Center.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

December 16, 2010

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division DirectorDate☐

Approved

☐

Disapproved

FinanceDate☐

Approved

☐

Disapproved

City ManagerDate☐

Approved

☐

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PURCHASE AGREEMENT WITH DAKTRONICS TO REPLACE THE ELECTRONIC MARQUEE AT THE FRANK W. MAYBORN CIVIC AND CONVENTION CENTER THROUGH THE BUYBOARD LOCAL GOVERNMENT ONLINE PURCHASING COOPERATIVE, IN THE AMOUNT OF \$68,788; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the current electronic marquee at the Frank W. Mayborn Civic and Convention Center is outdated and in disrepair;

Whereas, the Staff recommends replacing the electronic marquee with one purchased from Daktronics for \$68,788 through the BuyBoard;

Whereas, funds are available for the purchase but an amendment to the FY2010-11 budget needs to be approved to transfer the funds to the appropriate expense 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 a purchase agreement with Daktonics for an electronic marquee at the Frank W. Mayborn Civic and Convention Center through the BuyBoard Local Government Online Purchasing Cooperative, in the amount of \$68,788.

Part 2: The City Council approves an amendment to the FY2010-2011 budget, substantially in the form of the copy attached as Exhibit A, for this purchase.

Part 3: The City Council authorizes the City Manager, or his designee, to execute any documents, after approval as to form by the City Attorney, that may be necessary for this purchase.

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

PASSED AND APPROVED this the **16th** day of **December**, 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

12/16/10
Item #5(E)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Amy M. Casey, Director of Human Resources/Civil Service

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with Scott & White Health Plan and establishing rates for substitute Medicare supplement insurance for City of Temple retirees and the City's contribution thereto for calendar year 2011.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Previously the trustees of the City of Temple Employee Benefits Trust adopted rates for health and dental insurance for all active employees and retirees not eligible for Medicare. City policy requires that when retirees turn 65, if they are eligible, they must enroll in the substitute Medicare supplement plan(s) offered through the City in order to receive the City's contribution. These rates are not available until the late Fall of each year, so at this time Council needs to adopt substitute Medicare supplement rates for retirees for 2011. The rates for substitute Medicare supplement insurance run from January 1st through December 31st of each year while rates for our active employees and non Medicare eligible retirees run from October 1st through September 30th of each year.

The Personnel Policies and Procedures Manual states that the City will pay an amount established during the budget process for substitute Medicare Supplement insurance for Medicare eligible retirees who have at least twenty-five (25) years of actual service with the City of Temple. On November 23, 2010, the City received one (1) proposal. The City's consultant, Burke Sunday of City-County Benefit Services, reviewed the proposal received and recommends award to Scott & White Health Plan.

Scott & White Health Plan, the recommended carrier, offers SeniorCare as their substitute Medicare supplement. In 2007, 2008, 2009 and 2010, retirees were offered twelve Medicare supplement plans through the City. Staff has determined that Plan K is the package that most closely reflects the plan the City contributed 50% of in the past. Staff recommends that Council authorize a contribution of 50% toward all plans up to a maximum contribution of \$102.55 (50% of the cost of Plan K).

The new monthly premium recommendations for 2011 are as follows:

Plan	Description	Monthly Premium	City's Contribution	Retiree's Contribution
A	Senior Select – No Rx	\$35.00	\$17.50	\$17.50
B	Senior Select – Basic Rx	\$75.00	\$37.50	\$37.50
C	Senior Select – Value Rx	\$85.10	\$42.55	\$42.55
D	Senior Select – Enhanced Rx	\$133.70	\$66.85	\$66.85
E	Senior Preferred – No Rx	\$97.00	\$48.50	\$48.50
F	Senior Preferred – Basic Rx	\$137.00	\$68.50	\$68.50
G	Senior Preferred – Value Rx	\$147.10	\$73.55	\$73.55
H	Senior Preferred – Enhanced Rx	\$195.70	\$97.85	\$97.85
I	Senior Preferred Plus – No Rx	\$155.00	\$77.50	\$77.50
J	Senior Preferred Plus – Basic Rx	\$195.00	\$97.50	\$97.50
K	Senior Preferred Plus – Value Rx	\$205.10	\$102.55	\$102.55
L	Senior Preferred Plus – Enhanced Rx	\$253.70	\$102.55	\$151.15

According to the consultant, this insurance should be awarded by the Council and not the Trust because it is considered an individual plan instead of a group plan and is not eligible for the tax credit.

FISCAL IMPACT: Budgeted amount: \$185,450 in account 110-2700-515-1231*
Estimated amount for FY10-11: \$47,070.45 **

* Budget includes all retirees' insurance

** Maximum contribution of \$102.55 x 51 # Medicare eligible retirees (as of 11/29/10) x 9 months (Jan - Sept) = \$47,070.45; the number of retirees could change over the course of the year.

ATTACHMENTS:

[Review and Analysis of Responses
Resolution](#)

THE CITY OF TEMPLE



Group Medicare Supplement and Prescription Drug Benefits Review and Analysis of Responses Requests for Proposals 2011 Plan Year



Prepared by

Burke O. Sunday, LHIC
City-County Benefits Services
245 Commerce Green Blvd., Suite 290
Sugar Land, Texas 77478
Phone: (281) 295-3013
Fax: (281) 295-3020

November 22, 2010

THE CITY OF TEMPLE



Group Medicare Supplement and Prescription Drug Benefits 2011 Plan Year Review/Recommendations

Background –

The City of Temple initiated a *Request for Proposal (RFP)* for Group Medicare Supplement and Prescription Drug Benefits on November 3, 2010. Scott & White Health Plan is the current provider of the above named benefits and services for the City's post-65 eligible retirees.

The *Request for Proposal (RFP)* was posted on Demandstar by Onvia for interested parties. The following insurance carriers or groups retrieved the documents –

- | | |
|-------------------------------------|-----------------------------|
| ▪ Scott & White Health | (submitted a response) |
| ▪ Blue Cross & Blue Shield of Texas | (did not submit a response) |
| ▪ A2Z Sales | (did not submit a response) |
| ▪ Hartford Insurance Group | (did not submit a response) |
| ▪ Health Trans LLC | (did not submit a response) |
| ▪ Humana | (did not submit a response) |
| ▪ Prime Vendor | (did not submit a response) |

Process –

The process for reviewing and analyzing the responses for the Group Medicare Supplement and Prescription Drug Benefits for the 2011 Plan Year was made much easier by the mere fact that only one (1) insurance carrier or group responded to the *Request for Proposal (RFP)*.

The "Summary of Benefits" for the January 1 through December 31, 2011, plan year were compared and reviewed with the "Summary of Benefits" for the January 1 through December 31, 2010 plan year. The

monthly cost for the three (3) Medical plan and the three (3) Pharmacy plans for the January 1 through December 31, 2011 plan year were compared and reviewed to the January 1 through December 31, 2010 plan year.

Benefit Deviations –

The following are the benefit “deviations” in the response from the Scott & White Health Plan for the 2011 Plan Year versus the 2010 Plan Year. It should be noted that some of the changes to the coverage are due to changes “mandated” by the Patient Protection Affordable Care Act (PPACA) and by changes “mandated” by Centers for Medicare and Medicaid Services (CMS). The deviations are –

Physical Exams –

	<u>2010 Plan Year</u>	<u>2011 Plan Year</u>
Select	\$30 Copay for Medicare-covered benefits	\$0 Copay for Medicare-covered
Preferred	\$15 Copay for Medicare-covered benefits	\$0 Copay for Medicare-covered
Preferred Plus	\$0 Copay for Medicare-covered benefits	\$0 Copay for Medicare-covered benefits

Vision Services –

	<u>2010 Plan Year</u>	<u>2011 Plan Year</u>
Select	20% of cost for 1 pair of eyeglasses/contacts after cataract surgery	\$0 copay for the cost of 1 pair of eyeglasses/contacts after cataract surgery
Preferred	No Change	No Change
Preferred Plus	No Change	No Change

Part D Prescription Services –

	<u>2010 Plan Year</u>	<u>2011 Plan Year</u>
Initial Coverage		
<i>After you pay your yearly deductible you pay a copay (preferred generic, preferred brand, non-preferred brand, or specialty) until total yearly drug cost reach –</i>		
	\$2,830	\$2,840

Value Rx Pharmacy Plan –

(30) – Thirty Day Supply Copay / (60) – Sixty Day Supply Copay / (90) – Ninety Day Supply Copay

	<u>2010 Plan Year</u>	<u>2011 Plan Year</u>
Preferred Generic (30)	\$5	25%
Preferred Generic (60)	\$10	25%
Preferred Generic (90)	\$15	25%

	<u>2010 Plan Year</u>	<u>2011 Plan Year</u>
Preferred Brand (30)	\$30	25%
Preferred Brand (60)	\$60	25%
Preferred Brand (90)	\$90	25%

	<u>2010 Plan Year</u>	<u>2011 Plan Year</u>
Non-Preferred Brand (30)	\$60	25%
Non-Preferred Brand (60)	\$120	25%
Non-Preferred Brand (90)	\$180	25%

*Specialty Drugs –**Copay for In-Network Retail Pharmacy Specialty Drugs*

	<u>2010 Plan Year</u>	<u>2011 Plan Year</u>
Basic Rx Plan	25%	33%
Enhanced Rx Plan	25%	33%

*Cost Deviations –**Medical Plan Only*

	2010 Plan Year	2011 Plan Year	% Change +/-
Select	\$35.00	\$35.00	0.00%
Preferred	\$97.00	\$97.00	0.00%
Preferred Plus	\$155.00	\$155.00	0.00%

Medical Plan with Value Rx

	2010 Plan Year	2011 Plan Year	% Change +/-
Select	\$59.60	\$85.10	42.79%
Preferred	\$121.60	\$147.10	20.97%
Preferred Plus	\$179.60	\$205.10	14.20%

Medical Plan with Basic Rx

	2010 Plan Year	2011 Plan Year	% Change +/-
Select	\$72.10	\$75.00	4.02%
Preferred	\$134.20	\$137.00	2.09%
Preferred Plus	\$192.20	\$195.00	1.46%

Medical Plan with Enhanced Rx

	2010 Plan Year	2011 Plan Year	% Change +/-
Select	\$127.90	\$133.70	4.53%
Preferred	\$189.80	\$195.70	3.11%
Preferred Plus	\$247.80	\$253.70	2.38%

Recommendation/Rationale –

City-County Benefits Services (CCBS) recommendation is to accept the response to the *Request for Proposals (RFP) for Group Medicare Supplement and Prescription Drug Benefits* from the Scott & White Health Plan (SWHP). The benefit and cost deviations noted in the previous pages are nominal in most cases. As indicated some of the benefit deviations were due in part to the Patient Protection Affordable Care Act (PPACA) and the Center for Medicare and Medicaid Services (CMS). With the exception of the cost increase to the *Medical Plan with Value Rx* coverage, the other plan combinations increases were in line with increases to the Consumer Price Index.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH SCOTT AND WHITE HEALTH PLAN AND ESTABLISHING RATES FOR SUBSTITUTE MEDICARE SUPPLEMENT INSURANCE FOR CITY OF TEMPLE RETIREES AND THE CITY'S CONTRIBUTION THERETO FOR CALENDAR YEAR 2011; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on November 23, 2010, the City received 1 proposal for substitute Medicare supplement insurance for retirees for calendar year 2011;

Whereas, the proposal was reviewed by the City's consultant with City-County Benefits Service who recommends accepting the proposal received from Scott and White Health Plan;

Whereas, the City's Personnel Policies & Procedure Manual provides that the City will pay an amount established during the budget process for substitute Medicare Supplement for Medicare eligible retirees who have at least 25 years of actual service with the City of Temple;

Whereas, the estimated expenditure for 2010 is \$47,070.45, and funds for retirees' insurance are budgeted in Account No. 110-2700-515-1231; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute an agreement with Scott and White Health Plan, after approval as to form by the City Attorney, for substitute Medicare supplement insurance for City of Temple retirees for calendar year 2011 at the following rates:

Plan	Description	Monthly Premium	City's Contribution	Retiree's Contribution
A	Senior Select – No Rx	\$35.00	\$17.50	\$17.50

B	Senior Select – Basic Rx	\$75.00	\$37.50	\$37.50
C	Senior Select – Value Rx	\$85.10	\$42.55	\$42.55
D	Senior Select – Enhanced Rx	\$133.70	\$66.85	\$66.85
E	Senior Preferred – No Rx	\$97.00	\$48.50	\$48.50
F	Senior Preferred – Basic Rx	\$137.00	\$68.50	\$68.50
G	Senior Preferred – Value Rx	\$147.10	\$73.55	\$73.55
H	Senior Preferred – Enhanced Rx	\$195.70	\$97.85	\$97.85
I	Senior Preferred Plus – No Rx	\$155.00	\$77.50	\$77.50
J	Senior Preferred Plus – Basic Rx	\$195.00	\$97.50	\$97.50
K	Senior Preferred Plus – Value Rx	\$205.10	\$102.55	\$102.55
L	Senior Preferred Plus – Enhanced Rx	\$253.70	\$102.55	\$151.15

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 **16th** day of **December**, 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

12/16/10
Item #5(F)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Director of Public Works
Kim Foutz, Assistant City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract amendment to a professional services agreement with Kasberg, Patrick & Associates, LP (KPA), for survey, design, and construction phase services required to integrate the TMED South First Street design with proposed Temple College improvements in an amount not to exceed \$93,200.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The TMED South First Street sidewalk and landscaping improvements will begin enhancement of the First Street corridor from H.K. Dodgen Loop to downtown Temple as part of the overall coordinated development initiative in the district. Temple College has developed a master plan for campus improvements and shared it with the Reinvestment Zone #1 (RZ) Board. Additional design is required to coordinate South First Street improvements with the planned campus improvements and to provide bidding and administration services as the project moves into the construction phase.

The Council has authorized the following professional services agreements with KPA and Bury +Partners (Bury) for work related to the TMED South First Street project:

<u>Engineer</u>	<u>Contract</u>	<u>Council Date</u>	<u>Amount</u>
KPA	Phase I	July 16, 2009	\$114,800
KPA	Phase II	November 19, 2009	\$ 76,200
Bury	Phase III	November 19, 2009	\$ 40,300*

*reduced by \$18,120 in September, 2010

Phase III has been incorporated as part of Phase II, and additional Phase II design is required to align the improvements with the parking lot proposed in the Temple College Master Plan. Bidding and administration services will also be required during construction. On December 8, 2010, the RZ Board voted to recommend this contract amendment for Council authorization. Consultant services authorized under this resolution include the following tasks and costs:

Survey Services

Design Services	\$ 4,400
Easement Documents	\$ 1,500

Design Services

Civil Final Design	\$ 19,850
Coordination with TXDOT	\$ 6,800
Landscape Final Design	\$ 22,000

Bidding Services

Civil	\$ 4,500
Landscape	\$ 1,500

Construction Administration Services

Civil	\$ 16,500
Landscape	\$ 1,500

On Site Services

On Site Representation	\$ 14,650
------------------------	-----------

TOTAL \$ 93,200

The time required to perform the additional design services is 60 days.

FISCAL IMPACT: Funds are available in the Reinvestment Zone No. 1 Financing Plan, Acct # 795-9500-531-6550, for Project # 100629 for this professional services contract amendment in the amount of \$93,200.

ATTACHMENTS:

[Proposal](#)
[Map](#)
[Resolution](#)



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS

Texas Firm F-510

RICK N. KASBERG, P.E.

R. DAVID PATRICK, P.E., C.F.M.

THOMAS D. VALLE, P.E.

Temple

One South Main Street
Temple, Texas 76501
(254) 773-3731

Georgetown

3613 Williams Drive, Suite 406
Georgetown, Texas 78628
(512) 819-9478

October 20, 2010

Mr. Don Bond, P.E.
City of Temple
3210 East Avenue H, Building A
Temple, Texas 76501

Re: City of Temple, Texas
TMED 1st Street Phase I Improvements – Request for Additional Services

Dear Mr. Bond:

At the request of the City of Temple, we are submitting this proposal for the above referenced project. This project will improve the first phase of 1st Street beginning at the Temple College Entrance to the Temple College Apartment Entrance north of the drainage channel through the proposed parking facility for Temple College as shown in the Temple College Master Plan. This request is a result in a change in scope to the project

This change in scope to the project will consist of realigning the pedestrian trail and facilities to be homogenous with the Temple College Master Plan. The hike and bike trail will be realigned along with plantings, seating areas and amenities to the trail system. The bridge alignment will be eliminated from the project. Elevations and connection to the proposed pedestrian trail along 1st Street will be designed at the new location. Seating areas will be relocated to the north side of the channel with the configuration of the new alignment. Sidewalk facilities will be extended to cross 5th Street and connect with the future Fryers Creek Trail System. Drainage areas for the Temple College parking facility will be developed and drainage flows created in order to determine capacity. Conveyance of storm water will be designed. All drainage structures will be detailed and located in the plans. The change in scope will be completed in three design phases. The phases are final design and project documents, bidding and construction administration. Construction Administration will be inclusive with assistance from TxDOT and on site representation services are provided with this change in scope. The project will now be bid in two phases. Phase One will contain the on facility construction within TxDOT jurisdiction and Phase Two will be off phase construction outside TxDOT jurisdiction. For the Phase Construction Services, TxDOT will perform the majority of the services. In Phase Two all construction phase services will be performed under this contract.

This design will be incorporated into the STEP Grant Program. This proposal does not contain any structural design, geotechnical, environmental or archaeological investigations, but does contain coordination with TxDOT. The project can be completed in design within sixty calendar days after the notice to proceed.

The scope of services for this project will include the following:

Final Design and Project Documents

- Design Surveys.
- Final design of the relocated pedestrian facilities to coordinate with the Temple College Master Plan.
- Final Design of the pedestrian connections across 5th Street.
- Design of the extension of the sidewalk to the south on 5th Street to connect with the future Fryers Creek Trail System.
- Hydrological design of storm water flows at pedestrian facilities.
- Storm water conveyance design.
- Vertical design for the pedestrian facilities coordinating with future parking facilities as shown in the Temple College Master Plan.
- Meetings with TxDOT to coordinate the project and discuss additional pedestrian crossings of 1st Street.
- Coordination with the Temple College Engineer for a homogeneous design.
- Coordination with TxDOT for submittals.
- Final cost estimates with detailed quantities.
- Easement Acquisition documentation.

Bidding – It is our understanding that the City of Temple will be accepting bids for Phase Two of this project and therefore we have included full costs for bidding.

- Prepare final quantities for bidding.
- Prepare bidding documents.
- Solicit bidders for the project
- Attend a pre-bid conference and chair the meeting.
- Receive questions concerning the project and answer in the form of addenda.

Construction Administration – It is our understanding that Phase Two of this project will now be administered by the City of Temple and therefore we have now included full services for administration.

- Attend pre-construction conference for the project and chair the meeting.
- Review all submittals and submit responses.
- Receive all RFIs and submit responses.
- Conduct progress updates.
- Review the jobsite weekly.
- Conduct walk through of the project and prepare punchlist.
- Monitor punchlist and verify completion.

- Prepare record drawings as submitted by the contractor on mylar.
- Prepare project record files and deliver to the City of Temple.

On Site Representation – Daily on site representation will be provided for Phase Two under this scope of work. It shall be based upon an average of three hours per day.

- Conduct daily on-site monitoring of the project.
- Prepare daily reports and submit to the City of Temple Staff weekly.
- Coordinate inspections.
- Monitor project progress.

Survey Services

Design Services	\$	4,400
Easement Documents (2)	\$	1,500
Total Survey Services	\$	5,900

Design Services

Final Design and Project Documents (Civil)	\$	19,850
Coordination with TxDOT	\$	6,800
Final Design and Project Documents (Landscape)	\$	22,000
Total Design Services	\$	48,650

Bidding Services (Phase II)

Bidding (Civil)	\$	4,500
Bidding (Landscape Architecture)	\$	1,500
Total Bidding Services	\$	6,000

Construction Administration Services (Phase II)

Construction Administration (Civil)	\$	16,500
Construction Administration (Landscape)	\$	1,500
Total Construction Administration Services	\$	18,000

On Site Representation Services

On Site Representation (Phase II)	\$	14,650
Total On Site Representation Services	\$	14,650

TOTAL SERVICES \$ 93,200


Mr. Don Bond, P.E.

October 20, 2010

Page Four

We can complete all the tasks represented for the lump sum cost of \$93,200. We are available to discuss the scope of the project at your convenience. As always, we look forward to working with you on the project and to the enhancement that it will bring to the City of Temple.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. David Patrick', with a long horizontal flourish extending to the right.

R. David Patrick, P.E., C.F.M.

RDP/crc

xc: Ms. Kim Foutz, City of Temple



0 25 50

HORIZONTAL SCALE IN FEET

This document is released for the purpose of interim review under the authority of R. David Patrick, P.E. 82638 on Jul 08, 2010. It is not to be used for construction, bidding or permit purposes.

PROPOSED
MEDIAN AND
LANDSCAPE

PROPOSED
10' WIDE
HIKE AND BIKE
TRAIL

PROPOSED
10' WIDE
HIKE AND BIKE
TRAIL

W. Marvin R. Feilder Dr.

E. Marvin R. Feilder Dr.

Temple College

INTERSECTION PAVING
AND LANDSCAPE
ENHANCEMENTS

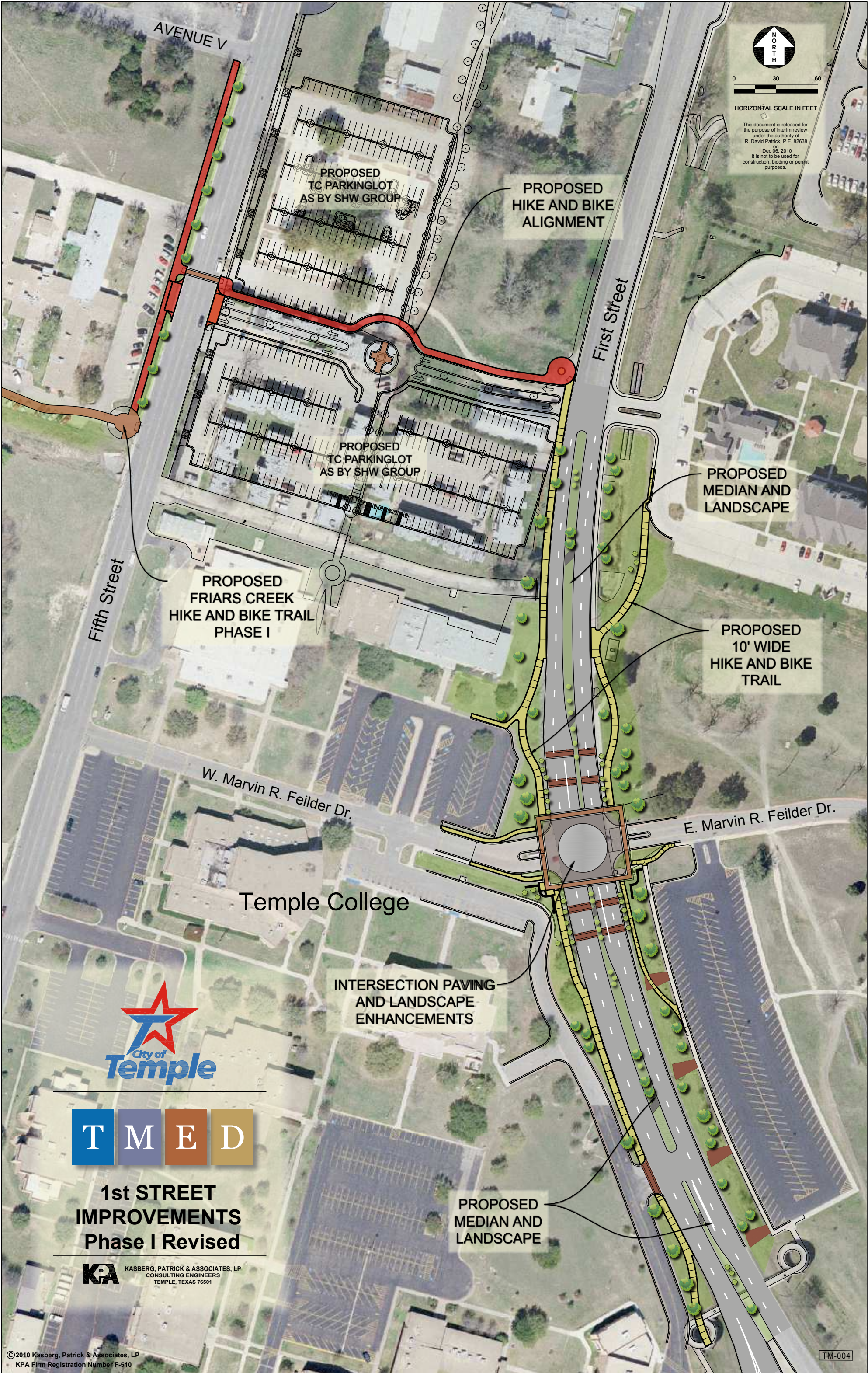
PROPOSED
MEDIAN AND
LANDSCAPE



1st STREET
IMPROVEMENTS
Phase I



KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
TEMPLE, TEXAS 76501



**1st STREET
IMPROVEMENTS
Phase I Revised**



KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
TEMPLE, TEXAS 76501

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND KASBERG, PATRICK & ASSOCIATES, L.P., FOR SURVEY, DESIGN, AND CONSTRUCTION PHASE SERVICES REQUIRED TO INTEGRATE THE TEMPLE MEDICAL EDUCATION DISTRICT (TMED) SOUTH FIRST STREET DESIGN WITH PROPOSED TEMPLE COLLEGE IMPROVEMENTS, IN AN AMOUNT NOT TO EXCEED \$93,200; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on November 19, 2010, the City Council approved a professional services agreement for \$76,200 with Kasberg, Patrick & Associates, LP, for engineering design and landscape architect services required to design Phase 11 of the Temple Medical Education District (TMED) South First Street improvements;

Whereas, additional services are required to integrate the TMED South First Street design with proposed Temple College improvements;

Whereas, Kasberg, Patrick & Associates, L.P., submitted a proposal for survey, design, and construction phase of the additional services in the amount of \$93,200, and the Staff recommends accepting it;

Whereas, funds are available for this project in Account No. 795-9500-531-6550, Project # 100629; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a contract amendment, not to exceed \$93,200, to the professional services agreement, between the City of Temple, Texas, and Kasberg, Patrick & Associates, L.P., after approval as to form by the City Attorney, for survey, design, and construction phase services required to integrate the Temple Medical Education District (TMED) South First Street design with proposed Temple College improvements.

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 **16th** day of **December**, 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

12/16/10

Item #5(G)

Consent Agenda

Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an interlocal agreement with the City of Fort Worth to allow for the utilization of Fort Worth's commercial card (procurement card) agreement with JP Morgan Chase.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City currently utilizes a Procurement Card (P-Card) program to supplement and enhance the procurement of low-value, maintenance, repair, and operational expenses. P-Cards are not intended to replace effective procurement planning or void any purchasing policies or procedures, but are used to reduce internal purchasing restrictions and to delegate authority. The City currently has 422 P-Cards. In FY 2010, \$3,356,492.05 of purchases were procured using P-Cards.

The City uses JP Morgan Chase as their procurement card provider through a State of Texas Contract. The State's contract with JP Morgan Chase expired in August 2010 and the State has awarded a new P-Card contract to Citi Bank. Changing providers is a large undertaking (e.g. new I.T. interface, new cards) and many agencies throughout the State had a desire to retain JP Morgan Chase as a provider. Accordingly, the City of Fort Worth has offered to allow other agencies to piggyback off of a commercial card agreement that Fort Worth's Council authorized on July 17, 2007. Fort Worth's current contract will expire on August 30, 2011 with one (1) one-year renewal still available. The City of Temple wishes to piggyback onto this agreement, and JP Morgan Chase has agreed to extend these same services to the City of Temple. The Participation Agreement with JP Morgan Chase is attached.

The ability to do this is made possible through the attached interlocal agreement with the City of Fort Worth. Staff recommends Council authorize the interlocal agreement in order to facilitate procurement card services with JP Morgan Chase.

The customer service received from JP Morgan Chase over the last 6 years has been exceptional. Accordingly, it is staff's recommendation to keep the P-Card program with JP Morgan Chase.

FISCAL IMPACT: There is no fiscal impact with respect to City expenditures. Annual rebates will be paid to the City at a 1.59% rate based upon the individual participant's annual volume spend as well as the combined consortium annual spend. This percentage is guaranteed until August 30, 2011, and has the ability to increase as spend volumes increase. Rebates received from JP Morgan Chase were \$41,721.96 in FY 2010 under the JP Morgan Chase State contract.

ATTACHMENTS:

[Cooperative Purchasing Agreement](#)
[Participation Agreement](#)
[Resolution](#)

FORT WORTH CITY SECRETARY
CONTRACT NO. _____

COOPERATIVE PURCHASING AGREEMENT

This Cooperative Purchasing Agreement (“Agreement”) is made and entered into as of the date written below between _____ (“_____”) and the City of Fort Worth, Texas (“Fort Worth”).

WHEREAS, both _____ and Fort Worth have each determined a need for a cooperative agreement to purchase like goods and services to avoid duplicate procurement efforts and obtain the benefits of volume purchasing; and

WHEREAS, _____ and Fort Worth are authorized by Section 271.102 of the Local Government Code to pursue mutually beneficial and cooperative purchasing programs.

NOW, THEREFORE, for and in consideration of the mutual obligations and benefits contained herein, _____ and Fort Worth agree as follows:

SECTION 1. The purpose of this Agreement is to provide _____ and Fort Worth with additional purchasing options by satisfying the provisions of Section 271.102 of the Local Government Code.

SECTION 2. The parties agree that each of the parties shall respectively designate a person to act under the direction of, and on behalf of, the designating party (the “Designated Representative”).

SECTION 3. At the request of the other party, a party that enters into a contract with a vendor for goods or services (the “First Purchasing Party”) shall attempt to obtain the vendor’s agreement to offer those goods and services to the other party (the “Second Purchasing Party”) for the same price and on the same terms and conditions as have been offered to the First Purchasing Party. If the vendor so agrees, and if the Second Purchasing Party is agreeable to such terms and conditions, the Second Purchasing Party may enter into its own separate contract with the vendor for the purchase of such goods or services.

SECTION 4. Unless otherwise agreed between the Designated Representatives, payments for a purchase made by the Second Purchasing Party shall be paid directly to the vendor and not to the First Purchasing Party. The Second Purchasing Party shall have the responsibility of determining whether the vendor has complied with any provisions in its contract with the vendor, including but not limited to those relating to the quality of items and terms of delivery, and shall be responsible for enforcement of its contract against the vendor, including all cost of enforcement.

SECTION 5. This Agreement will be subject to all applicable federal, state and local laws, ordinances, rules and regulations.

SECTION 6. This Agreement may be terminated by either party, without cause or penalty, upon not less than thirty days written notice to the other party.

SECTION 7. The parties acknowledge that each party and, if it so chooses, its counsel have reviewed and revised this Agreement and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party must not be employed in the interpretation of this Agreement or any amendments or exhibits hereto.

SECTION 8. If any action, whether real or asserted, at law or in equity, arises on the basis of any provision of this Agreement, venue for such action shall lie in state courts located in Tarrant County, Texas or the United States District Court for the Northern District of Texas – Fort Worth Division. This Agreement shall be construed in accordance with the laws of the State of Texas.

SECTION 9. If any term or provision of this Agreement is held to be illegal, invalid or unenforceable, the legality, validity or enforceability of the remaining terms or provisions of this Agreement shall not be affected thereby, and in lieu of each such illegal, invalid or unenforceable term or provision, the parties shall endeavor to agree to a legal, valid or enforceable term or provision as similar as possible to the term or provision declared illegal, invalid or unenforceable.

SECTION 10. Execution of this Agreement does not obligate _____ or Fort Worth to make any purchase, to pay any membership fee or to otherwise or in any manner incur any cost or obligation.

SECTION 11. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, and all of which shall constitute but one and the same instrument.

SECTION 12. The undersigned officers and/or agents are properly authorized to execute this Agreement on behalf of the parties hereto and each party hereby certifies to the other that any necessary actions extending such authority have been duly passed and are now in full force and effect.

SECTION 13. All notices, requests, demands, and other communications which are required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly given upon the delivery or receipt thereof, as the case may be, if delivered personally or sent by registered or certified mail, return receipt requested, postage prepaid, to the respective city representative set out below, or his/her designee.

City of Fort Worth & _____
Cooperative Purchasing Agreement

EXECUTED this _____ day of _____, 201__.

CITY OF FORT WORTH
1000 Throckmorton Street
Fort Worth, Texas 76102

CITY OF _____
<Entity Address >
<City, State, Zip >

By: _____
Karen L. Montgomery

By: _____

Title: Assistant City Manager

Title: _____

**APPROVED AS TO
FORM AND LEGALITY:**

Denis McElroy
Assistant City Attorney

Entity Attorney Title

Contract Authorization

Marty Hendrix, City Secretary

Date

Date

PARTICIPATION AGREEMENT | JPMORGAN CHASE BANK.NA.

THIS PARTICIPATION AGREEMENT (the "Participation Agreement") is made and effective this _____ day of _____, ("Effective Date"), by and between City of Temple, a Texas municipality (the "Participant") and JPMorgan Chase Bank, N.A. or Chase Bank USA, N.A., as may be determined from time to time, (the "Bank") each a national banking association.

WITNESSETH:

WHEREAS, pursuant to that certain Commercial Card Agreement dated as of August 31, 2007 (the "Commercial Card Agreement") between City of Fort Worth (the "Client") and the Bank, the Bank has agreed to provide commercial card services to the Client (the "Program") on the terms and conditions of the Commercial Card Agreement, attached hereto and incorporated herein as Exhibit I; and

WHEREAS, the Participant desires to participate in the Program, subject to the terms and conditions of the Commercial Card Agreement;

NOW, THEREFORE, in consideration of the foregoing premises and the mutual agreements, provisions and covenants contained herein, the parties agree as follows:

- 1. Definitions.** Except as otherwise provided herein, all capitalized terms used herein and not otherwise defined and which are defined in the Commercial Card Agreement shall be used herein as so defined in the Commercial Card Agreement.
- 2. Mutual Obligations.** By their execution of this Participation Agreement, the Participant and Bank hereby agree to be bound by all the terms and conditions of the Commercial Card Agreement as may be amended from time to time attached hereto as Exhibit I. This Participation Agreement shall remain in effect according to its terms without regard to the continued existence or enforceability of the Commercial Card Agreement with respect to the original parties thereto. All references to "Client" in the Commercial Card Agreement shall be deemed to constitute references to the Participant hereunder.

Without limiting the generality of the foregoing, the Participant further agrees that it shall be responsible only for transactions and for fees, charges and other amounts due under the Commercial Card Agreement related to the use of Accounts of the Participant pursuant to the Commercial Card Agreement and that the Client shall not be liable for any such transactions and for any such fees, charges and other amounts.

- 3. Incentives.** For purposes of calculating rebates, Combined Charge Volume for each Participant will begin to accrue on the first day of the month following the date the Participation Agreement is executed.
- 4. Notices.** Notwithstanding the provisions of the Commercial Card Agreement, all notices and other communications required or permitted to be given under this Participation Agreement shall be in writing and shall be effective on the date on which such notice is actually received by the party to which addressed. All notices shall be sent to the address set forth below or such other address as specified in a written form from one party to the other.

To the Bank: JPMorgan Chase Bank, N.A.
300 South Riverside Plaza, Suite IL1-0199
Chicago, IL 60670-0199
Attn: Commercial Card Contracts Manager

To the Participant: City of Temple

3210 East Ave. H, Building C

Temple, TX 76501

Attn: Tina Adams

- 5. Miscellaneous.** This Participation Agreement shall be governed by and construed in accordance with the substantive laws of the State of Texas, and as applicable, federal law. The headings, captions, and arrangements used in this Participation Agreement are for convenience only and shall not affect the interpretation of this Participation Agreement. This Participation Agreement may be executed in any number of counterparts, all of which, when taken together shall constitute one and the same document, and each party hereto may execute this Participation Agreement by signing any of such counterparts.

IN WITNESS WHEREOF, the parties have caused this Participation Agreement to be duly executed as of the date first written above.

BANK:

By:

Name:

Title

PARTICIPANT:

By:

Name:

Title:

Participant Attestation:

The undersigned, a duly authorized officer or representative of Participant, does hereby certify that Participant has been duly authorized to enter into and perform this Participation Agreement and that the person signing above on behalf of the Participant, whose execution of this Participation Agreement was witnessed by the undersigned, is an officer, partner, member or other representative of Participant possessing authority to execute this Participation Agreement.

By:

Name:

Title

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE CITY OF FORT WORTH'S COMMERCIAL CARD (PROCUREMENT CARD) AGREEMENT WITH JP MORGAN CHASE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City currently uses JP Morgan Chase as its procurement card provider through a State of Texas contract – the State's contract with JP Morgan Chase expired in August, 2010, and the State has awarded a new procurement card contract to Citi Bank;

Whereas, since changing providers is a large undertaking and many agencies throughout the State had a desire to retain JP Morgan Chase as a provider, the City of Fort Worth has offered to allow other agencies to piggyback off of a commercial card agreement that Fort Worth's City Council authorized in July, 2007;

Whereas, Fort Worth's current contract will expire in August 2011, with one year renewal still available – the Staff recommends entering into an interlocal agreement with the City of Fort Worth to be able to retain the City's procurement card services through JP Morgan Chase; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute an interlocal agreement with the City of Fort Worth, after approval as to form by the City Attorney, to allow for the utilization of Fort Worth's commercial card (procurement card) agreement with JP Morgan Chase.

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 16th day of **December**, 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

12/16/10
Item #5(H)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution approving a one year lease contract with the Bell County HELP Center for 4,917 square feet in the Public Services Annex, (102 E. Central Avenue).

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Bell County HELP Center has been providing services out of this location since 1991. Due to a recent vacation of space, the HELP Center is relocating downstairs and is increasing their square footage by 1,058 square feet. The rent will continue to be \$0.55 per square foot per month, for a monthly base rent of \$2704.35.

Under the lease, the HELP Center will be responsible for all utilities, janitorial services, and other daily maintenance. This is an as-is lease, the City will not be making any adjustments or upgrades to the space.

FISCAL IMPACT: Total anticipated HELP Center rent is \$32,452.20 per year.

ATTACHMENTS:

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A LEASE WITH BELL COUNTY HELP CENTER FOR LEASE OF SPACE IN THE PUBLIC SERVICES ANNEX; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Bell County HELP Center has been providing services in the City's Public Service Annex since 1991 – due to a recent vacation of space, the HELP Center is relocating downstairs and desires to increase their square footage by 1,058 square feet;

Whereas, the rent will continue to be \$.055 per square foot per month, for a monthly base rent of \$2,704.35;

Whereas, the HELP Center will be responsible for all utilities, janitorial services, and other daily maintenance; and

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

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

PART 1: The City Council authorizes the City Manager to execute a lease agreement between the City of Temple and the Bell County HELP Center, after approval as to form by the City Attorney, for the lease of space in the City's Public Service Annex located at 102 East Central.

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 **16th** day of **December**, 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

12/16/10
Item #5(I)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-11-02: Consider adopting an ordinance authorizing a zoning change from Two Family District (2F) to Office One District (O1) on the South 65 feet of Lot 19, Block 4, Tal-Coe Place Addition, located at 1119 South 25th Street.

P&Z COMMISSION RECOMMENDATION: At its November 15, 2010 meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation to recommend approval of a zone change from 2F to O-1 for the following reasons:

1. The request complies with the Future Land Use and Character Map;
2. The request complies with the Thoroughfare Plan Map; and
3. Public facilities are available to serve the property.

Vice-Chair Martin and Commissioner Barton were 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-11-02, from the Planning and Zoning meeting, November 15, 2010. The applicant requests the rezoning in order to establish a small office in the existing approximately 1,100 square-foot structure on the subject property. Four parking spaces are required on the property if the rezoning is approved and the structure is converted into an office.

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	Objective 3.3.2 - Also consider expanding the range of permitted uses within neighborhood conservation districts to include complimentary nonresidential uses such as small-scale neighborhood commercial and office uses that add character, convenience, and vitality to a neighborhood.	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*

CP = Comprehensive Plan * = See explanation below

Future Land Use and Character (CP Map 3.1)

The Future Land Use and Character Map designates the property as Neighborhood Conservation, which means that a mostly residential character should be retained. The subject property is just north of an area along S. 25th Street that is designated with the Auto Urban Mixed Use future land use and character category. If the applicant uses the existing structure for the office as he says he wants to, then the request conforms to the Future Land Use and Character Map. The size of the subject property, approximately 8,775 square feet, prevents it from being developed on a very large scale.

Objective 3.3.2

This objective in the text of the Comprehensive Plan recommends that in the future, the City allow complimentary nonresidential uses such as small-scale retail and office uses in existing, established residential areas. The request aligns with this recommendation.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates S. 25th Street as a Minor Arterial and W. Ave. L as a Local Street. Access to the property comes from W. Ave. L. The request conforms to the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

A six-inch water line and an eight-inch sewer line serve the property. Public facilities are available for the property.

PUBLIC NOTICE:

Sixteen notices of the Planning and Zoning Commission public hearing were sent out. As of Friday, November 12 at 10:00 AM, 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 November 4, 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
Notice Map
Response Letters
P&Z Staff Report (Z-FY-11-02)
P&Z Minutes (November 15, 2010)
Ordinance



Z-FY-11-02

Tal-Coe Place, Block 4, S 65' of Lot 19

1119 S 25th Street



 ZFY1102

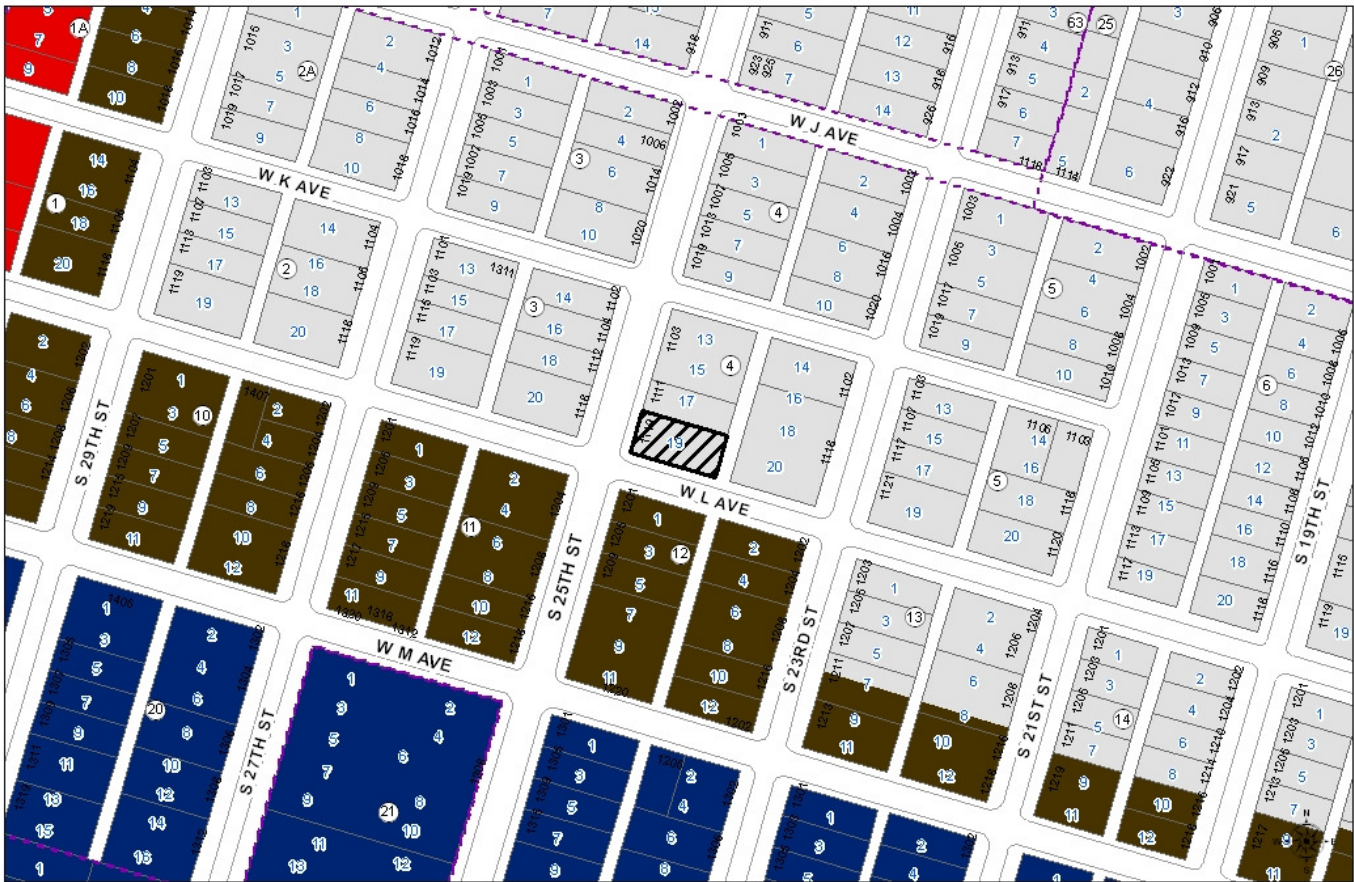
Feet 0 25 50 75 100
J Stone 10.12.10



Z-FY-11-02

Tal-Coe Place, Block 4, S 65' of Lot 19

1119 S 25th Street



- | | | | | | |
|-----------------------|-------------------------|--------------------|---------------------------|-----------------------------------|--------------|
| ZFY1102 | 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 | |

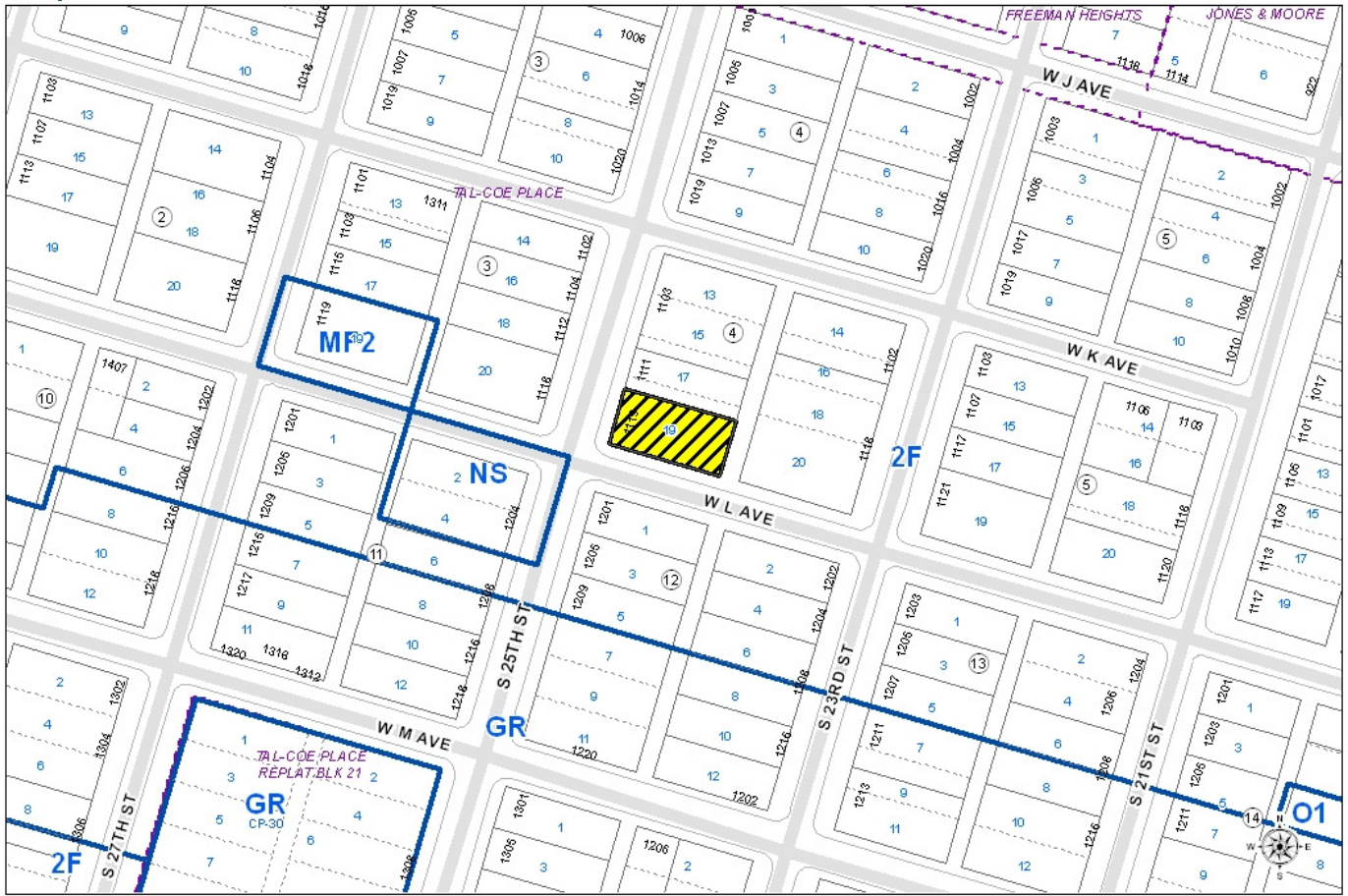
1 inch = 200 feet
J Stone 10.12.10



Z-FY-11-02

Tal-Coe Place, Block 4, S 65' of Lot 19

1119 S 25th Street



 ZFY1102

Feet 0 50 100 150 200

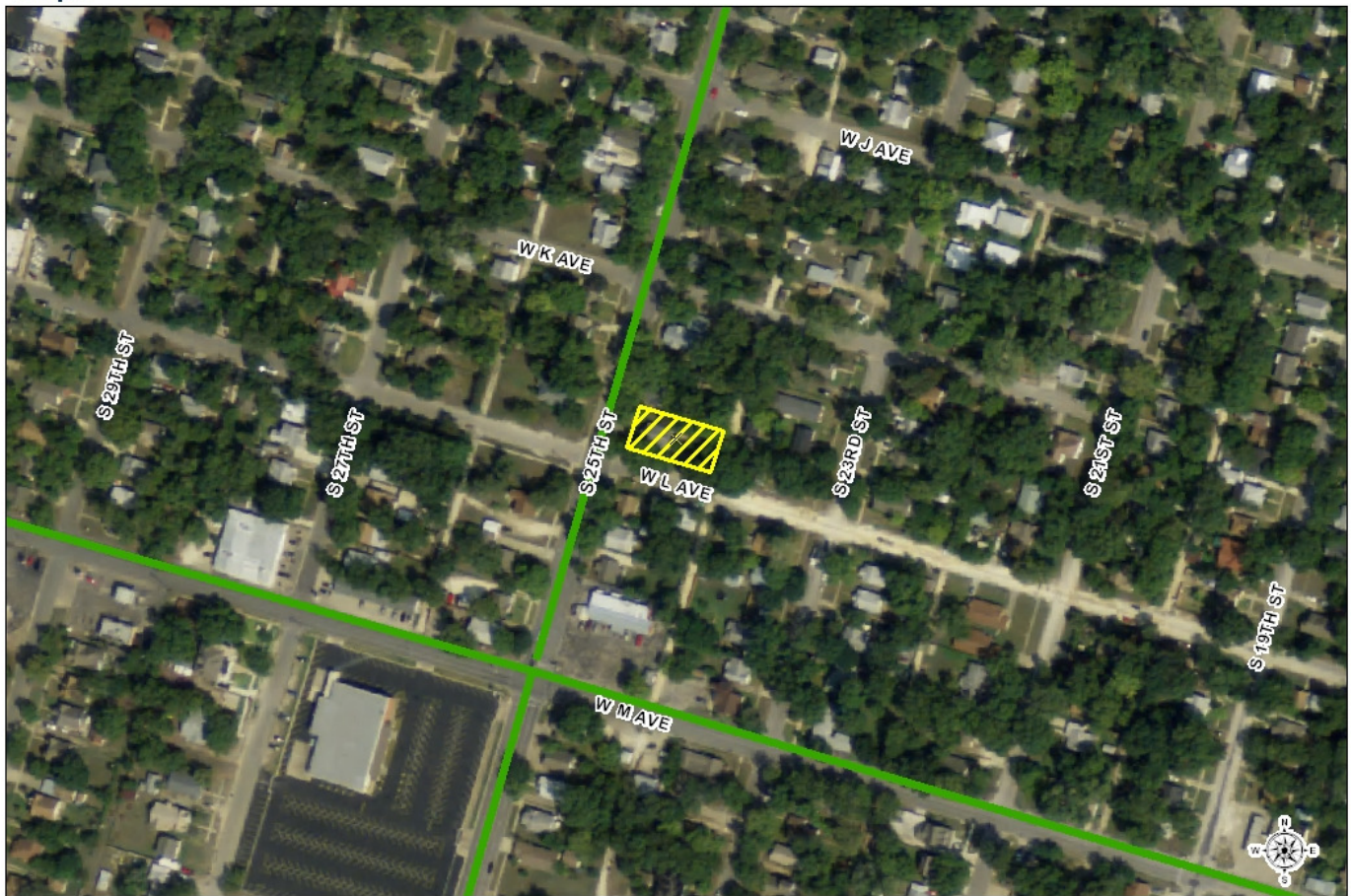
J Stone 10.12.10



Z-FY-11-02

Tal-Coe Place, Block 4, S 65' of Lot 19

1119 S 25th Street



- | | | | | |
|----------------|-------------------------|-------------------------|----------------------|-------------------------|
| Expressway | Proposed Major Arterial | Minor Arterial | Collector | ZF Y11 02 |
| Major Arterial | Proposed K-TUTS | Proposed Minor Arterial | Conceptual Collector | Current Temple Boundary |

Feet 0 50 100 150 200

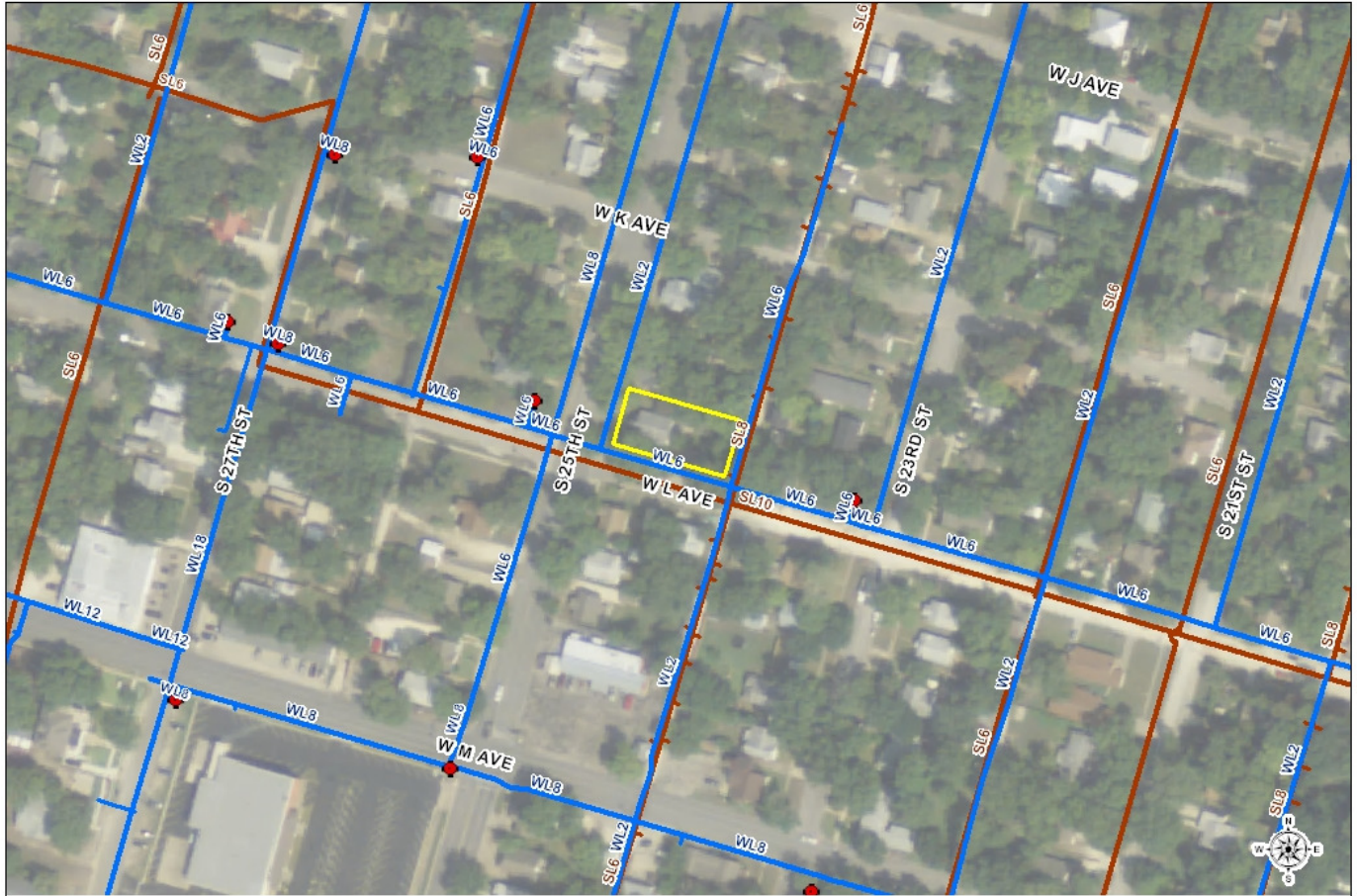
J Stone 10.12.10



Z-FY-11-02

Tal-Coe Place, Block 4, S 65' of Lot 19

1119 S 25th Street



 ZFY1102  WATER LINE  SEWER LINE

Feet 0 25 50 75 100

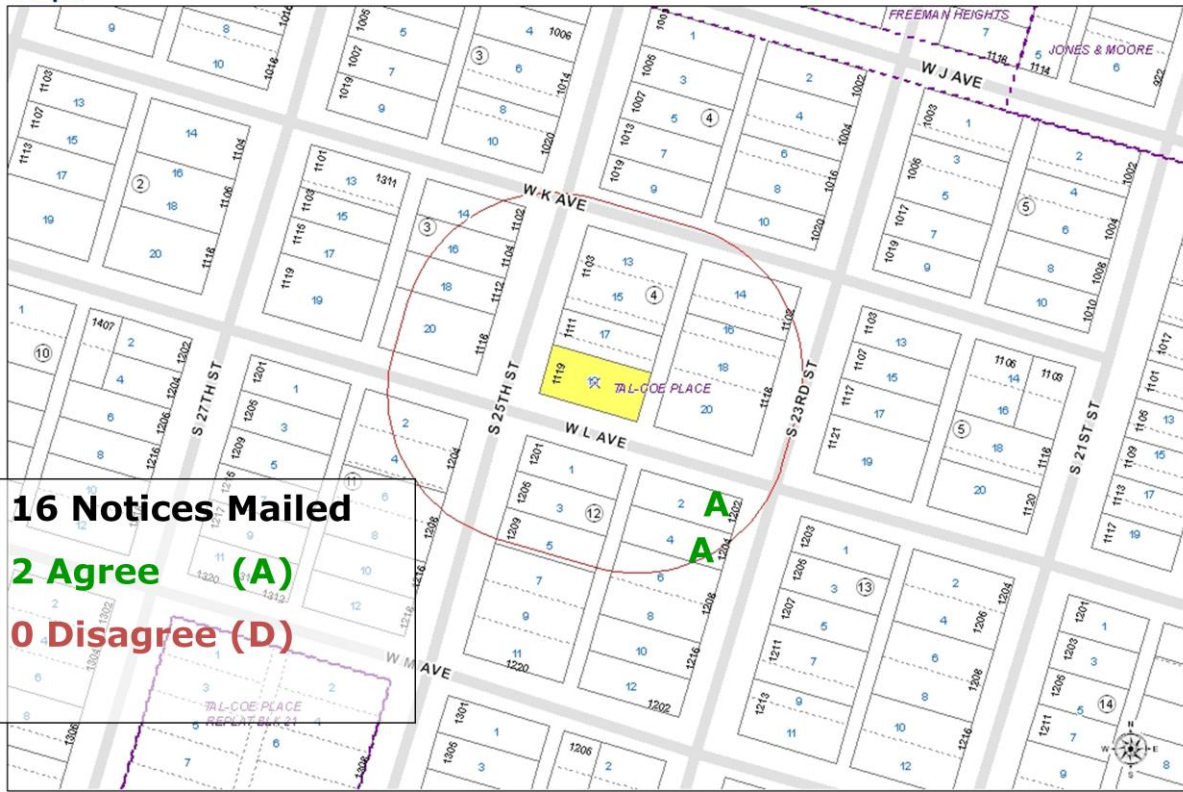
J Stone 10.12.10



Z-FY-11-02

Tal-Coe Place, Block 4, S 65' of Lot 19

1119 S 25th Street



200' Buffer ZFY1102

Feet 0 25 50 75 100

J Stone 10.12.10



PLANNING AND ZONING COMMISSION AGENDA ITEM

11/15/10
Item #2
Regular Agenda
Page 1 of 4

APPLICANT : John Massengale



CASE MANAGER: Brian Mabry, AICP, Planning Director


ITEM DESCRIPTION: Z-FY-11-02 - Hold a public hearing to discuss and recommend action on a rezoning from Two Family District (2F) to Office One District (O1) on the South 65 feet of Lot 19, Block 4, Tal-Coe Place Addition, located at 1119 South 25th Street.

BACKGROUND: The applicant requests the rezoning in order to establish a small office in the existing approximately 1,100 square-foot structure on the subject property. Staff has informed the applicant of off-street parking requirements that will be triggered if the rezoning is approved and a change in use occurs from a single-family dwelling to an office. Neighborhood Service and General Retail zoning districts are in the general vicinity of the subject property.

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	2F (O-1 proposed)	Vacant single-family dwelling	
North	2F	Single-family dwelling	

Direction	Zoning	Current Land Use	Photo
South	2F	Single-family dwelling	
East	2F	Single-family dwelling (across alley)	
West	2F	Single-family dwelling (across S. 25 th St.)	

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	Objective 3.3.2 - Also consider expanding the range of permitted uses within neighborhood conservation districts to include complimentary nonresidential uses such as small-scale neighborhood commercial and office uses that add character, convenience, and vitality to a neighborhood.	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*

CP = Comprehensive Plan * = See explanation below

Future Land Use and Character (CP Map 3.1)

The Future Land Use and Character Map designates the property as Neighborhood Conservation, which means that a mostly residential character should be retained. The subject property is just north of an area along S. 25th Street that is designated with the Auto Urban Mixed Use future land use and character category. If the applicant uses the existing structure for the office as he says he wants to, then the request conforms to the Future Land Use and Character Map. The size of the subject property, approximately 8,775 square feet, prevents it from being developed on a very large scale.

Objective 3.3.2

This objective in the text of the Comprehensive Plan recommends that in the future, the City allow complimentary nonresidential uses such as small-scale retail and office uses in existing, established residential areas. The request aligns with this recommendation.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates S. 25th Street as a Minor Arterial and W. Ave. L as a Local Street. Access to the property comes from W. Ave. L. The request conforms to the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

A six-inch water line and an eight-inch sewer line serve the property. Public facilities are available for the property.

DEVELOPMENT REGULATIONS:

According to the purpose statement of the O-1 zoning district in the Zoning Ordinance, the district should be located convenient to residential areas and should be complimentary to the character of the residential neighborhood served. This district is designed to be a transitional zone allowing low intensity administrative and professional offices. Permitted uses are not intended to be major traffic generators.

Typical allowed uses include offices, single family detached dwellings, townhouses, two-family dwellings, banks and design studios. Prohibited uses include, but are not limited to, auto-related uses such as vehicle servicing and fuel sales and general retail type uses.

There is no minimum lot area, width or depth. The required building setback for the front yard is 25 feet from the front property line and five feet for the interior side yard and 15 feet from the side street. Any additions to the existing building would have to occur within these setbacks.

PUBLIC NOTICE:

Sixteen notices of the Planning and Zoning Commission public hearing were sent out. As of Friday, November 12 at 10:00 AM, one notice was returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on November 4, 2010 in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of Z-FY-11-02, a rezoning from 2F to O-1 on the subject property for the following reasons:

1. The request complies with the Future Land Use and Character Map;
2. The request complies with the Thoroughfare Plan Map; and
3. Public facilities are available to serve the property.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

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



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

Try C Properties
1202 West Avenue M
Temple, Texas 76504

Zoning Application Number: Z-FY-11-02

Project Manager: Brian Mabry

The proposed rezoning will allow an accounting office 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:


Signature


Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than November 15, 2010.

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

RECEIVED

NOV 10 2010

City of Temple
Planning & Development

Number of Notices Mailed: 16

Date Mailed: November 4, 2010



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

Andrew Anderson
1204 Sout 23rd Street
Temple, Texas 76504

Zoning Application Number: Z-FY-11-02

Project Manager: Brian Mabry

The proposed rezoning will allow an accounting office 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:


Signature


Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than November 15, 2010.

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

RECEIVED

NOV 15 2010

City of Temple
Planning & Development

Number of Notices Mailed: 16

Date Mailed: November 4, 2010

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

MONDAY, NOVEMBER 15, 2010

ACTION ITEMS

Item 2: Z-FY-11-02: Hold a public hearing to discuss and recommend action on a rezoning from Two Family District (2F) to Office One District (O1) on the South 65 feet of Lot 19, Block 4, Tal-Coe Place Addition, located at 1119 South 25th Street. (Applicant: John Massengale)

Mr. Brian Mabry, Planning Director, stated the applicant was John Massengale and, if approved, this case would go to City Council for first reading on December 2nd and second reading and final action on December 16th.

The purpose for the rezoning from Two Family (2F) to Office One (O1) was to establish an accounting/bookkeeping office in the existing structure which was currently vacant and fronted on 25th Street. The main requirement would be off-street parking, one parking space per 300 square feet of floor area for the structure, which amounted to four spaces.

Single family dwellings surrounding the subject property.

In accordance with the Future Land Use and Character Map, this property was designated as Neighborhood Conservation which meant the area should retain mostly a residential character, however, the uses may be more open-ended. The Land Use Objective 3.3.2 in the Comprehensive Plan stated expanding the range of permitted uses within the Neighborhood Conservation area to include complimentary small scale non-residential uses, such as office.

South 25th Street was designated a minor arterial on the Thoroughfare Plan and appropriate for this office use request. West Avenue L would allow additional access to the parking area.

A 6 inch water line and 8 inch sewer line would serve the property.

There were some commercial type zonings located within the vicinity of the subject property.

Dimensional standards for O1 were given.

16 notices were mailed out; two were returned in favor of this request and zero were returned in opposition. A legal notification was published in the newspaper.

Staff recommended approval of this zoning request from 2F to O1 since it complied with the Future Land Use and Character Map, the Land Use Ordinance 3.3.2, and the Thoroughfare Plan. Public facilities were available to serve the property.

Chair Talley opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Pope made a motion to approve Z-FY-11-02 and Commissioner Hurd made a second.

Motion passed: (7:0)

Vice-Chair Martin and Commissioner Barton absent

ORDINANCE NO. _____

[PLANNING NO. Z-FY-11-02]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM TWO FAMILY DISTRICT (2F) TO OFFICE ONE DISTRICT (O1) ON THE SOUTH 65 FEET OF LOT 19, BLOCK 4, TAL-COE PLACE ADDITIN, LOCATED AT 1119 SOUTH 25TH STREET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Two Family District (2F) to Office One District (O1) on the South 65 feet of Lot 19, Block 4, Tal-Coe Place Addition, located at 1119 South 25th Street, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **2nd** day of **December**, 2010.

PASSED AND APPROVED on Second Reading on the **16th** day of **December**, 2010.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

APPROVED AS TO FORM:

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

12/16/10
Item #5(J)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-11-03: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to General Retail District (GR) on 0.727 ± acres of land out of the George W. Lindsey Survey, Abstract No. 513, located at 11922 FM 2305.

P&Z COMMISSION RECOMMENDATION: At its November 15, 2010 meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation to recommend approval of a zone change from A to GR for the following reasons:

1. The request complies with the Future Land Use and Character Map;
2. The request complies with the Thoroughfare Plan Map; and
3. Public facilities are available to serve the property.

Vice-Chair Martin and Commissioner Barton were 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-11-03, from the Planning and Zoning meeting, November 15, 2010. The applicant requests the rezoning in order to build a car wash and oil change business on the subject property, which the City annexed in 1997. A manufactured home currently occupies the property and will be removed prior to construction of the proposed car wash and oil change business, if the City Council approves the requested rezoning.

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	Yes*
CP	Map 5.2 - Thoroughfare Plan	Yes*
CP	Land Use Policy 14 - Smaller-scale neighborhood retail and service uses should be located near intersections of collector and arterial streets	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Yes*

CP = Comprehensive Plan * = See explanation below

Future Land Use and Character (CP Map 3.1)

The Future Land Use and Character Map designates the property as Suburban Commercial. The rezoning request complies with the Future Land Use and Character Map.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan Map designates W. Adams Ave. as a Major Arterial. The existing driveway that serves the property abuts the west lot line, giving it the greatest separation possible from the convenience store driveway to the east. The rezoning request complies with the Thoroughfare Plan Map.

Availability of Public Facilities (CP Goal 4.1)

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

PUBLIC NOTICE:

Six notices of the Planning and Zoning Commission public hearing were sent out. As of Friday, November 12, 2010, at 10:00 AM, two 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 November 4, 2010, in accordance with state law and local ordinance.

FISCAL IMPACT: NA

ATTACHMENTS:

[Aerial](#)
[Land Use and Character Map](#)
[Thoroughfare Plan Map](#)
[Zoning Map](#)
[Utility Map](#)
[Notice Map](#)
[Response Letters](#)
[P&Z Staff Report \(Z-FY-11-03\)](#)
[P&Z Minutes \(November 15, 2010\)](#)
[Ordinance](#)



Z-FY-11-03

Outblock #2775A

11922 W Adams Ave



 ZFY1103

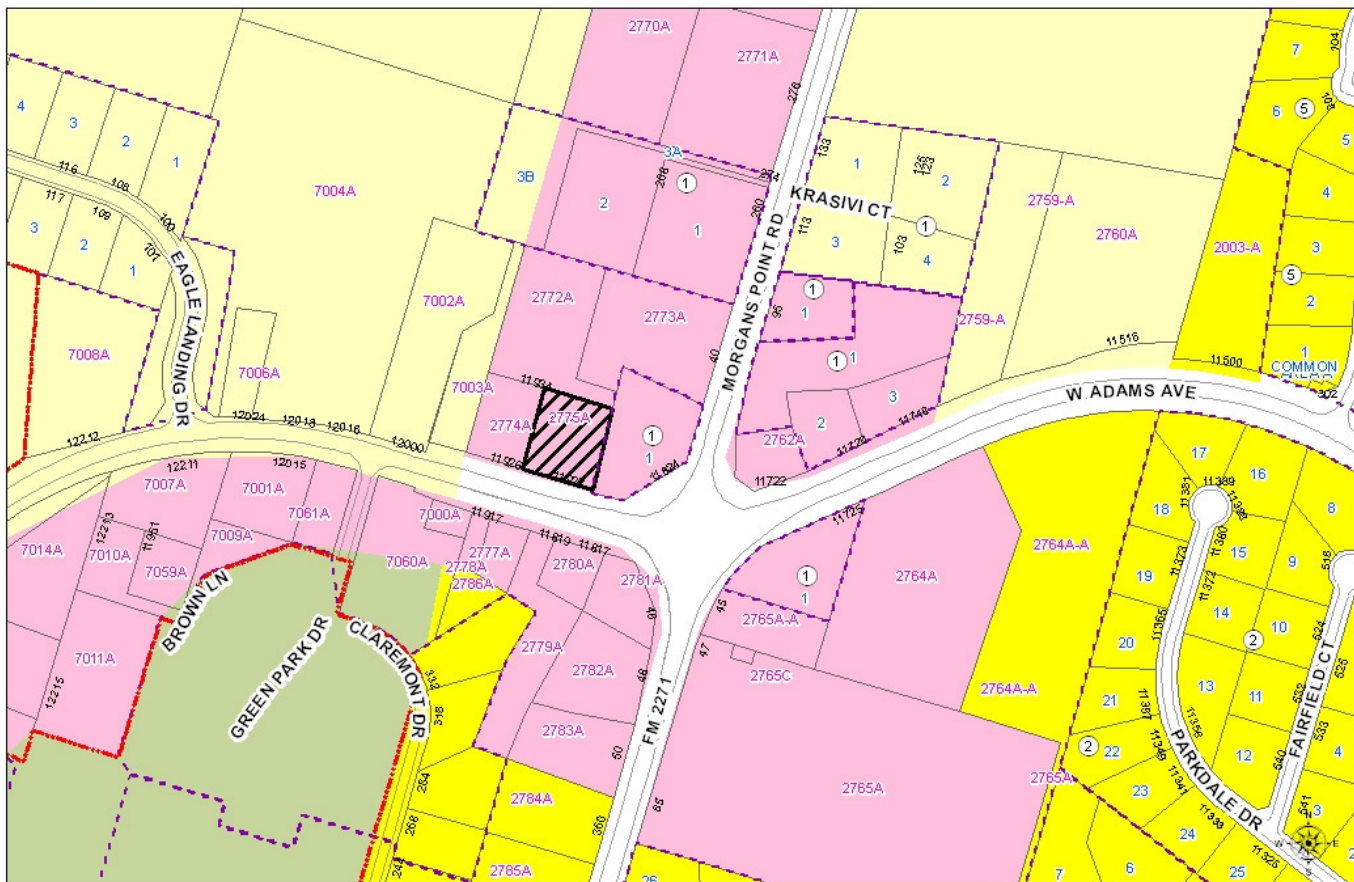
Feet 0 50 100 150 200
J Stone 10.12.10



Z-FY-11-03

Outblock #2775A

11922 W Adams Ave



- | | | | | | |
|-----------------------|-------------------------|--------------------|---------------------------|-----------------------------------|--------------|
| ZFY1103 | 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 = 300 feet
J Stone 10.12.10



Z-FY-11-03

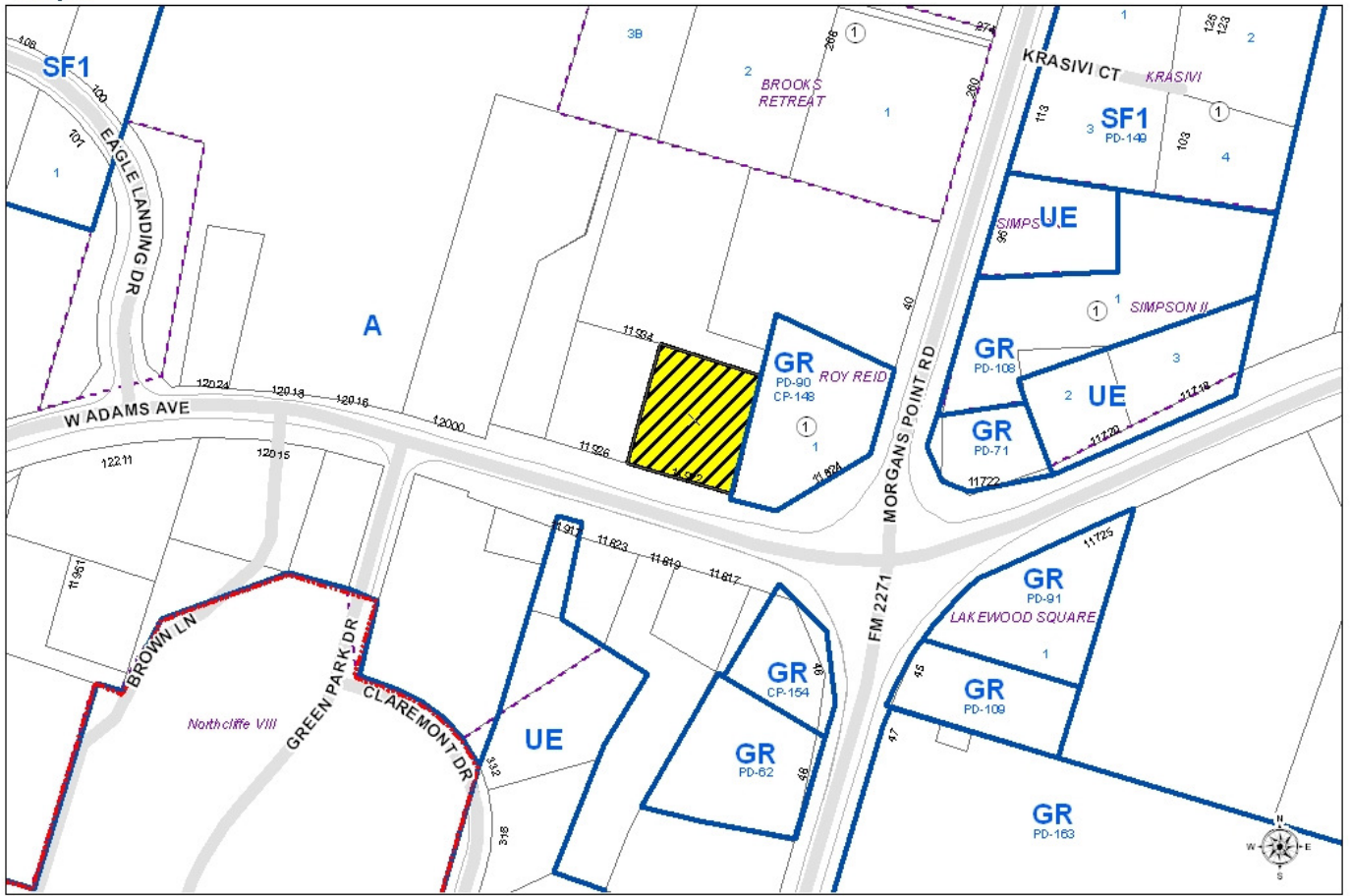
Outblock #2775A

11922 W Adams Ave



Expressway Proposed Major Arterial Minor Arterial Collector
Major Arterial Proposed K-TUTS Proposed Minor Arterial Conceptual Collector
ZFY1103
Current Temple Boundary

Feet 0 100 200 300 400
J Stone 10.12.10





Z-FY-11-03

Outblock #2775A

11922 W Adams Ave



ZF1103 WATER LINE SEWER LINE

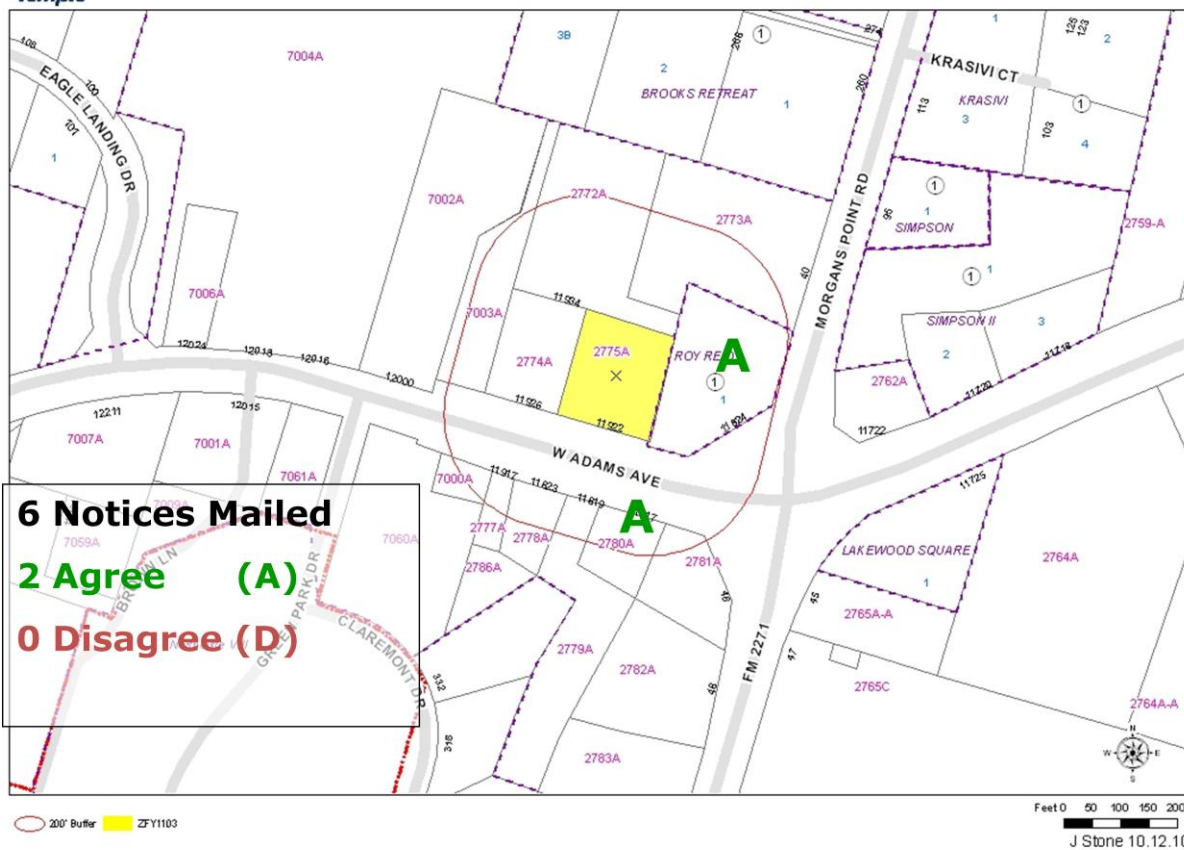
Feet 0 50 100 150 200
J Stone 10.12.10



Z-FY-11-03

Outblock #2775A

11922 W Adams Ave





RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Roy Reid Commercial Properties
12435 FM 2305 Unit B
Belton, Texas 76513

Zoning Application Number: Z-FY-11-03

Project Manager: Brian Mabry

The proposed rezoning will allow a car wash and lube center 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:

Good Idea For This Area

Roy Reid
Signature

Roy Reid
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than November 15, 2010

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

RECEIVED

NOV 10 2010

City of Temple
Planning & Development

Number of Notices Mailed: 6

Date Mailed: November 4, 2010



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Wallace Etux Martha Bartek
431 Arrowhead Point Road
Belton, Texas 76513

Zoning Application Number: Z-FY-11-03

Project Manager: Brian Mabry

The proposed rezoning will allow a car wash and lube center 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:

WE WELCOME THE ABOVE NOTED business
And feel like it will enhance the area.

Martha Bartek
Wallace Bartek
Signature

MARTHA BARTER
WALLACE BARTER
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than November 15, 2010

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

RECEIVED
NOV 12 2010
City of Temple
Planning & Development



PLANNING AND ZONING COMMISSION AGENDA ITEM

11/15/10
Item #3
Regular Agenda
Page 1 of 3

APPLICANT / DEVELOPMENT: A.C. Boston




CASE MANAGER: Brian Mabry, AICP, Planning Director


ITEM DESCRIPTION: Z-FY-11-03 Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (A) to General Retail District (GR) on 0.727 ± acres of land out of the George W. Lindsey Survey, Abstract No. 513, located at 11922 FM 2305.

BACKGROUND: The applicant requests the rezoning in order to build a car wash and oil change business on the subject property, which the City annexed in 1997. A manufactured home currently occupies the property and will be removed prior to construction of the proposed car wash and oil change business, if the City Council approves the requested rezoning.

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	A (GR proposed)	Vacant manufactured home	
North	A	Undeveloped	
West	A	Single-family dwelling (across W. Adams Ave.)	

Direction	Zoning	Current Land Use	Photo
South	A	Single-family dwelling (across W. Adams Ave.)	
East	GR	Convenience store	

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	Yes*
CP	Map 5.2 - Thoroughfare Plan	Yes*
CP	Land Use Policy 14 - Smaller-scale neighborhood retail and service uses should be located near intersections of collector and arterial streets	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Yes*
CTMP	Map F4- Spine Trail along W. Adams Ave.	NA*

CP = Comprehensive Plan CTMP = Citywide Trails Master Plan * = See explanation below

Future Land Use and Character (CP Map 3.1)

The Future Land Use and Character Map designates the property as Suburban Commercial. The rezoning request complies with the Future Land Use and Character Map.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan Map designates W. Adams Ave. as a Major Arterial. The existing driveway that serves the property abuts the west lot line, giving it the greatest separation possible from the convenience store driveway to the east. The rezoning request complies with the Thoroughfare Plan Map.

Availability of Public Facilities (CP Goal 4.1)

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

Citywide Trails Master Plan (Map F4)

The Citywide Trails Master Plan calls for a Spine Trail along W. Adams Ave., which is to be 10 to 12 feet in width.

DEVELOPMENT REGULATIONS:

The GR zoning district is the standard retail district and allows most retail sales, minor vehicle serving including the proposed car wash and oil change business, restaurants, grocery store, department store, or offices and all residential uses except apartments, with a maximum building height of 3 stories. There is no minimum lot area, width or depth. The building setback for the front yard is 15 feet from the front property line and 10 feet for the side yard.

PUBLIC NOTICE:

Six notices of the Planning and Zoning Commission public hearing were sent out. As of Friday, November 12, 2010, at 10:00 AM, one notice was returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on November 4, 2010, in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of rezoning request Z-FY-11-03 for the following reasons:

1. The request complies with the Future Land Use and Character Map;
2. The request complies with the Thoroughfare Plan Map;
3. The request complies with Land Use Policy 14 of the Comprehensive Plan that recommends that smaller-scale neighborhood retail and service uses be located near intersections of collector and arterial streets; and
4. Public facilities are available to serve the property.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial
Land Use and Character Map
Thoroughfare Plan Map
Trails Master Plan
Zoning Map
Utility Map
Notice Map
Response Letters

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

MONDAY, NOVEMBER 15, 2010

ACTION ITEMS

Item 3: Z-FY-11-03: Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (A) to General Retail District (GR) on 0.727 ± acres of land out of the George W. Lindsey Survey, Abstract No. 513, located at 11922 FM 2305. (Applicant: A.C. Boston)

Mr. Mabry stated the applicant for this (and the next case) was Mr. A.C. Boston. This rezoning would be from Agricultural (A) to General Retail (GR) so a car wash and oil change business could take place. A manufactured home currently sat on the property which was annexed in 1997.

The subject property was located near the intersection of W. Adams 2271/Morgan's Point Road. To the west lay a single family dwelling, undeveloped land to the north, single family dwelling to the south across W. Adams, and a convenience store to the east.

The Future Land Use designation for this property was Suburban Commercial and the property fronts W. Adams Avenue (2305) which was designated as a major arterial. This request complied with both of these. A 12 inch water line and 6 inch sewer line would serve the property.

Several GR zonings are located within the area and the GR dimensional standards were given.

Six notices were mailed; two were returned in favor of the request and zero responses were returned in opposition. The appropriate legal notice ran in the newspaper.

Staff recommended approval of this request since it complied with the Future Land Use and Character Map, the Thoroughfare Plan, and adequate facilities are available to the property

Chair Talley opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Pilkington made a motion to approve the rezoning of **Z-FY-11-03** and Commissioner Sears made a second.

Motion passed: (7:0)

Vice-Chair Martin and Commissioner Barton absent

ORDINANCE NO. _____

[PLANNING NO. Z-FY-11-03]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO GENERAL RETAIL DISTRICT (GR) ON APPROXIMATELY 0.727 ACRES OF LAND OUT OF THE GEORGE W. LINDSEY SURVEY, ABSTRACT NO. 513, LOCATED AT 11922 FM 2305; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Agricultural District (A) to General Retail District (GR) on approximately 0.727 acres of land out of the George W. Lindsey Survey, Abstract No. 513, located at 11922 Fm 2305, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **2nd** day of **December**, 2010.

PASSED AND APPROVED on Second Reading on the **16th** day of **December**, 2010.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

APPROVED AS TO FORM:

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

12/16/10
Item #5(K)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-11-04: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to Commercial District (C) on 10.18 ± acres of land with 5.18± acres out of the S. P. Terry Survey, Abstract No. 812, and 5.0± acres of land out of the George W. Lindsey Survey, Abstract No. 523, located at the southeast corner of Oak Trail and West Adams Avenue across from the entrance to Eagle Oaks At The Lake Subdivision.

P&Z COMMISSION RECOMMENDATION: At its November 15, 2010 meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation to recommend approval of a zone change from A to C for the following reasons:

1. Approval of the rezoning brings the zoning of the property into accord with its long-established use;
2. The request complies with the Thoroughfare Plan Map; and
3. Public and private facilities are available to serve the property.

Vice-Chair Martin and Commissioner Barton were absent.

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

ITEM SUMMARY: The applicant requests the rezoning in order to build the final addition to his commercial complex already existing on the subject property since the late 1970s and which the City annexed in 2008. Various land uses on the property include: boat repair, drain cleaning service, gymnastics studio, real estate office, glass cutter, food distributor and caterer.

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	N*
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	NA	NA

CP = Comprehensive Plan CTMP = Citywide Trails Master Plan * = See explanation below

Future Land Use and Character (CP Map 3.1)

The Future Land Use and Character Map designates the property as Suburban Commercial. The rezoning request does not comply with the Future Land Use and Character Map; however, approval of the rezoning brings the zoning of the property into accord with its long-established use.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan Map designates W. Adams Ave. as a Major Arterial. The rezoning request complies with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

A 12-inch water line serves the property. Wastewater is handled by on-site septic systems. Public and private facilities are available.

PUBLIC NOTICE:

Ten notices of the Planning and Zoning Commission public hearing were sent out to property owners within the City limits. Seventeen courtesy notices were sent out to owners of properties outside the City limits. As of Friday, November 12, at 10:00 AM, one notice was returned in favor of and no notices were returned in opposition to the request. One courtesy notice was returned in favor of the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on November 4, 2010, in accordance with state law and local ordinance.

FISCAL IMPACT: NA

ATTACHMENTS:

[Aerial](#)
[Land Use and Character Map](#)
[Thoroughfare Plan Map](#)
[Zoning Map](#)
[Utility Map](#)
[Notice Map](#)
[Response Letters](#)
[P&Z Staff Report \(Z-FY-10-09\)](#)
[P&Z Minutes \(November 15, 2010\)](#)
[Ordinance](#)




Z-FY-11-04

Outblocks #7016A,7015A,7012A,7011A,7010A,7059A,7007A,7001A,7013A,7014A & 7009A

12000 Blk of W Adams Ave



Feet 0 100 200

 ZFY1104

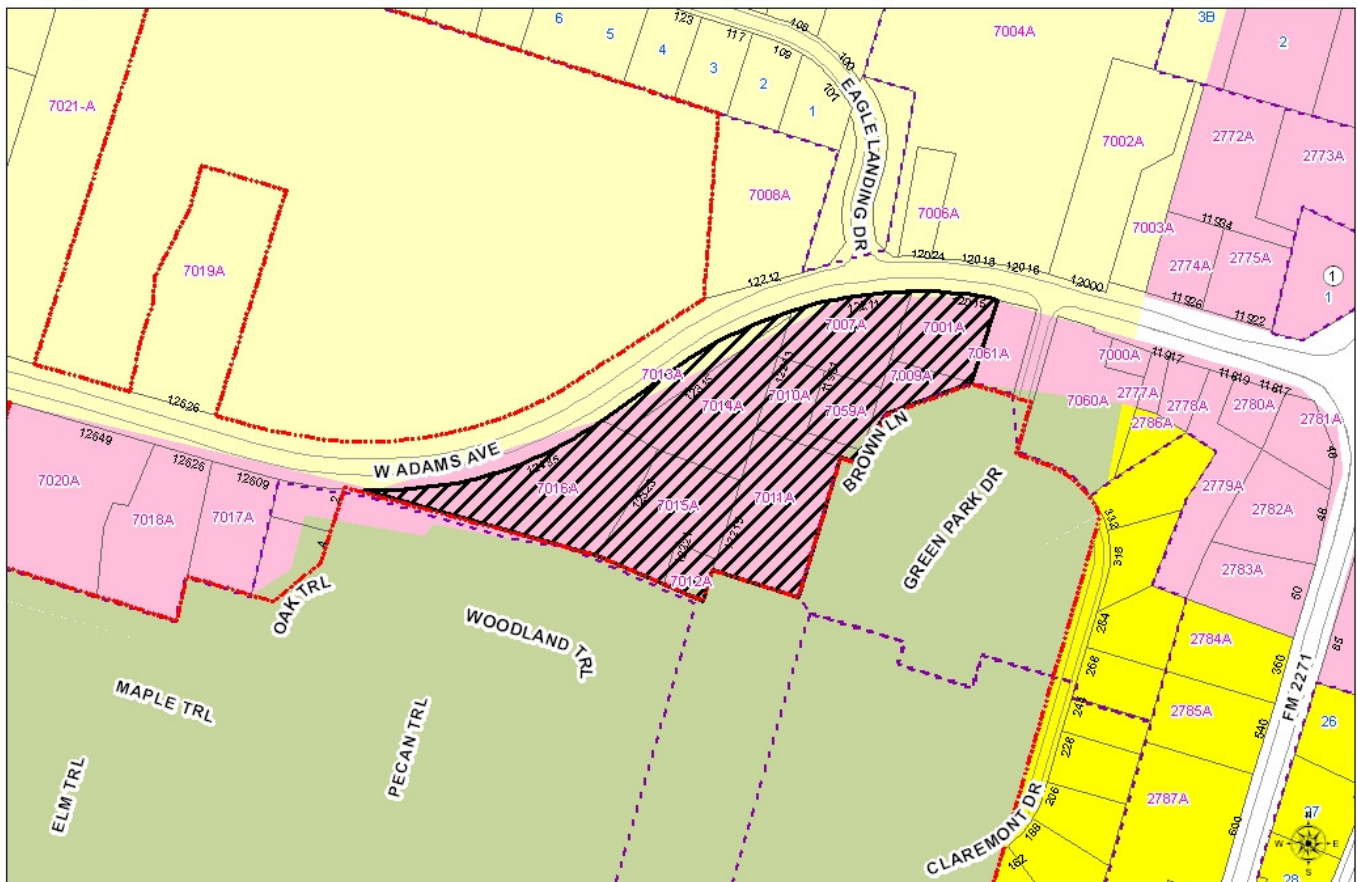
J Stone 10.12.10



Z-FY-11-04

Outblocks #7016A,7015A,7012A,7011A,7010A,7059A,7007A,7001A,7013A,7014A & 7009A

12000 Blk of W Adams Ave



- | | | | | | |
|-----------------------|-------------------------|--------------------|---------------------------|-----------------------------------|--------------|
| ZFY1104, <Null> | 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 | |

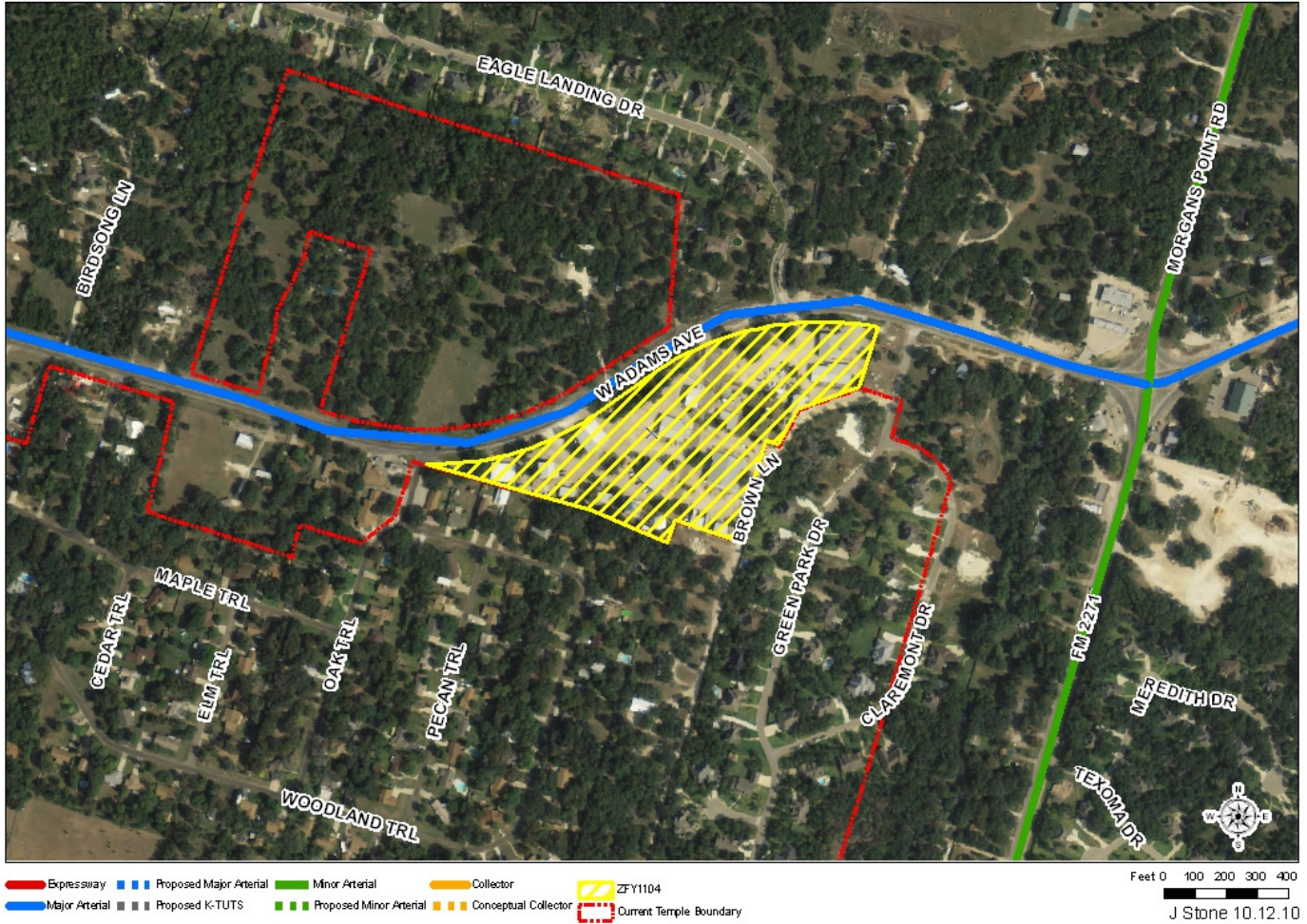
1 inch = 300 feet
J Stone 10.12.10



Z-FY-11-04

Outblocks #7016A,7015A,7012A,7011A,7010A,7059A,7007A,7001A,7013A,7014A & 7009A

12000 Blk of W Adams Ave

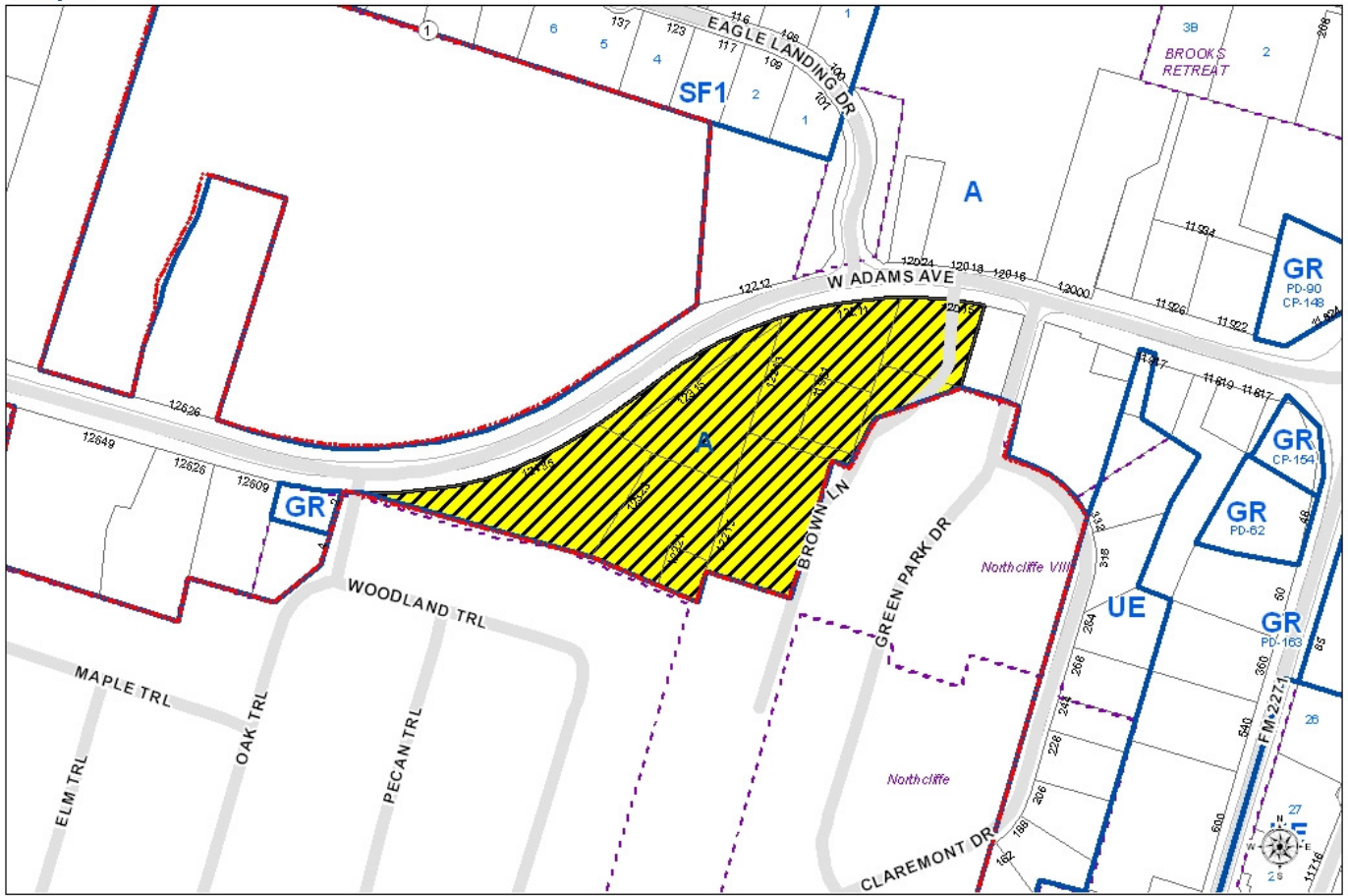




Z-FY-11-04

Outblocks #7016A,7015A,7012A,7011A,7010A,7059A,7007A,7001A,7013A,7014A & 7009A

12000 Blk of W Adams Ave



 ZFY1104

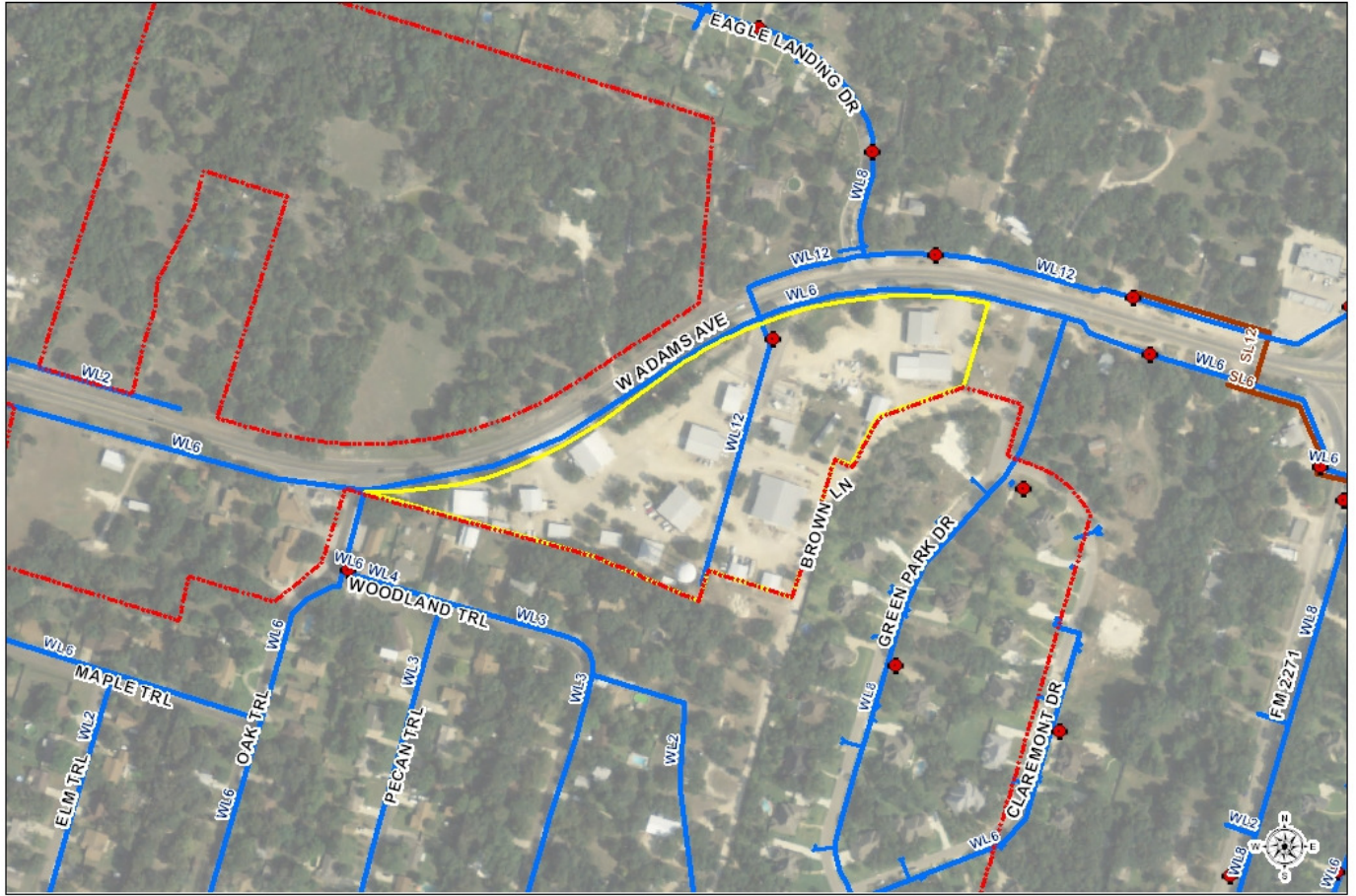
J Stone 10.12.10



Z-FY-11-04

Outblocks #7016A,7015A,7012A,7011A,7010A,7059A,7007A,7001A,7013A,7014A & 7009A

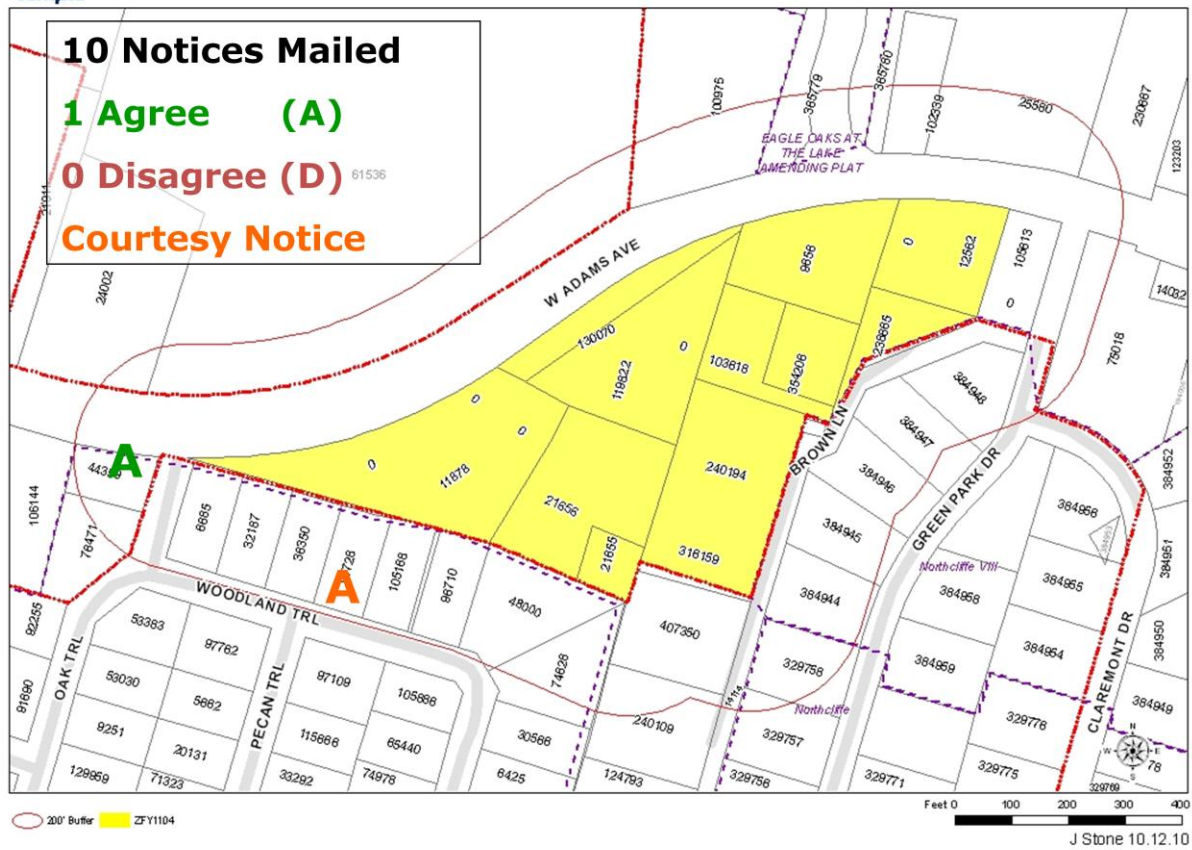
12000 Blk of W Adams Ave



ZFY1104 WATER LINE SEWER LINE

Feet 0 100 200 300 400

J Stone 10.12.10





RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Lake Belton VFW Post 10377
c/o Jerry L. Simpson Sr.
P.O. Box 1574
Belton, Texas 76513 - 1574

RECEIVED

NOV 10 2010

City of Temple
Planning & Development

Zoning Application Number: Z-FY-11-04

Project Manager: Brian Mabry

The proposed rezoning will allow a proposed boat repair business 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:

Charles L. Cooper (Commander) CHARLES L COOPER
Signature Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than November 15, 2010

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



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

RECEIVED

NOV 15 2010

City of Temple
Planning & Development

Roger Etux Min Suk Peeler
27 Woodland Trail
Belton, Texas 76513

Zoning Application Number: Z-FY-11-04

Project Manager: Brian Mabry

We have identified your property as being adjacent to a proposed rezoning which is the area shown in hatched marking on the attached map. Although your property is outside the Temple City Limits, this letter is sent as a courtesy.

Comments:

no Problem. With all the commercial enterprises currently in this zone I would have thought it was already "C" district


SIGNATURE


PRINT NAME

Please mail or hand-deliver this comment form to the address shown below, no later than November 15, 2010.

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

Number of Notices Mailed: 17 Date Mailed: November 4, 2010

APPLICANT / DEVELOPMENT: A.C. Boston

CASE MANAGER: Brian Mabry, AICP, Planning Director





ITEM DESCRIPTION: Z-FY-11-04 Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (A) to Commercial District (C) on 10.18 ± acres of land with 5.18± acres out of the S. P. Terry Survey, Abstract No. 812, and 5.0± acres of land out of the George W. Lindsey Survey, Abstract No. 523, located at the southeast corner of Oak Trail and West Adams Avenue across from the entrance to Eagle Oaks At The Lake Subdivision.


BACKGROUND: The applicant requests the rezoning in order to build the final addition to his commercial complex already existing on the subject property since the late 1970s and which the City annexed in 2008. Various land uses on the property include: boat repair, drain cleaning service, gymnastics studio, real estate office, glass cutter, food distributor and caterer. The aerial photo below indicates with a red outline the proposed site of the final addition to this property.



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	A (C proposed)	Various commercial service uses	
North	A	Single-family subdivision entrance (across W. Adams Ave.)	
West	GR	Convenience store	
South	NA (ETJ)	Single-family subdivision	

Direction	Zoning	Current Land Use	Photo
East	A	Satellite receivers	

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	N*
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	NA	NA

CP = Comprehensive Plan CTMP = Citywide Trails Master Plan * = See explanation below

Future Land Use and Character (CP Map 3.1)

The Future Land Use and Character Map designates the property as Suburban Commercial. The rezoning request does not comply with the Future Land Use and Character Map; however, approval of the rezoning brings the zoning of the property into compliance with its long-established use.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan Map designates W. Adams Ave. as a Major Arterial. The rezoning request complies with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

A 12-inch water line serves the property. Wastewater is handled by on-site septic systems. Public and private facilities are available.

DEVELOPMENT REGULATIONS:

The purpose of the C, Commercial zoning district is to serve citywide or regional service areas. This district should also be located at the intersection of major thoroughfares. Permitted uses include all retail and most commercial land uses including auto dealerships with complete servicing facilities, building material sales, light industrial uses and heavy machinery sales and storage. Prohibited uses include, but are not limited to, apartments, heavy industrial uses, sexually oriented businesses, shooting ranges, and wrecker and salvage yards.

There is no minimum lot area, width or depth. The building setback for the front yard is 30 feet from the street centerline and 10 feet adjacent to any a residential zoning district.

PUBLIC NOTICE:

Ten notices of the Planning and Zoning Commission public hearing were sent out to property owners within the City limits. Seventeen courtesy notices were sent out to owners of properties outside the City limits. As of Friday, November 12, at 10:00 AM, one notice was returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on November 4, 2010, in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of rezoning request Z-FY-11-04 for the following reasons:

1. Approval of the rezoning brings the zoning of the property into compliance with its long-established use;
2. The request complies with the Thoroughfare Plan Map; and
3. Public and private facilities are available to serve the property.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Aerial](#)
[Land Use and Character Map](#)
[Thoroughfare Plan Map](#)
[Zoning Map](#)
[Utility Map](#)
[Notice Map](#)
[Response Letters](#)

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

MONDAY, NOVEMBER 15, 2010

ACTION ITEMS

Item 4: Z-FY-11-04: Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (A) to Commercial District (C) on 10.18 ± acres of land with 5.18± acres out of the S. P. Terry Survey, Abstract No. 812, and 5.0± acres of land out of the George W. Lindsey Survey, Abstract No. 523, located at the southeast corner of Oak Trail and West Adams Avenue across from the entrance to Eagle Oaks At The Lake Subdivision.

Mr. Mabry stated the purpose of the request was to build one final building in a commercial complex which had existed on the property since the late 1970's. The property was annexed in 2008. Several different uses within the complex range from boat repair, drain cleaning service, gymnastics studio, office, food distributor and large scale caterer.

Surrounding uses included a convenience store to the west across Woodland Trail, entry to the Eagle Oaks At The Lake Subdivision to the north, a single family subdivision to the south, and large satellite receiver dishes to the east.

The Future Land Use and Character Map designated the subject property as Suburban Commercial. Although the rezoning request did not comply with this designation, it was a well established existing use and two positive responses have been received to this request.

The Thoroughfare Plan designated Adams Avenue as a major arterial. There was a 12 inch and a 6 inch water line serving the property but no sewer lines. The property had a septic system.

There were some other GR designations in the area along with Agricultural (A) and some form of residential, such as Single Family One (SF1) or Urban Estate (UE).

Dimensional standards were given.

Ten notices were mailed and one response was returned in favor of this request. One courtesy notice (outside the city limits but in notification area) was also received in favor.

Staff recommended approval for this request since approval of the rezoning brings the zoning of the property into compliance with its long-established use; the request complied with the Thoroughfare Plan Map; and public and private facilities were available to serve the property.

Commissioner Staats asked about the long established use being generally accepted throughout cities and Mr. Mabry stated other rezoning requests had been approved making the same argument for approval.

Commissioner Hurd asked if wastewater were available if they wanted it and Mr. Mabry stated he did not see wastewater at the subject property. Commissioner Hurd asked if the amount of acreage could have several buildings and Mr. Mabry stated yes, however, with the required setbacks and parking needs, etc., it would take up considerable room and the applicant only wanted the one additional building.

Commissioner Sears asked if it were zoned GR, what limitations would there be on the structure versus the Commercial (C) zoning. Mr. Mabry stated it would not be so much on the structure but the uses allowed. Commissioner Sears asked about Commercial (C) parking lot material requirements, especially with the development nearby and felt the area needed to be cleaned up some. Mr. Mabry stated the proposed new building would have a paved parking requirement with a ratio of one space per 250 square feet of floor area.

Brief discussion regarding possible sewer availability.

Chair Talley opened the public hearing.

There being no speakers, Chair Talley closed the public hearing.

Commissioner Pope made a motion to approve the zone request for Z-FY-11-04 and Commissioner Hurd made a second.

Motion passed: (7:0)

Vice-Chair Martin and Commissioner Barton absent

ORDINANCE NO. _____

[PLANNING NO. Z-FY-11-04]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO COMMERCIAL DISTRICT (C) ON APPROXIMATELY 10.18 ACRES OF LAND WITH APPROXIMATELY 5.18 ACRES OUT OF THE S.P. TERRY SURVEY, ABSTRACT NO. 812, AND APPROXIMATELY 0.5 ACRES OF LAND OUT OF THE GEORGE W. LINDSEY SURVEY, ABSTRACT NO. 523, LOCATED AT THE SOUTHEAST CORNER OF OAK TRAIL AND WEST ADAMS AVENUE ACROSS FROM THE ENTRANCE TO EAGLE OAKS AT THE LAKE SUBDIVISION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Agricultural District (A) to Commercial District (C) on approximately 10.18 acres of land with approximately 5.18 acres out of the S.P. Terry Survey, Abstract No. 812, and approximately 0.5 acres out of the George W. Lindsey Survey, Abstract No. 523, located at the southeast corner of Oak Trail and West Adams Avenue across from the entrance to Eagle Oaks At The Lake Subdivision, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **2nd** day of **December**, 2010.

PASSED AND APPROVED on Second Reading on the **16th** day of **December**, 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

12/16/10
Item #5(L)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-10-09: Consider adopting an ordinance repealing Chapter 33 of the City Code, “Subdivisions,” the Appendix to Chapter 32, “Streets,” and Appendix A of the City Code, “Zoning Ordinance,” and replacing Appendix A of the City Code with a Unified Development Code.

P&Z COMMISSION RECOMMENDATION: At its November 15, 2010 meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation to recommend approval of the Unified Development Code.

Vice-Chair Martin and Commissioner Barton were absent.

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

ITEM SUMMARY: The *Choices '08* Comprehensive Plan recommends that the City adopt a Unified Development Code (UDC). At its most basic, a UDC is a consolidated set of land development regulations, related to zoning, platting and site design. This report will give an overview of the UDC Phase 1 project.

PRINCIPLES OF THE UDC PHASE 1 PROJECT:

Many of the changes proposed in the UDC Phase 1 draft have very little effect on the substantive content of the existing Zoning Ordinance and Subdivision Regulations. Staff committed to making minimal substantive changes to the standards and procedures of these existing documents. The improvements in the UDC draft relate to ***reformatting*** the look of the regulations so that they are more user-friendly, ***reorganizing*** the contents so that they are unified into a logically arranged document, ***clarifying and streamlining*** the regulations by removing redundancies and conflicts and ***incorporating State statutes*** into the regulations to comply with State statutes related to land development.

STAKEHOLDER INPUT:

Prior to making the document public, several staff members representing the Planning, Legal, Public Works, Parks and Information Technology departments reviewed each UDC module and provided comments.

Once Staff finalized a draft, we held five “learning sessions” at the Temple Area Builders Association (TABA) office. Attendance varied from as many as 20 participants to as few as 3. The purpose of these sessions was to introduce each module and go over any comments that were received from the previous module presentation. Staff received minimal stakeholder comments that required editing the UDC. The fact that Staff received minimal substantive stakeholder comments indicates that Staff has remained with the original intent to retain the existing standards of the Zoning Ordinance and Subdivision Ordinance in the UDC draft.

UDC PHASE 2:

More substantial changes are proposed for the UDC Phase II project. The changes will codify existing practices, fix administrative issues that staff sees on a frequent basis and implement many of the policies of the *Choices 08* Comprehensive Plan. Participation from a wide variety of stakeholders will be critical. Staff anticipates work commencing on Phase 2 in March or April of 2011.

FISCAL IMPACT: NA

ATTACHMENTS:

[Internal Duplications and Conflicts Addressed in UDC](#)

City Council Draft UDC – previously provided via CD at 11-18-2010 Work Session

[P&Z Staff Report \(Z-FY-10-09\)](#)

[P&Z Minutes \(November 15, 2010\)](#)

[Ordinance](#)

Internal Duplications and Conflicts Addressed in the UDC

Page	Citation	Topic	Comment
ZO = Zoning Ordinance			SR = Subdivision Regulations
Module 1			
1-1	Sec. 1.2	Purpose	Similar Purpose statements in SR and ZO. Retained ZO's because it was more comprehensive.
3-1	Sec. 3.1.1.B	Application Forms	ZO and SR have application form provisions. ZO addresses application forms in a broader manner than SR. Retained ZO provisions.
3-2 & 3-15	Sec. 3.1.1.C & Sec. 3.5.7	Application Fees	ZO and SR both address application fees. ZO addresses them in a broader manner, just saying that Council establishes fees by ordinance. SR gets into internal processing. Retained ZO provisions
3-35	Sec. 3.10	Sidewalk Waiver Criteria	Identical criteria for Director of Public Works to grant a Sidewalk Exception in ZO and SR. Criteria are listed in Sec. 3-10, Sidewalk Waivers
Module 2			
5-14	Notes at the end of the use table: 1, 2, 5, 8, 13, 14, 19, 22, 25, 26, 31, 34, 35	Use Table	Inconsistent or duplicative specific use terms are in the Use Table in the ZO. Each note explains why terms were combined or differentiated.
5-19	Stricken text under Sec. 5-3-2.I	Standards for Manufactured Home Parks or Lots	ZO contains standards that are almost identical for existing parks/lot and new or expanded parks/lots. Standards were integrated into one Section.
5-21	5.3.3.E.	Lot Coverage for Multiple-Family	Table in the ZO originally contained lot coverage standards for zoning districts that do not allow multiple-family uses. Removed reference to those districts.

Page	Citation	Topic	Comment
ZO = Zoning Ordinance			SR = Subdivision Regulations
Module 3			
7-28	7.5.2	Setback clearance zone definition (stricken)	Original language sets a different visibility triangle for signs. Both are 15' back from curb intersection. Standard triangle allows no vertical encroachment between 3' above ground and 8'. Sign visibility triangle allowed no vertical encroachment between 2' and 8'. Kept the less restrictive of the two.
7-30	7.5.3(C)	Stricken text below Building Code	Sign standards had specific language on revocation of a sign permit. General revocation statement in Sec. 3.1.4 covers all.
8-11	8.2.3(A)	Sidewalks – Purpose	Identical provisions for Purpose statement in both documents.
8-11	8.2.3(B)	Sidewalks – Where Required	Similar provisions for Where Required in both documents. ZO gives more detail as to location of collector sidewalks, which are only required on one side of a collector street. All factors being equal, default is north or east side of street.
8-11 & 8-12	8.2.3(C)	Sidewalks – Dimensional & Construction Standards	Both ZO and SR require 4' for collector sidewalks and 6' for arterial sidewalks. SRs specify separation from back of curb of 2'. ZO is silent on that issue. Both documents require sidewalk construction to be finished prior to issuance of certificate of occupancy. Retained ZO language.
8-12	8.2.3(D)	Sidewalks – Cost Sharing	ZO deals with single-family residential abutting an arterial street with the City and applicant sharing the cost. SR deals with single-family residential abutting a County, State or Federal road and the City reimbursing the applicant for the entire cost. Both are kept in most recent draft.
8-12	8.2.3(E)	Sidewalks – Waiver	Identical criteria for Director of Public Works to grant a Sidewalk Exception in ZO and SR. Criteria are listed in Sec. 3-10, Sidewalk Waivers.
Module 4			
9-1	9.2.1	Nonconforming Uses & Structures	9.2.1.A and stricken paragraph below it are the same
9-3	9.3	Nonconforming Signs	Duplicates retained text in 9.2.5. regarding rebuilding if 60% or less of structure is destroyed

Page	Citation	Topic	Comment
		ZO = Zoning Ordinance	SR = Subdivision Regulations
11-1	11.2	Definitions Introduction	SR and ZO have duplicative Definitions introductions. Retained ZO because it had the cross reference to planning and engineering practices.
11-3	11.2	Alley	ZO definition calls alley secondary vehicular access. SR definitions calls it primary rear access. SR has less legalese.
11-5	11.2	Block	Combined the two in most recent draft. Kept 1 st half of second definition and second half of first definition.
11-6	11.2	Building Line (ZO) / Building Setback Line (SR)	Retained Building Setback Line. Simpler definition.
11-6 – 11-7	11.2	Child Care	Duplicate definitions within ZO.
11-7	11.2	Common Area / Common Open Space	Combined types of common areas: plazas, recreation areas, etc.
11-8	11.2	Comprehensive Plan	ZO and SR contain duplicate definitions.
11-11	11.2	Food and Beverage Sales Store	Duplicate definitions within ZO. Both deleted because not used in ZO.
11-12	11.2	Homeowners Association	ZO and SR contain similar definitions. Retained first definition in most recent draft and integrated final sentence of second definition.
11-12	11.2	Hospital (Acute) and (Chronic)	Two definitions in ZO but they are regulated the same so no need to differentiate.
11-14	11.2	Lot	ZO and SR contain similar definitions. SR relates the lot to having been platted to retained SR definition.
11-16	11.2	Park	ZO and SR contain similar definitions. Retained SR definition because it is more comprehensive.
11-17	11.2	Parent Shopping Center	Conflicting definitions within ZO. Recommend deleting both. Term is used in ZO but is not necessary.
11-17	11.2	Planning and Zoning Commission	ZO and SR contain similar definitions. Definition is probably not needed, just as one is not needed for City Manager, City Council, etc.

Page	Citation	Topic	Comment
		ZO = Zoning Ordinance	SR = Subdivision Regulations
11-19 – 11-20	11.2	Residential Lane	ZO and SR contain similar definitions. Deleted both because I was told that was intended to take place years ago.
11-21 – 11-22	11.2	Street	ZO and SR contain similar definitions for Street in general and specific street types. For street in general, retained more general definition. Retained SR definitions since that document is geared more toward regulating streets than the ZO is.
11-25	11.2	Zoo (Public) and Zoo (Private)	Zoos regulated similar in ZO so combined into one definition.



PLANNING AND ZONING COMMISSION AGENDA ITEM

11/15/10
Item #5
Regular Agenda
Page 1 of 3

APPLICANT: Planning and Zoning Commission

CASE MANAGER: Brian Mabry, AICP, Planning Director

ITEM DESCRIPTION: Z-FY-10-09 - Hold a public hearing to discuss and recommend action on an amendment to the City Code to adopt a Unified Development Code.

INTRODUCTION: The *Choices '08* Comprehensive Plan recommends that the City adopt a Unified Development Code (UDC). At its most basic, a UDC is a consolidated set of land development regulations, related to zoning, platting and site design. City Staff have been working steadily on the UDC Phase 1 project since January 2010, with preliminary work taking place throughout 2009. During the drafting phase, the UDC was broken down into four modules in order to make it a little easier to review. Staff has updated the Planning and Zoning Commission on the UDC Phase 1 status by presenting each module of the UDC and requesting comments. This report will give an overview of the UDC Phase 1 project so that the Commission may provide a formal recommendation to the City Council.

PRINCIPLES OF THE UDC PHASE 1 PROJECT: Many of the changes proposed in the UDC Phase 1 draft have very little effect on the substantive content of the existing Zoning Ordinance and Subdivision Ordinance. The improvements in the UDC draft relate to ***reformatting*** the look of the regulations so that they are more user-friendly, ***reorganizing*** the contents so that they are unified into a logically arranged document, ***clarifying and streamlining*** the regulations by removing redundancies and conflicts and ***incorporating State statutes*** the regulations to comply with State statutes related to land development.

Reformat

Of all the laws in a City's Code of Ordinances, land development regulations are probably the most commonly used by non-attorneys. For this reason, the UDC has been formatted to make it easier for a lay person to understand while remaining legally sound. The UDC is made more user friendly by applying the following simple document formatting techniques.

- Graphics and Tables
- "Plain English" Regulations
- Indentation, White Space, Variable Fonts, Headers and Footers
- Table of Contents and Index

Reorganize

The draft UDC is organized so that procedures are separated from standards to the extent practical. For example, the procedure for receiving subdivision plat approval is in one Article, while the standard for how wide a public street in a subdivision should be is in a different Article.

The Sections of each Article are organized in a logical order, where applicable. For example, in Article 3, Development Review Procedures, the procedures are set forth to generally follow the normal sequence of development, with legislative decisions such as Rezoning or Conditional Use Permit procedures laid out first and with administrative procedures such as Sign Permit review provided toward the end of the Article.

It is also a “best practice” to not allow standards in definitions. For example, in the existing Zoning Ordinance, the definition for “Home Occupation” had several standards within it. In the draft UDC, these standards have been moved to Sec. 5.4, which deals with accessory structures and uses.

Clarify & Streamline

An important part of the creation of a UDC is to the opportunity to remove or revise conflicting or duplicative standards. These conflicts and duplications often become more obvious when the Subdivision Ordinance and Zoning Ordinance are integrated and reorganized. For example, since sidewalks are dealt with in both the existing Zoning Ordinance and Subdivision Ordinance, the likelihood of conflicting or duplicate provisions is great. Staff took great care to highlight these differences and to reconcile them. Please see the attached “Internal Duplications and Conflicts in the UDC” report for a summary of this issue.

Incorporate State Statutes

Staff incorporated changes in State statutes into the UDC Phase 1 draft. These changes are insignificant in terms of the kinds of development that the UDC requires versus what the Zoning Ordinance and Subdivision Ordinance require. The following is a list of changes related to revised State statutes.

- Updated references to Texas Local Government Code (Throughout but especially Sec. 1.3.1)
- Number of votes required for the Zoning Board of Adjustment to approve a Variance (Sec. 2.3.4.C)
- Clarified rule that a plat is deemed approved if not disapproved within 30 days of Staff deeming the plat complete (Sec. 3.1.2)
- When platting is required (Sec. 3.6.1)
- Incorporating state-mandated interlocal agreement between Temple and Bell County for plat review in the City’s ETJ (Sec. 3.6.2)
- Increased mailed and published hearing notification window from 10 days to 15 days (Sec. 3.15.3.A)
- Stated that industrialized (AKA modular) housing dimensional standards are the same as those for conventional single-family site-built dwellings. (Sec. 4.5)
- Revised terminology for child care establishments to match statutory terminology (Sec. 5.1.3 – page 3 of use table)
- Added pawn shops as an allowed use in the GR zoning district due to statutory requirement that pawn shops must be regulated the same as a department store (Sec. 5.1.3 – page 7 of use table)

STAKEHOLDER INPUT: Prior to making the document public, several staff members, representing the Planning, Legal, Public Works, Parks and Information Technology departments, reviewed each UDC module and provided comments.

Once Staff finalized a draft, we held five “learning sessions” at the Temple Area Builders Association (TABA) office. Attendance varied from as many as 20 participants to as few as three. The purpose of these sessions was to introduce each module and go over any comments that were received from the

previous module presentation. The primary comment Staff received on the entire draft related to the dimensional standards in Sec. 4.5 and 4.6. These tables show the required maximum heights and minimum lots area and setbacks for each zoning district based on the proposed housing type. In the existing Zoning Ordinance, these standards are organized in tables in a way that is probably not as useable to the average citizen as they could be. Staff re-organized the tables with an attempt to keep the numerical standards intact. Some TABA builders noticed some inconsistencies and Staff has worked to address those in the draft UDC.

The fact Staff received minimal stakeholder comments indicates that Staff has remained with the original intent to retain the existing standards of the Zoning Ordinance and Subdivision Ordinance in the UDC draft.

UDC PHASE 2: More substantial changes are proposed for the UDC Phase II project. The changes will codify existing practices, fix administrative issues that staff sees on a frequent basis and implement many of the policies of the *Choices 08* Comprehensive Plan. Participation from a wide variety of stakeholders will be critical. Staff anticipates work commencing on Phase 2 in March or April of 2011.

PUBLIC NOTICE: The newspaper printed notice of the Planning and Zoning Commission public hearing on November 4, 2010 in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of Z-FY-10-09, an amendment to the City Code to adopt a Unified Development Code

FISCAL IMPACT: NA

ATTACHMENTS:

"Clean" Version of the UDC Phase 1 Draft
Internal Duplications and Conflicts Addressed in the UDC

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

MONDAY, NOVEMBER 15, 2010

ACTION ITEMS

Item 5: Z-FY-10-09: Hold a public hearing to discuss and recommend action on an amendment to the City Code to adopt a Unified Development Code. (Applicant: Planning and Zoning Commission)

Mr. Mabry stated he would touch on the high points on the UDC since all previous modules have been discussed in more detail.

Timeline was given for UDC process and a brief description of what a UDC was.

The UDC contained four modules:

Module 1 – Procedural articles of the UDC (Articles 1-3)

Module 2 – Uses in the zoning districts (Articles 4-6)

Module 3- -Design related elements of the UDC (Articles 7-8)

Module 4 – All other information such as non-conformities, enforcement, violations, penalties and definitions, etc. (Articles 9-11)

Mr. Mabry stated four reasons for having a UDC:

User friendliness; Eliminate inconsistencies; One course for development regulations; Priorities – Phase I

The draft UDC is organized so that procedures and standards were separated, put in logical order and standards were removed from definitions. Clarification and streamlining were necessary in some areas. Phase I required no substantive changes taking place, however, Phase II would involve more substantive changes. Updated State statutes were incorporated and the stakeholder input process was explained.

The area where most comments were received were related to dimensional tables dealing with setbacks, lot areas, etc. The UDC reorganized these tables for easier reading and understanding.

Phase II would implement existing, uncoded practices, implement policies of the Comprehensive Plan, and public participation would be critical, This would start taking place approximately March-April 2011

Staff recommended approval of Z-FY-10-09, the Unified Development Code, an amendment to the City Code.

Chair Talley opened the public hearing.

Mr. Pat Patterson, 2116 W. Avenue H, thanked the City Staff and Mr. Mabry for all their work on the UDC since it meant so much to TABA and provided needed guidelines.

There being no further speakers, Chair Talley closed the public hearing.

Commissioner Pilkington made a motion to approve the UDC draft as presented and Commissioner Sears made a second.

Motion passed: (7:0)

Vice-Chair Martin and Commissioner Barton absent.

Chair Talley also thanked the Staff and Mr. Mabry for the hard work involved in this project.

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 REPEALING CHAPTER 33, ENTITLED, "SUBDIVISIONS;" REPEALING THE EXHIBIT, ENTITLED, "DRIVE APPROACH STANDARDS," TO CHAPTER 32, ENTITLED, "STREETS AND SIDEWALKS;" AND REPEALING APPENDIX A, ENTITLED, "ZONING ORDINANCE," AND REPLACING APPENDIX A TO THE CODE OF ORDINANCES WITH A UNIFIED DEVELOPMENT CODE; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Choices '08 Comprehensive Plan recommended that the City adopt a Unified Development Code (UDC) which is a consolidated set of land development regulations, related to zoning, platting and site design;

Whereas, on November 15, 2010, the Planning and Zoning Commission voted to recommend amending the Code of Ordinances to adopt a Unified Development Code; 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 repealing Chapter 33, entitled, "Subdivisions;" repealing the Exhibit, entitled, "Drive Approach Standards," to Chapter 32, entitled, "Streets and Sidewalks;" and repealing Appendix A, entitled, "Zoning Ordinance," by replacing Appendix A with a Unified Development Code, a copy of which is on file in the Office of the City Secretary for the City of Temple.

Part 2: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

Part 3: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs 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 4: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

PASSED AND APPROVED on First Reading and Public Hearing on the **2nd** day of **December**, 2010.

PASSED AND APPROVED on Second Reading on the **16th** day of **December**, 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

12/16/10
Item #5(M)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Amy M. Casey, Director of Human Resources/Civil Service

ITEM DESCRIPTION: SECOND READING – Consider adopting an ordinance electing for the City to make current service and prior service contributions to the City's account in the Municipal Accumulation Fund of the Texas Municipal Retirement System at the actuarially determined rate of total employee compensation.

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

ITEM SUMMARY: The TMRS Act provides a limit to the maximum rate that a city can be required to contribute for the retirement portion of its plan based on the combination of the employee deposit rate and the matching ratio (the cost of Supplemental Death Benefits is excluded from this limit). This limit, known as the statutory maximum, is not a limit of the cost of a plan, but rather is simply a limit on the maximum a city could be required to contribute for the plan. If the TMRS minimum required retirement contribution rate exceeds this limit, unless the City takes additional action as permitted under the TMRS Act, it will not be meeting the minimum contribution requirements for its TMRS plan.

The City of Temple's 2011 minimum retirement contribution rate has exceeded our statutory maximum contribution rate limit. Our statutory maximum is 15.50%. With the adoption of this ordinance, we are agreeing to fund the costs of the pension benefits included in our plan. Its adoption also allows us to impose our own "limit" on the contribution rate by using our own discretion in determining which potential plan improvements to adopt, or not adopt, based on the calculated contribution rate. The TMRS actuary will calculate the cost of future adoptions and valuation studies each year. With the removal of the statutory rate limit, our full contribution rate for 2011 is 20.15% and the phase-in rate will be 17.01% (these rates include the cost of Supplemental Death Benefits).

FISCAL IMPACT: The city is currently in year three (2011) of an eight year phase-in rate for the employer portion of the TMRS rate. TMRS legislative efforts for 2011 will recommend restructuring funds within the TMRS system. TMRS sent letters to cities in August 2010 estimating the impact of the restructuring on their city. The actuarial estimate for the reduction in the City of Temple's rate is in the range of 1.35% to 2.10%.

The FY 2011 operating budget includes funds in the amount of \$4,158,562 for all employees enrolled in the TMRS system. This amount was based upon the phase-in rate of 17.01% which is comprised of two components: the retirement rate of 16.76% and the supplemental death benefit rate of 0.25%. The supplemental death benefit component of the rate is not subject to the statutory maximum rate.

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, PROVIDING FOR PARTICIPATION IN THE TEXAS MUNICIPAL RETIREMENT SYSTEM BY THE EMPLOYEES OF THE ECONOMIC DEVELOPMENT CORPORATION OF THE CITY OF TEMPLE, TEXAS, ON THE SAME BASIS UPON WHICH EMPLOYEES OF THE CITY ITSELF PARTICIPATE IN SAID SYSTEM, AND ESTABLISHING AN EFFECTIVE DATE FOR THE ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETING CLAUSE.

Whereas, House Bill 2434, Acts of the 76th Legislature, Regular Session, amended Section 23 of the Development Corporation Act of 1979 (Article 5190.6, V.T.C.S.) to provide, among other things, that any corporation created by a municipality under that Act may, with the consent of the municipality, participate in any retirement program operated or participated in by the municipality;

Whereas, the City of Temple, Texas (the “City”), is a municipality that participates in the Texas Municipal Retirement System (the “System”) pursuant to the provisions of Government Code, Subtitle G, Title 8, as amended (the “TMRS Act”) ; and

Whereas, the City Council of the City of Temple, Texas, finds that it will be in the best interest of the City to have the employees of the Economic Development Corporation of the City (the “Corporation”) participate in the System on the same basis upon which employees of the City participate in the System.

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

Part 1: The City Council hereby consents to the participation of the employees of the Corporation in the System on the same basis upon which employees of the City now and hereafter participate in the System.

Part 2: All persons who, on or after the effective date of this ordinance, receive compensation from the Corporation and are engaged in an appointive office or position with the Corporation that normally requires services from the person for not less than 1,000 hours per year shall be and are hereby required to become members of the System.

Part 3: All credit authorized under this ordinance shall be treated as if it were performed for the City, and all sums of money that may be computed by the System’s actuary as being necessary to fund the credit hereby granted shall constitute a charge against the City’s account in the municipality accumulation fund of the System.

Part 4: This ordinance shall be and become effective on the 1st day of January, 2011.

Part 5: 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 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 2nd day of **December**, 2010.

PASSED AND APPROVED on Second Reading on the 16th day of **December**, 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

12/16/10
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DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Memorandum of Understanding adopting the Texas Department of Transportation's federally-approved Disadvantaged Business Enterprise Program.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The proposed resolution authorizes the City to enter into a Memorandum of Understanding (MOU) with the Texas Department of Transportation (TxDOT) adopting the federally-approved Disadvantaged Business Enterprise (DBE) Program.

The City has received approval for federal funding for three projects from the US Department of Transportation (USDOT), Federal Highway Administration, through TxDOT. These projects are the First Street Corridor sidewalk improvements funded through the TxDOT Transportation Enhancement Program and the sidewalk improvements at Lakewood Elementary and Bonham Middle Schools through the TxDOT Safe Routes to School Program.

Federal Law mandates that all Local Governments that receive USDOT funds from non-conventionally let projects must sign an MOU with TxDOT allowing them to adopt TxDOT's federally approved DBE Program and comply with the Federal Regulations 49 CFR Part 26. In order to receive funding to execute these projects the City is required to implement a program for Disadvantaged Business Enterprises.

TxDOT's DBE program defines DBEs as a for-profit small business that meets the following:

- (1) That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and
- (2) Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

It is the policy of TxDOT to ensure that DBEs have an equal opportunity to receive and participate in DOT-assisted contracts. It is also TxDOT's policy to:

- Ensure nondiscrimination in the award and administration of DOT assisted contracts;
- Create a level playing field on which DBEs can compete fairly for DOT assisted contracts;
- Ensure that the DBE Program is narrowly tailored in accordance with applicable law;

- Ensure that the only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
- Help remove barriers to the participation of DBEs in DOT assisted contracts; and
- Assist in the development of firms that can compete successfully in the market place outside the DBE Program.

Staff is recommending adopting TxDOT's federally compliant DBE program, as recommended by FHWA.

FISCAL IMPACT: There is no fiscal impact.

ATTACHMENTS:

[Memorandum of Understanding Form](#)

Program Attachments (available in City Secretary's Office)

[Resolution](#)



**MEMORANDUM OF UNDERSTANDING
REGARDING THE ADOPTION OF THE TEXAS DEPARTMENT OF
TRANSPORTATION'S FEDERALLY-APPROVED DISADVANTAGED BUSINESS
ENTERPRISE PROGRAM BY City of Temple**

This Memorandum of Understanding (MOU) is by and between the TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT), an agency of the State of Texas; and
City of Temple, a political subdivision of the State of Texas.

Whereas, from time to time City of Temple receives federal funds from the Federal Highway Administration (FHWA) through TxDOT to assist
City of Temple with the construction and design of projects partially or wholly funded through FHWA; and

Whereas, City of Temple, as a sub-recipient of federal funds, is required by 49 CFR 26, to implement a program for disadvantaged business enterprises (DBEs), as defined by 49 CFR 26 (DBE Program); and

Whereas, TxDOT has implemented a Disadvantaged Business Enterprise Program (DBE Program) that is approved by the FHWA pursuant to 49 CFR part 26; and

Whereas, certain aspects of City of Temple's procurement of construction and design services are subject to review and/or concurrence by TxDOT as a condition of receiving federal funds from FHWA through TxDOT; and

Whereas, City of Temple and TxDOT undertake substantially similar roadway construction projects and design projects and construct and design their respective projects using substantially the same pool of contractors; and

Whereas, City of Temple desires to implement a federally compliant DBE Program by adopting the TxDOT approved program, as recommended by FHWA; and

Whereas, TxDOT and City of Temple find it appropriate to enter into this MOU to memorialize the obligations, expectations and rights each has as related to
City of Temple's adoption of the TxDOT DBE's Program to meet the federal requirements;

Now, therefore, TxDOT and City of Temple, in consideration of the mutual promises, covenants and conditions made herein, agree to and acknowledge the following:

(1) TxDOT has developed a DBE Program and annually establishes a DBE goal for Texas that is federally approved and compliant with 49 CFR 26 and other applicable laws and regulations.

(2) City of Temple is a sub-recipient of federal assistance for construction projects and design projects and, in accordance with 49 CFR § 26.21, must comply with a federally approved DBE Program. The City of Temple receives its federal assistance through TxDOT. As a sub-recipient, City of Temple has the option of developing its own program or adopting and operating under TxDOT's federally approved DBE Program. The FHWA recommends that sub-recipients, such as
City of Temple, adopt the DBE program, administered through TxDOT, and City of Temple by its prescribed protocol adopted the TxDOT DBE Program as of the date when adoption occurred.

(3) This MOU evidences FHWA's and TxDOT's consent to the adoption of the TxDOT DBE Program by _____ City of Temple _____ to achieve its DBE participation in federally assisted Construction and Design Projects.

(4) The parties will work together in good faith to assure effective and efficient implementation of the DBE Program for _____ City of Temple _____ and for TxDOT.

(5) _____ City of Temple _____ and TxDOT have agreed upon the following delegation of responsibilities and obligations in the administration of the DBE Program adopted by _____ City of Temple _____ :

(a) _____ City of Temple _____ will be responsible for project monitoring and data reporting to TxDOT. _____ City of Temple _____ will furnish to TxDOT any required DBE contractor compliance reports, documents or other information as may be required from time to time to comply with federal regulations. TxDOT will provide the necessary and appropriate reporting forms, to _____ City of Temple _____.

(b) _____ City of Temple _____ will recommend contract-specific DBE goals consistent with TxDOT's DBE guidelines and in consideration of the local market, project size, and nature of the good(s) or service(s) to be acquired. _____ City of Temple _____'s recommendation may be that no DBE goals are set on any particular project or portion of a project or that proposed DBE goals be modified. _____ City of Temple _____ and TxDOT will work together to achieve a mutually acceptable goal, however, TxDOT will retain final decision-making authority regarding DBE goals.

(c) TxDOT will cooperate with _____ City of Temple _____ in an effort to meet the timing and other requirements of _____ City of Temple _____ projects.

(d) _____ City of Temple _____ will be solely responsible for the solicitation and structuring of bids and bid documents to procure goods and services for its projects that use federal funds and will be responsible for all costs and expenses incurred in its procurements.

(e) The DBEs eligible to participate on TxDOT construction projects or design projects also will be eligible to participate on _____ City of Temple _____ construction projects or design projects subject to the DBE Program. The DBEs will be listed on TxDOT's website under the Texas Unified Certification Program (TUCP).

(f) _____ City of Temple _____ will conduct reviews and provide reports with recommendations to TxDOT concerning any DBE Program compliance issues that may arise due to project specific requirements such as Good Faith Effort (GFE), Commercially Useful Function (CUF), etc. _____ City of Temple _____ and TxDOT will work together to achieve a mutually acceptable goal, however, TxDOT will retain final decision-making authority on those issues and reserves the right to perform compliance reviews. _____ City of Temple _____ shall provide TxDOT with a listing of sanctions that will be assessed against contractors for violation of federal DBE regulations and its procedures for investigation of violations and assessment of sanctions for documented violations. _____ City of Temple _____ will require contractors for its FHWA federally assisted projects to use the attached forms as follows:

Attachment 1 – Disadvantaged Business Enterprise (DBE) Program Commitment Agreement
Form SMS 4901

Attachment 2 – DBE Monthly Progress Report Form SMS 4903

Attachment 3 – DBE Final Report Form SMS 4904

Attachment 4 – Prompt Payment Certification Form (Federal-air Projects) 2177

(g) _____ City of Temple _____ will designate a liaison officer to coordinate efforts with TxDOT's DBE Program administrators and to respond to questions from the public and private sector regarding _____ City of Temple _____'s administration of the DBE Program through TxDOT.

(h) _____ City of Temple _____ will be responsible for providing TxDOT with DBE project awards and DBE Commitments, monthly DBE reports, DBE Final Reports, DBE shortfall reports, and annual and updated goal analysis and reports.

(i) TxDOT will be responsible for maintaining a directory of firms eligible to participate in the DBE Program, and providing business development and outreach programs.

_____ City of Temple _____ and TxDOT will work cooperatively to provide supportive services and outreach to DBE firms in _____ City of Temple _____ area.

(j) _____ City of Temple _____ will submit DBE semi-annual progress reports to TxDOT.

(k) _____ City of Temple _____ will participate in TxDOT sponsored training classes to include topics on Title VI of the Civil Rights Act of 1964, DBE Annual Goals, DBE Goal Setting for Construction Projects and Design Projects, DBE Contract Provisions, and DBE Contract Compliance, which may include issues such as DBE Commitments, DBE Substitution, and Final DBE Clearance. TxDOT will include DBE contractors performing work on _____ City of Temple _____ projects in the DBE Education and Outreach Programs.

(l) The Executive Director of _____ City of Temple _____ will implement all federal requirements, including those stated in Attachments A through F, which are incorporated as though fully set out herein for all purposes.

(m) In accordance with 23 CFR 200.1, _____ City of Temple _____ shall develop procedures for the collection of statistical data (race, color, religion, sex, and national origin) of participants in , and beneficiaries of Sate highway programs, i.e., relocatees, impacted citizens and affected communities; develop a program to conduct Title VI review of program areas; and conduct annual reviews of special emphasis program areas to determine the effectiveness of program area activities at all levels. TxDOT, in accordance with federal law, may conduct compliance reviews by TxDOT's Office of Civil Rights (OCR).

(n) _____ City of Temple _____ will comply with 49 CFR 26.29 as stated in Attachment F.

(6) In the event there is a disagreement between TxDOT and _____ City of Temple _____ about the implementation of the TxDOT DBE Program by _____ City of Temple _____ the parties agree to meet within ten (10) days of receiving a written request from the other party of a desire to meet to resolve any disagreement. The parties will make good faith efforts to resolve any disagreement as efficiently as is reasonably possible in consultation with FHWA. Non-compliance by _____ City of Temple _____ can result in restitution of federal funds to TxDOT and withholding of further federal funds upon consultation with FHWA.

(7) This MOU becomes effective upon execution by all parties and automatically renews each year unless a party notifies the other parties of its intent to terminate the agreement.

(8) If this MOU is terminated for any reason, City of Temple will be allowed reasonable time in which to seek approval from FHWA for an alternative DBE Program, without being deemed non-compliant with 49 CFR Part 26.

(9) This MOU applies only to projects for which City of Temple is a sub-recipient of federal funds through TxDOT. City of Temple may also implement a Minority and Women-Owned Small Business Enterprise (M/W/SBE) policy and program that applies to projects for which it is not a sub-recipient of federal funds through TxDOT and which are not subject to the TxDOT DBE Program. City of Temple may, at its option, use some aspects of the TxDOT DBE Program and other similar programs in implementing its other policies and programs for its non-federally funded projects.

(10) The following attachments to this MOU are also incorporated as if fully set out herein for all purposes:

Attachment A – FHWA Memorandum HCR-1/HIF-1 (relating to access required by the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973);

Attachment B – SPECIAL PROVISION – 000-1966

Attachment C – 49 CFR §26.13 (contractual assurances)

Attachment D – DBE Program Compliance Guidance for Local Government Agencies

Attachment E – FHWA Form 1273

Attachment F – Texas Department of Transportation (TxDOT) Disadvantaged Business Enterprise (DBE) Program with attachments as follows:

Attachment F1 – DBE Regulations: 49 CFR Part 26

Attachment F2 – DBE Special Provisions 000-1966

Attachment F3 – TxDOT's Organizational Chart

Attachment F4 – Measurement and Payment Special Provision 009-007

Attachment F5 – Texas Unified Certification Program (TUCP) DBE directory example and website address to the directory

Attachment F6 – DBE Goal Methodology

Attachment F7 – DBE Bidder Certification

Attachment F8 – DBE Joint Check Approval Form

Attachment F9 – TUCP Standard Operating Procedures (SOP)

Attachment F10 – TUCP Memorandum of Agreement (MOA)

Attachment F11 – Forms list

(11) The following procedure shall be observed by the parties in regard to any notifications:

(a) Any notice required or permitted to be given under this MOU shall be in writing and may be effected by personal delivery, by hand delivery through a courier or a delivery service, or by

registered or certified mail, postage prepaid, return receipt requested, addressed to the proper party, at the following address:

City of Temple

David Blackburn
City Manager

Hand Delivery:

2 North Main Street

Registered or Certified Mail (Return receipt requested):

Temple, TX, 76501

TEXAS DEPARTMENT OF TRANSPORTATION
DBE Liaison
Office of Civil Rights
Address: 125 E. 11th Street
Austin, Texas 78701

(b) Notice by personal delivery or hand delivery shall be deemed effective immediately upon delivery, provided notice is given as required by Paragraph (a) hereof. Notice by registered or certified mail shall be deemed effective three (3) days after deposit in a U.S. mailbox or U.S. Post Office, provided notice is given as required by Paragraph (a) hereof.

(c) Either party hereto may change its address by giving notice as provided herein.

(12) This MOU may be modified or amended only by written instrument, signed by both

City of Temple and the TxDOT and dated subsequent to the effective date(s) of this MOU. Except as authorized by the respective parties, no official, employee, agent, or representative of the parties has any authority, either express or implied, to modify or amend this MOU.

(13) The provisions of this MOU are severable. If any clause, sentence, provision, paragraph, or article of this MOU, or the application of this MOU to any person or circumstance is held by any court of competent jurisdiction to be invalid, illegal, or unenforceable for any reason, such invalidity, illegality, or unenforceability shall not impair, invalidate, nullify, or otherwise affect the remainder of this MOU, but the effect thereof shall be limited to the clause, sentence, provision, paragraph, or article so held to be invalid, illegal, or unenforceable, and the application of such clause, sentence, provision, paragraph, or article to other persons or circumstances shall not be affected; provided, however,

City of Temple and TxDOT may mutually agree to terminate this MOU.

(14) The following provisions apply in regard to construction of this MOU:

(a) Words of any gender in this MOU shall be construed to include the other, and words in either number shall be construed to include the other, unless the context in this MOU clearly requires otherwise.

(b) When any period of time is stated in this MOU, the time shall be computed to exclude the first day and include the last day of the period. If the last day of any period falls on a Saturday, Sunday, or national holiday, or state or county holiday, these days shall be omitted from the computation. All hours stated in this MOU are stated in Central Standard Time or in Central Daylight Savings Time, as applicable.

(15) This MOU shall not be construed in any way as a waiver by the parties of any immunity from suit or liability that parties may have by operation of law, and the parties hereby retain all of their respective affirmative defenses.

EXECUTED in duplicate originals by TxDOT and _____ City of Temple _____, acting through each duly authorized official and effective on the latest date signed.

The signatories below confirm that they have the authority to execute this MOU and bind their principles.

TEXAS DEPARTMENT OF TRANSPORTATION City of Temple

By: _____
Amadeo Saenz, Jr. P.E.
Executive Director

By: _____
David Blackburn
City Manager

Date: _____

Date: _____

[Contact/Help](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ADOPTING THE TEXAS DEPARTMENT OF TRANSPORTATION'S FEDERALLY-APPROVED DISADVANTAGED BUSINESS ENTERPRISE PROGRAM; AUTHORIING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE STATE OF TEXAS FOR THE ADOPTION AND ADMINISTRATION OF TXDOT'S DISADVANTAGED BUSINESS ENTERPRISE PROGRAM; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has received approval for federal funding for three projects which are the First Street Corridor Sidewalk Improvements and sidewalk improvements at Lakewood Elementary and Bonham Middle Schools;

Whereas, the City will receive these federal funds from the Federal Highway Administration ("FHWA") through TxDOT;

Whereas, the City is required to implement a program for disadvantaged business enterprises ("DBEs") in order to receive these funds;

Whereas, the City can implement a federally compliant DBE program by adopting the TxDOT approved program; 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 of Temple hereby adopts the Texas Department of Transportation's federally-approved Disadvantaged Business Enterprise Program.

Part 2: The City Manager, or his designee, is authorized to execute, on behalf of the City of Temple, after approval as to form by the City Attorney, a Memorandum of Understanding with the State of Texas for adoption of the Texas Department of Transportation's federally-approved disadvantaged business enterprise program, a

copy of the memorandum and the associated DBE program requirements are attached hereto as Exhibits A—F.

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 **16th** day of **December**, 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

12/16/10
Item #5(O)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution approving the annual report of the Tax Increment Financing Reinvestment Zone No. 1 for fiscal year 2009-2010.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to comply with the State law requiring submission of annual reports to the taxing units within the Reinvestment Zone No. 1 (Zone).

The attached report discloses the financial condition of the Zone as of 9/30/2010, as well as the tax collections by taxing entity.

The financial information contained in this report was presented to the Reinvestment Zone No. 1 Board at the December 8, 2010, meeting. The annual report will be mailed to the taxing units, the State Comptroller, and the State Attorney General as required by state law.

FISCAL IMPACT: See the attached financial statements.

ATTACHMENTS:

[Annual Report
Resolution](#)

City of Temple, Texas

***REINVESTMENT ZONE NO. 1
ANNUAL REPORT***

**For the year ended
September 30, 2010**

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CITY OF TEMPLE, TEXAS
REINVESTMENT ZONE NO. 1
BALANCE SHEET
September 30, 2010 and 2009

	<u>2010</u>	<u>2009</u>
ASSETS		
Current assets:		
Investments	\$ 5,856,225	\$ 6,192,125
Receivables (net of allowance for estimated uncollectible):		
Accounts receivable	2,011,753	271,157
Ad valorem taxes	143,874	171,914
Total current assets	<u>8,011,852</u>	<u>6,635,196</u>
Restricted assets:		
Reserve for debt service	882,092	880,371
Bond proceeds	1,696,059	3,416,938
Total restricted assets	<u>2,578,151</u>	<u>4,297,309</u>
Total assets	<u><u>\$10,590,003</u></u>	<u><u>\$10,932,505</u></u>
LIABILITIES AND FUND BALANCES		
Current liabilities:		
Vouchers and contracts payable	\$ 441,742	\$ 676,721
Retainage payable	190,437	223,087
Deposits	-	700
Deferred revenues	143,875	171,914
Total current liabilities	<u>776,054</u>	<u>1,072,422</u>
Liabilities from restricted assets:		
Vouchers and contracts payable	30,061	966,293
Retainage payable	-	947,175
Total liabilities from restricted assets	<u>30,061</u>	<u>1,913,468</u>
Total liabilities	<u>806,115</u>	<u>2,985,890</u>
Fund Balance:		
Reserved for encumbrances	277,984	374,465
Reserved for encumbrances - bond proceeds	84,550	1,000,494
Reserved for future expenditures-bond proceeds	1,581,448	1,352,325
Reserved for debt service	2,882,092	880,371
Unreserved:		
Undesignated	4,957,814	4,338,960
Total fund balance	<u>9,783,888</u>	<u>7,946,615</u>
Total liabilities and fund balances	<u><u>\$10,590,003</u></u>	<u><u>\$10,932,505</u></u>

CITY OF TEMPLE, TEXAS
REINVESTMENT ZONE #1
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCE - ACTUAL AND BUDGET
For the year ended September 30, 2010
(With comparative amounts for the year ended September 30, 2009)

	2010			2009	Analytical
	Actual	Budget	Variance Favorable (Unfavorable)	Actual	Increase (Decrease) Prior yr.
REVENUES:					
Taxes	\$ 3,675,883	\$ 4,479,957	\$ (804,074)	\$ 4,015,304	\$ (339,421)
Interest	42,567	50,000	(7,433)	156,930	(114,363)
Payment in lieu of taxes	2,000,000	2,000,000	-	-	2,000,000
Leases	4,578	-	4,578	-	4,578
Miscellaneous reimbursements	10,334	-	10,334	45,955	(35,621)
Proceeds on sale of land	116,816	-	116,816	1,280,566	(1,163,750)
Patriot Rail license fee	41,287	-	41,287	-	41,287
Total revenues	5,891,465	6,529,957	(638,492)	5,498,755	392,710
EXPENDITURES:					
Administrative					
Professional	349,248	456,113	106,865	61,001	288,247
Other contracted services	150,000	175,000	25,000	104,470	45,530
Downtown non-capital improvements	800	90,000	89,200	-	800
TEDC marketing	100,000	100,000	-	100,000	-
Intergovernmental:					
Joint use facilities	-	152,132	152,132	-	-
Total administrative expenditures	600,048	973,245	373,197	265,471	334,577
Capital Improvements					
North Zone	746,623	1,216,633	470,010	12,427,801	(11,681,178)
Western Aviation Zone	93,232	101,663	8,431	22,808	70,424
Western Bio-Science & Medical Zone	368,547	909,165	540,618	6,760,022	(6,391,475)
General Roadway Improvements	241,537	250,111	8,574	-	241,537
Downtown improvements	-	298,769	298,769	7,604	(7,604)
Southeast Industrial Park	-	1,246,000	1,246,000	27,500	(27,500)
Gateway Entrance Projects	-	400,000	400,000	-	-
NW Loop 363 Improvements (TxDot)	-	905,410	905,410	-	-
Contingency	-	440,694	440,694	-	-
Total capital improvements	1,449,939	5,768,445	4,318,506	19,245,735	(17,795,796)
Debt Service					
Bond principal	760,000	760,000	-	535,000	225,000
Bond interest	1,252,902	1,252,902	-	1,503,780	(250,878)
Fiscal agent fees	58,366	58,531	165	800	57,566
Total debt service	2,071,268	2,071,433	165	2,039,580	31,688
Total expenditures	4,121,255	8,813,123	4,691,868	21,550,786	(17,429,531)
Excess (deficiency) of revenues over expenditures	1,770,210	(2,283,166)	4,053,376	(16,052,031)	17,822,241
Other financing sources (uses):					
Refunding bonds issued	10,875,000	10,875,000	-	-	10,875,000
Original issue premium	2,950	2,950	-	-	2,950
Payment to refunded bond escrow agent	(10,810,887)	(10,810,887)	-	-	(10,810,887)
Total other financing sources	67,063	67,063	-	-	67,063
Excess (deficiency) of revenues and other financing sources over expenditures	1,837,273	(2,216,103)	4,053,376	(16,052,031)	17,889,304
Fund balance, beginning of period	7,946,615	7,946,615	-	23,998,646	(16,052,031)
Fund balance, end of period	<u>\$ 9,783,888</u>	<u>\$ 5,730,512</u>	<u>\$ 4,053,376</u>	<u>\$ 7,946,615</u>	<u>\$ 1,837,273</u>

CITY OF TEMPLE, TEXAS
 REINVESTMENT ZONE NO. 1

SCHEDULE OF OUTSTANDING INDEBTEDNESS AND TAX INCREMENT BASE

Schedule of Principal and Interest due on Outstanding Indebtedness as of 09/30/10

Fiscal Year	Percent of Debt Retired		Combo Tax & Revenue Bonds Series 2003	Certificates of Obligation Bonds Series 2008	TIRZ Revenue Bonds, Taxable Series 2008	General Obligation Bonds Series 2009	Total
	Annual %	Cumulative %					
2011	4.49%	4.49%	\$ 868,420	\$ 201,960	\$ 536,935	\$ 370,669	\$ 1,977,984
2012	8.59%	13.07%	867,035	201,960	1,241,935	1,473,669	3,784,599
2013	8.59%	21.66%	869,055	201,960	1,239,640	1,474,569	3,785,224
2014	8.60%	30.27%	869,855	201,960	1,240,495	1,479,969	3,792,279
2015	8.64%	38.91%	868,930	201,960	1,239,232	1,499,769	3,809,891
2016	8.66%	47.58%	866,530	201,960	1,240,855	1,508,775	3,818,120
2017	8.67%	56.24%	867,440	201,960	1,240,096	1,510,150	3,819,646
2018	8.62%	64.86%	866,753	201,960	1,241,957	1,488,750	3,799,420
2019	8.62%	73.48%	869,240	201,960	1,241,173	1,485,000	3,797,373
2020	8.84%	82.31%	869,640	1,786,960	1,237,744	-	3,894,344
2021	8.84%	91.16%	868,070	1,787,292	1,241,670	-	3,897,032
2022	8.84%	100.00%	870,070	1,784,972	1,242,422	-	3,897,464
Total:			\$ 10,421,038	\$ 7,176,864	\$ 14,184,154	\$ 12,291,320	\$ 44,073,376

Tax Increment Base and Current Captured Appraised Value Retained by the Zone as of 09/30/10 ⁽¹⁾

Base	Captured Appraised Value
\$ 91,951,314	\$ 129,282,220

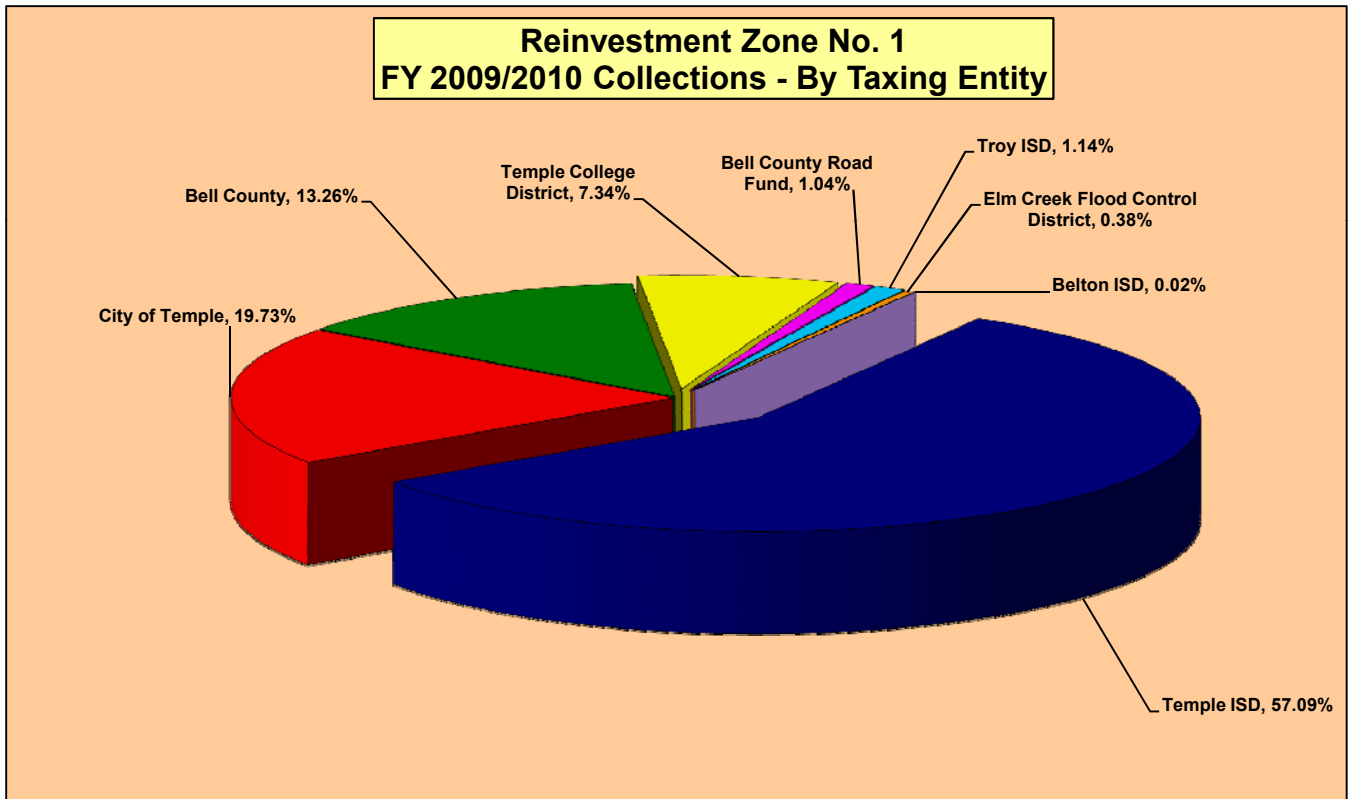
⁽¹⁾ City of Temple values only; information provided by the Bell County Appraisal District .

CITY OF TEMPLE, TEXAS - REINVESTMENT ZONE NO. 1
SCHEDULE OF APPRAISED TAXABLE VALUE, TAX LEVY & TAX COLLECTIONS BY TAXING ENTITY
For the Tax Year 2009/Fiscal Year Ending September 30, 2010

Taxing Jurisdiction	Appraised Taxable Value	Tax Levy	Tax Collections ⁽¹⁾	% Collected
Temple ISD	\$ 132,558,298	\$ 2,073,937 ⁽²⁾	\$2,098,573 ⁽²⁾	101.19%
City of Temple	129,278,361	729,906	725,321	99.37%
Bell County	130,461,095	490,403	487,529	99.41%
Temple College District	129,298,361	271,527	269,942	99.42%
Bell County Road Fund	130,461,095	38,486	38,254	99.40%
Troy ISD	2,623,546	43,879	41,919	95.53%
Elm Creek Flood Control District	45,300,795	13,862	13,785	99.44%
Belton ISD	32,958	566	560	98.94%
		\$ 3,662,566	\$ 3,675,883	100.36%

⁽¹⁾ Tax collections include the amount collected from the current year levy and any amount collected from prior years.

⁽²⁾ Includes adjustment of \$86,763 for overpayment in FY 2009. Refund due to Temple ISD.



Supplemental Schedules

FINANCING PLAN

City of Temple, Texas

TIF Reinvestment Zone #1 Financing Plan

Financing Plan - 09/22/2010 to Zone Board

FINANCING PLAN

	{A}	{B}	{C}	{D}	{E}											
	Y/E 9/30/10 Year 28	9/30/2010 Actual	FY 2010 Open Encumbrances & Carry Forwards	As currently adopted Y/E 9/30/11 Year 29	Adjusted 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
DESCRIPTION																
1 "Taxable Increment"	\$ 129,278,361	\$ 129,278,361	\$ -	\$ 129,282,220	\$ 132,020,000	\$ 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	\$ -	\$ 6,901,796	\$ 6,901,796	\$ 2,632,152	\$ 694,162	\$ 628,743	\$ 1,725,059	\$ 1,063,666	\$ 568,103	\$ 539,052	\$ 587,232	\$ 684,529	\$ 733,083	\$ 817,104
2 Adjustments to Debt Service Reserve	(880,371)	(2,882,092)	-	(1,300,000)	(1,300,000)	462,707	1,761,865	1,765,643	-	-	-	-	-	-	-	-
3 Fund Balance Available for Appropriation	\$ 7,066,244	\$ 5,064,523	\$ -	\$ 5,601,796	\$ 5,601,796	\$ 3,094,859	\$ 2,456,027	\$ 2,394,386	\$ 1,725,059	\$ 1,063,666	\$ 568,103	\$ 539,052	\$ 587,232	\$ 684,529	\$ 733,083	\$ 817,104
SOURCES OF FUNDS:																
4 Tax Revenues	3,749,329	3,675,883	-	3,742,462	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)	(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	42,567	-	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	40,000	40,000	30,000	10,000
10 Grant Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
12 License Fee - Central Texas Railway	-	41,287	-	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	-	131,728	-	-	-	-	-	-	-	-	-	-	-	-	-	-
16 P.I.L.O.T.	2,000,000	2,000,000	-	1,300,000	1,300,000	1,300,000	-	-	-	-	-	-	-	-	-	-
20 Total Sources of Funds	\$ 5,686,988	\$ 5,891,465	\$ -	\$ 5,013,945	\$ 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	\$ 10,955,988	\$ -	\$ 10,615,741	\$ 10,615,741	\$ 8,500,815	\$ 6,762,851	\$ 6,762,737	\$ 6,141,625	\$ 7,079,000	\$ 7,063,894	\$ 7,104,771	\$ 7,213,580	\$ 7,373,334	\$ 7,474,971	\$ 7,593,834
USE OF FUNDS:																
DEBT SERVICE																
26 2003 Bond Issue {\$11.740}	868,545	868,380	-	868,420	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	201,960	1,786,960	1,787,292	1,784,972
28 2009 Bond Refunding	405,462	405,462	-	370,669	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	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	1,200
40 Subtotal-Debt Service	2,004,370	2,004,205	-	1,979,184	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	226,598	11,865	250,000	261,865	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	1,200	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	175,000
56 Rail Maintenance	254,893	177,447	77,446	100,000	177,446	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	241,537	8,574	100,000	108,574	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	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	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	896,682	97,885	950,979	1,048,864	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	\$ 2,900,887	\$ 97,885	\$ 2,930,163	\$ 3,028,048	\$ 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	\$ 8,055,101	\$ (97,885)	\$ 7,685,578	\$ 7,587,693	\$ 3,975,943	\$ 2,220,624	\$ 2,195,075	\$ 1,536,151	\$ 2,443,103	\$ 2,414,052	\$ 2,462,232	\$ 2,559,529	\$ 2,608,083	\$ 2,692,104	\$ 2,794,767
PROJECTS																
150 North Zone/Rail Park	1,083,290	690,726	14,800	250,000	264,800	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	326,997	34,449	250,000	284,449	-	-	-	-	-	-	-	-	-	-	-
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	930,000	-	-	-	-	-	-	-	-	-	-	-
400 Synergy Park	1,246,000	-	126,200	-	126,200	-	-	-	-	-	-	-	-	-	-	-
450 Downtown	388,769	800	89,200	480,892	570,092	206,781	216,881	220,016	222,485	-	-	-	-	-	-	-
500 TMED	-	-	-	2,780,000	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	1,153,305	264,649	4,690,892	4,955,541	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	\$ 4,054,192	\$ 362,534	\$ 7,621,055	\$ 7,983,589	\$ 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	\$ 6,901,796	\$ (362,534)	\$ 2,994,686	\$ 2,632,152	\$ 694,162	\$ 628,743	\$ 1,725,059	\$ 1,063,666	\$ 568,103	\$ 539,052	\$ 587,232	\$ 684,529	\$ 733,083	\$ 817,104	\$ 47,772

{A} {B} {C} {D} {E}										
SUMMARY FINANCING PLAN										
	FY 2010	FY 2010 Actual	FY 2010 Open Encumbrances & Carry Forwards	As currently adopted 2011	FY Revised 2011	FY	FY 2012	FY 2013	FY 2014	FY 2015
1	Beginning Available Fund Balance, Oct 1	\$ 7,946,615	\$ 7,946,615	\$ -	\$ 6,901,796	\$ 6,901,796	\$ 2,632,152	\$ 694,162	\$ 628,743	\$ 1,725,059
20	Total Sources of Funds	5,686,988	5,891,465	-	5,013,945	5,013,945	5,405,956	4,306,824	4,368,351	4,416,566
2	Adjustments to Debt Service Reserve	(880,371)	(2,882,092)	-	(1,300,000)	(1,300,000)	462,707	1,761,865	1,765,643	-
25	Net Available for Appropriation	12,753,232	10,955,988	-	10,615,741	10,615,741	8,500,815	6,762,851	6,762,737	6,141,625
50/52	General Administrative Expenditures	334,563	227,698	11,865	251,200	263,065	176,200	176,200	176,200	176,200
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	175,000	150,000	-	175,000	175,000	175,000	175,000	175,000	175,000
56	Rail Maintenance	254,893	177,447	77,446	100,000	177,446	100,000	100,000	100,000	100,000
58	Road/Signage Maintenance	250,111	241,537	8,574	100,000	108,574	100,000	100,000	100,000	100,000
60	Contractual Payments (TEDC - Marketing)	100,000	100,000	-	150,000	150,000	165,000	181,500	199,650	219,615
62	TISD - Joint Use Facilities [look at contracts and calculation]	152,132	-	-	174,779	174,779	22,873	23,102	23,333	23,567
26	Debt Service - 2003 Issue {\$11.740 mil}	869,745	869,580	-	869,620	869,620	868,235	870,255	871,055	870,130
27	Debt Service - 2008 Issue {\$16.010 mil}	201,960	201,960	-	201,960	201,960	201,960	201,960	201,960	201,960
28	Debt Service - 2009 Issue {Refunding}	405,462	405,462	-	370,669	370,669	1,473,669	1,474,569	1,479,969	1,499,769
29	Debt Service - 2008 Taxable Issue {\$10.365 mil}	536,935	536,935	-	536,935	536,935	1,241,935	1,239,641	1,240,495	1,239,233
30	Issuance Costs	57,331	57,331	-	-	-	-	-	-	-
31	Refunding Bond Proceeds	(10,877,950)	(10,877,950)	-	-	-	-	-	-	-
32	Payment to Refunding Bond Agent	10,810,887	10,810,887	-	-	-	-	-	-	-
70	Total Debt & Operating Expenditures	3,271,069	2,900,887	97,885	2,930,163	3,028,048	4,524,872	4,542,227	4,567,662	4,605,474
80	Funds Available for Projects	\$ 9,482,163	\$ 8,055,101	\$ (97,885)	\$ 7,685,578	\$ 7,587,693	\$ 3,975,943	\$ 2,220,624	\$ 2,195,075	\$ 1,536,151
PROJECT PLAN										

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE SUBMISSION OF A TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER ONE ANNUAL REPORT FOR FISCAL YEAR 2009-2010 TO EACH TAXING ENTITY IN THE REINVESTMENT ZONE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Section 311.016 of the Tax Increment Financing Act requires that the governing body of a municipality submit to the chief executive officer of each taxing unit that levies property tax on real property in a reinvestment zone created by the municipality a report on the status of the zone on or before the 90th day following the end of the fiscal year of the municipality;

Whereas, a copy of the report must also be sent to the Texas Attorney General and State Comptroller;

Whereas, the Staff recommends approval of the Tax Increment Financing Reinvestment Zone Number One Annual Report for 2009-2010 which meets all the mandated requirements for submission, including a balance sheet and income statement of September 30, 2010; debt service retirement schedules; and a schedule of tax increment base and captured appraised values; and

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

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

Part 1: The City Council approves the Tax Increment Financing Reinvestment Zone Number One Annual Report for the fiscal year 2009-2010, a copy of which is attached hereto and made a part of this Resolution for all purposes as Exhibit A, and the Director of Finance is hereby directed to submit the report to the chief executive officer of each taxing unit that levies property tax on real property in Tax Increment Financing Reinvestment Zone Number One. A copy of the report shall also be sent to the Attorney General.

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 **16th** day of **December**, 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

12/16/10
Item #5(P)
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution accepting the 2009-2010 Risk Management Annual Report

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The 2009-2010 (10-01-09 through 09-30-10) Risk Management Annual Report discusses the City's Risk Management Program; breaks down the total numbers of claims, accidents, and employee injuries, and reviews the City's premiums for insurance coverage.

FISCAL IMPACT: None

ATTACHMENTS:

[Risk Management 2009-10 Annual Report](#)
[Resolution](#)

City of Temple Risk Management



Annual Report - 2009-2010

2009-2010 Risk Management Annual Report

Prepared By Debra Thompson, Risk Manager

Members: Vehicle Accident Review Board and Workers Compensation Review Board

Amy Casey, Human Resources Director
Sandra Esqueda, Asst. Director of Human Resources
Debra Thompson, Risk Manager
Larry Wilkey, Police Department
Chief Lonzo Wallace, Fire Department
Jeremy Schroeder, Street Department
Kevin Beavers, Parks & Leisure Services
Sylvester Taplin, Solid Waste Division
Thomas Brown, Water & Wastewater Department



City of Temple.....

Dedicated to Safety!!!

Overview.....

The City of Temple Risk Management Program is an on-going process which requires continuous monitoring for changes in risk exposures and potential losses. The program enlists the efforts of all employees who share responsibility for anticipating and minimizing the adverse effects of accidental losses.

The Risk Management Annual Report for 2009-2010 (10-01-09 through 09-30-10) examines the City's loss prevention, loss control, and loss financing efforts:

Loss Prevention:

City employees attend regular and on-going safety and training programs. The City's Human Resources Department oversees employee safety and training in an effort to train employees to recognize loss exposures and to work to eliminate those exposures.

The Legal Department examines all contracts entered into by the City to determine liability assumed or other action required by the City; examines all insurance contracts, including the City's own policies and those obtained by others contractually obligated to indemnify the City; and reviews the latest court decisions involving municipal liability.

Loss Control:

The City of Temple has continued its aggressive loss control efforts which have minimized the effects of loss to property, income, personnel, and liability to others.

The Vehicle Accident Review Board and the Workers' Compensation Review Board meet monthly to review each vehicle accident and employee injury that occur. When necessary, the Boards make recommendations to department heads concerning ways to prevent the reoccurrence of similar accidents/injuries.

The Texas Municipal League provides risk assessment of worksites and property by conducting surveys to detect, eliminate, and control physical and environmental hazards that contribute to accidents or damages resulting in losses.

Loss Finance:

The City's three major methods of risk finance management: (a) retention; (b) insurance; and (c) risk transfer, have been an effective use of internal and external resources.

Retention—the City continues to retain the risk for losses which are anticipated to be relatively low and within the financial capacity of the City, such as physical damage to its own vehicles.

Insurance—the greatest portion of the City's risk management budget allocation goes to the payment of insurance premiums. The increase in the total premiums this year will be more fully discussed in the "Insurance Update" of this report.

Risk Transfer—the City often transfers the risk associated with some activities to third parties with whom the City contracts. Proof of adequate insurance is required, which includes naming the City as an additional insured. Privatization of certain City services (landfill, sewer treatment plant, and EMS) has also served to transfer risk associated with providing those services from the City to the contracting party.

Established in 1987, the City's Risk Management Program has yielded long-term benefits to the City of Temple. Each employee is made aware of the importance of the City's dedication to safety and to controlling loss in the never-ending effort to lower insurance premiums, having fewer lost days due to injury, and reducing adverse claims.

Safety & Training

The Human Resources Department coordinates various types of safety & training classes annually. In addition, each year the Texas Municipal league offers a wide variety of loss prevention services and training at no cost to its members.

Types of safety classes include:

- Backhoe Operations
- Basic Cardiac Life Support Course (CPR)
- Poison Ivy and Personal Protective Equipment
- Back Injury Prevention
- First Aid
- Heat Stress
- Ergonomics
- Hazard Communication/MSDS
- Fire Extinguisher Usage
- Work Zone Safety
- Trenching & Excavation

Types of training classes include:

- Defensive Driving Course
- Diversity Training
- New Employee Orientation
- Interviewing and Hiring Training
- Drug-Free Workplace
- Department of Transportation Driver's & Supervisor's Training Program
- Fire and EMS Emergency Vehicle Operations
- Law Enforcement Emergency Vehicle Operations
- Sexual Harassment
- Supervisor Training Academy
- Customer Service
- Accident Investigation
- Workplace Violence



Vehicle Accident Review Board



Total accidents by department..... →

Contributing factors to accidents..... →

5-Year Comparison of Employee Accidents →

Total loss to City as a result of accidents..... →



Vehicle Accident Review Board....

- ⊗ meets monthly to examine facts and review causes of accidents;
- ⊗ determines whether accidents are Chargeable-Preventable (CP), Preventable (P), or Non-Preventable (NP);
- ⊗ recommends improvements in driver and equipment accident prevention; *and*
- ⊗ the Board's purpose.....*to improve the safety & effectiveness of City vehicular operations.*

Number of Accidents, By Category....

<u>Department</u>	<u>CP</u>	<u>P</u>	<u>NP</u>	<u>Total</u>
Animal Services			2	2
Engineering	1		1	2
Fleet Services	2			2
Fire		2	1	3
Parks & Leisure Services	2	1		3
Police	7	3	7	17
Purchasing		1		1
Solid Waste	6	1	3	10
Street	2		3	5
<u>Water</u>	<u>5</u>	<u>—</u>	<u>1</u>	<u>6</u>
Totals	25	8	18	51

Contributing Factors to CP/P Accidents

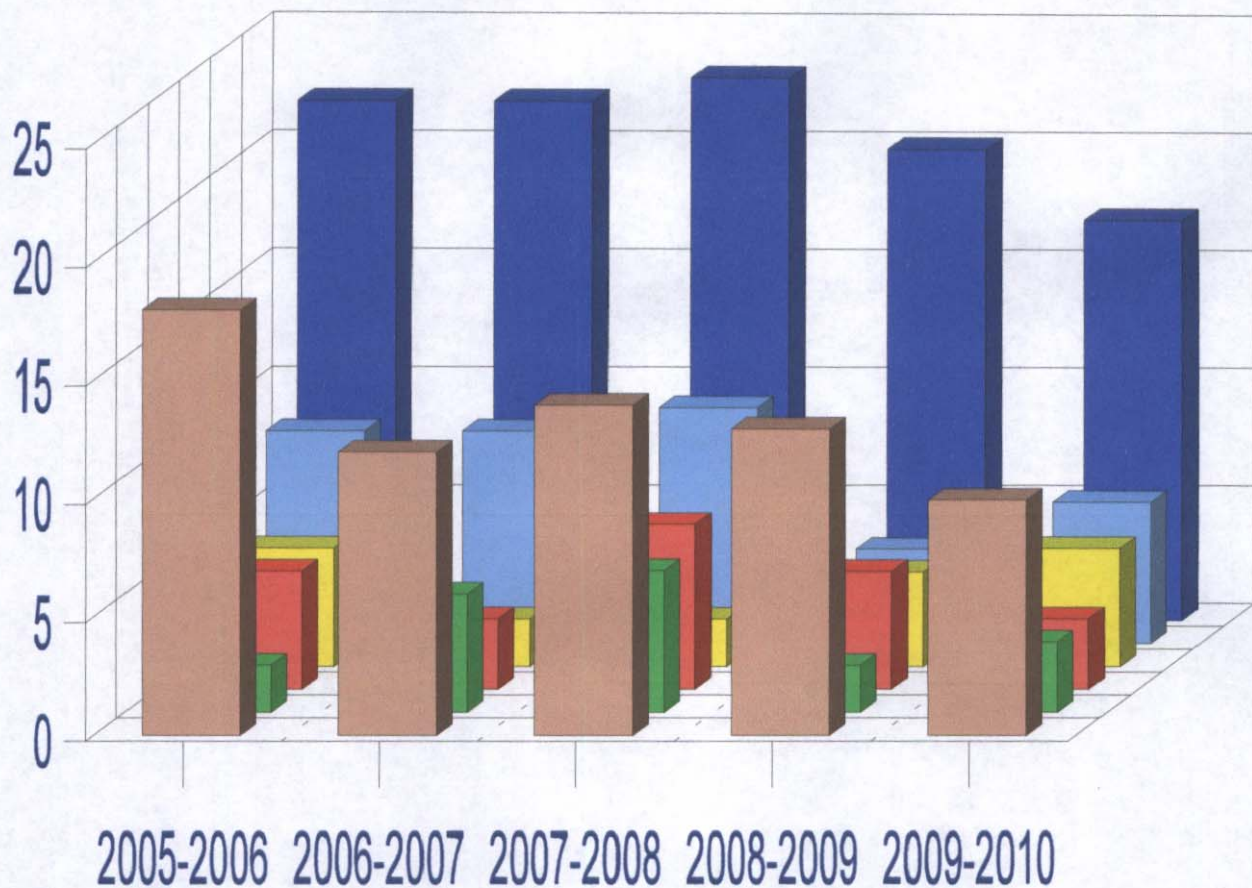
Unsafe backing	10
Failed to yield right of way	3
Failure to keep proper clearance	18

Total Damage

<i>City Vehicles Plus</i>	
<i>Third-Party Claims</i>	\$65,604
(Reimbursed)	<u>7,031</u>
Total Loss	\$58,573

Employee Motor Vehicle Accidents

5-Year Comparison



Police

Water

Street

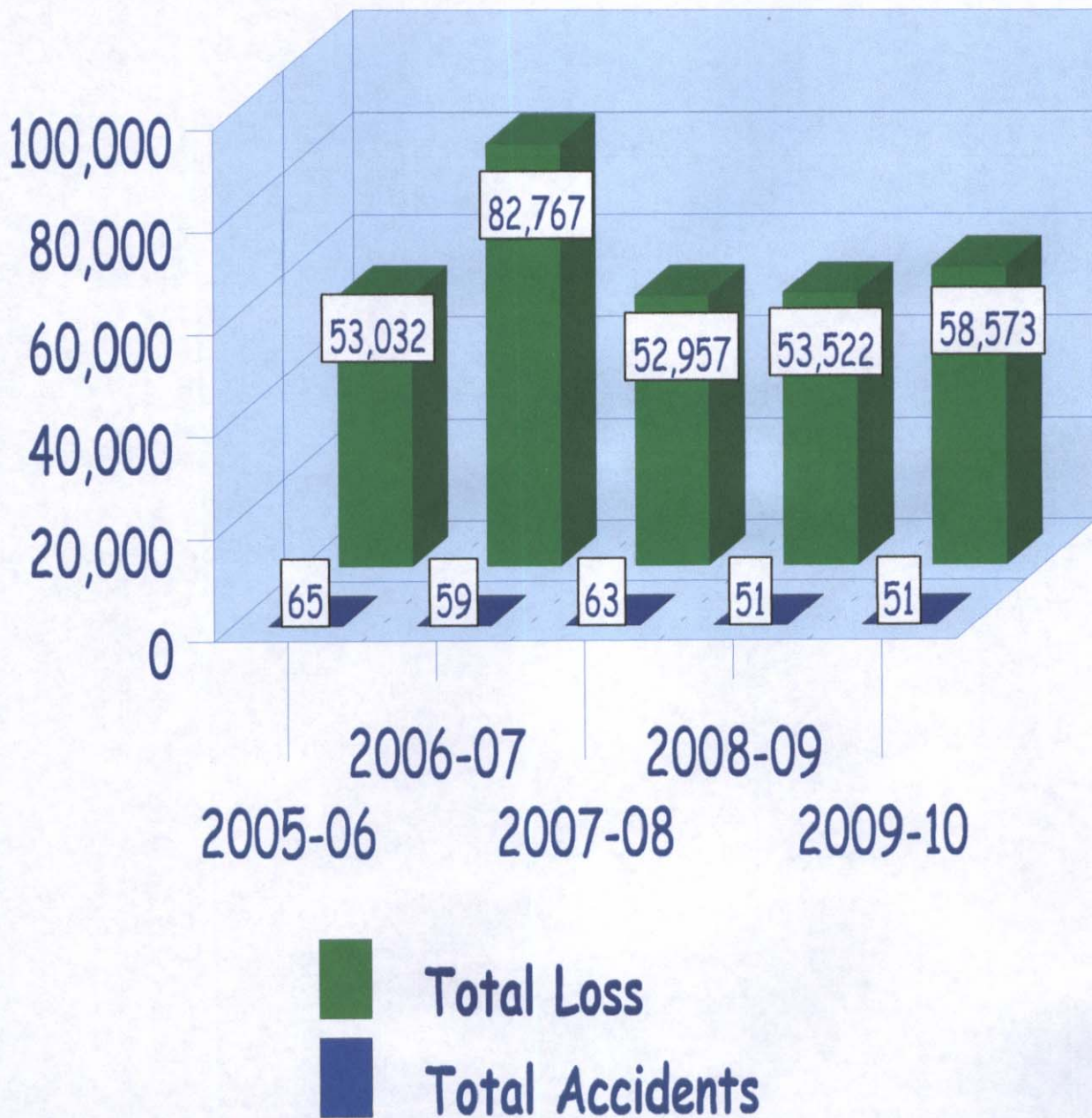
Fire

Parks

Solid Waste

Total Accidents vs. Total Loss

Due to Accidents 2005-2006 To 2009-2010





Workers' Compensation Review Board



Total injuries by department..... →

Types of Injuries..... →

5-Year Comparison of Employee Injuries..... →



Workers' Compensation Review Board....

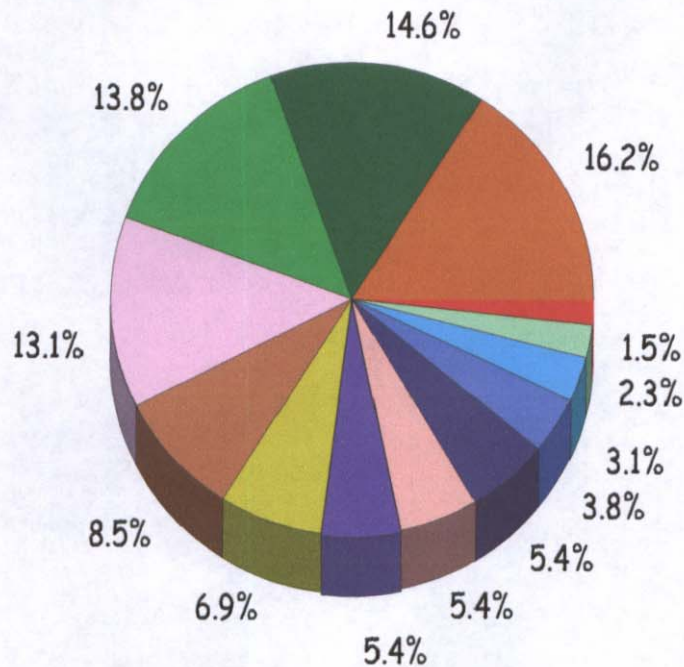
- R meets monthly to examine facts and review causes of employee injuries;
- R determines whether accidents are Chargeable-Preventable (CP), Preventable (P), Non-Preventable (NP); or First Aid (FA);
- R recommends corrective action to prevent future injuries; and
- R the Board's purpose.....*to prevent occupational injuries that require medical care or that result in lost time.*








Number of Injuries, By Category....







<u>Department</u>	<u>CP</u>	<u>P</u>	<u>NP</u>	<u>FA</u>	<u>Total</u>
Airport		1			1
City Manager		1			1
Construction Safety				2	2
Facility Maintenance		1		1	2
Fire		3	10	3	16
Library		1	1	2	4
Municipal Court				1	1
Parks & Leisure Services		6	6	14	26
Planning		1			1
Police		4	26	3	33
Purchasing		1		1	2
Street		1			1
Solid Waste	1	1	2		4
Utilities/Metering		2	1	1	4
Water	-	2	15	10	27
Totals	1	25	61	38	125

<i>Total employee injuries</i>	<i>2009-2010</i>	<i>125</i>
	<i>2008-2009</i>	<i>106</i>
	<i>2007-2008</i>	<i>127</i>
	<i>2006-2007</i>	<i>102</i>
	<i>2005-2006</i>	<i>99</i>

Types of Injuries

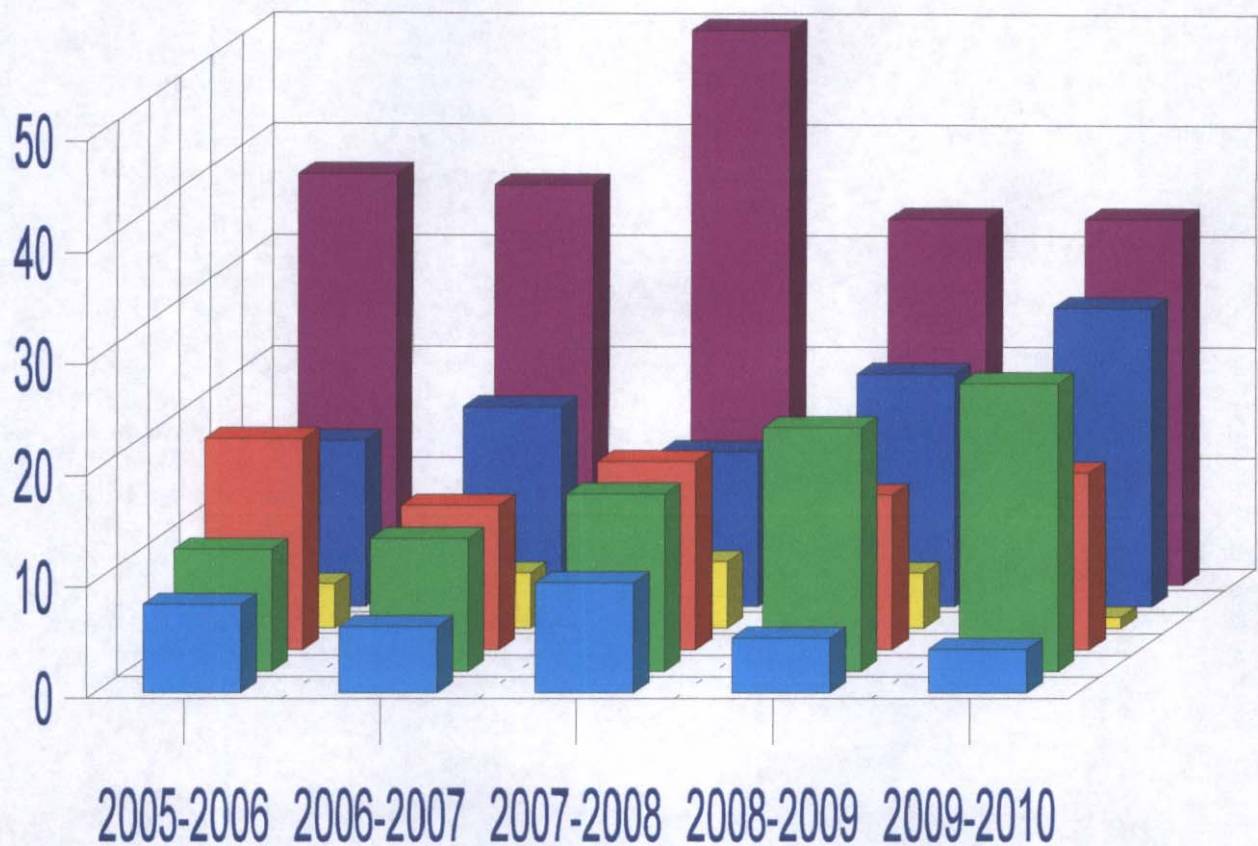


 Allergic Reaction
 Animal Bites
 Back
 Eyes
 Face/Head/Neck
 Feet/Ankles
 Heat Exhaustion/Burns

 Hands/Wrists/Fingers
 Infectious Disease Exposure
 Insect Bites/Stings
 Legs/Knees/Hips
 Poison Ivy
 Shoulders/Arms/Elbows

EMPLOYEE INJURIES

5-Year Comparison



Police
Fire

Water
PALS

Street
Solid Waste



Claims Management



Total claims/lawsuits by department..... →

Types of Claims..... →

Percentage of claims/lawsuits by department..... →

Insured vs. Uninsured Loss..... →



FY2009-2010
Claims & Lawsuits
Filed Against the City of Temple &
Total Amounts Paid By Department

Department	FY09-10 Claims Filed/ Amount Paid	FY08-09 Claims Filed/ Amount Paid	FY07-08 Claims Filed/ Amount Paid	FY06-07 Claims Filed/ Amount Paid	FY05-06 Claims Filed/ Amount Paid
Animal Services	0/\$0	1/\$0	0/\$0	1/\$1,722	0/\$0
Civic Center	0/\$0	0/\$0	0/\$0	0/\$0	1/\$145
Construction Safety	0/\$14,962	3/\$40,214	0/\$11,860	0/\$7,989	0/\$2,460
Facility Maintenance	0/\$0	0/\$700	1/\$3,177	1/\$0	0/\$0
Fleet Services	1/\$10,681	0/\$0	0/\$0	0/\$0	0/\$0
Fire	1/\$2,023	2/\$2,501	1/\$1,836	3/\$6,087	0/\$0
Library	0/\$0	0/\$0	1/\$5,000	0/\$0	1/\$0
Parks & Leisure	8/\$3,894	8/\$2,163	6/\$4,476	8/\$4,414	9/\$890
Police	6/\$16,641	10/\$19,705	8/\$12,319	7/\$32,652	4/\$167,138
Public Works	0/\$0	0/\$0	0/\$0	1/\$0	0/\$0
Solid Waste	10/\$13,195	8/\$8,423	9/\$17,030	8/\$14,756	17/\$25,568
Street	13/\$20,425	13/\$6,938	8/\$4,497	6/\$5,137	4/\$2,199
Water	19/\$14,651 ¹	20/\$5,482	14/\$10,297	20/\$7,812	31/\$3,687
Totals	65/\$96,472 ²	65/\$86,126 ³	49/\$70,492 ⁴	55/\$80,569 ⁵	67/\$202,087 ⁶

¹ \$1,500 of this amount was paid as a sewer backup allowance

² City's insurer paid \$21,025 of this amount; City paid \$75,447

³ City paid full amount

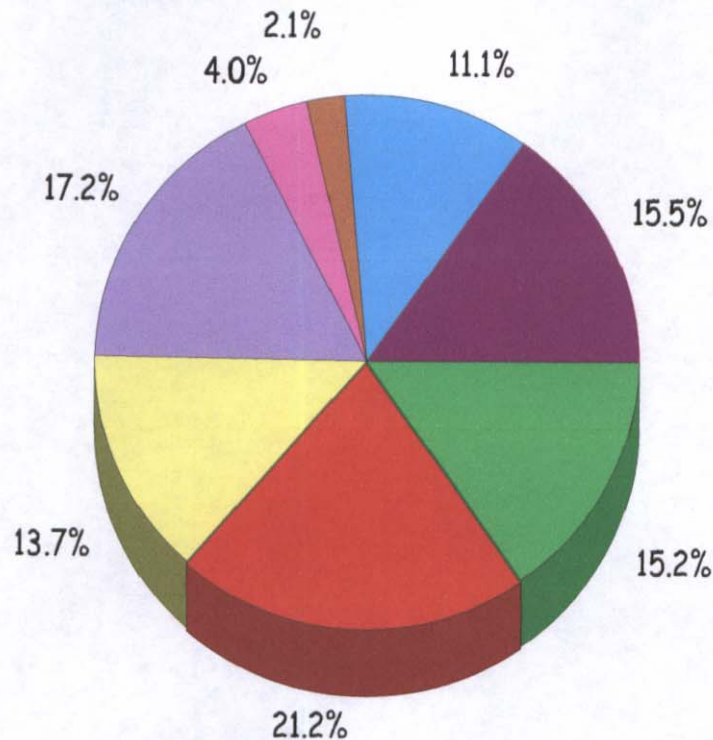
⁴ City's insurer paid \$4,376 of this amount; City paid \$66,116

⁵ City's insurer paid \$16,177 of this amount; City paid \$64,392

⁶ City's insurer paid \$141,098 of this amount; City paid \$60,989

Claims & Lawsuits

Percentage Paid By Department

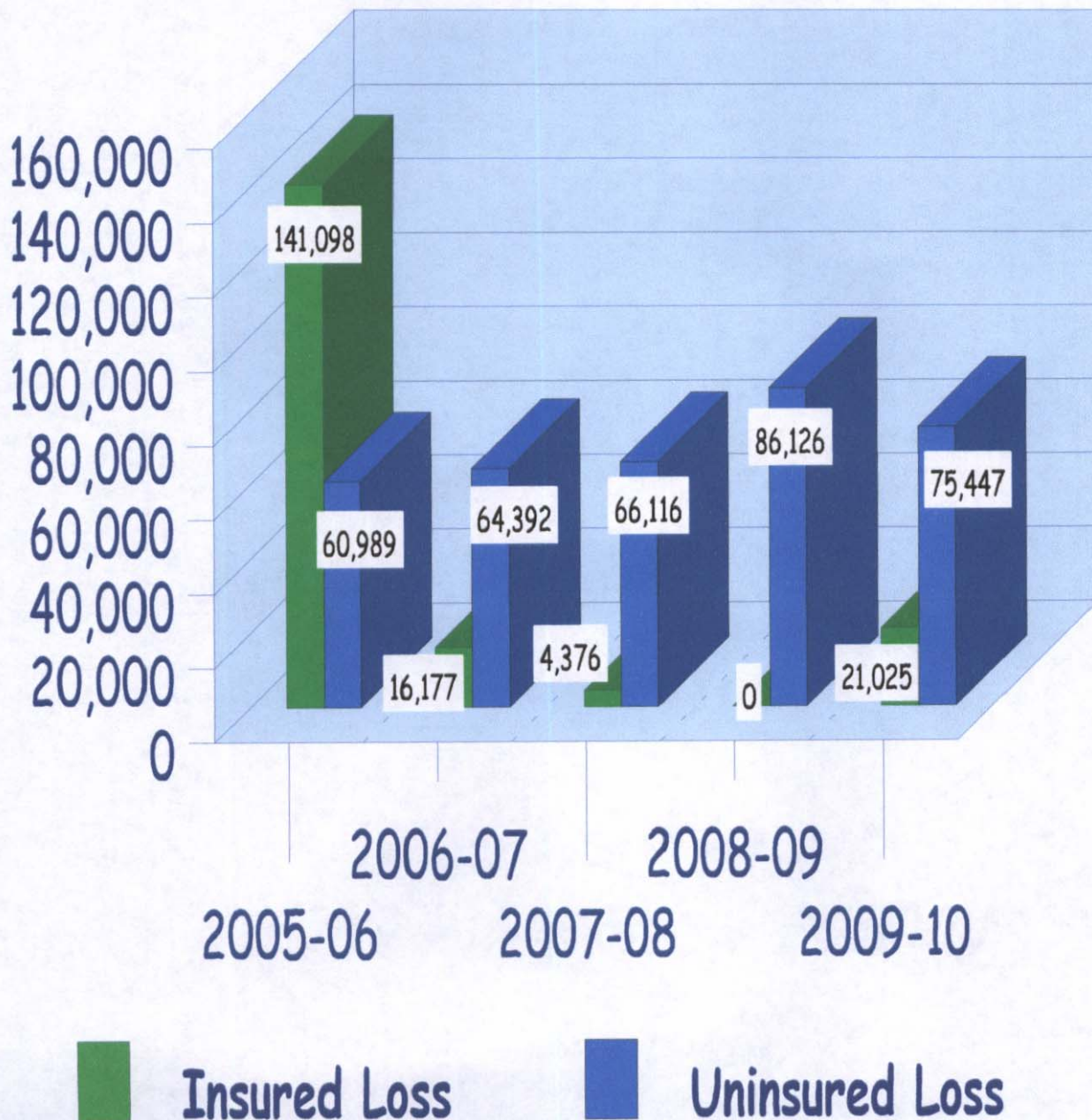


Types of Claims/Lawsuits Filed

Motor vehicle accidents	14
Property damage/loss from:	
water/sewer related	20
streets, sidewalk, alley conditions	9
rocks thrown by mowers/weedeaters	4
trash/brush pickup	5
recreation related	2
Personal injury	3
Law Enforcement	1
Total new claims/lawsuits . . .	58

Claims/Lawsuit Analysis

Fiscal Impact on City of Temple: 2005 - 2010





Insurance



Insurance Premium Comparisons (5-Years)..... →

Insurance Update..... →

Property/Liability Premiums vs. Amounts Paid..... →

Workers' Compensation Premiums vs. Amounts Paid..... →



Insurance Premium Comparisons

FY2006-2007 — FY2010-2011

	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011
General Liability	\$42,526	\$42,780	\$41,252	\$35,844	\$29,592
Automobile Liability	42,750	42,472	43,899	43,929	45,406
Law Enforcement Liability	30,556	30,360	30,414	33,214	33,215
Public Officials Liability	56,072	56,222	55,011	53,069	45,774
Airport Liability	10,606	10,443	10,443	10,816	10,461
Property (Bldg & Contents, fine arts, valuable papers, electronic equipment, boiler & machinery)	149,149	132,724	116,990	125,082	121,500
Contractor's Equipment	20,369	19,376	19,699	18,477	16,824
Crime	1,582	1,582	1,582	1,582	1,582
Workers Compensation	359,695	460,502	497,077	536,188	454,847
Totals	\$713,305	\$796,461	\$816,367	\$858,201	\$759,201

Insurance Update.....

The City currently has all insurance coverages (except Crime) with the Texas Municipal League Intergovernmental Risk Pool (TML). Since TML is a *risk pool*, the premiums are calculated, in part, on the experience of *all* its members. The City's own experience, of course, is included in the calculation of premiums. The City's claims experience for the past year was average to the usual loss due to claims filed against the City.

In January, 2010, the City received a workers' compensation, liability, and property equity return from TML in the amount of **\$98,557** (\$62,127 for workers' compensation, \$16,205 for liability, and \$25,225 for property). This amount was calculated by the City's loss ratio and length of membership in the Pool. TML has a long-standing policy of returning equity to its members when financial results are favorable, and has returned equity from the workers compensation, liability and/or property funds in 13 of the past 16 years.

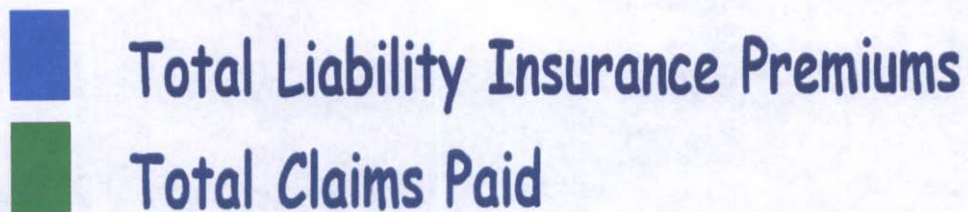
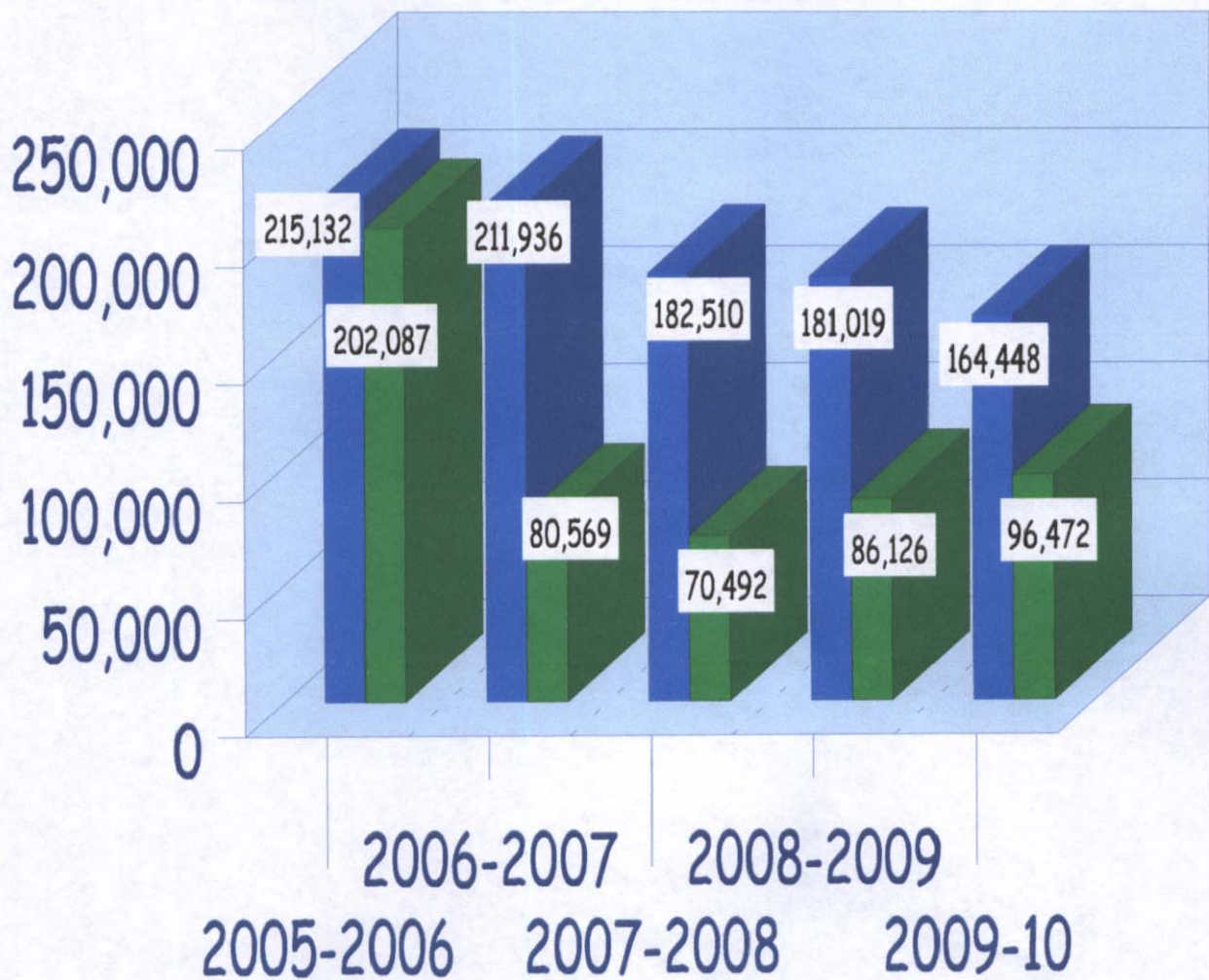
In February, 2010, the City received a check from TML for **\$7,039** after the Board of Directors approved a 10% Property Fund rate reduction which was effective immediately.

Two property damage claims were filed with TML during FY2009-2010. The first claim was filed in March, 2010, seeking reimbursement for damage to the Conventional Water Treatment Plant by a lightning strike. The damage totaled \$37,419 -the City was reimbursed \$32,419 after the \$5,000 deductible was applied. The second claim was filed as a result of lightning damage to Bridgewave Radios located on 2 different water towers in July, 2010. Damage from this incident totaled \$16,797; after the \$5,000 deductible was applied, the City received \$11,797.

The City's workers' compensation experience modifier remained the same at .47 for FY2010-2011. The City received a 15% fund discount on the workers' compensation premium for the FY2010-11 fiscal year, which decreased the premium by \$81,341 as compared to the premium for FY2009-10.

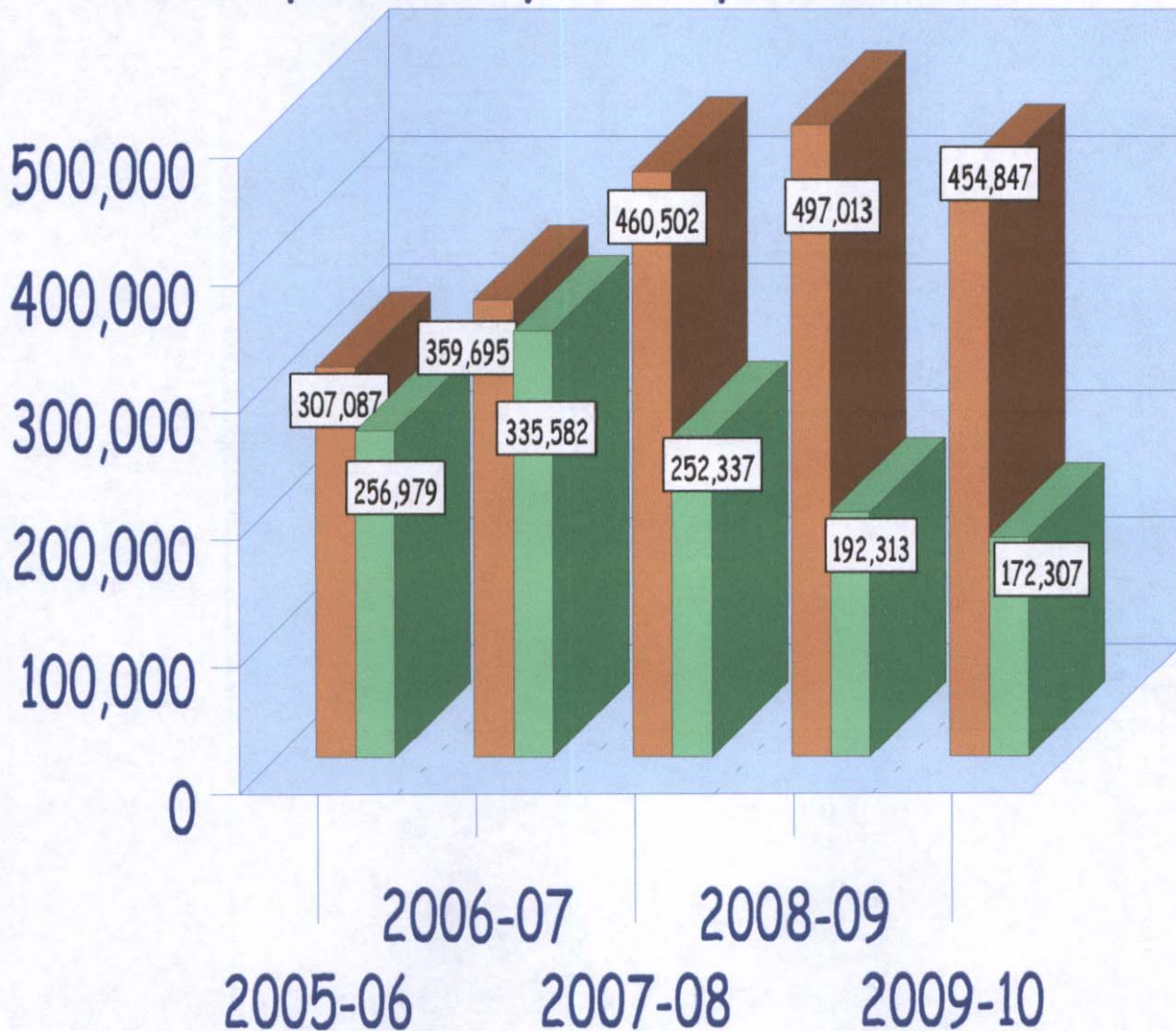
The City's Human Resources Department will continue to work with the departments to assist them in developing stricter safety precautions in an effort to cut back even more on employee injuries.



Liability Insurance Premiums vs. Total Claims Paid 2005-2010



Workers' Compensation Claims/Premium Analysis

Fiscal Impact on City of Temple: 2005-2010



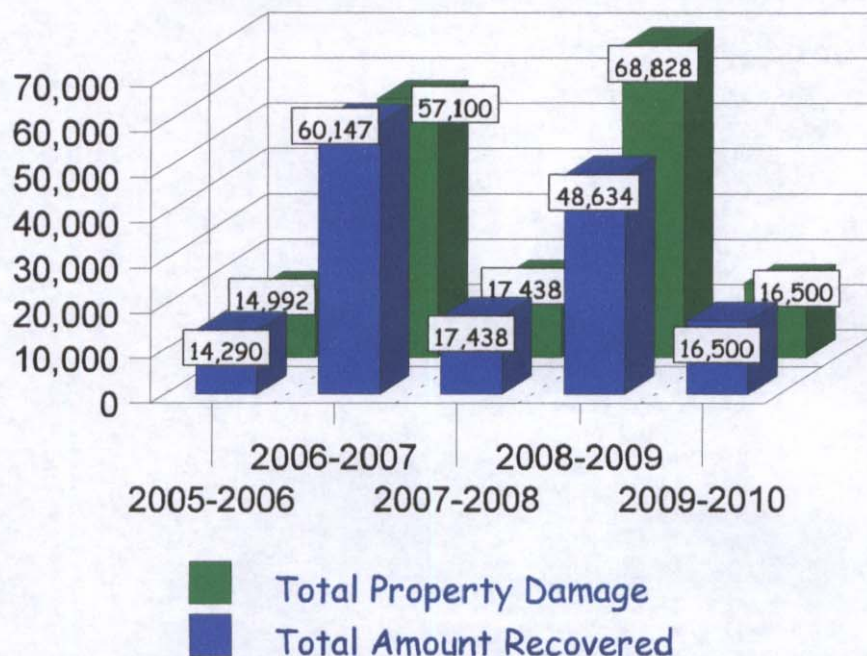
-  Workers' Compensation Premium
-  Amount paid by carrier (TML) for employee injuries

Property Damage Claims.....

The Legal Department promptly files claims against those who damage City property (e.g., fire hydrants, street signs, vehicles, traffic signals, utility lines). When City property is damaged, the City also responds quickly to make necessary repairs to prevent further injury and mitigate damages.

The City most often receives reimbursement for damage to its property directly from insurance companies who represent those individuals who have caused the damage. When insurance coverage is not available, the City seeks to recover directly from the individual, or occasionally by requesting restitution from the court whenever a criminal charge has been filed against the individual in connection with the event causing the City's damage.

2005-2006 through 2009-2010



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ACCEPTING THE FY2009-2010 RISK MANAGEMENT ANNUAL REPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the FY2009-2010 Risk Management Annual Report (10-01-09 through 09-30-10) breaks down the total number of claims, accidents, and employee injuries, and reviews the City's premiums for insurance coverage;

Whereas, the report needs to be accepted by the City Council; and

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

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

Part 1: The City Council accepts the FY2009-2010 Risk Management Annual Report, substantially in the form of the copy attached as Exhibit A.

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 16th day of **December**, 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

12/16/10
Item #5(Q)
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 \$21,230.

ATTACHMENTS:

Budget amendments
Resolution

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2011 BUDGET
December 16, 2010

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
110-1800-525-2223		Computer Software (Municipal Court)	\$ 1,200	
110-0000-317-0000		Reserved for Municipal Court - Judicial Efficiency		\$ 1,200
<p>This budget adjustment appropriates funding for a modification to the H T E Municipal Court software to limit access in the disposition screen to only authorized users. Funding for the modification is from restricted Municipal Court Judicial Efficiency funds.</p>				
110-2011-521-2516		Judgments & Damages (Police Dept.)	\$ 2,360	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 2,360
<p>(1) Deductible reimbursement to the Texas Municipal League for settlement of a claim seeking reimbursement for alleged damage sustained by a claimant as a result of a vehicle accident on April 11, 2010, involving a vehicle driven by a police officer (\$258.50); and (2) Deductible reimbursement to the Texas Municipal League for settlement of a claim seeking reimbursement for alleged damage sustained by a claimant as a result of a vehicle accident on September 15, 2010, involving a vehicle driven by a police officer (\$2,100.52)</p>				
110-2032-521-2229		OCU Seized Funds - State (Police Dept.)	\$ 12,670	
110-0000-313-0330		Reserved for Seized Fund		\$ 12,670
<p>State seized funds are needed to purchase light detection and ranging units (lidars) for the Traffic Unit.</p>				
110-3800-519-2516		Judgments & Damages (Fleet Services)	\$ 5,000	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 5,000
<p>Deductible reimbursement to the Texas Municipal League for settlement of a claim seeking reimbursement for alleged damage sustained by a claimant as a result of a vehicle accident on August 11, 2010, involving a vehicle driven by a Fleet Services employee</p>				
TOTAL AMENDMENTS			\$ 21,230	\$ 21,230
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			\$	(18,348)
Net Balance of Judgments & Damages Contingency Account			\$	61,652
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
December 16, 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	\$	117,493
		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	\$	(19,433)
		Net Balance of Contingency Account	\$	30,567
		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	\$	30,567
		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	\$	25,229
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	27,513

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 16th day of **December**, 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

12/16/10
Item #6
Regular Agenda
Page 1 of 5

DEPT./DIVISION SUBMISSION & REVIEW:

Autumn, Director of Community Services

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-11-13: Consider adopting an ordinance amending Ordinance No. 2010-4413, the City of Temple Unified Development Code, to amend Article 2; Development Review Bodies, to establish the TMED Review Committee; amend Article 3, Development Review Procedures, to establish the TMED Site Plan Review procedure; amend Article 6, Special Purpose and Overlay Zoning Districts, to establish Section 6.3 TMED, Temple Medical and Education Districts; and amend Article 11, Definitions, to add applicable definitions for the TMED zoning district.

P&Z COMMISSION RECOMMENDATION: At its December 7, 2010 meeting, the Planning and Zoning Commission voted 5/0 in accordance with staff recommendation to recommend approval of the proposed ordinance to create the TMED Zoning District and necessary amendments to other articles in the Unified Development Code.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for January 6, 2011.

ITEM SUMMARY: In February 2008, the City entered into a Letter of Understanding (LOU) with Scott & White Memorial Hospital, Central Texas Veterans Healthcare System, Temple Health & Bioscience Economic Development District, Texas A&M Health Science Center College of Medicine, and Temple College. The sponsoring entities entered into the LOU as a cooperative and collaborative relationship to jointly promote education and medical activities of Scott & White, the VA, Temple College, the Bioscience District, and Texas A&M Health Science Center and to advance the redevelopment of both residential and commercial neighborhoods surrounding the campuses. This community-wide redevelopment effort, entitled "TMED", is aimed at ensuring the long term economic vitality of a critical area in our City.

The vision for the TMED is to enhance and protect the existing opportunities for medical, educational, research-related activity in the area, while identifying new public and private sector investment for the area. To accomplish these goals, the sponsoring entities are implementing redevelopment tools and funding sources to benefit the TMED.

One such tool is the creation of the TMED zoning district. The purpose of the zoning district and related specifications is to assist the City of Temple and owners to create the unique environment for TMED by providing criteria that will coordinate the character and quality of the entire district. This coordination creates identity, quality of place and an enhanced value that will attract and retain a vibrant mixed use environment. It is a result of detailed attention to the form and the feel of buildings and landscape design that anchors a project in its local and regional environmental setting. These development plans assist in communicating the intent and requirements in implementing this vision of TMED.

TMED ZONING DISTRICT BOUNDARY PHASE 1 :

The TMED zoning ordinance boundary is the area bounded by Avenue M on the north side, South 31st Street on the west side (and including property owned by Scott & White on the west side of, and adjacent to 31st Street), Loop 363 to the south; and Martin Luther King Street to the east.

The area includes, but is not limited to, the campuses of Temple College, the Central Texas Veterans Healthcare System Temple campus, the Scott & White main campus as well as the Temple campus of the Texas A&M Health Science Center College of Medicine, a City of Temple Parks and Recreation Center, Temple Civic Theatre, Travis Middle School owned by the Temple Independent School District, and a number of commercial and residential properties that are privately held.

Staff has received direction to develop a Phase 2 of the TMED zoning district to include the areas inside the remaining residential area, the area south of Loop 363, and the area between the railroad and Martin Luther King Jr. Boulevard.

COORDINATING GROUP:

To carry out the purposes of the TMED, the sponsoring entities each have an appointed official to sit on a nine member Coordinating Group. In addition, the City Council appointed three residents who have or maintain a residence or commercial property interest within the boundaries of the TMED.

The following activities led up to the creation of the draft TMED zoning district:

- Kick-Off Meeting - 3/24/2010
- Informational and Design Workshops - April 2010
 - Avenue M (31st - 1st) 4/7/2010
 - TISD Shared Facilities 4/7/2010
 - Bioscience District and S&W & Health Science Group 4/8/2010
 - Veterans Administration Group 4/8/2010
 - Temple College & Blackland Group 4/8/2010
 - East Side Group 4/8/2010
 - West Side Group 4/8/2010
 - TMED Coordinating Group 4/8/2010
- Review of Detailed Ordinance (TMED Coordinating Group) - 5/5/2010
- Review of Detailed Ordinance (General Public) - 5/5/2010
- City Council Presentation - 7/1/2010

- P&Z Presentation - 7/6/2010
- Review - TMED Coordinating Group - 7/7/2010

On November 15, 2010, staff provided a presentation of the proposed ordinance to the Planning and Zoning Commission during work session. Staff also presented the same information to the City Council in their work session on November 18, 2010. At both work sessions, comments were made addressing concerns over landscaping and staff has proposed a minimal reduction in landscaping from the original draft version.

Staff sent the draft TMED zoning district out for final review to the coordinating group and received comments addressing specific uses on 31st Street and the minimum height required for T5. Staff has addressed the use concerns by allowing for fuel station uses with limitations in T5-e on 31st street only and allowing drive-thru use for financial institutions.

The creation of the TMED zoning district is a two part process, this being the first which is the creation of the district. The second part of the process is the rezoning of the property in the TMED zoning district boundaries. The first public hearing for the zoning will take place at the Planning and Zoning Commission on January 3, 2010.

The development of the TMED zoning district Phase 2 will begin in January 2011.

DISTRICT FORMAT:

The TMED zoning district includes three transect zones and four special districts. Each of the transect zones represent greater intensity of use and density permitted. The four special districts include the land owned by Scott and White Hospital and Texas A&M Health Science Center, Central Texas Veterans Health Care System, Temple College and Temple ISD.

Applicability: Applicability of the various sections of the ordinance is defined based on the development and or redevelopment on each property as well as specific applicability to districts stated in each section.

General Regulations: General regulations define all setback and lot dimensions required in each district. Impervious lot coverage, primary and secondary frontage build-out is also defined. Permitted encroachments are addressed as well as structure height and minimum residential density.

Use Standards: Uses are addressed for each of the TMED zoning districts and specific limitations are included. This section also addresses prohibited uses, outside storage and display and home occupations.

Circulation Standards: This section includes thoroughfare standards such as block perimeter maximums for new streets and access and connectivity requirements.

*Access and connectivity does not apply to Special Districts.

Parking and Loading Standards: This section includes parking requirements, which are a 25% reduction from standard parking requirements, off-street loading requirements, shared parking ratios,

parking location, on-street parking, as well as an excess parking penalty. This section also includes a provision unique to First Street which allows one row of 'teaser' parking between the street and building. All other parking is limited to the side or rear of the building.

*Required parking ratios and excess parking penalty does not apply to Special Districts.

Bicycle Facility Standards: The requirement for bicycle facility spaces is based on the amount of parking required.

Private Property Landscape Standards: This section addresses minimum landscape area and the amount of trees and shrubs required on private property. Landscaping is based on zoning district and the type of use. Landscaping is required in the parking lot and for screening parking, mechanical, loading areas and refuse containers. These requirements count towards the minimum site landscaping required. Types of permitted fence materials are also addressed in this section.

Public Frontage Standards: This section deals with the areas in public ROW, or the areas between back of curb and property line. Five public frontage types are defined and assigned to applicable streets in the TMED. Public frontage includes planting bed and street trees, sidewalks and amenities.

General Planting Criteria: This section provides the list for specific trees, shrubs and groundcover required, as well as installation, maintenance and irrigation requirements.

Architectural Standards: The architectural standards section includes requirements for masonry and accent materials and building design elements. Articulation, windows, doors and entries are addressed. Parking and garage requirements are also addressed for residential uses.

Private Property Common Open Space Standards: This section includes requirements for usable open space and amenity areas for non-residential and mixed use structures. Multi-family and mixed use structures are also required to provide complex amenities based on the number of residential units provided.

*This section does not apply to Special Districts or single family uses.

Sign Standards: Sign standards state which types of signs are required in the TMED Districts. Monument signs, multi-tenant signs and direction signs are only permitted in T5-e with warrant approval. Monument signs are not permitted in T5-c.

*This section does not apply to Special Districts-Veterans (SD-v).

Street Light Standards: This section refers to the City policy for street lights.

Utility Standards: This section states that new utilities must be underground.

UDC ARTICLE 2 AMENDMENT – TMED REVIEW COMMITTEE:

The TMED Review Committee (TRC) is established to review warrant requests.

UDC ARTICLE 3 AMENDMENT – SITE PLAN REVIEW AND APPROVAL PROCESS:

All development in the TMED zoning district will follow a site plan review and approval process. The district also establishes two types of deviations from the requirements of the TMED zoning district requirements; warrants and variances. Deviations that are allowed through the warrant and variance process are clearly stated.

UDC ARTICLE 11 AMENDMENT – DEFINITIONS:

Seventeen definitions applicable to the TMED zoning district are added.

PUBLIC NOTICE: The newspaper printed notice of the Planning and Zoning Commission public hearing on November 26, 2010 in accordance with state law and local ordinance.

FISCAL IMPACT: As development occurs in the TMED, there will be an expense incurred to maintain enhanced public ROW such as sidewalks, planting beds and pedestrian amenities. It is anticipated the cost for this maintenance will be incurred by the reinvestment zone and the work will be contracted out as required. The standards for reduced front yard setbacks and requiring additional items in the ROW will require long-term planning for potential relocation of water and wastewater lines in the future as existing infrastructure ages.

ATTACHMENTS:

[P&Z Staff Report \(December 7, 2010\)](#)
[P&Z Minutes \(December 7, 2010\)](#)
[Ordinance](#)



PLANNING AND ZONING COMMISSION AGENDA ITEM

12/07/10
Item #4
Regular Agenda
Page 1

APPLICANT: City of Temple

CASE MANAGER: Autumn Speer, Director of Community Services

ITEM DESCRIPTION: Z-FY-11-01 Hold a public hearing and recommend action on an amendment to the City of Temple Unified Development Code to amend Article 2 Development Review Bodies, to establish the TMED Review Committee; amend Article 3, Development Review Procedures, to establish the TMED Site Plan Review procedure; amend Article 6 Special Purpose and Overlay Zoning Districts, to establish Section 6.3 TMED, Temple Medical and Educational Districts; and amend Article 11 Definitions, to add applicable definitions for the TMED zoning district.

BACKGROUND:

In February 2008, the City entered into a Letter of Understanding (LOU) with Scott & White Memorial Hospital, Central Texas Veterans Healthcare System, Temple Health & Bioscience Economic Development District, Texas A&M Health Science Center College of Medicine, and Temple College. The sponsoring entities entered into the LOU as a cooperative and collaborative relationship to jointly promote education and medical activities of Scott & White, the VA, Temple College, the Bioscience District, and Texas A&M Health Science Center and to advance the redevelopment of both residential and commercial neighborhoods surrounding the campuses. This community-wide redevelopment effort, entitled "TMED", is aimed at ensuring the long term economic vitality of a critical area in our City.

The vision for the TMED is to enhance and protect the existing opportunities for medical, educational, research-related activity in the area, while identifying new public and private sector investment for the area. To accomplish these goals, the sponsoring entities are implementing redevelopment tools and funding sources to benefit the TMED.

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The area includes, but is not limited to, the campuses of Temple College, the Central Texas

Veterans Healthcare System Temple campus, the Scott & White main campus as well as the Temple campus of the Texas A&M Health Science Center College of Medicine, a City of Temple Parks and Recreation Center, Temple Civic Theatre, Travis Middle School owned by the Temple Independent School District, and a number of commercial and residential properties that are privately held.

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- P&Z Presentation - 7/6/2010
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The development of the TMED zoning district Phase 2 will begin in January 2011.

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Circulation Standards: This section includes thoroughfare standards such as block perimeter maximums for new streets and access and connectivity requirements.

*Access and connectivity does not apply to Special Districts.

Parking and Loading Standards: This section includes parking requirements, which are a 25% reduction from standard parking requirements, off-street loading requirements, shared parking ratios, parking location, on-street parking, as well as an excess parking penalty. This section also includes a provision unique to First Street which allows one row of 'teaser' parking between the street and building. All other parking is limited to the side or rear of the building.

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Utility Standards: This section states that new utilities must be underground.

UDC ARTICLE 2 AMENDMENT – TMED REVIEW COMMITTEE:

The TMED Review Committee (TRC) is established to review warrant requests.

UDC ARTICLE 3 AMENDMENT – SITE PLAN REVIEW AND APPROVAL PROCESS:

All development in the TMED zoning district will follow a site plan review and approval process. The district also establishes two types of deviations from the requirements of the TMED zoning district requirements; warrants and variances. Deviations that are allowed through the warrant and variance process are clearly stated.

UDC ARTICLE 11 AMENDMENT – DEFINITIONS:

Seventeen definitions applicable to the TMED zoning district are added.

PUBLIC NOTICE: The newspaper printed notice of the Planning and Zoning Commission public hearing on November 26, 2010 in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of Z-FY-11-09, an amendment to the Unified Development Code to adopt standards for the TMED zoning districts.

FISCAL IMPACT:

As development occurs in the TMED, there will be an expense incurred to maintain enhanced public ROW such as sidewalks, planting beds and pedestrian amenities. It is anticipated the cost for this maintenance will be incurred by the reinvestment zone and the work will be contracted out as required. The standards for reduced front yard setbacks and requiring additional items in the ROW will require long-term planning for potential relocation of water and wastewater lines in the future as existing infrastructure ages.

ATTACHMENTS:

Proposed TMED Ordinance

Proposed Additional Sections

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

TUESDAY, DECEMBER 7, 2010

ACTION ITEMS

Item 4: Z-FY-11-13: Hold a public hearing and recommend action on an amendment to the City of Temple Unified Development Code to amend Article 2 Development Review Bodies, to establish the TMED Review Committee; amend Article 3, Development Review Procedures, to establish the TMED Site Plan Review procedure; amend Article 6 Special Purpose and Overlay Zoning Districts, to establish Section 6.3 TMED, Temple Medical and Educational Districts; and amend Article 11 Definitions, to add applicable definitions for the TMED zoning district. (City of Temple)

Ms. Autumn Speer, Director of Community Services, stated the purpose of the TMED zoning district was to create a unique multi-model community geared toward pedestrians, mixed use, and to take advantage of Scott & White, VA, Temple College, etc., located within the area.

The public input process began in March 2010 and several meetings have occurred over the year. A workshop was presented to P&Z in July and another in November. City Council also had a work session in November. A stakeholder group meeting would take place in the near future and finalization of the public hearing process would hopefully be completed by the end of 2010.

The TMED district was shown and boundaries given. Phase II of the process would begin in Spring 2011. Zoning categories and Special Districts were briefly described.

Applicability would be similar to the I35 applicability for requirements.

A Review and Approval Process have been created for the site plan and review for TMED.

Warrants and Variances were discussed and the process involved. Warrants were administrative and would go through the TRC (TMED Review Committee) comprised of DRC Staff, two members of coordinating group, and a citizen at large. True variances would continue to be processed through ZBA.

General Provisions described various requirements such as setbacks, minimum and maximum lights, minimum and maximum densities, etc.

Use Standards describe specific standards dependent upon the various districts. Financial institutions, such as banks, have been permitted and could have drive

thrus, and fuel sales, with limitations, would be permitted but only in T5c along 31st Street since some already exist.

District T5c contains the majority of green field land. Currently multi-family is allowed by right but a limitation for multi-family would state it would not be permitted on the first floor of a structure facing a collector or an arterial, without warrant approval, to limit multi-family development in that specific area.

Circulation, Parking and Loading were outlined. S&W had some concerns about bike facilities and Staff recommended a cap: one bike rack per 10 parking spaces and the cap would not exceed 25 per project. S&W agreed with this recommendation.

Private Property Landscaping, dependent on use, had specific requirements. Private frontage street trees were removed from previous presentations since sufficient space was not available.

Screening was geared more for parking lots, mechanical, and dumpsters and fence materials were outlined.

Public Frontage Types and Public Frontage Elements included were defined.

General Planting Criteria includes the types of trees, groundcover, and shrubs that could be planted and installation specifications.

Building materials and accent materials were outlined. The 10% max for accent materials increased to 20%.

Architectural features were briefly described. Orientation of the structure should be to the street, not the parking lot.

Common Open Space only applied to multi-family, mixed use and non-residential uses.

Signs were not changed from previous presentations.

Additional items were the Site Plan Permit Application and the Design Criteria Manual that will go with the information.

Staff recommended approval of the Ordinance as presented with the exception of a maximum cap of 25 bicycle racks per development project in the SD districts and multi-family uses in T5c, not allowing multi-family uses on the first floor of structures facing collectors or arterials, without warrant approval.

Chair Talley opened the public hearing. There being no speakers, the public hearing was closed.

Commissioner Pope made a motion to approve the amendment to the City of Temple Unified Development Code to amend Article 2 Development Review Bodies, to establish the TMED Review Committee; amend Article 3, Development Review Procedures, to establish the TMED Site Plan Review procedure; amend Article 6 Special Purpose and Overlay Zoning Districts, to establish Section 6.3 TMED, Temple Medical and Educational Districts; and amend Article 11 Definitions, to add applicable definitions for the TMED zoning district including the two additional items regarding bike racks and T5c prohibited multi-family use on first floor. Commissioner Sears made a second.

Motion passed: (5:0)

Commissioners Staats, Williams, Barton, and Hurd absent

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 2010-4413, THE “UNIFIED DEVELOPMENT CODE,” TO CREATE THE TMED ZONING DISTRICT AND MAKE THE NECESSARY AMENDMENTS TO OTHER ARTICLES IN THE CODE FOR THIS PURPOSE; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on December 16, 2010, the City of Temple adopted Ordinance No. 2010-4413, the “Unified Development Code,” which is a consolidated set of land development regulations related to zoning, platting and site design;

Whereas, at its December 7, 2010, meeting the Planning and Zoning Commission voted to make certain amendments to the Unified Development Code to create the TMED Zoning District, and the Staff recommends this action; 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 an amendment to Ordinance No. 2010-4413, the “Unified Development Code,” to create the TMED Zoning District by amending Article 2, “Development Review Bodies,” to establish the TMED Review Committee; Article 3, “Development Review Procedures,” to establish the TMED Site Plan Review procedure; Article 6, “Special Purpose and Overlay Zoning Districts,” to establish Section 6.3, “TMED, Temple Medical and Education Districts;” and Article 11, “Definitions,” to add applicable definitions for the TMED zoning District, said amendments being more fully described in Exhibit A and Exhibit B, attached hereto for all purposes.

Part 2: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

Part 3: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs 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 4: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

PASSED AND APPROVED on First Reading and Public Hearing on the **16th** day of **December**, 2010.

PASSED AND APPROVED on Second Reading on the **6th** day of **January**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, MAYOR

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

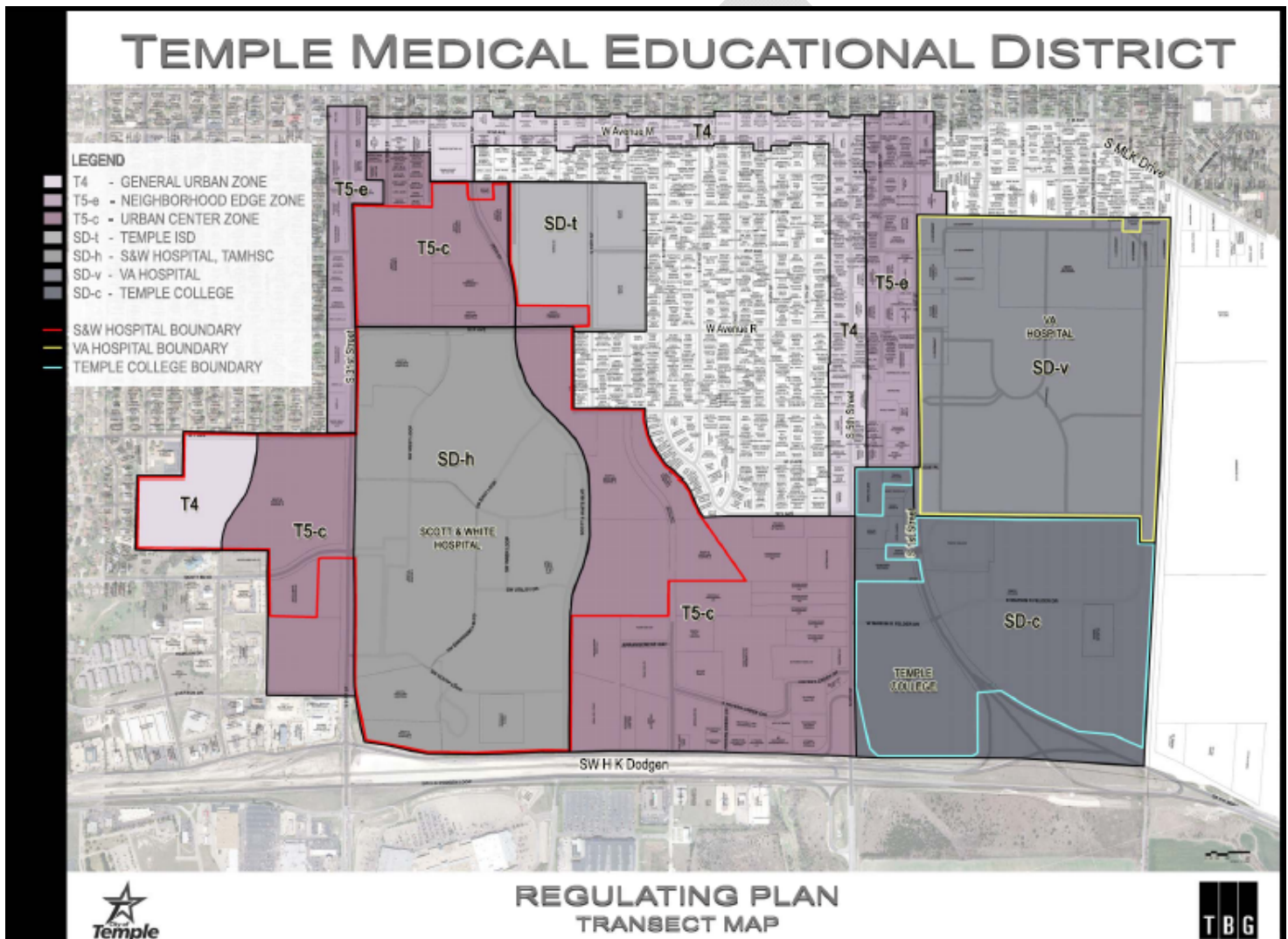
Temple Medical and Educational Zoning District (TMED)

GENERAL PURPOSE AND DESCRIPTION

The purpose of the TMED zoning district is to develop a unique community which requires multi-modal, pedestrian oriented development in the form of compact neighborhoods and mixed-use centers. Attention is placed on providing a meaningful variety of housing options and distinct physical environments.

BOUNDARY

The TMED zoning district is defined as:



ESTABLISHMENT OF TRANSECT ZONES

The TMED zoning district includes two Transect Zones plus Special Districts (SD) as defined below. The T5 zone contains two subsets, which are denoted by the T5 abbreviation in this document when referencing both subsets. Four institutional Special Districts are created and denoted by the SD abbreviation in this document when referencing all four Special Districts.

T4 General Urban Zone: consists of a mixed-use but primarily residential urban fabric. It may have a wide range of building types: single, side yard and row houses. Setbacks and landscaping are variable. Streets with curbs and sidewalks define medium-sized blocks.

T5-e Neighborhood Edge Zone: consists of a mid-density mixed-use but primarily commercial, retail and office urban fabric. It typically has a single row of teaser parking located in front of the principal building, with strong vehicular cross-connection among adjacent properties. It primarily has attached buildings with wide sidewalks, rhythmic street tree planting and buildings set close to the sidewalks.

T5-c Urban Center Zone: consists of higher-density, mixed-use buildings that accommodate retail, offices, row houses and apartments. It has a tight network of streets with wide sidewalks, rhythmic street tree planting and buildings set close to the sidewalks.

Special Districts: consist of institutions with buildings that by their current function, disposition or configuration cannot, or should not, conform to one or more of the six normative Transect Zones. The referencing to a particular institution in a Special District is as follows:

- S&W Memorial Hospital and Texas A&M Health Science Center (SD-h)
- The Central Texas Veterans Health Care System (SD-v)
- Temple College (SD-c)
- Temple Independent School District (SD-t)

APPLICABILITY

The provisions of the TMED zoning district apply to all development as stated in Table 1.

Table 1: Applicability

Development Type	Review Process	General Standards	Use Standards	Circulation Standards	Parking and Loading Standards	Bicycle Facility Standards	Private Property Landscaping Standards	Screening Standards	Public Frontage Standards	General Planting Criteria	Architectural Standards	Common Area	Sign Standards	Lighting Standards	Utility Standards
New construction (all types)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Increase in gross floor area of 50% or more or modifications with a cost equal to or greater than 50% of the assessed value of improvements per the current tax roll	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Increase in gross floor area of 25%-49% or modifications with a cost equal to 25%-49% of the assessed value of improvements per the current tax roll	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓		
Increase in gross floor area of 10%-24% or modifications with a cost equal to 10%-24% of the assessed value of improvements per the current tax roll	✓	✓	✓		✓	✓	✓	✓		✓	✓		✓		
Restoration or rehabilitation of existing structure with no increase in gross floor area (non-residential and multi-family)	✓					✓					✓		✓		

Development Type	Review Process	General Standards	Use Standards	Circulation Standards	Parking and Loading Standards	Bicycle Facility Standards	Private Property Landscaping Standards	Screening Standards	Public Frontage Standards	General Planting Criteria	Architectural Standards	Common Area	Sign Standards	Lighting Standards	Utility Standards
Interior only restoration or rehabilitation of existing structure with no increase in gross floor area (non-residential and multi-family)															
Restoration or rehabilitation of existing structure with no increase in gross floor area (single family residential only)															

SITE PLAN REVIEW PROCESS

All development in TMED must follow the site plan review process as defined in Article 3, Development Review Procedures, TMED Site Plan Review.

GENERAL REGULATIONS

Applicability. General Regulations apply to all districts.

General to all Districts.

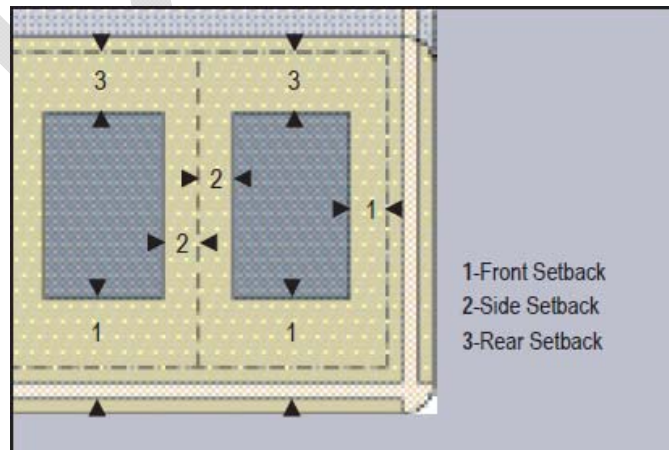
Table 2 outlines the general requirements for the TMED districts as they relate to lot dimensions, setbacks, structure configuration and type permitted.

Table 2: General Requirements Lot Dimensional Standards	T4	T5-e	T5-c	SD	
				SD-C; SD-t	SD-v; SD-h
Min. Lot Area	NA	NA	NA	NA	NA
Min. Lot Width	18'	18'	18'	NA	NA
Max. Lot Width	120'	700'	700'	NA	NA
Min. Lot Depth	NA	NA	NA	NA	NA
Max. Lot Depth	NA	NA	NA	NA	NA

Max. Impervious Lot Coverage – Residential Uses	70%	70%	80%	NA	NA
Max. Impervious Lot Coverage – Non-Residential Uses	80%	80%	80%	NA	NA
Principal Street Frontage Build out	60%	80%	80%	60%	NA
Secondary Street Frontage Build out	30%	40%	40%	30%	NA

Table 3: Setback Requirements

Setback Requirements	T4	T5-e	T5-c	SD	
				SD-C; SD-t	SD-v; SD-h
Min. Front Yard Setback	6'	4'	4'	6'	NA
Min. Front Yard Private Landscape Area (see Table 11)	6'	4'	4'	6'	NA
Max. Front Yard Setback	16'	12'	12'	18'	NA
Min. Side Yard Setback	0'	0'	0'	12'	NA
Max. Side Yard Setback	NA	30'	24'	12'	NA
Min. Side Yard Setback at Street	6'	2'	2'	6'	NA
Max. Side Yard Setback at Street	10'	12'	12'	18'	NA
Min. Rear Yard Setback	3'	3'	3'	12'	NA
Min. Rear Yard Setback - Rear Entry Garage Only	20'	20'	20'	20'	20'



Permitted Encroachments into Setbacks. The following are permitted in required yard areas provided that they comply with all other standards of this and other applicable codes:

Table 4: Permitted Encroachment

Type of Encroachment	T4			T5 and SD		
	Front	Rear	Side	Front	Rear	Side
Main Entry Stairways (single-family)	50%	100%	Not Permitted	100%	100%	Not Permitted
Main Entry Stairways (multi-family)	Not Permitted	100%	Not Permitted	Not Permitted	100%	Not Permitted
Balconies (8' ground clearance required)	50%	100%	Not Permitted	100%	100%	Not Permitted
Awnings, Arcades, Galleries (8' ground clearance required)	50%	100%	Not Permitted	100%	100%	Not Permitted
Covered Porches	50%	100%	Not Permitted	100%	100%	Not Permitted
Bay Windows	50%	100%	50%	100%	100%	50%
Fire Escapes	Not Permitted	100%	Not Permitted	Not Permitted	100%	Not Permitted
Dining Areas (non-residential)	100% outside of required front yard private landscape area	100%	Not Permitted	100% outside of required front yard private landscape area	100%	Not Permitted

Buildings are not permitted to overlap property lines.

Table 5: Structure Configuration

Structure Configuration	T4	T5-e	T5-c	SD	
				SD-C; SD-t	SD-v; SD-h
Min. Building Height	1 story	1 story Except 1st Street requires 2 stories	2 stories	NA	NA
Max. Building Height	3 stories	3 stories	5 stories	NA	NA
Minimum Story Height	12'	12'	14'		
Minimum Density (residential units per acre)	NA	8 units per acre	24 units per acre	NA	NA
Maximum Density (residential units per acre)	14 units per acre	24 units per acre	40 units per acre	NA	NA
Maximum Density by Warrant (residential units per acre)	24 units per acre	30 units per acre	60 units per acre	NA	NA
Maximum Residential Units Per Attached Structure	6	10	10	NA	NA
Maximum Accessory Structure	1 per residential lot	1 per residential lot	Not Permitted		

Story Height. In TMED height is defined as the measurement from finished floor to the top plate.

USE STANDARDS

Applicability. TMED Use Standards apply to all districts.

Legend for Interpreting Use Table. Table 4 establishes the meaning of the symbols used in the table below.

Table 6: Land Use Interpretation

Symbol	Meaning
P	Permitted by right in district indicated
L	Permitted by right subject to limitations in district indicated
C	Requires Conditional Use Permit in district indicated
Blank Cell	Prohibited in district indicated

Use Table. The following principal uses are permitted by right, permitted subject to limitations or require a Conditional Use Permit approved in accordance with Section 3.5

Table 7: Use Table

RESIDENTIAL USES	T4	T5- e	T5- c	SD				Standards
				SD-t	SD-h	SD-v	SD-c	
Multi-family		L	L				P	T5-e – 3 T5-c - 12
Live/Work Unit	P	P	P					
Row house/ Townhouse (3 or more attached units)	P	P	P				P	
Duplex								
Single Family Detached	P	P						
Accessory Dwelling Unit	L	L	L					7

LODGING USES	T4	T5- e	T5- c	SD				Standards
				SD-t	SD-h	SD-v	SD-c	
Hotel		L	L		L			4
Bed and Breakfast (max 5 sleeping rooms)	P							
School Dormitory			P		P	P	P	
OFFICE & RETAIL USES	T4	T5- e	T5- c	SD				Standards
				SD-t	SD-h	SD-v	SD-c	
Office	L	P	P	P	P	P	P	1
Retail Sales (no drive- thru permitted)	L	P	P		P	P	P	1
Retail Service (no drive-thru permitted)	L	P	P		P	P	P	1
Financial Institutions (drive-thru permitted)	L	L	L		L	L	L	T4 – 1, 10 T5 – 10 SD - 10
Fuel Sales		L						11
Auto Parts Sales								
Vehicle Sales and Service								
Restaurant (no drive- thru permitted)	L	P	P		P	P	P	1
Alcoholic Beverage Sales for On-Premise Consumption – Less than 50% Revenue		C	C					
Alcoholic Beverage Sales for On-Premise Consumption – Less than 75% Revenue			C					
Bar - Alcoholic Beverage Sales for			C					

On-Premise Consumption – More than 75% Revenue								
Kiosk								
Package Store								
CIVIC USES	T4	T5-e	T5-c	SD				Standards
				SD-t	SD-h	SD-v	SD-c	
Bus Shelter	P	P	P	P	P	P	P	
Convention, Conference or Exhibition Center		P	P	P	P	P	P	
Fountain or Public Art	P	P	P	P	P	P	P	
Library		P	P	P	P	P	P	
Museum	L	P	P	P	P	P	P	1
Gallery	L	P	P	P	P	P	P	1
Parking Structure		L	L	L	L	L	L	8
Commercial Surface Parking Lot					L	L	L	5
Park, Playground, Open Space	P	P	P	P	P	P	P	
Religious Assembly	P	P	P	P	P	P	P	
Governmental Use	P	P	P	P	P	P	P	
MEDICAL USES	T4	T5-e	T5-c	SD				Standards
				SD-t	SD-h	SD-v	SD-c	
Medical Office/Lab	L	P	P		P	P	P	1
Medical Clinic		P	P		P	P	P	
Hospital			P		P	P		
Research Facility		L	P	P	P	P	P	6
Drug Store or Pharmacy (drive-thru permitted)	L	L	L		P	P		T4 - 1,2 T5 - 2
CHILDCARE AND EDUCATION USES	T4	T5-e	T5-c	SD				Standards
				SD-t	SD-h	SD-v	SD-c	
Childcare: Family Home	L	L	L					9
Childcare: Group Day Care Home	L	L	L					9
Childcare: Group Day Care Center	L	L	L	L	L	L	L	9
Pre-School	L	L	L	L	L	L	L	9
Public or Private Education Facility	P	P	P	P	P	P	P	
Trade or Vocational School		P	P	P	P	P	P	
College		P	P	P	P	P	P	

ENTERTAINMENT USES	T4	T5- e	T5- c	SD				Standards
				SD-t	SD-h	SD-v	SD-c	
Live Theatre (outdoor)		P	P	P	P	P	P	
Live Theatre (indoor)		P	P	P	P	P	P	
Movie Theatre			P	P	P	P	P	
Outdoor Auditorium/Stadium			P	P	P	P	P	

Limitations. The following specific limitations apply to all uses with the designation in the use table.

1. Uses shall not be permitted to inhabit space larger than 10,000 sq ft.
2. In addition to vehicle space in front of drive-thru window, three spaces are required for stacking in drive-thru. Drive-thru must only be permitted in rear or side of building.
3. Multi-family is permitted only if part of a mixed use development in which 40% of the non-residential uses must be constructed with or prior to multi-family construction.
4. Hotels are permitted in accordance with the following provisions:
 - External balconies and walkways must be set back 200 feet from any residential zoning district.
 - Must provide staff on-site 24 hours a day.
 - All room units must be accessed through an internal hallway, lobby, or courtyard. Exterior entrances to individual rooms are prohibited.
 - Must provide at least three amenities from the list below:
 - Indoor/Outdoor Pool
 - Spa/Sauna
 - Weight Room/Fitness Center
 - Playground
 - Sports Court
 - Plaza/Atrium
 - Game Room
 - Conference Room (1,000 square foot minimum)
 - Full Service Restaurant (minimum seating capacity of 35)
5. All commercial surface parking lots must adhere to screening requirements.
6. Overhead doors are prohibited.
7. Accessory dwelling units are only permitted on lots with single family detached structures. Accessory dwelling units are not permitted in the required garage. Accessory dwelling units must comply with all setback and coverage requirements. Accessory dwelling units shall count toward maximum one accessory structure per lot.
8. Parking structures must integrate commercial uses on the first floor on primary and secondary frontages. Parking structures must be treated the same as non-residential structures for the application of TMED standards.
9. Article 5 Section 5.3 Special Use Standards apply to use.
10. Drive-thru must only be permitted in rear or side of building and be screened in accordance with parking lot screening requirements.
11. Fuel stations are only permitted on 31st Street. Fuel pumps must be located in the rear or side of the primary structure and be screened in accordance with

parking lot screening requirements. The number of pumps is limited to 8 fueling stations.

12. Multi-family uses are not permitted on the first floor of structures fronting on collectors or arterials without warrant approval.

Uses Not Addressed. Uses not specifically addressed in the above table are prohibited unless determined by the Planning Director to fall into a permitted category.

Prohibited Uses. The following uses are prohibited in the City:

- Mobile home; and
- Tattoo parlor

Outside Storage. Outside storage is not permitted in TMED. Prohibited outside storage includes open storage, portable containers, portable buildings, or any other structure not fixed onto a permanent slab and that adheres to the architectural standards defined in Table 16.

Outside Retail Display. Commodities must not be displayed for sale in a zoning district where such sale is not an allowed land use.

Commodities must not be displayed for sale outside a building in the TMED zoning district, except as exempted below:

Temporary display for a sidewalk sale that does not extend more than five feet from front façade and reserves at least five feet of sidewalk or walkway for pedestrian use

Home Occupations. Home Occupations are permitted in accordance with Article 5 Use Standards, Section 5.5.4 Home Occupations in its entirety.

CIRCULATION STANDARDS

Applicability. Circulation Standards apply to all districts unless otherwise stated in individual sections.

Thoroughfare Standards.

Cul-de-sacs are prohibited in the TMED zoning district.
New thoroughfares must follow Design and Development Standards Manual for construction.

Block Perimeter. Maximum block perimeter must be in accordance with Table 8 for all newly constructed streets in the TMED zoning district.

Table 8: Block Perimeter

Maximum Block Perimeter	T4	T5-e	T5-c	SD
	2,500 ft	2,500 ft	2,000 ft	NA

Access and Connectivity. Access and Connectivity does not apply to Special Districts.

Non-residential driveway connections to adjacent property must be provided.

All driveway connections must be constructed and stubbed or connected to any existing stub.

Driveway spacing must be based on Design and Development Standards Manual and the appropriate alignment with any existing or proposed median breaks as approved by the City Engineer.

The requirement for a driveway connection may be waived by the Planning Director when unusual topography or site conditions would make such a driveway or access easement useless to adjoining properties.

Specific to Zone T5-e First Street. In order to reduce the number of pedestrian and vehicular conflicts at sidewalk and driveway intersections, driveway cuts must be limited to a maximum of two per block face, regardless of currently allotted driveway cuts.

PARKING AND LOADING STANDARDS

Applicability. Parking and Loading Standards apply to all districts unless otherwise stated in individual sections.

Required Parking Ratios. Required Parking Ratios do not apply to Special Districts.

Article 7 General Development Standards, Section 7.4.4 applies in its entirety with the following exceptions:

Minimum requirements for all non-residential uses and multi-family uses shall be reduced by 25%.

If parking in excess of 100 percent of the minimum parking spaces required is provided, additional landscaping area and planting equivalent to 2 percent of the parcel's impervious cover must be provided per each additional parking space.

Parking Space Dimensions. Article 7, Section 7.4.5 applies in its entirety.

Parking Requirements for New or Unlisted Uses. Article 7 General Development Standards, Section 7.4.6 shall apply in its entirety for uses that are determined to be permitted by the Planning Director.

Off-Street Loading Regulations. Article 7 General Development Standards, Section 7.4.7 shall apply in its entirety with the following exceptions:

Common or shared loading and delivery entrances must be provided between adjacent buildings or developments.

Off-street loading areas and truck staging areas must be located in the rear yard and not visible from public right of way.

Shared Parking. The total amount of parking required may be adjusted according to the Shared Parking Factor of Table 9 to determine the Effective Parking. The Shared Parking Factor is available for any two functions within any pair of adjacent property.

Table 9: Shared Parking Factor

SHARED PARKING FACTOR

Function	with		Function
RESIDENTIAL			RESIDENTIAL
LODGING			LODGING
OFFICE			OFFICE
RETAIL			RETAIL

		1		
	13		13	
14		1		14
12	17	1	17	12
13		1		13
	12		12	
		1		

Parking Location. All surface parking shall be constructed on site in accordance with the following standards:

Surface parking areas must be screened from all public rights of way by a building or screen in accordance with Screening Standards.

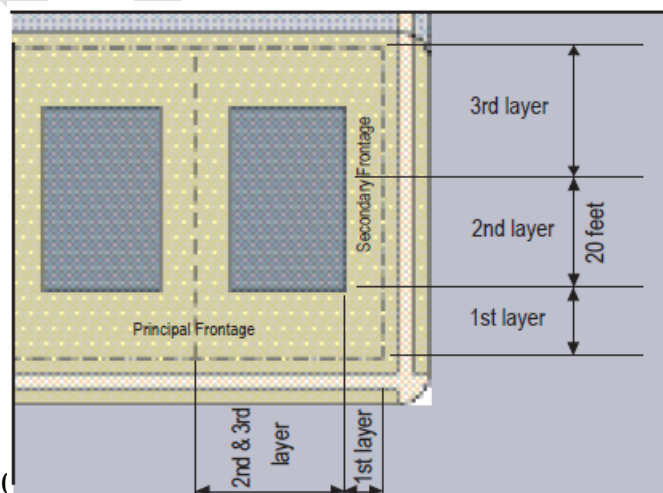
Surface parking areas must be constructed with curb and gutter.

Single Family Detached Residential, Attached Residential and Live Work Units

- All parking areas and garages must be located at the second or third layer of the principal frontage, and must be accessed by rear alleys.

Mixed Use, Multi-family and Non-residential Uses

- Non-residential driveways at frontages must be no wider than 24 feet in the first layer.
- All parking areas and garages must be located at the second or third layer of the principal frontage, and must be accessed by rear alleys.



- Alleys. When alleys are not in existence, right of way must be dedicated and access drive constructed as part of development. Alleys must be constructed in accordance to Design and Development Standards Manual.

Parking Location Specific to Zone T5-e First Street.

A single row of teaser parking not exceeding 40 feet in pavement depth is permitted parallel to 1st Street.

Parking Lot Setback. Where parking is located in the front of the building there must be a minimum setback of ten feet from the right-of-way line to the parking area.

In order to reduce the number of pedestrian and vehicular conflicts at sidewalk and driveway intersections, driveway cuts must be limited to a maximum of two per block face, regardless of currently allotted driveway cuts.

On-Street Parking. On-street parking spaces may be located on streets as identified in Table 120.

On-street parking may be used to satisfy 50% of the off-street parking standards for non-residential uses excluding multi-family.

On-street parking may only be achieved through parallel parking.

BICYCLE FACILITY STANDARDS

Applicability. Bicycle Facility Standards apply to all districts.

Bicycle Facilities. Bicycle facilities are required in accordance with Table 10:

Table 10: Bicycle Facilities

District	Bicycle Rack Space
T4	1 per 8 non-residential spaces
T5-e	1 per 15 required parking spaces
T5-c	1 per 10 required parking spaces
SD	1 per 10 required parking spaces (not to exceed 25 per project)

Bicycle facilities must be placed in clearly designated, safe, and convenient locations, so that no tenant entrance is greater than 200 feet from a bike facility.

Bike facilities must be separated from motor vehicle parking in order to protect both bicycles and vehicles from accidental damage. Facilities must be separated from the building or other walls, landscaping, other features a minimum of three (3') feet to make such facilities easy to use.

Specific bicycle facilities are permitted in the TMED zoning district. Refer to TMED Design Criteria Manual

PRIVATE PROPERTY LANDSCAPE STANDARDS

Applicability. Private Property Landscape Standards apply to all districts.

General Site Landscape.

A minimum percentage of the total area of the private property on which development, construction, or reconstruction is proposed must be dedicated to landscape area including trees, shrubs, groundcover, sod or other living plant material.

The minimum site landscape requirements for TMED Districts are defined in Table 11 based upon use:

Table 11: Private Landscape Requirements

District	Minimum Landscape Area	Minimum Trees and Shrubs Per Lot	
		Single Family Attached or Detached Residential	Multi-family, Mixed Use or Other Uses
T4	30%	2 Trees per lot 2 Shrubs per 10' front foundation	NA
T4	20%	NA	1 Tree and 4 shrubs per 500 sq ft landscape area
T5-e	20%	2 Trees per lot 2 Shrubs per 10' front foundation	1 Tree and 4 shrubs per 600 sq ft landscape area ft
T5-c	20%	2 Trees per lot 2 Shrubs per 10' front foundation	1 Tree and 4 shrubs per 600 sq ft landscape area ft
SD	NA	NA	1 Tree and 4 shrubs per 1,000 sq ft landscape area ft

Tree Mix.

Private property trees must be selected from Table 14 Approved Tree List.

Minimum 50% required trees must be selected from the medium or large size tree list.

Minimum 50% required trees must be evergreen species.

Parking Lot Landscaping.

Landscaped parking islands are required in all parking lots.

One landscape island must be provided for every 10 parking spaces. Islands may be located throughout the parking lot except all parking rows must begin and terminate in a curbed landscape island.

Islands must be a minimum of 170 square feet in area and 8 feet in width back of curb to back of curb. One small or medium tree from the approved planting list is required in each island.

All islands must be raised at least six inches, curbed and planted with approved landscaping materials.

Parking islands shrubs, trees and landscape area may be counted towards the overall landscaping requirements established in Table 11: Private Landscape Requirements.

Parking Lot Screen. This subsection is applicable to non-residential and multi-family development and uses in TMED.

All parking must be screened from public rights-of-way at least 36 inches in height, through one of the following methods:

- Planting screen of evergreen shrubs
- Masonry wall
- Combination of evergreen shrubs and berm
- Combination of evergreen shrubs and wall

Planted screening must be capable of providing a solid, opaque 36-inch screen within two (2) years, and must be planted in a prepared bed that is at least three feet (3') in width.

Parking lot screening shrubs and landscape area may be counted towards the overall landscaping requirements established in Table 11: Private Landscape Requirements.

Screening of Mechanical Equipment. This subsection is applicable to all non-residential and multi-family development and uses in TMED.

All roof, ground and wall-mounted mechanical equipment (e.g., air handling equipment, compressors, duct work, transformers and elevator equipment) must be screened from view or isolated so as not to be visible from any residential districts or uses, streets, rights-of-way or public park areas within 150 feet of the property line of the subject lot or tract, measured from a point five (5') feet above grade in accordance with this section.

Roof-mounted mechanical equipment must be shielded from view on all sides using parapet walls.

Wall or ground-mounted equipment screening must be constructed of:

- Vegetative screens; or
- Brick, stone, architecturally finished concrete, or other similar masonry materials;
- and
- All fence or wall posts must be concrete-based masonry or concrete pillars.

Exposed conduit, ladders, utility boxes and drain spouts must be painted to match the color of the building.

Mechanical equipment screening shrubs and landscape area may be counted towards the overall landscaping requirements established in Table 11: Private Landscape Requirements.

Screening of Waste Containers. This subsection is applicable to all non-residential and multi-family development and uses in TMED.

Waste containers must be located on the rear of the building and screened from public view to minimize visibility. If the property has two public frontages the waste container must be placed on the side of the structure.

Waste containers must be located at least 50 feet away from any residential use or District's property lines with the exception of multi-family.

Waste containers must be screened on all four (4) sides, using an enclosure that screens the waste container from view at the property line.

Screening must be at least as tall as the waste container(s) and comprised of materials and color schemes that are visually and aesthetically compatible with the overall project that incorporate the following:

- i. Brick;
- ii. Stone;
- iii. Stucco;
- iv. Architecturally finished concrete; or
- v. Other similar masonry materials.

Waste containers with fence posts must be rust-protected metal, concrete based, masonry or concrete pillars; and waste containers must have six-inch concrete filled steel pipes (bollards) that are located to protect the enclosure from truck operations and not obstruct operations associated with the waste container.

Waste container enclosures must have steel gates with spring-loaded hinges or the equivalent and fasteners to keep them closed. When in use, tie-backs must be used to secure the steel gates in the open position.

Waste container screening must be maintained by the owner at all times.

The ingress, egress, and approach to all waste container pads must conform to fire lane requirements.

Waste container pad and aprons requirements must be constructed in accordance with Design and Development Standards Manual.

Waste container screening shrubs and landscape area may be counted towards the overall landscaping requirements established in Table 11: Private Landscape Requirements.

Screening of Loading Docks. This subsection is applicable to all non-residential development and uses in TMED.

Loading and service areas must be located on the rear of the building and screened from public view to minimize visibility. If the property has two public frontages the waste container must be placed on the side of the structure.

Loading areas must not be located closer than 50 feet to any single-family lot, unless wholly within an enclosed building.

Off-street loading areas must be screened from view from any street or adjacent property of differing land use.

All loading areas must be enclosed on three sides by a wall or other screening device not less than eight (8') feet tall.

Loading areas that are visible from any public right-of-way must also include a combination of evergreen trees and shrubs that will result in solid opaque vegetative screening at least 8 feet in height within two (2) years. Planting area must be planted in a prepared bed that is at least three feet (3') in width.

Loading dock screening shrubs and landscape area may be counted towards the overall landscaping requirements established in Table 11: Private Landscape Requirements.

Fence and Wall Standards – All Uses. This subsection is applicable to all development and uses in TMED.

Fences and walls on the primary and secondary frontage must only be three feet in height.

Fences and walls to the rear of the structure must not be more than six feet, unless they are required for loading dock screening.

Fencing and walls must not be placed within the required line of sight as determined by the sight triangle.

Chain link, barbed wire, razor wire, and metal or corrugated panels are prohibited.

Non-residential and Multi-Family Uses. This subsection is applicable to all non-residential and multi-family development and uses in TMED.

Fences and walls must be constructed of decorative blocks, brick, stone, vinyl, woodcrete and wrought iron. Alternative materials may be requested by warrant.

Breaks in the fence or wall must be made to provide for required pedestrian connections to the perimeter of the site and to adjacent developments.

Single Family Uses. This subsection is applicable to all single family detached and attached development and uses in TMED.

Fences and walls must be constructed of decorative blocks, brick, stone, vinyl, wood, woodcrete and wrought iron. Alternative materials may be requested by warrant.

PUBLIC FRONTAGE STANDARDS

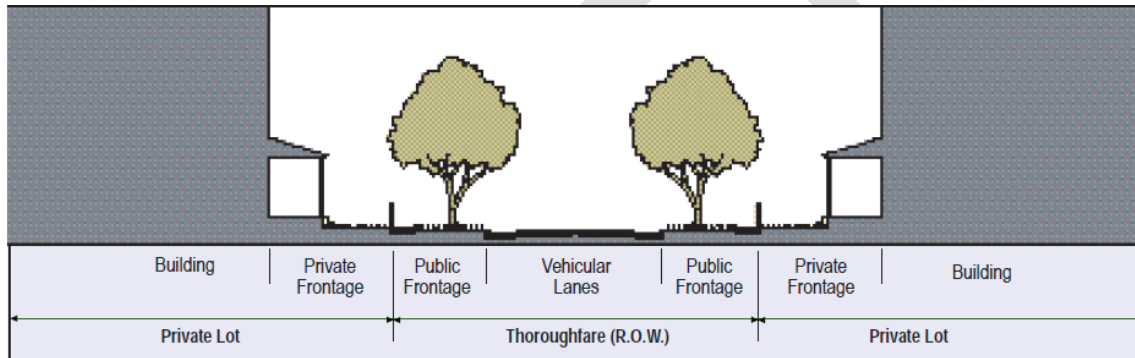
Applicability. Public Frontage Standards apply to all districts in TMED.

Public Frontage. Public frontage is the space between existing or proposed back of curb and property line.

Total public frontage depth is measured from back of curb. If existing right of way does not accommodate all requirements, private property must be used to account for the additional required depth.

Refer to the TMED Design Criteria Manual for examples of Public Frontage requirements.

Curb and gutter installation is required.



Five types of public frontages are defined and assigned to applicable streets in TMED as shown in Table 12.

Table 12. Public Frontage Types

Public Frontage Type	On-Street Parking Permitted	Total Public Frontage Depth	Street Yard Planting Strip	Sidewalk Width
Type A (Arterial)	No	20.5'	10.5'	10'
Type B (Urban 1)	No	12'	6'	6'
Type C (Urban 2)	Yes	14'	6'	8'
Type D (Urban 3)	No	14'	6'	8'
Type E (Collector/ Local)	Yes	12'	6'	6'

Public Frontage Implementation.

Public frontage requirements for all streets in TMED must follow Table 13:

Table 13: Public Frontage Implementation

Street Name	Type A	Type B	Type C	Type D	Type E
New Streets in T4			✓		✓
New Streets in T5-c			✓		
New Streets in SD		✓	✓		✓
1st Street	✓				
5 th Street from Friar's Creek to Avenue V	✓				
5 th Street North of Avenue V		✓			
25 th Street		✓			
S 31 st Street (trail on west side)				✓	
13 th Street				✓	
17 th Street				✓	
West Avenue R (trail on north side)				✓	
West Avenue M					✓
All others					✓

Public Frontage Landscape Standards.

Street Trees.

One tree per 25' linear frontage is required. Trees must be planted in a regularly spaced pattern. Spacing of trees may be offset to allow a view corridor into the primary entry of a non-residential use.

- Type A, B, C and D Public Frontage. Street trees must be a single species selected from Table 14 Approved Tree List.
- Type E Public Frontage. Street trees must be an alternating species selected from Table 14 Approved Tree List.

Public frontage trees must be planted within the required street yard planting strip adjacent to the back of curb.

- Type A Public Frontage - Trees must be planted 7.5' from back of curb in the required planting strip.
- Type B, C, D, and E Public Frontage – Trees must be planted a minimum 3' from back of curb in the required planting strip.

Large canopy trees must be planted if overhead utilities are not present. Medium canopy trees must be planted if overhead utilities are present.

Planting Area.

Type A, B, C and D Public Frontage. The street yard planting strip must be planted in evergreen groundcover as shown on Table 15 Approved Groundcover List at a rate of 1 - one gallon container per 4 square feet of street yard planting area.

Type E Public Frontage. The street yard planting strip must be planted in living evergreen groundcover as shown on approved plant material list at a rate of 1 - one gallon container per 5 square feet of street yard planting area or approved sod material as listed in General Planting Criteria.

Public Frontage Sidewalk Standards.

Sidewalks must extend the entire length of the development's frontage on a public street and must be constructed in accordance with Design and Development Standards Manual and provisions herein.

Sidewalks must be constructed before a Certificate of Occupancy is issued.

Sidewalks must connect to existing adjacent sidewalks, or be designed and placed to allow connection to future adjacent.

Sidewalks of different widths must be transitioned within a length of sidewalk by two expansion joints not less than six feet apart as required by Texas Accessibility Standards.

Sidewalks must connect to parking within the lot and to primary entrances of each commercial building.

Pedestrian walkways must also connect primary building entrances to all associated outdoor amenities, such as courtyards and other outdoor gathering places.

Residential sidewalks must be installed from the primary entrance of the residence to the perimeter street sidewalk system.

Public Frontage Amenities. In addition to required landscaping and sidewalks, pedestrian amenities are required as follows:

Benches must be provided at 50% of all intersections within the public ROW surrounding the development.

- Specific benches are permitted in the TMED zoning district. Refer to TMED Design Criteria Manual

Trash receptacles must be placed next to required seating areas.

- Specific trash receptacles are permitted in the TMED zoning district. Refer to TMED Design Criteria Manual

Pedestrian scale lighting must be provided at all intersections and at 100' intervals along all public and private roadways within the development.

- Specific pedestrian scale lighting is permitted in the TMED zoning district. Refer to TMED Design Criteria Manual

Public Frontage Hike and Bike Trail Implementation. Dedication is required for implementation of the Citywide Trails Master Plan.

GENERAL PLANTING CRITERIA.

Applicability. General Planting Criteria shall apply to all districts in TMED.

Approved Tree List. The table below constitutes the tree species that are eligible to fulfill the tree planting requirements in TMED.

Table 14: Approved Tree List

Large Canopy Trees		
Common Name	Scientific Name	Type
American Sycamore	<i>Platanus occidentalis</i>	Deciduous
Cypress, Bald	<i>Taxodium distichum</i>	Deciduous
Cypress, Arizona	<i>Cupressus arizonica</i>	Evergreen
Elm, Cedar	<i>Ulmus crassifolia</i>	Deciduous
Oak, Chinquapin	<i>Quercus muhlenbergii</i>	Deciduous
Oak, Live	<i>Quercus virginiana</i>	Evergreen
Pecan	<i>Carya illinoensis</i>	Deciduous
Southern Magnolia	<i>Magnolia grandiflora</i>	Evergreen
Medium Canopy Trees		
Common Name	Scientific Name	Type
Chinese Pistache	<i>Pistacia chinensis</i>	Deciduous
Oak, Lacey	<i>Quercus laceyi</i>	Deciduous
Oak, Mexican White	<i>Quercus polymorpha</i>	Deciduous
Oak, Texas Red	<i>Quercus texana</i>	Deciduous
Small Trees		
Common Name	Scientific Name	Type
Buckeye, Mexican	<i>Ungradiad speciosa</i>	Deciduous
Crape Myrtle	<i>Lagerstroemia indica</i>	Deciduous
Holly, Yaupon	<i>Ilex vomitoria</i>	Evergreen
Laurel, Texas Mountain	<i>Sophora secundiflora</i>	Evergreen
Persimmon, Texas	<i>Diospyros texana</i>	Deciduous
Pistache, Texas	<i>Pistacia texana</i>	Deciduous
Plum, Mexican	<i>Prunus mexicana</i>	Deciduous
Possumhaw Holly	<i>Ilex decidua</i>	Deciduous
Southern Wax Myrtle	<i>Myrica cerifera</i>	Evergreen
Vitex (Chaste Tree)	<i>Vitex agnus castus</i>	Deciduous
Willow, Desert	<i>Chilopsis linearis</i>	Deciduous

Approved Groundcover List. The table below constitutes the groundcover species that are eligible to fulfill the planting requirements in TMED.

Table 15: Approved Groundcover List

Groundcover		
Common Name	Scientific Name	Type
Asian Jasmine	Trachelospermum asiaticum	Evergreen
English Ivy	Hedera helix	Evergreen
Liriope	Liriope muscari	Evergreen
Monkey Grass (Mondo Grass)	Ophiopogon japonicus	Evergreen

Approved Shrubs. Shrubs must be appropriate perennial and evergreen species for the Central Texas region.

Landscape Installation.

Trees.

All required large trees must be a minimum of three (3) inches in caliper width at chest height and/or 65 gallons at planting.

All required medium trees must be a minimum of three (2.5) inches in caliper width at chest height at planting.

All required small trees must be a minimum of three (2) inches in caliper width at chest height at planting.

Shrubs.

All required shrubs must be a minimum three (3) gallon container size at planting.

Ground Cover.

All required ground cover must be a minimum one (1) gallon container size at planting.

Lawn Grass.

Grass areas must be planted with drought resistant species normally grown as permanent lawns, such as Bermuda, Zoysia, or Buffalo.

Grass areas must be sodded, plugged, sprigged, or seeded. However, solid sod must be used in swales, berms or other areas subject to erosion.

Landscape Maintenance.

All new plant material must be planted and maintained in accordance with the latest edition of the American National Standards Institute requirements for Tree, Shrub, and Other Woody Plant Maintenance (ANSI A300 Parts 1 through 6).

All required Public Frontage and Private Frontage landscaping must be maintained in good condition after installation. Any plant material that ever becomes diseased deteriorates or dies must be replaced by the owner within 30 days.

Irrigation. Permanent irrigation is required for all landscape. City Code Chapter 7 Buildings, Article 7 Landscape Irrigation Standards applies in its entirety.

ARCHITECTURAL STANDARDS

Applicability. Architectural Standards apply to all districts unless otherwise stated in individual sections.

Materials Required.

The exterior finish material on all facades must be limited to brick, stone, cementitious siding and stucco.

- Cementitious siding is limited to a maximum 20% per façade plane for multi-family and non-residential applications

Minimum of two distinct materials are required on all facades. Materials may be combined on each facade only horizontally, with the heavier below the lighter.

Balconies and porches must be made of painted wood, concrete or metal.

Accent materials. The following may be permitted as accent materials for a maximum of 20% of each façade face:

- Tile
- EIFS
- Wood Siding or shingles
- Architecturally finished concrete block
- Architectural metal
- Other materials may be approved by warrant.

Building Design. Building Design does not apply to Special Districts. Building design requirements are based on the type of use in T4 and T5 Districts.

Table 16: Building Design

Design Element	Single Family Detached	Single Family Attached (2 or more units)	Multi-Family and Mixed Use Structures	Non-Residential Structures
Roof Pitch	Pitch roof – minimum 5:12 Flat roof – require parapet screening minimum of 42 inches high, or as required to conceal mechanical equipment Shed roof, porch roof and arcade roofs - minimum 2:12.			
Permitted Roof Materials	30 year asphalt shingles Standing seam metal Tile Other materials as approved by the Planning Director			

Design Element	Single Family Detached	Single Family Attached (2 or more units)	Multi-Family and Mixed Use Structures	Non-Residential Structures
Roof Articulation (does not apply to flat roofs)	1 Elements from the following: <ul style="list-style-type: none">• 2 roof materials:• Masonry chimneys• Dormers along public façade (1/20')• Eaves that overhang a minimum of 24" with a minimum fascia depth of 8"			
Vertical Articulation	No more than 20 linear feet (horizontally) without a minimum 5' offset	No more than 50 linear feet (horizontally) without a minimum 5' offset	No more than 50 linear feet (horizontally) without a minimum 5' offset	
Horizontal Articulation	No more than 20 linear feet (horizontally) without a minimum 5' offset Minimum one horizontal offset per building	No more than 50 linear feet (horizontally) without a minimum 5' offset Minimum one horizontal offset per building		
Transparency (windows and doors)	Minimum 30% of all public facades must be doors and windows Burglar bars or other exterior coverings are prohibited Overhead or roll up doors are prohibited on primary or secondary frontages.			
Window and Door Treatment	Minimum 4" trim required on all windows and doors appropriate to style of structure			NA
Window Articulation	50% of all public façade windows must include one of the following: <ul style="list-style-type: none">• Balcony (accessible for single units) minimum 2' deep• Trellis• Shed roof awning• 20" projection• Bay window• Transom Windows• Shutters	25% of all public façade windows must include one of the following: <ul style="list-style-type: none">• Balcony (accessible for single units) minimum 2' deep• Trellis• Shed roof awning• 20" projection• Bay window• Transom Windows• Shutters		NA

Design Element	Single Family Detached	Single Family Attached (2 or more units)	Multi-Family and Mixed Use Structures	Non-Residential Structures
Façade Repetition	No elevation shall be repeated on the same block	All units must be designed to have distinct characteristics	Residential units must be designed to appear as townhome units with entries onto the public façade	NA
Top Floor Articulation	Shall contain a distinctive finish, consisting of cornice, banding or other architectural termination			
Building Orientation	All buildings must be oriented towards the public right of way or public open space			
Primary Entry Location	Main entrances must be from a public sidewalk or common open space (if not adjacent to Public ROW)			
Entry Articulation	Entry must be covered or inset with distinct architectural detail such as: Porch, portico, arcade or other similar element			
Building Access – Ground Floor Residential Units	50% of residential entrances must be raised from the finished ground floor level of the sidewalk a minimum of 15"		50% of all ground floor units adjacent to a public ROW must have exterior entrances from a public sidewalk or common open space. Entrances must be raised from the finished ground floor level of the sidewalk a minimum of 15"	NA

Design Element	Single Family Detached	Single Family Attached (2 or more units)	Multi-Family and Mixed Use Structures	Non-Residential Structures
Building Access – Above Ground Floor Residential Units	NA		Multi-family uses above the ground floor shall have interior unit entrances from a centralized corridor except: Exterior stairs are permitted for access to second and third floor units only if they are oriented towards a central courtyard not visible from any street	NA

Parking and Garage Requirements. Parking and Garage Requirements do not apply to Special Districts.

Table 17: Parking and Garage Requirements

Design Element	Single Family Detached	Single Family Attached (2 or more units)	Multi-Family and Mixed Use Structures
Enclosed Garage Required	1 (20x20) space per unit	1 (10x20) space per unit	1 (10x20) space per 2 units
Minimum Driveway Width	20'	10'	
Garage Integration	Detached is permitted	50% of all required garages must be integrated into primary structures	
Garage Location general	Garages are not permitted to front onto Public ROW		
Garage Materials	Same materials and mix as primary structures		

PRIVATE PROPERTY COMMON AREA REQUIREMENTS

Applicability. Private property Common Area requirements do not apply to Special Districts or single family detached and single family attached residential uses in T4 and T5.

Common Area requirements are in addition to required public and private landscaping.

Multiple open space areas may be created, however all open space areas must contain a minimum of 100 sq ft.

Common Areas must have defined edges, either through grade change, perimeter edging, or the integration of buildings as perimeter edging.

Table 18: Common Area Requirements Multi-Family and Mixed Use Structures

Design Element	Multi-Family and Mixed Use Structures
Minimum Common Area Size	Minimum 500 sq ft and additional 100 sq ft per 1000 sq ft gross building area
Common Area Amenities	<p>For each 5,000 sq ft of open space required a minimum of 1 amenity from the following:</p> <ul style="list-style-type: none"> • 1 Water feature • 1 Pavilion, gazebo, or other covered outdoor space (minimum 144 sq ft) • Sculpture garden <p>For each 200 sq ft of open space provided a minimum of 1 amenities from the following:</p> <ul style="list-style-type: none"> • 1 Bench or seating area (4 seats minimum) • 1 Dining area (4 seats minimum) • 1 Tree (3" caliper at the time of planting) • 2 Large Planters • Decorative paving (2 locations) (minimum 64 sq ft) • Decorative lighting (2 locations) (above ground)
Complex Amenities Required	<p>Required Community Amenities:</p> <ul style="list-style-type: none"> • Washer and dryer hookup in every unit <p>For every 50 units provided a minimum of 1 amenity from the following:</p> <ul style="list-style-type: none"> • Resident Clubhouse • Community Garden Area • Swimming Pool • Tennis Court • Basketball Court • Volleyball Court • Billiards Room • Amphitheatre • Gazebo or other covered shelter • Exercise Facility • Office Center • Media Room – Theatre • Sauna • Racquetball Court • Other amenity as approved by Planning Director

Table 19: Common Area Requirements Non-Residential Structures

Design Element	Non-Residential Structures
Minimum Common Area Size	Minimum 100 sq ft and additional 50 sq ft per 1000 sq ft gross building area
Common Area Amenities	<p>For each 5,000 sq ft of open space required a minimum of 1 amenity from the following:</p> <ul style="list-style-type: none"> • 1 Water feature • 1 Pavilion, gazebo, or other covered outdoor space (minimum 144 sq ft) • Sculpture garden <p>For each 200 sq ft of open space provided a minimum of 1 amenity from the following:</p> <ul style="list-style-type: none"> • 2 Benches or seating area (4 seats minimum) • 1 Dining areas (4 seats minimum) • 1 Tree (3" caliper at the time of planting) • 2 Large Planters • Decorative paving (2 locations) (minimum 64 sq ft) • Decorative Lighting (2 locations) (above ground)

SIGN STANDARDS

Applicability. Sign Standards apply to all districts with the exception of SD-v.

Signs in the TMED zoning district are permitted in accordance with Table 20:

Table 20: Sign Standards

Sign Type	T4	T5-e	T5-c	SD
Sandwich Board	✓	✓	✓	See TMED Design Criteria Manual
Projecting Sign	✓	✓	✓	
Wall Sign	✓	✓	✓	
Monument Sign	✓	Warrant		
Multi-Tenant	✓	Warrant		
Directional Signage		Warrant	Warrant	

Sandwich Board Sign. One sandwich board sign may be used during normal operating hours for each business. The sign must be placed on private property and not interfere with pedestrian access. Sandwich board signs must not exceed a total of 6 square feet.

Projecting Sign. One projecting sign for each business may be permanently installed perpendicular to the façade within the first layer. Projecting signs must not exceed a total of 4 square feet in T4 and 6 square feet in T5. Projecting signs must clear 8 feet above the sidewalk.

Wall Sign. A single permanent attached band sign, board sign, window sign, or painted wall sign may be applied to the Facade of each building. Attached signs must be no more than 3 feet in height by 50% of the total length of the use or building. Signs must be more than 12 feet above the sidewalk. Attached signs must not extend past the top of the structure.

Monument Sign. Monument signs may be requested by warrant only. If approved, they must be limited to one per lot and a maximum of 50 square feet per sign face, 6 feet in height and 2 feet in width.

Such sign must not interrupt the required tree planting and spacing or be located within 3 feet of a Hike and Bike Trail.

Signage material must consist of limestone or brick base and columns that are architecturally compatible to the Principal Building. Other materials must be approved by warrant if architecturally compatible.

Multi-Tenant Sign. Multi-tenant signs may be requested by warrant only. If approved they must be limited to one per lot and a maximum of 60 square feet per sign face, 8 feet in height and 2 feet in width.

Such sign must not interrupt the required tree planting and spacing or be located within 3 feet of a Hike and Bike Trail.

Signage material must consist of limestone or brick that is architecturally compatible to the Principal Building. Other materials must be approved by warrant if architecturally compatible.

Directional Sign. Directional signage may be requested by warrant only. Directional signage must not be located off-site. If approved they must be limited to a maximum of 8 square feet per sign face, 4 feet in height and 2 feet in width. Directional signage must not interfere with Traffic Manual of Uniform Control Devices.

Exceptions. Entertainment businesses (i.e. movie theaters, bowling alleys, etc.) may have neon or specially designed sign if approved by warrant.

Lighting. Monument Signs must be externally illuminated, except signage within the shop front windows, which may be neon-lit.

Prohibited Signs. Signs other than those stated in Table 20 are prohibited.

STREET LIGHT STANDARDS

Applicability. Lighting Standards apply to all districts.

Street light requirements and installation must comply with the City's Streetlight Policy.

UTILITY STANDARDS

Applicability. Utility Standards apply to all districts.

Underground Utilities Required. All proposed new electric, telephone and cable television wires along the public street right of way must be located underground.

DRAFT

Amending Article 2 Development Review Bodies

2.5 Development Review Committee

2.5.3 Review and Recommendation

H. TMED Site Plan.

2.6 TMED Review Committee

Establishment. Temple hereby creates a TMED Review Committee (TRC) comprised of the Development Review Committee membership and an at-large citizen representative located within the District as well as two TMED Coordinating Group members, who will be appointed by the TMED Coordinating Group; these three representatives will be appointed to two-year terms.

Powers and Duties. The following powers and duties are assigned to the TRC:

Final Action. The TRC must review and take final action on Warrant requests.

2.9 Planning Director

2.9.1. B Final Action

C. TMED Site Plan;

Article 3 Development Review Procedures

3.11 TMED Site Plan Review

Applicability. This Section establishes a site plan review process to ensure that all development within the entire TMED zoning district meets requirements set forth in the TMED design standards. The review covers site planning, architecture, landscaping, exterior lighting and exterior signage, as well as any changes, additions or renovations to any development on the site.

Site Plan Review. In addition to the platting process required in this UDC, the Planning Director must review and approve a site development plan prior to application for building permit for all developments within the TMED zoning district as required by this Section.

Review Process.

Planning Director Determination of Completeness

The Planning Director must determine whether an application is complete and satisfies the initial submittal requirements within five working days of the application being properly submitted and received by the City.

If the application is determined incomplete, the Planning Director must notify the applicant in writing. The notification must list all missing or incomplete items.

The Planning Director may request additional information not specifically stated on the application submittal requirements if such information is required for the accurate review of the proposal.

Upon receipt of a complete application, the Planning Director must distribute the application to the DRC, to review the site plan for compliance with the provisions of this Article.

DRC Review

The Development Review Committee must review the submitted application and make a recommendation to the Planning Director.

Planning Director Final Action

The Planning Director must approve, approve with conditions or deny the application based on the criteria below.

Criteria for Approval.

Projects that require no variances or warrants, or only warrants, are processed administratively.

The Planning Director must determine whether to grant a site development permit based on the following criteria:

The application exhibits conformance with the standards of the TMED zoning district, the Comprehensive Plan and other adopted planning policies; and

The extent to which utilities and services, including, but not limited to, sewer, water service, police and fire protection and are available and adequate to serve the proposed use;

The application exhibits no substantial negative impacts on the historic, cultural or architectural nature of the site or surrounding area, or successfully mitigates such impacts.

Application Life. A TMED Site Plan application shall expire after 180 days if not approved. If an applicant wishes to continue, new plans must be resubmitted and current fees are required.

Site Plan Permit Expiration and Extension.

All Site Plan Permits are valid for two years from the date the permit is issued.

A modification to an approved Site Plan Permit replaces the previous Site Plan Permit and is valid two years from the date the latest permit modification is approved.

The Planning Director may approve a one-time, 180-day extension application if the site development permit remains valid under the existing TMED standards at the time of the request.

The Planning Director may deny any extension request. If denied, the applicant may appeal the decision to City Council.

Any subsequent extension request requires a separate application to be forwarded to the City Council for consideration. At no time may an extension request be greater than 180-days.

Warrants and Variances. There are two types of deviation from the requirements of the TMED zoning district requirements, warrants and variances.

The request for a warrant or variance does not subject the entire application to public hearing, but only that portion necessary to rule on the specific issue requiring the relief.

Whether a deviation requires a warrant or variance shall be determined by the Planning Director in accordance with the following standards:

Warrants. A warrant is a ruling that would permit a practice that is not consistent with a specific provision of this Code but is justified by the purpose of the TMED zoning district. The TRC has the authority to approve or disapprove a request for a warrant pursuant to regulations established by the TRC.

Warrant requests are permitted for the following:

Maximum residential density
Increase in maximum height
Alternative fence materials
Alternative materials for hike and bike trails
Alternative building materials
Monument sign in T5-e
Multi-tenant sign in T5-e
Signs for entertainment businesses

Variances. “Article 3 Development Review Procedures, Section 3.14 Variances” applies in its entirety with the exception of height, signage and landscaping.

Variance requests are permitted for the following:

- Yard and setbacks
- Lot area
- Maximum lot coverage
- Secondary street frontage build out
- Permitted encroachment into setbacks

Warrants and variances may not be requested for the following:

- Primary street frontage build out
- Minimum residential density
- Permitted uses in a district
- Maximum dimensions of traffic lanes
- Required provision of rear alleys
- Maximum requirements for parking
- Requirements of parking location
- Public frontage requirements
- Type of sign permitted in T4 or T5-c

Amending Article 11 Definitions to add:

Arcade: an attached and covered passageway running along the exterior wall of a building.

Block Face: the aggregate of all the building facades on one side of a block.

Configuration: the form of a building, based on its massing, private frontage and height.

Density: the number of dwelling units within a standard measure of land area.

Disposition: the placement of a building on its lot.

Driveway: a vehicular lane within a lot, often leading to a garage.

Effective Parking: the amount of parking required for a mixed-use development after adjustment by the shared parking factor in TMED.

Encroachment: any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback, into the public frontage or above a height limit.

Frontage: the area between a building facade and the vehicular lanes, inclusive of its built and planted components. Frontage is divided into private frontage and public frontage.

Layer: a range of depth of a lot within which certain elements are permitted.

Live/Work Unit: a mixed-use unit consisting of both commercial and residential functions. The commercial function may be anywhere in the unit. It is intended to be occupied by a business operator who lives in the same structure that contains the commercial activity or industry.

Mixed-Use: multiple residential and nonresidential functions within the same building or in multiple adjacent buildings.

Principal Building: the main building on a lot, usually located toward the frontage.

Principal Entrance: the main point of access for pedestrians into a building.

Principal Frontage: on corner lots, the side of the lot facing the larger of the streets or the designated principal side. The other side facing the street will be secondary frontage.

Secondary Frontage: on corner lots, the private frontage that is not the principal frontage. The First Layer is regulated since it affects the public realm.

Teaser Parking: a technique to include a few parking spaces located in front of a business to lure customers with their apparent convenience. Teaser parking acts as a visual cue, leading drivers to the access points for larger parking lots or Parking Structures that provide the remaining required parking to be placed behind or below buildings, with the option of a small amount of “teaser” parking visible from the street in more automobile-oriented areas.



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Consider adopting an ordinance designating a certain area as City of Temple Tax Abatement Reinvestment Zone Number Seventeen for commercial/industrial tax abatement.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as indicated in item description, on first reading, and schedule second reading and final adoption for January 6, 2011.

ITEM SUMMARY: The proposed ordinance designates the area described as Lot 1, Block 2, Airport Park at Central Pointe, Phase 1, a subdivision in the City of Temple, Bell County, Texas, according to a plat of record in Cabinet D, Slide 222-A, Plat Records of Bell County, Texas, and located at 6261 Central Point Parkway, Temple, Bell County, Texas, as a commercial/industrial tax abatement reinvestment zone. The designation of a tax abatement reinvestment zone lasts for five years and is a prerequisite for entering into a tax abatement agreement with a future economic development prospect.

Chapter 312 of the Texas Tax Code requires that property be within a tax abatement reinvestment zone (or an enterprise zone) to be eligible for tax abatement. The designation of a tax abatement reinvestment zone requires an ordinance, two readings and a public hearing. We are also required to give seven days prior notice to the other taxing entities before final approval of the ordinance, which will be done.

The proposed tax abatement reinvestment zone as described above, is proposed for commercial or industrial tax abatement (the property is currently zoned Commercial). Chapter 312 requires that the City make the following findings when it adopts an ordinance creating a tax abatement reinvestment zone: (1) that the creation of the tax abatement reinvestment zone will result in benefits to the City and to the land included in the zone after the term of any agreement, and that the improvements being sought are feasible; and (2) that the tax abatement reinvestment zone meets the criteria for creation of a zone under State law and the City's own criteria and guidelines for tax abatement. I have reviewed both the State law and our criteria and guidelines, and believe that the creation of the proposed reinvestment zone and subsequent approval of a tax abatement agreement with the

property owner will lead to the retention of primary employment in the area, and the creation of new real and personal property improvements in the area—as contemplated by our State and local criteria. The Staff recommends approval of the ordinance for the above reasons.

FISCAL IMPACT: None at this time.

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DESIGNATING A CERTAIN AREA AS TAX ABATEMENT REINVESTMENT ZONE NUMBER SEVENTEEN FOR COMMERCIAL/INDUSTRIAL TAX ABATEMENT; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, the City Council of the City of Temple, Texas (the "City"), desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by creation of a reinvestment zone for commercial/industrial tax abatement, as authorized by Section 312.201 of the Texas Tax Code (hereinafter the "Code");

WHEREAS, the City held such public hearing after publishing notice of such public hearing, and giving written notice to all taxing units overlapping the territory inside the proposed reinvestment zone;

WHEREAS, the City at such hearing invited any interested person, or his attorney, to appear and contend for or against the creation of the reinvestment zone, the boundaries of the proposed reinvestment zone, whether all or part of the territory described in the ordinance calling such public hearing should be included in such proposed reinvestment zone, the concept of tax abatement; and

WHEREAS, the proponents of the reinvestment zone offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the reinvestment zone, and opponents of the reinvestment zone appeared to contest creation of the reinvestment zone.

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

Part 1: The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

Part 2: The City, after conducting such hearings and having heard such evidence and testimony, has made the following findings and determinations based on the testimony presented to it:

A. That a public hearing on the adoption of the reinvestment zone has been properly called, held and conducted and that notices of such hearings have been published as required

by law and mailed to all taxing units overlapping the territory inside the proposed reinvestment zone;

B. That the boundaries of the reinvestment zone (hereinafter "REINVESTMENT ZONE NUMBER SEVENTEEN") should be Lot 1, Block 2, Airport Park at Central Pointe, Phase 1, a subdivision in the City of Temple, Bell County, Texas, according to a plat of record in Cabinet D, Slide 222-A, Plat Records of Bell County, Texas, and located at 6261 Central Point Parkway, Temple, Bell County, Texas, as described in the drawing attached as Exhibit "A."

C. That creation of REINVESTMENT ZONE NUMBER SEVENTEEN will result in benefits to the City and to the land included in the zone after the term of any agreement executed hereunder, and the improvements sought are feasible and practical;

D. That REINVESTMENT ZONE NUMBER SEVENTEEN meets the criteria for the creation of a reinvestment zone as set forth in Section 312.202 of the Code in that it is "reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the City;" and

E. That REINVESTMENT ZONE NUMBER SEVENTEEN meets the criteria for the creation of a reinvestment zone as set forth in the City of Temple Guidelines and Criteria for granting tax abatement in reinvestment zones.

Part 3: Pursuant to Section 312.201 of the Code, the City hereby creates a reinvestment zone for commercial/industrial tax abatement encompassing Lot 1, Block 2, Airport Park at Central Pointe, Phase 1, a subdivision in the City of Temple, Bell County, Texas, according to a plat of record in Cabinet D, Slide 222-A, Plat Records of Bell County, Texas, and located at 6261 Central Point Parkway, Temple, Bell County, Texas, described by the drawing in Exhibit "A" attached hereto and such REINVESTMENT ZONE is hereby designated and shall hereafter be officially designated as Tax Abatement Reinvestment Zone Number Seventeen, City of Temple, Texas.

Part 4: The REINVESTMENT ZONE shall take effect on January 6, 2011, or at an earlier time designated by subsequent ordinance.

Part 5: To be considered for execution of an agreement for tax abatement the commercial/industrial project shall:

A. Be located wholly within the Zone as established herein;

B. Not include property that is owned or leased by a member of the City Council of the City of Temple, Texas, or by a member of the Planning and Zoning Commission;

C. Conform to the requirements of the City's Zoning Ordinance, the CRITERIA governing tax abatement previously adopted by the City, and all other applicable laws and regulations; and

D. Have and maintain all land located within the designated zone, appraised at market value for tax purposes.

Part 6: Written agreements with property owners located within the zone shall provide identical terms regarding duration of exemption and share of taxable real property value exempted from taxation.

Part 7: Written agreements for tax abatement as provided for by Section 312.205 of the Code shall include provisions for:

A. Listing the kind, number and location of all proposed improvements of the property;

B. Access to and inspection of property by municipal employees to ensure that the improvements or repairs are made according to the specification and conditions of the agreements;

C. Limiting the use of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period that property tax exemptions are in effect; and

D. Recapturing property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements as provided by the agreement.

Part 8: 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 9: 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 10: Sunset provision. The designation of Tax Abatement Reinvestment Zone Number Seventeen shall expire five years from the effective date of this ordinance. The designation of a tax abatement reinvestment zone may be renewed for periods not exceeding five years. The expiration of a reinvestment zone designation does not affect an existing tax abatement agreement authorized by the City Council.

Part 11: 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 **16th** day of **December**, 2010.

PASSED AND APPROVED on Second Reading on the **6th** day of **January**, 2011.

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

12/16/10
Item #8(A)
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DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Consider adopting an ordinance designating North 3rd Street Strategic Investment Zone as Tax Abatement Reinvestment Zone Numbers Eighteen and Nineteen for Commercial/Industrial Tax Abatement and authorizing a number of other SIZ economic development incentives for property redevelopment.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for January 6, 2011.

ITEM SUMMARY: This ordinance, if adopted, will create the City's third SIZ incentive zone. The City Council previously adopted incentive zones for the South 1st Street SIZ and the Avenue G/H SIZ. As with the two previously adopted ordinances, this proposed ordinance is designed to encourage redevelopment of the North 3rd SIZ corridor that might otherwise not occur in the absence of incentives. The North 3rd Street SIZ corridor is unique in that it consists of two parts (Area A and Area B), where most of the commercial property is located. Areas A and B are separated by a portion of North 3rd Street that is primarily single family residential and NOT proposed for inclusion in the SIZ incentive zone or the tax abatement reinvestment zone associated with it.

The condition of property in both Area A and Area B of the North 3rd Street SIZ corridor is likely to substantially arrest or impair sound growth because of the number of deteriorating structures, inadequate streets and sidewalks, lack of accessibility or usefulness of lots, unsanitary and unsafe conditions, the deterioration of site or other improvements, or conditions that endanger life or property by fire or other cause. These conditions justify the use of tax abatement and SIZ-type Chapter 380 incentive agreements.

The proposed ordinance encourages redevelopment in Areas A and B of the North 3rd Street SIZ corridor primarily through two means: (1) the availability of agreements that provide tax abatement for commercial and industrial property on the *increased* value of eligible real and personal property; and (2) through the availability of matching grant incentives (Chapter 380) where the City participates with dollars or in-kind services to encourage redevelopment. The proposed ordinance creates enabling authority, but is subject to the availability of funds that may be appropriated from year to year by the City Council as part of the annual budget process.

As the City's adopted SIZ report recommended, the City is employing a 'combined-arms' approach to redevelopment in our Strategic Investment Zones. On one hand we have sought voluntary compliance with existing codes and standards and backed that up with a willingness to compel compliance through enforcement proceedings before the City's Building and Standards Commission. We've also tried a "carrot" incentive through a willingness to assist property owners with the demolition of substandard buildings and signs in our corridors. As we have previously reported to the City Council, the City has demolished a number of dilapidated buildings and signs in the past four years, both within and near our ten SIZ corridors.

The proposed ordinance extends those efforts by offering tax abatement and economic development incentives in the North 3rd Street SIZ corridor. The tax abatement we are proposing is similar to what has been successfully offered in the Downtown area, the South 1st SIZ corridor and the Avenue G/H corridor: 100% tax abatement for five years on the *increased* value of eligible real and personal property constructed in accordance with a tax abatement agreement.

Eligible property improvements for tax abatement in this SIZ corridor would include only commercial or industrial redevelopment (real and personal property). The tax abatement area and SIZ incentive is broken down into two areas North 3rd Street Area A and North 3rd Street Area B.

North 3rd Street Area A

North 3rd Street **Area A** is an irregular shaped area (depicted on the map attached to this Narrative) centered on North 3rd Street running north-south roughly from Central Avenue to Houston Avenue. **Area A** is bounded on the west by North 7th Street [from Central to French] and on the east from Adams—where it adjoins the South 1st SIZ incentive corridor—north to French Avenue. As shown on the map, the shape is irregular, widest at Adams . . . and stepping down (narrowing) as it moves north towards French Avenue. The design of North 3rd Street **Area A** is to include most of the commercial property from Central/Adams to French Avenue to a depth of two blocks on either side of North 3rd Street. The majority of the property in **Area A** is zoned Central Area (CA). CA is the zoning that covers much of the Downtown area and allows a broad range of uses that include retail, office, residential and some (but not all) commercial activities. There is also a small amount of Neighborhood Service (NS), General Retail (GR) and multifamily (MF2) zoning in **Area A**.

North 3rd Street Area B

North 3rd Street Area B is also an irregular shaped area (again depicted on the map attached to this Narrative) centered on North 3rd Street running north-south roughly from Monroe Avenue to Industrial Boulevard. **Area B** does include a commercial/industrial area north of Industrial and west of North 3rd Street (an area that includes a former nursing home and an apartment building). For most of the north/south length of **Area B**, the area is one or two blocks on either side of North 3rd Street though the blocks vary greatly in size and depth. The design of North 3rd Street **Area B** is to include most of

the commercial property on either side of North 3rd Street in this area. The majority of the property in **Area B** is either zoned General Retail (GR) or Commercial (C).

The proposed Chapter 380 matching grants for economic development and in-kind services are similar to those employed in the South 1st Street SIZ and the Avenue G/H SIZ corridors. The grant matrix includes funds or services related to façade replacement or upgrading, sign improvements, landscaping improvements, asbestos surveys and abatements, demolitions and sidewalk replacement. Availability of these matching funds would be on a first-come/first-served basis for eligible projects. A limited amount of funds are available in the current fiscal year, and if the City Council approves this ordinance we will likely seek additional funds in future budget years. A more detailed description of the matching grants will be made during our presentation before the City Council.

Providing adequate funding for the City matching funds will pose a fiscal challenge for the City, but the proposed incentives are tied to private investment in these SIZs that will help the City to recover its investment.

A companion ordinance to this ordinance is also on your agenda, #8(A). That ordinance amends the City's criteria and guidelines for tax abatement to establish parameters for granting tax abatement for commercial and industrial property within the North 3rd Street SIZ corridor.

FISCAL IMPACT: The City Council authorized \$85,000 in fiscal year 2011 for economic development incentives in Strategic Investment Zone corridors. Of that amount, \$7,563 is remaining to fund future agreements. Tax abatement agreements, if entered into in the future on property in this corridor, would rebate taxes on the increase value of eligible real and personal property in the area and would not require a financial outlay by the City.

ATTACHMENTS:

[Map](#)
[Ordinance](#)



ORDINANCE NO. _____

DESIGNATING THE NORTH 3RD STREET CORRIDOR (FROM CENTRAL AVENUE TO INDUSTRIAL BOULEVARD) AS TAX ABATEMENT REINVESTMENT ZONE NUMBERS EIGHTEEN AND NINETEEN FOR COMMERCIAL, INDUSTRIAL OR RESIDENTIAL TAX ABATEMENT AND AS THE "NORTH 3RD STREET STRATEGIC INVESTMENT ZONE;" ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; ESTABLISHING CERTAIN ECONOMIC DEVELOPMENT INCENTIVES IN THE NORTH 3RD STREET STRATEGIC INVESTMENT ZONE; ESTABLISHING A SUNSET PROVISION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR PENALTIES; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Temple, Texas (the "City"), desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by creation of a reinvestment zone for commercial/industrial tax abatement, as authorized by Section 312.201 of the Texas Tax Code;

WHEREAS, the City held such public hearing after publishing notice of such public hearing, and giving written notice to all taxing units overlapping the territory inside the proposed reinvestment zone;

WHEREAS, the City at such hearing invited any interested person, or his attorney, to appear and contend for or against the creation of the reinvestment zone, the boundaries of the proposed reinvestment zone, whether all or part of the territory described in the ordinance calling such public hearing should be included in such proposed reinvestment zone, the concept of tax abatement; and

WHEREAS, the proponents of the reinvestment zone offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the reinvestment zone, and opponents of the reinvestment zone appeared to contest creation of the reinvestment zone.

WHEREAS, the City finds that the condition of property adjoining North 3rd Street (from Central Avenue to Industrial Boulevard) is likely to substantially arrest or impair the sound growth of the municipality, because of the presence of one or more of the conditions: a substantial number of substandard, slum, deteriorated, or deteriorating structures; the predominance of defective or inadequate sidewalks or streets; faulty size, adequacy, accessibility, or usefulness of lots; unsanitary or unsafe conditions; the

deterioration of site or other improvements; or conditions that endanger life or property by fire or other cause;

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

Part 1: The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

Part 2: (a) **Designation of North 3rd Street Corridor Tax Abatement Reinvestment Zones “A” and “B.”** Pursuant to Section 312.201 of the Code, the City hereby creates reinvestment zones for commercial or industrial tax abatement consisting of property within the area described as follows:

North 3rd Street Area A Tax Increment Financing Reinvestment Zone (Number 18) is an irregular shaped area (depicted on the map attached to this Narrative) centered on North 3rd Street running north-south roughly from Central Avenue to Houston Avenue. **Area A** is bounded on the west by North 7th Street [from Central to French] and on the east from Adams—where it adjoins the South 1st SIZ incentive corridor—north to French Avenue.

North 3rd Street Area B Tax Increment Financing Reinvestment Zone (Number 19) is also an irregular shaped area (again depicted on the map attached to this Narrative) centered on North 3rd Street running north-south roughly from Monroe Avenue to Industrial Boulevard. **Area B** does include a commercial/industrial area north of Industrial and west of North 3rd Street (an area that includes a former nursing home and an apartment building).

Such reinvestment zones are hereby designated and shall hereafter be officially designated as Tax Abatement Reinvestment Zones Numbers 18 & 19, respectively, City of Temple, Texas. The City Council specifically finds that the boundaries of the reinvestment zones (collectively referred to hereinafter as the "NORTH 3RD STREET STRATEGIC INVESTMENT ZONE") should be as shown in the map attached hereto as Exhibit "A."

(b) **Findings Relative to Creation of Tax Abatement Reinvestment Zone.** The City Council, after conducting a public hearing and hearing evidence and testimony, makes the following findings and determinations based on the testimony presented to it:

1. That a public hearing on the adoption of the reinvestment zone has been properly called, held and conducted and that notices of such hearings have been published as required by law and mailed to all taxing units overlapping the territory inside the proposed reinvestment zone;

2. That creation of the NORTH 3RD STREET STRATEGIC INVESTMENT ZONE will result in benefits to the City and to the land included in the zone after the term of any agreement executed hereunder, and the improvements sought are feasible and practical;

3. That the NORTH 3RD STREET STRATEGIC INVESTMENT ZONE meets the criteria for the creation of a reinvestment zone as set forth in Section 312.202 of the Code in that it is "reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the City;" and

4. That the NORTH 3RD STREET STRATEGIC INVESTMENT ZONE meets the criteria for the creation of a reinvestment zone as set forth in the City of Temple Guidelines and Criteria for granting tax abatement in reinvestment zones.

(c): The NORTH 3RD STREET STRATEGIC INVESTMENT ZONE shall take effect on January 7, 2011, and continue in effect until January 7, 2016.

(d) To be considered for execution of an agreement for tax abatement the commercial or residential project shall:

1. Be located wholly within the NORTH 3RD STREET STRATEGIC INVESTMENT ZONE as established herein;

2. Not include property that is owned or leased by a member of the City Council of the City of Temple, Texas, or by a member of the Planning and Zoning Commission;

3. Conform to the requirements of the City's Zoning Ordinance, all other City codes and regulations, City of Temple Guidelines and Criteria for granting tax abatement in reinvestment zones previously adopted by the City Council, and all other applicable laws and regulations; and

4. Have and maintain all land located within the NORTH 3RD STREET STRATEGIC INVESTMENT ZONE, appraised at market value for tax purposes.

(e) Written agreements with property owners located within the NORTH 3RD STREET STRATEGIC INVESTMENT ZONE shall provide identical terms regarding duration of exemption and share of taxable real property value exempted from taxation.

(f) Written agreements for tax abatement as provided for by Section 312.205 of the Tax Code shall include provisions for:

1. Listing the kind, number and location of all proposed improvements of the property;

2. Access to and inspection of property by municipal employees to ensure that the improvements or repairs are made according to the specification and conditions of the agreements;

3. Limiting the use of the property consistent with the general purpose of encouraging development or redevelopment of the NORTH 3RD STREET STRATEGIC INVESTMENT ZONE during the period that property tax exemptions are in effect; and

4. Recapturing property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements as provided by the agreement.

(g) Applications. Applications for tax abatement in the NORTH 3RD STREET STRATEGIC INVESTMENT ZONE are available in the City Attorney's Office, Suite 308, Municipal Building, 2 North Main Street, Temple, TX 76504 or from the City's website, ci.temple.tx.us.

Part 3: (a) Additional Economic Development Incentives for the North 3rd Street Strategic Investment Zone. Pursuant to Article 3, Section 52-a of the Texas Constitution, Chapter 380 of the Texas Local Government Code, and Section III.B of the City's Economic Development Policy ordinance, the City will consider offering additional economic incentives for development in the North 3rd Street Investment Zone as provided below. If property is located within the North 3rd Street Strategic Investment Zone and another investment zone offering similar incentives by the City, the applicant may apply under either program, subject to the rules of eligibility. *To be eligible for any of the grants in Part 3 of this Ordinance, the applicant must propose and complete real property improvements on property located within the North 3rd Street Strategic Investment Zone with a minimum investment of not less than \$50,000 for commercial or industrial development.*

- (1) **Façade Improvement Grants.** (commercial only) The City will consider making grants of up to **\$10,000** on a 1:1 matching basis for the replacement of an existing façade with an eligible masonry product to an eligible property, or to remove an existing façade to expose the original façade. Eligible masonry materials for a replacement façade under this subsection include brick, stone, stucco, EIFS, rough-faced block, fiber cement siding products, such as HardiPlank® and such other materials that the City may approve from time to time. A list of eligible materials for the North 3rd Street Corridor Strategic Investment Zone is maintained in the Construction Safety Office, 1st Floor, the Municipal Building, 2 North Main Street. Façade improvement costs eligible for reimbursement with a façade improvement grant include demolition costs (including labor), landfill costs, and material and construction (including labor) costs, but specifically *exclude* design costs.
- (2) **Sign Improvement Grants.** (commercial only) The City will consider making grants of up to **\$1,500** on a 1:1 matching basis for the installation of new ground-mounted, monument type signs on eligible properties or the replacement of a dilapidated sign. To be eligible, the base or footing of the sign must be concrete or metal. Sign improvement costs eligible for reimbursement with a sign improvement grant include demolition costs (including labor), landfill costs, and material and construction (including labor) costs, but specifically *exclude* design costs.
- (3) **Landscaping Improvement Grants.** (commercial only) The City will consider making grants of up to **\$2,500** on a 1:1 matching basis for the installation of new or additional landscaping to an eligible property. To be eligible the landscaping must meet or exceed the City's landscaping requirements for the area, as the same may be established from time to time. If

an irrigation system is installed, or already exists, and will be maintained by the applicant, the maximum amount of the landscaping grant is **\$3,500** on a 1:1 matching basis. Landscaping improvement costs eligible for reimbursement with a landscaping improvement grant include ground preparation costs (including labor), materials (trees, shrubs, soil and amendments thereto and other decorative hardscape such as arbors, art, and walls or fences) and material and construction (including labor) costs, but specifically *exclude* design costs. The City will also consider making grants of trees from the City's tree farm if requested by the applicant as part of a landscaping improvement grant application.

(4) **Asbestos Survey or Abatement Grants.** (commercial only) The City will consider a grant of up to **\$1,000** on a 1:1 matching basis for owner-initiated asbestos survey of a building and up to **\$3,000** on a 1:1 matching basis for asbestos abatement for a building on eligible property. Asbestos survey and abatement grant eligible costs include professional fees, labor costs, and replacement materials.

(5) **Demolition Grants.** (commercial only) When requested by an applicant the City will consider in its sole discretion, demolishing buildings, signs or parking lots, and disposing of the same at the City's cost, when the City has the capacity and equipment to do so. The City will not demolish buildings where the City in its sole discretion determines that there is a reasonable probability that the building contains asbestos, unless the applicant has obtained an asbestos survey and abated asbestos, where necessary, prior to demolition of the structure. In lieu of doing the demolition work with its own crews, the City will also consider a grant of up to **\$2,500** on a 1:1 matching basis for the demolition of existing buildings, signs, or parking lots on eligible property. Where the applicant is performing the demolition and seeking a demolition grant, eligible costs include the labor and landfill costs, and equipment rental, but exclude any design costs.

(6) **Sidewalk Improvement Grants.** (commercial only) The City will consider grants of up to **\$5,000** on a 1:1 matching basis for the construction of new sidewalks within the NORTH 3RD STREET CORRIDOR STRATEGIC INVESTMENT ZONE, curb and guttering or the replacement of existing sidewalks or curb and guttering on eligible property. Sidewalk improvement costs eligible for reimbursement with a sidewalk improvement grant include demolition costs (where applicable) (including labor), landfill costs, and material and construction (including labor) costs and equipment rental, but specifically *exclude* design costs.

(7) **Waiver of Platting, Zoning and Permit Fees.** (commercial only) The City will consider waiving up to \$2,000 in platting, zoning, water and wastewater tap fees, and building permit fees for eligible projects.

(b) **Eligible Property.** To be eligible for a grant under Part 3(a)(1)-(8) above, the applicant must be the owner or lessee of property lying within the boundaries of the

North 3rd Street Corridor Strategic Investment Zone (Area A or Area B). Eligible property improvements are as described in Part 3(a)(1)-(7) above.

(c) **Application Form.** To be eligible for the grants described in Part 3(a), an applicant must submit an application and received approval from the City prior to commencing the work for which a grant or assistance by the City is sought. Applications must be submitted on a form provided by the City, be fully and accurately completed, and signed by the owner(s) (and the lessee(s), where applicable) of the property. Forms are available in the **City Manager's Office** (c/o of the Assistant City Manager) and in the office of **Keep Temple Beautiful**, 100 West Adams, Suite 302, Temple, TX 76501, and must be submitted to the City Manager's office for review and potential approval by the City. A completed application must contain a rendering of all proposed improvements and a written description of the same. Where the proposed scope of work requires professional work by an engineer or architect, the plans must be sealed by an engineer or architect, as applicable.

(d) **Evaluation of Applications.** In evaluating whether to approve an application for a grant under Part 3(a), the City Council will consider: (1) the extent to which the property for which a grant is sought is blighted or fails to meet City codes or regulations in one or more aspect; (2) whether the proposed redevelopment is at a higher level than which exists on other properties in the North 3rd Street Corridor Strategic Investment Zone at the time of adoption of this ordinance; (3) whether the applicant has the financial resources to complete the described in the application; (4) whether the property is unlikely to redevelop without an incentive by the City; (5) whether the proposed use of the property is in keeping with the future uses of property identified in the City's Comprehensive Plan or a master plan adopted by the City Council. Upon receipt of an application for a grant under Part 3(a), the City Manager shall cause the application to be evaluated using the criteria established in Part 3(d) above, and submit the application and the Staff's recommend to approve or deny the request, in whole or part, to the City Council for their consideration.

(e) **Approval of grants.** The City Council may approve a request for a grant under Part 3(a) in whole or in part, or deny the same.

(f) **No Vested Right to Receive a Grant.** The existence of the grant program established in Section 3(a) does not create any vested rights to receive a grant or convey a property interest to any person to receive a grant. The award or denial of a grant under this Ordinance shall be at the sole discretion of the City Council. The City Council shall annually appropriate funds for the administration of the grant program in this ordinance, and the granting of funds under the programs established by this ordinance are subject to the availability of funds appropriated for that purpose in any given fiscal year.

(g) **Compliance with Terms of a Grant; payment to recipient.** A recipient of a grant from the City must enter into a development agreement with the City prior to receiving any grant funds or in-kind services by the City. The agreement shall provide that the applicant agrees to: (1) complete the work described in the application in a timely fashion; (2) give the City the right to inspect the work described in the development agreement and the financial records associated with the same during reasonable business hours; (3) perform all of the work described in the grant application in accordance with

all applicable City codes and regulations; and (4) to maintain those improvements in the future. The failure by an applicant for a grant to satisfy all of the terms and conditions of the development agreement shall relieve the City of any obligation to provide grants funds under this Ordinance or as described in the development agreement. Payment to grantees shall be made within thirty (3) days of the work described in the development agreement being completed, inspected and accepted by the City.

Part 4: Severance clause. If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

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

Part 6: Sunset provision. The designation of Tax Abatement Reinvestment Zone Number Fifteen shall expire five years from the effective date of this ordinance. The designation of a tax abatement reinvestment zone may be renewed for periods not exceeding five years. The expiration of a reinvestment zone designation does not affect an existing tax abatement agreement authorized by the City Council.

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

PASSED AND APPROVED on First Reading and Public Hearing on the **16th** day of **December**, 2010.

PASSED AND APPROVED on Second and Final Reading on the **6th** day of **January**, 2011.

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

12/16/10
Item #8(B)
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: FIRST READING –PUBLIC HEARING - Consider adopting an ordinance amending the City's Economic Development Policy ordinance to establish new criteria and guidelines for tax abatement in the North 3rd Street Strategic Investment Zone to promote local economic development and to stimulate business and commercial activity.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for January 6, 2011.

ITEM SUMMARY: The proposed ordinance amends the City's comprehensive economic development ordinance to add new criteria and guidelines for authorizing tax abatement agreements on *commercial or industrial* property in the proposed tax abatement reinvestment zone for the North 3rd Street Strategic Investment Zone. This is a companion item to the ordinance creating the North 3rd Street Strategic Investment Zone—which designates the North 3rd Street corridor (roughly Street) as a tax abatement reinvestment zone and also authorizes other match grant incentives from the City.

The matrix proposed to be considered for 5 year, 100% tax abatement on the *increased* value of eligible commercial or industrial real and personal property (useful life of at least 10 years) in the North 3rd Street Strategic Investment Zone Corridor is as follows:

Percentage of increased value To be abated	Inside the North 3 rd Street Strategic Investment Zone Minimum Required Real or Personal Property Investment or Job Creation		
	Eligible Real Property Improvements	Eligible Personal Property*	Full Time Job Creation
100%	\$50,000 or more	\$100,000 or more	10-25 full time jobs

Under the proposed amendment, commercial or industrial projects involving an investment in real property in excess of \$500,000, more than \$2,000,000 in eligible personal property, or the creation of more than 25 new full time jobs would be individually negotiated.

FISCAL IMPACT: N/A. The proposed ordinance creates a mechanism for the City Council to consider approving future tax abatements for commercial or industrial redevelopment in the North 3rd Street Strategic Investment Zone corridor. Approval of individual tax abatement agreements would, of course, generate a fiscal impact on the City.

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, ESTABLISHING A COMPREHENSIVE ECONOMIC DEVELOPMENT POLICY FOR THE CITY OF TEMPLE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple is committed to establishing long-term economic vitality, an essential key to the growth of any community, by responding and preparing for challenges and changes in an environment characterized by ongoing competition for sustained economic advantage and identity;

Whereas, in an effort to enrich an already substantial diversity of economic activity, the City of Temple desires to establish an *Economic Development Policy* consolidating the City's existing and newly-proposed economic development policies into one comprehensive document;

Whereas, the City has established criteria and guidelines governing tax abatement within the City pursuant to Chapter 312 of the Tax Code, and by ordinance has designated two tax abatement reinvestment zones;

Whereas, the City has by ordinance created a tax increment financing reinvestment zone pursuant to Chapter 311 of the Tax Code, and used the tax increments accrued in said zone to construct public improvements intended to spur economic development of the zone;

Whereas, the City has nominated an area of the City for designation by the State, acting through its Department of Commerce, as an enterprise zone pursuant to Tex. Rev. Civ. Stat. Ann. art 5190.7;

Whereas, Article 3, Section 52-a of the State Constitution, authorizes the Legislature to provide for the creation of programs for the making of loans and grants of public money for the public purposes of development and diversification of the economy of the State;

Whereas, the Legislature, in Tex. Rev. Civ. Stat. Ann. art. 835s, has authorized home rule cities to acquire land and buildings for the purpose of leasing the land or improvements thereto to private companies for use in manufacturing or other commercial activity;

Whereas, the Legislature, in Chapter 380 of the Local Government Code, has authorized home rule cities to establish programs for making loans and grants of public money to promote State or local economic activity within their boundaries; and

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

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

Part 1: That a comprehensive *Economic Development Policy* is hereby adopted by the City of Temple, Texas, to read as follows:

ECONOMIC DEVELOPMENT POLICY

FOR THE CITY OF TEMPLE, TEXAS

ADOPTED JANUARY 6, 2011

I. Criteria and Guidelines Governing Tax Abatement.

A. Definitions.

1. "**Abatement**" means the full or partial exemption from ad valorem taxes of certain real property in a reinvestment zone designated by the City for economic development purposes.

2. "**Agreement**" means a contract between a property owner or lessee and the City.

3. "**Base year value**" means the assessed value of eligible property on January 1st of the year of the execution of the tax abatement Agreement, plus the agreed upon value of eligible property improvements made after January 1 but before the execution of the Agreement.

4. "**Deferred Maintenance**" means those improvements necessary for continued operation but which do not improve productivity or alter any process technology. Exterior improvements (e.g., painting, installing, repairing, removing or replacing a facade) to the exteriors of buildings in the Downtown Development Area which are designed to improve visual appearance of property are not deferred maintenance.

5. "**Downtown Development Area**" is an approximately 43 block area of downtown Temple as shown by the map and description attached hereto as Exhibit "A."

6. "**Eligible Facilities**" means those new, expanded or modernized buildings and structures, including fixed machinery and equipment, which are reasonably likely as a result of granting abatement, to contribute to the retention or expansion of primary employment or to attract major investment in the reinvestment zone that would be a benefit to the property and that would contribute to the economic development within the City Eligible Facilities in all commercial/industrial tax abatement reinvestment zones include manufacturing, distribution and storage facilities, office buildings, transportation facilities, and entertainment complex. Additional Eligible Facilities in reinvestment zones established in the Downtown Development Area include retail stores, apartment buildings, restaurants and entertainment facilities (excluding sexually oriented businesses) facilities.

7. "**Expansion**" means the addition of buildings, structures, machinery, equipment or payroll for purposes of increasing production capacity.

8. "**Facility**" means property improvements completed or in the process of construction which together comprise an integral whole.

9. **"Modernization"** means a complete or partial demolition of Facilities and the complete or partial reconstruction or installation of a Facility of similar or expanded production capacity. Modernization may result from the construction, alteration, or installation of buildings, structures, machinery or equipment, or both. Modernization in the Downtown Development area includes painting of exterior walls, restoring, removing or installing a facade and related exterior improvements designed to visually improved the exterior of a building or block.

10. **"New Facility"** means a property previously undeveloped which is placed into service by means other than or in conjunction with Expansion and Modernization.

11. **"Productive Life"** means the number of years a property improvement is expected to be in service for a facility.

12. **"South 1st Street Corridor"** is an area comprised of approximately a 74 block area, which includes South 1st Street from Adams Avenue to South Loop 363 and portions of several adjacent streets including portions of South 2nd Street, South 3rd Street and South 5th Street, as shown by the map and description attached hereto as Exhibit "B."

13. **"Avenue H Strategic Investment Zone"** is an area consisting of Avenue F, G, H & I from South 1st Street to South 25th Street, as shown by the map and description attached hereto as Exhibit "C."

B. Statement of Purpose.

The City is committed to the promotion of high quality commercial and industrial development in all parts of the City, and an ongoing improvement of the quality of life of its citizens. These objectives may be served by the enhancement and expansion of the local economy. The City will consider, on a case-by-case basis granting property tax abatement as a stimulus for economic development in accordance with the criteria and guidelines established herein. Nothing herein shall imply or suggest that the City is under any obligation to provide tax abatement to any applicant, that any applicant has a property right or interest in tax abatement, or that the City is precluded from considering other options which may be in the best interest of the City.

C. Designation of Tax Abatement Reinvestment Zones.

The City will consider designating areas within the City limits or extraterritorial jurisdiction of the City as commercial-industrial tax abatement reinvestment zones which meet one or more of the criteria for designation of a reinvestment zone under Section 312.202 of the Tax Code, and where the property owner meets the minimum qualifications to qualify for a tax abatement under Part I.D. 1.b. of this Policy. Designation of an area as a tax abatement reinvestment zone is a prerequisite to entering into a tax abatement agreement with the owner of the property in a particular area. Property located within a City created (and State-approved) Enterprise Zone is eligible for consideration for tax abatement agreements without the necessity of separate designation as a tax abatement reinvestment zone.

D. Abatement Authorized.

1. **Eligible Facilities.** Upon application, the City will consider granting tax abatement on Eligible Facilities as hereinafter provided.

a. Creation of New Value. The City will consider granting tax abatement only for the additional value of eligible property improvements made subsequent to, and specified in, an abatement agreement between the City and the property owner or lessee, subject to such limitations as the City may require.

b. New and Existing Eligible Facilities. The City will consider granting abatement for new Eligible Facilities and for improvements to existing Eligible Facilities for purposes of Modernization and Expansion.

c. Eligible Property. The City will consider granting abatement to the value of real property improvements (buildings, structures, fixed [permanently attached] machinery and equipment, site improvements, related fixed improvements necessary to the operation and administration of the Facility), and personal property (excluding inventory or supplies) with a Productive Life of ten years or more.

d. Ineligible Property. The following types of property shall remain fully taxable and ineligible for tax abatement: land, supplies, inventory, housing, Deferred Maintenance, property to be rented or leased except as provided in subpart (5) below, and other property which has a Productive Life of less than ten years.

e. Owned/Leased Facilities. If a Leased Facility is granted abatement, the agreement shall be executed with the lessor and the lessee.

2. Standards for Tax Abatement.

a. Minimum Standards. The City will consider tax abatement only on eligible facilities which meet at least two of the following criteria.

(1) The project involves a minimum increase in property value of three hundred percent (300%) for construction of a new facility, or fifty percent (50%) for expansion of an existing facility, with an overall new investment of at least \$1 million in taxable assets. For eligible facilities in any reinvestment zone within the Downtown Development Area or within the South 1st Street Corridor, the project must involve either a minimum increase in property value of one hundred and fifty percent (150%) for construction of a new facility, or twenty-five percent (25%) for expansion of an existing facility, with an overall new investment of at least \$50,000 in taxable assets.

(2) The project makes a substantial contribution to redevelopment efforts, special area plans, or strategic economic development programs by enhancing either functional or visual characteristics, e.g., historical structures, traffic circulation, parking facades, materials, signs.

(3) The project has high visibility, image impact, or is of a significantly higher level of development quality.

(4) The project is an area which might not otherwise be developed because of constraints of topography, ownership patterns, site configuration, etc.

(5) The project can serve as a prototype and catalyst for other development of a higher standard.

(6) The project stimulates desired concentrations of employment or commercial activity.

(7) The project generates greater employment than would otherwise be achieved, e.g., commercial/industrial versus manufacturing versus warehousing.

(8) For eligible facilities in any reinvestment zone within the Downtown Development Area, the project improves the aesthetic appearance of the neighborhood, brings new jobs to the Downtown area, increases the availability of public parking, or increases the amount of green space (landscaping).

b. Minimum Required Investment. An applicant requesting tax abatement shall agree as a condition of any tax abatement ultimately approved by the City Council to expend a certain minimum amount of funds on real or personal property improvements, or to provide a certain number of jobs, as provided below:

Percentage of increased value to be abated	Minimum Required Real or Personal Property Investment or Job Creation		
	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation [†]
25%	\$250,000-\$400,000	\$1,000,000-\$1,600,000	25-30 jobs
30%	400,001-550,000	1,600,001-2,200,000	31-35 jobs
35%	550,001-700,000	2,200,001-2,800,000	36-40 jobs
40%	700,001-850,000	2,800,001-3,400,000	41-45 jobs
45%	850,001-1,000,000	3,400,001-4,000,000	46-50 jobs
50%	1,000,001-1,300,000	4,000,001-5,200,000	51-55 jobs
55%	1,300,001-1,600,000	5,200,001-6,400,000	56-60 jobs
60%	1,600,001-1,900,000	6,400,001-7,600,000	61-65 jobs
65%	1,900,001-2,200,000	7,600,001-8,800,000	66-70 jobs
70%	2,200,001-2,500,000	8,800,001-10,000,000	71-75 jobs
75%	2,500,001-3,500,000	10,000,001-14,000,000	76-85 jobs
80%	3,500,001-4,500,000	14,000,001-18,000,000	86-95 jobs

Percentage of increased value to be abated	Minimum Required Real or Personal Property Investment or Job Creation		
	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation [†]
85%	4,500,001-5,500,000	18,000,001-22,000,000	96-105 jobs
90%	5,500,001-6,500,000	22,000,001-26,000,000	106-115 jobs
95%	6,500,001-7,500,000	26,000,001-30,000,000	116-125 jobs
100%	7,500,001-10,000,000	30,000,001-40,000,000	126-175 jobs

Percentage of increased value To be abated	Inside the Downtown Development Area or the South 1 st Street Corridor Minimum Required Real or Personal Property Investment or Job Creation		
	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation
100%	\$50,000 or more	\$100,000 or more	5-25 jobs

Percentage of increased value To be abated	Inside the Avenue H Strategic Investment Zone Minimum Required Real or Personal Property Investment or Job Creation		
	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation
100%	\$35,000 or more	\$60,000 or more	5-25 jobs

Percentage of increased value To be abated	Inside the North 3 rd Street Strategic Investment Zone Area A and Area B Minimum Required Real or Personal Property Investment or Job Creation		
	Eligible Real Property Improvements	Eligible Personal Property*	Full Time Job Creation
100%	\$50,000 or more	\$100,000 or more	10-25 full time jobs

Projects involving an investment in real property in excess of \$10,000,000 (\$250,000 in the Downtown Development Area, or the South 1st Street and Avenue H Strategic Investment Zones) in eligible personal property of more than \$40,000,000 (\$1,000,000 in the Downtown Development Area or the South 1st Street and Avenue H Strategic Investment Zones), or the creation of more than 175 (25 in the Downtown Development Area or the South 1st Street and Avenue H Strategic Investment Zones) new full time jobs, or requests for tax abatement for more than 5 years, will be individually negotiated.

If a request for tax abatement is justified on the basis of the purchase and maintenance of eligible personal property or on the creation of jobs, the applicant must agree to maintain the personal property or jobs for a period of not less than twice the period for which tax abatement is granted. For example, if an applicant requests and receives 75% tax abatement for five years based on the purchase and maintenance of eligible personal property, the applicant must agree in the tax abatement agreement, subject to recapture of all abated taxes, to maintain the personal property on the property tax roll for not less than ten years.

*Personal property with a useful life of less than ten years is not eligible for tax abatement.

Personal property on site prior to the effective date of the tax abatement agreement is not eligible. Supplies and inventory are ineligible for tax abatement under this policy and State law.

[†] As used herein, the creation of jobs refers to the creation of a job paying not less than \$10 per hour, the approximate median salary for employees in Bell County. To qualify for a level of tax abatement, e.g., 25%, based on the creation of a specific number of jobs, you must commit to hiring the required effective number of employees by the end of year 2 of the agreement. To calculate the effective number of jobs created: (1) calculate the total annual payroll created (based on the number of employees you will hire at various annual salaries); (2) divide this annual payroll by \$20,640 (our calculated annual salary for a \$10/hr employee); and (3) round this figure to the nearest whole integer.

c. Additional or Enhancement Factors. In addition to the minimum investment or job creation criteria listed in (2) above, the following factors, among others, shall be considered in determining whether to grant Tax Abatement, and if so, in what percentage of value to be abated and the duration:

- (1) value of land and existing improvements, if any;
- (2) type and value of proposed improvements;
- (3) productive life of proposed improvements;
- (4) number of existing jobs to be retained by proposed improvements;
- (5) number, salary, and type of new jobs to be created by proposed improvements;
- (6) amount of local payroll to be created;
- (7) whether the new jobs to be created will be filled by persons residing or projected to reside within the City;
- (8) amount of local sales taxes to be generated directly;
- (9) the costs, if any, to be incurred by the City to provide facilities or services directly resulting from the new improvements;
- (10) the amount of ad valorem taxes to be paid the City during the Abatement period considering the existing values, the percentage of new value abated, the Abatement period, and the projected property value after expiration of the Abatement period;
- (11) population growth that occurs directly as a result of new improvements;
- (12) the types and value of public improvements, if any, to be constructed and paid for by the applicant seeking Abatement;
- (13) the extent to which the proposed improvements compete with existing businesses;
- (14) the positive or negative impact on the opportunities of existing businesses;
- (15) the attraction of other new businesses to the area;
- (16) the overall compatibility with the City's zoning and subdivision regulations, and over-all comprehensive plan; and
- (17) whether the project is environmentally compatible with the community (no appreciable negative impact on quality-of-life perceptions).

Each Eligible Facility shall be reviewed on its merits utilizing the factors provided above. After such review, abatement may be denied entirely or may be granted to the extent deemed appropriate after full evaluation.

3. Abatement barred in certain circumstances. Neither a reinvestment zone nor an abatement agreement shall be authorized, if the City Council determines that:

- a. there would be a substantial adverse effect on the provision of government service or tax base;
- b. the applicant has insufficient financial capacity to meet the requirements of the proposed abatement agreement;
- c. planned or potential use of the property would constitute a hazard to public safety, health, or morals;
- d. approval of a reinvestment zone or abatement agreement would violate State or Federal laws or regulations; or
- e. there exists any other valid reason for denial deemed appropriate by the City.

4. Property subject to Taxation. From the execution of an Abatement Agreement to the end of the effective abatement period under the Agreement, taxes shall be payable as follows:

- a. the value of ineligible property (Part I.D.1.d.) shall be fully taxable;
- b. the base year value of existing eligible property as determined each year shall be fully taxable;
- c. the additional value of new eligible property shall be taxed in the manner and for the period provided for in the Abatement Agreement; and
- d. the additional value of new, eligible property shall be fully taxable at the end of the Abatement period.

5. Application for Tax Abatement.

a. Any present or potential owner of taxable property in the City of Temple, Texas, may request the creation of a tax abatement reinvestment zone and tax abatement by filing a written request with the City. The application shall then be forwarded to the City Manager for review. After processing the application, the City Manager shall make a recommendation to the City Council of the City for final disposition.

b. The application shall consist of a completed application form, which shall provide detailed information on the items described in Part I.D.2. above; a map and property description; and a time schedule for undertaking and completing the planned improvements. In the case of Modernization, a statement of the assessed value of the facility, separately stated for real and personal property, shall be given for the tax year immediately proceeding the application. The application form may require such

financial and other information as may be deemed appropriate for evaluating the financial capacity and other factors of the applicant.

c. The City shall give notice as provided by the Tax Code, i.e., written notice to the presiding officer of the governing body of each taxing unit in which the property to be subject to the agreement is located, no later than the seventh day before the date the City Council considers approval of a tax abatement agreement.

d. The City shall not establish a reinvestment zone for the purpose of Abatement if it finds that the request for the abatement was filed after the commencement of construction of a New Facility, or alteration, Modernization, Expansion of an existing Facility.

6. Tax Abatement Agreements

a. After preliminary approval of an application, the City shall formally pass a resolution authorizing an Agreement with the owner (and lessee, where applicable) of the Facility, which Agreement shall include, but not be limited to:

- (1) The kind, number, and location of all proposed improvements of the property;
- (2) A provision for access to and authorize inspection of the property by municipal employees to ensure that the improvements or repairs are made according to the specifications and conditions of the Agreement;
- (3) Limits for the uses of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period the property tax exemptions are in effect;
- (4) Provide for recapturing property tax revenue lost as a result of the Agreement if the owner of the property fails to make the improvements or repairs as provided by the Agreement;
- (5) Each term agreed to by the owner of the property;
- (6) A requirement that the owner of the property annually certify to the governing body of each taxing unit that the owner is in compliance with each applicable term of the Agreement;
- (7) Provide that the City Council may cancel or modify the Agreement if the property fails to comply with the Agreement;
- (8) The percentage of value to be abated each year; and
- (9) The commencement date and the termination date of Abatement.

b. To be effective, a tax abatement agreement must be approved by the affirmative vote of a majority of the members of the City Council at a regularly scheduled meeting of the City Council.

c. Agreements shall normally be approved or disapproved within sixty (60) days from the date the applicant filed a properly completion application for tax abatement with the City Manager.

7. Recapture of Abated Taxes Upon Default.

a. In the event that the company or individual:

(1) allows its ad valorem taxes owed the City to become delinquent and fails to timely and properly follow the legal procedures for their protest or contest, or

(2) violates any of the terms and conditions of the Abatement Agreement, and fails to cure during the Cure Period hereinafter described,

(3) the Agreement then may be terminated, and the company or individual whose Agreement is terminated shall repay, as liquidated damages, all taxes previously abated by virtue of the Agreement to the City within thirty (30) days of the termination.

b. Should the City determine that the company or individual is in default according to the terms and conditions of its Agreement, the City shall notify the company or individual of such default in writing at the address stated in the Agreement, and if such is not cured within thirty (30) days from the date of such notice ("Cure Period"), then the Agreement may be terminated.

8. Administration.

a. The Chief Appraiser of the Bell County Appraisal District will annually determine an assessment of the real and personal property comprising the reinvestment zone. Each year, the company or individual receiving abatement shall furnish the Appraiser with such information as may be necessary for the Abatement. Once value has been established, the Chief Appraiser will notify the City of the amount of the assessment.

b. An abatement agreement shall stipulate that employees or designated representatives of the City will have access to the reinvestment zone during the term of the Abatement to inspect the Facility to determine if the terms and conditions of the agreement are being met. All inspections will be made only after the giving of twenty-four (24) hours prior notice and will only be conducted in such manner as to not unreasonably interfere with the construction or operation of the Facility. All inspections will be made with one or more representatives of the company or individual and in accordance with its safety standards.

c. Upon completion of construction, the designated representative of the City shall annually evaluate each Facility receiving Abatement to insure compliance with the agreement, and a formal report shall then be made to the City Council of Temple regarding the findings of the evaluation.

9. Assignment of Tax Abatement Agreements.

Abatement may be transferred and assigned by the holder to a new owner or lessee of the same Facility upon the approval by resolution of the City subject to the financial capacity of the assignee and provided that all conditions and obligations in the Abatement Agreement are guaranteed by the execution of a new contractual Agreement with the City. No assignment or transfer shall be approved if the parties to the existing Agreement, the new owner or new lessee, are liable to any jurisdiction for outstanding taxes or other obligations. Approval of assignments will not be unreasonably withheld.

10. Sunset Provision.

These tax abatement criteria and guidelines are effective upon the date of their adoption and will remain in force for two years, unless amended by three-quarters vote of the City Council, at which time all reinvestment zones and tax abatement agreements created pursuant to these provisions will be reviewed to determine whether the goals have been achieved. Based on that review, the criteria and guidelines may be modified, renewed or eliminated.

II. Availability of Tax Increment Financing of Public Improvements.

A. Existence of tax increment financing district.

The City of Temple has previously created Tax Increment Financing District Number One. To be designated as a tax increment financing reinvestment zone (TIFRZ), an area must meet the criteria established for reinvestment zones under Section 311.005 of the Tax Code. Designation of an area of the City as an enterprise zone under Tex. Rev. Civ. Stat. Ann. art. 5190.7, the Texas Enterprise Zone Act, qualifies an area automatically for designation as a tax increment financing reinvestment zone.

B. Development agreements.

The City will consider entering into development agreements with the owners of property within a TIFRZ where construction of a public improvement(s), e.g., a street, sewer or water line, bridge, railroad spur, or drainage project, using tax increment funds is likely to result in the significant expansion or modernization of an existing facility, the construction of a major new facility, the creation of a significant number of new jobs, or otherwise accomplishes one of the major goals of Chapter 311 of the Tax Code. The City Council may by ordinance or resolution, with the advise and recommendation of the Board of Directors of Tax Increment Financing Reinvestment Zone Number One, may establish minimum criteria for consideration of development agreements.

III. Additional Economic Incentives within the City

A. Designation of Enterprise Zone.

The City has nominated an area of the City for designation as an enterprise zone by the State of Texas, acting through its Department of Commerce, under Tex. Rev. Civ. Stat. Ann. art. 5190.7 (the Texas Enterprise Zone Act). Pending approval of the area as an enterprise zone by the State, the City will consider granting several types of economic incentives with the enterprise zone.

1. Sales and use tax refunds.

a. Minimum qualifications. To encourage development of the Enterprise Zone, the City will consider granting sales and use tax rebates to businesses within the Enterprise Zone which:

- (1) meet the definition of "qualified businesses" for purposes of Section 3(a)(11) of the Enterprise Zone Act;
- (2) meet the qualifications for, and receive designation by the State as an enterprise project as an enterprise project as provided for in Section 10 of the Enterprise Zone Act.

b. Eligible taxes. The City may agree to a refund of its sales and use taxes paid by qualified business designated as a enterprise project on the purchase, lease, or rental of equipment or machinery for use in an enterprise zone or on the purchase of material for use in remodeling, rehabilitating, or constructing a structure in the Enterprise Zone.

c. Agreement required. The City will, by development agreement, consider refunding up to one-half (1/2) of the *eligible* sales and use tax paid by a qualified business and enterprise project for a period of up to three (3) years.

d. Documentation required. A qualified business and enterprise project entitled to a refund of sales and use tax under this Section by agreement shall pay the entire amount of State and local sales and use taxes at the time of purchase. A qualified business and enterprise project entitled to a refund of sales and use tax by agreement may request a refund once each year in writing. A qualified business and enterprise project entitled to a refund of sales and use tax by agreement must provide documentation necessary to support a refund claim in a form prescribed by the City's Director of Finance.

2. Waiver of permit fees.

By resolution, the City Council may adopt a policy to waive certain building, permit, license or development fees to qualified businesses which have been designated as enterprise projects within the Enterprise Zone.

B. Other economic incentives within the City.

1. Pursuant to authority delegated by the Legislature to cities under Chapter 380 of the Local Government Code, and as authorized by Article 3, Section 52-a of the Texas Constitution, the City will consider making loans or grants of public funds or property, or the selling or leasing City property at or below the fair market value of said property, to promote State or local economic development and to stimulate business and commercial activity within the City.

2. Upon application, the City may consider one or more of the following economic tools to encourage economic development:

- (a) The City may purchase tracts of land in the City to encourage economic development if it determines that assembly of smaller tracts into larger tracts will promote the sale or development of property over the long term. The City may also purchase land to sell or lease to a qualified business in the City, if it determines that a qualified business meets the minimum requirements for additional incentives set out below
- (b) As further authorized by Tex. Rev. Civ. Stat. Ann. art. 5190.7 § 20(b), the City may sell or lease City-owned property to private developers, if the City Council determines that the property is not needed for any other public purpose, and that sale of the property to a private developer will result in capital improvements or the creation of new jobs within the City. The City will generally sell or lease public property at its fair market value, but will consider making a one-time grant to an applicant, or selling or leasing property at less than fair market value, according to the following formula:

Additional Incentives within the City
--

Value of grant, or value of reduction in lease payments or sale price	To qualify for additional incentive, a qualified business must agree to the following minimum investment in <u>both</u> improvements to real property (new construction or expansion of existing facility) <u>and</u> the creation of new jobs	
Not to exceed \$150,000	Not less than \$7.5 million	Not less than 125 new jobs
Not to exceed \$300,000	Not less than \$15 million	Not less than 250 new jobs
Not to exceed \$450,000	Not less than \$22.5 million	Not less than 375 new jobs
Not to exceed \$600,000	Not less than \$28 million	Not less than 500 new jobs

Incentives under Chapter 380 of the Local Government Code where the investment and number of jobs exceed the chart above will be individually negotiated.

C. Additional economic incentives in Downtown Development Area.

1. Pursuant to authority delegated by the Legislature to cities under Chapter 380 of the Local Government Code, and as authorized by Article 3, Section 52-a of the Texas Constitution, the City will consider making loans or grants of public funds or property, or the selling or leasing City property at or below the fair market value of said property, to promote State or local economic development and to stimulate business and commercial activity in the Downtown Development Area (as shown on Exhibit "A").

2. Upon application, the City of Temple will consider one or more of the following economic tools to encourage economic development in the Downtown Development Area:

- (a) The City may purchase tracts of land in the Downtown Development Area to encourage economic development if it determines that assembly of smaller tracts into larger tracts will promote the sale or development of property over the long term. The City may also purchase land to sell or lease to a qualified business in the Downtown Development Area, if it determines that a qualified business meets the minimum requirements for additional incentives set out below.
- (b) As further authorized by Tex. Rev. Civ. Stat. Ann. art. 5190.7 § 20(b), the City may sell or lease City-owned property to private developers, if the City Council determines that the property is not needed for any other public purpose, and that sale of the property to a private developer will result in capital improvements or the creation of new jobs in the Downtown Development Area. The City will generally sell or lease public property at its fair market value, but will consider making a one-time grant to an applicant, or selling or leasing property at less than fair market value, according to the following formula:

Additional Incentives in the Downtown Development Area	

Value of grant, or value of reduction in lease payments or sale price or surplus property	To qualify for additional incentive, a qualified business must agree to the following minimum investment in <u>either</u> improvements to real property (new construction or expansion of existing facility) <u>or</u> the creation of new jobs (25% of the holders of which must be residents of zone or economically disadvantaged).	
Not to exceed \$6,000	Not less than \$70,000	Not less than 3 new jobs
Not to exceed \$8,000	Not less than \$100,000	Not less than 5 new jobs
Not to exceed \$10,000	Not less than \$175,000	Not less than 10 new jobs
Not to exceed \$15,000	Not less than \$225,000	Not less than 15 new jobs
Not to exceed \$18,000	Not less than \$300,000	Not less than 20 new jobs

3. In order for a proposal to be considered for the Additional Incentives under this subsection, an applicant is required to submit a Business Plan detailing sufficient information to evaluate the development and the opportunities for success. A development agreement will provide clauses that insure the return of monetary or real incentives granted for a project in the event that the project is not undertaken within a specified time.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **16th** day of **December**, 2010.

PASSED AND APPROVED on Second and Final Reading on the **6th** day of **January**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger

Jonathan Graham

City Secretary

City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

12/16/10
Item #9(A-F)
Regular Agenda
Page 1 of 4

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing
Sam Weed, Fleet Superintendent

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of the following vehicles:

- A. One (1) five-passenger mid-size sedan from Caldwell Country Ford of Rockdale, in the amount of \$14,488*;
- B. Four (4) ½-ton light duty full-size pickups from Caldwell Country Ford of Rockdale, in the amount of \$74,364;
- C. One (1) ½-ton super crew/quad cab pickup from Caldwell Country Ford of Rockdale, in the amount of \$20,142;
- D. One (1) 1-ton diesel cab and chassis dual rear wheels with aerial lift and utility body from Philpott Motors of Port Neches, utilizing the BuyBoard in the amount of \$61,063*;
- E. One (1) 1-ton diesel crew/quad cab and chassis dual rear wheel pickup with utility body from Caldwell Country Ford of Rockdale, in the amount of \$49,892*; and
- F. One (1) 1-ton light duty diesel cab and chassis with steel floor stake body from Grande Truck Center of San Antonio, in the amount of \$32,286*.

* Local Preference Policy applies to these purchases.

STAFF RECOMMENDATION: Adopt resolution as presented in item description or consider local preference options as noted below.

ITEM SUMMARY: On November 23, 2010, eight (8) vendors submitted pricing on six (6) independent vehicle bids.

Staff recommends award of the following three (3) bids to **Caldwell Country Ford.** Caldwell Country Ford did not take any exceptions to the bid specifications. The City has done business with Caldwell Country Ford in the past and finds them to be a responsible vendor.

Bid Tabulation #1-Five Passenger Mid-Size Sedan:

Bid Tab #	Description	Qty	Account	Project #	Budget	Recommended Bid	Local Preference Option
1	Parks (replaces asset 10649)	1	110-5935-552-6213	100638	\$ 17,000	\$ 14,488	\$ 15,204.30
Sub-Total for one (1) Five Passenger Mid-Size Sedan					\$ 17,000	\$ 14,488	\$ 15,204.30

In accordance with the City's adopted Local Preference Policy, Council does have the option to award the five passenger mid-size sedan to Johnson Brothers Ford Lincoln Mercury of Temple in the amount of \$15,204.30, versus the low bid of \$14,488 from Caldwell Country Ford, a \$716.30 spread. Johnson Brother's bid is 4.9% higher than Caldwell Country Ford's low bid.

Per the City's Local Preference Policy, for expenditures less than \$100,000, if the City receives a competitive sealed bid from a bidder whose principal place of business is within the City limits and whose bid is within five percent of the lowest bid price, the Council has the option to consider awarding the purchase to the local bidder if the Council determines that the local bidder offers the City the best combination of contract price and additional economic development opportunities for the City created by the contract award.

Bid Tabulation #2-Four (4) ½ Ton Light Duty Full-Size Pickups:

Bid Tab #	Description	Qty	Account	Project #	Budget	Recommended Bid	Local Preference Option
2	Fleet Services (replaces Asset #9991)	1	110-5938-519-6213	100633	\$ 18,500	\$ 18,591	None
2	Solid Waste (replaces Asset #10636)	1	110-5900-540-6213	100641	\$ 22,500	\$ 18,591	None
2	PALS (replaces Asset #10208 & 10485)	2	110-5935-552-6213	100635 100637	\$ 38,000	\$ 37,182	None
Sub-Total for Four (4) ½ Ton Light Duty Full-Size Pickups					\$ 79,000	\$74,364	NONE

Bid Tabulation #3-One (1) ½ Ton Super Crew/Quad Cab Pickup:

Bid Tab #	Description	Qty	Account	Project #	Budget	Recommended Bid	Local Preference Option
3	Fire (replaces Asset #10120)	1	110-5900-522-6213	100632	\$ 29,200	\$ 20,142	None
Sub-Total for one (1) ½ Ton Super Crew/Quad Cab Pickup					\$ 29,200	\$ 20,142	NONE

Bid Tabulation #5-One (1) 1-Ton Diesel Crew/Quad Cab & Chassis Dual Rear Wheels with Utility Body:

Bid Tab #	Description	Qty	Account	Project #	Budget	Recommended Bid	Local Preference Option
5	Street (replaces Asset #10366	1	110-5900-531-6213	100644	\$ 50,000	\$ 49,892	\$52,108.80
Sub-Total for one (1) 1-Ton Diesel Crew/Quad Cab & Chassis Dual Rear Wheels with Utility Body:					\$ 50,000	\$ 49,892	\$52,108.80

In accordance with the City's adopted Local Preference Policy, Council does have the option to award the 1-ton diesel crew/quad cab & chassis dual rear wheels with utility body to Johnson Brothers Ford Lincoln Mercury of Temple in the amount of \$52,108.80, versus the low bid of \$49,892 from Caldwell Country Ford, a \$2,216.80 spread. Johnson Brother's bid is 4.4% higher than Caldwell Country Ford's low bid.

Staff recommends award of the following bid to **Philpott Motors utilizing the BuyBoard:**

Bid Tabulation #4-1 Ton Diesel Cab & Chassis Dual Rear Wheels w/Aerial Lift & Utility Body:

Bid Tab #	Description	Qty	Account	Project #	Budget	Recommended Bid	Local Preference Option
4	Traffic Signal (replaces Asset # 10363)	1	110-5900-532-6213	100647	\$ 60,000	\$ 61,063	\$ 63,355.80
Sub-Total for one (1) 1 Ton Diesel Cab & Chassis Dual Rear Wheels w/Aerial Lift & Utility Body					\$ 60,000	\$ 61,063	\$63,355.80

In accordance with the City's adopted Local Preference Policy, Council does have the option to award the 1-Ton Diesel Cab & Chassis Dual Rear Wheels w/Aerial Lift & Utility Body to Johnson Brothers Ford Lincoln Mercury of Temple in the amount of \$63,355.80, versus the low bid of \$61,063 from Philpott Motors, a \$2,292.80 spread. Johnson Brother's bid is 3.8% higher than Philpott Motors' pricing.

Exceptions taken by both Philpott Motors and Johnson Brothers Ford Lincoln Mercury were routine in nature and did not impact the overall quality of the vehicle.

The City has done business with Philpott Motors in the past and finds them to be a responsible vendor.

Staff recommends award of the following bid to **Grande Truck Center:**

Bid Tabulation #6- 1-Ton Light Duty Diesel Cab & Chassis with Steel Floor Stake Body:

Bid Tab #	Description	Qty	Account	Project #	Budget	Recommended Bid	Local Preference Option
6	Pals (replaces Asset # 10450)	1	110-5935-552-6213	100636	\$ 42,000	\$ 32,286	\$ 32,442.68
Sub-Total for one (1) 1 Ton Light Duty Diesel Cab & Chassis with Steel Floor Stake Body					\$ 42,000	\$ 32,286	\$32,442.68

In accordance with the City's adopted Local Preference Policy, Council does have the option to award the 1-Ton Light Duty Diesel Cab & Chassis with Steel Floor Stake Body to Johnson Brothers Ford Lincoln Mercury of Temple in the amount of \$32,442.68, versus the low bid of 32,286.00 from Grande Truck Center, a \$156.68 spread. Johnson Brother's bid is 0.5% higher than Grande Truck Center's low bid.

The City has not done business with Grande Truck Center in the past. Therefore, references were checked and after receiving favorable responses the City finds them to be a responsible vendor.

FISCAL IMPACT: Funding for the purchase of the nine vehicles identified above were included in the Council-adopted FY 2011 budget in the accounts as defined in the Item Summary above in the amount of \$277,200. Total funding needed for the recommended purchases is \$252,235 resulting in a savings over budget in the amount of \$24,965.

ATTACHMENTS:

Bid Tabulations (6)
Resolution

Bid Tabulation #1

**Tabulation of Bids Received
on November 23, 2010 at 2:00 p.m.
Five Passenger Midsize Sedan**

Description	Bidders			
	Caldwell Country Chevrolet Caldwell, TX	Caldwell Country Ford Rockdale, TX	Altec Industries Elizabethtown, KY	Texas Motors Ford Ft. Worth, TX
Total Bid Price	\$17,810.00	\$14,488.00	No Bid	\$15,617.43
Total Alternate Bid Price	\$25,575.00	\$26,886.00	No Bid	No Bid
Delivery within 120 days?	Yes	Yes	No Bid	Yes
Acknowledge Addendum?	Yes	Yes	No Bid	No
Local Preference?	No	No	No Bid	No
Exceptions?	No	No	No Bid	No
Credit Check Authorization	Yes	Yes	No Bid	Yes

Buyboard
Philpot Motors
Port Neches, Texas
\$15,066.79
\$27,265.57

Description	Bidders			
	Grande Ford Truck Sales San Antonio, TX	Grande Truck Center San Antonio, TX	Johnson Brothers Ford Lincoln Mercury Temple, TX	Henna Chevrolet Austin, TX
Total Bid Price	No Bid	No Bid	\$15,204.30	\$18,946.00
Total Alternate Bid Price	No Bid	No Bid	No Bid	No Bid
Delivery within 120 days?	No Bid	No Bid	No	Yes
Acknowledge Addendum?	No Bid	No Bid	No	Yes
Local Preference?	No Bid	No Bid	Yes	No
Exceptions?	No Bid	No Bid	No	Yes
Credit Check Authorization	No Bid	No Bid	Yes	Yes

Eligible for local preference

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

Belinda Mattke

23-Nov-10

Belinda Mattke, Director of Purchasing

Date

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

Bid Tabulation #2

**Tabulation of Bids Received
on November 23, 2010 at 2:00 p.m.
1/2 Ton Light Duty Full-Size Pickups**

Bidders									
		Caldwell Country Chevrolet Caldwell, TX		Caldwell Country Ford Rockdale, TX		Altec Industries Elizabethtown, KY		Texas Motors Ford Ft. Worth, TX	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Total Bid Price	4	\$16,987.00	\$67,948.00	\$15,337.00	\$61,348.00	No Bid		\$17,856.05	\$71,424.20
AM/FM/CD Radio w/Digital Clock	0	\$145.00	\$0.00	\$241.00	\$0.00	No Bid		\$374.00	\$0.00
Remote Keyless Entry	4	\$204.00	\$816.00	N/C		No Bid		\$660.00	\$2,640.00
Sprayed-on Bed Liner	4	\$375.00	\$1,500.00	\$375.00	\$1,500.00	No Bid		\$425.00	\$1,700.00
Headache Rack	4	\$363.00	\$1,452.00	\$363.00	\$1,452.00	No Bid		\$440.00	\$1,760.00
Toolbox	4	\$549.00	\$2,196.00	\$549.00	\$2,196.00	No Bid		\$684.00	\$2,736.00
Back-up Alarm	4	\$80.00	\$320.00	\$79.00	\$316.00	No Bid		\$150.00	\$600.00
Light Bar	4	\$1,888.00	\$7,552.00	\$1,888.00	\$7,552.00	No Bid		\$1,815.00	\$7,260.00
Total With Options		\$81,784.00		\$74,364.00		No Bid		\$88,120.20	
Delivery within 120 days?		Yes		Yes		No Bid		Yes	
Acknowledge Addendum?		Yes		Yes		No Bid		No	
Local Preference?		No		No		No Bid		No	
Exceptions?		No		No		No Bid		Yes	
Credit Check Authorization		Yes		Yes		No Bid		Yes	

Buyboard
Philpot Motors
Port Neches, Texas
\$79,755.32

Bidders									
		Grande Ford Truck Sales San Antonio, TX		Grande Truck Center San Antonio, TX		Johnson Brothers Ford Lincoln Mercury Temple, TX		Henna Chevrolet Austin, TX	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Total Bid Price	4	No Bid		\$17,933.00	\$71,732.00	\$18,650.05	\$74,600.20	\$18,808.00	\$75,232.00
AM/FM/CD Radio w/Digital Clock	0	No Bid		\$250.00	\$0.00	\$241.00	\$0.00	\$145.00	\$0.00
Remote Keyless Entry	4	No Bid		Included		Included		\$204.00	\$816.00
Sprayed-on Bed Liner	4	No Bid		\$450.00	\$1,800.00	\$400.00	\$1,600.00	\$379.00	\$1,516.00
Headache Rack	4	No Bid		\$425.00	\$1,700.00	\$375.00	\$1,500.00	\$325.00	\$1,300.00
Toolbox	4	No Bid		\$675.00	\$2,700.00	\$525.00	\$2,100.00	\$529.00	\$2,116.00
Back-up Alarm	4	No Bid		\$76.00	\$304.00	\$45.00	\$180.00	\$55.00	\$220.00
Light Bar	4	No Bid		\$2,016.00	\$8,064.00	\$1,906.75	\$7,627.00	\$1,800.00	\$7,200.00
Total With Options		No Bid		\$86,300.00		\$87,607.20		\$88,400.00	
Delivery within 120 days?		No Bid		Yes		No		Yes	
Acknowledge Addendum?		No Bid		No		No		Yes	
Local Preference?		No Bid		No		Yes		No	
Exceptions?		No Bid		No		No		No	
Credit Check Authorization		No Bid		Yes		Yes		Yes	

Alternate w/4.8
\$18,128.00 \$72,512.00

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

Belinda Mattke **23-Nov-10**
Belinda Mattke, Director of Purchasing Date

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

Bid Tabulation #3

**Tabulation of Bids Received
on November 23, 2010 at 2:00 p.m.
1/2 Ton Super Crew/Quad Cab Pickup**

Description	Bidders			
	Caldwell Country Chevrolet Caldwell, TX	Caldwell Country Ford Rockdale, TX	Altec Industries Elizabethtown, KY	Texas Motors Ford Ft. Worth, TX
Total Bid Price	\$20,933.00	\$19,688.00	No Bid	\$24,301.05
Sprayed-on Bed Liner	\$375.00	\$375.00	No Bid	\$450.00
Back-up Alarm	\$80.00	\$79.00	No Bid	\$125.00
Total with Options	\$21,388.00	\$20,142.00	No Bid	\$24,876.05
Delivery within 120 days?	Yes	Yes	No Bid	Yes
Acknowledge Addendum?	Yes	Yes	No Bid	No
Local Preference?	No	No	No Bid	No
Exceptions?	No	No	No Bid	Yes
Credit Check Authorization	Yes	Yes	No Bid	Yes

Buyboard
Philpot Motors
Port Neches, Texas
\$23,406.11

Description	Bidders			
	Grande Ford Truck Sales San Antonio, TX	Grande Truck Center San Antonio, TX	Johnson Brothers Ford Lincoln Mercury Temple, TX	Henna Chevrolet Austin, TX
Total Bid Price	No Bid	\$23,412.00	\$23,979.05	\$23,499.00
Sprayed-on Bed Liner	No Bid	\$500.00	\$350.00	\$379.00
Back-up Alarm	No Bid	\$76.00	\$45.00	\$55.00
Total with Options	No Bid	\$23,988.00	\$24,374.05	\$23,933.00
Delivery within 120 days?	No Bid	Yes	No	Yes
Acknowledge Addendum?	No Bid	No	No	Yes
Local Preference?	No Bid	No	Yes	No
Exceptions?	No Bid	No	No	Yes
Credit Check Authorization	No Bid	Yes	Yes	Yes

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

Belinda Mattke

23-Nov-10

Belinda Mattke, Director of Purchasing

Date

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

Bid Tabulation #4

**Tabulation of Bids Received
on November 23, 2010 at 2:00 p.m.
1-Ton Diesel Cab & Chassis Dual Rear Wheels with Aerial Lift and Utility Body**

Description	Bidders			
	Caldwell Country Chevrolet Caldwell, TX	Caldwell Country Ford Rockdale, TX	Altec Industries Elizabethtown, KY	Texas Motors Ford Ft. Worth, TX
Total Bid Price	No Bid	\$65,686.00	\$61,803.00	\$69,628.90
Delivery within 120 days?	No Bid	Yes	No	No
Acknowledge Addendum?	No Bid	Yes	No	No
Local Preference?	No Bid	No	No	No
Exceptions?	No Bid	Yes	Yes	Yes
Credit Check Authorization	No Bid	Yes	Yes	Yes
				Bid Rejected - Not a license dealer in TX

Description	Bidders			
	Grande Ford Truck Sales San Antonio, TX	Grande Truck Center San Antonio, TX	Johnson Brothers Ford Lincoln Mercury Temple, TX	Henna Chevrolet Austin, TX
Total Bid Price	\$65,170.00	\$62,864.00	\$63,355.80	\$64,032.00
Delivery within 120 days?	Yes	Yes	No	Yes
Acknowledge Addendum?	Yes	No	No	Yes
Local Preference?	No	No	Yes	No
Exceptions?	Yes	No	Yes	Yes
Credit Check Authorization	Yes	Yes	Yes	Yes
				Eligible for Local Preference

Buyboard
Philpot Motors
Port Neches, Texas
\$61,063.00

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

Belinda Mattke

23-Nov-10

Belinda Mattke, Director of Purchasing

Date

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

Bid Tabulation #5

**Tabulation of Bids Received
on November 23, 2010 at 2:00 p.m.
1-Ton Diesel Crew/Quad Cab & Chassis Dual Rear Wheels with Utility Body**

Description	Bidders			
	Caldwell Country Chevrolet Caldwell, TX	Caldwell Country Ford Rockdale, TX	Altec Industries Elizabethtown, KY	Texas Motors Ford Ft. Worth, TX
Total Cab & Chassis Bid Price	\$39,947.00	\$37,987.00	\$43,630.00	\$41,029.80
70 CFM Under Hood Mounted Air Compressor	\$9,300.00	\$9,400.00	\$12,811.00	\$9,385.00
Class IV Receiver Hitch	\$300.00	\$300.00	\$325.00	\$390.00
Entry Step	\$300.00	\$325.00	\$630.00	\$279.00
Light Bar	\$1,888.00	\$1,880.00	\$2,192.00	\$2,120.00
Total Price with Options	\$51,735.00	\$49,892.00	\$59,588.00	\$53,203.80
Delivery within 180 days?	Yes	Yes	Yes	Yes
Acknowledge Addendum?	Yes	Yes	No	No
Local Preference?	No	No	No	No
Exceptions?	No	No	Yes	Yes
Credit Check Authorization	Yes	Yes	Yes	Yes

Buyboard
Philpot Motors
Port Neches, Texas
No Bid

Description	Bidders			
	Grande Ford Truck Sales San Antonio, TX	Grande Truck Center San Antonio, TX	Johnson Brothers Ford Lincoln Mercury Temple, TX	Henna Chevrolet Austin, TX
Total Cab & Chassis Bid Price	No Bid	\$39,377.00	\$39,563.80	\$45,093.00
70 CFM Under Hood Mounted Air Compressor	No Bid	\$10,234.00	\$10,234.00	\$8,650.00
Class IV Receiver Hitch	No Bid	Included	Included	\$270.00
Entry Step	No Bid	\$250.00	\$295.00	\$220.00
Light Bar	No Bid	\$2,016.00	\$2,016.00	\$1,800.00
Total Price with Options	No Bid	\$51,877.00	\$52,108.80	\$56,033.00
Delivery within 180 days?	No Bid	Yes	No	Yes
Acknowledge Addendum?	No Bid	No	No	Yes
Local Preference?	No Bid	No	Yes	No
Exceptions?	No Bid	Yes	Yes	Yes
Credit Check Authorization	No Bid	Yes	Yes	Yes

Eligible for Local Preference

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

Belinda Mattke

23-Nov-10

Belinda Mattke, Director of Purchasing

Date

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

Bid Tabulation #6

**Tabulation of Bids Received
on November 23, 2010 at 2:00 p.m.
1-Ton Light Duty Diesel Cab & Chassis with Steel Floor Stake Body**

Description	Bidders			
	Caldwell Country Chevrolet Caldwell, TX	Caldwell Country Ford Rockdale, TX	Altec Industries Elizabethtown, KY	Texas Motors Ford Ft. Worth, TX
Total Cab & Chassis Bid Price	\$27,902.00	\$25,880.00	\$28,335.00	\$29,370.80
One Set of Shop/Service Manuals	\$300.00	\$300.00	N/A	N/A
Back-up Alarm	\$90.00	\$80.00	\$102.00	\$125.00
Light Bar	\$1,800.00	\$1,775.00	\$2,258.00	\$1,990.00
Steel Stake Body	\$8,400.00	\$8,600.00	\$13,069.00	\$8,685.00
Total Price with Options	\$38,492.00	\$36,635.00	\$43,764.00	\$40,170.80
Delivery within 120 days?	Yes	Yes	Yes	Yes
Acknowledge Addendum?	Yes	Yes	No	No
Local Preference?	No	No	No	No
Exceptions?	No	No	Yes	Yes
Credit Check Authorization	Yes	Yes	Yes	Yes

Buyboard
Philpot Motors
Port Neches, Texas
\$43,733.00

Description	Bidders			
	Grande Ford Truck Sales San Antonio, TX	Grande Truck Center San Antonio, TX	Johnson Brothers Ford Lincoln Mercury Temple, TX	Henna Chevrolet Austin, TX
Total Cab & Chassis Bid Price	No Bid	\$21,159.00	\$21,789.10	\$28,498.00
One Set of Shop/Service Manuals	No Bid	\$170.00	\$174.00	\$121.00 paperback
Back-up Alarm	No Bid	Included	\$45.00	\$55.00
Light Bar	No Bid	Included	\$1,491.58	\$1,950.00
Steel Stake Body	No Bid	\$10,957.00	\$8,943.00	\$11,600.00
Total Price with Options	No Bid	\$32,286.00	\$32,442.68	\$42,103.00
Delivery within 120 days?	No Bid	Yes	No	Yes
Acknowledge Addendum?	No Bid	No	No	Yes
Local Preference?	No Bid	No	Yes	No
Exceptions?	No Bid	No	No	No
Credit Check Authorization	No Bid	Yes	Yes	Yes

Eligible for Local Preference

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

Belinda Mattke

23-Nov-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 THE PURCHASE OF 9 VEHICLES FOR VARIOUS DEPARTMENTS FROM CALDWELL COUNTRY FORD OF ROCKDALE, TEXAS, IN THE AMOUNT OF \$158,886; ONE VEHICLE OFF THE BUYBOARD FROM PHILPOTT MOTORS OF PORT NECHES, TEXAS, IN THE AMOUNT OF \$61,063; AND ONE VEHICLE FROM GRANDE TRUCK CENTER OF SAN ANTONIO, TEXAS, IN THE AMOUNT OF \$32,286; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on November 23, 2010, 8 vendors submitted pricing on 6 independent vehicle bids;

Whereas, the Staff recommends award of the bids for: (A) One 5-passenger mid-size sedan for the Parks Department in the amount of \$14,488 to Caldwell Country Ford of Rockdale, Texas; (B) 4 ½ ton light duty full-size pickups for the Fleet Services, Solid Waste, and PALS Departments, in the amount of \$74,364, to Caldwell Country Ford of Rockdale, Texas; (C) One ½ ton super crew/quad cab pickup for the Fire Department in the amount of \$20,142, to the Caldwell Country Ford of Rockdale, Texas; and (D) One 1-ton diesel cab and chassis dual rear wheels with aerial lift and utility body for the Traffic Signal Department, in the amount of \$61,063, off the Buyboard from Philpott Motors of Port Neches, Texas; (E) One 1-ton diesel crew/quad cab and chassis dual rear wheel pickup with utility body for the Street Department from Caldwell Country Ford of Rockdale, Texas, in the amount of \$49,892; and (F) One 1-ton light duty diesel cab and chassis with steel floor stake body for the Parks and Leisure Services Department from Grande Truck Center of San Antonio, Texas, in the amount of \$32,286;

Whereas, funding for the purchase of the 9 vehicles is included in the Council-adopted FY 2011 budget for each department; 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) One 5-passenger mid-size sedan for the Parks Department in the amount of \$14,488 to Caldwell Country Ford of Rockdale, Texas; (B) 4 ½ ton light duty full-size pickups for the Fleet Services, Solid Waste, and PALS Departments, in the amount of \$74,364, to Caldwell Country Ford of Rockdale, Texas; (C) One ½ ton super crew/quad cab pickup for the Fire Department in the amount of \$20,142, to the Caldwell Country Ford of Rockdale, Texas; and (D) One 1-

ton diesel cab and chassis dual rear wheels with aerial lift and utility body for the Traffic Signal Department, in the amount of \$61,063, off the Buyboard from Philpott Motors of Port Neches, Texas; (E) One 1-ton diesel crew/quad cab and chassis dual rear wheel pickup with utility body for the Street Department from Caldwell Country Ford of Rockdale, Texas, in the amount of \$49,892; and (F) One 1-ton light duty diesel cab and chassis with steel floor stake body for the Parks and Leisure Services Department from Grande Truck Center of San Antonio, Texas, in the amount of \$32,286.

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 these purchases.

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 **16th** day of **December**, 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

12/16/10
Item# 10
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney
Nicole Torralva, Director of Public Works

ITEM DESCRIPTION: Consider adopting a resolution authorizing a utility cost sharing agreement for Lago Terra Subdivision in an amount not to exceed \$145,020.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Lago Terra Subdivision is located on Morgan's Point Road, north of FM 2305, east of Belton Lake. The proposal is to enter into a cost sharing agreement with McLean Commercial, Ltd. (James McLean and Gary McLean, Principals), to extend an eight inch wastewater line approximately **1,250** feet from a location along FM 2305 through private property to the southwest corner of the Lago Terra Subdivision. An applicant requesting a cost sharing agreement must be proposing and commit to develop at least one residential unit per 100 feet of utility extension. The Lago Terra Subdivision proposes 79 single family units, which meets that criteria.

The proposed cost sharing agreement for Lago Terra Subdivision is a developer participation agreement—the City commits to participating in the cost of design and construction for the project in a “not to exceed” amount based on a percentage of the project established by the cost sharing ordinance (the City pays 100% of the first 2,500 feet of the project and 50% of the next 2,500 feet of the project, with the developer paying 100% of the cost thereafter).

The percentage of eligible project costs paid by the City under our cost sharing formula for this project is **100%**, because of the relatively short length of the proposed extension. If the project comes in an amount less than the “not to exceed” amount, the City pays their percentage of the actual project cost (design and construction). If the project comes in over the “not to exceed” amount, the developer pays 100% of that additional cost. In asking you to authorize a utility cost sharing agreement, **we are asking you to authorize an agreement with a “not to exceed” amount of not more than \$145,020.00,** which is 100% of the estimated eligible project costs.

FISCAL IMPACT: In the FY 2011 operating budget, \$500,000 was designated for cost sharing agreements. A budget adjustment is presented for Council's approval appropriating FY 2011 funds in the amount of \$145,020 from account 520-5000-535-6369 project 100652, Approach Mains, to 520-

After approval of the budget adjustment, \$354,980 will remain in FY 2011 to fund future cost sharing agreements.

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
520-5900-535-63-68	100706	Lago Terra Cost Sharing	\$ 145,020	
520-5000-535-63-69	100652	Approach Mains		\$ 145,020
TOTAL.....			\$ 145,020	\$ 145,020

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

To appropriate funds for the cost sharing agreement with McLean Commercial, Ltd. to extend an 8" wastewater line approximately 1,250 feet from a location along FM 2305 through private property to the southwest corner of the Lago Terra Subdivision. This agreement is in an amount not to exceed \$145,020. After approval of this budget adjustment, \$354,980 will remain in FY 2011 to fund future cost sharing agreements.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

December 16, 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 CITY MANAGER TO EXECUTE A COST-SHARING (“DEVELOPER PARTICIPATION”) AGREEMENT WITH MCLEAN COMMERCIAL, LTD., FOR THE EXTENSION OF AN EIGHT INCH WASTEWATER LINE TO THE PROPOSED LAGO TERRACE SUBDIVISION, IN AN AMOUNT NOT TO EXCEED \$145,020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, McLean Commercial, Ltd., submitted an application for a cost sharing (“developer participation”) agreement for wastewater extension to the proposed Lago Terra Subdivision;

Whereas, an applicant requesting cost sharing must be proposing and commit to develop at least one residential unit per 100 feet of utility extension – McLean Commercial, Ltd., proposes 79 single family units for the Lago Terra Subdivision, which meets the criteria;

Whereas, the agreement will commit the City to participating in the cost of design, construction and right-of-way for the project in a “not to exceed” amount based on a percentage of the project established by the cost sharing ordinance;

Whereas, the City’s funding commitment will not exceed \$145,020 – 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 City Manager, or his designee, to execute a cost-sharing (“developer participation”) agreement in an amount not to exceed \$145,020, between the City of Temple, Texas, and McLean Commercial, Ltd., after approval as to form by the City Attorney, for extension of a wastewater line to the proposed Lago Terra Subdivision.

Part 2: The City Council authorizes an amendment to the FY2010-2011 budget, substantially in the form of the copy attached as Exhibit A, for this cost-sharing (“developer participation”) agreement.

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 **16th** day of **December**, 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

12/16/10
Item #11
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Consider adopting a resolution designating the Chair of the Tax Increment Financing Reinvestment Zone No. 1 Board of Directors for 2011.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Chapter 311 of the Tax Code, Tax Increment Financing Act, specifies that each year the governing body of the municipality shall appoint one member of the board to serve as chairman for a term of one year that begins on January 1 of the following year. The board of directors may elect a vice-chairman to preside in the absence of the chair.

Bob Browder is currently serving as Chair of the TIF RZ No. 1 Board of Directors. Please see the attached board member list.

We recommend the Council designate one member of the board to serve as Chair for a one year term beginning January 1, 2011.

FISCAL IMPACT: N/A

ATTACHMENTS:

[RZ No. 1 Board Member List](#)

REINVESTMENT ZONE NUMBER ONE

TERM EXPIRATION: SEPTEMBER - 2 YEAR TERMS

APPOINTED BY: C.C., TJC, BELL COUNTY, & TISD

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Scott Allen svallen@sbcglobal.net	02/08	2012	818 North 11 th Street Temple, TX 76501	774-9565 W 718-3025 M 774-8579 F
John R. Bailey john@johnbaileyfinancial.com	09/05	2011	4106 Spanish Oak Temple, TX 76502	774-8882 W 774-8883 Fax 760-1486 M
Jacob (Jay) Bojorquez jaynbetty@sbcglobal.net	10/08	2011	7311 Rickey Drive Temple, TX 76502	771-3299 H 931-3269 C
Jack W. Jones, Jr. (Temple College Rep.) jackj@vvm.com	08/07 appt.by TC	2011	P O Box 3310 Temple, TX 76505	774-7167 H 771-1855 W 760-0827 M
Bob Browder, Chair bobbrowder@bcswlaw.com	10/08	2011	4101 Briar Cliff Road Temple, TX 76502	774-8333 ext 255 W 778-8956 H 760-6164 C
Mark Whitaker markwhitaker@bcswlaw.com	09/05	2011	3710 Wendy Oaks Temple, TX 76502	774-8333 W 742-1418 H
Hugh Shine Hugh.shine@wellsfargoadvisors.com	09/10	2012	P.O. Box 793 Temple, TX 76503	742-1885 W 774-9685 H 760-6007 C
Gail Peek peek@vvm.com	09/06	2012	3409 Whispering Oak Temple, Texas 76502	778-7892 H/W 493-2000 M
Steve Wright (TISD Rep.) steve@wrightbuilders.com	6/06 appt.by TISD	2011	Wright Builders 5640 Kegley Place Ln Temple, TX 76502	778-4495 W 541-5124 M
Michael Norman mnorman@catalystbioventures.com	09/09	2011	19 North Main Street Temple, TX 76501	624-5747 W/C 770-1714 H 512-628-6506 Fax
Commiss. Eddy Lange (Bell Co. Rep.) william.lange@co.bell.tx.us	01/05- appt.by Bell Co.	2011	P.O. Box 768 Belton, Texas 76513	933-5103 W 933-5179 Fax
Michael Thompson mthompson@extracobanks.com	09/06	2012	18 South Main Street Temple, TX 76501	774-5550 W
John Kiella (BISD Rep.) jkiella@kiella.com	09/05	2012	P O Box 1344 Temple, TX 76503	778-0085 W 774-7231 Fax 541-3360 M
Gary Schmidt (Troy ISD Rep.) gschmidt@cnb-temple.com	02/2000	2012	Central National Bank P O Box 4107 Temple, TX 76505	743-6965 W 938-2429 H 770-3186 Fax
Edward Coufal (Elm Crk) edwardc@cpetem.com	05/05	2011	8576 FM 3117 Temple, Texas 76501	721-9696 773-9916 W

Created pursuant to Section 311.004(a)(2) of the Tax Increment Financing Act; Ordinance 1457, December 16, 1982. **Purpose:** Make recommendations to the City Council concerning the administration of the Zone. The board of directors exercise powers necessary to implement the project plan which is delegated by ordinance of the Council. **Membership:** 15 directors - 9 appointed by the Council; 1 director each of every taxing entity with levies taxes within the Zone, currently: TC, TISD, BISD, Troy ISD, Bell County and Elm Creek Water District. To be eligible for appointment to the board an individual must be a qualified voter of the municipality or be at least 18 years of age and own real property in the zone, whether or not the individual resides in the municipality. **Term:** 2 years

Revised 08/19/10

