



**MEETING OF THE  
TEMPLE CITY COUNCIL**

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET**

**3<sup>rd</sup> FLOOR - CONFERENCE ROOM**

**THURSDAY, JANUARY 20, 2011**

**4:00 P.M.**

**WORKSHOP AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, January 20, 2011.
2. Discuss mowing right-of-ways.
3. Discuss proposed amendment to the contract with Waste Management for the operation of the City's landfill.

**5:00 P.M.**

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET  
CITY COUNCIL CHAMBERS – 2<sup>ND</sup> FLOOR**

**TEMPLE, TX**

**REGULAR MEETING AGENDA**

**I. CALL TO ORDER**

1. Invocation
2. Pledge of Allegiance

**II. PUBLIC COMMENTS**

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

**III. 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.

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

**Minutes:**

- (A) [January 6, 2011 Special Called and Regular Meeting](#)
- (B) [January 7, 2011 Special Called Meeting](#)

**Contracts, Leases & Bids**

- (C) [2011-6221-R](#): Consider adopting a resolution authorizing a construction contract with Matous Construction of Belton for the Replacement of Mixed Media in Filters #7 and #8 at the Water Treatment Plant in the amount of \$110,200.
- (D) [2011-6222-R](#): Consider adopting a resolution authorizing a construction contract with TMI Coatings, Inc., of St. Paul, Minnesota, for the Water Treatment Plant Clarifier #4 Rehabilitation Project, which includes painting, repair, and rehabilitation of one of the main clarifiers at the Water Treatment Plant in the amount of \$89,750.
- (E) [2011-6223-R](#): Consider adopting a resolution authorizing the purchase of three (3) replacement Sideloaded Refuse Trucks from Temple Freightliner in the amount of \$550,209.
- (F) [2011-6224-R](#): Consider adopting a resolution authorizing approval of a professional services agreement with BSP Engineers, Inc. (Beach-Sulak Partnership) for engineering services for the Safe Routes to School Projects in amounts not to exceed \$90,100 (Lakewood Elementary) and \$87,400 (Bonham Middle School).

### **Ordinances – Second and Final Reading**

- (G) [2011-4419](#): SECOND READING – Consider adopting an ordinance amending the City of Temple Code of Ordinances, Chapter 7, “Buildings”, to reflect changes to the definition of a “health hazard” as it relates to irrigation systems, and adding new language to Section 7-84 of the International Plumbing Code exempting certain irrigation systems from annual testing.

### **Misc.**

- (H) [2011-6225-R](#): Consider adopting a resolution accepting the annual Child Care Standards report from the Parks and Leisure Services Department.
- (I) [2011-6226-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2010-2011.

## **V. REGULAR AGENDA**

### **ORDINANCES**

- 4. [2011-4420](#): FIRST READING – PUBLIC HEARING - Z-FY-11-08: Consider adopting an ordinance authorizing a zoning change from multiple zoning district classifications to Temple Medical and Education District (TMED) zones being T4, T5-e, T5-c, SD-t, SD-h, SD-v and SD-c on approximately 849+/- acres.
- 5. [2011-4421](#): FIRST READING – PUBLIC HEARING - Z-FY-11-09: Consider adopting an ordinance authorizing a Conditional Use Permit allowing minor vehicle servicing on Lot 5, Block 1, Bird Creek Crossing Subdivision, at 3450 South General Bruce Drive.

6. [2011-4422](#): FIRST READING – PUBLIC HEARING - Z-FY-11-10: Consider adopting an ordinance authorizing an amendment to Ordinance No. 2006-4090 from Planned Development Single Family One District (PD-SF1) to Planned Development General Retail District (PD-GR) for a portion of Lot 8, Block 2, Stonegate III Addition.
7. [2011-4423](#): FIRST READING – PUBLIC HEARING - Consider adopting an ordinance amending the City's Economic Development Policy ordinance to authorize the City Manager to execute certain types of Chapter 380 agreements in any of the City's Strategic Investment Zones.

### **BOND ITEMS**

8. [2011-4424](#): FIRST & FINAL READING-PUBLIC HEARING- Consideration and action with respect to an Ordinance authorizing the issuance of City of Temple, Texas General Obligation Refunding Bonds, Series 2011; approving an Official Statement, a Paying Agent/Registrar Agreement, a Bond Purchase Agreement and an Escrow Agreement; Establishing the procedures for selling and delivering the bonds; and authorizing other matters relating to the bonds.

### **BOARD APPOINTMENTS**

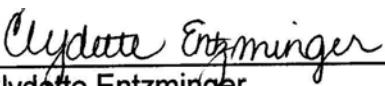
9. [2011-6227-R](#): Consider adopting a resolution appointing one member to the Planning and Zoning Commission to fill an unexpired term through September 1, 2011.

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

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I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 10:00 AM, on January 14, 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 \_\_\_\_\_ 2011. \_\_\_\_\_





## **COUNCIL AGENDA ITEM MEMORANDUM**

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Item # 3(A)-(B)  
Consent Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Clydette Entzminger, City Secretary

### **ITEM DESCRIPTION:** Approve Minutes:

- (A) January 6, 2011 Special Called and Regular Meeting
- (B) January 7, 2011 Special Called Meeting

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

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

### **FISCAL IMPACT:** N/A

### **ATTACHMENTS:**

January 6, 2011 Special Called and Regular Meeting  
January 7, 2011 Special Called Meeting

## TEMPLE CITY COUNCIL

**JANUARY 6, 2011**

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, January 6, 2011, at 2:30 P.M., in the Conference Room, 2nd Floor, New Central Fire Station, 210 North 3rd Street.

**Present:**

Councilmember Danny Dunn  
Councilmember Marty Janczak  
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, January 6, 2011.**

Regular agenda item #5 - Service plan for possible annexation area: David Blackburn, City Manager, reminded Council no action is required for this item. The second public hearing will take tomorrow morning, 8:00 a.m., City Council Chambers.

- 2. 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.**

Mayor Jones stated the Council would enter into executive session at this time, approximately 2:45 p.m., with no action to be taken.

Mayor Jones adjourned the executive session at approximately 4:00 p.m. to allow the City Council to participate in the Ribbon Cutting Ceremony and tour the New Central Fire Station and Administrative Offices.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, January 6, 2011 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**

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

## **2. Pledge of Allegiance**

Fire Chief Lonzo Wallace led the Pledge of Allegiance.

## **II. PUBLIC COMMENTS**

There were no public comments made at this meeting.

## **III. CONSENT AGENDA**

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

#### **(A) December 16, 2010 Special Called and Regular Meeting**

**(B) 2011-6212-R: Consider adopting a resolution authorizing a contract with Controls International of Dallas for the replacement of lagoon actuators at the Conventional Water Treatment Plant in the amount of \$44,250.**

**(C) 2011-6213-R: Consider adopting a resolution authorizing the purchase of 30 upgrade telemetry chips and repair parts for Self-Contained Breathing Apparatus (SCBA) from Casco Industries, Inc. of Shreveport, Louisiana, the sole source provider, for the total amount of \$28,857.**

**(D) 2011-6214-R: Consider adopting a resolution approving a farm lease with Albert Brenek for approximately 40 acres located to the west of Hilliard Road.**

**(E) 2011-6215-R: Consider adopting a resolution approving a farm lease with Ray Davis for approximately 170 acres at Pegasus Drive and Moores Mill Road.**

**(F) Consider adopting a resolution approving the following farm leases with Carl Grisham:**

**1. 2011-6216-R: 164 acres located on Old Howard Road, and**

**2. 2011-6217-R: 191 acres located at McLane Blvd and Old Howard Road.**

**(G) 2011-6218-R: Consider adopting a resolution approving a farm lease with Monique Rincones for approximately 3.7 acres at the southeast corner of the Service Center property on East Avenue H.**

**(H) 2010-4415: SECOND READING - 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.**

**(I) 1. 2010-4416: SECOND READING - Consider adopting an ordinance designating a certain area as City of Temple Tax Abatement Reinvestment Zone Number Seventeen for commercial/industrial tax abatement.**

**2. 2011-6219-R: Consider adopting a resolution authorizing a tax abatement agreement with Fikes Wholesale, Inc., for a tract of land located at 6261 Central Pointe Parkway.**

**(J) 1. 2010-4417: SECOND READING - 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.**

**2. 2010-4418: SECOND READING - 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.**

**(K) 2011-6220-R: P-FY-11-06: Consider adopting a resolution authorizing the Final Plat for Hicks-Milligan Estates, a 2.97± acre, three-lot residential subdivision on the west side of Bendle Road, north of Luther Curtis Road in Temple's northern ETJ with developer requested exceptions to Sec. 8.2.7.E of the Unified Development Code requiring hydrants to comply with the City's Fire Code and Sec. 8.3.2 of the Unified Development Code requiring a payment of \$225 per dwelling unit in lieu of park land dedication.**

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

Motion passed unanimously.

#### **IV. REGULAR AGENDA**

##### **ORDINANCES**

**4. 2011-4419: FIRST READING - PUBLIC HEARING - Consider adopting an ordinance amending the City of Temple Code of Ordinances, Chapter 7, "Buildings", to reflect changes to the definition of a "health hazard" as it relates to irrigation systems, and adding new language to Section 7-84 of the International Plumbing Code exempting certain irrigation systems from annual testing.**

Nicole Torralva, Director of Public Works, presented this item to the City

Council. This is a proposed modification to the City's existing landscape irrigation ordinance. When the existing ordinance was adopted in 2008, the City defined all irrigation systems as health hazards. This required the installation of RPZ's (reduced pressure zone) or PVB's (pressure vacuum breaker) devices on all new irrigation systems, as well as annual inspections. Mrs. Torralva showed photos of these devices. This amendment will modify the definition of a health hazard to be irrigation systems that utilize chemicals or are served by a septic system. This action would reduce the number of systems that require annual inspections but still maintain the annual testing requirement for defined health hazard systems.

Councilmember Janczak asked how many instances have been recorded of groundwater going back into our water system.

Mrs. Torralva stated she is aware of no specific instances but it could have a widespread potential.

Councilmember Janczak asked how many existing systems have injection capability.

Mrs. Torralva replied an inventory of systems is currently underway but they estimate there are between 8,000 and 10,000 irrigation systems, with only a very small number that are chemical fed. This modification is proposed by staff but the original requirement for these types of devices was initiated by the Texas Commission on Environmental Quality.

Mayor Jones declared the public hearing open with regard to agenda item 4 and asked if anyone wished to address this item.

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

Motion by Councilmember Danny Dunn to adopt ordinance, with second reading and final adoption set for January 20, 2011, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

## **PUBLIC HEARINGS**

- 5. PUBLIC HEARING - Receive Municipal Service Plan and conduct a public hearing to receive comments on the possible annexation of approximately 3,394.9 acres located in the City's western extraterritorial jurisdiction including a portion of Lake Belton and surrounding property.**

Brian Mabry, Planning Director, presented this item to the City Council. The second public hearing will be conducted January 7th, 8:00 a.m., in the City Council Chambers. The property is located west of the existing city limits, has no residents, and includes a portion of Lake Belton and Corps of Engineers property. The City would gain platting review authority for non-Federal land in the new ETJ area. There will be no impact on the

U.S. Corps of Engineers or Fort Hood property operations if this annexation is approved.

Mr. Mabry showed a map of the property proposed for annexation. The municipal service plan was presented and will become part of the ordinance that approves the annexation. There will be no change in service providers for police, fire or other public services. There is no proposal to extend or upgrade water or wastewater services or any other new physical facilities to serve this property. Following tomorrow's public hearing, the first reading of the ordinance will occur on February 2, 8:00 a.m., with second and final reading on February 3, 5:00 p.m.

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

Mr. Mark McCarley, U.S. Army Corps of Engineers, stated they have worked with the City of Temple in past annexations to the benefit of all. Part of Temple Lake Park is currently outside the City of Temple and this annexation would eliminate that confusion. There has been some concern expressed about annexation of property that abuts Fort Hood property. Fort Hood has permits to use Corps property adjacent to Fort Hood for training purposes. There has been some question about whether these activities will be able to continue if the property is annexed by the City of Temple.

City Manager David Blackburn stated he has had discussions with both the Corps of Engineers and Fort Hood personnel. The City is very sensitive to concerns raised by all. Nothing is being proposed with this annexation that will modify the current arrangements and activities on this property. Mr. Blackburn indicated he would be meeting with both parties to reiterate these comments.

Sgt. C.J. Grisham addressed the Council, asking questions about the reason for the annexation and the cost associated with this proposed action.

Mr. Blackburn stated these questions will be addressed over the coming weeks. The area will not require any municipal services so there will be a very low or no cost for annexing this property. The main reason to annex property in this area is because of the long term strategic value to the City for areas in our extraterritorial jurisdiction, primarily areas to the north and west of Temple Lake Park. Bringing all of the property around Temple Lake Park into the City will help eliminate any possible confusion.

There being no further comments, Mayor Jones declared the public hearing closed, stating no action is required for this item.

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William A. Jones, III, Mayor

ATTEST:

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Clydette Entzminger  
City Secretary

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

**JANUARY 7, 2011**

The City Council of the City of Temple, Texas conducted a Special Meeting on Friday, January 7, 2011, at 8:00 a.m. in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

**Present:**

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

**I. CALL TO ORDER**

**1. Invocation**

Councilmember Russell Schneider voiced the Invocation.

**2. Pledge of Allegiance**

Mayor Jones led the Pledge of Allegiance.

**II. PUBLIC HEARINGS**

**3. PUBLIC HEARING - Receive Municipal Service Plan and conduct a public hearing to receive comments on the possible annexation of approximately 3,394.9 acres located in the City's western extraterritorial jurisdiction including a portion of Lake Belton and surrounding property.**

Brian Mabry, Planning Director, made himself available to present the municipal service plan or answer questions from the Council.

Councilmember Schneider asked to see a map showing Temple's ETJ if the proposed annexation is approved.

Maps were displayed of both the current ETJ and the proposed ETJ if the annexation is approved. The proposed annexation would bring in the remainder of Temple Lake Park.

Mayor Jones noted this annexation would also close the gap and leave only a very small portion not encompassed by ETJ.

David Blackburn, City Manager, stated it is not a matter of "if" but "when" and by "whom" an area will be brought into someone's ETJ. This proposed annexation would bring into Temple's ETJ areas north and west that are strategic for the City's long term growth management strategy.

Mayor Jones declared the public hearing open with regard to agenda item 3 and



asked if anyone wished to address this item.

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

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William A. Jones, III, Mayor

ATTEST:

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Clydette Entzminger  
City Secretary



## COUNCIL AGENDA ITEM MEMORANDUM

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

Nicole Torralva, P.E., Director of Public Works

Johnnie Reisner Superintendent of Water Production Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a construction contract with Matous Construction of Belton for the Replacement of Mixed Media in Filters #7 and #8 at the Water Treatment Plant in the amount of \$110,200.

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

**ITEM SUMMARY:** Treatment processes at the Conventional Water Treatment Plant include eight filters, whose primary purpose is to filter the water after it is processed by the clarifiers, and before it is disinfected and placed into the clearwells for distribution. Two of these existing filters (#7 and #8) are in need of media replacement. This project will provide for the removal and replacement of 18" of anthracite coal and 12" of silica sand. Media replacement will restore the co-efficiency of the media and provide for more effective operations of the filters, thereby removing suspended particulates and meeting established TCEQ requirements.

On January 11, 2011, three (3) bids were received. Matous Construction submitted the low bid on the project, in the amount of \$110,200. Staff recommends award of this project to the low bidder, Matous Construction, in the amount of \$110,200.

**FISCAL IMPACT:** Funding in the amount of \$120,000 is appropriated in account 520-5100-535-63-10, project #100662 for fiscal year 2010-2011, for replacement of media in these two filters.

**ATTACHMENTS:**

[Bid Tabulation](#)

[Resolution](#)

Tabulation of Bids Received  
on January 11, 2011 at 10:00 a.m.  
Replacement of Mixed Media Filters

	Bidders		
	J.S. Haren Company Athens, TN	Eagle-SWS Panama City Beach, FL	Matous Construction Belton, TX
Description			
Total Bid Price	\$111,000.00	\$174,955.00	\$110,200.00
Completion within 30 days	Yes	Yes	Yes
Exceptions	No	Yes	No
Local Preference	No	No	Yes
Bid Bond (required at bid opening)	5%	10%	5%
Insurance Affidavit	Yes	Yes	Yes
Bond Affidavit	Yes	Yes	Yes
Credit Check Authorization	Yes	No	Yes

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

*Belinda Mattke*

*11-Jan-11*

Belinda Mattke, Director of Purchasing

Date

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH MATOUS CONSTRUCTION OF BELTON, TEXAS, FOR THE REPLACEMENT OF MIXED MEDIA IN FILTERS #7 AND #8 AT THE WATER TREATMENT PLANT, IN THE AMOUNT OF \$110,200; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on January 11, 2011, the City received 3 bids for the replacement of mixed media in Filters #7 and #8 at the Water Treatment Plant;

**Whereas**, the Staff recommends accepting a bid (\$110,200) submitted by Matous Construction of Belton, Texas;

**Whereas**, funds are available for this project in Account No. 520-5100-535-6310, Project #100662; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a construction contract, in the amount of \$110,200, with Matous Construction of Belton, Texas, after approval as to form by the City Attorney, for the replacement of mixed media in Filters #7 and #8 at the Water Treatment Plant.

**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 **20<sup>th</sup>** day of **January**, 2011.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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

Nicole Torralva, P.E., Director of Public Works

Johnnie Reisner Superintendent of Water Production Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a construction contract with TMI Coatings, Inc., of St. Paul, Minnesota, for the Water Treatment Plant Clarifier #4 Rehabilitation Project, which includes painting, repair, and rehabilitation of one of the main clarifiers at the Water Treatment Plant in the amount of \$89,750.

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

**ITEM SUMMARY:** Treatment processes at the Conventional Water Treatment Plant include four clarifiers, whose primary purpose is to mix, coagulate and settle solids from the raw water stream prior to filtration and disinfection. Clarifier #4 is currently in need of rehabilitation and requires sand blasting of all metal surfaces, welding repairs of the structure, and replacement of bolts, as needed, prior to priming of the unit. A final coat of paint and curing time is necessary in this type of application, as it is submerged while the unit is in operation. Cleanup and disposal of sandblasting material will be hauled off site as a part of the work. Each of these steps is necessary to assure the proper operation of this primary unit for the primary treatment of raw water, meeting TCEQ requirements.

On January 11, 2011, three (3) bids were received. TMI Coatings, Inc., submitted the low bid on the project, in the amount of \$89,750. Staff recommends award of this project to the low bidder, TMI Coatings, Inc., in the amount of \$89,750.

**FISCAL IMPACT:** Funding in the amount of \$130,000 is appropriated in account 520-5100-535-63-10, project #100662 for fiscal year 2010-2011, for the complete rehabilitation of Clarifier #4.

**ATTACHMENTS:**

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

Tabulation of Bids Received  
on January 11, 2011 at 10:00 a.m.  
Rehabilitation of Clarifier #4

	Bidders		
	TMI Coatings Inc Saint Paul, MN	J.S. Haren Company Athens, TN	Matous Construction LTD Belton, TX
Description			
Total Bid Price	\$89,750.00	\$118,500.00	\$121,800.00
Completion within 150 days	Yes	Yes	Yes
Exceptions	No	No	No
Local Preference	No	No	Yes
Bid Bond (required at bid opening)	5%	5%	5%
Insurance Affidavit	Yes	Yes	Yes
Bond Affidavit	Yes	Yes	Yes
Credit Check Authorization	Yes	Yes	Yes

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

*Belinda Mattke*

*11-Jan-11*

Belinda Mattke, Director of Purchasing

Date

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH TMI COATINGS, INC., OF ST. PAUL, MINNESOTA, FOR THE WATER TREATMENT PLANT CLARIFIER #4 REHABILITATION PROJECT, WHICH INCLUDES PAINTING, REPAIR, AND REHABILITATION OF ONE OF THE MAIN CLARIFIERS AT THE WATER TREATMENT PLANT, IN THE AMOUNT OF \$89,750; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on January 11, 2011, the City received 3 bids for the Water Treatment Plant Clarifier #4 Rehabilitation Project, which includes painting, repair, and rehabilitation of one of the main clarifiers at the Water Treatment Plant;

**Whereas**, the Staff recommends accepting a bid (\$89,750) submitted by TMI Coatings, Inc., of St. Paul, Minnesota, for this project;

**Whereas**, funds are available for this project in Account No. 520-5100-535-6310, Project #100662; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a construction contract, in the amount of \$89,750, with TMI Coatings, Inc., of St. Paul, Minnesota, after approval as to form by the City Attorney, for the Water Treatment Plant Clarifier #4 Rehabilitation Project, which includes painting, repair, and rehabilitation of one of the main clarifiers at the Water Treatment Plant.

**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 20<sup>th</sup> day of **January**, 2011.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

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Clydette Entzminger  
City Secretary

APPROVED AS TO FORM:

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Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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

Nicole Torralva, P.E., Director of Public Works

Lisa Sebek, Superintendent of Solid Waste Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of three (3) replacement Sideloaded Refuse Trucks from Temple Freightliner in the amount of \$550,209.

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

**ITEM SUMMARY:** On November 23, 2010, the City received two (2) bids for purchasing three (3) replacement side loading residential refuse trucks. The bids are shown on the attached tabulation sheet.

Both bids were from Temple Freightliner. Each bid is for a Freightliner cab & chassis, but with separate vendors for the packer body. The low bid took exception to our specifications for the packing mechanism. Our specifications called for "the packing mechanism shall be activated by two (2) single acting, single stage, 5-inch bore hydraulic cylinders mounted under the body and connected to the packing platen using 1-1/4 inch thick steel bars and 1-1/2 inch pins". The low bidder took exception in that their cylinders are mounted behind the packer rather than under the body, exposing the cylinders to everything that is being disposed of in the homeowner's garbage, thereby increasing maintenance required and downtime. To insure our knowledge and experience regarding these cylinders, the City's Superintendent of Fleet Services made several calls to other cities and waste haulers who use similar equipment. Though there was a mixed review of satisfaction, maintenance issues identified as a point of concern to our staff were also expressed by some of the other haulers, confirming our decision to not accept an exception to the specification regarding these trucks.

The second bid took no exceptions to our specifications.

The bid package also solicited prices for three (3) separate options, as follows:

- 1) An additional 2-camera system with a 7" monitor;
- 2) A Telma Driveline Brake Retarder System; and
- 3) A Heavy Duty Overlay Package.

The additional 2-camera system will provide capabilities to the driver to monitor container placement and any obstructions in the area. The system will also assist in the event of any accident. Existing trucks are already specified and equipped with a rear camera system for backing safety. An additional 2 camera system (one for photographing from the front and one from the side) will enhance

route monitoring and safety and provide documentation in the event of an accident.

The Telma Driveline Brake Retarder System will apply more evenly applied braking to the residential trucks, potentially eliminating up to 8 times the number of brake repairs made to life of the residential fleet. This option, at a cost of \$14,100 per truck, is fairly significant, and therefore staff recommends including this option on only one truck at this time, allowing for an evaluation of the effectiveness of the system.

The Heavy Duty Overlay Package provides for heavier steel applied to the packer body floor, making the body more durable for a longer period of time. Fleet Services has compiled documentation over the years related to replacement of floors in these vehicles, and the additional cost in securing the heavy duty overlay package up front (\$6,450 for all trucks) will offset the cost of future floor replacements.

The recommended purchase of these trucks, as described above, is as follows:

- Base bid for the three (3) residential sideloading refuse trucks is \$521,559
- Additional 2-camera system option applied to all three (3) trucks will add \$8,100
- Heavy Duty Overlay Package option applied to all three (3) trucks will add \$6,450
- Telma Driveline Brake Retarder to one (1) of the three (3) trucks will add \$14,100

Total cost for the purchase of these three trucks, with options identified, is \$550,209.

The City has done business with Temple Freightliner in the past and finds them to be a responsible vendor.

**FISCAL IMPACT:** Funding in the amount of \$555,000 has been appropriated in the accounts listed below.

Description	Account #	Budget	Proposed Expenditure
Machinery & Equipment	110-5900-540-6222, project 100642	\$506,600	\$501,809
	110-2330-540-6222, project 100642	\$48,400	\$48,400
TOTALS		\$555,000	\$550,209

**ATTACHMENTS:**

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

Tabulation of Bids Received  
on November 23, 2010 at 2:30 p.m.  
Sideloading Refuse Trucks

		Bidders			
		Temple Freightliner (Heil body) Temple		Temple Freightliner (Bridgeport Body) Temple	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price
<b>Sideloading Refuse Trucks</b>	<b>3</b>	\$173,853.00	\$521,559.00	\$168,442.67	\$505,328.01
2 Camera with 7" Monitor	3	\$2,700.00	\$8,100.00		
Telma Driveline Brake Retarder	3	\$14,100.00	\$42,300.00		
Heavy Duty Overlay Package	3	\$2,150.00	\$6,450.00	\$1,250.00	\$3,750.00
<b>Total Bid Price W/Options</b>		<b>\$578,409.00</b>		<b>\$509,078.01</b>	
Delivery		Yes		Yes	
Exceptions		None		Yes	
Credit Check Authorization		Yes		Yes	

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

*Belinda Mattke*

*23-Nov-10*

**Note: Highlighted bid is recommended for Council's Approval**

Belinda Mattke, Director of Purchasing

Date

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 3 SIDE-LOADING REFUSE TRUCKS FROM TEMPLE FREIGHTLINER OF TEMPLE, TEXAS, IN THE AMOUNT OF \$550,209.00; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on November 23, 2010, the City received 2 bids for the purchase of 3 side-loading residential refuse trucks for the Solid Waste Department;

**Whereas**, the Staff recommends accepting the bid (\$550,209.00) received from Temple Freightliner of Temple, Texas, for this purchase;

**Whereas**, funds are available for this purchase in Account Nos. 110-5900-540-6222, project #100642, and 110-2330-540-6222, project # 100642; 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 3 side-loading residential refuse trucks from Temple Freightliner of Temple, Texas, in the amount of \$550,209.00, for the Solid Waste Department.

**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 are necessary for this purchase.

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

PASSED AND APPROVED this the 20<sup>th</sup> day of **January**, 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

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

Kim Foutz, Assistant City Manager

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing approval of a professional services agreement with BSP Engineers, Inc. (Beach-Sulak Partnership) for engineering services for the Safe Routes to School Projects in amounts not to exceed \$90,100 (Lakewood Elementary) and \$87,400 (Bonham Middle School).

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

**ITEM SUMMARY:** The City sought and received funding for Safe Routes to School Trails from the Texas Department of Transportation. The Safe Routes to School Program is a 100% federally funded cost-reimbursement program, with no matching funds required, and managed by TxDOT. The trails will be located at Lakewood Elementary School along FM 2305 from St. Andrews to FM 2271 and Bonham Middle School along Midway Drive from Las Moras Drive to the school (see attached maps).

Per requirements of the grant, a qualification solicitation process was required to procure these engineering services. On November 16, 2010, six (6) firms submitted qualifications for this project. A 4-member staff evaluation committee was formed to evaluate the proposals. It was the committee's unanimous recommendation to proceed with negotiations with the highest rated firm, BSP Engineers, Inc.

The proposed resolution authorizes the City to engage the services of BSP Engineers (Beach-Sulak Partnership) for the completion of full design and construction services for both projects. All services will be performed for a lump sum maximum professional fee not to exceed \$90,100 for the trail at Lakewood Elementary and \$87,400 for the trail at Bonham Middle School. Consultant services authorized under this resolution include the following tasks (to include all TxDOT requirements):

- Prepare Environmental Assessment Document (per NEPA)
- Citizen Participation: Information Gathering
- Topography Design Surveys and Base Control
- Preparation of Construction Documents
- Prepare SWPPP Plan
- Construction Opinion of Probable Cost

- Project Implementation and Register with TDLR
- Construction Administration
  - Pre-construction Meeting
  - Additional (3) Meetings as required for project coordination
  - Pay request Review and Certification
  - Preparation of Change Orders
  - Final Walk-through
- Construction Staking
  - Calculation and Preparation of all Construction Layout points
  - Provide a one-time construction stake-out of improvements
- On-Site Representation
  - Daily Inspections
  - Daily Construction Reports
  - Photos taken during the Construction Process
  - Pay Request Review and Quantity Verification
  - Construction Progress Meetings with Contractor as required

Staff is recommending utilizing BSP Engineers to complete design and construction documents, provide project management services, and meet all necessary requirements, including surveys and studies, required by TxDOT.

**FISCAL IMPACT:** This contract is funded through the Safe Routes to School Program, which is a 100% cost-reimbursement program. Funds are available in account 260-3400-531-63-15 with \$602,070 available in project #100690 for the project at Lakewood Elementary and \$604,779 available in project #100691 for the project at Bonham Middle School.

**ATTACHMENTS:**

[Proposal](#)  
[Maps](#)  
[Resolution](#)

January 10, 2011

City of Temple  
Department of Public Works  
Kenny Henderson  
3210 E. Ave. H, Bldg. A  
Temple, TX 76501

City of Temple  
Department of Parks and Leisure  
Val Roming  
1909 Curtis B. Elliot Dr.  
Temple, TX 76503

RE: **REVISED** - City of Temple, 2010 Safe Routes to Schools Project, Lakewood Elementary School and Bonham Middle School

Dear Mr. Henderson, Mr. Roming,

As per your request, we have prepared our professional services fee proposal for Engineering Services required for the above referenced project. Scope of work to conform to the attached Proposed Safe Routes to Schools, Bonham Middle School and Lakewood Elementary School Layout:

**BASIC SERVICES (LAKEWOOD ELEMENTARY SRTS):**

The BASIC SERVICES shall include Professional Engineering and Survey Topography Surveys, as required to prepare the design and construction drawings, and all other information as required to supplement project Bid manual.

We propose to complete all services within BASIC SERVICES for a lump sum maximum Professional Fee of **\$90,100.00 Lakewood Elementary School**. This amount shall be invoiced monthly based upon the percent complete through invoice date.

- Prepare Environmental Assessment Document (per NEPA)	\$ 6,000.00
- Citizen Participation: Information Gathering	\$ 500.00
- Topography Design Surveys and Base Control	\$11,500.00
- Preparation of Construction Documents	\$37,000.00
- Prepare SWPPP Plan	\$ 1,000.00
- Construction Opinion of Probable Cost	\$ 1,000.00
- Project Implementation and Register with TDLR	\$ 6,800.00
- Construction Administration	\$ 6,800.00
• Pre-construction Meeting	
• Additional (3) Meetings as required for project coordination	

- Pay request Review and Certification
- Preparation of Change Orders
- Final Walk-through
- Construction Staking \$ 7,800.00
  - Calculation and Preparation of all Construction Layout points
  - Provide a one-time construction stake-out of improvements
- On-Site Representation \$11,700.00
  - Daily Inspections (Estimated at 2 hours per day x 130 days)
  - Daily Construction Reports
  - Photos taken during the Construction Process
  - Pay Request Review and Quantity Verification
  - Construction Progress Meetings with Contractor as required

### **BASIC SERVICES (BONHAM MIDDLE SCHOOL SRTS):**

The BASIC SERVICES shall include Professional Engineering and Survey Topography Surveys, as required to prepare the design and construction drawings, and all other information as required to supplement project Bid manual.

We propose to complete all services within BASIC SERVICES for a lump sum maximum Professional Fee of **\$87,400.00 Bonham Middle School**. This amount shall be invoiced monthly based upon the percent complete through invoice date.

- Prepare Environmental Assessment Document (per NEPA) \$ 6,000.00
- Citizen Participation: Information Gathering \$ 500.00
- Topography Design Surveys and Base Control \$11,200.00
- Preparation of Construction Documents \$35,800.00
- Preparation of SWPPP Plan \$ 1,000.00
- Construction Opinion of Probable Cost \$ 1,000.00
- Project Implementation and Register with TDLR \$ 6,600.00
- Construction Administration \$ 6,600.00
  - Pre-construction Meeting
  - Additional (3) Meetings as required for project coordination
  - Pay request Review and Certification
  - Preparation of Change Orders
  - Final Walk-through
- Construction Staking \$ 7,400.00
  - Calculation and Preparation of all Construction Layout points
  - Provide a one-time construction stake-out of improvements
- On-Site Representation \$11,300.00
  - Daily Inspections (Estimated at 2 hours per day x 130 days)
  - Daily Construction Reports
  - Photos taken during the Construction Process
  - Pay Request Review and Quantity Verification
  - Construction Progress Meetings with Contractor as required



**PROJECT DELIVERABLES:**

- (3) 30% Review Plans (11x17 Format) and Specifications
- (3) 75% Review Plans (11x17 Format) and Specifications
- (3) 95% Review Plans (11x17 Format) and Specifications
- (3) Final Review Plans (11x17 Format) and Specifications
- (25) – 100% Complete hardcopy sets 11x17 Contract Drawings and Specs
- (1) – City Construction Plan Set (22x34 Format)
- (1) Mylar set 11x17
- Final Opinion of Probable Cost
- Bid Exhibit including itemized Bid Items
- Bid Tabulation including review and Contractor recommendation
- Record Drawings prepared on Mylar and electronic files on CD

**PROJECT SCHEDULE:**

Time Required

Design Topography Survey	30 Cal Days
Preparation of Documents (30% Complete)	30 Cal Days
Preparation of Documents (75% Complete)	30 Cal Days
Preparation of Documents (95% Complete)	20 Cal Days
Preparation of Documents (Final Review)	15 Cal Days
Final Approval of Plans and Specs by TxDOT	120 Cal Days**
Contract Bidding Phase	30 Cal Days
Construction Phase	130 Cal Days

\*\*The NEPA environmental review shall be complete and approved prior to the final acceptance by TxDOT.

**ADDITIONAL SERVICES:**

(None Anticipated)      \$ Hourly

After you have had the opportunity to review this proposal, we will be pleased to meet with you to discuss the specifics of the outlined services and fees.


Sincerely,



Anthony D. Beach, P.E.  
BSP Engineers, Inc.



**LEGEND**

 PROPOSED SAFE ROUTES

**BELTON ISD**  
**Lakewood Elementary School**  
**Proposed Safe Routes**





TEMPLE ISD  
Bonham Middle School  
Proposed Safe Routes



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH BSP ENGINEERS, INC., (BEACH-SULAK PARTNERSHIP) FOR ENGINEERING SERVICES FOR THE SAFE ROUTES TO SCHOOL PROJECTS IN AMOUNTS NOT TO EXCEED \$90,100 (LAKEWOOD ELEMENTARY) AND \$87,400 (BONHAM MIDDLE SCHOOL); AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City sought and received funding for Safe Routes to School Trails from the Texas Department of Transportation – the Safe Routes to School Program is a 100% federally funded cost-reimbursement program, with no matching funds required and managed by TxDOT;

**Whereas**, per requirements of the grant, a qualification solicitation process was required to procure these engineering services – on November 16, 2010, 6 firms submitted qualifications for this project and were evaluated by a staff evaluation committee;

**Whereas**, the committee recommends entering into a professional services agreement with BSP Engineers, Inc. (Beach-Sulak Partnership) for the completion and full design and construction services for the Lakewood Elementary and the Bonham Middle School trail projects;

**Whereas**, the Lakewood Elementary project will not exceed \$90,100 and the Bonham Middle School project will not exceed \$87,400 – funds are available in Account No. 260-3400-531-6315, project #100690 and #100691, for these projects; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a professional services agreement with BSP Engineers, Inc., (Beach-Sulak Partnership), after approval as to form by the City Attorney, for engineering services for the Safe Routes to School Project, in amounts not to exceed \$90,100 (Lakewood Elementary) and \$87,400 (Bonham Middle School).

**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 20<sup>th</sup> day of **January**, 2011.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

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Clydette Entzminger  
City Secretary

APPROVED AS TO FORM:

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Jonathan Graham  
City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

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

Nicole Torralva, PE, Director of Public Works  
Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** SECOND READING – Consider adopting an ordinance amending the City of Temple Code of Ordinances, Chapter 7, “Buildings”, to reflect changes to the definition of a “health hazard” as it relates to irrigation systems, and adding new language to Section 7-84 of the International Plumbing Code exempting certain irrigation systems from annual testing.

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

**ITEM SUMMARY:** To protect potable water supply systems from contamination, the Texas Commission on Environmental Quality (TCEQ) requires that certain protections be placed upon various components of the water distribution system. This particular ordinance modification relates to backflow devices required to be installed on irrigation systems.

In December 2008, the TCEQ mandated that cities enact regulations addressing landscape irrigation systems. At that time, the City of Temple adopted the current ordinance which defines all irrigation systems as health hazards, requiring installation of reduced pressure zone (RPZ) or pressure vacuum breaker (PVB) devices on all new irrigation systems. These devices require that property owners have these devices inspected annually, with necessary paperwork submitted to the City for review and filing. In this manner, City staff can ensure protection of the potable water supply through proper management activities.

This ordinance modification redefines irrigation systems as health hazards that utilize chemicals or serve a property that is also served by a septic system. Refinement of this definition will exclude irrigation systems that utilize potable water serving properties tied into the City’s wastewater collection system. While installation of RPZ’s and PVB’s will still be required for all new irrigation systems, or systems undergoing major modifications, the number of irrigation systems that will require annual inspections will be greatly reduced. Annual testing requirements remain in place for systems continuing to meet the definition of a defined health hazard (chemical feed or septic tank properties).

Staff recommends modification of this definition, as it will ease the financial burden to property owners of these lower hazard systems. City staff reserves the right to perform inspections as necessary at any facility at any time to ensure that the potable water system is protected from contamination.

A workshop presentation was presented for Council discussion on December 16, 2010. The City Council is the final authority to approve language changes to ordinances.

**FISCAL IMPACT:** No fiscal impact to City funds.

**ATTACHMENTS:**

[Proposed Article VII – Landscape Irrigation Standards](#)  
[Proposed International Plumbing Code - Revisions](#)  
[Ordinance](#)

## ARTICLE VII. LANDSCAPE IRRIGATION STANDARDS

### Section 7-100. Definitions.

The following words and terms, when used in this ordinance, have the following meanings, unless the context clearly indicates otherwise.

- (1) **Air gap**--A complete physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel.
- (2) **Backflow prevention**--The mechanical prevention of reverse flow, or back siphonage, of nonpotable water from an irrigation system into the potable water source.
- (3) **Backflow prevention assembly**--Any assembly used to prevent backflow into a potable water system. The type of assembly used is based on the existing or potential degree of health hazard and backflow condition.
- (4) **Completion of irrigation system installation**--When the landscape irrigation system has been installed, all minimum standards met, all tests performed, and the irrigator is satisfied that the system is operating correctly.
- (5) **Consulting**--The act of providing advice, guidance, review or recommendations related to landscape irrigation systems.
- (6) **Cross-connection**--An actual or potential connection between a potable water source and an irrigation system that may contain contaminants or pollutants or any source of water that has been treated to a lesser degree in the treatment process.
- (7) **Design**--The act of determining the various elements of a landscape irrigation system that will include, but not be limited to, elements such as collecting site specific information, defining the scope of the project, defining plant watering needs, selecting and laying out emission devices, locating system components, conducting hydraulics calculations, identifying any local regulatory requirements, or scheduling irrigation work at a site. Completion of the various components will result in an irrigation plan.
- (8) **Design pressure**--The pressure that is required for an emission device to operate properly. Design pressure is calculated by adding the operating pressure necessary at an emission device to the total of all pressure losses accumulated from an emission device to the water source.
- (9) **Emission device**--Any device that is contained within an irrigation system and that is used to apply water. Common emission devices in an irrigation system include, but are not limited to, spray and rotary sprinkler heads, and drip irrigation emitters.
- (10) **Employed**--Engaged or hired to provide consulting services or perform any activity relating to the sale, design, installation, maintenance, alteration, repair, or service to irrigation systems. A person is employed if that person is in an employer-employee relationship as defined by Internal Revenue Code, 26 United States Code Service,



§3212(d) based on the behavioral control, financial control, and the type of relationship involved in performing employment related tasks.

(11) **Head-to-head spacing**--The spacing of spray or rotary heads equal to the manufacturers published radius of the head.

(12) **Health hazard**--A cross-connection or potential cross-connection with an irrigation system that involves any substancechemical additives that may, if introduced into the potable water supply, cause death or illness, spread disease, or have a high probability of causing such effects; or when irrigation system services property that is also served by an on-site sewage facility (septic system).

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(13) **Hydraulics**--The science of dynamic and static water; the mathematical computation of determining pressure losses and pressure requirements of an irrigation system.

~~(14) **Inspector** A licensed plumbing inspector, water district operator, other governmental entity, or irrigation inspector who inspects irrigation systems and performs other enforcement duties for a municipality or water district as an employee or as a contractor.~~

~~(15)~~(14) **Installer**--A person who actually connects an irrigation system to a private or public raw or potable water supply system or any water supply, who is licensed according to Title 30, Texas Administrative Code, Chapter 30 (relating to Occupational Licenses and Registrations).

~~(16)~~15) **Irrigation inspector**--A person who inspects irrigation systems and performs other enforcement duties for a municipality or water district as an employee or as a contractor and is required to be licensed under Title 30, Texas Administrative Code, Chapter 30 (relating to Occupational Licenses and Registrations).

~~(17)~~16) **Irrigation plan**--A scaled drawing of a landscape irrigation system which lists required information, the scope of the project, and represents the changes made in the installation of the irrigation system.

~~(18)~~17) **Irrigation services**--Selling, designing, installing, maintaining, altering, repairing, servicing, permitting, providing consulting services regarding, or connecting an irrigation system to a water supply.

~~(19)~~18) **Irrigation system**--An assembly of component parts that is permanently installed for the controlled distribution and conservation of water to irrigate any type of landscape vegetation in any location, and/or to reduce dust or control erosion. This term does not include a system that is used on or by an agricultural operation as defined by Texas Agricultural Code, §251.002.

~~(20)~~19) **Irrigation technician**--A person who works under the supervision of a licensed irrigator to install, maintain, alter, repair, service or supervise installation of an irrigation system, including the connection of such system in or to a private or public, raw or

potable water supply system or any water supply, and who is required to be licensed under Title 30, Texas Administrative Code, Chapter 30 (relating to Occupational Licenses and Registrations).

| **(2120) Irrigation zone**--A subdivision of an irrigation system with a matched precipitation rate based on plant material type (such as turf, shrubs, or trees), microclimate factors (such as sun/shade ratio), topographic features (such as slope) and soil conditions (such as sand, loam, clay, or combination) or for hydrological control.

| **(2221) Irrigator**--A person who sells, designs, offers consultations regarding, installs, maintains, alters, repairs, services or supervises the installation of an irrigation system, including the connection of such system to a private or public, raw or potable water supply system or any water supply, and who is required to be licensed under Title 30, Texas Administrative Code, Chapter 30.

| ~~**(23) Irrigator-in-Charge** The irrigator responsible for all irrigation work performed by an exempt business owner, including, but not limited to obtaining permits, developing design plans, supervising the work of other irrigators or irrigation technicians, and installing, selling, maintaining, altering, repairing, or servicing a landscape irrigation system.~~

| **(24(22) Landscape Irrigation** – The science of applying the necessary amount of water to promote or sustain healthy growth of plant material or turf.

| **(2523) License**--An occupational license that is issued by the Texas Commission on Environmental Quality under Title 30, Texas Administrative Code, Chapter 30 to an individual that authorizes the individual to engage in an activity that is covered by Title 30, Texas Administrative Code, Chapter 30.

| **(2624) Mainline**--A pipe within an irrigation system that delivers water from the water source to the individual zone valves.

| **(2725) Maintenance checklist**--A document made available to the irrigation system's owner or owner's representative that contains information regarding the operation and maintenance of the irrigation system, including, but not limited to: checking and repairing the irrigation system, setting the automatic controller, checking the rain or moisture sensor, cleaning filters, pruning grass and plants away from irrigation emitters, using and operating the irrigation system, the precipitation rates of each irrigation zone within the system, any water conservation measures currently in effect from the water purveyor, the name of the water purveyor, a suggested seasonal or monthly watering schedule based on current evapotranspiration data for the geographic region, and the minimum water requirements for the plant material in each zone based on the soil type and plant material where the system is installed.

| **(2826) Major maintenance, alteration, repair, or service**--Any activity that involves opening to the atmosphere the irrigation main line at any point prior to the discharge side of any irrigation zone control valve. This includes, but is not limited to, repairing or

connecting into a main supply pipe, replacing a zone control valve, or repairing a zone control valve in a manner that opens the system to the atmosphere.

- | ~~(2927)~~ **Master valve**--A remote control valve located after the backflow prevention device that controls the flow of water to the irrigation system mainline.
- | ~~(3028)~~ **Matched precipitation rate**--The condition in which all sprinkler heads within an irrigation zone apply water at the same rate.
- | ~~(3129)~~ **New installation**--An irrigation system installed at a location where one did not previously exist .
- | ~~(3230)~~ **Pass-through contract**--A written contract between a contractor or builder and a licensed irrigator or exempt business owner to perform part or all of the irrigation services relating to an irrigation system.
- | ~~(3331)~~ **Potable water**--Water that is suitable for human consumption.
- | ~~(34)~~—~~32~~ **Pressure Vacuum Breaker**—An assembly containing an independently operating internally loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. Also known as a Pressure Vacuum Breaker Back-siphonage Prevention Assembly.
- | ~~(3533)~~ **Reclaimed water**--Domestic or municipal wastewater which has been treated to a quality suitable for beneficial use, such as landscape irrigation.
- | ~~(3634)~~ **Records of landscape irrigation activities**—The irrigation plans, contracts, warranty information, invoices, copies of permits, and other documents that relate to the installation, maintenance, alteration, repair, or service of a landscape irrigation system.
- | ~~(3735)~~ **Reduced Pressure Principle Backflow Prevention Assembly**--An assembly containing two independently acting approved check valves together with a hydraulically operating mechanically independent pressure differential relief valve located between the two check valves and below the first check valve.
- | ~~(3836)~~ **Static water pressure**--The pressure of water when it is not moving.
- | ~~(3937)~~ **Supervision**--The on-the-job oversight and direction by a licensed irrigator who is fulfilling his or her professional responsibility to the client and/or employer in compliance with local or state requirements. Also a licensed installer working under the direction of a licensed irrigator or beginning January 1, 2009, an irrigation technician who is working under the direction of a licensed irrigator to install, maintain, alter, repair or service an irrigation system.
- | ~~(4038)~~ **Water conservation**--The design, installation, service, and operation of an irrigation system in a manner that prevents the waste of water, promotes the most

efficient use of water, and applies the least amount of water that is required to maintain healthy individual plant material or turf, reduce dust, and control erosion.

| **(4139) Zone flow**--A measurement, in gallons per minute or gallons per hour, of the actual flow of water through a zone valve, calculated by individually opening each zone valve and obtaining a valid reading after the pressure has stabilized. For design purposes, the zone flow is the total flow of all nozzles in the zone at a specific pressure.

| **(4240) Zone valve**--An automatic valve that controls a single zone of a landscape irrigation system.

### **Section 7-101. Valid License Required.**

Any person who connects an irrigation system to the water supply within the City or the City's extraterritorial jurisdiction, commonly referred to as the ETJ, must hold a valid license, as defined by Title 30, Texas Administrative Code, Chapter 30 and required by Chapter 1903 of the Texas Occupations Code, or as defined by Chapter 365, Title 22 of the Texas Administrative Code and required by Chapter 1301 of the Texas Occupations Code.

#### ***Exemptions***

A property owner is not required to be licensed in accordance with Texas Occupations Code, Title 12, §1903.002(c)(1) if he or she is performing irrigation work in a building or on a premises owned or occupied by the person as the person's home. A home or property owner who installs an irrigation system must meet the standards contained in Title 30, Texas Administrative Code, Chapter 344 regarding spacing, water pressure, spraying water over impervious materials, rain or moisture shut-off devices or other technology, backflow prevention and isolation valves. A home or property owner must obtain a permit from the City, submit an irrigation plan, use an individual with a valid license to install backflow prevention devices, and submit test results of the backflow prevention device to the City. The City may, at any point, adopt more stringent requirements for a home or property owner who installs an irrigation system. See Texas Occupations Code §1903.002 for other exemptions to the licensing requirement.

### **Section 7-102. Permit Required.**

Any person installing an irrigation system within the territorial limits or extraterritorial jurisdiction of the City is required to obtain a permit from the City. Any applicant must submit a plan with the application demonstrating that the plan and irrigation system meet the requirements of this chapter. Any plan approved for a permit must be in compliance with the requirements of this chapter. Construction Safety administers the permit program in conjunction with the Water Department's approval of tested systems. Permit formats and processes are amended from time to time by the Construction Safety Department.

#### ***Exemptions***

- (1) An irrigation system that is an on-site sewage disposal system, as defined by Section 355.002, Health and Safety Code; or
- (2) An irrigation system used on or by an agricultural operation as defined by Section 251.002, Agriculture Code; or
- (3) An irrigation system connected to a groundwater well used by the property owner for domestic use.

### Section 7-103. Backflow Prevention Methods and Devices.

(a) Any irrigation system that is connected to the potable water supply must be connected through a backflow prevention method approved by the Texas Commission on Environmental Quality (TCEQ). The backflow prevention device must be approved by the American Society of Sanitary Engineers; or the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California; or the Uniform Plumbing Code; or any other laboratory that has equivalent capabilities for both the laboratory and field evaluation of backflow prevention assemblies. The backflow prevention device must be installed in accordance with the laboratory approval standards or if the approval does not include specific installation information, the manufacturer's current published recommendations.

(b) ~~If conditions that present a health hazard exist,~~In new installations of landscape irrigation systems one of the following methods must be used to prevent backflow;

~~(1) An air gap may be used if:~~

~~a. there is an unobstructed physical separation; and~~

~~b. the distance from the lowest point of the water supply outlet to the flood rim of the fixture or assembly into which the outlet discharges is at least one inch or twice the diameter of the water supply outlet, whichever is greater.~~

~~—(2)~~ (1) Reduced pressure principle backflow prevention assemblies may be used if:

a. the device is installed at a minimum of 12 inches above ground in a location that will ensure that the assembly will not be submerged; and

b. drainage is provided for any water that may be discharged through the assembly relief valve.

~~(3)~~ (2) Pressure vacuum breakers may be used if:

a. no back-pressure condition will occur; and

b. the device is installed at a minimum of 12 inches above any sprinklers are measured from the retracted position from the top of the sprinkler.

~~(c)~~ Existing irrigation systems which are not of the type listed in 7-103(b) may remain, however upon replacement, homeowner must comply with the required devices listed in 7-103(b).

(d) Backflow prevention devices used in applications designated as health hazards must be tested upon installation and annually thereafter.- The following situations have been deemed by the City to create a health hazard:

~~(d)~~

(1) When chemicals are added to an irrigation system which is connected to the potable water supply; and

(2) When an irrigation system services property that is also served by an on-site sewage facility (septic system).

(e) If an irrigation system is connected to a potable water supply through a pressure vacuum breaker or reduced pressure principle backflow assembly and includes an automatic master valve on the system, the automatic master valve must be installed on the discharge side of the backflow prevention assembly.

~~(e)~~ The irrigator shall ensure the backflow prevention device is tested by a licensed Backflow Prevention Assembly Tester prior to being placed in service and the test results provided to the local water purveyor and the irrigation system's owner or owner's representative within ten business days of testing of the backflow prevention device.

#### **Section 7-104. Specific Conditions and Cross-Connection Control.**

(a) Before any chemical is added to an irrigation system connected to the potable water supply, the irrigation system must be connected through a reduced pressure principle backflow prevention assembly ~~or air gap~~.

(b) Connection of any additional water source to an irrigation system that is connected to the potable water supply can only be done if the irrigation system is connected to the potable water supply through a reduced-pressure principle backflow prevention assembly ~~or an air gap~~.

(c) Irrigation system components with chemical additives induced by aspiration, injection, or emission system connected to any potable water supply must be connected through a reduced pressure principle backflow device.

(d) If an new irrigation system is designed or installed on a property that is served by an on-site sewage facility, as defined in Title 30, Texas Administrative Code, Chapter 285, then:

(1) all irrigation piping and valves must meet the separation distances from the On-Site Sewage Facilities system as required for a private water line in Title 30, Texas Administrative Code, Section 285.91(10);

(2) any connections using a private or public potable water source that is not the City's potable water system must be connected to the water source through a reduced pressure principle backflow prevention assembly as defined in Title 30, Texas Administrative Code, Section 344.50; and

(3) any water from the irrigation system that is applied to the surface of the area utilized by the On-Site Sewage Facility system must be controlled on a separate irrigation zone or zones so as to allow complete control of any irrigation to that area so that there will not be excess water that would prevent the On-Site Sewage Facilities system from operating effectively.

#### **Section 7-105. Water Conservation.**

All irrigation systems shall be designed, installed, maintained, altered, repaired, serviced, and operated in a manner that will promote water conservation as defined in the Definitions section of this ordinance.

#### **Section 7-106. Irrigation Plan Design: Minimum Standards.**

(a) An irrigator shall prepare an irrigation plan for each site where a new irrigation system will be installed. A paper or electronic copy of the irrigation plan must be on the job site at all times during the installation of the irrigation system. A drawing showing the actual installation of the system is due to each irrigation system owner after all new irrigation system installations. During the installation of the irrigation system, variances from the original plan may be authorized by the licensed irrigator if the variance from the plan does not:

(1) diminish the operational integrity of the irrigation system;

(2) violate any requirements of this ordinance; and

(3) go unnoted in red on the irrigation plan.

(b) The irrigation plan must include complete coverage of the area to be irrigated. If a system does not provide complete coverage of the area to be irrigated, it must be noted on the irrigation plan.

(c) All irrigation plans used for construction must be drawn to scale. The plan must include, at a minimum, the following information:

- (1) the irrigator's seal, signature, and date of signing;
- (2) all major physical features and the boundaries of the areas to be watered;
- (3) a North arrow;
- (4) a legend;
- (5) the zone flow measurement for each zone;
- (6) location and type of each:
  - a. controller; and
  - b. sensor (for example, but not limited to, rain, moisture, wind, flow, or freeze);
- (7) location, type, and size of each:
  - a. water source, such as, but not limited to a water meter and point(s) of connection;
  - b. backflow prevention device;
  - c. water emission device, including, but not limited to, spray heads, rotary sprinkler heads, quick-couplers, bubblers, drip, or micro-sprays;
  - d. valve, including but not limited to, zone valves, master valves, and isolation valves;
  - e. pressure regulation component; and
  - f. main line and lateral piping.
- (8) the scale used; and
- (9) the design pressure.

**Section 7-107. Design and Installation: Minimum Requirements.**

(a) No irrigation design or installation shall require the use of any component, including the water meter, in a way which exceeds the manufacturer's published performance limitations for the component.



(b) Spacing.

(1) The maximum spacing between emission devices must not exceed the manufacturer's published radius or spacing of the device(s). The radius or spacing is determined by referring to the manufacturer's published specifications for a specific emission device at a specific operating pressure.

(2) New irrigation systems shall not utilize above-ground spray emission devices in landscapes that are less than 48 inches not including the impervious surfaces in either length or width and which contain impervious pedestrian or vehicular traffic surfaces along two or more perimeters. If pop-up sprays or rotary sprinkler heads are used in a new irrigation system, the sprinkler heads must direct flow away from any adjacent surface and shall not be installed closer than four inches from a hardscape, such as, but not limited to, a building foundation, fence, concrete, asphalt, pavers, or stones set with mortar.

(3) Narrow paved walkways, jogging paths, golf cart paths or other small areas located in cemeteries, parks, golf courses or other public areas may be exempted from this requirement if the runoff drains into a landscaped area.

(c) Water pressure. Emission devices must be installed to operate at the minimum and not above the maximum sprinkler head pressure as published by the manufacturer for the nozzle and head spacing that is used. Methods to achieve the water pressure requirements include, but are not limited to, flow control valves, a pressure regulator, or pressure compensating spray heads.

(d) Piping. Piping in irrigation systems must be designed and installed so that the flow of water in the pipe will not exceed a velocity of five feet per second for polyvinyl chloride (PVC) pipe.

(e) Irrigation Zones. Irrigation systems shall have separate zones based on plant material type, microclimate factors, topographic features, soil conditions, and hydrological requirements.

(f) Matched precipitation rate. Zones must be designed and installed so that all of the emission devices in that zone irrigate at the same precipitation rate.

(g) Irrigation systems shall not spray water over surfaces made of concrete, asphalt, brick, wood, stones set with mortar, or any other impervious material, such as, but not limited to, walls, fences, sidewalks, streets, etc.

(h) Master valve. When provided, a master valve shall be installed on the discharge side of the backflow prevention device on all new installations.

(i) PVC pipe primer solvent. All new irrigation systems that are installed using PVC pipe and fittings shall be primed with a colored primer prior to applying the PVC

cement in accordance with the Uniform Plumbing Code (Section 316) or the International Plumbing Code (Section 605).

(j) Rain or moisture shut-off devices or other technology. All new automatically controlled irrigation systems must include sensors or other technology designed to inhibit or interrupt operation of the irrigation system during periods of moisture or rainfall. Rain or moisture shut-off technology must be installed according to the manufacturer's published recommendations. Repairs to existing automatic irrigation systems that require replacement of an existing controller must include a sensor or other technology designed to inhibit or interrupt operation of the irrigation system during periods of moisture or rainfall.

(k) Isolation valve. All new irrigation systems must include an isolation valve between the water meter and the backflow prevention device.

(l) Depth coverage of piping. Piping in all irrigation systems must be installed according to the manufacturer's published specifications for depth coverage of piping.

(1) If the manufacturer has not published specifications for depth coverage of piping, the piping must be installed to provide minimum depth coverage of six inches of select backfill, between the top of the pipe and the natural grade of the topsoil. All portions of the irrigation system that fail to meet this standard must be noted on the irrigation plan. If the area being irrigated has rock at a depth of six inches or less, select backfill may be mounded over the pipe. Mounding must be noted on the irrigation plan and discussed with the irrigation system owner or owner's representative to address any safety issues.

(2) If a utility, man-made structure, or roots create an unavoidable obstacle, which makes the six-inch depth coverage requirement impractical, the piping shall be installed to provide a minimum of two inches of select backfill between the top of the pipe and the natural grade of the topsoil.

(3) All trenches and holes created during installation of an irrigation system must be backfilled and compacted to the original grade.

(m) Wiring irrigation systems.

(1) Underground electrical wiring used to connect an automatic controller to any electrical component of the irrigation system must be listed by Underwriters Laboratories as acceptable for burial underground.

(2) Electrical wiring that connects any electrical components of an irrigation system must be sized according to the manufacturer's recommendation.

(3) Electrical wire splices which may be exposed to moisture must be waterproof as certified by the wire splice manufacturer.

(4) Underground electrical wiring that connects an automatic controller to any electrical component of the irrigation system must be buried with a minimum of six inches of select backfill.

(n) Water contained within the piping of an irrigation system is deemed to be non-potable. No drinking or domestic water usage, such as, but not limited to, filling swimming pools or decorative fountains, shall be connected to an irrigation system. If a hose bib (an outdoor water faucet that has hose threads on the spout) is connected to an irrigation system for the purpose of providing supplemental water to an area, the hose bib must be installed using a quick coupler key on a quick coupler installed in a covered purple valve box and the hose bib and any hoses connected to the bib must be labeled "non potable, not safe for drinking." An isolation valve must be installed upstream of a quick coupler connecting a hose bib to an irrigation system.

(o) Beginning January 1, 2010, either a licensed irrigator or a licensed irrigation technician shall be on-site at all times while the landscape irrigation system is being installed. When an irrigator is not onsite, the irrigator shall be responsible for ensuring that a licensed irrigation technician is on-site to supervise the installation of the irrigation system.

#### **Section 7-108. Completion of Irrigation System Installation.**

Upon completion of the irrigation system, the irrigator or irrigation technician who provided supervision for the on-site installation shall be required to complete four items:

(1) a final "walk through" with the irrigation system's owner or the owner's representative to explain the operation of the system;

(2) The maintenance checklist on which the irrigator or irrigation technician shall obtain the signature of the irrigation system's owner or owner's representative and shall sign, date, and seal the checklist. If the irrigation system's owner or owner's representative is unwilling or unable to sign the maintenance checklist, the irrigator shall note the time and date of the refusal on the irrigation system's owner or owner's representative's signature line. The irrigation system owner or owner's representative will be given the original maintenance checklist and a duplicate copy of the maintenance checklist shall be maintained by the irrigator. The items on the maintenance checklist shall include but are not limited to:

a. the manufacturer's manual for the automatic controller, if the system is automatic;

b. a seasonal (spring, summer, fall, winter) watering schedule based on either current/real time evapotranspiration or monthly historical reference evapotranspiration (historical ET) data, monthly effective rainfall estimates, plant landscape coefficient factors, and site factors;

c. a list of components, such as the nozzle, or pump filters, and other such components that require maintenance and the recommended frequency for the service; and

d. the statement, "This irrigation system has been installed in accordance with all applicable state and local laws, ordinances, rules, regulations or orders. I have tested the system and determined that it has been installed according to the Irrigation Plan and is properly adjusted for the most efficient application of water at this time."

(3) A permanent sticker which contains the irrigator's name, license number, company name, telephone number and the dates of the warranty period shall be affixed to each automatic controller installed by the irrigator or irrigation technician. If the irrigation system is manual, the sticker shall be affixed to the original maintenance checklist. The information contained on the sticker must be printed with waterproof ink and include:

(4) The irrigation plan indicating the actual installation of the system must be provided to the irrigation system's owner or owner representative.

#### **Section 7-109. Maintenance, Alteration, Repair, or Service of Irrigation Systems.**

(a) The licensed irrigator is responsible for all work that the irrigator performed during the maintenance, alteration, repair, or service of an irrigation system during the warranty period. The irrigator or business owner is not responsible for the professional negligence of any other irrigator who subsequently conducts any irrigation service on the same irrigation system.

(b) All trenches and holes created during the maintenance, alteration, repair, or service of an irrigation system must be returned to the original grade with compacted select backfill.

(c) Colored PVC pipe primer solvent must be used on all pipes and fittings used in the maintenance, alteration, repair, or service of an irrigation system in accordance with the Uniform Plumbing Code (Section 316) or the International Plumbing Code (Section 605).

(d) When maintenance, alteration, repair or service of an irrigation system involves excavation work at the water meter or backflow prevention device, an isolation valve shall be installed, if an isolation valve is not present.

#### **Section 7-110. Reclaimed Water.**

Reclaimed water may be utilized in landscape irrigation systems if:

(1) there is no direct contact with edible crops, unless the crop is pasteurized before consumption;

- (2) the irrigation system does not spray water across property lines that do not belong to the irrigation system's owner;
- (3) the irrigation system is installed using purple components;
- (4) the domestic potable water line is connected using an air gap or a reduced pressure principle backflow prevention device, in accordance with Title 30, Texas Administrative Code, Section 290.47(i) (relating to Appendices);
- (5) a minimum of an eight inch by eight inch sign, in English and Spanish, is prominently posted on/in the area that is being irrigated, that reads, "RECLAIMED WATER – DO NOT DRINK" and "AGUA DE RECUPERACIÓN – NO BEBER"; and
- (6) backflow prevention on the reclaimed water supply line shall be in accordance with the regulations of the City's water provider.

#### **Section 7-111. Advertisement Requirements.**

(a) All vehicles used in the performance of irrigation installation, maintenance, alteration, repair, or service must display the irrigator's license number in the form of "LI\_\_\_\_\_" in a contrasting color of block letters at least two inches high, on both sides of the vehicle.

(b) All forms of written and electronic advertisements for irrigation services must display the irrigator's license number in the form of "LI\_\_\_\_\_." Any form of advertisement, including business cards, and estimates which displays an entity's or individual's name other than that of the licensed irrigator must also display the name of the licensed irrigator and the licensed irrigator's license number. Trailers that advertise irrigation services must display the irrigator's license number.

(c) The name, mailing address, and telephone number of the commission must be prominently displayed on a legible sign and displayed in plain view for the purpose of addressing complaints at the permanent structure where irrigation business is primarily conducted and irrigation records are kept.

#### **Section 7-112. Contracts.**

(a) All contracts to install an irrigation system must be in writing and signed by each party and must specify the irrigator's name, license number, business address, current business telephone numbers, the date that each party signed the agreement, the total agreed price, and must contain the statement, "Irrigation in Texas is regulated by the Texas Commission on Environmental Quality (TCEQ), MC-178, P.O. Box 13087, Austin, Texas 78711-3087. TCEQ's website is: [www.tceq.state.tx.us](http://www.tceq.state.tx.us)." All contracts must include the irrigator's seal, signature, and date.

(b) All written estimates, proposals, bids, and invoices relating to the installation or repair of an irrigation system(s) must include the irrigator's name, license number, business address, current business telephone number(s), and the statement: "Irrigation in Texas is regulated by the Texas Commission On Environmental Quality (TCEQ) (MC-

178), P.O. Box 13087, Austin, Texas 78711-3087. TCEQ's web site is: [www.tceq.state.tx.us](http://www.tceq.state.tx.us)."

(c) An individual who agrees by contract to provide irrigation services as defined in Title 30, Texas Administrative Code, Section 344.30 (relating to License Required) shall hold an irrigator license issued under Title 30, Texas Administrative Code, Chapter 30 (relating to Occupational Licenses and Registrations) unless the contract is a pass-through contract as defined in Title 30, Texas Administrative Code, Section 344.1(36) (relating to Definitions). If a pass-through contract includes irrigation services, then the irrigation portion of the contract can only be performed by a licensed irrigator. If an irrigator installs a system pursuant to a pass-through contract, the irrigator shall still be responsible for providing the irrigation system's owner or through contract, the irrigator shall still be responsible for providing the irrigation system's owner or owner's representative a copy of the warranty and all other documents required under this chapter. A pass-through contract must identify by name and license number the irrigator that will perform the work and must provide a mechanism for contacting the irrigator for irrigation system warranty work.

(d) The contract must include the dates that the warranty is valid.

#### **Section 7-113. Warranties for Systems.**

(a) On all installations of new irrigation systems, an irrigator shall present the irrigation system's owner or owner's representative with a written warranty covering materials and labor furnished in the new installation of the irrigation system. The irrigator shall be responsible for adhering to terms of the warranty. If the irrigator's warranty is less than the manufacturer's warranty for the system components, then the irrigator shall provide the irrigation system's owner or the owner's representative with applicable information regarding the manufacturer's warranty period. The warranty must include the irrigator's seal, signature, and date. If the warranty is part of an irrigator's contract, a separate warranty document is not required.

(b) An irrigator's written warranty on new irrigation systems must specify the irrigator's name, business address, and business telephone number(s), must contain the signature of the irrigation system's owner or owner's representative confirming receipt of the warranty and must include the statement: "Irrigation in Texas is regulated by the Texas Commission on Environmental Quality (TCEQ), MC-178, P.O. Box 130897, Austin, Texas 78711-3087. TCEQ's website is: [www.tceq.state.tx.us](http://www.tceq.state.tx.us)."

(c) On all maintenance, alterations, repairs, or service to existing irrigation systems, an irrigator shall present the irrigation system's owner or owner's representative a written document that identifies the materials furnished in the maintenance, alteration, repair, or service. If a warranty is provided, the irrigator shall abide by the terms. The warranty document must include the irrigator's name and business contact information.

#### **Section 7-114. Duties and Responsibilities of City Irrigation Inspectors.**

A licensed irrigation inspector shall enforce the ordinance of the City, and shall be responsible for:

(1) verifying that the appropriate permits have been obtained for an irrigation system and that the irrigator and installer or irrigation technician, if applicable, are licensed;

(2) inspecting the irrigation system;

(3) determining that the irrigation system complies with the requirements of this chapter;

(4) determining that the appropriate backflow prevention device was installed, tested, and test results provided to the City;

(5) investigating complaints related to irrigation system installation, maintenance, alteration, repairs, or service of an irrigation system and advertisement of irrigation services; and

(6) maintaining records according to this chapter.

**Section 7-115. Items not covered by this ordinance.**

Any item not covered by their ordinance and required by law shall be governed by the Texas Occupations Code, the Texas Water Code, Title 30 of the Texas Administrative Code, and any other applicable state statute or Texas Commission on Environmental Quality rule.

**Section 7-116. Fees.**

The City Council may create a schedule of fees for obtaining and renewing an irrigation permit. These fees will be in amounts sufficient to cover the City's costs in issuing and renewing the permits, including, but not limited to, staff time and other overhead costs. The City Council shall adopt by resolution a schedule of the permit fees required or authorized. This schedule of fees is entitled Construction Permit Fees and is updated from time to time by Resolution. It is kept at City offices and also available online.

**Section 7-117. Enforcement.**

(a) The City shall have the power to administer and enforce the provisions of this chapter as may be required by governing law. Any person, firm, corporation or agent who shall violate a provision of this code, or fails to comply therewith, or with any of the requirements thereof, is subject to suit for injunctive relief as well as prosecution for

criminal violations. Any violation of the ordinance codified in this chapter is declared to be a nuisance.

(b) Any person violating any provision of chapter shall, upon conviction, be fined a sum not exceeding \$2000.00. Each day that a provision of this chapter is violated shall constitute a separate offense. An offense under this chapter is a Class C misdemeanor, punishable by a fine of up to \$2000.00.

(c) Nothing in this chapter shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this chapter and to seek remedies as allowed by law, including, but not limited to the following:

- (1) Injunctive relief to prevent specific conduct that violates the ordinance or to require specific conduct that is necessary for compliance with the ordinance; and
- (2) Other available relief.



## ALL NEW LANGUAGE

### **Sec. 7-?. Inspection of backflow prevention assemblies.**

International Plumbing Code, Section 312.9, “Inspection and testing of backflow prevention assemblies” is amended to include the following language:

312.9.3. Landscape irrigation systems are exempted from the annual testing and inspection requirement except where the following occurs:

(1) When chemicals are added to an irrigation system which is connected to the potable water supply; and

(2) When an irrigation system services property that is also served by an on-site sewage facility (septic system).

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 7, "BUILDINGS," OF THE CODE OF ORDINANCES BY MODIFYING ARTICLE VII, ENTITLED, "LANDSCAPE IRRIGATION STANDARDS," TO REFLECT CHANGES TO THE DEFINITION OF A "HEALTH HAZARD" AS IT RELATES TO IRRIGATION SYSTEMS; AMENDING ARTICLE V, ENTITLED, "PLUMBING CODE," BY ADDING A NEW SECTION 7-84, ENTITLED, "INSPECTION OF BACKFLOW PREVENTION ASSEMBLIES;" PROVIDING FOR A CRIMINAL PENALTY, CLASS C MISDEMEANOR NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR VIOLATION OF THE CODE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1:** The City Council amends Chapter 7, "Buildings," of the Code of Ordinances of the City of Temple, Texas, by modifying Article VII, entitled, "Landscape Irrigation Standards," to reflect changes to the definition of a "health hazard," as it relates to irrigation systems, to read as follows:

## **ARTICLE VII. LANDSCAPE IRRIGATION STANDARDS**

### **Section 7-100. Definitions.**

The following words and terms, when used in this ordinance, have the following meanings, unless the context clearly indicates otherwise.

- (1) **Air gap**--A complete physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel.
- (2) **Backflow prevention**--The mechanical prevention of reverse flow, or back siphonage, of nonpotable water from an irrigation system into the potable water source.
- (3) **Backflow prevention assembly**--Any assembly used to prevent backflow into a potable water system. The type of assembly used is based on the existing or potential degree of health hazard and backflow condition.

(4) **Completion of irrigation system installation**--When the landscape irrigation system has been installed, all minimum standards met, all tests performed, and the irrigator is satisfied that the system is operating correctly.

(5) **Consulting**--The act of providing advice, guidance, review or recommendations related to landscape irrigation systems.

(6) **Cross-connection**--An actual or potential connection between a potable water source and an irrigation system that may contain contaminants or pollutants or any source of water that has been treated to a lesser degree in the treatment process.

(7) **Design**--The act of determining the various elements of a landscape irrigation system that will include, but not be limited to, elements such as collecting site specific information, defining the scope of the project, defining plant watering needs, selecting and laying out emission devices, locating system components, conducting hydraulics calculations, identifying any local regulatory requirements, or scheduling irrigation work at a site. Completion of the various components will result in an irrigation plan.

(8) **Design pressure**--The pressure that is required for an emission device to operate properly. Design pressure is calculated by adding the operating pressure necessary at an emission device to the total of all pressure losses accumulated from an emission device to the water source.

(9) **Emission device**--Any device that is contained within an irrigation system and that is used to apply water. Common emission devices in an irrigation system include, but are not limited to, spray and rotary sprinkler heads, and drip irrigation emitters.

(10) **Employed**--Engaged or hired to provide consulting services or perform any activity relating to the sale, design, installation, maintenance, alteration, repair, or service to irrigation systems. A person is employed if that person is in an employer-employee relationship as defined by Internal Revenue Code, 26 United States Code Service, §3212(d) based on the behavioral control, financial control, and the type of relationship involved in performing employment related tasks.

(11) **Head-to-head spacing**--The spacing of spray or rotary heads equal to the manufacturers published radius of the head.

(12) **Health hazard**--A cross-connection or potential cross-connection with an irrigation system that involves any ~~substane~~chemical additives that may, if introduced into the

potable water supply, cause death or illness, spread disease, or have a high probability of causing such effects, or when irrigation system services property that is also served by an on-site sewage facility (septic system).

(13) **Hydraulics**--The science of dynamic and static water; the mathematical computation of determining pressure losses and pressure requirements of an irrigation system.

~~(14) **Inspector**--A licensed plumbing inspector, water district operator, other governmental entity, or irrigation inspector who inspects irrigation systems and performs other enforcement duties for a municipality or water district as an employee or as a contractor.~~

~~(15)~~(14) **Installer**--A person who actually connects an irrigation system to a private or public raw or potable water supply system or any water supply, who is licensed according to Title 30, Texas Administrative Code, Chapter 30 (relating to Occupational Licenses and Registrations).

~~(16)~~(15) **Irrigation inspector**--A person who inspects irrigation systems and performs other enforcement duties for a municipality or water district as an employee or as a contractor and is required to be licensed under Title 30, Texas Administrative Code, Chapter 30 (relating to Occupational Licenses and Registrations).

~~(17)~~(16) **Irrigation plan**--A scaled drawing of a landscape irrigation system which lists required information, the scope of the project, and represents the changes made in the installation of the irrigation system.

~~(18)~~(17) **Irrigation services**--Selling, designing, installing, maintaining, altering, repairing, servicing, permitting, providing consulting services regarding, or connecting an irrigation system to a water supply.

~~(19)~~(18) **Irrigation system**--An assembly of component parts that is permanently installed for the controlled distribution and conservation of water to irrigate any type of landscape vegetation in any location, and/or to reduce dust or control erosion. This term does not include a system that is used on or by an agricultural operation as defined by Texas Agricultural Code, §251.002.

~~(20)~~(19) **Irrigation technician**--A person who works under the supervision of a licensed irrigator to install, maintain, alter, repair, service or supervise installation of an irrigation system, including the connection of such system in or to a private or public, raw or

potable water supply system or any water supply, and who is required to be licensed under Title 30, Texas Administrative Code, Chapter 30 (relating to Occupational Licenses and Registrations).

**(2120) Irrigation zone**--A subdivision of an irrigation system with a matched precipitation rate based on plant material type (such as turf, shrubs, or trees), microclimate factors (such as sun/shade ratio), topographic features (such as slope) and soil conditions (such as sand, loam, clay, or combination) or for hydrological control.

**(2221) Irrigator**--A person who sells, designs, offers consultations regarding, installs, maintains, alters, repairs, services or supervises the installation of an irrigation system, including the connection of such system to a private or public, raw or potable water supply system or any water supply, and who is required to be licensed under Title 30, Texas Administrative Code, Chapter 30.

~~**(23) Irrigator-in-Charge** The irrigator responsible for all irrigation work performed by an exempt business owner, including, but not limited to obtaining permits, developing design plans, supervising the work of other irrigators or irrigation technicians, and installing, selling, maintaining, altering, repairing, or servicing a landscape irrigation system.~~

**(24(22) Landscape Irrigation** – The science of applying the necessary amount of water to promote or sustain healthy growth of plant material or turf.

**(2523) License**--An occupational license that is issued by the Texas Commission on Environmental Quality under Title 30, Texas Administrative Code, Chapter 30 to an individual that authorizes the individual to engage in an activity that is covered by Title 30, Texas Administrative Code, Chapter 30.

**(2624) Mainline**--A pipe within an irrigation system that delivers water from the water source to the individual zone valves.

**(2725) Maintenance checklist**--A document made available to the irrigation system's owner or owner's representative that contains information regarding the operation and maintenance of the irrigation system, including, but not limited to: checking and repairing the irrigation system, setting the automatic controller, checking the rain or moisture sensor, cleaning filters, pruning grass and plants away from irrigation emitters, using and operating the irrigation system, the precipitation rates of each irrigation zone within the system, any water conservation measures currently in effect from the water purveyor, the name of the water purveyor, a suggested seasonal or monthly watering schedule based on

current evapotranspiration data for the geographic region, and the minimum water requirements for the plant material in each zone based on the soil type and plant material where the system is installed.

| **(2826) Major maintenance, alteration, repair, or service**--Any activity that involves opening to the atmosphere the irrigation main line at any point prior to the discharge side of any irrigation zone control valve. This includes, but is not limited to, repairing or connecting into a main supply pipe, replacing a zone control valve, or repairing a zone control valve in a manner that opens the system to the atmosphere.

| **(2927) Master valve**--A remote control valve located after the backflow prevention device that controls the flow of water to the irrigation system mainline.

| **(3028) Matched precipitation rate**--The condition in which all sprinkler heads within an irrigation zone apply water at the same rate.

| **(3129) New installation**--An irrigation system installed at a location where one did not previously exist .

| **(3230) Pass-through contract**--A written contract between a contractor or builder and a licensed irrigator or exempt business owner to perform part or all of the irrigation services relating to an irrigation system.

| **(3331) Potable water**--Water that is suitable for human consumption.

| **(34)—32) Pressure Vacuum Breaker**—An assembly containing an independently operating internally loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. Also known as a Pressure Vacuum Breaker Back-siphonage Prevention Assembly.

| **(3533) Reclaimed water**--Domestic or municipal wastewater which has been treated to a quality suitable for beneficial use, such as landscape irrigation.

| **(3634) Records of landscape irrigation activities**—The irrigation plans, contracts, warranty information, invoices, copies of permits, and other documents that relate to the installation, maintenance, alteration, repair, or service of a landscape irrigation system.

| **(3735) Reduced Pressure Principle Backflow Prevention Assembly**--An assembly containing two independently acting approved check valves together with a hydraulically

operating mechanically independent pressure differential relief valve located between the two check valves and below the first check valve.

| **(3836) Static water pressure**--The pressure of water when it is not moving.

| **(3937) Supervision**--The on-the-job oversight and direction by a licensed irrigator who is fulfilling his or her professional responsibility to the client and/or employer in compliance with local or state requirements. Also a licensed installer working under the direction of a licensed irrigator or beginning January 1, 2009, an irrigation technician who is working under the direction of a licensed irrigator to install, maintain, alter, repair or service an irrigation system.

| **(4038) Water conservation**--The design, installation, service, and operation of an irrigation system in a manner that prevents the waste of water, promotes the most efficient use of water, and applies the least amount of water that is required to maintain healthy individual plant material or turf, reduce dust, and control erosion.

| **(4139) Zone flow**--A measurement, in gallons per minute or gallons per hour, of the actual flow of water through a zone valve, calculated by individually opening each zone valve and obtaining a valid reading after the pressure has stabilized. For design purposes, the zone flow is the total flow of all nozzles in the zone at a specific pressure.

| **(4240) Zone valve**--An automatic valve that controls a single zone of a landscape irrigation system.

## **Section 7-101. Valid License Required.**

Any person who connects an irrigation system to the water supply within the City or the City's extraterritorial jurisdiction, commonly referred to as the ETJ, must hold a valid license, as defined by Title 30, Texas Administrative Code, Chapter 30 and required by Chapter 1903 of the Texas Occupations Code, or as defined by Chapter 365, Title 22 of the Texas Administrative Code and required by Chapter 1301 of the Texas Occupations Code.

### ***Exemptions***

A property owner is not required to be licensed in accordance with Texas Occupations Code, Title 12, §1903.002(c)(1) if he or she is performing irrigation work in a building or on a premises owned or occupied by the person as the person's home. A home or property owner who installs an irrigation system must meet the standards contained in Title 30, Texas Administrative Code, Chapter 344 regarding spacing,

water pressure, spraying water over impervious materials, rain or moisture shut-off devices or other technology, backflow prevention and isolation valves. A home or property owner must obtain a permit from the City, submit an irrigation plan, use an individual with a valid license to install backflow prevention devices, and submit test results of the backflow prevention device to the City. The City may, at any point, adopt more stringent requirements for a home or property owner who installs an irrigation system. See Texas Occupations Code §1903.002 for other exemptions to the licensing requirement.

### **Section 7-102. Permit Required.**

Any person installing an irrigation system within the territorial limits or extraterritorial jurisdiction of the City is required to obtain a permit from the City. Any applicant must submit a plan with the application demonstrating that the plan and irrigation system meet the requirements of this chapter. Any plan approved for a permit must be in compliance with the requirements of this chapter. Construction Safety administers the permit program in conjunction with the Water Department's approval of tested systems. Permit formats and processes are amended from time to time by the Construction Safety Department.

#### ***Exemptions***

- (1) An irrigation system that is an on-site sewage disposal system, as defined by Section 355.002, Health and Safety Code; or
- (2) An irrigation system used on or by an agricultural operation as defined by Section 251.002, Agriculture Code; or
- (3) An irrigation system connected to a groundwater well used by the property owner for domestic use.

### **Section 7-103. Backflow Prevention Methods and Devices.**

(a) Any irrigation system that is connected to the potable water supply must be connected through a backflow prevention method approved by the Texas Commission on Environmental Quality (TCEQ). The backflow prevention device must be approved by the American Society of Sanitary Engineers; or the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California; or the Uniform Plumbing Code; or any other laboratory that has equivalent capabilities for both the laboratory and field evaluation of backflow prevention assemblies. The backflow prevention device must be installed in accordance with the laboratory approval standards or if the approval does not include specific installation information, the manufacturer's current published recommendations.



~~(b) If conditions that present a health hazard exist,~~In new installations of landscape irrigation systems one of the following methods must be used to prevent backflow;

~~(1) An air gap may be used if:~~

~~a. there is an unobstructed physical separation; and~~

~~b. the distance from the lowest point of the water supply outlet to the flood rim of the fixture or assembly into which the outlet discharges is at least one inch or twice the diameter of the water supply outlet, whichever is greater.~~

~~—(2)~~ (1) Reduced pressure principle backflow prevention assemblies may be used if:

a. the device is installed at a minimum of 12 inches above ground in a location that will ensure that the assembly will not be submerged; and

b. drainage is provided for any water that may be discharged through the assembly relief valve.

~~(32)~~ Pressure vacuum breakers may be used if:

a. no back-pressure condition will occur; and

b. the device is installed at a minimum of 12 inches above any sprinklers are measured from the retracted position from the top of the sprinkler.

~~(c) Existing irrigation systems which are not of the type listed in 7-103(b) may remain, however upon replacement, homeowner must comply with the required devices listed in 7-103(b).~~

(d) Backflow prevention devices used in applications designated as health hazards must be tested upon installation and annually thereafter.— The following situations have been deemed by the City to create a health hazard:

~~(d)~~

(1) When chemicals are added to an irrigation system which is connected to the potable water supply; and

(2) When an irrigation system services property that is also served by an on-site sewage facility (septic system).

(e) If an irrigation system is connected to a potable water supply through a pressure vacuum breaker or reduced pressure principle backflow assembly and includes

an automatic master valve on the system, the automatic master valve must be installed on the discharge side of the backflow prevention assembly.

(ef) The irrigator shall ensure the backflow prevention device is tested by a licensed Backflow Prevention Assembly Tester prior to being placed in service and the test results provided to the local water purveyor and the irrigation system's owner or owner's representative within ten business days of testing of the backflow prevention device.

#### **Section 7-104. Specific Conditions and Cross-Connection Control.**

(a) Before any chemical is added to an irrigation system connected to the potable water supply, the irrigation system must be connected through a reduced pressure principle backflow prevention assembly ~~or air gap~~.

(b) Connection of any additional water source to an irrigation system that is connected to the potable water supply can only be done if the irrigation system is connected to the potable water supply through a reduced-pressure principle backflow prevention assembly ~~or an air gap~~.

(c) Irrigation system components with chemical additives induced by aspiration, injection, or emission system connected to any potable water supply must be connected through a reduced pressure principle backflow device.

(d) If an new irrigation system is designed or installed on a property that is served by an on-site sewage facility, as defined in Title 30, Texas Administrative Code, Chapter 285, then:

(1) all irrigation piping and valves must meet the separation distances from the On-Site Sewage Facilities system as required for a private water line in Title 30, Texas Administrative Code, Section 285.91(10);

(2) any connections using a private or public potable water source that is not the City's potable water system must be connected to the water source through a reduced pressure principle backflow prevention assembly as defined in Title 30, Texas Administrative Code, Section 344.50; and

(3) any water from the irrigation system that is applied to the surface of the area utilized by the On-Site Sewage Facility system must be controlled on a separate irrigation zone or zones so as to allow complete control of any irrigation to that area so that there will not be excess water that would prevent the On-Site Sewage Facilities system from operating effectively.

## **Section 7-105. Water Conservation.**

All irrigation systems shall be designed, installed, maintained, altered, repaired, serviced, and operated in a manner that will promote water conservation as defined in the Definitions section of this ordinance.

## **Section 7-106. Irrigation Plan Design: Minimum Standards.**

(a) An irrigator shall prepare an irrigation plan for each site where a new irrigation system will be installed. A paper or electronic copy of the irrigation plan must be on the job site at all times during the installation of the irrigation system. A drawing showing the actual installation of the system is due to each irrigation system owner after all new irrigation system installations. During the installation of the irrigation system, variances from the original plan may be authorized by the licensed irrigator if the variance from the plan does not:

- (1) diminish the operational integrity of the irrigation system;
- (2) violate any requirements of this ordinance; and
- (3) go unnoted in red on the irrigation plan.

(b) The irrigation plan must include complete coverage of the area to be irrigated. If a system does not provide complete coverage of the area to be irrigated, it must be noted on the irrigation plan.

(c) All irrigation plans used for construction must be drawn to scale. The plan must include, at a minimum, the following information:

- (1) the irrigator's seal, signature, and date of signing;
- (2) all major physical features and the boundaries of the areas to be watered;
- (3) a North arrow;
- (4) a legend;
- (5) the zone flow measurement for each zone;
- (6) location and type of each:

a. controller; and

b. sensor (for example, but not limited to, rain, moisture, wind, flow, or freeze);

(7) location, type, and size of each:

a. water source, such as, but not limited to a water meter and point(s) of connection;

b. backflow prevention device;

c. water emission device, including, but not limited to, spray heads, rotary sprinkler heads, quick-couplers, bubblers, drip, or micro-sprays;

d. valve, including but not limited to, zone valves, master valves, and isolation valves;

e. pressure regulation component; and

f. main line and lateral piping.

(8) the scale used; and

(9) the design pressure.

#### **Section 7-107. Design and Installation: Minimum Requirements.**

(a) No irrigation design or installation shall require the use of any component, including the water meter, in a way which exceeds the manufacturer's published performance limitations for the component.

(b) Spacing.

(1) The maximum spacing between emission devices must not exceed the manufacturer's published radius or spacing of the device(s). The radius or spacing is determined by referring to the manufacturer's published specifications for a specific emission device at a specific operating pressure.

(2) New irrigation systems shall not utilize above-ground spray emission devices in landscapes that are less than 48 inches not including the impervious surfaces in either length or width and which contain impervious pedestrian or vehicular traffic surfaces along two or more perimeters. If pop-up sprays or rotary sprinkler heads are used in a new irrigation system, the sprinkler heads must direct flow away from any adjacent surface and shall not be installed closer than four inches from a hardscape, such as, but not limited to, a building foundation, fence, concrete, asphalt, pavers, or stones set with mortar.

(3) Narrow paved walkways, jogging paths, golf cart paths or other small areas located in cemeteries, parks, golf courses or other public areas may be exempted from this requirement if the runoff drains into a landscaped area.

(c) Water pressure. Emission devices must be installed to operate at the minimum and not above the maximum sprinkler head pressure as published by the manufacturer for the nozzle and head spacing that is used. Methods to achieve the water pressure requirements include, but are not limited to, flow control valves, a pressure regulator, or pressure compensating spray heads.

(d) Piping. Piping in irrigation systems must be designed and installed so that the flow of water in the pipe will not exceed a velocity of five feet per second for polyvinyl chloride (PVC) pipe.

(e) Irrigation Zones. Irrigation systems shall have separate zones based on plant material type, microclimate factors, topographic features, soil conditions, and hydrological requirements.

(f) Matched precipitation rate. Zones must be designed and installed so that all of the emission devices in that zone irrigate at the same precipitation rate.

(g) Irrigation systems shall not spray water over surfaces made of concrete, asphalt, brick, wood, stones set with mortar, or any other impervious material, such as, but not limited to, walls, fences, sidewalks, streets, etc.

(h) Master valve. When provided, a master valve shall be installed on the discharge side of the backflow prevention device on all new installations.

(i) PVC pipe primer solvent. All new irrigation systems that are installed using PVC pipe and fittings shall be primed with a colored primer prior to applying the PVC

cement in accordance with the Uniform Plumbing Code (Section 316) or the International Plumbing Code (Section 605).

(j) Rain or moisture shut-off devices or other technology. All new automatically controlled irrigation systems must include sensors or other technology designed to inhibit or interrupt operation of the irrigation system during periods of moisture or rainfall. Rain or moisture shut-off technology must be installed according to the manufacturer's published recommendations. Repairs to existing automatic irrigation systems that require replacement of an existing controller must include a sensor or other technology designed to inhibit or interrupt operation of the irrigation system during periods of moisture or rainfall.

(k) Isolation valve. All new irrigation systems must include an isolation valve between the water meter and the backflow prevention device.

(l) Depth coverage of piping. Piping in all irrigation systems must be installed according to the manufacturer's published specifications for depth coverage of piping.

(1) If the manufacturer has not published specifications for depth coverage of piping, the piping must be installed to provide minimum depth coverage of six inches of select backfill, between the top of the pipe and the natural grade of the topsoil. All portions of the irrigation system that fail to meet this standard must be noted on the irrigation plan. If the area being irrigated has rock at a depth of six inches or less, select backfill may be mounded over the pipe. Mounding must be noted on the irrigation plan and discussed with the irrigation system owner or owner's representative to address any safety issues.

(2) If a utility, man-made structure, or roots create an unavoidable obstacle, which makes the six-inch depth coverage requirement impractical, the piping shall be installed to provide a minimum of two inches of select backfill between the top of the pipe and the natural grade of the topsoil.

(3) All trenches and holes created during installation of an irrigation system must be backfilled and compacted to the original grade.

(m) Wiring irrigation systems.

(1) Underground electrical wiring used to connect an automatic controller to any electrical component of the irrigation system must be listed by Underwriters Laboratories as acceptable for burial underground.

(2) Electrical wiring that connects any electrical components of an irrigation system must be sized according to the manufacturer's recommendation.

(3) Electrical wire splices which may be exposed to moisture must be waterproof as certified by the wire splice manufacturer.

(4) Underground electrical wiring that connects an automatic controller to any electrical component of the irrigation system must be buried with a minimum of six inches of select backfill.

(n) Water contained within the piping of an irrigation system is deemed to be non-potable. No drinking or domestic water usage, such as, but not limited to, filling swimming pools or decorative fountains, shall be connected to an irrigation system. If a hose bib (an outdoor water faucet that has hose threads on the spout) is connected to an irrigation system for the purpose of providing supplemental water to an area, the hose bib must be installed using a quick coupler key on a quick coupler installed in a covered purple valve box and the hose bib and any hoses connected to the bib must be labeled "non potable, not safe for drinking." An isolation valve must be installed upstream of a quick coupler connecting a hose bib to an irrigation system.

(o) Beginning January 1, 2010, either a licensed irrigator or a licensed irrigation technician shall be on-site at all times while the landscape irrigation system is being installed. When an irrigator is not onsite, the irrigator shall be responsible for ensuring that a licensed irrigation technician is on-site to supervise the installation of the irrigation system.

#### **Section 7-108. Completion of Irrigation System Installation.**

Upon completion of the irrigation system, the irrigator or irrigation technician who provided supervision for the on-site installation shall be required to complete four items:

(1) a final "walk through" with the irrigation system's owner or the owner's representative to explain the operation of the system;

(2) The maintenance checklist on which the irrigator or irrigation technician shall obtain the signature of the irrigation system's owner or owner's representative and shall sign, date, and seal the checklist. If the irrigation system's owner or owner's representative is unwilling or unable to sign the maintenance checklist, the irrigator shall note the time and date of the refusal on the irrigation system's owner

or owner's representative's signature line. The irrigation system owner or owner's representative will be given the original maintenance checklist and a duplicate copy of the maintenance checklist shall be maintained by the irrigator. The items on the maintenance checklist shall include but are not limited to:

- a. the manufacturer's manual for the automatic controller, if the system is automatic;
- b. a seasonal (spring, summer, fall, winter) watering schedule based on either current/real time evapotranspiration or monthly historical reference evapotranspiration (historical ET) data, monthly effective rainfall estimates, plant landscape coefficient factors, and site factors;
- c. a list of components, such as the nozzle, or pump filters, and other such components that require maintenance and the recommended frequency for the service; and
- d. the statement, "This irrigation system has been installed in accordance with all applicable state and local laws, ordinances, rules, regulations or orders. I have tested the system and determined that it has been installed according to the Irrigation Plan and is properly adjusted for the most efficient application of water at this time."

(3) A permanent sticker which contains the irrigator's name, license number, company name, telephone number and the dates of the warranty period shall be affixed to each automatic controller installed by the irrigator or irrigation technician. If the irrigation system is manual, the sticker shall be affixed to the original maintenance checklist. The information contained on the sticker must be printed with waterproof ink and include:

(4) The irrigation plan indicating the actual installation of the system must be provided to the irrigation system's owner or owner representative.

#### **Section 7-109. Maintenance, Alteration, Repair, or Service of Irrigation Systems.**

(a) The licensed irrigator is responsible for all work that the irrigator performed during the maintenance, alteration, repair, or service of an irrigation system during the warranty period. The irrigator or business owner is not responsible for the professional



negligence of any other irrigator who subsequently conducts any irrigation service on the same irrigation system.

(b) All trenches and holes created during the maintenance, alteration, repair, or service of an irrigation system must be returned to the original grade with compacted select backfill.

(c) Colored PVC pipe primer solvent must be used on all pipes and fittings used in the maintenance, alteration, repair, or service of an irrigation system in accordance with the Uniform Plumbing Code (Section 316) or the International Plumbing Code (Section 605).

(d) When maintenance, alteration, repair or service of an irrigation system involves excavation work at the water meter or backflow prevention device, an isolation valve shall be installed, if an isolation valve is not present.

#### **Section 7-110. Reclaimed Water.**

Reclaimed water may be utilized in landscape irrigation systems if:

- (1) there is no direct contact with edible crops, unless the crop is pasteurized before consumption;
- (2) the irrigation system does not spray water across property lines that do not belong to the irrigation system's owner;
- (3) the irrigation system is installed using purple components;
- (4) the domestic potable water line is connected using an air gap or a reduced pressure principle backflow prevention device, in accordance with Title 30, Texas Administrative Code, Section 290.47(i) (relating to Appendices);
- (5) a minimum of an eight inch by eight inch sign, in English and Spanish, is prominently posted on/in the area that is being irrigated, that reads, "RECLAIMED WATER – DO NOT DRINK" and "AGUA DE RECUPERACIÓN – NO BEBER"; and
- (6) backflow prevention on the reclaimed water supply line shall be in accordance with the regulations of the City's water provider.

#### **Section 7-111. Advertisement Requirements.**

(a) All vehicles used in the performance of irrigation installation, maintenance, alteration, repair, or service must display the irrigator's license number in the form of "LI\_\_\_\_\_" in a contrasting color of block letters at least two inches high, on both sides of the vehicle.

(b) All forms of written and electronic advertisements for irrigation services must display the irrigator's license number in the form of "LI\_\_\_\_\_." Any form of advertisement, including business cards, and estimates which displays an entity's or individual's name other than that of the licensed irrigator must also display the name of the licensed irrigator and the licensed irrigator's license number. Trailers that advertise irrigation services must display the irrigator's license number.

(c) The name, mailing address, and telephone number of the commission must be prominently displayed on a legible sign and displayed in plain view for the purpose of addressing complaints at the permanent structure where irrigation business is primarily conducted and irrigation records are kept.

## **Section 7-112. Contracts.**

(a) All contracts to install an irrigation system must be in writing and signed by each party and must specify the irrigator's name, license number, business address, current business telephone numbers, the date that each party signed the agreement, the total agreed price, and must contain the statement, "Irrigation in Texas is regulated by the Texas Commission on Environmental Quality (TCEQ), MC-178, P.O. Box 13087, Austin, Texas 78711-3087. TCEQ's website is: [www.tceq.state.tx.us](http://www.tceq.state.tx.us)." All contracts must include the irrigator's seal, signature, and date.

(b) All written estimates, proposals, bids, and invoices relating to the installation or repair of an irrigation system(s) must include the irrigator's name, license number, business address, current business telephone number(s), and the statement: "Irrigation in Texas is regulated by the Texas Commission On Environmental Quality (TCEQ) (MC-178), P.O. Box 13087, Austin, Texas 78711-3087. TCEQ's web site is: [www.tceq.state.tx.us](http://www.tceq.state.tx.us)."

(c) An individual who agrees by contract to provide irrigation services as defined in Title 30, Texas Administrative Code, Section 344.30 (relating to License Required) shall hold an irrigator license issued under Title 30, Texas Administrative Code, Chapter 30 (relating to Occupational Licenses and Registrations) unless the contract is a pass-through contract as defined in Title 30, Texas Administrative Code, Section 344.1(36) (relating to Definitions). If a pass-through contract includes irrigation services, then the irrigation portion of the contract can only be performed by a licensed irrigator. If an irrigator installs a system pursuant to a pass-through contract, the irrigator shall still be responsible for providing the irrigation system's owner or through contract, the irrigator shall still be responsible for providing the irrigation system's owner or owner's representative a copy of the warranty and all other documents required under this chapter. A pass-through contract must identify by name and license number the irrigator that will perform the work and must provide a mechanism for contacting the irrigator for irrigation system warranty work.

(d) The contract must include the dates that the warranty is valid.

### **Section 7-113. Warranties for Systems.**

(a) On all installations of new irrigation systems, an irrigator shall present the irrigation system's owner or owner's representative with a written warranty covering materials and labor furnished in the new installation of the irrigation system. The irrigator shall be responsible for adhering to terms of the warranty. If the irrigator's warranty is less than the manufacturer's warranty for the system components, then the irrigator shall provide the irrigation system's owner or the owner's representative with applicable information regarding the manufacturer's warranty period. The warranty must include the irrigator's seal, signature, and date. If the warranty is part of an irrigator's contract, a separate warranty document is not required.

(b) An irrigator's written warranty on new irrigation systems must specify the irrigator's name, business address, and business telephone number(s), must contain the signature of the irrigation system's owner or owner's representative confirming receipt of the warranty and must include the statement: "Irrigation in Texas is regulated by the Texas Commission on Environmental Quality (TCEQ), MC-178, P.O. Box 130897, Austin, Texas 78711-3087. TCEQ's website is: [www.tceq.state.tx.us](http://www.tceq.state.tx.us)."

(c) On all maintenance, alterations, repairs, or service to existing irrigation systems, an irrigator shall present the irrigation system's owner or owner's representative a written document that identifies the materials furnished in the maintenance, alteration, repair, or service. If a warranty is provided, the irrigator shall abide by the terms. The warranty document must include the irrigator's name and business contact information.

### **Section 7-114. Duties and Responsibilities of City Irrigation Inspectors.**

A licensed irrigation inspector shall enforce the ordinance of the City, and shall be responsible for:

(1) verifying that the appropriate permits have been obtained for an irrigation system and that the irrigator and installer or irrigation technician, if applicable, are licensed;

(2) inspecting the irrigation system;

(3) determining that the irrigation system complies with the requirements of this chapter;

(4) determining that the appropriate backflow prevention device was installed, tested, and test results provided to the City;

(5) investigating complaints related to irrigation system installation, maintenance, alteration, repairs, or service of an irrigation system and advertisement of irrigation services; and

(6) maintaining records according to this chapter.

**Section 7-115. Items not covered by this ordinance.**

Any item not covered by their ordinance and required by law shall be governed by the Texas Occupations Code, the Texas Water Code, Title 30 of the Texas Administrative Code, and any other applicable state statute or Texas Commission on Environmental Quality rule.

**Section 7-116. Fees.**

The City Council may create a schedule of fees for obtaining and renewing an irrigation permit. These fees will be in amounts sufficient to cover the City's costs in issuing and renewing the permits, including, but not limited to, staff time and other overhead costs. The City Council shall adopt by resolution a schedule of the permit fees required or authorized. This schedule of fees is entitled Construction Permit Fees and is updated from time to time by Resolution. It is kept at City offices and also available online.

**Section 7-117. Enforcement.**

(a) The City shall have the power to administer and enforce the provisions of this chapter as may be required by governing law. Any person, firm, corporation or agent who shall violate a provision of this code, or fails to comply therewith, or with any of the requirements thereof, is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of the ordinance codified in this chapter is declared to be a nuisance.

(b) Any person violating any provision of chapter shall, upon conviction, be fined a sum not exceeding \$2000.00. Each day that a provision of this chapter is violated shall constitute a separate offense. An offense under this chapter is a Class C misdemeanor, punishable by a fine of up to \$2000.00.

(c) Nothing in this chapter shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this chapter and to seek remedies as allowed by law, including, but not limited to the following:

(1) Injunctive relief to prevent specific conduct that violates the ordinance or to require specific conduct that is necessary for compliance with the ordinance; and

- (2) Other available relief.

**Part 2:** The City Council amends Chapter 7, “Buildings,” of the Code of Ordinances of the City of Temple, Texas, by modifying Article V, entitled, “Plumbing Code,” by adding a new Section 7-84, entitled, “Inspection of Backflow Prevention Assemblies,” exempting certain irrigation systems from annual testing, to read as follows:

**Sec. 7-84. Inspection of backflow prevention assemblies.**

International Plumbing Code, Section 312.9, “Inspection and testing of backflow prevention assemblies” is amended to include the following language:

312.9.3. Landscape irrigation systems are exempted from the annual testing and inspection requirement except where the following occurs:

- (1) When chemicals are added to an irrigation system which is connected to the potable water supply; and
- (2) When an irrigation system services property that is also served by an on-site sewage facility (septic system).

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

**Part 4:** 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:** The Code of Ordinances of the City of Temple, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

**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 6<sup>th</sup> day of January, 2011.

PASSED AND APPROVED on Second Reading on the 20<sup>th</sup> day of January, 2011.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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01/20/11  
Item #3(H)  
Consent Agenda  
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### **DEPT. /DIVISION SUBMISSION & REVIEW:**

Ken Cicora, Parks and Leisure Services Director

**ITEM DESCRIPTION:** Consider adopting a resolution accepting the annual Child Care Standards report from the Parks and Leisure Services Department.

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

**ITEM SUMMARY:** On August 19, 2004, City Council adopted the Standards of Care for youth programs sponsored by the Parks and Leisure Services Department. The standards were developed after the department was contacted by the Texas Department of Protective and Regulatory Services (TDPRS).

One of the requirements of the TDPRS is for cities that conduct youth programs to adopt a Standards of Care policy. The purpose of the policy is to assure the community that when they place their child/children in one of our programs our facilities are safe, a background check has been conducted on our staff and that they are properly trained for the program they will be conducting.

Some of the key elements of the Temple policy include:

- Defining a participant as a youth, ages 5-13, whose parent(s) have completed all required registration procedures and determined to be eligible for a Temple Youth Program.
- Ensuring that criminal background checks will be conducted on prospective Youth Program employees.
- Stating that as soon as possible after employment all appropriate staff will complete a course in first aid and Cardiopulmonary Resuscitation (CPR).
- Stating that the Parks and Leisure Services Department will provide training and orientation to program employees and that staff will be provided with a program manual specific to each Youth Program.
- Indicating that in a Temple youth recreation program, the number of participants may not exceed leaders by a minimum ratio of 1 Leader per 20 participants for children 5 years to 13 years of age.

- Assuring parents that they will be notified immediately if a:
  - (1) participant is injured;
  - (2) participant has a sign or symptom requiring exclusion from the site (i.e. communicable disease, fever, illness); or
  - (3) if there is an outbreak of any communicable disease that is reportable to the State Department of Health.
- Confirming that all program site(s) will have an annual fire inspection by the City Fire Marshal prior to September 1 of each year.
- Requiring the Parks and Leisure Services Director to make an annual report to the City Council on the overall status of the Youth Programs and their operation relative to compliance with the adopted Standards of Care.

Texas Department of Protective and Regulatory Services also requires that the plan be reviewed, and updated if necessary, and approved by City Council. We are not recommending any changes this year.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

[2010 Child Care Standards Report](#)  
[Child Care Standards](#)  
[Resolution](#)



Parks and Leisure Services Department  
Child Care Standards Annual Report  
2010

Throughout the 2010 year, the City of Temple Parks and Leisure Services Department provided after-school programs for boys and girls ages 5-13 at four Temple I.S.D campuses and three Belton I.S.D campuses and St. Mary's Catholic School. The department also organized three summer camps, a spring break camp (Camp Adventure), and a holiday camp (Camp Holidayze) for children ranging from 5 to 13 at the Wilson Recreation Center.

**After School Programs**

The after-school programs run concurrent with the Temple I.S.D and Belton I.S.D. calendar, including holidays and teacher workdays. Children attended the programs from 3:00 p.m. to 6:00 p.m. Monday through Friday. On teacher workdays and holidays, the schedule adjusted to a full day.

The children are provided with a quality recreation program that includes such activities as arts and crafts, athletics, tutoring, etc. The children are also provided a healthy snack. The after school programs are staffed with part-time employees but supervised by a full time Recreation Coordinator and Recreation Specialist.

<b><u>Location</u></b>	<b><u>Attendance (daily average)</u></b>	
	2009	2010
Thornton Elementary	33	40
Western Hills	25	16
Kennedy Powell	51	47
Cater	15	11
Lakewood	33	45
Pirtle	40	45
Tarver	30	40
St. Mary's	No Program	26

**Camps**

In addition to Camp Heatwave, which took place at the Wilson Recreation Center, two summer camps were held, Camp Quest at Thornton Elementary school and Camp Horizon at Tarver Elementary School. All three were 12 week programs that were staffed with part-time recreation leaders and a full-time Recreation Specialist. They were supervised by a Recreation Coordinator. The same staffing format also occurred with Camp Holidayze and Camp Adventure

The summer camp's schedule was 7:00 a.m. to 6:00 p.m. Monday through Friday at Camp Heatwave and 7:30 a.m. to 5:30 p.m. at Horizon and Quest. The children participated in a variety of activities including arts and crafts, athletics, swimming, field trips, hiking, disc golf, archery, outdoor adventure programs, etc. The children were provided a lunch and an afternoon snack from the Temple I.S.D. and Belton I.S.D. summer lunch programs.

Through a partnership with the Temple Independent School District's A.C.E program was able to scholarship 30 children for the summer program at Camp Heatwave.

Each participant must submit a signed waiver, registration form and emergency contact information.

<b><u>Camp Name</u></b>	<b><u>Attendance (daily average)</u></b>	
	<u>2009</u>	<u>2010</u>
Camp Holidaze (Christmas Break)*	75	78
Camp Adventure (Spring Break)	80	87
Camp Heatwave (Summer Camp)	195	253
Camp Horizon	28	65
Camp Quest	30	47

### **Scholarships**

Parents who are in need of financial support are provided the opportunity to apply for assistance. Based upon the guidelines adopted by The Parks and Leisure Services Advisory Board, 38 participants received aid in the form of reduced fees.

#### After School Program

19 – 80% (Parents paid \$7 per child, weekly)

10 – 60% (Parents paid \$14 per child, weekly)

#### Camp Holidaze

4 – 80% (Parents paid \$16 per child, 2 weeks)

#### Camp Adventure

7 – 80% (Parents paid \$10 per child per week)

#### Camp Heatwave, Quest, Horizon

29 – 80% (Parents paid \$12 per child, weekly)

6 – 60% (Parents paid \$24 per child, weekly))

### **Inspection Schedule**

The Wilson Recreation Center was inspected in January and May 2010 for any hazards or potential problems by the Recreation Superintendent. None were noted.

The Wilson Recreation Center passed the annual fire inspection in June 2010.

All school sites were inspected by the Fire Marshall.

To comply with the guidelines, the Health Department was contacted twice by staff, once in May and once in July to do an inspection. No inspections were conducted.

### **Training**

Per the adopted Childcare Standards, all staff are CPR/First trained within one year of their hire date. Training is twice a year.

All staff who worked with children were given at least 10 hours of training pertinent to their programming responsibilities.

All staff were given quarterly safety training.

All training requirements were met.

### **Recommendations**

No recommendations are requested at this time

# **EXHIBIT “A”**

## **TEMPLE YOUTH PROGRAMS’ STANDARDS OF CARE**

The following Standards of Care have been adopted by the City Council of the City of Temple, Texas to pursuant to with Texas Human Resources Code Section 42.041(14). The Standards of Care are the minimum standards by which the City of Temple Parks and Leisure Department will operate the City’s Youth Programs.

### ***General Administration***

#### **1. Organization**

- A. The governing body of the City of Temple youth programs is the Temple City Council.
- B. Implementation of the Youth Program Standards of Care is the responsibility of the Superintendent of Recreation.
- C. Youth Programs (“Program”) to which these Standards will apply are the programs held at the Wilson Recreation Center and other “Outreach” programs currently operated by the City of Temple. Other programs may be subsequently designated by the City of Temple.
- D. Each Youth Program site will have available for public and staff review a current copy of the Standards of Care.
- E. Standards of Care will be made available on the Parks and Leisure Services Website [www.Temple-Parks.net](http://www.Temple-Parks.net).
- F. Criminal background checks will be conducted on prospective Youth Program employees. If results of that criminal check indicate that an applicant has been convicted of any of the following offenses, he or she will not be considered for employment:
  - (1) felony or a misdemeanor classified as an offense against a person or family;
  - (2) felony or misdemeanor classified as public indecency;
  - (3) felony or misdemeanor violation of any law intended to control the possession or distribution of any controlled substance;
  - (4) offense involving moral turpitude;
  - (5) offense that would potentially put the City of Temple at risk.

## 2. Definitions

- A. City: City of Temple
- B. City Council: City Council of the City of Temple
- C. Department: Recreation Division of the Parks and Leisure Services Department of the city of Temple
- D. Youth Programs or Program: City of Temple youth programs held at the Wilson Recreation Center, and “Outreach” programs currently operated by the City of Temple. Other programs may be subsequently designated by the City of Temple.
- E. Program Manual: Notebook of policies, procedures, required forms, and organizational and programming information relevant to Temple Youth Programs
- F. Director: City of Temple Director of Parks and Leisure Services or his or her designee
- G. Recreation Superintendent: person responsible for the overall oversight of the Parks and Leisure Services
- H. Program Coordinator or Coordinator: City of Temple, Parks and Leisure Services Department full-time recreation staff person who has been assigned administrative responsibility for a Temple Youth Program
- I. Recreation Specialist: City of Temple, Parks and Leisure Services Department full-time recreation staff person who has been assigned day to day responsibilities to implement the City’s Youth Program.
- J. Recreation Leader or Leaders: City of Temple, Parks and Leisure Services Department part-time employee who has been assigned responsibility to conduct the City’s Youth Programs
- K. Program Site: Any area or facility where Temple Youth Programs are held
- L. Participant: A youth, ages 5-13, whose parent(s) have completed all required registration procedures and determined to be eligible for a Temple Youth Program
- M. Parent(s): This term will be used to represent one or both parent(s) or guardian(s) who have legal custody and authority to enroll their child(ren) in Temple Youth Programs
- N. Employee(s): Term used to describe people who have been hired to work for the City of Temple, Parks and Leisure Services Department and have been assigned responsibility for managing, administering, implementing or conducting some portions of the Temple Youth

Programs.

### 3. Inspections/Monitoring/Enforcement

- A. A bi-annual inspection report will be initiated by the Recreation Superintendent to confirm the Standards of Care are being adhered to.
  - (1) Inspection reports will be sent to the Director for review and kept on record for at least two years.
  - (2) The Director will review the report and establish deadlines and criteria for compliance with the Standards of Care.
- B. The Recreation Superintendent will make visual inspections of the facilities based on the following schedule:
  - (1) pre-summer check in May of each year
  - (2) winter check in January
- C. Complaints regarding enforcement of the Standards of Care will be directed to the Coordinator. The Coordinator will be responsible to take the necessary steps to resolve the problems. All complaints regarding enforcement of the Standards of Care and their resolution will be recorded by the Coordinator. Unresolved complaints regarding enforcement of the Standards of Care will be addressed by the Recreation Superintendent, and should they still not be resolved, by the Director. The complaint and the resolution will be documented.
- D. The Director will make an annual report to the City Council on the overall status of the Youth Programs and their operation relative to compliance with the adopted Standards of Care.

### 4. Enrollment

- A. All children participating in the program must be 5 years of age. Before a child can be enrolled, the parents must sign registration forms that contain the child's:
  - (1) name, address, home telephone number;
  - (2) name and address of parents and telephone during program hours;
  - (3) names and telephone numbers of people to whom the child can be released;
  - (4) statement of the child's special problems or needs;

- (5) proof of residency when appropriate;
- (6) liability waiver which also includes permission for field trips and emergency medical authorization.
- (7) any medicines the child may be taking

## 5. Suspected Abuse

Program employees will report suspected child abuse in accordance with the Texas Family Code.

## ***Staffing-Responsibilities and Training***

### 6. Youth Program Coordinator Qualifications

- A. Coordinators will be full-time, employees of the Temple Parks and Leisure Services Department and will be required to have all Program Leader qualifications as outlined in Section 8 of this document.
- B. Coordinators must be at least 21 years old.
- C. Coordinators must have two years experience planning and implementing recreation activities.
- D. Coordinators must be able to pass a background investigation including testing for illegal substances.
- E. As soon as possible after employment with the City of Temple , but within one year, Coordinators must successfully complete a course in first aid and Cardiopulmonary Resuscitation (CPR) offered by either: the City of Temple, American Red Cross, American Heart Association, Medic First-Aid Training Program of America, National Safety Council, any agency of the State of Texas authorized to provide Emergency Medical Technician or Emergency Care Attendant certification, or any other agency recognized by any agency of the U.S. Department of Labor to provide certification.
- F. Coordinators must be able to furnish proof of a clear tuberculosis test within 12 months prior to their employment date.

### 7. Coordinator's Responsibilities

- A. Coordinators are responsible to administer the Programs' daily operations in compliance with the adopted Standards of Care.

- B. Coordinators are responsible to recommend for hire, supervise, and evaluate Leaders.
- C. Coordinators are responsible to plan, implement, and evaluate programs.

#### 8. Recreation Leader (“Leader”) Qualifications

- A. Leaders will be full-time, part-time or temporary employees of the Parks and Leisure Services Department.
- B. Leaders working with children must be age sixteen (16) or older.
- C. Leaders should be able to consistently exhibit competency, good judgment, and self-control when working with children.
- D. Leaders must relate to children with courtesy, respect, tolerance, and patience.
- E. As soon as possible, but within one year of hiring, all of the Leaders at each site must have successfully completed a course in first aid and Cardiopulmonary Resuscitation (CPR) offered by either: the City of Temple, American Red Cross, American Heart Association, Medic First-Aid Training Program of America, National Safety Council, any agency of the State of Texas authorized to provide Emergency Medical Technician or Emergency Care Attendant certification, or any other agency recognized by any agency of the U.S. Department of Labor to provide certification.
- F. Each Leader applicant must be able to furnish proof of a clear tuberculosis test within the 12 months prior to their employment date.
- G. Leader must pass a background investigation including testing for illegal substances.

#### 9. Leader Responsibilities

- A. Leaders will be responsible to provide participants with an environment in which they can feel safe, can enjoy wholesome recreation activities, and can participate in appropriate social opportunities with their peers.
- B. Leaders will be responsible to know and follow all City, Departmental, and Program standards, policies, and procedures that apply to Temple Youth Programs.
- C. Leaders will ensure that participants are released only to a parent or an adult designated by the parent. All Program sites will have a copy of the Department approved plan to verify the identity of a person authorized to pick up a participant if that person is not known to the Leader.

- D. A leader must be with participants at all times or aware of the participants location.

#### 10. Training/Orientation

- A. The Department is responsible to provide training and orientation to Program employees in working with children and for specific job responsibilities. Coordinators will provide each Leader with a Program manual specific to each Youth Program.
- B. Leaders must be familiar with the Standards of Care for Youth Program operation as adopted by the City Council.
- C. Program employees must be familiar with the Program's policies including discipline, guidance, and release of participants as outlined in the Program Manual.
- D. Program employees will be trained in appropriate procedures to handle emergencies.
- E. Program employees will be trained in areas including City, Departmental, and Program policies and procedures; provision of recreation activities; safety issues; and organization.
- F. All program employees will receive 10 hours of training annually.
- G. Program employees will be required to sign an acknowledgment that they received the required training.

#### *Operations*

#### 11. Staff-Participant Ratio

- A. In a Temple Youth Program, the number of participants may not exceed leaders by a minimum ratio of 1 Leader per 20 participants for children 5 years to 13 years of age.
- B. Each participant should have a Program employee who is responsible for him or her and who is aware of details of the participant's habits, interests, and any special problems as identified by the participant's parents during the registration process.

#### 12. Notification

- A. Parents must be notified immediately if:
  - (1) Participant is injured; or
  - (2) Participant has a sign or symptom requiring exclusion from the site (i.e. communicable disease, fever, illness).



- B. All parents must be notified if there is an outbreak of any communicable disease that is reportable to the State Department of Health.

### 13. Discipline

- A. Program employees will implement discipline and guidance in a consistent manner based on the best interests of Program participants.
- B. There will be no cruel or harsh punishment or treatment.
- C. Program employees may use brief, supervised separation from the group if necessary.
- D. As necessary, Program employees will initiate discipline reports to the parent(s) of participants. Parents will be asked to sign participant discipline reports to indicate they have been advised about a specific problem or incident.
- E. A sufficient number and/or severe nature of discipline reports as detailed in the Program manual may result in a participant being suspended from the Program.
- F. In instances where there is a danger to participants or staff, offending participants will be removed from the Program site as soon as possible.

### 14. Programming

- A. Program employees will attempt to provide activities for each group according to the participants' ages, interests, and abilities. The activities must be appropriate to participants' health, safety, and well-being. The activities also will be flexible and promote the participants' emotional, social, and mental growth.
- B. Program employees will attempt to provide indoor and outdoor time periods to include:
  - (1) alternating active and passive activities,
  - (2) opportunity for individual and group activities, and
  - (3) outdoor time each day weather permits.
- C. Program employees will be attentive and considerate of the participants' safety on field trips and during any transportation provided by the Program.
  - (1) During trips, Program employees supervising participants must have immediate access to emergency medical forms and emergency contact

information for each participant.

- (2) Program employees must have a written list of the participants in the group and must check the roll frequently.
- (3) Program employees must have first aid supplies and a guide to first aid and emergency care available on field trips.
- (4) Notice of any field trips will be displayed at a prominent place at each site.

#### 15. Communication

- A. Each Program site will have access to a telephone for use in contacting the Recreation Center or making emergency calls.
- B. The Coordinator will post the following telephone numbers adjacent to a telephone accessible to all Program employees at each site:
  - (1) Temple ambulance or emergency medical services.
  - (2) Temple Police Department.
  - (3) Temple Fire Department.
  - (4) Poison Control.
  - (5) The telephone number for the site itself.
  - (6) Numbers at which parents may be reached.

#### 16. Transportation

- A. First aid supplies and a first aid and emergency care guide will be available in all Program vehicles that transport children.
- B. All Program vehicles used for transporting participants must have available a 6-BC portable fire extinguisher which will be installed in the passenger compartment of the vehicle and which must be accessible to the adult occupants.
- C. A notebook containing the names and telephone numbers of Parents and Physicians shall be available in all Program vehicles that transport Participants.

## ***Facility Standards***

### **17. Safety**

- A. Program employees will inspect Youth Program sites daily to detect sanitation and safety concerns that might affect the health and safety of the participants. A daily inspection report will be completed by the Program staff and kept on file by the Program Coordinator.
- B. Buildings, grounds, and equipment on the Program site will be inspected, cleaned, repaired, and maintained to protect the health of the participants.
- C. Program equipment and supplies must be safe for the participant's use.
- D. Program employees must have first aid supplies available at each site, during transportation, and for the duration of any off-site activity.
- E. Program air conditioners, electric fans, and heaters must be mounted out of participants' reach or have safeguards that keep participants from being injured.
- F. Program porches and platforms more than 30 inches above the ground must be equipped with railings participants can reach.
- G. All swing seats at Program sites must be constructed of durable, lightweight, relatively pliable material.
- H. Program employees must have first aid supplies readily available to staff in a designated location. Program employees must have an immediately accessible guide to first aid and emergency care.
- I. The list of Program sites will be provided to the Bell County Health District- Environmental Health Division so that the Health Division can conduct health inspection (s).

### **18. Fire**

- A. In case of fire, danger of fire, explosion, or other emergency, Program employees' first priority is to evacuate the participants to a designated safe area.
- B. The Program site(s) will have an annual fire inspection by the City Fire Marshall prior to September 1 of each year, and the resulting report will detail any safety concerns observed, the report will be forwarded to the Director who will review and establish deadlines and criteria for compliance. Information from this report will be included in the Director's annual report to the Council.
- C. Each Program site must have at least one fire extinguisher approved by the Fire Marshall

readily available to all Program employees. The fire extinguisher is to be inspected monthly by the Program Coordinator, and a monthly report will be forwarded to the Coordinator's supervisor who will keep the report on file for a minimum of two years. All Youth Program staff members will be trained in the proper use of fire extinguishers.

## 19. Health

### A. Illness or Injury

- (1) A participant who is considered to be a health or safety concern to other participants or staff will not be admitted to the Program.
- (2) Illnesses and injuries will be handled in a manner to protect the health of all participants and employees.
- (3) Program employees will follow plans to provide emergency care for injured participants or for participants with symptoms of an acute illness as specified in the Program manual.
- (4) Program employees will follow the recommendation of the Texas Department of Health concerning the admission or readmission of any participant after a communicable disease.

### B. Program employees will administer medication only if:

- (1) Parent(s) or guardian(s) complete and sign a medication form that provides authorization for staff to dispense medication with details as to time and dosages. The form will include a hold harmless clause to protect the City.
- (2) Prescription medications are in the original containers labeled with the child's name, a date, directions, and the physician's name. Program staff members will administer the medication only as stated on the label. Program staff will not administer medication after the expiration date.
- (3) Nonprescription medications are labeled with the child's name and the date the medication was brought to the Program. Nonprescription medication must be in the original container. The Program staff will administer it only according to label direction.
- (4) Medications dispensed will be limited to routine oral ingestion not requiring special knowledge or skills on the part of Program employees. No injections will be administered by the Program

employees.

- (5) Program employees must ensure medications are inaccessible to participants or, if it is necessary to keep medications in the refrigerator (when available), medications will be kept separate from food.

#### C. Toilet Facilities

- (1) The Program site will have inside toilets located and equipped so children can use them independently and program staff can supervise as needed.
- (2) There must be one flush toilet for every 30 children. Urinals may be counted in the ratio of toilets to children, but must not exceed 50% of the total number of toilets.
- (3) An appropriate and adequate number of lavatories will be provided.

#### D. Sanitation

- (1) The Program site must have adequate light, ventilation, and heat.
- (2) The Program must have an adequate supply of water meeting the standards of the Texas Department of Health for drinking water and ensure that it will be supplied to the participants in a safe and sanitary manner.
- (3) Program employees must see that garbage is removed from sites daily.

- E. The City will contact the Health Department and request an annual health inspection by the Health Department prior to September 1 of each year, and the resulting report will detail any safety concerns observed, the report will be forwarded to the Director who will review and establish deadlines and criteria for compliance. Information from this report will be included in the Director's annual report to the Council.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ACCEPTING THE ANNUAL CHILD CARE STANDARDS REPORT FROM THE PARKS AND LEISURE SERVICES DEPARTMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, in accordance with the requirement of the Texas Department of Protective and Regulatory Services, on November 19, 2004, the City adopted a “Standards of Care” policy to be utilized with youth recreation programs;

**Whereas**, the purpose of the guidelines is to assure the community that when they place their children in one of the City’s recreation programs the facilities are safe, a background check has been done on staff, and that they are properly trained for the programs they will be conducting;

**Whereas**, Temple policy’s requires the Parks and Leisure Services Director to make an annual report to the City Council on the overall status of the Youth Programs and their operation relative to compliance with the adopted Standards of Care; 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 annual Child Care Standards report from the Parks and Leisure Services Department, attached here to 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 20<sup>th</sup> day of **January**, 2011.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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01/20/11  
Item #3(l)  
Consent Agenda  
Page 1 of 1

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

Traci Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing budget amendments for fiscal year 2010-2011.

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

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

**FISCAL IMPACT:** The total amount of budget amendments is \$3,087,839.

**ATTACHMENTS:**

Budget amendments  
Resolution

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2011 BUDGET**  
**January 20, 2011**

			<b>APPROPRIATIONS</b>	
<b>ACCOUNT #</b>	<b>PROJECT #</b>	<b>DESCRIPTION</b>	<b>Debit</b>	<b>Credit</b>
<b>110-2330-540-2516</b>		Judgments & Damages (Solid Waste Residential)	\$ 5,577	
<b>110-1500-515-6531</b>		<b>Contingency - Judgments &amp; Damages</b>		<b>\$ 5,577</b>
Deductible reimbursements to the Texas Municipal League for: (1) expenses related to an employee discrimination complaint filed against the City by a former employee (\$2,426.60); and (2) settlement of a claim filed against the City in connection with an accident that occurred on October 26, 2010, involving an employee driving a garbage truck in the 1500 Block of Central Avenue (\$3,150.00).				
<b>110-2210-522-2513</b>		Special Services (Fire Department)	\$ 2,350	
<b>110-0000-442-1629</b>		Fire Donations/Gifts		\$ 2,350
This budget adjustment recognizes cash donations from the Temple Fire & Rescue and appropriates the funds to the Special Services account. These funds will be used for events such as the Temple Fire & Rescue Christmas banquet.				
<b>110-3293-551-2120</b>		Education/Recreation (Recreation - Athletics)	\$ 3,160	
<b>110-0000-445-1590</b>		Special Events/Classes		\$ 3,160
Additional funds are needed in Education/Recreation for the purchase of Jingle Bun Run participant t-shirts. Participant registrations were up by 166. Additional revenue was raised in special events/classes because the Jingle Bun Run exceeded revenue expectations by \$3,160.				
<b>110-3700-524-2516</b>		Judgments & Damages (Construction Safety)	\$ 10,000	
<b>110-1500-515-6531</b>		<b>Contingency - Judgments &amp; Damages</b>		<b>\$ 10,000</b>
Transfer of funds from Contingency - Judgments & Damages to Code Enforcement - Judgments & Damages				
<b>110-3700-524-2516</b>		Judgments & Damages (Construction Safety)	\$ 190	
<b>110-1500-515-6531</b>		<b>Contingency - Judgments &amp; Damages</b>		<b>\$ 190</b>
Attorney fees for lawsuit filed against the City -- Centex Investments, Inc. v. City of Temple				
<b>260-3400-531-6315</b>	<b>100690</b>	Sidewalk/Curb/Gutter (Grant - Street Dept.)	\$ 602,070	
<b>260-3400-531-6315</b>	<b>100691</b>	Sidewalk/Curb/Gutter	\$ 604,779	
<b>260-0000-431-0163</b>		Federal Grants		\$ 1,206,849
Appropriate funds for the Safe Routes to School Grant through the Texas Department of Public Safety. The City was awarded two Safe Routes to School grants to construct off-street 10 foot wide pedestrian and bicycle trails at Bonham Middle School and Lakewood Elementary School. The estimated cost of both projects is \$1,206,849.				
<b>260-3500-552-6316</b>	<b>100629</b>	Hike & Bike Trails (Grant - Parks)	\$ 1,804,400	
<b>260-0000-490-2582</b>		Transfer In - General Fund		\$ 21,500
<b>260-0000-431-0163</b>		Federal Grants		\$ 1,782,900
<b>110-9100-591-8160</b>		Transfer Out - Grant Fund	\$ 21,500	
<b>110-0000-352-1345</b>		<b>Designated Capital Projects - STEP Grant Match</b>		<b>\$ 21,500</b>



**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2011 BUDGET**  
**January 20, 2011**

			<b>APPROPRIATIONS</b>	
<b>ACCOUNT #</b>	<b>PROJECT #</b>	<b>DESCRIPTION</b>	<b>Debit</b>	<b>Credit</b>
Appropriate funds for the Texas Department of Transportation, Surface Transportation Enhancement Program (STEP). The City was awarded a STEP Grant to construct a lighted and landscaped linear trail and landscaped medians in the Temple Medical Education District. The project is estimated to cost \$2,377,200.				
260-6000-515-2110		Office Supplies (CDBG)		\$ 800
260-6000-515-2111		Computer Supplies		\$ 800
260-6000-515-2128		Postage		\$ 1,000
260-6000-515-2610		Telephone		\$ 486
260-6000-515-2616		Professional	\$ 5,370	
260-6000-515-6532		Contingency		\$ 2,284
260-6100-571-6315	100623	Sidewalk/Curb Gutter - 1st Street	\$ 23,195	
260-6100-571-6516	100485	Park Improvements - Jones Park	\$ 1	
260-6100-571-6532		Contingency		\$ 23,194
260-0000-431-0131		CDBG Grant Revenue		\$ 2
Adjust the amounts carried forward for CDBG to reflect the approved annual action plan. Some funds were reallocated and program income from prior years (in the Contingency account) was programmed.				
520-5200-535-6357	100674	Water Line Improvement - Calhoun Ave (W&S)	\$ 5,247	
520-5400-535-6359	100560	Sewer Line Replacement - S Main & S 1st St		\$ 5,247
To appropriate additional funds from completed project for change order #5 for Central Fire Station #1. The change order is for work required to lower the waterline that was found 6 inches below the paving grade.				
<b>TOTAL AMENDMENTS</b>			<b>\$ 3,087,839</b>	<b>\$ 3,087,839</b>
<b>GENERAL FUND</b>				
Beginning <b>Contingency</b> Balance			\$	-
Added to Contingency Sweep Account			\$	-
Carry forward from Prior Year			\$	-
Taken From Contingency			\$	-
Net Balance of Contingency Account			\$	-
Beginning <b>Judgments &amp; Damages</b> Contingency			\$	80,000
Added to Contingency Judgments & Damages from Council Contingency			\$	-
Taken From Judgments & Damages			\$	(34,115)
Net Balance of Judgments & Damages Contingency Account			\$	45,885
Beginning <b>Fuel</b> Contingency			\$	55,841
Added to Fuel Contingency			\$	-
Taken From Fuel Contingency			\$	-
Net Balance of Fuel Contingency Account			\$	55,841
Beginning <b>Self Insurance Start Up Cost</b> 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			\$	-
<b>Net Balance Council Contingency</b>			<b>\$</b>	<b>101,726</b>

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2011 BUDGET**  
**January 20, 2011**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Beginning Balance <b>Budget Sweep</b> Contingency	\$	-
		Added to Budget Sweep Contingency	\$	-
		Taken From Budget Sweep	\$	-
		Net Balance of Budget Sweep Contingency Account	\$	-
		<b>WATER &amp; SEWER FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	50,000
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(19,433)
		Net Balance of Contingency Account	\$	30,567
		Beginning <b>Self Insurance Start Up Cost</b> 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	\$	-
		<b>Net Balance Water &amp; Sewer Fund Contingency</b>	\$	30,567
		<b>HOTEL/MOTEL TAX FUND</b>		
		Beginning <b>Self Insurance Start Up Cost</b> 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	\$	-
		<b>DRAINAGE FUND</b>		
		Beginning <b>Self Insurance Start Up Cost</b> 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	\$	-
		<b>FED/STATE GRANT FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	2,284
		Carry forward from Prior Year	\$	25,229
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(25,478)
		Net Balance of Contingency Account	\$	2,035

**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 2<sup>nd</sup> 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 20<sup>th</sup> day of **January**, 2011.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydetta Entzminger  
City Secretary

---

Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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01/20/11  
Item #4  
Regular Agenda  
Page 1 of 7

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

Autumn Speer, Director of Community Services

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING - Z-FY-11-08: Consider adopting an ordinance authorizing a zoning change from multiple zoning district classifications to Temple Medical and Education District (TMED) zones being T4, T5-e, T5-c, SD-t, SD-h, SD-v and SD-c on approximately 849+/- acres.

**P&Z COMMISSION RECOMMENDATION:** At its January 3, 2011 meeting, the Planning and Zoning Commission voted 6/0 in accordance with staff recommendation to recommend approval of the proposed zoning change from multiple zoning district classifications to Temple Medical and Education District (TMED) zones being T4, T5-e, T5-c, SD-t, SD-h, SD-v and SD-c for approximately 849+/- acres.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for February 3, 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, and 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.

The creation of the TMED zoning district is a two step process. The first part created the TMED Districts in the UDC framework. This zoning change is the second part of the process to rezone the property in the TMED zoning district boundaries.

**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 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
- P&Z Presentation – 11/15/2010
- City Council Presentation – 11/18/2010
- P&Z Public Hearing TMED Text Creation – 12/7/2010
- City Council Public Hearing TMED Text Creation - 12/16/2010
- P&Z Public Hearing Rezone – 1/3/2011
- City Council Second Reading – 1/6/2011

**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.

**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 normal 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)

The area proposed to be rezoned currently consists of several types of zoning districts including industrial, commercial, retail and residential districts. The rezoning of these properties will consolidate the various existing zoning categories into the seven TMED zoning categories in accordance with the following table:

Existing Zoning	Current Zoning	Proposed Zoning						
		T4	T5-e	T5-c	SD-t	SD-h	SD-v	SD-c
Two -Family	101	53.5	34.5	11	2			
Multi-Family 1	15						12	3
Multi-Family 2	10	5.5	.5	4				
Mixed Use	2						2	
Neighborhood Service	3	2		1				
Office 2	19	1.5	3	11		3.5		
General Retail	159	88	58	11		2		

Commercial	22	1	1	20				
Light Industrial	22	5	8					9
Heavy Industrial	1	.5	.5					
<b>Totals</b>	<b>354</b>	<b>157</b>	<b>105.5</b>	<b>58</b>	<b>2</b>	<b>5.5</b>	<b>14</b>	<b>12</b>

Existing buildings and use will not be affected by the proposed zoning changes until such time they seek to expand or change uses. The applicability table below outlines when TMED requirements will come into effect:

Development Type	Review Process	General Standards	Use Standards	Circulation Standards	Parking and Loading Standards	Bicycle Facility Standards	Landscaping	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	✓	✓	✓		✓	✓	✓	✓		✓	✓			✓		





**COMPREHENSIVE PLAN COMPLIANCE:**

The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan:

- **Goal 3.1** - Enhanced character and development guidance around Temple's key economic assets.
  - The rezoning of this area establishes character based zoning for the TMED.
- **Goal 3.3** - Renewed vitality and development interest in Temple's oldest neighborhoods.
  - The proposed rezoning targets an area identified for redevelopment potential.
- **Goal 3.4** - Better image and identity for Temple by setting a higher standard for public and private development practices.
  - The TMED districts have increased design standards and requirements.
- **Goal 4.1** - Growth and development patterns should be consistent with the City's infrastructure and public service capacities and desired community form and character.
  - The TMED zoning districts encourage new development in the area and allow for infill and higher density in exchange for increased design standards.
- **Goal 5.4** - A mobility system that is integrated with and complements neighborhood and community character.
  - A key element of the TMED zoning districts is the requirement for wider sidewalks and streetscape and pedestrian amenities.
- **Goal 6.1** - Neighborhood environments and residential living options that make Temple an inviting place to call home.
  - The TMED zoning districts include increased design standards for high-density residential and incorporate anti-monotony provisions for residential development.
- **Goal 6.2** - An expanding housing stock that offers local buyers and renters both affordability and value.
  - The TMED zoning districts include a wide variety of housing types permitted by right and decreased lot area requirements.
- **Goal 6.3** - A diverse mix of residential options to address both life-cycle needs and interests of various niche groups seeking new or existing housing in Temple.
  - The TMED zoning districts include a wide variety of housing types permitted by right and decreased lot area requirements.
- **Goal 7.1** - A vibrant and growing Healthcare and Bioscience economic cluster in Temple.
  - The proposed rezoning is a step towards revitalization for the area which promotes a dense, mixed-use environment.
- **Goal 7.4** - Excellence in Temple schools and higher education to assist in attracting employers and employees.

- The creation of the TMED district aids in the development of a revitalization plan for the Temple College area.
- **Map 3.1** - Future Land Use and Character map identifies this area as the Temple Medical and Education District.

**PUBLIC NOTICE:** The newspaper printed notice of the Planning and Zoning Commission public hearing on December 23, 2010 in accordance with state law and local ordinance. Staff mailed 355 notices to property owners within the TMED Districts and 523 courtesy notices to property owners within 200' of the proposed zoning change. Several calls have been received expressing concerns about increased taxes and potential impacts on individual properties.

As of Friday January 7, 2011, the following responses have been received:

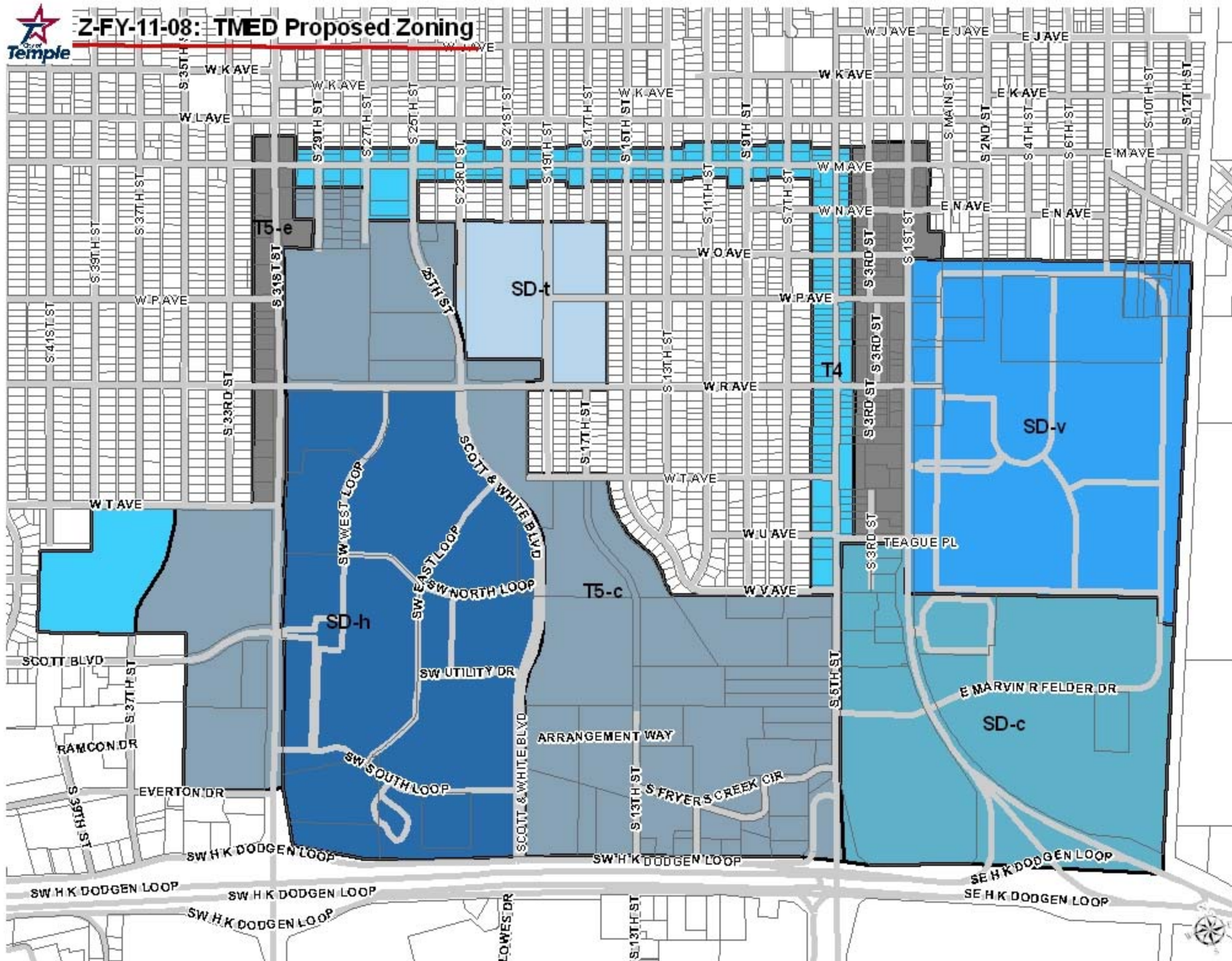
Of 355 notices to property owners within the TMED Districts:  
24 in Favor, 11 Opposed

Of 523 courtesy notices to property owners within 200' of the proposed zoning change:  
44 in Favor, 18 Opposed, 1 Neutral

**FISCAL IMPACT:** NA

**ATTACHMENTS:**

[Map](#)  
[Response Letters](#)  
[P&Z Staff Report](#)  
[P&Z Minutes \(January 3, 2011\)](#)  
[Ordinance](#)





**RESPONSE TO ZONING CHANGE  
TEMPLE MEDICAL EDUCATION DISTRICT  
(TMED)**

ADAMS, BARBARA JEAN  
1913 S 7TH ST  
TEMPLE, TX 76504-7323

**Subject Property:** 1913 S 7TH  
TEMPLE, TX

**Zoning Application Number:** Z-FY-11-08

**Contact:** Planning Dept.

The City of Temple would like to change the zoning on the area shown in blue on the attached map to a Temple Medical and Education District (TMED). Because you own property within 200 feet (indicated by orange on the attached map) 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      ~~X~~ denial of this request.

**Comments:**

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Signature

  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 3, 2011.

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

**Number of Notices Mailed:** 523

**Date Mailed:** December 22, 2010

**RECEIVED**

JAN 03 2011

City of Temple  
Planning & Development





**RESPONSE TO ZONING CHANGE  
TEMPLE MEDICAL EDUCATION DISTRICT  
(TMED)**

BROOKSHIRE, SARAH D  
1821 S 33RD ST  
TEMPLE, TX 76504-6720

**Subject Property:** 1821 S 33RD  
TEMPLE, TX

**Zoning Application Number:** Z-FY-11-08

**Contact:** Planning Dept.

The City of Temple would like to change the zoning on the area shown in blue on the attached map to a Temple Medical and Education District (TMED). Because you own property within 200 feet (indicated by orange on the attached map) 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:**

area is too close to residential  
property for homeowners. This would  
lead to higher taxes and fixed income  
seniors cannot afford more taxes. This  
could also lead to having private  
property condemned & taken.

Sarah D. Brookshire  
**Signature**

Sarah D. Brookshire  
**Print Name**

Please mail or hand-deliver this comment form to the address shown below, no later than January 3, 2011.

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

**Number of Notices Mailed:** 523

**Date Mailed:** December 22, 2010

**RECEIVED**

DEC 29 2010

City of Temple  
Planning & Development



**RESPONSE TO ZONING CHANGE  
TEMPLE MEDICAL EDUCATION DISTRICT  
(TMED)**

CHAVIS, IRVIN JR  
2103 S 7TH ST  
TEMPLE, TX 76504-7318

**Subject Property:** 2103 S 7TH  
TEMPLE, TX

**Zoning Application Number:** Z-FY-11-08

**Contact:** Planning Dept.

The City of Temple would like to change the zoning on the area shown in blue on the attached map to a Temple Medical and Education District (TMED). Because you own property within 200 feet (indicated by orange on the attached map) 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      (X) denial of this request.

**Comments:**

I am not in denial of Temple going forward  
in advancements, whether medical, industrial, or any  
other projects to make it an outstanding city. I am in  
denial with the Residents being affected in this zone.  
I have lived and <sup>now</sup> own this residence since 1983 the Taxes  
have steadily over time risen. This area is not one of  
Temple's pristin area nor is it a historical area. These homes  
are 30+ years old

Signature

Karen Chavis

Print Name

Karen Chavis

Please mail or hand-deliver this comment form to the address shown below, no later than January 3, 2011.

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

**RECEIVED**

JAN 03 2011

City of Temple  
Planning & Development

Number of Notices Mailed: 523

Date Mailed:

December 22, 2010

and I am a single person working every  
day and for the second year of home ownership,  
struggling to pay 1,632 worth of taxes. So I look at this  
and I am already struggling. The





**RESPONSE TO ZONING CHANGE  
TEMPLE MEDICAL EDUCATION DISTRICT  
(TMED)**

GAINES, ROBERT C & RONALD K  
707 S MARTIN LUTHER KING BLVD  
TEMPLE, TX 76504-5823

**Subject Property:** 1406 S 8TH  
TEMPLE, TX

**Zoning Application Number:** Z-FY-11-08

**Contact:** Planning Dept.

The City of Temple would like to change the zoning on the area shown in blue on the attached map to a Temple Medical and Education District (TMED). Because you own property within 200 feet (indicated by orange on the attached map) 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:**

This is very unfair to the people who live in  
this area. We are already paying high taxes that  
have been going up yearly. We with fixed incomes  
are having a hard time in the last few years and have  
to get a loan to pay the taxes already in force. There  
are people with more expensive homes paying less than  
me. We are in a recession. This change isn't necessary. Why  
do this now? Robert C. Gaines ROBERT C. GAINES - RONALD K. Gaines

**Signature** Ronald K Gaines

**Print Name**

Please mail or hand-deliver this comment form to the address shown below, no later than January 3, 2011.

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

**RECEIVED**

DEC 29 2010

City of Temple  
Planning & Development

**Number of Notices Mailed:** 523

**Date Mailed:** December 22, 2010



RESPONSE TO ZONING CHANGE  
TEMPLE MEDICAL EDUCATION DISTRICT  
(TMED)

HICKMAN, DAVID W & BERNADETTE  
1201 S 7TH ST  
TEMPLE, TX 76504-5615

Subject Property: 1201 S 7TH  
TEMPLE, TX

Zoning Application Number: Z-FY-11-08

Contact: Planning Dept.

The City of Temple would like to change the zoning on the area shown in blue on the attached map to a Temple Medical and Education District (TMED). Because you own property within 200 feet (indicated by orange on the attached map) 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 (X) denial of this request.

Comments:

I FAIL to see how this would in any way  
Benefit this Residential neighborhood. I do  
see the potential for future tax increases.  
If this is some how a truly good  
idea then the entities involved who  
will benefit by this should pay for  
this.  
Signature \_\_\_\_\_ Print Name \_\_\_\_\_

Please mail or hand-deliver this comment form to the address shown below, no later than January 3, 2011.

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

Number of Notices Mailed: 523

Date Mailed: December 22, 2010

RECEIVED

DEC 27 2010

City of Temple  
Planning & Development





RESPONSE TO ZONING CHANGE  
TEMPLE MEDICAL EDUCATION DISTRICT  
(TMED)

KASBERG, ROBERT J ETUX DOLORES  
309 HILLIARD RD  
TEMPLE, TX 76502-4707

1309 25th  
opposed

Subject Property: 1317 S 25TH  
TEMPLE, TX

Zoning Application Number: Z-FY-11-08

Contact: Planning Dept.

The City of Temple would like to change the zoning on the area shown in blue on the attached map to a Temple Medical and Education District (TMED). Because you own property within 200 feet (indicated by orange on the attached map) 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:

General Retail was the zoning  
when purchased, and I wish it to  
continue.

Robert J. Kasberg  
Signature

Robert J. Kasberg  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 3, 2011.

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

RECEIVED

JAN 03 2011

City of Temple  
Planning & Development

Number of Notices Mailed: 523

Date Mailed: December 22, 2010



**RESPONSE TO ZONING CHANGE  
TEMPLE MEDICAL EDUCATION DISTRICT  
(TMED)**

KASBERG, ROBERT J  
309 HILLIARD RD  
TEMPLE, TX 76502-4707

**Subject Property:** 1315 S 25TH  
TEMPLE, TX

**Zoning Application Number:** Z-FY-11-08

**Contact:** Planning Dept.

The City of Temple would like to change the zoning on the area shown in blue on the attached map to a Temple Medical and Education District (TMED). Because you own property within 200 feet (indicated by orange on the attached map) 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:**

*~~Robert~~ Purchase of this property was  
specifically because of the zoning "Gen Retail"  
that went with it. Want it not to  
be changed.*

*Robert J. Kasberg*  
\_\_\_\_\_  
Signature

*Robert J. Kasberg*  
\_\_\_\_\_  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 3, 2011.

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

**RECEIVED**

JAN 03 2011

City of Temple  
Planning & Development

**Number of Notices Mailed:** 523

**Date Mailed:** December 22, 2010



**RESPONSE TO ZONING CHANGE  
TEMPLE MEDICAL EDUCATION DISTRICT  
(TMED)**

MORRISON, KATHELEAN HAYNES  
4410 WOODGATE WAY  
BOWIE, MD 20720-3447

**Subject Property:** 1405 S 8TH  
TEMPLE, TX

**Zoning Application Number:** Z-FY-11-08

**Contact:** Planning Dept.

The City of Temple would like to change the zoning on the area shown in blue on the attached map to a Temple Medical and Education District (TMED). Because you own property within 200 feet (indicated by orange on the attached map) 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:**

*I would need more research into this zoning issue before I could agree. And I live in Bowie, MD but own the mentioned property within the boundaries specified and have concern of possible changes which may affect my property. I am seeking continued updated property. Thanks.*

*Kathleen Morrison*  
Signature

*Kathleen Haynes Morrison*  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 3, 2011.

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

**RECEIVED**

JAN 03 2011

City of Temple  
Planning & Development

**Number of Notices Mailed:** 523

**Date Mailed:** December 22, 2010





**RESPONSE TO ZONING CHANGE  
TEMPLE MEDICAL EDUCATION DISTRICT  
(TMED)**

PARR, SHARON ROSE & STEPHEN L  
2501 N 4TH ST  
TEMPLE, TX 76501-1555

**Subject Property:** 1319 S 10TH  
TEMPLE, TX

**Zoning Application Number:** Z-FY-11-08

**Contact:** Planning Dept.

The City of Temple would like to change the zoning on the area shown in blue on the attached map to a Temple Medical and Education District (TMED). Because you own property within 200 feet (indicated by orange on the attached map) 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        (X) denial of this request.

**Comments:**

My concern is That my property will be taxed higher  
in this new zone. I would prefer them to stay in their  
existing zone as they are reasonably taxed in their area.  
Changing them to TMED, I oppose.

Sharon Rose-Parr

**Signature**

SHARON ROSE-PARR

**Print Name**

Please mail or hand-deliver this comment form to the address shown below, no later than January 3, 2011.

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

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City of Temple  
Planning & Development

**Number of Notices Mailed:** 523

**Date Mailed:**

December 22, 2010



RESPONSE TO ZONING CHANGE  
TEMPLE MEDICAL EDUCATION DISTRICT  
(TMED)

ROSE-PARR, SHARON ETVIR STEPHEN L  
2501 N 4TH  
TEMPLE, TX 76501

Subject Property: 1414 S 10TH  
TEMPLE, TX

Zoning Application Number: Z-FY-11-08

Contact: Planning Dept.

The City of Temple would like to change the zoning on the area shown in blue on the attached map to a Temple Medical and Education District (TMED). Because you own property within 200 feet (indicated by orange on the attached map) 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 (x) denial of this request.

Comments:

My concern is That my property will be taxed higher  
in this new zone and they are taxed reasonably in the  
existing zone. I oppose any change to my zone.

Sharon Rose-Parr

Signature

SHARON ROSE-PARR

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 3, 2011.

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

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City of Temple  
Planning & Development

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Date Mailed:

December 22, 2010



**RESPONSE TO ZONING CHANGE  
TEMPLE MEDICAL EDUCATION DISTRICT  
(TMED)**

PATE, SHARON ETAL  
C/O CRAWFORD, SHEREE  
7 N EBBTIDE LN  
BELTON, TX 76513-6338

**Subject Property:** 1619 S 15TH  
TEMPLE, TX

**Zoning Application Number:** Z-FY-11-08

**Contact:** Planning Dept.

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I recommend      ( ) approval      (X) denial of this request.

**Comments:**

When TEMPLE decided to word  
said rezoning efforts such that  
property owners are more clearly informed of  
the impact, owners may reconsider denial.

S. Pate  
Signature

Sharon Pate  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 3, 2011.

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

**Number of Notices Mailed:** 523

**Date Mailed:** December 22, 2010

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Planning & Development





RESPONSE TO ZONING CHANGE  
TEMPLE MEDICAL EDUCATION DISTRICT  
(TMED)

VAUGHN, LON M  
3910 LARK TRL  
TEMPLE, TX 76502-1218

**Subject Property:** 1319 S 33RD  
TEMPLE, TX

**Zoning Application Number:** Z-FY-11-08

**Contact:** Planning Dept.

The City of Temple would like to change the zoning on the area shown in blue on the attached map to a Temple Medical and Education District (TMED). Because you own property within 200 feet (indicated by orange on the attached map) 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:**

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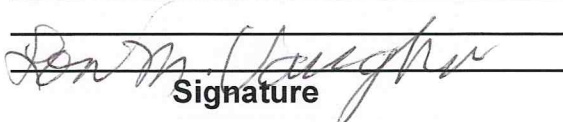
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Signature

  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 3, 2011.

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

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JAN 03 2011  
City of Temple  
Planning & Development

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**Date Mailed:** December 22, 2010



RESPONSE TO ZONING CHANGE  
TEMPLE MEDICAL EDUCATION DISTRICT  
(TMED)

VAUGHN, LON M  
3910 LARK TRL  
TEMPLE, TX 76502-1218

Subject Property: 1401 S 33RD  
TEMPLE, TX

Zoning Application Number: Z-FY-11-08

Contact: Planning Dept.

The City of Temple would like to change the zoning on the area shown in blue on the attached map to a Temple Medical and Education District (TMED). Because you own property within 200 feet (indicated by orange on the attached map) 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:

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Lon M. Vaughn  
Signature

Lon M. VAUGHN  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 3, 2011.

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

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City of Temple  
Planning & Development

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Date Mailed: December 22, 2010





RESPONSE TO ZONING CHANGE  
TEMPLE MEDICAL EDUCATION DISTRICT  
(TMED)

VAUGHN, LON M  
3910 LARK TRL  
TEMPLE, TX 76502-1218

Subject Property: 1513 S 33RD  
TEMPLE, TX

Zoning Application Number: Z-FY-11-08

Contact: Planning Dept.

The City of Temple would like to change the zoning on the area shown in blue on the attached map to a Temple Medical and Education District (TMED). Because you own property within 200 feet (indicated by orange on the attached map) 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:

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Signature

  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 3, 2011.

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

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City of Temple  
Planning & Development

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Date Mailed: December 22, 2010



**RESPONSE TO ZONING CHANGE  
TEMPLE MEDICAL EDUCATION DISTRICT  
(TMED)**

WEBSTER, LORETTA ANNETTE  
1309 S 11TH ST  
TEMPLE, TX 76504-5641

**Subject Property:** 1309 S 11TH  
TEMPLE, TX

**Zoning Application Number:** Z-FY-11-08

**Contact:** Planning Dept.

The City of Temple would like to change the zoning on the area shown in blue on the attached map to a Temple Medical and Education District (TMED). Because you own property within 200 feet (indicated by orange on the attached map) 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:**

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Loretta A. Webster

**Signature**

Loretta A. Webster

**Print Name**

Please mail or hand-deliver this comment form to the address shown below, no later than January 3, 2011.

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

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City of Temple  
Planning & Development

**Number of Notices Mailed:** 523

**Date Mailed:** December 22, 2010



**RESPONSE TO ZONING CHANGE  
TEMPLE MEDICAL EDUCATION DISTRICT  
(TMED)**

WHITE, YOLAND FAYE  
1417 S 2ND ST  
TEMPLE, TX 76504-5911

**Subject Property:** 1417 S 2ND  
TEMPLE, TX

**Zoning Application Number:** Z-FY-11-08

**Contact:** Planning Dept.

The City of Temple would like to change the zoning on the area shown in blue on the attached map to a Temple Medical and Education District (TMED). Because you own property within 200 feet (indicated by orange on the attached map) 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:**

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Yolanda White  
Signature

Yolanda White  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 3, 2011.

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

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Planning & Development

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**Date Mailed:** December 22, 2010





**RESPONSE TO ZONING CHANGE  
TEMPLE MEDICAL EDUCATION DISTRICT  
(TMED)**

ARTICULATE INC  
PO BOX 747  
SOUTHAVEN, MS 38671-0008

**Subject Property:** COUNTY NO. 4450  
TEMPLE, TX

**Zoning Application Number:** Z-FY-11-08

**Project Manager** City of Temple

The City of Temple would like to change the zoning on the property shown in blue and grey on the attached map to a Temple Medical and Education District (TMED). 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:** I respectfully but adamantly deny because this property was purchased with an intent to develop as a convenience store with fuel sales or as a quick service restaurant with drive thru or both. The said property fronts along H.K. Dodgen loop and should not be discriminated/restricted in the same manner as all other interior lands.

J. A. MEHTA

Signature

J. A. MEHTA.

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 3, 2011.

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

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City of Temple  
Planning & Development  
December 22, 2010

**Number of Notices Mailed:** 355

**Date Mailed:**

December 22, 2010



RESPONSE TO ZONING CHANGE  
TEMPLE MEDICAL EDUCATION DISTRICT  
(TMED)

DE'ARRI, PHIL ETUX BARBARA J  
1311 S 5TH ST  
TEMPLE, TX 76504-5736

Subject Property: 1311 S 5TH ST  
TEMPLE, TX

Zoning Application Number: Z-FY-11-08

Project Manager City of Temple

The City of Temple would like to change the zoning on the property shown in blue and grey on the attached map to a Temple Medical and Education District (TMED). 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 (4) denial of this request.

Comments:

Don't like the idea of having an  
issue sent during holidays.

  
Signature

  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 3, 2011.

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

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City of Temple  
Planning & Development

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Date Mailed: December 22, 2010



RESPONSE TO ZONING CHANGE  
TEMPLE MEDICAL EDUCATION DISTRICT  
(TMED)

DIXON, GERALD W  
2006 S 13TH ST  
TEMPLE, TX 76504-7366

Subject Property: 1302 S 1ST ST  
TEMPLE, TX

Zoning Application Number: Z-FY-11-08

Project Manager City of Temple

The City of Temple would like to change the zoning on the property shown in blue and grey on the attached map to a Temple Medical and Education District (TMED). 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:

Economic development on Deane and White needs  
To buy property if they want it to be  
rezoned

Gerald W. Dixon  
Signature

Gerald Dixon  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 3, 2011.

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

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City of Temple  
Planning & Development

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Date Mailed: December 22, 2010





RESPONSE TO ZONING CHANGE  
TEMPLE MEDICAL EDUCATION DISTRICT  
(TMED)

GLORIA, TINO ETAL  
PO BOX 22  
ROGERS, TX 76569-0022

**Subject Property:** 1216 S 19TH ST  
TEMPLE, TX

**Zoning Application Number:** Z-FY-11-08

**Project Manager** City of Temple

The City of Temple would like to change the zoning on the property shown in blue and grey on the attached map to a Temple Medical and Education District (TMED). Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend      ( ) approval      ☒ denial of this request.

**Comments:**

IT WILL Result on MORE  
RESTRICTIONS, ON MY PROPERTY.

Tino Gloria  
Signature

TINO GLORIA  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 3, 2011.

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

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City of Temple  
Planning & Development

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**Date Mailed:**

December 22, 2010



**RESPONSE TO ZONING CHANGE  
TEMPLE MEDICAL EDUCATION DISTRICT  
(TMED)**

HOWETH, MARION D JR ETUX BRITTANY N  
1308 S 27TH ST  
TEMPLE, TX 76504-7218

**Subject Property:** 1308 S 27TH ST  
TEMPLE, TX

**Zoning Application Number:** Z-FY-11-08

**Project Manager** City of Temple

The City of Temple would like to change the zoning on the property shown in blue and grey on the attached map to a Temple Medical and Education District (TMED). 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 like the area as it stands. It's quiet,  
not too much traffic, and that's why we moved  
here. By rezoning, these would go away.

Dale Howeth / Brittany Howeth  
Signature

Dale Howeth / Brittany Howeth  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 3, 2011.

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

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City of Temple  
Planning & Development

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**Date Mailed:**

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RESPONSE TO ZONING CHANGE  
TEMPLE MEDICAL EDUCATION DISTRICT  
(TMED)

JONES, PAUL ETAL  
~~1607 OAKLAND ST~~ 302 N. Sweetbriar DR  
~~PINEVILLE, LA 71360-5174~~ Bunkie, LA 71322

**Subject Property:** 1218 S 1ST ST  
TEMPLE, TX

**Zoning Application Number:** Z-FY-11-08

**Project Manager** City of Temple

The City of Temple would like to change the zoning on the property shown in blue and grey on the attached map to a Temple Medical and Education District (TMED). 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:**

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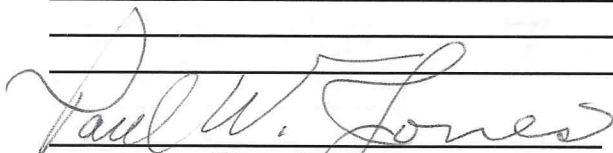
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Signature

Paul W. Jones  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 3, 2011.

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

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City of Temple  
Planning & Development

**Number of Notices Mailed:** 355

**Date Mailed:** December 22, 2010



RESPONSE TO ZONING CHANGE  
TEMPLE MEDICAL EDUCATION DISTRICT  
(TMED)

KASBERG, ROBERT J  
309 HILLIARD RD  
TEMPLE, TX 76502-4707

Subject Property: 1305 S 25TH ST  
TEMPLE, TX

Zoning Application Number: Z-FY-11-08

Project Manager City of Temple

The City of Temple would like to change the zoning on the property shown in blue and grey on the attached map to a Temple Medical and Education District (TMED). 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:

I purchased This property mostly  
for the zoning that was on it  
General retail and want it to  
continue

Robert J. Kasberg (Dr.)  
Signature

Robert J. Kasberg  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 3, 2011.

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

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City of Temple  
Planning & Development

Number of Notices Mailed: 355

Date Mailed: December 22, 2010



RESPONSE TO ZONING CHANGE  
TEMPLE MEDICAL EDUCATION DISTRICT  
(TMED)

KASBERG, BOB J  
309 HILLIARD RD  
TEMPLE, TX 76502-4707

Subject Property: 1301 S 25TH ST  
TEMPLE, TX

Zoning Application Number: Z-FY-11-08

Project Manager City of Temple

The City of Temple would like to change the zoning on the property shown in blue and grey on the attached map to a Temple Medical and Education District (TMED). 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 (X) denial of this request.

Comments:

*This parcel was and is zoned  
Gen Retail. I want this to remain.  
The zoning was the main reason  
for purchasing in 1976.*

*Robert J. Kasberg*  
Signature

*Robert J. Kasberg*  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 3, 2011.

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

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City of Temple  
Planning & Development

Number of Notices Mailed: 355

Date Mailed: December 22, 2010





RESPONSE TO ZONING CHANGE  
TEMPLE MEDICAL EDUCATION DISTRICT  
(TMED)

LEDESMA, ALEX & RICHARD  
6614 BROOKS DR  
TEMPLE, TX 76502-6301

Subject Property: 1309 S 29TH ST  
TEMPLE, TX

Zoning Application Number: Z-FY-11-08

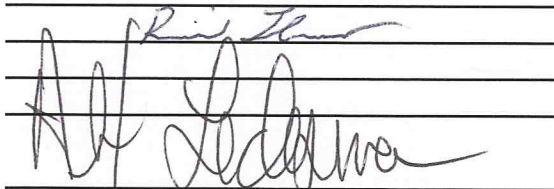
Project Manager City of Temple

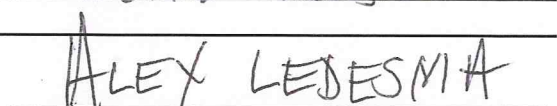
The City of Temple would like to change the zoning on the property shown in blue and grey on the attached map to a Temple Medical and Education District (TMED). Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend ( ) approval ☒ denial of this request.

Comments:

DISAPPROVE OF THE ZONING CHANGE.

  
Signature

Richard Ledesma  
  
ALEX LEDESMA  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 3, 2011.

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

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City of Temple  
Planning & Development

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Date Mailed: December 22, 2010



**RESPONSE TO ZONING CHANGE  
TEMPLE MEDICAL EDUCATION DISTRICT  
(TMED)**

MEHTA, JAGDISH A  
PO BOX 749  
SOUTHAVEN, MS 38671-0008

**Subject Property:** COUNTY NO. 44429  
TEMPLE, TX

**Zoning Application Number:** Z-FY-11-08

**Project Manager** City of Temple

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I recommend ( ) approval (X) denial of this request.

**Comments:** I respectfully but adamantly deny because  
this property was purchased with the intent to  
develop it as a convenience store with fuel sales or as a  
quick service restaurant with drive thru or both.  
The said property fronts along H.K. Dodgen loop  
and should not be restricted in the same manner as  
all other interior land.

J. A. Mehta

**Signature**

J. A. MEHTA

**Print Name**

Please mail or hand-deliver this comment form to the address shown below, no later than January 3, 2011.

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

**RECEIVED**

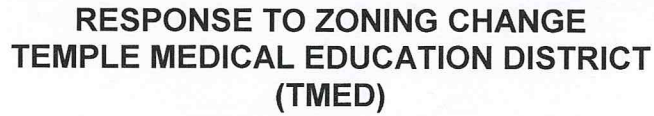
DEC 30 2010

City of Temple  
Planning & Development

**Number of Notices Mailed:** 355

**Date Mailed:**

December 22, 2010



**December 22, 2010**



# PLANNING AND ZONING COMMISSION AGENDA ITEM

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1/03/11  
Item #5  
Regular Agenda  
Page 1

**APPLICANT:** City of Temple

**CASE MANAGER:** Autumn Speer, Director of Community Services

**ITEM DESCRIPTION:** Z-FY-11-08 Hold a public hearing and recommend action on a proposed zone change from multiple zoning district classifications to Temple Medical and Education District (TMED) zones being T4, T5-e, T5-c, SD-t, SD-h, SD-v and SD-c for approximately 849+/- acres.

**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.

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.

The creation of the TMED zoning district is a two step process. The first part created the TMED Districts in the UDC framework. This zoning change is the second part of the process to rezone the property in the TMED zoning district boundaries.

**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 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
- P&Z Presentation – 11/15/2010
- City Council Presentation – 11/18/2010
- P&Z Public Hearing TMED Text Creation – 12/7/2010
- City Council Public Hearing TMED Text Creation - 12/16/2010
- City Council Second Reading – 1/6/2011

#### **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.

**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 normal 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)

The area proposed to be rezoned currently consists of several types of zoning districts including industrial, commercial, retail and residential districts. The rezoning of these properties will consolidate the various existing zoning categories into the seven TMED zoning categories in accordance with the following table:

Existing Zoning	Current Zoning	Proposed Zoning						
		T4	T5-e	T5-c	SD-t	SD-h	SD-v	SD-c
Two -Family	101	53.5	34.5	11	2			
Multi-Family 1	15						12	3
Multi-Family 2	10	5.5	.5	4				
Mixed Use	2						2	
Neighborhood Service	3	2		1				
Office 2	19	1.5	3	11		3.5		
General Retail	159	88	58	11		2		
Commercial	22	1	1	20				
Light Industrial	22	5	8					9
Heavy Industrial	1	.5	.5					
<b>Totals</b>	<b>354</b>	<b>157</b>	<b>105.5</b>	<b>58</b>	<b>2</b>	<b>5.5</b>	<b>14</b>	<b>12</b>

Existing buildings and use will not be affected by the proposed zoning changes until such time they seek to expand or change uses. The applicability table below outlines when TMED requirements will come into effect:

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	✓	✓	✓		✓	✓	✓	✓		✓	✓		✓		

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
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)	✓					✓					✓		✓		
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)															

### **COMPREHENSIVE PLAN COMPLIANCE:**

The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan:

- **Goal 3.1** - Enhanced character and development guidance around Temple's key economic assets.
  - The rezoning of this area establishes character based zoning for the TMED.
- **Goal 3.3** - Renewed vitality and development interest in Temple's oldest neighborhoods.
  - The proposed rezoning targets an area identified for redevelopment potential.
- **Goal 3.4** - Better image and identity for Temple by setting a higher standard for public and private development practices.
  - The TMED districts have increased design standards and requirements.
- **Goal 4.1** - Growth and development patterns should be consistent with the City's infrastructure and public service capacities and desired community form and character.
  - The TMED zoning districts encourage new development in the area and allow for infill and higher density in exchange for increased design standards.

- **Goal 5.4** - A mobility system that is integrated with and complements neighborhood and community character.
  - A key element of the TMED zoning districts is the requirement for wider sidewalks and streetscape and pedestrian amenities.
- **Goal 6.1** - Neighborhood environments and residential living options that make Temple an inviting place to call home.
  - The TMED zoning districts include increased design standards for high-density residential and incorporate anti-monotony provisions for residential development.
- **Goal 6.2** - An expanding housing stock that offers local buyers and renters both affordability and value.
  - The TMED zoning districts include a wide variety of housing types permitted by right and decreased lot area requirements.
- **Goal 6.3** - A diverse mix of residential options to address both life-cycle needs and interests of various niche groups seeking new or existing housing in Temple.
  - The TMED zoning districts include a wide variety of housing types permitted by right and decreased lot area requirements.
- **Goal 7.1** - A vibrant and growing Healthcare and Bioscience economic cluster in Temple.
  - The proposed rezoning is a step towards revitalization for the area which promotes a dense, mixed-use environment.
- **Goal 7.4** - Excellence in Temple schools and higher education to assist in attracting employers and employees.
  - The creation of the TMED district aids in the development of a revitalization plan for the Temple College area.
- **Map 3.1** - Future Land Use and Character map identifies this area as the Temple Medical Education District.

**PUBLIC NOTICE:** The newspaper printed notice of the Planning and Zoning Commission public hearing on December 23, 2010 in accordance with state law and local ordinance. Staff mailed 355 notices to property owners within the TMED Districts and 523 courtesy notices to property owners within 200' of the proposed zoning change. Several calls have been received expressing concerns about increased taxes and potential impacts on individual properties.

As of Tuesday December 28, 2010, 8 letters have been received, 6 in favor, one neutral and one in opposition.

**STAFF RECOMMENDATION:** Staff recommends approval of Z-FY-11-08, an amendment to the Unified Development Code to adopt standards for the TMED zoning districts.

**FISCAL IMPACT:**  
NA

**ATTACHMENTS:**

TMED Images

Existing Zoning Map

Proposed TMED Zoning Map

Notice Map

Response Letters

**TMED IMAGES:**



North View from First Street and SE HK Dodgen Loop



Veterans Administration First Street



1<sup>st</sup> Street



1<sup>st</sup> Street from Avenue M





5<sup>th</sup> Street and Avenue R



Avenue M and 31<sup>st</sup> Street



Avenue R and 25<sup>th</sup> Street



31<sup>st</sup> Street



[illegible]

**Z-FY-11-08: TMED Proposed Zoning**

The map displays the proposed zoning for the area around Temple University. The zoning districts are color-coded as follows:

- SD-t**: Light blue areas, primarily along major thoroughfares.
- SD-h**: Dark blue areas, located in the central-western part of the map.
- T5-e**: Medium blue areas, located near the top left corner.
- T5-c**: Greyish-blue areas, located in the center-right portion.
- T4**: Vertical light blue strips, running north-south through the eastern part.
- SD-v**: Large light blue area on the far right side.
- SD-c**: Teal-colored area at the bottom right corner.

Key streets shown include WAVE, E JAVE, S 29TH ST, S 30TH ST, S 31ST ST, S 32ND ST, S 33RD ST, S 34TH ST, S 35TH ST, S 36TH ST, S 37TH ST, S 38TH ST, S 39TH ST, S 40TH ST, S 41ST ST, S 42ND ST, S 43RD ST, S 44TH ST, S 45TH ST, S 46TH ST, S 47TH ST, S 48TH ST, S 49TH ST, S 50TH ST, S 51ST ST, S 52ND ST, S 53RD ST, S 54TH ST, S 55TH ST, S 56TH ST, S 57TH ST, S 58TH ST, S 59TH ST, S 60TH ST, S 61ST ST, S 62ND ST, S 63RD ST, S 64TH ST, S 65TH ST, S 66TH ST, S 67TH ST, S 68TH ST, S 69TH ST, S 70TH ST, S 71ST ST, S 72ND ST, S 73RD ST, S 74TH ST, S 75TH ST, S 76TH ST, S 77TH ST, S 78TH ST, S 79TH ST, S 80TH ST, S 81ST ST, S 82ND ST, S 83RD ST, S 84TH ST, S 85TH ST, S 86TH ST, S 87TH ST, S 88TH ST, S 89TH ST, S 90TH ST, S 91ST ST, S 92ND ST, S 93RD ST, S 94TH ST, S 95TH ST, S 96TH ST, S 97TH ST, S 98TH ST, S 99TH ST, S 100TH ST.

[illegible]

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

**MONDAY, JANUARY 3, 2011**

**ACTION ITEMS**

**Item 5: Z-FY-11-08** Hold a public hearing to discuss and recommend action on a proposed zone change from multiple zoning district classifications to Temple Medical and Education District (TMED) zones being T4, T5-e, T5-c, SD-t, SD-h, SD-v and SD-c for approximately 849± acres. (Applicant: City of Temple)

Ms. Autumn Speer, Director of Community Services, stated this was the second part of the TMED project, the rezoning of the property.

The purpose of the TMED is to create a unique multi-modal community with pedestrian oriented development, compact neighborhoods, mixed use centers, variety of housing options, and a community that works and feeds off of the various businesses within that district.

The Public Input process included the following:

- 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
- P&Z Work Session -11/15/2010
- City Council Work Session – 11/18/2010
- P&Z Public Hearing TMED Text Creation – 12/7/2010
- Stakeholder Meeting – 12/10/2010
- City Council Public Hearing TMED Text Creation - 12/16/2010
- City Council Second Reading TMED Text Creation – 1/6/2011

Ms. Speer shows several slides of the TMED area and explains the boundaries--north of the loop, 1st Street, VA hospital, Temple College, Avenue M, 31st Street, and 25th

Street. There is an area called a residential donut hole in the middle that will not be affected.

Zoning categories:

T4 - General Urban, primarily residential and commercial retail uses with limitations,

T5-e - Neighborhood Edge Zone, contains more residential but with more retail uses

T5-c - Urban Center Zone;

And the four Special Districts:

SD-h – S&W and Texas A&M Health Scient Center,

SD-v – Central Texas Veterans Health Care,

SD-c – Temple College, and

SD-t – Temple I.S.D.

TMED zoning district deals with use and form, i.e., how the land is configured, how the building is placed on the property, and what the building looks like. This will only affect new construction and not existing.

Some of the various Use Standards include:

Encourage/require mixed use

Single family detached – T4 and T5-e

Rowhouses permitted in all

Multi-family

Mixed use in T5-e

Limited in T5-c

Specific retail and service uses

Limit drive thrus = pedestrian orientation

Hotels with specific requirements

Medical uses and research facilities

Theatres

Fuel sales with limitation on 31st

Some landscaping requirements include specifications for private and commercial properties. Screening will be required for dumpsters, roof equipment, etc. Specified fence materials will be required and public frontage types and elements will depend on the specific area. Building design deals with materials used on new construction and how it will appear. Additional TMED requirements include parking, warrants and variances, plantings, open space, and signage.

Ms. Speer gives examples of current zoning district breakdowns and describes Applicability standards.

355 notices were mailed out to property owners (blue & gray area). 23 notices have been received in favor and 11 notices received in opposition, to date. 523 courtesy notices (orange) were mailed out and 35 were received in favor and 17 opposed, one neutral.

Staff recommends approval of this TMED rezoning and if approved, would go forward to City Council for public hearing on January 20th.

Commissioner Sears stated a common concern for residents was possible tax changes. Ms. Speer stated Bell County Appraisal District assesses the tax value, not the City of Temple, and the TMED has no bearing on taxes.

Commissioner Pope stated unless one is planning on a major addition to a residence in the area, none of this would apply. Ms. Speer confirmed that comment was correct. The district would grandfather all of the uses currently in effect.

Commissioner Staats asked if it was possible to do 5% improvement each year to come up with the 25% and Ms. Speer stated probably incrementally, but as it goes through the permitting process it would be flagged for review.

Chair Talley asked about the Neighborhood Edge Zone (T5) and the single row of teaser parking. Was parking behind the buildings? Ms. Speer stated with all of the rest of the districts the parking had to be on the side and rear and meet a frontage requirement. The teaser parking on 1st Street allowed for some parking on the front.

Chair Talley opened the public hearing.

Mr. Joe LaBay, 10422 Cove Ridge, Dallas, Texas, 75218 stated the property which he would like to develop is in the T5-c area and would like to create a long-term care facility and/or assisted living or independent living facility, however, nursing homes and long-term care are not addressed under the current medical uses allowed. Would this use be included in the medical uses for the area? His property is located on Scott & White Blvd. and Loop 363 (extension of 25th). Mr. LaBay also had concerns about parking.

Ms. Speer stated the Ordinance does not include nursing homes or assisted living and is currently dealt with as multi-family but could be added to the uses, perhaps residential category. This could be done through a text amendment.

Mr. Don Gross, 1213 S. 19th Street, Temple, asked if both sides of Avenue M would be included and would there be better control over it. He stated Avenue M was currently a heavily traveled road with lots of waiting and wanted to know if this would create more traffic in the area. Mr. Gross stated he did not want more convenience stores in the area or have his taxes raised. Mr. Gross asked if this issue would apply to him if he were to add 30-35% square footage to his building this summer. Mr. Gross lives in the buffer area (orange) and Ms. Speer stated he would just have to go through the normal permitting process.

Commissioner Staats stated 31st Street was an FM and lights were controlled by TxDot, not the City. As the City grows, more people commute. Commissioner Staats suggested Mr. Gross voice his concerns to the traffic department for the best maintenance and control of the area.

Commissioner Sears asked if there were any plan to improve the traffic flow from 31st Street to 1st Street. Ms. Kim Foutz, Assistant City Manager and Staff Liaison for TMED, responded to the question and stated some improvements were contemplated, such as Avenue R and Avenue B extensions, but she was not aware of any improvements for Avenue M. Ms. Foutz stated the philosophy behind the TMED district was to be multi-modal, not just car oriented. Many of the improvements would be to allow more hiking, biking and pedestrian related activities. Ms. Foutz stated the City has been working with TxDOT to make improvements on 1st Street which was a long-term project.

Commissioner Staats asked about the cross-connectivity in the City. Ms. Foutz stated hike and bike trails would be installed all along 1st Street from the Loop up to Avenue M, and those trails would be extended to the downtown area. Also, just north of Marvin Felder, would be a hike and bike trail connected all the way through to Scott & White Blvd. Discussions regarding installation of sidewalks along Scott & White Blvd are currently underway. 13th Street may include another road through the area to extend 13th Street to 17th Street. Commissioner Staats asked if Avenue T would be extended to tie into Scott & White Blvd and Ms. Foutz responded there have not been any extensive discussions regarding that project, but there would be a hike and bike trail connecting it.

Mr. Donovan Williams, 1509 S. 33rd Street, Temple, stated everything sounded good and agreed with the rezoning, however, he had a question regarding property changing hands and would new owners automatically be required to upgrade a residence. Ms. Speer stated the grandfathering stays with the property, not the owner.

Mr. Bob Noble, 1723 S. 15th Street, Temple, asked what type of street improvements would be made to Avenue R and Ms. Speer stated Avenue R has potential for some on-street bicycle discussion and some potential for sidewalk agreements to run east and west along Avenue R. Commissioner Pilkington asked if those improvements would be in the existing rights-of-way and Ms. Speer did not know at this time.

Commissioner Pope asked if a public hearing would be held at City Council on Thursday, January 6th and Ms. Speer stated no, January 6th was the district creation's second reading. The public hearing for the rezoning would be held on January 20th.

Mr. Alex Ladesmo, 1309 S. 29th Street (T5-c), Temple, stated since taxes were a concern and the City was not responsible for taxes, the County should have had a representative at the meeting. He was also concerned about the heavy traffic at Avenue M and 31st Street. Mr. Ladesmo stated since the City has been working on this item since 2008, the public should have had more time to review this issue and the notice should have been sent out much earlier than December of 2010.



Mr. Ladesmo asked to be shown what types of buildings would be built in the area and Ms. Speer stated she could only show examples. Ms. Speer stated at this time the only development along 1st Street was a Family Dollar store and the EZ Tire is doing a rehabilitation to try and conform with TMED standards. Both of these are private developments and not City initiated.

Mr. Ladesmo stated he did not want anyone to come in and tear down his home and make way for something else.

Mr. John Sommers, 1817 S. 5th Street (T4), Temple, stated he heard rumors about more buildings being torn down closer to his home and wondered if it was true. Ms. Speer said there were no plans to do so.

Commissioner Staats stated no one was going to force anyone to sell their property or evict them.

Mr. Sommers wanted confirmation since many buildings were being torn down in the area.

Mr. Rick Hughes, 4 N. 3rd Street, representing Strasburger Family, stated they were looking at the cost, control and creep and wondered why the zoning Ordinance was being changed in a certain area of town. Was it a plan to continue to creep throughout the entire city. He did not feel the Zoning Ordinance needed to be changed. Mr. Hughes stated he has done research on form based codes a/k/a smart codes and they seem to give the City more control over private property.

Mr. Hughes brought up the subject of grant monies for covering costs of various things such as wider sidewalks, additional lighting, additional landscaping, etc., and wanted to know where this money came from if the grants dried up. He stated the cost would be burdened on the property owners.

Mr. Hughes stated Strasburger was probably one of the largest private property owners in the TMED. If they want to develop some property the way TMED wanted it, why can't they just apply for a PD (Planned Development) zoning and get the site plan approved. Mr. Hughes felt the control was by dictating where the building could go, what type of architecture and materials could be used, where the parking would be located and they were the ones spending the money and should have more decision. Mr. Hughes asked if there would be grant money for Mr. LaBay's expansion of his nursing home business.

Mr. Hughes stated with Strasburger's 10 properties, they were voting against the rezoning request and these 10 votes were not counted with the earlier given tally.

Mr. Chris Burleson, 1318 S. 5th, Temple, asked if the City were going to shrink his property. Mr. Burleson heard rumors of the alleys being widened and 5th Street being widened to 4 lanes. Ms. Speer stated at this time there were no plans she was aware of to widen 5th Street. This process involved a lot of negotiations and could be quite expensive. Ms. Speer stated 1st Street was the main priority.

Chair Talley asked if someone could speak on grants. Ms. Foutz stated the City part of TMED is in the Strategic Investment Zone (SIZ) and grants were available through those zones. Currently 1st and 5th Streets are within those zones and eligible for grants. There is not a grant program specifically set up for the TMED area but grants are provided for some of the requirements TMED has, such as landscaping, irrigation, and widening of sidewalks. Some oversized participation of sidewalks have been done by the City in addition to the normal grant funds if it is in the TMED area. City Council considers appropriations annually for those funds and depends on the level of activity for applications of those funds. All of the funds are from the City of Temple. Ms. Foutz briefly discussed tax abatements.

Commissioner Staats asked if someone applied for a grant to purchase an item such as trash containers, lights, etc., does the City have the purchasing power to get these items in advance in order to get better rates for developers. Ms. Foutz stated all the grant programs established by City Council are on a reimbursement basis only. No initial acquisition of products are done. The developer would go in, negotiate their best price and the City would do a reimbursement match grant. The grant program is a multi-faceted approach and it will take all parties involved to make the TMED successful.

Brief discussion regarding volume purchasing and discounts.

Mr. Rick Hughes returned to the podium and stated Ms. Foutz claimed the grants come from the City and then later talked about Federal and community grants. Mr. Hughes asked where the community grant fund money came from and wasn't it considered Federal. Ms. Foutz stated yes. Mr. Hughes some of those grants may dry up and asked again why a change in zoning was necessary when everything could be accomplished with a PD; didn't a PD allow for different types of development?

Ms. Speer responded the whole PD question becomes an administrative issue. As the City grows, if a PD were on every parcel in the area, it would be impossible to enforce any consistency or regulation. PD's are administrative nightmares when you reach a larger size. Regarding changing the code, there is a specific set of parameters in it that gives flexibility, minimum setbacks have been reduced and there are maximum setbacks. The smart code has been changed quite a bit and is no longer part of the smart code format because it gave the City Staff too much leeway and was very open ended. The Ordinance itself has been changed and is very different in how it is applied. The Code has already been added to the Unified Development Code. Notices do not have to be sent out for text amendments for City Code changes.

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

Commissioner Pope stated this rezoning gives the City an opportunity to have more control over the area to keep it nice and did not feel it was unreasonable to ask developers to improve sidewalks, landscaping, etc., to make the area look better. Everything changes and he is in support of the rezoning.

Commissioner Pilkington stated normally he has the same concerns as Mr. Hughes, however, the TMED was well put together and could be a very nice area. The grant money will come because in the long term, this would bring more people and businesses to Temple and produce more sales tax so he is also in support of the project.

Commissioner Pilkington asked Ms. Speer to make sure Mr. LaBay would be able to do the nursing home type facility. Ms. Speer stated she would probably do a text amendment which would have to come before the P&Z Board first.

Commissioner Pope made a motion to approve the proposed TMED rezoning classifications and Commissioner Pilkington made a second.

*Motion passed: (6:0)*

Vice-Chair Martin and Commissioner Hurd absent.

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

[PLANNING NO. Z-FY-11-08]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM MULTIPLE ZONING DISTRICT CLASSIFICATIONS TO TEMPLE MEDICAL AND EDUCATION DISTRICT (TMED) ZONES, BEING T4, T5-e, T5-c, SD-t, SD-h, SD-v AND SD-c FOR APPROXIMATELY 849 ACRES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1:** The City Council approves a zoning change multiple zoning district classifications to Temple Medical and Education District (TMED) Zones, being T4, T5-e, T5-c, SD-t, SD-h, SD-v and SD-c for approximately 849 acres, 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 **20<sup>th</sup>** day of **January**, 2011.

PASSED AND APPROVED on Second Reading on the **3<sup>rd</sup>** day of **February**, 2011.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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01/20/11  
Item #5  
Regular Agenda  
Page 1 of 3

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

Brian Mabry, Planning Director

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING - Z-FY-11-09: Consider adopting an ordinance authorizing a Conditional Use Permit allowing minor vehicle servicing on Lot 5, Block 1, Bird Creek Crossing Subdivision, at 3450 South General Bruce Drive.

**P&Z COMMISSION RECOMMENDATION:** At its January 6, 2011 meeting, the Planning and Zoning Commission voted 6/0 in accordance with staff recommendation to recommend approval of a Conditional Use Permit (CUP) to allow minor vehicle servicing on the subject property.

In addition, the Planning and Zoning Commission approved two developer requested appeals of the I-35 Corridor Overlay standards. One appeal approval allows one less parking space than would normally be required so that the site could have an adequately sized parking space terminal island at its southeast corner, as required in the I-35 Corridor standards. The other appeal approval allows a 13-foot to 15-foot wide landscaped front buffer-yard along I-35 rather than the normally required 25-foot wide buffer-yard in exchange for providing additional trees along the front and east side of the property. The Planning and Zoning Commission is the final approval authority for appeals of the I-35 standards.

Vice-Chair Martin and Commissioner Hurd were absent.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented in the item description, on first reading, and schedule second reading and final adoption for February 3, 2011.

Staff recommends approval of Z-FY-11-09, a Conditional Use Permit for a minor vehicle servicing establishment in the I-35 Corridor Overlay zoning district subject to the following conditions:

1. The CUP may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 3.7.6 of the Unified Development Code.
2. The applicant's site plan, elevations and application are exhibits to the CUP.

**ITEM SUMMARY:** Please refer to the Staff Report and draft minutes of case Z-FY-11-09, from the Planning and Zoning meeting, January 6, 2011. The subject property is part of the Bird Creek Crossing shopping center and is in the City Entry sub-district of the I-35 Corridor Overlay zoning district. The applicant requests the Conditional Use Permit to allow the construction of a minor vehicle servicing facility. The attached CUP site plan complies with the requirements of the I-35 Corridor Overlay zoning district, except for the elements that the Planning and Zoning Commission approved on the applicant's appeal, as described above in the P&Z Commission Recommendation section.

No issues were raised at the P&Z meeting requiring further staff attention.

**CUP REVIEW CRITERIA:**

Section 3.5.4 of the Unified Development Code lists review criteria for the Planning and Zoning Commission and City Council to consider when approving a CUP. They are:

- A. The conditional use is compatible with and not injurious to the use and enjoyment of the property, and does not significantly diminish or impair property values within the immediate vicinity.
- B. The establishment of the conditional use does not impede the normal and orderly development and improvement of surrounding vacant property.
- C. The design, location and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development.
- D. Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise and vibration.
- E. Adequate nuisance prevention measures have been taken to prevent or control offensive odors, fumes, dust, noise and vibration.
- F. Directional lighting is provided so as not to disturb or adversely affect neighboring properties.

Staff has received no negative public comments relating to these criteria.

**PUBLIC NOTICE:**

Three notices of the Planning and Zoning Commission public hearing were sent out. As of Tuesday, December 28 at 5 PM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on December 23, 2010 in accordance with state law and local ordinance

**FISCAL IMPACT:** NA



**ATTACHMENTS:**

Aerial  
Land Use and Character Map  
Zoning Map  
Utility Map  
CUP Site Plan  
CUP Landscape Plan  
CUP Elevations  
Notice Map  
P&Z Staff Report (Z-FY-11-09)  
P&Z Minutes (01/06/11)  
Ordinance



Z-FY-11-09

Bird Creek Crossing, Block 1, Lot 5

3450 S. General Bruce Dr



March 2010 Aerial

ZFY11-09

Feet 0 100 200 300

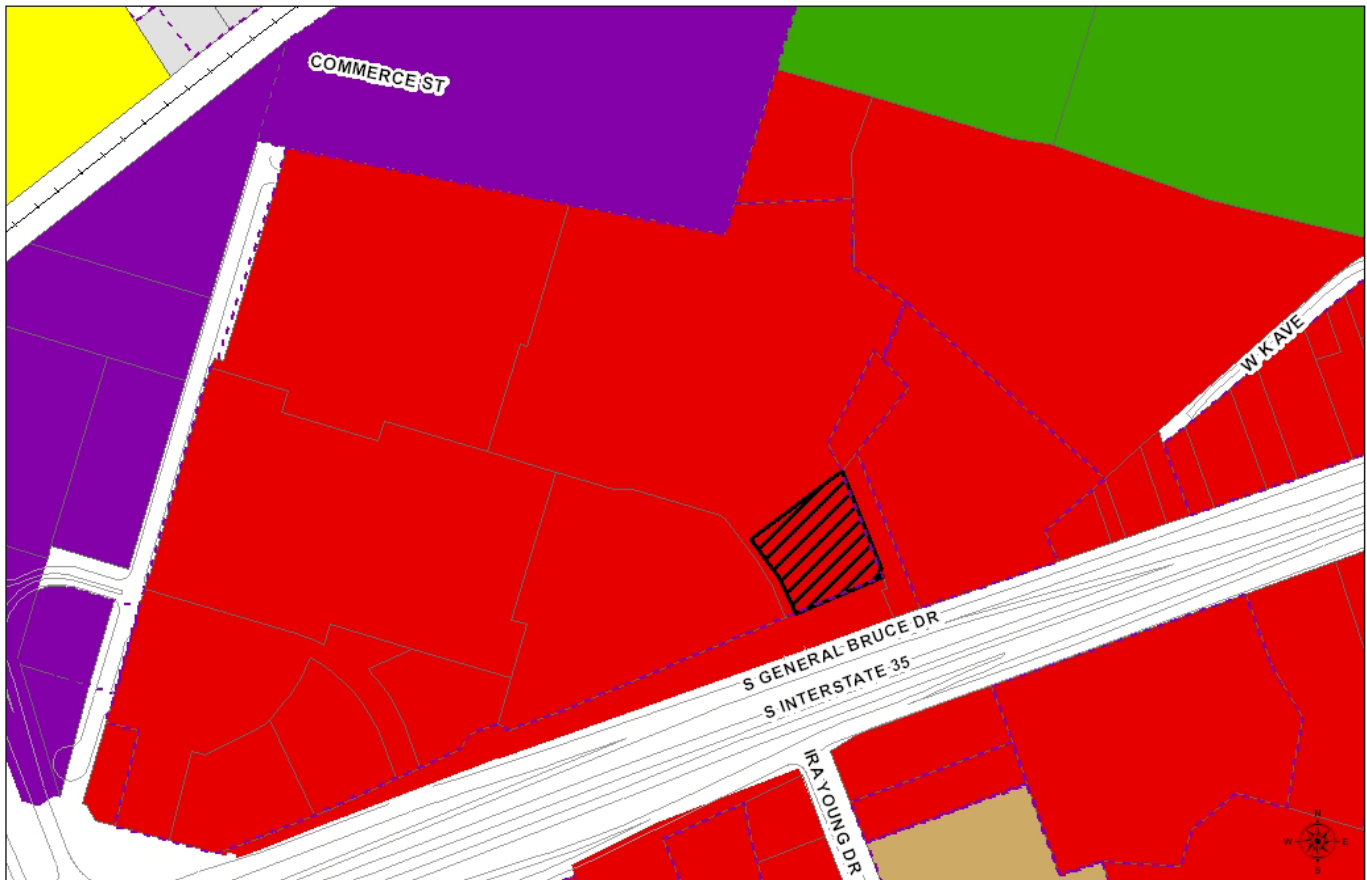
J Stone 12.01.10



Z-FY-11-09

Bird Creek Crossing, Block 1, Lot 5

3450 S. General Bruce Dr



- |                       |                         |                    |                           |                                   |              |
|-----------------------|-------------------------|--------------------|---------------------------|-----------------------------------|--------------|
| Z-FY-11-09            | 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 |              |

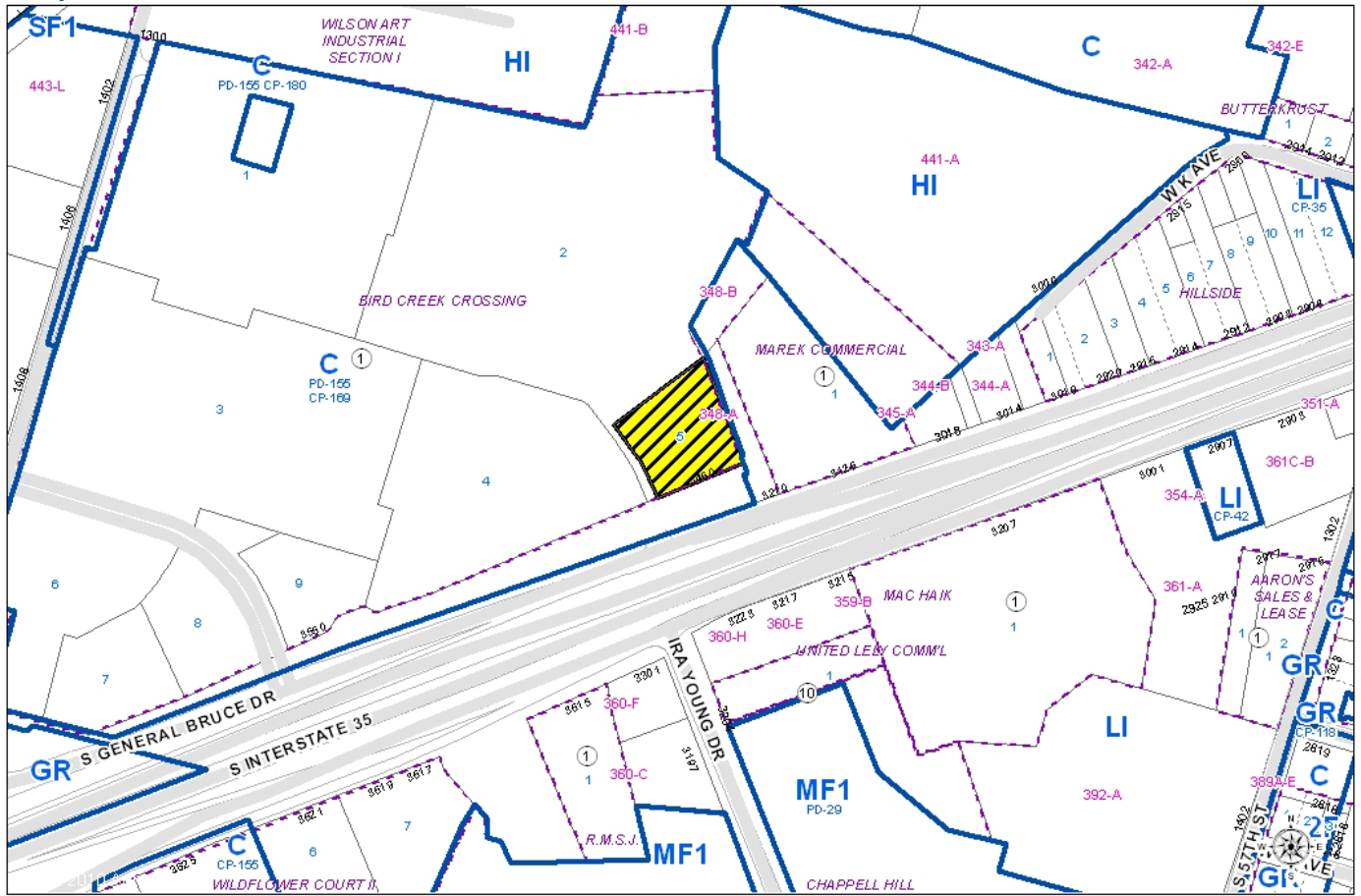
1 inch = 300 feet  
J Stone 12.01.10



Z-FY-11-09

Bird Creek Crossing, Block 1, Lot 5

3450 S. General Bruce Dr



Feet 0 100 200 300

J Stone 12.01.10





Z-FY-11-09

Bird Creek Crossing, Block 1, Lot 5

3450 S. General Bruce Dr



March 2010 Aerial

Feet 0 100 200 300

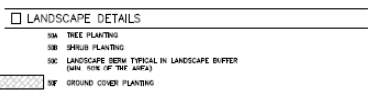
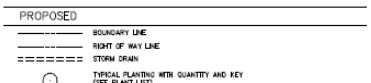
Z-FY-11-09 WATER LINE SEWER LINE

J Stone 12.01.10



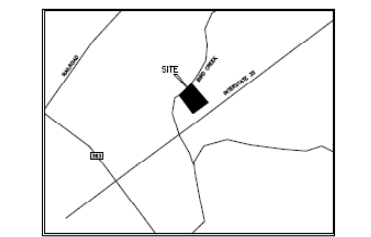


EXISTING TREES	NO EXISTING TREES ARE LOCATED ON THIS LOT	
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SYMBOL	KEY	QTY	COMMON NAME/ BOTANICAL NAME	ROOT	SIZE	REMARKS
TREES						
OL	10		CAROLINA LILACBERRY <i>Prinos carolinensis</i>	BAM	3" GAL	SPACE AS SHOWN
LO	3		LIVE OAK <i>Quercus virginiana</i>	BAM	3" GAL	SPACE AS SHOWN
OW	21		GRAPE MYRTLE <i>Leptospermum laevis</i>	BAM	IF CALIFORNIA MIDGE NOTED (ON PLANT)	SPACE AS SHOWN

SPECIES		COMMON NAME / BOTANICAL NAME	ROOT	SIZE	REMARKS
YB	135	SWAMP TALPOON HOLLY <i>Isa yombana</i> Naud.	CONT.	5 GAL.	4'-0" O.C.
PG	76	PINK MEELY GRASS <i>Muhlenbergia capillaris</i>	CONT.	5 GAL.	4'-0" O.C.
AJ	1,500 SF	ARAB JASMINE			1'-0" O.C.
SDD	3,750 SF	BEHUMIDA GRASS			

[illegible]





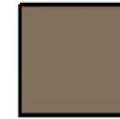
**PAINT 1**  
SHERWIN WILLIAMS  
"BRANDYWINE" SW7118



**PAINT 2**  
SHERWIN WILLIAMS  
"WOOD HOUSE TAN" SW7589



**PAINT 3**  
SHERWIN WILLIAMS  
"ANTIQUE WHITE" SW6118



**PAINT 4**  
SHERWIN WILLIAMS  
"TRAM GRAY" SW2097



**STONE 1**  
STONE VENEER



**NEW FCAC STORE**  
"I" 2010 - JUNE" R.H.  
I-35 & LOOP 363  
TEMPLE, TX 76504

ZONE APPROVAL (BY/DATE)	
SP	
CONR	
SH	
CM	
PROPERTY NO.:	000000
STORE NO.:	0000
JOB NO.:	00000
FILE NAME:	LR_ADD.DWG
ADD PROJECT NUMBER:	101052
TO PERMIT:	DATE: ##/##/##
TO BID:	DATE: ##/##/##

SHEET TITLE:  
**COLOR ELEVATIONS**

SHEET NUMBER:  
**R4**

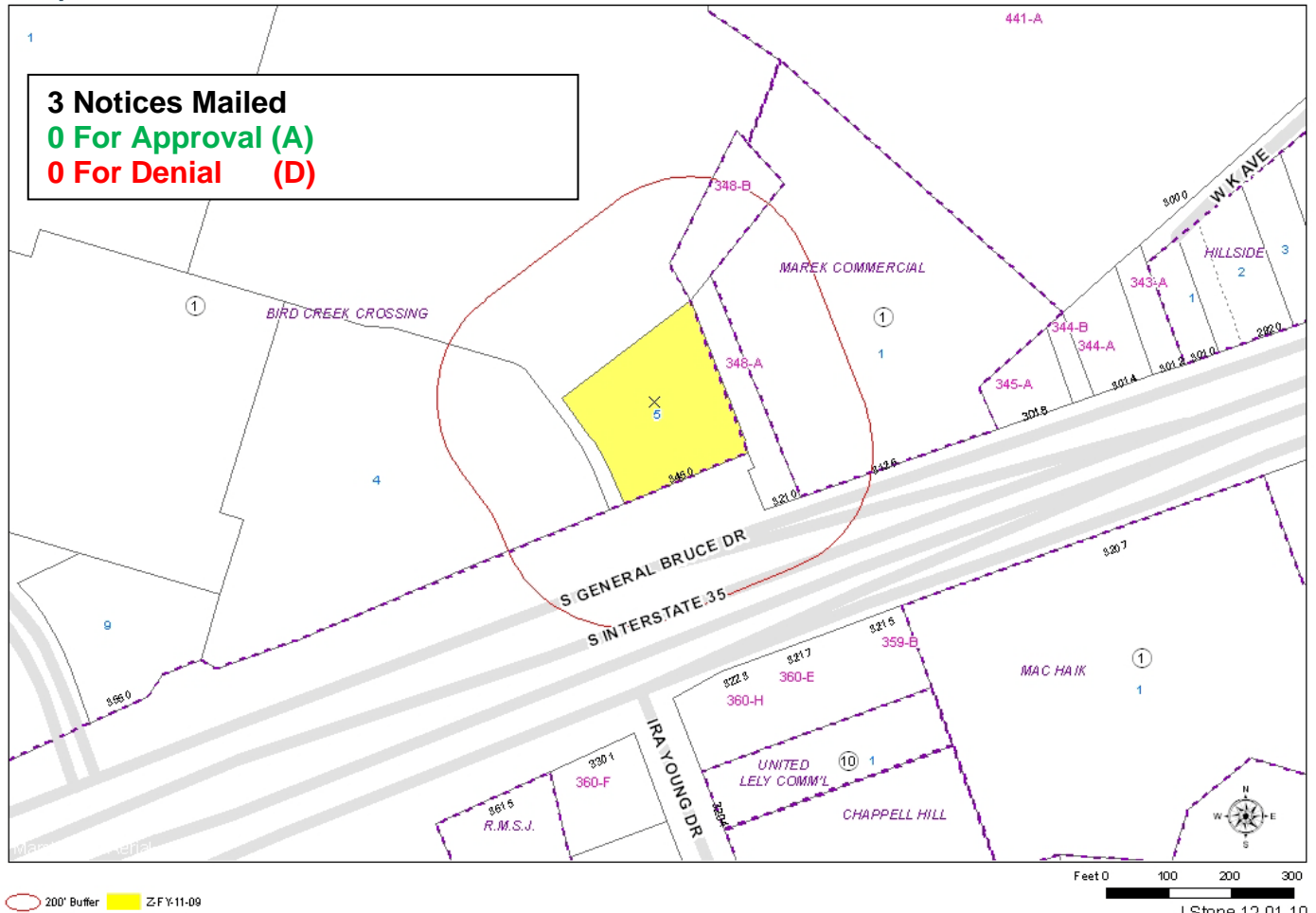
CONSTRUCTION DOCUMENTS WILL BE BASED ON THE LATEST RELEASE OF THE PROTOTYPICAL DOCUMENTS ON PROJECT/DATE AT THE TIME OF CONSTRUCTION DOCUMENT AUTHORIZATION.



Z-FY-11-09

Bird Creek Crossing, Block 1, Lot 5

3450 S. General Bruce Dr



J Stone 12.01.10

**APPLICANT / DEVELOPMENT:** Kurt Overmyer of Mays and Company

**CASE MANAGER:** Brian Mabry, AICP, Planning Director

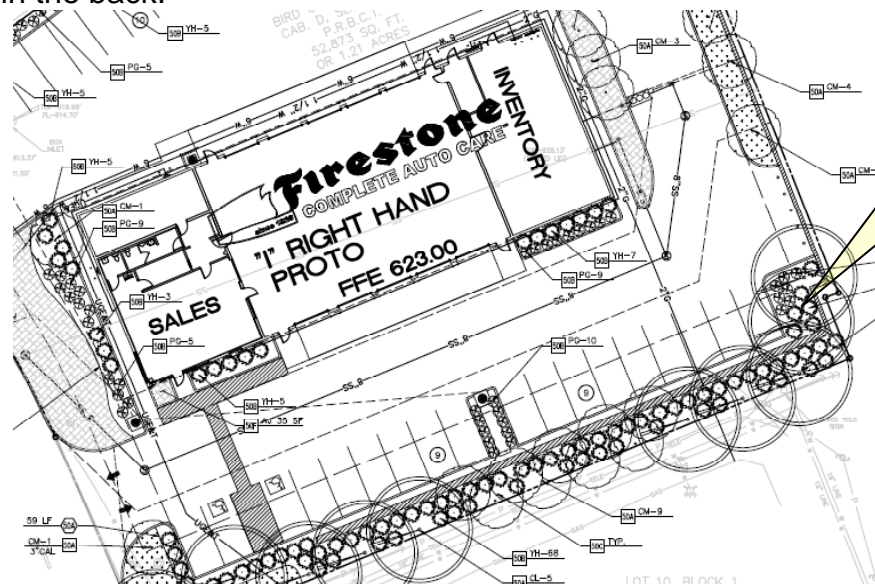
**ITEM DESCRIPTION:** Z-FY-11-09 Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow minor vehicle servicing on Lot 5, Block 1, Bird Creek Crossing Subdivision, at 3450 South General Bruce Drive.

**BACKGROUND:** The subject property is part of the Bird Creek Crossing shopping center and is in the City Entry sub-district of the I-35 Corridor Overlay zoning district. The applicant requests the Conditional Use Permit to allow the construction of a minor vehicle servicing facility. Specifically, the applicant proposes a Firestone tire store.

The attached CUP site plan complies with the requirements of the I-35 Corridor Overlay zoning district, except for the elements noted below in the Appeals section. Where the applicant requests an appeal of the I-35 standards, the site plan shows proposed enhancements to offset site requirements that are being appealed. The Planning and Zoning Commission approves appeals of the I-35 requirements, even if a CUP is not involved in a particular development proposal. City Council is the final approval authority for a CUP.

## **Parking**

The site plan shows compliance with the I-35 parking requirements in terms of interior and terminal landscaped islands. However, the parking lot is one parking space short of the required number of spaces. This is so that an adequately sized landscaped terminal island may be provided at the southeast corner of the property. Parking to the rear and side of the property is "encouraged in the I-35 standards. The site plan shows a single-loaded aisle of parking in front of the building and a single-loaded aisle in the back.



1 space short  
to allow for  
correctly sized  
terminal island



## Building

The applicant proposes a building that is 7,609 square feet in floor area. The building meets the front, side and rear setback requirements for its sub-district. As shown on the building elevations, which will be made part of the ordinance that grants the CUP, the exterior of the building is proposed to be made of brick, stone and exterior insulation and finish systems (EIFS) with metal as an accent material. The I-35 standards require a minimum of three articulation elements for a building of the proposed size. The elevations show awnings, a cornice and horizontal façade projections.



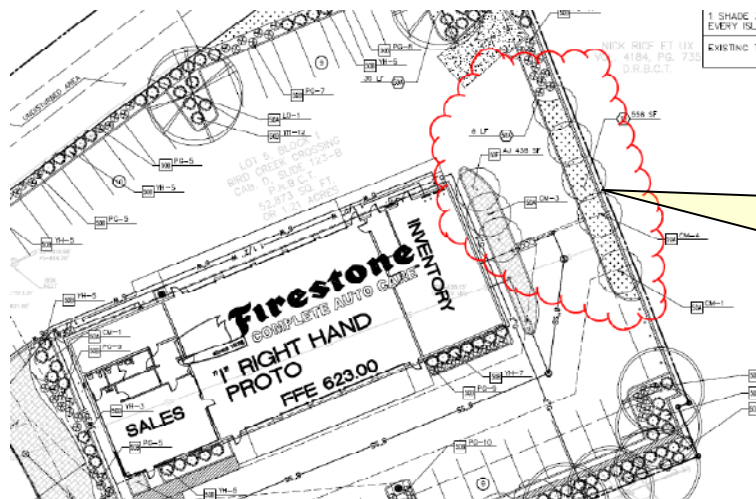
## Screening and Walls

The I-35 standards require that service bay doors be screened from the I-35 frontage road. A site can provide this screening by placing the doors on sides of the building that are not visible from the Interstate, by providing screening walls or by some other means. The site is approximately 7 feet below the grade of the service road. The applicant proposes using a buffer and plantings to screen the front service bay doors from the frontage road.

## Landscaping

The I-35 standards and City Entry sub-district require that 25 percent of the site be landscaped. The landscaping plan shows that 37 percent of the site is landscaped. The standards require one ornamental tree per 25 linear feet of street frontage and one canopy tree per 30 linear feet of frontage, for a total of seven required shade trees and nine required canopy trees. The site plan shows 10 canopy and 10 ornamental trees.

The City Entry sub-district requires a landscaped buffer 25 feet in width along the front property line. The site plan shows only a 13- to 15-foot wide front landscaped buffer. However, the site plan offsets this shortcoming with enhanced plantings along the front property line and along the east side of the building.



Additional plantings along east side of building

### **Signs**

The I-35 standards require monument signs. However, this property, as part of the pre-existing Planned Development for the shopping center that was approved in 2006, is allowed to have a standard freestanding sign. The proposed sign will be approximately 150 square feet in area and will be complimentary to existing signs on the property.

### **Lighting**

The site plan notes that lighting will comply with the I-35 standards, which basically require fully cut-off fixtures that do not bleed onto adjacent properties and do not glare into the night sky.

### **Utilities**


The site plan notes that all on-premise utilities will be underground, as required in the I-35 standards.




**APPEALS:** The applicant is appealing the following provisions of the I-35 standards. Staff supports both of the requests.

Requirement	Site Plan Shows	Compensation
1 parking space per 200 square feet of floor area for minor vehicle servicing establishment	37 spaces instead of required 38	So that a fully sized landscaped terminal island may be provided at the SE corner of the property
Front landscaped buffer of 25 feet in width required	Front landscaped buffer of 13 to 15 feet in width	Additional plantings are provided along the front property line and on the east side of the building

### **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	PD-C, I-35 Overlay, City Entry Sub-District	Undeveloped	
North	PD-C	Shopping Center	

Direction	Zoning	Current Land Use	Photo
South	LI	I-35 (subject property is 7' below grade)	
East	LI	Palm Reader	
West	PD-C	Shopping Center	

#### **CUP REVIEW CRITERIA:**

Section 3.5.4 of the Unified Development Code lists review criteria for the Planning and Zoning Commission and City Council to consider. They are:

- A. The conditional use is compatible with and not injurious to the use and enjoyment of the property, and does not significantly diminish or impair property values within the immediate vicinity.
- B. The establishment of the conditional use does not impede the normal and orderly development and improvement of surrounding vacant property.
- C. The design, location and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development.
- D. Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise and vibration.
- E. Adequate nuisance prevention measures have been taken to prevent or control offensive odors, fumes, dust, noise and vibration.
- F. Directional lighting is provided so as not to disturb or adversely affect neighboring properties.

#### **PUBLIC NOTICE:**

Three notices of the Planning and Zoning Commission public hearing were sent out. As of Tuesday, December 28 at 5 PM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on December 23, 2010 in accordance with state law and local ordinance

**STAFF RECOMMENDATION:** Staff recommends approval of Z-FY-11-09, a Conditional Use Permit for a minor vehicle servicing establishment in the I-35 Corridor Overlay zoning district subject to the following conditions:

1. The CUP may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 3.7.6 of the Unified Development Code.
2. The applicant's site plan, elevations and application are exhibits to the CUP.

Staff supports the requested appeal to reduce the number of required parking spaces on the site by one so that the applicant may provide an adequately sized landscaped terminal island and staff supports the requested appeal to reduce the allowed width of the front landscaped buffer in exchange for providing additional planting along the east side of the building.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Aerial](#)  
[Land Use and Character Map](#)  
[Zoning Map](#)  
[Utility Map](#)  
[CUP Site Plan](#)  
[CUP Landscape Plan](#)  
[CUP Elevations](#)  
[Notice Map](#)  
[Response Letters](#)



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

**MONDAY, JANUARY 3, 2011**

**ACTION ITEMS**

**Item 4: Z-FY-11-09:** Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow minor vehicle servicing on Lot 5, Block 1, Bird Creek Crossing Subdivision, at 3450 South General Bruce Drive. (Applicant: Kurt Overmyer/Mays and Company)

Ms. Leslie Price, Senior Planner, stated this was a request for a Conditional Use Permit (CUP) and if approved would go to City Council on January 20th for first reading and second reading on February 3rd.

The subject property lies within the I35 Corridor Overlay District. In order for the applicant to have a minor vehicle repair facility (Firestone tire store) a CUP is required. The property is located within the Bird Creek Shopping Center. The ground where the building will be built is approximately seven feet below the service road. Surrounding land uses consist of Bird Creek Shopping Center to the west and north, I35 frontage to the south, and a palm reader to the east.

The Future Land Use and Character Map show this area as Auto Urban Commercial and the Thoroughfare Plan shows I35 as a freeway. Water and sewer are available to the property for development.

Ms. Price shows the site plan which gives the required landscaped terminal islands and parking buffer area. The Overlay District requires 25% landscaping for this section and the applicant will be providing 35% to mitigate for the appeals requested. Applicant would also provide additional trees and landscaped area in order to have a 13 to 15 foot buffer instead of the required 25 foot buffer. In order to get the larger buffer area, Staff requested the subtraction of one parking space to enlarge the terminal island.

Ms. Price describes some of the building articulations involved. The I35 Overlay standards require screening of service bay doors, therefore, since the site plan is approximately seven feet below grade of the service road, the landscaping will be on top of a berm to create additional height to screen the bay doors from the highway. Lighting complies, utilities will be underground, and signage, although not compliant, is covered by the PD-C district for the area which allows pole signs.

The two appeals requested are:

Having 37 parking spaces instead of the required 38, by providing a fully sized landscaped terminal island located at the SE corner of the property; and

Having a front landscaped buffer reduced to 13 to 15 foot in width by providing additional plantings along the front property line and on the east end (rear) of the building.

According to Section 3.5.4 of the Unified Development Code (UDC), Ms. Price stated the CUP review criteria were as follows:

- A. The conditional use is compatible with and not injurious to the use and enjoyment of property, and does not significantly diminish or impair property values with the vicinity.
- B. The establishment of the conditional use does not impede the normal and orderly development and improvement of surrounding vacant property.
- C. The design, location and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development.
- D. Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise, and vibration.
- E. Adequate nuisance prevention measures have been taken to prevent or control offensive odors, fumes, dust, noise, and vibration.
- F. Directional lighting has been provided so as not to disturb or adversely affect neighboring properties.

Three notices were mailed and zero were received in favor or in opposition.

Staff recommends approval of Z-FY-11-09, a Conditional Use Permit (CUP) for a minor vehicle servicing establishment in the I35 Corridor Overlay zoning district, subject to the following conditions:

The CUP may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 3.5.6 of the Unified Development Code.

The applicant's site plan, elevations and application become exhibits of the CUP.

Staff supports the requested appeal to reduce the number of required parking spaces on the site by one so that the applicant may provide an adequately sized landscaped terminal island, and

Staff also supports the requested appeal to reduce the allowed width of the front landscaped buffer in exchange for providing additional planting along the front and east side of the building.

Commissioner Staats asked if the roof and the equipment would be visible from the road since the finished floor elevation was approximately seven feet below grade. Ms. Price stated the applicant had not provided a mock up layout showing site landscaping but Staff felt the applicant would mitigate the issue as previously stated.

Commissioner Sears asked about bay doors being opened and facing the frontage road. Ms. Price stated the additional landscaping would help to cover up the doors.

Chair Talley opened the public hearing.

Mr. Kurt Overmyer, Mays & Co, 5949 Sherry Lane, Dallas, Texas 75225, responded to the question regarding the roof and stated it would be a flat roof behind a parapet wall all around the building. The parapet wall would be three to four feet above the roof and the roof equipment would have some screen walls built on.

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

Commissioner Staats made a motion to approve Z-FY-11-09 including the requested appeals and Commissioner Pope made a second.

*Motion passed: (6:0)*

Vice-Chair Martin and Commissioner Hurd absent.

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

[PLANNING NO. Z-FY-11-09]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONDITIONAL USE PERMIT ALLOWING MINOR VEHICLE SERVICING ON LOT 5, BLOCK 1, BIRD CREEK CROSSING SUBDIVISION, AT 3450 SOUTH GENERAL BRUCE DRIVE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

WHEREAS, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of land located at 3450 South General Bruce Drive, recommends that the City Council approve the application for this Conditional Use Permit for minor vehicle servicing; and

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

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

**Part 1:** The City Council approves a Conditional Use Permit for minor vehicle servicing on Lot 5, Block 1, Bird Creek Crossing Subdivision, at 3450 South General Bruce Drive, more fully shown on Exhibit A, attached hereto and made a part of for all purposes.

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

**General:**

- A. The conditional use is compatible with and not injurious to the use and enjoyment of the property, and does not significantly diminish or impair property values within the immediate vicinity.
- B. The establishment of the conditional use does not impede the normal and orderly development and improvement of surrounding vacant property.
- C. The design, location and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development.
- D. Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise and vibration.
- E. Adequate nuisance prevention measures have been taken to prevent or control offensive odors, fumes, dust, noise and vibration.
- F. Directional lighting is provided so as not to disturb or adversely affect neighboring properties.

**Specific to this CUP:**

- G. The CUP may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 3.7.6 of the Unified Development Code.
- H. The applicant's site plan, elevations and application are attached as Exhibit B to the CUP.

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

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **20<sup>th</sup>** day of **January**, 2011.

PASSED AND APPROVED on Second Reading on the **3<sup>rd</sup>** day of **February**, 2011.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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01/20/11  
Item #6  
Regular Agenda  
Page 1 of 3

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

Brian Mabry, Planning Director

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING - Z-FY-11-10: Consider adopting an ordinance authorizing an amendment to Ordinance No. 2006-4090 from Planned Development Single Family One District (PD-SF1) to Planned Development General Retail District (PD-GR) for a portion of Lot 8, Block 2, Stonegate III Addition.

**P&Z COMMISSION RECOMMENDATION:** At its January 6, 2011 meeting, the Planning and Zoning Commission voted 6/0 in accordance with staff recommendation to recommend approval of the amendment to Ordinance No. 2006-4090 from PD-SF1 to PD-GR.

Vice-Chair Martin and Commissioner Hurd were absent.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for February 3, 2011.

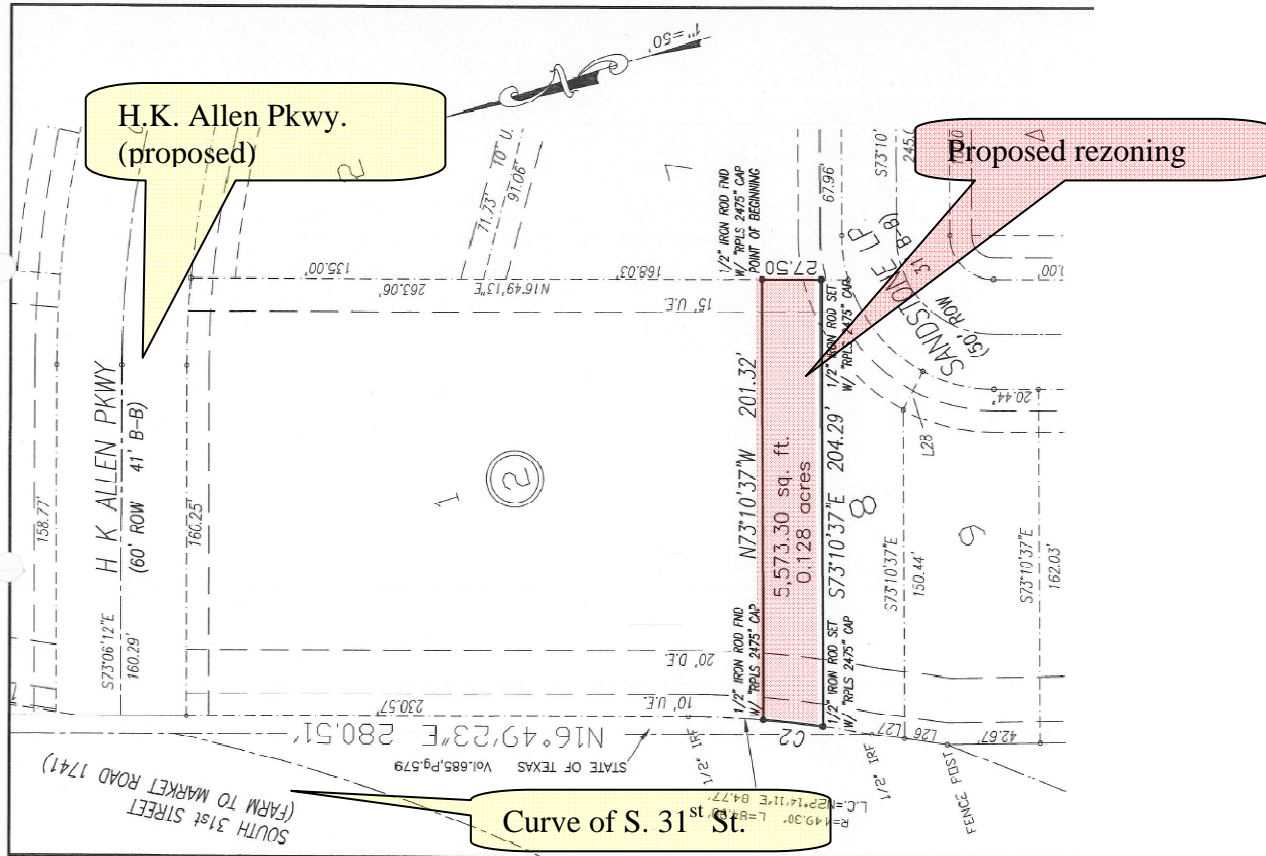
Staff recommends approval of Z-FY-11-10, an amendment of existing Ordinance No. 2006-4090 from PD-SF1 to PD-GR for a portion of Lot 8, Block 2, Stonegate III Addition for the following reasons:

1. The proposed expansion of the already existing PD-GR designation is minimal.
2. The location of the subject property at S. 31<sup>st</sup> Street and the proposed extension of H.K. Allen Parkway lends itself to a future amendment to the Future Land Use and Character Map from the suburban residential future land use and character category to the suburban commercial category.
3. The request complies with Land Use Policy 13 of the Comprehensive Plan.
4. The request complies with the Thoroughfare Plan Map.
5. Public facilities are scheduled to become available as the Stonegate III subdivision develops.

**ITEM SUMMARY:** Please refer to the Staff Report and draft minutes of case Z-FY-11-10, from the Planning and Zoning meeting, January 6, 2011. The applicant wishes to expand the boundaries of an existing PD-GR property by approximately 27.50 feet to the south. The applicant has submitted a revised binding site development plan that takes into account the proposed expansion and will take the place of the site development plan approved as part of Ordinance 2006-4090 in August 2006.



The unbuilt residential lots to the south of the subject property will be replatted so that the existing Lot 8, as shown below, will not become an unbuildable sliver.



No issues were raised at the P&Z meeting requiring further staff attention.

#### **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	Land Use Policy 13 - Smaller-scale neighborhood retail and service uses should be located at intersections of collector and arterial streets and at the edge of logical neighborhood areas	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  
Master Plan

AMP = Airport Master Plan

CTMP = Citywide Trails

Future Land Use and Character (CP Map 3.1)

The Future Land Use and Character Map designates the property as Suburban Residential. Staff supports the rezoning request because (1) the proposed expansion of the already existing PD-GR designation is minimal and (2) the location of the subject property at S. 31<sup>st</sup> Street and the proposed extension of H.K. Allen Parkway lends itself to a future amendment to the Future Land Use and Character Map from the suburban residential future land use and character category to the suburban commercial category.

Land Use Policy 13

This policy in the Comprehensive Plan recommends that smaller scale retail uses be located at the edge of residential areas. The binding site development plan for this property shows that a smaller-scale building (approximately 7,200 square feet in floor area) will be built on the property on the edge of the proposed Stonegate III subdivision. The request complies with Land Use Policy 13 of the Comprehensive Plan.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan Map designates S. 31<sup>st</sup> Street as a Major Arterial. The request complies with the Thoroughfare Plan Map.

Availability of Public Facilities (CP Goal 4.1)

An 8" sewer line and an 8" water line are proposed to serve the subject property according to the Stonegate III Final Plat, approved in March 2007. As the Stonegate III subdivision develops, the developer will extend these facilities to the subject property.

**PUBLIC NOTICE:**

One notice of the Planning and Zoning Commission public hearing were sent out. As of Tuesday, December 28 at 5 PM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on December 23, 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  
Binding Site Development Plan  
Notice Map  
P&Z Staff Report (Z-FY-11-10)  
P&Z Minutes (01/06/11)  
Ordinance



Z-FY-11-10

Stonegate III, Blk 2, Lot 8

1516 Sandstone Loop



March 2010 Aerial

Feet 0 100 200 300

ZFY-11-10

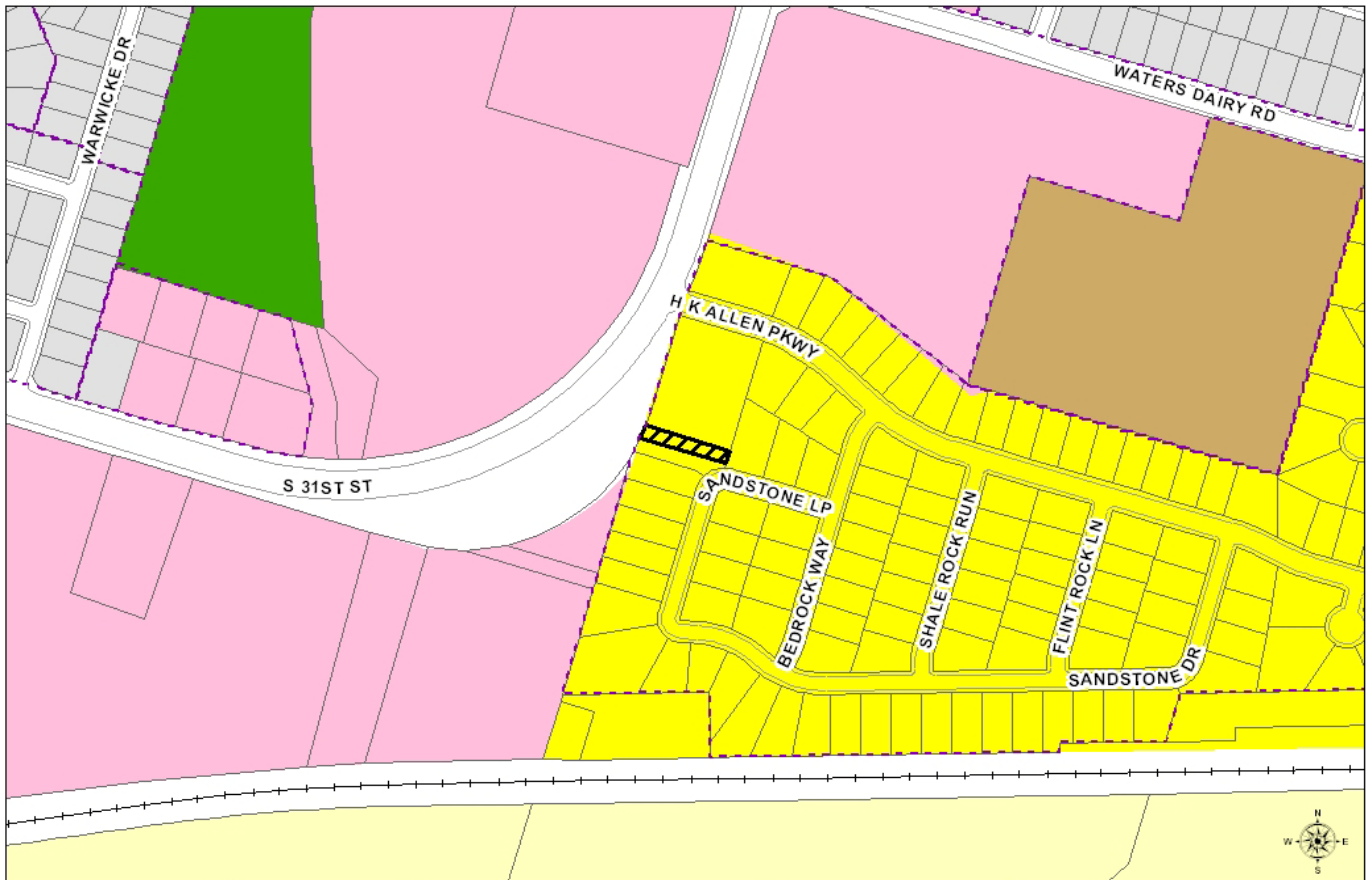
J Stone 12.01.10



Z-FY-11-10

Stonegate III, Blk 2, Lot 8

1516 Sandstone Loop



- |                       |                         |                    |                           |                                   |              |
|-----------------------|-------------------------|--------------------|---------------------------|-----------------------------------|--------------|
| Z-FY-11-10            | 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 12.01.10

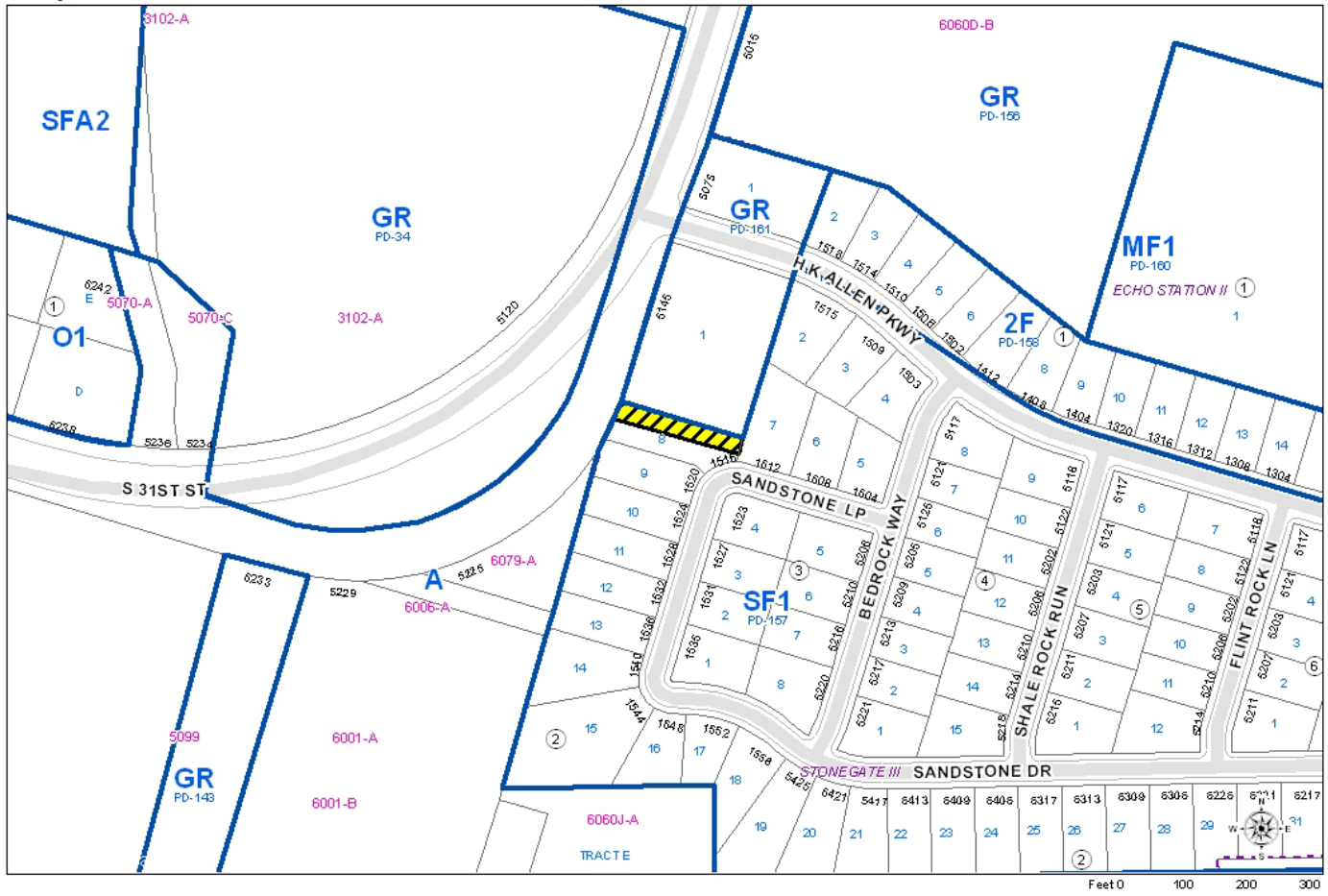




Z-FY-11-10

Stonegate III, Blk 2, Lot 8

1516 Sandstone Loop



ZFY-11-10

J Stone 12.01.10



Z-FY-11-10

Stonegate III, Blk 2, Lot 8

1516 Sandstone Loop



March 2010 Aerial

Expressway Proposed Major Arterial Minor Arterial Collector Z-FY-11-10 Current Temple Boundary  
Major Arterial Proposed K-TUTS Proposed Minor Arterial Conceptual Collector

Feet 0 100 200 300

J Stone 12.01.10



Z-FY-11-10

Stonegate III, Blk 2, Lot 8

1516 Sandstone Loop

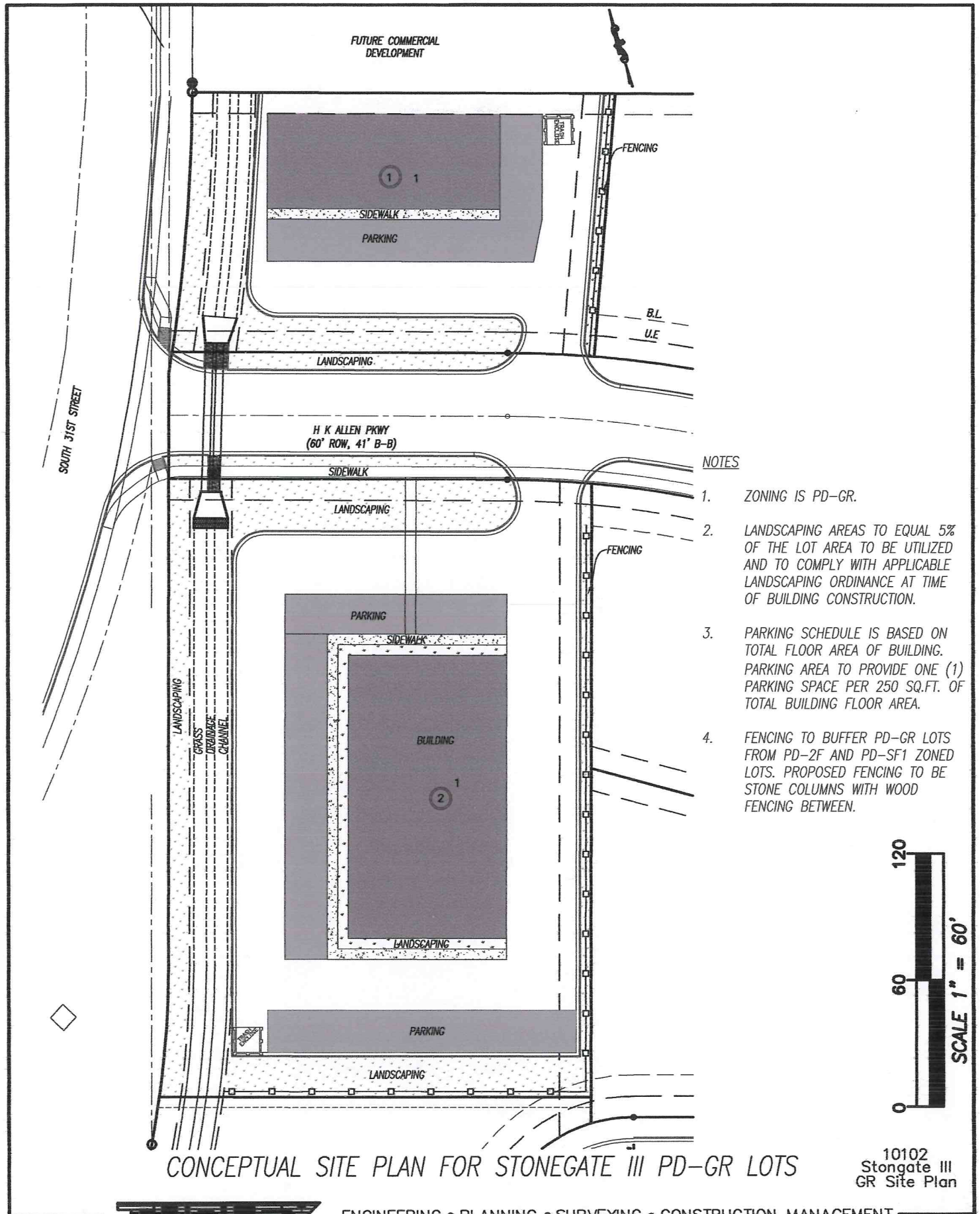


Z-FY-11-10 WATER LINE SEWER LINE

Feet 0 100 200 300

J Stone 12.01.10





#### NOTES

1. ZONING IS PD-GR.
2. LANDSCAPING AREAS TO EQUAL 5% OF THE LOT AREA TO BE UTILIZED AND TO COMPLY WITH APPLICABLE LANDSCAPING ORDINANCE AT TIME OF BUILDING CONSTRUCTION.
3. PARKING SCHEDULE IS BASED ON TOTAL FLOOR AREA OF BUILDING. PARKING AREA TO PROVIDE ONE (1) PARKING SPACE PER 250 SQ.FT. OF TOTAL BUILDING FLOOR AREA.
4. FENCING TO BUFFER PD-GR LOTS FROM PD-2F AND PD-SF1 ZONED LOTS. PROPOSED FENCING TO BE STONE COLUMNS WITH WOOD FENCING BETWEEN.



### CONCEPTUAL SITE PLAN FOR STONEGATE III PD-GR LOTS



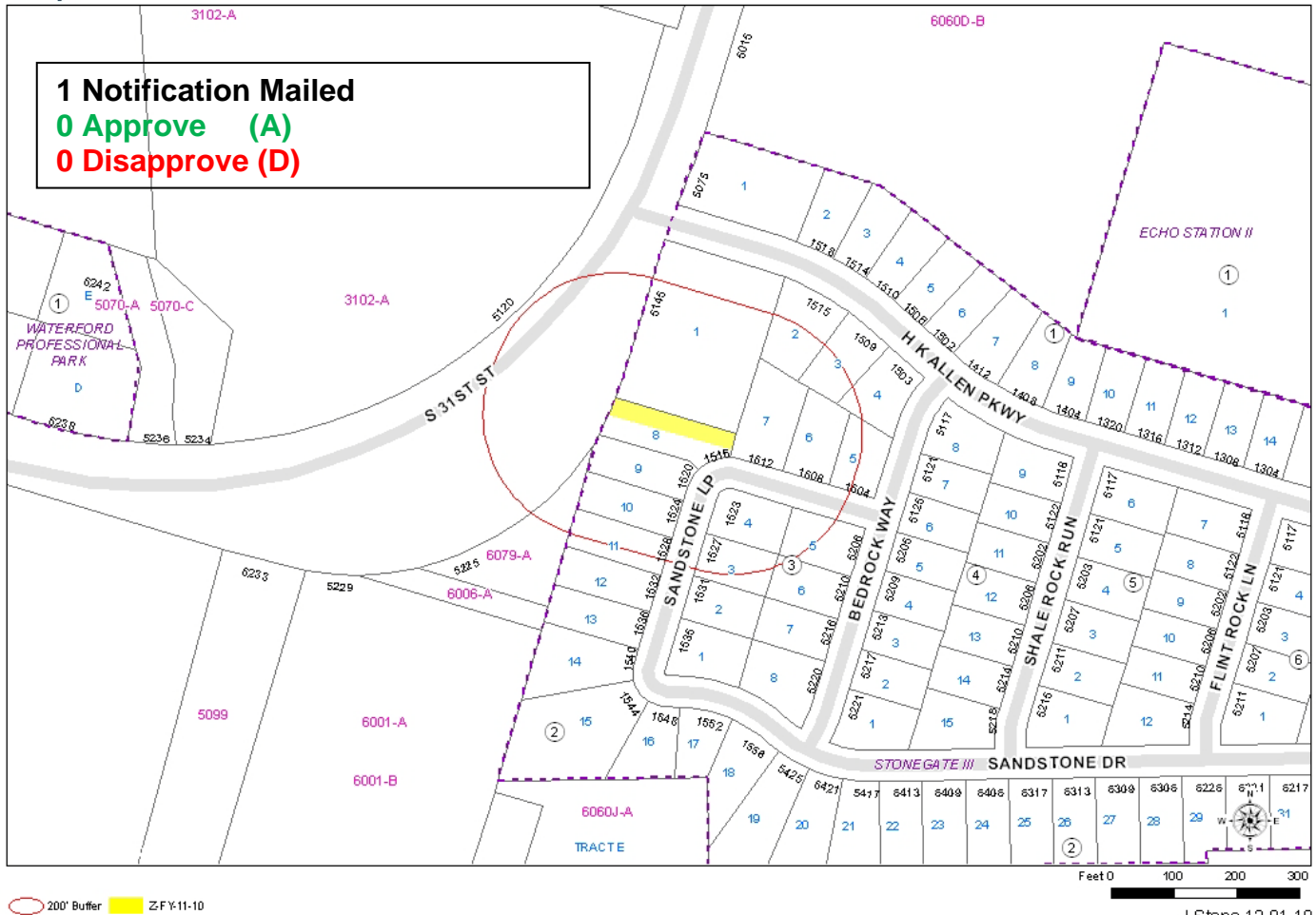
ENGINEERING • PLANNING • SURVEYING • CONSTRUCTION MANAGEMENT  
TURLEY ASSOCIATES, INC. 301 NORTH 3RD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400



Z-FY-11-10

Stonegate III, Blk 2, Lot 8

1516 Sandstone Loop





# PLANNING AND ZONING COMMISSION AGENDA ITEM

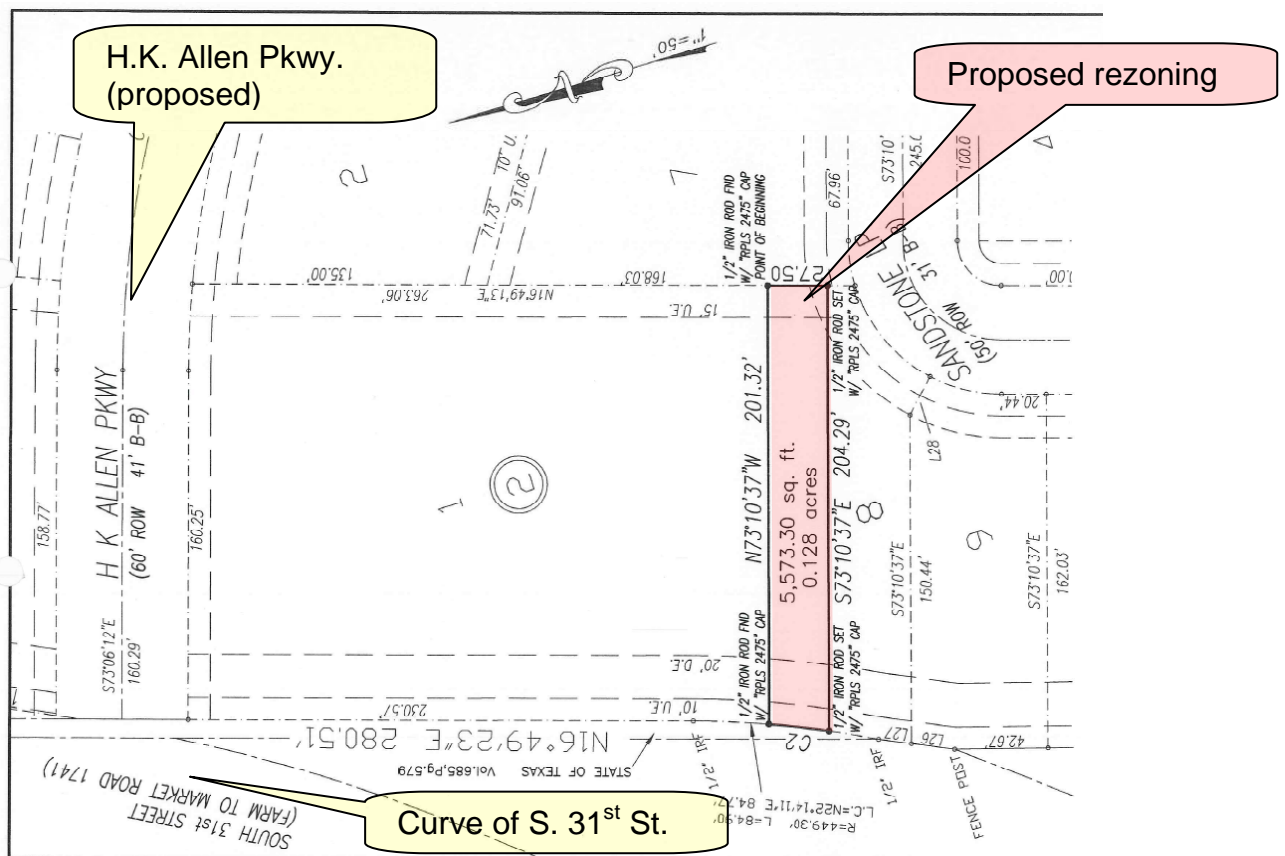
01/06/11  
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**APPLICANT / DEVELOPMENT:** Victor Turley for Carothers Homes, LLC

**CASE MANAGER:** Brian Mabry, AICP, Planning Director






**ITEM DESCRIPTION:** Z-FY-11-10 Hold a public hearing to discuss and recommend action to amend the existing Ordinance No. 2006-4090 from Planned Development Single Family One District (SF1) to Planned Development General Retail District (PD-GR) for a portion of Lot 8, Block 2, Stonegate III Addition.

**BACKGROUND:** The applicant wishes to expand the boundaries of an existing PD-GR property by approximately 27.50 feet to the south. The area of the proposed rezoning is 5,573.30 square feet. The applicant has submitted a revised binding site development plan that takes into account the proposed expansion and will take the place of the site development plan approved as part of Ordinance 2006-4090 in August 2006. The site development plan shows an approximately 7,200 square-foot building, the use of which would be limited to the uses allowed in the GR zoning district. The unbuilt residential lots to the south of the subject property will be replatted so that the existing Lot 8, as shown below, will not become an unbuildable sliver.



**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	PD-SF-1 (PD-GR proposed)	Undeveloped	
North	PD-GR	Undeveloped	
South	PD-SF-1	Undeveloped	
East	PD-SF-1	Undeveloped	
West	A	Vehicle Repair	



**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	Land Use Policy 13 - Smaller-scale neighborhood retail and service uses should be located at intersections of collector and arterial streets and at the edge of logical neighborhood areas	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    AMP = Airport Master Plan    CTMP = Citywide Trails Master Plan

**Future Land Use and Character (CP Map 3.1)**

The Future Land Use and Character Map designates the property as Suburban Residential. Staff supports the rezoning request because (1) the proposed expansion of the already existing PD-GR designation is minimal and (2) the location of the subject property at S. 31<sup>st</sup> Street and the proposed extension of H.K. Allen Parkway lends itself to a future amendment to the Future Land Use and Character Map from the suburban residential future land use and character category to the suburban commercial category.

**Land Use Policy 13**

This policy in the Comprehensive Plan recommends that smaller scale retail uses be located at the edge of residential areas. The binding site development plan for this property shows that a smaller-scale building (approximately 7,200 square feet in floor area) will be built on the property on the edge of the proposed Stonegate III subdivision. The request complies with Land Use Policy 13 of the Comprehensive Plan.

**Thoroughfare Plan (CP Map 5.2)**

The Thoroughfare Plan Map designates S. 31<sup>st</sup> Street as a Major Arterial. The request complies with the Thoroughfare Plan Map.

**Availability of Public Facilities (CP Goal 4.1)**

An 8" sewer line and an 8" water line are proposed to serve the subject property according to the Stonegate III Final Plat, approved in March 2007. As the Stonegate III subdivision develops, the developer will extend these facilities to the subject property.

**PUBLIC NOTICE:**

One notice of the Planning and Zoning Commission public hearing were sent out. As of Tuesday, December 28 at 5 PM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on December 23, 2010 in accordance with state law and local ordinance

**STAFF RECOMMENDATION:** Staff recommends approval of Z-FY-11-10, an amendment of existing Ordinance No. 2006-4090 from PD-SF-1 to PD-GR for a portion of Lot 8, Block 2, Stonegate III Addition for the following reasons:

1. The proposed expansion of the already existing PD-GR designation is minimal.

2. The location of the subject property at S. 31<sup>st</sup> Street and the proposed extension of H.K. Allen Parkway lends itself to a future amendment to the Future Land Use and Character Map from the suburban residential future land use and character category to the suburban commercial category.
3. The request complies with Land Use Policy 13 of the Comprehensive Plan.
4. The request complies with the Thoroughfare Plan Map.
5. Public facilities are scheduled to become available as the Stonegate III subdivision develops.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Aerial](#)

[Land Use and Character Map](#)

[Zoning Map](#)

[Thoroughfare Plan Map](#)

[Utility Map](#)

[Binding Site Development Plan](#)

[Notice Map](#)

[Response Letters \(if any\)](#)

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

**MONDAY, JANUARY 3, 2011**

**ACTION ITEMS**

**Item 3: Z-FY-11-10:** Hold a public hearing to discuss and recommend action to amend the existing Ordinance No. 2006-4090 from Planned Development Single Family One District (SF1) to Planned Development General Retail District (PD-GR) for a portion of Lot 8, Block 2, Stonegate III Addition. (Applicant: Victor Turley for Carothers Homes, LLC)

Ms. Tammy Lyerly, Planner, stated this was an expansion of an existing Planned Development (PD) district and was scheduled to go to City Council for first reading on January 20th with second reading and final action on February 3rd.

Purpose of the PD approved in 2006 was to expand the existing PD to General Retail (GR) to the south. This portion of land is part of a subdivision proposed at the intersection of H.K. Allen Parkway and S. 31st Street. This property is also going through a replat of the subdivision due to reconfiguration of the residential lots to the south. The applicant submitted a revised site development plan taking the proposed expansion into account and, if approved, would take the place of the site plan approved as part of Ordinance 2006-4090 approved in August 2006.

Surrounding property consists of a vehicle repair shop to the west and undeveloped land to the north, south, and east.

The Future Land Use and Character Map designates the area as Suburban Residential and Staff supports the request since the proposed expansion is an existing PD-GR designation and it is a very small area, 27 feet. This area is located at an intersection involving a major arterial (South 31st Street) making it ideal for a GR related district.

Land Use Policy 13 states smaller scaled retail uses should be located at the edge of residential areas and the site development plan shows a smaller scale building, approximately 7,200 in floor area. The property will have water and sewer available to serve the area.

Ms. Lyerly shows an amended site plan and explains the parking and landscaping locations.

One notice was mailed out and no response has been received.

Staff recommends approval of this request, an amendment to Ordinance 2006-4090 from PD-SF1 to PD-GR for the portion of Lot 8, Block 2, Stonegate III Addition, for the following reasons:



1. The proposed expansion of the already existing PD-GR designation is minimal;
2. The location of the subject property at South 31st Street and the proposed extension of H.K. Allen Parkway lends itself to a future amendment to the Future Land Use and Character Map from the suburban residential category to the suburban commercial category;
3. The request complies with Land Use Policy 13 of the Comprehensive Plan;
4. The request complies with the Thoroughfare Plan Map; and
5. Public facilities are available or scheduled to become available as the Stonegate III subdivision develops.

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

Commissioner Sears made a motion to approve **P-FY-11-10** and Commissioner Williams made a second.

*Motion passed: (6:0)*

Vice-Chair Martin and Commissioner Hurd absent.

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

[PLANNING NO. Z-FY-11-10]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING AN AMENDMENT TO ORDINANCE NO. 2006-4090 FROM PLANNED DEVELOPMENT SINGLE FAMILY ONE DISTRICT (PD-SF1) TO PLANNED DEVELOPMENT GENERAL RETAIL DISTRICT (PD-GR) FOR A PORTION OF LOT 8, BLOCK 2, STONEGATE III ADDITION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the owner of the property described as Lot 8, Block 2, Stonegate III Addition has requested an amendment to Ordinance No. 2006-4090 from Planned Development Single Family One District (PD-SF1) to Planned Development General Retail District (PD-GR) for the purpose of expanding the boundaries of an existing PD-GR property by approximately 27.50 feet to the south;

**Whereas**, on January 3, 2011, the Planning and Zoning Commission voted to approve the owner's request; and

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

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

**Part 1:** The City Council approves an amendment to Ordinance No. 2006-4090 from Planned Development Single Family One District (PF-SF1) to Planned Development General Retail District (PD-GR) for a portion of Lot 8, Block 2, Stonegate III Addition, more fully shown on Exhibit A, attached hereto and made a part hereof for all purposes.

**Part 2:** The City Council approves a revised binding site development plan that includes the expansion, attached hereto as Exhibit B, and made a part hereof for all purposes.

**Part 3:** The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

**Part 4:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **20<sup>th</sup>** day of **January**, 2011.

PASSED AND APPROVED on Second Reading on the **3<sup>rd</sup>** day of **February**, 2011.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

---

Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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01/20/11  
Item #7  
Regular Agenda  
Page 1 of 3

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

Jonathan Graham, City Attorney  
David Blackburn, City Manager

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING - Consider adopting an ordinance amending the City's Economic Development Policy ordinance to authorize the City Manager to execute certain types of Chapter 380 agreements in any of the City's Strategic Investment Zones.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for February 3, 2010.

**ITEM SUMMARY:** *Synopsis.* The proposed ordinance provides authority for: (1) the City Manager to execute Chapter 380 agreements in amounts less than \$10,000 in any of the City's Strategic Investment Zones—including agreements in the City's existing three SIZ incentive zones (South 1<sup>st</sup>, Avenue G/H & North 3<sup>rd</sup>) which up to now required City Council action; and (2) makes certain other minor technical corrections to the City's Economic Development Policy Ordinance.

### **Background information relating to "Chapter 380 Agreements."**

The Texas Constitution provides that all expenditures of public funds by cities must serve a "public purpose." Prior to 1987, cities were prohibited from spending public funds in a manner that benefited private businesses directly. In 1987, voters approved a constitutional amendment that provided that grants of public monies for economic development purposes was in fact a "public purpose." Two years later the Texas Legislature adopted Chapter 380 of the Local Government Code which expressly provided that cities may adopt programs "making loans and grants of public money and providing personnel and services of the municipality, to promote State or local economic development. In other words, a city can adopt an economic development policy that makes provision for making grants of public funds, loans of public funds, or even providing personnel and services of city personnel to promote economic development. The granting of public funds is broad enough to include selling city-owned property for less than fair market value or even to gift public property to promote economic development.

The City of Temple amended its economic development policy in the early 1990s to implement Chapter 380 at the local level. Article III, Section B, of our policy provides in part that "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.” To guide applicants, Staff and future City Councils Article III, Section B provides a matrix chart that outlines the minimum required investment in new real property value and job creation that is required to receive a Chapter 380 grant. Section B sets out a slightly lower threshold for the Downtown area, but the required investment is still quite substantial:

Outside of the Downtown area: to get a Chapter 380 agreement with a grant or value of up to \$150,000, the applicant must be investing in not less than \$7.5 million in real property improvements and creating not less than 125 new jobs

Within the Downtown area, the limits are far lower but still lack flexibility: to get a Chapter 380 grant of up to \$6,000, the applicant must agree to not less than \$70,000 in real property improvements and the creation of not less than 3 new jobs.

Over the past three years, the City Council has adopted SIZ incentive ordinances for three of its SIZ corridors:

The **South 1<sup>st</sup> Street SIZ** corridor (which runs from Adams to South Loop 363 and includes a portion of the Downtown area and includes portions of South 5<sup>th</sup> Street, Main Street and South 2<sup>nd</sup> Street);

The **Avenue G/H SIZ** corridor (which runs from South 1<sup>st</sup> Street to South 25<sup>th</sup> Street and includes portions of Avenue F, G, H & I)

The **North 3<sup>rd</sup> Street SIZ** corridor (which runs from is made up of two areas centered on North 3<sup>rd</sup> Street—Area A runs from Central to Houston and includes portions of North 7<sup>th</sup>, North 5<sup>th</sup> and Main Street and Area B runs from Monroe to Industrial)

These ordinances authorized Chapter 380 agreements in each of those areas following a slightly different approach by capping grants at a certain amount depending upon categories of improvements that we are trying to encourage in each of these areas (e.g., façade replacement, monument signs, sidewalks or landscaping) and requiring a 50% matching contribution by the applicant.

In discussions with the City Manager, a lack of flexibility in how we use Chapter 380 agreements has prevented us from addressing potential win-win investments the past three years in some of other SIZ corridors that lack a specific SIZ incentive ordinance. For example, a prospect wishing to making an investment on Loop 363 or I-35 (which lacks a SIZ incentive ordinance) might have been encouraged to make site improvements which exceed the City’s minimum standards to improve the appearance of a gateway into the City if the City offered a Chapter 380 matching grant agreement to cover a portion of that increased cost.

Given the success we've enjoyed in our three SIZ incentive zones in the past year, the Staff is proposing the following changes to our economic development ordinance (which will also impact our three existing SIZ incentive zones (South 1<sup>st</sup>, Avenue G/H and North 3<sup>rd</sup>) ordinances:

1. A grant of authority to the City Manager to execute Chapter 380 SIZ incentive agreements up to **\$25,000** on property within any of the SIZ incentive ordinances (currently in existence or hereafter created by the City Council) after approval as to form by the City Attorney based on the criteria and guidelines established by those respective SIZ incentive ordinances. Chapter 380 SIZ incentive agreements over \$25,000 in contributions by the City would still require City Council approval. Tax abatement agreements authorized by those SIZ incentive ordinances would still require City Council approval as required by State law.
2. A grant of authority to the City Manager to approve Chapter 380 agreements **up to \$10,000** in any of the City's ten SIZ corridors after approval as to form by the City Attorney. In SIZ corridors that lack a SIZ incentive ordinance, the agreements would be individually negotiated. In SIZ corridors that have SIZ incentive ordinances, a Chapter 380 agreement could vary from the basic terms of the SIZ incentive ordinance for that corridor if the City Manager determined that it was in the City's best interest to do so.
3. A grant of authority to the City Manager to approve Chapter 380 agreements **up to \$7,500** for areas outside any of the SIZ corridors after approval as to form by the City Attorney.

To summarize the proposed changes, within SIZ corridors with SIZ incentive ordinances, the City Manager would be able to execute Chapter 380 agreements that provide grants of up to \$25,000 on projects that meet the technical requirements spelled out in the respective SIZ incentive ordinance without bringing that item to the City Council for approval. If the proposed Chapter 380 agreement is for property in a SIZ corridor that lacks a SIZ incentive ordinance, or for property within a SIZ corridor that has a SIZ incentive ordinance but the proposed Chapter 380 agreement varies from the literal terms of that ordinance, the City Manager could approve an agreement up to \$10,000 in public funds without bringing the item to the City Council for consideration. Finally, in areas outside any of the SIZ corridors, the City Manager would have authority to approve Chapter 380 agreements up to \$7,500.

**FISCAL IMPACT:** The proposed funding for any Chapter 380 agreement authorized by the City Manager would be out of the annual appropriation the City Council makes each year in the budget for SIZ Chapter 380 agreements. That level of funding has been \$85,000 per year for the past four years. Any authorization to the City Manager to approve Chapter 380 agreements is subject to that annual appropriation of funds by the City Council.

**ATTACHMENTS:**

Ordinance – to be provided



## **COUNCIL AGENDA ITEM MEMORANDUM**

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01/20/11  
Item #8  
Regular Agenda  
Page 1 of 2

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

Traci L. Barnard, Director of Finance

**ITEM DESCRIPTION:** FIRST & FINAL READING-PUBLIC HEARING- Consideration and action with respect to an Ordinance authorizing the issuance of City of Temple, Texas General Obligation Refunding Bonds, Series 2011; approving an Official Statement, a Paying Agent/Registrar Agreement, a Bond Purchase Agreement and an Escrow Agreement; Establishing the procedures for selling and delivering the bonds; and authorizing other matters relating to the bonds.

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

**ITEM SUMMARY:** This item is to delegate authority to the Director of Finance and City Manager to determine which of the Refundable Obligations shall be refunded and finalize pricing within parameters defined in the attached ordinance in a principal amount not to exceed \$45,000,000\*. This delegation of authority will allow the City to obtain the most advantageous borrowing costs in order to achieve a debt service savings.

The \$45,000,000\* of General Obligation Refunding Bonds will be used to refund all or a portion of the following bond issues:

- Waterworks and Sewer System Revenue Bonds, Series 2002
- Combination Tax and Revenue Certificates of Obligations, Series 2002
- Combination Tax and Revenue Certificates of Obligations, Series 2003
- General Obligation Refunding and Improvements Bonds, Series 2003
- General Obligation Refunding Bonds, Series 2005
- Combination Tax and Revenue Certificates of Obligations, Series 2006
- Tax and Revenue Certificates of Obligations, Series 2008
- Combination Tax and Revenue Certificates of Obligations, Series 2008A
- General Obligation Bonds, Series 2008
- General Obligation Bonds, Series 2009
- General Obligation Refunding Bonds, Series 2009

**\*All bonds that are to be considered for refunding are listed. Market conditions will determine which bonds will actually be refunded on the day of pricing.**



Ratings for the bonds have been applied for with Standard & Poors. The ratings will be published prior to the pricing and sale of the bonds. The date and method by which the refunded obligations will be issued, sold, and delivered will be determined to achieve the most advantageous borrowing costs for the City.

The City's Financial Advisor, Specialized Public Finance Inc., and bond council, McCall, Parkhurst & Horton, L.L.P, will be present at the time of sale to review the parameters and details with Council.

Specialized Public Finance Inc, will return at a date to be determined to brief City Council on the sales results.

**FISCAL IMPACT:** Refunded Obligations will be refunded, all or a portion, in order to achieve a net present value debt service savings of not less than 3% of the principal amount of the Refunded Obligations net of any City contribution.

**ATTACHMENTS:**

[Ordinance](#)

**ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF TEMPLE, TEXAS  
GENERAL OBLIGATION REFUNDING BONDS, SERIES 2011; APPROVING AN  
OFFICIAL STATEMENT, A PAYING AGENT/REGISTRAR AGREEMENT, A BOND  
PURCHASE AGREEMENT AND AN ESCROW AGREEMENT; ESTABLISHING THE  
PROCEDURES FOR SELLING AND DELIVERING THE BONDS; AND  
AUTHORIZING OTHER MATTERS RELATING TO THE BONDS**

**Adopted January 20, 2011**

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**ORDINANCE NO. 2011-\_\_\_\_\_**

**ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF TEMPLE, TEXAS  
GENERAL OBLIGATION REFUNDING BONDS, SERIES 2011; APPROVING AN  
OFFICIAL STATEMENT, A PAYING AGENT/REGISTRAR AGREEMENT, A BOND  
PURCHASE AGREEMENT AND AN ESCROW AGREEMENT; ESTABLISHING THE  
PROCEDURES FOR SELLING AND DELIVERING THE BONDS; AND  
AUTHORIZING OTHER MATTERS RELATING TO THE BONDS**

---

**THE STATE OF TEXAS  
COUNTY OF BELL  
CITY OF TEMPLE**

**§  
§  
§**

**WHEREAS**, the City of Temple, Texas (the "City") has previously issued several series of obligations payable from ad valorem taxes:

City of Temple, Texas Combination Tax and Revenue Certificates of Obligation, Series 2002 (the "Series 2002 Certificates");

City of Temple, Texas Combination Tax and Revenue Certificates of Obligation, Series 2003 (the "Series 2003 Certificates");

City of Temple, Texas General Obligation Refunding and Improvement Bonds, Series 2003 (the "Series 2003 Bonds");

City of Temple, Texas General Obligation Refunding Bonds, Series 2005 (the "Series 2005 Bonds");

City of Temple, Texas Combination Tax and Revenue Certificates of Obligation, Series 2006 (the "Series 2006 Certificates");

City of Temple, Texas Tax and Revenue Certificates of Obligation, Series 2008 (the "Series 2008 Certificates");

City of Temple, Texas Combination Tax and Revenue Certificates of Obligation, Series 2008A (the "Series 2008A Certificates");

City of Temple, Texas General Obligation Bonds, Series 2008 (the "Series 2008 Bonds");

City of Temple, Texas General Obligation Bonds, Series 2009 (the "Series 2009 Bonds"); and

City of Temple, Texas General Obligation Refunding Bonds, Series 2009 (the "Series 2009 Refunding Bonds").

**WHEREAS**, the City Council of the City deems it advisable and in the best interest of the City to refund the Refunded Obligations, as defined in Exhibit "A" attached hereto, in order to achieve a net present value debt service savings of not less than 3% of the principal amount of the Refunded Obligations net of any City contribution with such savings, among other information and terms to be included in a pricing certificate to be executed by the Pricing Officer, all in accordance with the provisions of Chapter 1207, including 1207.007, of the Texas Government Code thereof; and

**WHEREAS**, Chapter 1207, Texas Government Code, as amended ("Chapter 1207") authorizes the City to issue refunding bonds and to deposit the proceeds from the sale thereof together with any other available funds or resources, directly with a place of payment (paying agent) for the Refunded Obligations or with a trust company or commercial bank that does not act as depository for the City, and such deposit, if made before such payment dates, shall constitute the making of firm banking and financial arrangements for the discharge and final payment of the Refunded Obligations; and

**WHEREAS**, Chapter 1207 further authorizes the City to enter into an escrow agreement with a paying agent for the Refunded Obligations or with a trust company or commercial bank that does not act as depository for the City with respect to the safekeeping, investment, reinvestment, administration and disposition of any such deposit, upon such terms and conditions as the City and such escrow agent may agree, provided that such deposits may be invested and reinvested in Defeasance Securities, as defined herein; and

**WHEREAS**, the Escrow Agreement hereinafter authorized, constitutes an agreement of the kind authorized and permitted by said Chapter 1207; and

**WHEREAS**, all the Refunded Obligations mature or are subject to redemption prior to maturity within 20 years of the date of the bonds hereinafter authorized: and

**WHEREAS**, the Bonds authorized by this Ordinance are being issued and delivered pursuant to the City Charter and Chapter 1207 of the Texas Government Code, as amended, and other applicable laws: and

**WHEREAS**, it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place and purpose of the meeting was given, all as required by Chapter 551, Texas Government Code.



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

**Section 1. RECITALS.** The recitals set forth in the preamble hereof are incorporated herein and shall have the same force and effect as if set forth in this Section.

**Section 2. DEFINITIONS.** For all purposes of this Ordinance, except as otherwise expressly provided or unless the context otherwise requires, the terms defined in Exhibit "A" to this Ordinance have the meanings assigned to them in Exhibit "A".

**Section 3. AMOUNT, NAME, PURPOSE, AND AUTHORIZATION.** The Bonds, each to be designated the "**CITY OF TEMPLE, TEXAS GENERAL OBLIGATION REFUNDING BONDS, SERIES 2011**", is hereby authorized to be issued and delivered in accordance with the Constitution and laws of the State of Texas, particularly Chapter 1207, Texas Government Code, as amended, and the Charter of the City. The Bonds shall be issued in the aggregate principal amount not to exceed \$45,000,000 for the purpose of providing funds for (i) refunding the Refunded Obligations and (ii) paying the costs of issuing the Bonds.

**Section 4. DATE, DENOMINATION, MATURITIES, NUMBERS, INTEREST AND REDEMPTION.** (a) Initially there shall be issued, sold, and delivered hereunder fully registered bonds, without interest coupons, which may be in the form of Current Interest Bonds or Premium Compound Interest Bonds, numbered consecutively from R-1 upward, in the case of Current Interest Bonds, and from PC-1 upward, in the case of Premium Compound Interest Bonds (except the Initial Bond delivered to the Attorney General of the State of Texas which shall be numbered T-1 and TPC-1 respectively) payable to the respective initial Registered Owners thereof, or to the registered assignee or assignees of said Bonds or any portion or portions thereof, in Authorized Denominations, maturing not later than August 1, 2023, serially or otherwise on the dates, in the years and in the principal amounts, respectively, and dated, as all set forth in the Pricing Certificate to be executed and delivered by the Pricing Officer pursuant to subsection (b) of this section. The Pricing Certificate is hereby incorporated in and made a part of this Ordinance. The Bonds shall be designated by the year in which they are awarded. The authority of the Pricing Officer to execute a Pricing Certificate shall expire at 5:00 p.m. on July 20, 2011. Bonds priced on or before July 20, 2011 may close after such date.

(b) As authorized by Chapter 1207.007, Texas Government Code, as amended, the Pricing Officer is hereby authorized to act on behalf of the City in selling and delivering the Bonds, determining which of the Refundable Obligations shall be refunded and constitute Refunded Obligations under this Ordinance and carrying out the other procedures specified in this Ordinance, including determining the date of the Bonds, any additional or different designation or title by which the Bonds shall be known, the price at which the Bonds will be sold, the years in which the Bonds will mature, the principal amount to mature in each of such years, the aggregate principal amount of Current Interest Bonds and Premium Compound Interest Bonds, the rate of interest to be borne by each such maturity, the interest payment periods, the dates, price, and terms upon and at which the

Bonds shall be subject to redemption prior to maturity at the option of the City, as well as any mandatory sinking fund redemption provisions, and all other matters relating to the issuance, sale, and delivery of the Bonds and the refunding of the Refunded Obligations, all of which shall be specified in the Pricing Certificate; provided that (i) the price to be paid for the Bonds shall not be less than 90% of the aggregate original principal amount thereof plus accrued interest thereon from its date to its delivery, (ii) none of the Bonds shall bear interest at a rate, or yield in the case of Premium Compound Interest Bonds, greater than the maximum authorized by law, and (iii) the refunding must produce a net present value debt service savings of at least 3% of the principal amount of the Refunded Obligations, net of any City contribution. In establishing the aggregate principal amount of the Bonds, the Pricing Officer shall establish an amount not to exceed the amount authorized in Section 3, which shall be sufficient to provide for the purposes for which the Bonds are authorized and to pay the costs of issuing the Bonds.

(c) To achieve advantageous borrowing costs for the City, the Bonds shall be sold on a negotiated, placement or competitive basis as determined by the Pricing Officer in the Pricing Certificate. In determining whether to sell the Bonds by negotiated, placement or competitive sale, the Pricing Officer shall take into account any material disclosure issues which might exist at the time, the market conditions expected at the time of the sale and any other matters which, in the judgment of the Pricing Officer, might affect the net borrowing costs on the Bonds.

If the Pricing Officer determines that the Bonds should be sold at a competitive sale, the Pricing Officer shall cause to be prepared a notice of sale and official statement in such manner as the Pricing Officer deems appropriate, to make the notice of sale and official statement available to those institutions and firms wishing to submit a bid for the Bonds, to receive such bids, and to award the sale of the Bonds to the bidder submitting the best bid in accordance with the provisions of the notice of sale.

If the Pricing Officer determines that the Bonds should be sold by a negotiated sale or placement, the Pricing Officer shall designate the placement purchaser or the senior managing underwriter for the Bonds and such additional investment banking firms as the Pricing Officer deems appropriate to assure that the Bonds are sold on the most advantageous terms to the City. The Pricing Officer, acting for and on behalf of the City, is authorized to enter into and carry out a Bond Purchase Contract or other agreement for the Bonds to be sold by negotiated sale or placement, with the underwriters or placement purchasers at such price, with and subject to such terms as determined by the Pricing Officer pursuant to Section 3(b) above. Each Bond Purchase Contract or other agreement shall be substantially in the form and substance previously approved by the City in connection with the authorization of ad valorem tax debt with such changes as are acceptable to the Pricing Officer.

(d) The Current Interest Bonds shall bear interest calculated on the basis of a 360-day year composed of twelve 30-day months from the dates specified in the FORM OF BONDS set forth in this Ordinance to their respective dates of maturity or redemption at the rates per annum set forth in the Pricing Certificate.

The Premium Compound Interest Bonds shall bear interest from the Issuance Date, calculated on the basis of a 360-day year composed of twelve 30-day months (subject to rounding to the Compounded Amounts thereof), compounded on the Compounding Dates as set forth in the Pricing Certificate, and payable, together with the principal amount thereof, in the manner provided in the Form of Bonds at the rates set forth in the Pricing Certificate. Attached to the Pricing Certificate, if Premium Compound Interest Bonds are to be issued, shall be the Accretion Table. The Accreted Value with respect to any date other than a Compounding Date is the amount set forth on the Accretion Table with respect to the last preceding Compounding Date, plus the portion of the difference between such amount and the amount set forth on the Accretion Table with respect to the next succeeding Compounding Date that the number of days (based on 30-day months) from such last preceding Compounding Date to the date for which such determination is being calculated bears to the total number of days (based on 30-day months) from such last preceding Compounding Date to the next succeeding Compounding Date.

**Section 5. REDEMPTION.** (a) Right of Redemption. The City reserves the right, at its option, to redeem the Bonds as set forth in the FORM OF BOND and the Pricing Certificate. The City, at least thirty (30) days before the date of any optional redemption, shall notify the Paying Agent/Registrar of such redemption date and of the amount and maturity of the Bonds to be redeemed.

(b) Notice of Redemption to Bondholder. The Paying Agent/Registrar shall give notice of any redemption of the Bonds by sending notice by first class United States mail, postage prepaid, not less than twenty (20) days before the date fixed for redemption, to the Bondholder at the address shown in the Register. The notice shall state among other things, the redemption date, the redemption price, the place at which the Bonds are to be surrendered for payment, and that the Bonds so called for redemption shall cease to bear interest after the redemption date. Any notice given as provided in this Section shall be conclusively presumed to have been duly given, whether or not the Bondholder receives such notice. With respect to any optional redemption of the Bonds, unless certain prerequisites to such redemption required by or this Ordinance have been met and moneys sufficient to pay the principal of and premium, if any, and interest on the Bonds to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice shall state that said redemption may, at the option of the City, be conditional upon the satisfaction of such prerequisites and receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon any prerequisite set forth in such notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Bonds have not been redeemed.

(c) Effect of Redemption. Notice of redemption having been given as provided in this Section, the Bonds called for redemption shall become due and payable on the date fixed for redemption and, unless the City defaults in the payment of the principal thereof or accrued interest thereon, such Bonds thereof shall cease to bear interest from and after the date fixed for redemption, whether or not such Bond is presented and surrendered for payment on such date. If the Bonds

thereof called for redemption are not so paid upon presentation and surrender thereof for redemption, such Bonds thereof shall continue to bear interest at the rate stated on the Bond until paid or until due provision is made for the payment of same.

(d) Conditional Notice of Redemption. With respect to any optional redemption of the Bonds, unless certain prerequisites to such redemption required by this Ordinance have been met and moneys sufficient to pay the principal of the premium, if any, and interest on the Bonds to be redeemed shall have been received by the Paying Agent prior to the giving of such notice of redemption, such notice shall state that said redemption may, at the option of the City, be conditional upon the satisfaction of such prerequisites and receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon any prerequisite set forth in such notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Bonds have not been redeemed.

**Section 6. CHARACTERISTICS OF THE BONDS.** (a) Registration, Transfer, Conversion and Exchange; Authentication. The City shall keep or cause to be kept at The Bank of New York Mellon Trust Company, N.A., Dallas, Texas (the "Paying Agent/Registrar") books or records for the registration of the transfer, conversion and exchange of the Bonds (the "Register"), and the City hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such Bonds or records and make such registrations of transfers, conversions and exchanges under such reasonable regulations as the City and Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such registrations, transfers, conversions and exchanges as herein provided within three days of presentation in due and proper form. The Paying Agent/Registrar shall obtain and record in the Register the address of the Registered Owner of each Bond to which payments with respect to the Bond shall be mailed, as herein provided; but it shall be the duty of each Registered Owner to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. The City shall have the right to inspect the Register during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Register confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. The Paying Agent/Registrar shall make a copy of the Register available in the State of Texas. The City shall pay the Paying Agent/Registrar's standard or customary fees and charges for making such registration, transfer, conversion, exchange and delivery of a substitute Bond. Registration of assignments, transfers, conversions and exchanges of Bonds shall be made in the manner provided and with the effect stated in the FORM OF BOND set forth in this Ordinance. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond.

Except as provided in subsection (c) hereof, an authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Bond, date and manually sign the Bond, and no such Bond shall be deemed to be issued or outstanding unless such Bond is so executed. The Paying Agent/Registrar promptly shall cancel all paid Bonds and Bonds surrendered for conversion and exchange. No additional ordinances, orders, or resolutions need be passed or adopted by the City

Council or any other body or person so as to accomplish the foregoing conversion and exchange of any Bond or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Bond in the manner prescribed herein, and the Bonds shall be typewritten, photocopied, printed, lithographed, engraved or produced in any other similar manner, all as determined by the officers executing such bond as evidenced by their execution thereof. Pursuant to Chapter 1201, Texas Government Code, as amended, and particularly Subchapter D thereof, the duty of conversion and exchange of Bonds as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of the Bonds, the converted and exchanged Bond shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Bond which initially was issued and delivered pursuant to this Ordinance, approved by the Attorney General, and registered by the Comptroller of Public Accounts.

(b) Payment of Principal and Interest. The City hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Bond, all as provided in this Ordinance and in the Pricing Certificate. The Paying Agent/Registrar shall keep proper records of all payments made by the City and the Paying Agent/Registrar with respect to the Bond, and of all conversions and exchanges of Bonds, and all replacements of Bonds, as provided in this Ordinance. However, in the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five (5) Business Days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each Registered Owner appearing on the Register at the close of business on the last Business Day next preceding the date of mailing of such notice.

(c) In General. The Bonds (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Bonds to be payable only to the Registered Owner, (ii) may be transferred and assigned, (iii) may be converted and exchanged for another Bond, (iv) shall have the characteristics, (v) shall be signed, sealed, executed and authenticated, (vi) shall be payable as to principal and interest and (vii) shall be administered and the Paying Agent/Registrar and the City shall have certain duties and responsibilities with respect to the Bonds, all as provided, and in the manner and to the effect as required or indicated, in the Pricing Certificate and the FORM OF BONDS set forth in this Ordinance. The Bond initially issued and delivered pursuant to this Ordinance is not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each substitute Bond issued in exchange for any Bond issued under this Ordinance the Paying Agent/Registrar shall execute the PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE, in the form set forth in the FORM OF BONDS. On the closing date, the initial Bond representing the entire principal amount of the Bonds, payable to the underwriter, executed by manual or facsimile signature of the Mayor and City Secretary, approved by the Attorney General of Texas, and registered and manually signed by the Comptroller of Public Accounts of the State of Texas, and with the date of delivery inserted thereon by the Paying Agent/Registrar, will be delivered to the underwriter.

(d) Substitute Paying Agent/Registrar. The City covenants with the Registered Owners of the Bonds that at all times while the Bonds are outstanding the City will provide a competent and legally qualified bank, trust company, financial institution, or other agency to act as and perform the services of Paying Agent/Registrar for the Bonds under this Ordinance, and that the Paying Agent/Registrar will be one entity. The City reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than 30 days written notice to the Paying Agent/Registrar, to be effective at such time which will not disrupt or delay payment on the next principal or interest payment date after such notice. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the City covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Register (or a copy thereof), along with all other pertinent Bonds and records relating to the Bonds, to the new Paying Agent/Registrar designated and appointed by the City. Upon any change in the Paying Agent/Registrar, the City promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each Registered Owner of the Bonds, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

(e) Book-Entry-Only System. The Bonds issued in exchange for the Bonds initially issued as provided in Section 6(i) shall be issued in the form of a separate single fully registered Bond for each of the maturities thereof registered in the name of Cede & Co., as nominee of the Depository Trust Company of New York ("DTC") and except as provided in subsection (f) hereof, all of the outstanding Bonds shall be registered in the name of Cede & Co., as nominee of DTC.

With respect to Bonds registered in the name of Cede & Co., as nominee of DTC, the City and the Paying Agent/Registrar shall have no responsibility or obligation to any securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC participants (the "DTC Participant") or to any person on behalf of whom such a DTC Participant holds an interest in the Bonds. Without limiting the immediately preceding sentence, the City and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede&Co. Or any DTC Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any DTC Participant or any other person, other than a Registered Owner, as shown on the Registration Books, of any notice with respect to the Bonds, or (iii) the payment to any DTC Participant or any person, other than a Registered Owner, as shown in the Registration Books of any amount with respect to principal of or interest on the Bonds. Notwithstanding any other provision of this Ordinance to the contrary, but to the extent permitted by law, the City and the Paying Agent/Registrar shall be entitled to treat and consider the person whose name each Bond is registered in the registration Books as the absolute owner of such Bond for the purpose of payment of principal of and interest, with respect to such Bond, for the purposes of registering transfers with respect to such Bond, and for all other purposes of registering transfers

with respect to such Bonds, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of and interest on the Bonds only to or upon the order of the respective Registered Owners, as shown in the Registration Books as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payment of principal of and interest on the Bonds to the extent of the sum or sums so paid. No person other than a Registered Owner, as shown in the Registration Books, shall receive a Bond evidencing the obligation of the City to make payments of principal, and interest pursuant to this Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks being mailed to the registered owner at the close of business on the Record Date the word "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

(f) Successor Securities Depository; Transfer Outside Book-Entry-Only System. In the event that the City determines to discontinue the book-entry system through DTC or a successor or DTC determines to discontinue providing its services with respect to the Bonds, the City shall either (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants of the availability through DTC of Bonds and transfer one or more separate Bonds to DTC Participants having Bonds credited to their DTC accounts. In such event, the Bonds shall no longer be restricted to being registered in the Registration Books in the name of Cede & Co., as nominee of DTC, but shall be registered in the name of the successor securities depository, or its nominee, or in whatever name or names the Registered Owner transferring or exchanging Bonds shall designate, in accordance with the provisions of this Ordinance.

(g) Payments to Cede & Co. Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, in the manner provided in the Letter of Representations of the City to DTC.

(h) DTC Blanket Letter of Representations. The City confirms execution of a Blanket Letter of Representations with DTC establishing the Book-Entry-Only System which will be utilized with respect to the Bonds.

(i) Cancellation of Initial Bond. On the Closing Date, one initial Bond representing the entire principal amount of the Bonds, payable in stated installments to the order of the underwriter of the Bonds or its designee, executed by manual or facsimile signature of the Mayor and City Secretary, approved by the Attorney General of Texas, and registered and manually signed by the Comptroller of Public Accounts of the State of Texas, will be delivered to such underwriter or its designee. Upon payment for the initial Bond, the Paying Agent/Registrar shall cancel the initial Bond and deliver to DTC or the Paying Agent/Registrar on behalf of such underwriter one registered definitive Bond for each year of maturity of the Bonds, in the aggregate principal amount of all the Bonds for such maturity.



**Section 7. FORM OF BONDS.** The form of the Bonds, including the form of Paying Agent/Registrar's Authentication Certificate, the form of Assignment, and the form of Registration Certificate of the Comptroller of Public Accounts of the State of Texas to be attached to the Bonds initially issued and delivered pursuant to this Ordinance shall be, respectively, substantially as follows, with such appropriate variations, omissions, or insertions as are permitted or required by this Ordinance.

**FORM OF BONDS**

(All blanks and any appropriate or necessary insertions or deletions, to be completed as determined by the Pricing Officer in the Pricing Certificate)

<b>R-</b>	<b>UNITED STATES OF AMERICA</b> <b>STATE OF TEXAS</b> <b>CITY OF TEMPLE, TEXAS</b> <b>GENERAL OBLIGATION REFUNDING BOND, SERIES 2011</b>	<b>PRINCIPAL</b> <b>AMOUNT</b> <b>\$ _____</b>
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**[FORM OF FIRST PARAGRAPHS OF CURRENT INTEREST BONDS]**

<b><u>INTEREST RATE</u></b>	<b><u>MATURITY DATE</u></b>	<b><u>DATE OF BOND</u></b>	<b><u>CUSIP NO.</u></b>
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**REGISTERED OWNER:**

**PRINCIPAL AMOUNT:** \_\_\_\_\_ **DOLLARS**

**ON THE MATURITY DATE** specified above, the **CITY OF TEMPLE, TEXAS** (the "Issuer"), being a political subdivision and municipal corporation of the State of Texas, hereby promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), the Principal Amount specified above, and to pay interest thereon (calculated on the basis of a 360-day year of twelve 30-day months) from \_\_\_\_\_, \_\_\_\_\* at the Interest Rate per annum specified above, payable on \_\_\_\_\_, \_\_\_\_\*, and semiannually on each \_\_\_\_\_\* and \_\_\_\_\_\* thereafter to the Maturity Date specified above, or the date of redemption prior to maturity; except that if this Bond is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such Principal Amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest

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\*\*As provided in the Pricing Certificate. To the extent that the Pricing Certificate relating to the Bonds is inconsistent with any provisions in this Form of Bond or contains information to complete missing information in this Form of Bond, the language in the Pricing Certificate shall be used in the executed Bonds.

payment date; provided, however, that if on the date of authentication hereof the interest on the Bond or Bonds, if any, for which this Bond is being exchanged is due but has not been paid, then this Bond shall bear interest from the date to which such interest has been paid in full. Notwithstanding the foregoing, during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, any payment to the securities depository, or its nominee or registered assigns, shall be made in accordance with existing arrangements between the Issuer and the securities depository.

**THE PRINCIPAL OF AND INTEREST ON** this Bond are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Bond shall be paid to the Registered Owner hereof upon presentation and surrender of this Bond at maturity or upon the date fixed for its redemption prior to maturity, at the designated office for payment of The Bank of New York Mellon Trust Company, Dallas, Texas which is the "Paying Agent/Registrar" for this Bond. The payment of interest on this Bond shall be made by the Paying Agent/Registrar to the Registered Owner hereof on each interest payment date by check, dated as of such interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the Issuer required by the Ordinance authorizing the issuance of this Bond (the "Bond Ordinance") to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the Registered Owner hereof, at its address as it appeared on the last business day of the month next preceding each such date (the "Record Date") on the Registration Books kept by the Paying Agent/Registrar, as hereinafter described. In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar if and when funds for the payment of such interest have been received from the Issuer. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date" which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first class, postage prepaid, to the address of each Registered Owner appearing on the Registration Books of the Paying Agent/Registrar at the close of business on the last business day next preceding the date of mailing of such notice. Any accrued interest due upon the redemption of this Bond prior to maturity as provided herein shall be paid to the Registered Owner upon presentation and surrender of this Bond for redemption and payment at the principal office for payment of the Paying Agent/Registrar (unless the redemption date is a regularly scheduled interest payment date, in which case accrued interest on such redeemed Bonds shall be payable in the regular manner described above). The Issuer covenants with the Registered Owner of this Bond that on or before each principal payment date, interest payment date, and accrued interest payment date for this Bond it will make available to the Paying Agent/Registrar, from the "Interest and Sinking Fund" referred to in and maintained by the Bond Ordinance, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Bonds, when due. Terms used in this Bond and not otherwise defined shall have the meaning given in the Bond Ordinance.

**DURING ANY PERIOD** in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, if fewer than all of the Bonds of the same maturity and

bearing the same interest rate are to be redeemed, the particular Bonds of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the Issuer and the securities depository.

**[FORM OF FIRST PARAGRAPHS  
OF PREMIUM COMPOUND INTEREST BOND]**

**NO. PC-**

**MATURITY  
AMOUNT  
\$ \_\_\_\_\_**

**INTEREST RATE**

**ISSUANCE DATE**

**ISSUANCE DATE**

**CUSIP NO.**

**REGISTERED OWNER:**

**MATURITY AMOUNT:**

**ON THE MATURITY DATE SPECIFIED ABOVE, CITY OF TEMPLE, TEXAS** (the "City"), being a political subdivision and municipal corporation of the State of Texas, hereby promises to pay to the Registered Owner set forth above, or registered assigns (hereinafter called the "Registered Owner") the Maturity Amount set forth above, representing the principal amount hereof and accrued and compounded interest hereon. Interest shall accrue on the principal amount hereof from the Issuance Date at the interest rate per annum specified above, calculated on the basis of a 360 day year comprised of twelve 30 day months, compounded semiannually on \_\_\_\_\_ and \_\_\_\_\_ of each year commencing \_\_\_\_\_. For convenience of reference a table of the "Accreted Value" per \$5,000 Maturity Amount is printed on the reverse side of this Bond. The term "Accreted Value" as set forth in the table on the reverse side hereof shall mean the original principal amount plus initial premium per \$5,000 Maturity Amount compounded semiannually on \_\_\_\_\_ and \_\_\_\_\_ at the yield shown on such table.

**THE MATURITY AMOUNT** of this Bond is payable in lawful money of the United States of America, without exchange or collection charges. The Maturity Amount of this Bond shall be paid to the Registered Owner hereof upon presentation and surrender of this Bond at maturity, at the designated office for payment of The Bank of New York Mellon Trust Company, N.A., which is the "Paying Agent/Registrar" for this Bond, and shall be drawn by the Paying Agent/Registrar on, and solely from, funds of the City required by the order authorizing the issuance of the Bonds (the "Bond Order") to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided, payable to the Registered Owner hereof, as it appears on the Registration Books kept by the Paying Agent/Registrar, as hereinafter described. The City covenants with the Registered Owner of this Bond that on or before the Maturity Date for this Bond it will make available to the Paying Agent/Registrar, from the "Interest and Sinking Fund" created by the Bond Order, the amounts

required to provide for the payment, in immediately available funds of the Maturity Amount, when due. Notwithstanding the foregoing, during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, any payment to the securities depository, or its nominee or registered assigns, shall be made in accordance with existing arrangements between the City and the securities depository.

### **[FORM OF REMAINDER OF EACH BOND]**

**IF THE DATE** for the payment of the principal of or interest on this Bond shall be a Saturday, Sunday, legal holiday, or day on which banking institutions in the city where the principal office for payment of the Paying Agent/Registrar is located are authorized by law or executive order to close, or the United States Postal Service is not open for business (each a "Non-Business Day"), then the date for such payment shall be the next succeeding day which is not a Non-Business Day, and payment on such date shall have the same force and effect as if made on the original date payment was due.

**THIS BOND** is one of a series of Bonds dated as of \_\_\_\_\_, \_\_\_\_\_\* and authorized to be issued pursuant to the Bond Ordinance adopted by the City Council of the City in the principal amount of \$\_\_\_\_\_ \* [constituting \$\_\_\_\_\_ Current Interest Bonds and \$\_\_\_\_\_ Premium Compound Interest Bonds].\*\*

**ON** \_\_\_\_\_\* **OR ON ANY DATE THEREAFTER**, the Bonds maturing on and after \_\_\_\_\_\* may be redeemed prior to their scheduled maturities, at the option of the City, with funds derived from any available and lawful source, at a redemption price equal to the principal amount to be redeemed plus accrued interest to the date fixed for redemption as a whole, or from time to time in part, and, if in part, the particular Bonds, or portions thereof, to be redeemed shall be selected and designated by the City, and if less than all of a maturity is to be redeemed the Paying Agent/Registrar shall determine by lot the Bonds, or portions thereof within such maturity to be redeemed (provided that a portion of a Bond may be redeemed only in integral multiples of \$5,000 of principal amount).

**[THE BONDS MATURING ON** \_\_\_\_\_ **are subject to mandatory sinking fund redemption by lot prior to maturity in the following amounts on the following dates and at a price of par plus accrued interest to the redemption date ("Term Bonds").**

**Term Bonds Maturing on \_\_\_\_\_, 20\_\_\_\_\_**

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\*As provided in the Pricing Certificate. To the extent that the Pricing Certificate relating to the Bonds is inconsistent with any provisions in this Form of Bond or contains information to complete missing information in this Form of Bond, the language in the Pricing Certificate shall be used in the executed Bonds.

\*\*\*To be included only if Current Interest Bonds and Premium Compound Interest Bonds are both issued and completed as determined in the Pricing Certificate.

<u>Redemption Date</u>	<u>Principal Amount</u>
_____, 20____	\$ _____
_____, 20____ <sup>†</sup>	\$ _____ <sup>†</sup>

<sup>†</sup> Final Maturity

**THE PRINCIPAL AMOUNT** of the Term Bonds required to be redeemed pursuant to the operation of the mandatory sinking fund redemption provisions shall be reduced, at the option of the City by the principal amount of any Term Bonds of the stated maturity which, at least 50 days prior to a mandatory redemption date, (1) shall have been acquired by the City at a price not exceeding the principal amount of such Term Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, (2) shall have been purchased and canceled by the Paying Agent/Registrar at the request of the City with monies in the Interest and Sinking Fund at a price not exceeding the principal amount of the Term Bonds plus accrued interest to the date of purchase thereof, or (3) shall have been redeemed pursuant to the optional redemption provisions and not theretofore credited against a mandatory sinking fund redemption requirement.]\*\*\*

**AT LEAST 30** days prior to the date fixed for any redemption of Bonds or portions thereof prior to maturity, a written notice of such redemption shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, to the Registered Owner of each Bond to be redeemed at its address as it appeared on the Registration Books maintained by the Paying Agent/Registrar on the day such notice of redemption is mailed. By the date fixed for any such redemption, due provision shall be made with the Paying Agent/Registrar for the payment of the required redemption price for the Bonds or portions thereof which are to be so redeemed. If such written notice of redemption is mailed and if due provision for such payment is made, all as provided above, the Bonds or portions thereof which are to be so redeemed thereby automatically shall be treated as redeemed prior to their scheduled maturities, and they shall not bear interest after the date fixed for redemption, and they shall not be regarded as being outstanding except for the right of the Registered Owner to receive the redemption price from the Paying Agent/Registrar out of the funds provided for such payment. If a portion of any Bond shall be redeemed a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in any denomination or denominations in any integral multiple of \$5,000, at the written request of the Registered Owner, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the Registered Owner upon the surrender thereof for cancellation, at the expense of the Issuer, all as provided in the Bond Ordinance.

**ALL BONDS OF THIS SERIES** are issuable solely as fully registered Bonds, without interest coupons, in the denomination of any integral multiple of \$5,000 (an "Authorized Denomination"). As provided in the Bond Ordinance, this Bond, or any unredeemed portion hereof, may, at the request of the Registered Owner or the assignee or assignees hereof, be assigned, transferred and exchanged for a like aggregate principal amount of fully registered Bonds, without interest coupons, payable to the appropriate Registered Owner, assignee or assignees, as the case may be, having the same denomination or denominations in any integral multiple of \$5,000 as requested

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\*\*\* Use of Term Bonds, if any, to be determined by the Pricing Officer.

in writing by the appropriate Registered Owner, assignee or assignees, as the case may be, upon surrender of this Bond to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Bond Ordinance. Among other requirements for such assignment and transfer, this Bond must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Bond or any portion or portions hereof in any integral multiple of \$5,000 to the assignee or assignees in whose name or names this Bond or any such portion or portions hereof is or are to be registered. The form of Assignment printed or endorsed on this Bond may be executed by the Registered Owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Bond or any portion or portions hereof from time to time by the Registered Owner. The Paying Agent/Registrar's reasonable standard or customary fees and charges for transferring and exchanging any Bond or portion thereof shall be paid by the City, but any taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such assignment, transfer or exchange as a condition precedent to the exercise of such privilege. The Paying Agent/Registrar shall not be required to make any such transfer or exchange (i) during the period commencing with the close of business on any Record Date and ending with the opening of business on the next following principal or interest payment date, or, (ii) with respect to any Bond or any portion thereof called for redemption prior to maturity, within 45 days prior to its redemption date; provided, however, such limitation of transfer shall not be applicable to an exchange by the Registered Owner of an unredeemed balance of a Bond called for redemption in part.

**WHENEVER** the beneficial ownership of this Bond is determined by a book entry at a securities depository for the Bonds, the foregoing requirements of holding, delivering or transferring this Bond shall be modified to require the appropriate person or entity to meet the requirements of the securities depository as to registering or transferring the book entry to produce the same effect.

**IN THE EVENT** any Paying Agent/Registrar for the Bonds is changed by the City, resigns or otherwise ceases to act as such, the City has covenanted in the Bond Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and cause written notice thereof to be mailed to the Registered Owners of the Bonds.

**IT IS HEREBY** certified, recited and covenanted that this Bond has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist, and be done precedent to or in the authorization, issuance and delivery of this Bond have been performed, existed and been done in accordance with law; that this Bond is payable from ad valorem taxes, within the limits prescribed by law.

**BY BECOMING** the Registered Owner of this Bond, the Registered Owner thereby acknowledges all of the terms and provisions of the Bond Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Bond Ordinance is duly recorded and available for inspection in the official minutes and records of the governing body of the Issuer and agrees that the terms and provisions of this Bond and the Bond Ordinance constitute a contract between each Registered Owner hereof and the City.

**IN WITNESS WHEREOF**, the City has caused this Bond to be signed with the manual or facsimile signature of the Mayor of the City, and countersigned with the manual or facsimile signature of the City Secretary of the City and the official seal of the City has been duly impressed, or placed in facsimile, on this Bond.

\_\_\_\_\_  
(facsimile signature)  
City Secretary, City of Temple, Texas

\_\_\_\_\_  
(facsimile signature)  
Mayor, City of Temple, Texas

(CITY SEAL)

**FORM OF REGISTRATION CERTIFICATE  
OF THE COMPTROLLER OF PUBLIC ACCOUNTS:**

**COMPTROLLER'S REGISTRATION CERTIFICATE:**  
**REGISTER NO. \_\_\_\_\_**

I hereby certify that this Bond has been examined, certified as to validity, and approved by the Attorney General of the State of Texas, and that this Bond has been registered by the Comptroller of Public Accounts of the State of Texas.

Witness my signature and seal this

(COMPTROLLER'S SEAL)

\_\_\_\_\_  
Comptroller of Public Accounts  
of the State of Texas

**FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE**

**PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE**  
*(To be executed if this Bond is not accompanied by an executed Registration Certificate of the Comptroller of Public Accounts of the State of Texas)*



It is hereby certified that this Bond has been issued under the provisions of the Bond Ordinance described in the text of this Bond; and that this Bond has been issued in exchange for a bond or bonds, or a portion of a bond or bonds of a series which originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated:

**THE BANK OF NEW YORK MELLON  
TRUST COMPANY, N.A.**

Dallas, Texas

Paying Agent/Registrar

By \_\_\_\_\_  
Authorized Representative

**FORM OF ASSIGNMENT:**

**ASSIGNMENT**

**FOR VALUE RECEIVED**, the undersigned Registered Owner of this Bond, or duly authorized representative or attorney thereof, hereby sells, assigns and transfers this Bond and all rights hereunder unto \_\_\_\_\_

\_\_\_\_\_  
/ \_\_\_\_\_ /

(Assignee's Social Security or  
Taxpayer Identification Number)

\_\_\_\_\_  
(Please print or typewrite Assignee's name and address,  
including zip code)

and hereby irrevocably constitutes and appoints \_\_\_\_\_  
attorney to transfer the registration of this Bond on the Paying Agent/Registrar's Registration Books  
with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed:

\_\_\_\_\_  
NOTICE: Signature(s) must be guaranteed by  
a member firm of the New York Stock  
Exchange or a commercial bank or trust  
company.

\_\_\_\_\_  
NOTICE: The signature above must  
correspond with the name of the Registered  
Owner as it appears upon the front of this  
Bond in every particular, without alteration or  
enlargement or any change whatsoever.

**INSERTIONS FOR THE INITIAL BONDS**

(i)

The initial Current Interest Bond shall be in the form set forth in this FORM OF BOND, except that:

A. immediately under the name of the Bond, the headings "INTEREST RATE" and "MATURITY DATE" shall both be completed with the words "As shown below" and "CUSIP NO." shall be deleted.

B. the first paragraph shall be deleted and the following will be inserted:

**"ON THE MATURITY DATE SPECIFIED ABOVE,** the City of Temple, Texas (the "Issuer"), being a political subdivision, hereby promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), on \_\_\_\_\_\* in each of the years, in the principal installments and bearing interest at the per annum rates set forth in the following schedule:

Principal <u>Amount</u>	Maturity <u>Date</u>	Interest <u>Rate</u>
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(Information for the Current Interest Bonds from the Pricing Certificate to be inserted)

The Issuer promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from \_\_\_\_\_\* at the respective Interest Rate per annum specified above. Interest is payable on \_\_\_\_\_\* and semiannually on each \_\_\_\_\_\* and \_\_\_\_\_\* thereafter to the date of payment of the principal installment specified above; except, that if this Bond is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Bond or Bonds, if any, for which this Bond is being exchanged is due but has not been paid, then this Bond shall bear interest from the date to which such interest has been paid in full."

C. The initial Bond shall be numbered "T-1."

(ii) The Initial Compound Interest Bond shall be in the form set forth in this Section, except that:

A. immediately under the name of the Bond, the headings "INTEREST RATE" and "MATURITY DATE" shall both be completed with the words "As shown below" and "CUSIP NO. \_\_\_\_\_" shall be deleted.

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\*\*As provided in the Pricing Certificate. To the extent that the Pricing Certificate relating to the Bonds is inconsistent with any provisions in this Form of Bond or contains information to complete missing information in this Form of Bond, the language in the Pricing Certificate shall be used in the executed Bonds.

B. the first paragraph shall be deleted and the following will be inserted:

"THE CITY OF TEMPLE, Texas (the "City"), being a political subdivision of the State of Texas, hereby promises to pay to the Registered Owner set forth above, or registered assigns (hereinafter called the "Registered Owner") the Payment at Maturity on \_\_\_\_\_\* in each of the years and in installments of the respective Maturity Amounts set forth in the following schedule:

<u>Maturity Amounts</u>	<u>Maturity Date</u>	<u>Interest Rate</u>
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(Information for the Premium Compound Interest Bonds from the Pricing Certificate to be inserted)

The amount shown above as the respective Maturity Amounts represent the principal amount hereof and accrued and compounded interest hereon. Interest shall accrue on the principal amount hereof from the Issuance Date at the interest rate per annum specified above, compounded semiannually on \_\_\_\_\_\* and \_\_\_\_\_\* of each year commencing \_\_\_\_\_. For convenience of reference, a table appears on the back of this Bond showing the "Compounded Amount" of the original principal amount plus initial premium, if any, per \$5,000 Maturity Amount compounded semiannually at the yield shown on such table."

C. the Initial Premium Compound Interest Bond shall be numbered "TPC-1."

**Section 8. TAX LEVY.** A special Interest and Sinking Fund (the "Interest and Sinking Fund") is hereby created solely for the benefit of the Bonds, and the Interest and Sinking Fund shall be established and maintained by the City at an official depository bank of the City. The Interest and Sinking Fund shall be kept separate and apart from all other funds and accounts of the City, and shall be used only for paying the interest on and principal of the Bonds. All ad valorem taxes levied and collected for and on account of the Bonds shall be deposited, as collected, to the credit of the Interest and Sinking Fund. During each year while any of the Bonds or interest thereon are outstanding and unpaid, the City Council shall compute and ascertain a rate and amount of ad valorem tax which will be sufficient to raise and produce the money required to pay the interest on the Bonds as such interest comes due, and to provide and maintain a sinking fund adequate to pay the principal of the Bonds as such principal matures (but never less than 2% of the original principal amount of the Bonds as a sinking fund each year); and the tax shall be based on the latest approved tax rolls of the City, with full allowance being made for tax delinquencies and the cost of tax collection. The rate and amount of ad valorem tax is hereby levied, and is hereby ordered to be levied, against all taxable property in the City for each year while any of the Bonds or interest thereon are outstanding and unpaid; and the tax shall be assessed and collected each such year and deposited to the credit of the Interest and Sinking Fund. The ad valorem taxes sufficient to provide for the payment of the interest on and

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\*\*As provided in the Pricing Certificate. To the extent that the Pricing Certificate relating to the Bonds is inconsistent with any provisions in this Form of Bond or contains information to complete missing information in this Form of Bond, the language in the Pricing Certificate shall be used in the executed Bonds.

principal of the Bonds, as such interest comes due and such principal matures, are hereby pledged for such payment, within the limit prescribed by law. Accrued interest on the Bonds shall be deposited in the Interest and Sinking Fund.

**Section 9. DEFEASANCE OF BONDS.** (a) Any Bond and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "Defeased Bond") within the meaning of this Ordinance, except to the extent provided in subsections (c) and (e) of this Section, when payment of the principal of such Bond, plus interest thereon to the due date or dates (whether such due date or dates be by reason of maturity, upon redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption or the establishment of irrevocable provisions for the giving of such notice) or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar or an eligible trust company or commercial bank for such payment (1) lawful money of the United States of America sufficient to make such payment, (2) Defeasance Securities, certified by an independent public accounting firm of national reputation to mature as to principal and interest in such amounts and at such times as will ensure the availability, without reinvestment, of sufficient money to provide for such payment and when proper arrangements have been made by the City with the Paying Agent/Registrar or an eligible trust company or commercial bank for the payment of its services until all Defeased Bonds shall have become due and payable or (3) any combination of (1) and (2). At such time as a Bond shall be deemed to be a Defeased Bond hereunder, as aforesaid, such Bond and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem taxes herein levied as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities.

(b) The deposit under clause (ii) of subsection (a) shall be deemed a payment of a Bond as aforesaid when proper notice of redemption of such Bond shall have been given or upon the establishment of irrevocable provisions for the giving of such notice, in accordance with this Ordinance. Any money so deposited with the Paying Agent/Registrar or an eligible trust company or commercial bank as provided in this Section may at the discretion of the City Council also be invested in Defeasance Securities, maturing in the amounts and at the times as hereinbefore set forth, and all income from all Defeasance Securities in possession of the Paying Agent/Registrar or an eligible trust company or commercial bank pursuant to this Section which is not required for the payment of such Bond and premium, if any, and interest thereon with respect to which such money has been so deposited, shall be remitted to the City Council.

(c) Notwithstanding any provision of any other Section of this Ordinance which may be contrary to the provisions of this Section, all money or Defeasance Securities set aside and held in trust pursuant to the provisions of this Section for the payment of principal of the Bond and premium, if any, and interest thereon, shall be applied to and used solely for the payment of the particular Bond and premium, if any, and interest thereon, with respect to which such money or Defeasance Securities have been so set aside in trust. Until all Defeased Bonds shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Bonds the same as if they had not been defeased, and the City shall make proper arrangements to provide and pay for such services as required by this Ordinance.

(d) Notwithstanding anything elsewhere in this Ordinance, if money or Defeasance Securities have been deposited or set aside with the Paying Agent/Registrar or an eligible trust company or commercial bank pursuant to this Section for the payment of the Bond and such Bond shall not have in fact been actually paid in full, no amendment of the provisions of this Section shall be made without the consent of the registered owner of each Bond affected thereby.

(e) Notwithstanding the provisions of subsection (a) immediately above, to the extent that, upon the defeasance of any Defeased Bond to be paid at its maturity, the City retains the right under Texas law to later call that Defeased Bond for redemption in accordance with the provisions of this Ordinance, the City may call such Defeased Bond for redemption upon complying with the provisions of Texas law and upon the satisfaction of the provisions of subsection (a) immediately above with respect to such Defeased Bond as though it was being defeased at the time of the exercise of the option to redeem the Defeased Bond and the effect of the redemption is taken into account in determining the sufficiency of the provisions made for the payment of the Defeased Bond.

**Section 10. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED BONDS.**

(a) Replacement Bonds. In the event any outstanding Bond is damaged, mutilated, lost, stolen, or destroyed, the Paying Agent/Registrar shall cause to be printed, executed, and delivered, a new Bond of the same principal amount, maturity, and interest rate, as the damaged, mutilated, lost, stolen, or destroyed Bond, in replacement for such Bond in the manner hereinafter provided.

(b) Application for Replacement Bonds. Application for replacement of damaged, mutilated, lost, stolen, or destroyed Bonds shall be made by the Registered Owner thereof to the Paying Agent/Registrar. In every case of loss, theft, or destruction of a Bond, the Registered Owner applying for a replacement bond shall furnish to the City and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft, or destruction of a Bond, the Registered Owner shall furnish to the City and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft, or destruction of such Bond, as the case may be. In every case of damage or mutilation of a Bond, the Registered Owner shall surrender to the Paying Agent/Registrar for cancellation the Bond so damaged or mutilated.

(c) No Default Occurred. Notwithstanding the foregoing provisions of this Section, in the event any such Bond shall have matured, and no default has occurred which is then continuing in the payment of the principal of, redemption premium, if any, or interest on the Bond, the City may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Bond) instead of issuing a replacement Bond, provided security or indemnity is furnished as above provided in this Section.

(d) Charge for Issuing Replacement Bonds. Prior to the issuance of any replacement Bond, the Paying Agent/Registrar shall charge the Registered Owner of such Bond with all legal, printing, and other expenses in connection therewith. Every replacement Bond issued pursuant to the provisions of this Section by virtue of the fact that any Bond is lost, stolen, or destroyed shall constitute a contractual obligation of the City whether or not the lost, stolen, or destroyed Bond shall

be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Bonds duly issued under this Ordinance.

(e) Authority for Issuing Replacement Bonds. In accordance with Subchapter D of Texas Government Code, Chapter 1201, this Section of this Ordinance shall constitute authority for the issuance of any such replacement Bond without necessity of further action by the governing body of the City or any other body or person, and the duty of the replacement of such Bonds is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such Bonds in the form and manner and with the effect, as provided in Section 6(a) of this Ordinance for Bonds issued in conversion and exchange for other Bonds.

**Section 11. CUSTODY, APPROVAL, AND REGISTRATION OF BOND; BOND COUNSEL'S OPINION.** The Mayor of the City and the City Manager are hereby authorized to have control of the initial Bonds issued and delivered hereunder and all necessary records and proceedings pertaining to the Bond pending its delivery and their investigation, examination, and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Bond the Comptroller of Public Accounts (or a deputy designated in writing to act for the Comptroller) shall manually sign the Comptroller's Registration Certificate attached to such Bond, and the seal of the Comptroller shall be impressed, or placed in facsimile, on such Certificate. The approving legal opinion of the City's Bond Counsel may, at the option of the City, be printed on the Bond issued and delivered under this Ordinance, but it shall have no legal effect, and shall be solely for the convenience and information of the Registered Owner of the Bonds.

**Section 12. COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE BOND.** (a) Covenants. The City covenants to take any action necessary to assure, or refrain from any action which would adversely affect, the treatment of the Bonds as obligations described in section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the City covenants as follows:

(1) to use all of the proceeds of the Bonds for the payment of principal, interest and redemption premium on the Refunded Obligations.

(2) to take any action to assure that no more than 10 percent of the proceeds of the Bonds or the Refunded Obligations or the projects financed or refinanced therewith (less amounts deposited to a reserve fund, if any) are used for any "private business use," as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds of the Bonds or the Refunded Obligations or the projects financed or refinanced therewith are so used, such amounts, whether or not received by the City, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Bonds, in contravention of section 141(b)(2) of the Code;

(3) to take any action to assure that in the event that the "private business use" described in subsection (1) hereof exceeds 5 percent of the proceeds of the Bonds or the Refunded Obligations or the projects financed or refinanced therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" which is "related" and not "disproportionate," within the meaning of section 141(b)(3) of the Code, to the governmental use;

(4) to take any action to assure that no amount which is greater than the lesser of \$5,000,000, or 5 percent of the proceeds of the Bonds (less amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(5) to refrain from taking any action which would otherwise result in the Bonds being treated as "private activity bonds" within the meaning of section 141(b) of the Code;

(6) to refrain from taking any action that would result in the Bonds being "federally guaranteed" within the meaning of section 149(b) of the Code;

(7) to refrain from using any portion of the proceeds of the Bonds, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Bonds, other than investment property acquired with --

(A) proceeds of the Bonds invested for a reasonable temporary period of 3 years or less or, in the case of a current refunding bonds, for a period of 90 days and in the case of an advance refunding bonds, for a period of 30 days,

(B) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and

(C) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Bonds;

(8) to otherwise restrict the use of the proceeds of the Bonds or amounts treated as proceeds of the Bonds, as may be necessary, so that the Bonds do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage) and, to the extent applicable, section 149(d) of the Code (relating to advance refundings); and

(9) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Bonds) an amount that is at least equal to 90 percent of the "Excess Earnings," within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than 60 days after the Bonds have been paid in full, 100



percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code.

(b) Rebate Fund. In order to facilitate compliance with the above covenant (8), a "Rebate Fund" is hereby established by the City for the sole benefit of the United States of America, and such fund shall not be subject to the claim of any other person, including without limitation the bondholders. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

(c) Proceeds. The City understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of refunding bonds, transferred proceeds (if any) and proceeds of the Refunded Obligations expended prior to the date of issuance of the Bonds. It is the understanding of the City that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the Bonds, the City will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Bonds, the City agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In furtherance of such intention, the City hereby authorizes and directs the City Manager or the Mayor to execute any documents, certificates or reports required by the Code and to make such elections, on behalf of the City, which may be permitted by the Code as are consistent with the purpose for the issuance of the Bonds. This Ordinance is intended to satisfy the official intent requirements set forth in Section 1.150-2 of the Treasury Regulations.

(d) Disposition of Project. The City covenants that the property constituting the projects financed or refinanced with the proceeds of the Bonds will not be sold or otherwise disposed in a transaction resulting in the receipt by the City of cash or other compensation, unless the City obtains an opinion of nationally-recognized bonds counsel that such sale or other disposition will not adversely affect the tax-exempt status of the Bonds. For purposes of the foregoing, the portion of the property comprising personal property and disposed in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes hereof, the City shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

**Section 13. APPROVAL OF PAYING AGENT/REGISTRAR AGREEMENT AND ESCROW AGREEMENT.** (a) The Paying Agent/Registrar Agreement ("Paying Agent Agreement") by and between the City and the Paying Agent in substantially the form and substance attached hereto as Exhibit "B" is hereby approved and the Mayor or Pricing Officer are each hereby

authorized and directed to complete, amend, modify and execute the Paying Agent Agreement as necessary.

(b) The Escrow Agreement ("Escrow Agreement") if necessary by and between the City and the Escrow Agent in substantially the form and substance attached hereto as Exhibit "E" in connection with refunding the Refunded Obligations and the cash defeasance are hereby approved, and the Mayor or Pricing Officer are each hereby authorized to complete, amend, modify and execute the Escrow Agreement, as necessary. The Mayor, City Manager, Director of Finance, the Secretary or Assistant Secretary are each hereby authorized to take such action as may be necessary to cause the contribution of lawfully available City funds for the refunding and the cash defeasance to purchase and delivery of the federal securities to be acquired and deposited to the credit of the Escrow Funds created by the Escrow Agreement.

**Section 14. REFUNDING OF REFUNDED OBLIGATIONS.** That concurrently with the delivery of the Bonds, the City shall cause to be deposited an amount from the proceeds of the sale of the Bond with the Escrow Agent sufficient, together with other legally available funds of the City, to provide for the refunding and defeasance of the Refunded Obligations. The Pricing Officer is hereby authorized and directed to issue to the Escrow Agent the Notices of Redemption with respect to the Refunded Obligations in substantially the form set forth in Exhibit "D" hereto completed with such information to conform with the Pricing Certificate.

**Section 15. APPROVAL OF OFFICIAL STATEMENT.** The Pricing Officer is hereby authorized to approve the Preliminary Official Statement and the Official Statement relating to the Bonds and any addenda, supplement or amendment thereto, and to deem such documents final in accordance with Rule 15c2-12. The City further approves the distribution of such Official Statement in the reoffering of the Bonds with such changes therein or additions thereto as the Pricing Officer executing the same may deem advisable, such determination to be conclusively evidenced by his execution thereof.

**Section 16. INSURANCE PROVISIONS.** In connection with the sale of the Bonds, the City may obtain municipal bond insurance policies from one or more recognized municipal bond insurance organizations (the "Bond Insurer" or "Bond Insurers") to guarantee the full and complete payment required to be made by or on behalf of the City on the Bonds. The Pricing Officer is hereby authorized to sign a commitment letter with the Bond Insurer or Bond Insurers and to pay the premium for the bond insurance policies at the time of the delivery of the Bonds to the underwriter out of the proceeds of sale of the Bonds or from other available funds and to execute such other documents and certificates as necessary in connection with the bond insurance policies as the Pricing Officer may deem appropriate. Printing on the Bonds covered by the bond insurance policies a statement describing such insurance, in form and substance satisfactory to the Bond Insurer and the Pricing Officer, is hereby approved and authorized. The Pricing Certificate may contain provisions related to the bond insurance policies, including payment provisions thereunder, and the rights of the Bond Insurer or Insurers, and any such provisions shall be read and interpreted as an integral part of this Ordinance.

**Section 17. CONTINUING DISCLOSURE UNDERTAKING. (a) Annual Reports.**

The City shall provide annually to the MSRB, in an electronic format as prescribed by the MSRB, within six months after the end of any fiscal year, financial information and operating data with respect to the City of the general type included in the final Official Statement authorized by this Ordinance, as designated by the Pricing Officer in the Pricing Certificate. Any financial statements to be so provided shall be (1) prepared in accordance with the accounting principles described in Exhibit "C" hereto, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation, and (2) audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not complete within such period, then the City shall provide unaudited financial statements within such period, and audited financial statements for the applicable fiscal year to the MSRB, when and if the audit report on such statements become available.

If the City changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document that is available to the public on the MSRB's internet web site or filed with the SEC. All documents provided to the MSRB pursuant to this Section shall be accompanied by identifying information as prescribed by the MSRB.

(b) Material Event Notices. The City shall notify the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner not in excess of ten business days after the occurrence of the event, of any of the following events with respect to the Bonds:

- A. Principal and interest payment delinquencies;
- B. Non-payment related defaults, if material within the meaning of the federal securities laws;
- C. Unscheduled draws on debt service reserves reflecting financial difficulties;
- D. Unscheduled draws on credit enhancements reflecting financial difficulties;
- E. Substitution of credit or liquidity providers, or their failure to perform;
- F. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax-exempt status of the Bonds, or other events affecting the tax-exempt status of the Bonds

- G. Modifications to rights of holders of the Notes, if material within the meaning of the federal securities laws;
- H. Bond calls, if material within the meaning of the federal securities laws;
- I. Defeasances;
- J. Release, substitution, or sale of property securing repayment of the Bonds, if material within the meaning of the federal securities laws;
- K. Rating changes;
- L. Bankruptcy, insolvency, receivership or similar event of the City;
- M. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material within the meaning of the federal securities laws; and
- N. Appointment of a successor or additional trustee or the change of name of a trustee, if material within the meaning of the federal securities laws.

The City shall notify the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with subsection (a) of this Section by the time required by such subsection. All documents provided to the MSRB pursuant to this Section shall be accompanied by identifying information as prescribed by the MSRB.

(c) Limitations, Disclaimers, and Amendments. The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an "obligated person" with respect to the Bonds within the meaning of the Rule, except that the City in any event will give notice of any deposit made in accordance with Section 27 of this Ordinance that causes the Bonds no longer to be outstanding.

The provisions of this Section are for the sole benefit of the holders and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any

representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR *MANDAMUS* OR SPECIFIC PERFORMANCE.

No default by the City in observing or performing its obligations under this Section shall comprise a breach of or default under this Ordinance for purposes of any other provision of this Ordinance.

Should the Rule be amended to obligate the City to make filings with or provide notices to entities other than the MSRB, the City hereby agrees to undertake such obligation with respect to the Bonds in accordance with the Rule as amended.

Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule since such offering as well as such changed circumstances and (2) either (a) the holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the outstanding Bonds consents to such amendment or (b) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interest of the holders and beneficial owners of the Bonds. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with paragraph (a) of this Section an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided. The City may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Bonds in the primary offering of the Bonds.

**Section 18. AMENDMENT OF ORDINANCE.** The City hereby reserves the right to amend this Ordinance subject to the following terms and conditions, to-wit:

(a) The City may from time to time, without the consent of the Registered Owner, except as otherwise required by paragraph (b) below, amend or supplement this Ordinance in order to (i) cure any ambiguity, defect or omission in this Ordinance that does not materially adversely affect the interests of the holders, (ii) grant additional rights or security for the benefit of the holders, (iii) add events of default as shall not be inconsistent with the provisions of this Ordinance and that shall not materially adversely affect the interests of the holders, (v) qualify this Ordinance under the Trust Indenture Act of 1939, as amended, or corresponding provisions of federal laws from time to time in effect, or (iv) make such other provisions in regard to matters or questions arising under this Ordinance as shall not be inconsistent with the provisions of this Ordinance and that shall not in the opinion of the City's Bond Counsel materially adversely affect the interests of the holders.

(b) Except as provided in paragraph (a) above, the Registered Owner shall have the right from time to time to approve any amendment hereto that may be deemed necessary or desirable by the City; provided, however, that without the consent of the Registered Owner, nothing herein contained shall permit or be construed to permit amendment of the terms and conditions of this Ordinance or in the Bond so as to:

- (1) Make any change in the maturity of the Bond;
- (2) Reduce the rate of interest borne by the Bond;
- (3) Reduce the amount of the principal of, or redemption premium, if any, payable on the Bond;
- (4) Modify the terms of payment of principal or of interest or redemption premium on the Bond or impose any condition with respect to such payment; or
- (5) Change the requirement with respect to Registered Owner consent to such amendment.

(c) If at any time the City shall desire to amend this Ordinance under this Section, the City shall send by U.S. mail to the Registered Owner a copy of the proposed amendment.

(d) Whenever at any time within one year from the date of publication of such notice the City shall receive an instrument or instruments executed by the Registered Owner, which instrument or instruments shall refer to the proposed amendment and that shall specifically consent to and approve such amendment, the City may adopt the amendment in substantially the same form.

(e) Upon the adoption of any amendatory ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be modified and amended in accordance with such amendatory Ordinance, and the respective rights, duties, and obligations of the City and the

Registered Owner shall thereafter be determined, exercised, and enforced, subject in all respects to such amendment.

(f) Any consent given by the Registered Owner of a Bond pursuant to the provisions of this Section shall be irrevocable for a period of six months from the date of such consent, and shall be conclusive and binding upon all future holders of the same Bond during such period. Such consent may be revoked at any time after six months from the date of consent by the Registered Owner who gave such consent, or by a successor in title, by filing notice with the City.

For the purposes of establishing ownership of the Bonds, the City shall rely solely upon the registration of the ownership of such Bonds on the Register kept by the Paying Agent/Registrar.

**Section 19. REMEDIES IN EVENT OF DEFAULT.** In addition to all the rights and remedies provided by the laws of the State of Texas, it is specifically covenanted and agreed particularly that in the event the City (i) defaults in the payment of the principal, premium, if any, or interest on the Bonds, (ii) declares bankruptcy, or (iii) defaults in the observance or performance of any other of the covenant, agreement or obligation of the City, the failure to perform which materially adversely affects the rights of the owner, including but not limited to, their prospect or ability to be repaid in accordance with this Section and the continuation thereof for a period of 60 days after notice of such default is given by any owner to the City, the following remedies shall be available:

(a) Any owner or an authorized representative thereof, including but not limited to, a trustee or trustees therefor, may proceed against the City for the purpose of protecting and enforcing the rights to the owner under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the owner hereunder or any combination of such remedies.

(b) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Bonds or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Bonds shall not be available as a remedy under this Ordinance. The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

**Section 20. NO RECOURSE AGAINST CITY OFFICIALS.** No recourse shall be had for the payment of principal of or interest on the Bonds or for any claim based thereon or on this Ordinance against any official of the City or any person executing any Bond.

**Section 21. FURTHER ACTIONS.** The Mayor, the City Manager and all other officers and employees of the City are hereby authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the



name and under the corporate seal and on behalf of the City all such instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance and the Bonds. In addition, prior to the initial delivery of the Bonds, the Mayor, the City Manager, the Director of Finance and Bond Counsel are hereby authorized and directed to approve any changes or corrections to this Ordinance or to any of the instruments authorized and approved by this Ordinance necessary in order to (i) correct any ambiguity or mistake or properly or more completely document the transactions contemplated and approved by this Ordinance, (ii) obtain a rating from any of the national bond rating agencies or satisfy requirements of any bond insurer, or (iii) obtain the approval of the Bond by the Texas Attorney General's office.

In case any officer of the City whose signature shall appear on any Bonds shall cease to be such officer before the delivery of such Bonds, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

**Section 22. PERFECTION.** Chapter 1208, Government Code, applies to the issuance of the Bond and the pledge of ad valorem taxes granted by the City under Section 8 of this Ordinance, and such pledge is therefore valid, effective and perfected. If Texas law is amended at any time while the Bond is outstanding and unpaid such that the pledge of ad valorem taxes granted by the City under Section 8 of this Ordinance is to be subject to the filing requirements of Chapter 9, Business & Commerce Code, then in order to preserve to the Registered Owner of the Bonds the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

**Section 23. INTERPRETATIONS.** All terms defined herein and all pronouns used in this Ordinance shall be deemed to apply equally to singular and plural and to all genders. The titles and headings of the articles and sections of this Ordinance have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof. This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity of the Bonds and the validity of the lien on and pledge to secure the payment of the Bonds.

**Section 24. INCONSISTENT PROVISIONS.** All ordinances, orders or resolutions, or parts thereof, which are in conflict or inconsistent with any provisions of this Ordinance are hereby repealed to the extent of such conflict and the provisions of this Ordinance shall be and remain controlling as to the matters contained herein.

**Section 25. INTERESTED PARTIES.** Nothing in this Ordinance expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the City and the Registered Owner of the Bonds, any right, remedy or claim under or by reason of this Ordinance or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in this Ordinance contained by and on behalf of the City shall be for the sole and exclusive benefit of the City and the Registered Owner of the Bonds.

**Section 26. SEVERABILITY.** The provisions of this Ordinance are severable; and in case any one or more of the provisions of this Ordinance or the application thereof to any person or circumstance should be held to be invalid, unconstitutional, or ineffective as to any person or circumstance, the remainder of this Ordinance nevertheless shall be valid, and the application of any such invalid provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

**Section 27. FUNDS AND ACCOUNTS.** Notwithstanding anything in this Ordinance to the contrary any funds or accounts created by this Ordinance, other than the Escrow Funds, may be subaccounts of the City's Funds held by the City's depository, and, as such, not held in separate bank accounts, such treatment shall not constitute commingling of the monies in such funds or of funds and the City shall keep full and complete records indicating the monies and investment credited to each such fund.

**Section 28. CREDIT AGREEMENT.** To the extent permitted by law, the City reserves the right under Chapter 1371 of the Texas Government Code to enter into Credit Agreements in connection with the Bonds, upon the written opinion of the City's Finance Director that such Credit Agreements are in the best interest of the City given the market conditions at the time. The Credit Agreements will constitute a Credit Agreement as defined in Chapter 1371 of the Texas Government Code. Any such Credit Agreements must be reviewed and approved by the Attorney General of the State of Texas.

**Section 29. REPEALER.** All orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 30. EFFECTIVE DATE.** This Ordinance shall become effective upon the final passage of this Ordinance in accordance with Section 1201.028,. Texas Government Code, as amended.

**Section 31. PAYMENT OF ATTORNEY GENERAL FEE.** The City hereby authorizes the disbursement of a fee equal or lesser of (i) one-tenth of one percent of the principal amount of the Bonds or (ii) \$9,500, provided that such fee shall not be less than \$750, to the Attorney General of Texas Public Finance Division for payment of the examination fee charged by the State of Texas for the Attorney General's review and approval of public securities and credit agreements, as required by Section 1202.004 of the Texas Government Code. The appropriate member of the City's staff is hereby instructed to take the necessary measures to make this payment. The City is also authorized to reimburse the appropriate City funds for such payment from proceeds of the Bonds.

[Execution Page Follows]

**IN ACCORDANCE WITH SECTION 1201.028**, Texas Government Code, finally passed, approved and effective on this 20th day of January, 2011.

**THE CITY OF TEMPLE, TEXAS**

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Mayor  
City of Temple, Texas

**ATTEST:**

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City Secretary  
City of Temple, Texas

**APPROVED AS TO FORM:**

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City Attorney  
City of Temple, Texas

## **EXHIBIT A**

### **DEFINITIONS**

As used in this Ordinance, the following terms and expressions shall have the meanings set forth below, unless the text hereof specifically indicates otherwise:

"*Accountant*" means an independent certified public accountant or accountants or a firm of an independent certified public accountants, in either case, with demonstrated expertise and competence in public accountancy.

"*Accreted Value*" means, with respect to a Premium Compound Interest Bond, as of any particular date of calculation, the original principal amount thereof, plus all interest accrued and compounded to the particular date of calculation, as determined in accordance with the Pricing Certificate and the Accretion Table attached as an exhibit to the Pricing Certificate relating to the respective Bonds that shows the Accreted Value per \$5,000 maturity amount on the calculation date of maturity to its maturity.

"*Accretion Table*" means the exhibit attached to the Pricing Certificate that sets forth the rounded original principal amounts at the Issuance Date for the Premium Compound Interest Bonds and the Accreted Values and maturity amounts thereof as of each Compounding Date until final maturity.

"*Authorized Denominations*" means the denomination of \$5,000 or any integral multiple thereof with respect to the Current Interest Bonds and in the denomination of \$5,000 in maturity amount or any integral multiple thereof with respect to the Premium Compound Interest Bonds.

"*Bond Insurer*" or "*Insurer*" means the provider of a municipal bond insurance policy for the Bonds as determined by the Pricing Officer in the Pricing Certificate or any other entity that insures or guarantees the payment of principal and interest on any Bonds.

"*Bonds*" means the "City of Temple, Texas General Obligation Refunding Bonds, Series 2011."

"*Book-Entry-Only System*" means the book-entry system of bond registration provided in Section 6, or any successor system of book-entry registration.

"*Business Day*" means any day which is not a Saturday, Sunday or a day on which the Paying Agent/Registrar is authorized by law or executive order to remain closed.

"*Cede & Co.*" means the designated nominee and its successors and assigns of The Depository Trust Company, New York.

"*City*" and "*Issuer*" mean the City of Temple, Texas, and where appropriate, the City Council.

"*City Council*" means the governing body of the City.

"*Closing Date*" means the date of initial delivery of and payment for the Bonds.

"*Compounded Amount*" means, with respect to a Premium Compound Interest Bond, as of any particular date of calculation, the original principal amount thereof plus all interest accrued and compounded to the particular date of calculation.

"*Compounding Dates*" means the dates on which interest is compounded on the Premium Compound Interest Bonds as set forth in the Accretion Table attached to the Pricing Certificate.

"*Current Interest Bonds*" means the Bonds paying current interest and maturing in each of the years and in the aggregate principal amounts set forth in the Pricing Certificate.

"*Defeasance Securities*" means (i) Federal Securities, (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the City Council adopts or approves proceedings authorizing the issuance of refunding bonds or otherwise provide for the funding of an escrow to effect the defeasance of the Bonds are rated as to investment quality by a nationally recognized investment rating firm not less than "AAA" or its equivalent, (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the City Council adopts or approves proceedings authorizing the issuance of refunding bonds or otherwise provide for the funding of an escrow to effect the defeasance of the Bonds, are rated as to investment quality by a nationally recognized investment rating firm no less than "AAA" or its equivalent and (iv) any other then authorized securities or obligations under applicable State law that may be used to defease obligations such as the Bonds.

"*Depository*" means one or more official depository banks of the City.

"*DTC*" means The Depository Trust Company, New York, New York and its successors and assigns.

"*DTC Participant*" means securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants.

"*Escrow Agent*" means The Bank of New York Mellon Trust Company, N.A. or any successor escrow agent under the Escrow Agreement.

"*Escrow Agreement*" means the agreements by and between the City and the Escrow Agent relating to refunding the Refunded Obligations and the cash defeasance, respectively.

"*Federal Securities*" as used herein means direct, noncallable obligations of the United States of America, including obligations that are unconditionally guaranteed by the United States of America (including Interest Strips of the Resolution Funding Corporation).

"*Fiscal Year*" means the twelve-month accounting period used by the City in connection with the operation of the System, currently ending on September 30 of each year, which may be any twelve consecutive month period established by the City, but in no event may the Fiscal Year be changed more than one time in any three calendar year period.

"*Holder*," "*Holders*," "*Owners*" or "*Registered Owners*" means any person or entity in whose name a Bond is registered in the Security Register, for any Parity Obligation.

"*Initial Bonds*" means the Bonds authorized, issued, and initially delivered as provided in Section 4 of this Ordinance.

"*Insurance Policy*" means an insurance policy issued by any Insurer guaranteeing the scheduled principal of and interest on the Bonds when due.

"*Interest and Sinking Fund*" means the special fund maintained by the provisions of Section 8 of this Ordinance.

"*Interest Payment Date*" means a date on which interest on the Bonds is due and payable.

"*Issuance Date*" means the date of delivery of the Bonds.

"*MSRB*" means the Municipal Securities Rulemaking Board.

"*Ordinance*" means this ordinance finally adopted by the City Council on August 12, 2010.

"*Outstanding*", when used with respect to Bonds, means, as of the date of determination, all Bonds theretofore delivered under this Ordinance, except:

(1) Bonds theretofore cancelled and delivered to the City or delivered to the Paying Agent/Registrar for cancellation;

(2) Bonds deemed paid pursuant to the provisions of Section 9 of this Ordinance;

(3) Bonds upon transfer of or in exchange for and in lieu of which other Bonds have been authenticated and delivered pursuant to this Ordinance

(4) Bonds under which the obligations of the City have been released, discharged or extinguished in accordance with the terms thereof.

"*Permitted Investments*" means any security or obligation or combination thereof permitted under the Public Funds Investments Act, Chapter 2256, Texas Government Code, as amended or other applicable law.

"*Premium Compound Interest Bonds*" means the Bonds on which no interest is paid prior to maturity, maturing in various amounts and in the aggregate principal amount as set forth in the Pricing Certificate.

"*Pricing Certificate*" means the Pricing Certificate of the City's Pricing Officer to be executed and delivered pursuant to Section 4 hereof in connection with the issuance of the Bonds.

"*Pricing Officer*" means, collectively, the City Manager of the City and the Director of Finance of the City, acting as the designated pricing officers of the City to execute the Pricing Certificate. In their absence, the Mayor may act as the designated pricing officer of the City to execute the Pricing Certificate.

"*Rating Agency*" means any nationally recognized securities rating agency which has assigned, at the request of the City, a rating to the Bonds.

"*Record Date*" means Record Date as defined in Section 7 the Form of Bonds.

"*Redemption Date*" means a date fixed for redemption of any Bond pursuant to the terms of this Ordinance.

"*Refunded Obligations*" means those Refundable Obligations designated by the Pricing Officer in the Pricing Certificate to be refunded.

"*Refundable Obligations*" means all or a portion of the Series 2002 Certificates, the Series 2003 Certificates, the Series 2003 Bonds, the Series 2005 Bonds, the Series 2006 Certificates, the Series 2008 Certificates, the Series 2008A Certificates, the Series 2008 Bonds, the Series 2009 Bonds and the Series 2009 Refunding Bonds.

"*Register*" or "*Registration Books*" means the registry system maintained on behalf of the City by the Registrar in which are listed the names and addresses of the Registered Owners and the principal amount of Bonds registered in the name of each Registered Owner.

"*Replacement Bonds*" means the Bonds authorized by the City to be issued in substitution for lost, apparently destroyed, or wrongfully taken Bonds as provided in Section 10 of this Ordinance.

"*Rule*" means SEC Rule 15c2-12, as amended from time to time.

"*SEC*" means the United States Securities and Exchange Commission.



**EXHIBIT B**

**PAYING AGENT/REGISTRAR AGREEMENT**

## **EXHIBIT C**

### **CONTINUING DISCLOSURE**

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#### **DESCRIPTION OF ANNUAL FINANCIAL INFORMATION**

The following information is referred to in Section 17 of this Ordinance.

##### **Accounting Principles**

The accounting principles referred to in such Section are the accounting principles described in the current notes to the financial statements used in the Official Statement.

## EXHIBIT D

### NOTICE OF REDEMPTION/DEFEASANCE

#### CITY OF TEMPLE, TEXAS

**NOTICE IS HEREBY GIVEN** that the following obligations (the "Obligations") issued by the City of Temple, Texas (the "City") have been defeased and called for redemption prior to their scheduled maturities, at a price of par and accrued interest to the date of redemption, to-wit:

City of Temple, Texas \_\_\_\_\_, Series 20\_\_\_\_, maturing on \_\_\_\_\_  
in each of the years 20\_\_\_\_ through 20\_\_\_\_, inclusive, aggregating \$ \_\_\_\_\_ in  
principal amount.

<u>Maturity</u> <u>August 15</u>	<u>Principal</u> <u>Amount</u>	<u>Interest</u> <u>Rate</u>	<u>Redemption</u> <u>Date</u>	<u>CUSIP</u> <u>Number*</u>
-------------------------------------	-----------------------------------	--------------------------------	----------------------------------	--------------------------------

\*The CUSIP Numbers have been assigned to this issue by the CUSIP Service Bureau and are included solely for the convenience of the owners of the Obligations. The City shall not be responsible for the selection or the correctness of the CUSIP numbers set forth herein.

The redemption price for the above Obligations is par plus accrued interest to the date fixed for redemption. Such Obligations shall be redeemed on and shall not longer bear interest after the redemption date. Due provision for the payment of the obligations described above has been made with The Bank of New York Mellon Trust Company, N.A., Dallas, Texas (the "Bank"), and said obligations shall be presented for payment either in person or by mail, at the following address:

**First Class/Registered/Certified Mail**

The Bank of New York Mellon  
Trust Company, N.A.  
Institutional Trust Services  
P.O. Box 2320  
Dallas, Texas 75221-2320

**By Overnight or Courier**

The Bank of New York Mellon  
Trust Company, N.A.  
Institutional Trust Services  
2001 Bryan Street, 9<sup>th</sup> Floor  
Dallas, Texas 75201

**By Hand**

The Bank of New York Mellon  
Trust Company, N.A.  
GIS Unit Trust Window  
4 New York Plaza, 1st Floor  
New York, NY 10004

In compliance with section 3406 of the Internal Revenue Code of 1986, as amended, payors making certain payments due on debt securities may be obligated to deduct and withhold a portion of such payment from the remittance to any payee who has failed to provide such payor with a valid taxpayer identification number. To avoid the imposition of this withholding tax, such payees should submit a certified taxpayer identification number when surrendering the Obligations for redemption.

**CITY OF TEMPLE, TEXAS**

**EXHIBIT E**

**FORM OF ESCROW AGREEMENT**



## **COUNCIL AGENDA ITEM MEMORANDUM**

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01/20/11  
Item #9  
Regular Agenda  
Page 1 of 1

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

William A. Jones, III, Mayor

**ITEM DESCRIPTION:** Consider adopting a resolution appointing one member to the Planning and Zoning Commission to fill an unexpired term through September 1, 2011.

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

**ITEM SUMMARY:** Mr. Jack Barton has resigned from the Planning and Zoning Commission, effective January 3, 2011. We request the Council appoint one member to fill this unexpired term through September 1, 2011.

Please see the attached summary form for this board which lists current board members, purpose, membership requirements, term and meeting time/place for the boards. Board applications from citizens requesting service on the Planning and Zoning Commission are also attached.

**FISCAL IMPACT:** N/A

### **ATTACHMENTS:**

Board Summary Form  
Board Applications



## PLANNING & ZONING COMMISSION

TERM EXPIRATION: SEPTEMBER - 3 YEAR TERMS

APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
H. Allan Talley (Chair) <a href="mailto:FTalley735@aol.com">FTalley735@aol.com</a>	09/07	2013	5004 Wildflower Lane (h) Temple, TX 76502	770-0289 H
Jack Barton <a href="mailto:Jackb1008@aol.com">Jackb1008@aol.com</a> Resigned 1-03-11	09/08	2011	701 North 9 <sup>th</sup> Street Temple, TX 76501	773-7080 H 817-919-6803 C 773-7178 F
Ashley Williams <a href="mailto:ashleydusek@msn.com">ashleydusek@msn.com</a>	09/08	2011	P.O. Box 3313 Temple, TX 76505	541-0216 W/C 774-8915 F
Mike Pilkington <a href="mailto:mpilkington@pilkington-homes.com">mpilkington@pilkington-homes.com</a>	09/06	2012	Hm: 8352 Poison Oak Rd Temple, TX 76502 Ofc: 3082 W. Hwy. 190 Belton, TX	780-9596 W 780-3605 H 534-1472 C 939-3500 F
Bert Pope <a href="mailto:mvpbep@sbcglobal.net">mvpbep@sbcglobal.net</a>	09/06	2012	1206 North 3 <sup>rd</sup> Street Temple, TX 76501	773-4198 H 231-1470 C
Marvin Hurd <a href="mailto:mm@drivershq.com">mm@drivershq.com</a>	09/08	2011	14 West Welton Ave Temple, TX 76501	773-9833 H
Will Sears <a href="mailto:willsears@hotmail.com">willsears@hotmail.com</a>	09/10	2013	3401 Mesquite Drive Temple, TX 76502 Mail: PO Box 4820 76505	931-2485 W/C 771-0919 H
James Staats <a href="mailto:jmmstaats@aol.com">jmmstaats@aol.com</a> <a href="mailto:james@allcountysurveying.com">james@allcountysurveying.com</a>	08/09	2012	2214 Fox Glen Lane Hm: Temple, TX 76502-H Ofc: 1303 S. 21 <sup>st</sup> -W	778-2272 W 773-3464 H 534-1233 C
Derek Martin (Vice-Chair) <a href="mailto:derekmartin@templeproventures.com">derekmartin@templeproventures.com</a>	09/07	2013	Ofc: 3500 SW HK Dodgen, #102 P O Box 310 76503 Hm: 1903 Deerfield 76502	771-2084 W 541-9173 C 771-4120 F

Created originally by Ordinance 149, February 1961; most recently by Ordinance 2030, March 1, 1990.

**Purpose:** Serves in an advisory capacity to City Council by making recommendations on land use proposals including zone changes, subdivision plats, and annexations; work with City Staff, the community and the Council in the development and updating of the Comprehensive Plan and the Area Plans for the City, as well as the Capital Improvement Program for community facilities.

**Membership:** 9 members – all residents of City

**Term:** 3 years

**Meeting Time/Place:** 1<sup>st</sup> and 3<sup>rd</sup> Mondays of each month, 5:30 p.m., Council Chambers, Municipal Building **City Staff:** Planning Director

REVISED 11/02/10

RECEIVED

JUL 7 - 2009

CITY OF TEMPLE, TX  
CITY SECRETARY



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

AIRPORT ADVISORY BOARD	ANIMAL SERVICES ADVISORY BOARD
BUILDING & STANDARDS COMMISSION	BUILDING BOARD OF APPEALS
CIVIL SERVICE COMMISSION	COMMUNITY SERVICES ADVISORY BOARD
ELECTRICAL BOARD	TEMPLE PUBLIC SAFETY ADVISORY BOARD
ZONING BOARD OF ADJUSTMENT	DEVELOPMENT STANDARDS ADVISORY BOARD
LIBRARY BOARD	PARKS & LEISURE SERVICES ADVISORY BOARD
PLANNING & ZONING COMMISSION	TRANSIT ADVISORY COMMITTEE
REINVESTMENT ZONE NUMBER ONE	CENTRAL TEXAS HOUSING CONSORTIUM
TEMPLE ECONOMIC DEVELOPMENT CORP.	TREE BOARD

• If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.

• If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or [centz@ci.temple.tx.us](mailto:centz@ci.temple.tx.us).

Name John R. Bailey Residence Address 373 Eagle Landing  
3000 S. 31st St. #306  
Mailing Address Temple, TX 76502 Phone Number (Business) 774-8882 (Home) 780-9114  
Fax Number 774-8883 Cell Phone Number 760-1486 E-Mail Address john@johnbaileyfinancial  
Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: Financial Planner

What City Boards have you served on before & When? Building & Standards 2002-2005  
Reinvestment Zone #1 2005-Present

Name, in priority order, the Board or Boards on which you would prefer to serve: ① RZ board #1 (still have 2 more years eligibility), ② Economic Development Corp, ③ Planning + zoning

What experience and/or educational background do you have that could be applied to community service?  
13 years as licensed Financial Advisor, 6 years as Certified Financial Planner, Resident of Temple for 37 years, BS from Texas A&M

Comments (Attach additional page if desired):  
would like to be reappointed to RZ board for next 2 years  
and either Economic Dev or P+Z

Signed: [Signature] Date: 7/7/2009

PLEASE NOTE: All information supplied on this form is public information.

\* Reappointed to RZ #1 8/20/09





## CITY OF TEMPLE

## CITY BOARD APPLICATION FORM

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AIRPORT ADVISORY BOARD  
BUILDING & STANDARDS COMMISSION  
CIVIL SERVICE COMMISSION  
ELECTRICAL BOARD  
ZONING BOARD OF ADJUSTMENT  
LIBRARY BOARD  
PLANNING & ZONING COMMISSION  
REINVESTMENT ZONE NUMBER ONE  
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD  
BUILDING BOARD OF APPEALS  
COMMUNITY SERVICES ADVISORY BOARD  
TEMPLE PUBLIC SAFETY ADVISORY BOARD  
DEVELOPMENT STANDARDS ADVISORY BOARD  
PARKS & LEISURE SERVICES ADVISORY BOARD  
TRANSIT ADVISORY COMMITTEE  
CENTRAL TEXAS HOUSING CONSORTIUM

• If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.

• If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or [centz@ci.temple.tx.us](mailto:centz@ci.temple.tx.us).

Name Bill Bogucki Residence Address (See Attached)

Mailing Address \_\_\_\_\_ Phone Number (Business) \_\_\_\_\_ (Home) \_\_\_\_\_

Fax Number \_\_\_\_\_ Cell Phone Number \_\_\_\_\_ E-Mail Address \_\_\_\_\_

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: CTVHCS - SUPERVISORY THERAPIST

What City Boards have you served on before & When? \_\_\_\_\_

Name, in priority order, the Board or Boards on which you would prefer to serve: 1) Temple Economic Devl;  
2) PARKS & LEISURE SERVICES; 3) PLANNING & ZONING COMMISSION

What experience and/or educational background do you have that could be applied to community service?

MPRA 91 BS DO  
(See Attached next page)

Comments (Attach additional page if desired): \_\_\_\_\_

Signed: Bill Bogucki Date: 8-6-09

PLEASE NOTE: All information supplied on this form is public information.

BILL BOGUCKI CTRS  
3105 W. AVE. T.  
Temple, TX 76505  
FAX: 743 0028  
Cell: 598 9847  
E mail: [GOWL@clearwire.net](mailto:GOWL@clearwire.net)

Education: BS U.W. Wis. La Crosse 1980

Employment: Department of Veterans Affairs – 7/17/81 to present  
4/21/01 to present Supervisory Recreation Therapist, (Temple/Waco/Austin)  
10/1/94 to 4/21/01 Chief of Residential Rehabilitation Therapy Programs  
Dayton, Ohio VAMC  
2/87 to 10/94 Chief of Recreation Therapy, Phoenix Arizona VAMC  
5/86 to 2/87 Management Trainee, Phoenix Arizona VAMC  
3/84 to 5/86 Recreation Therapist, Bath New York VAMC  
7/81 to 3/84 Recreation Therapist, Danville Illinois VAMC

Additional Information:

OEI/OIF Welcome Home Planning Committee  
Project Manager, Building Renovation  
Standards Development/w/JCAHO for Residential Rehab. Stds. Development  
Coordinate four (4) National Chief Education Conferences  
Coordinate Decision Support System (DSS) Training  
Satellite Education Coordinator, Phoenix VAMC  
Past Chair of Patient Education Committee  
Past Chair of Space Resource Committee  
Instructor, Intro to TR, Arizona State Univ.  
Past President Arizona State Therapeutic Recreation Association  
Past Chair, National Chapter Affiliate Council, ATRA

My apologies for hand writing application form. Would not accept electronic input on your web sight, only print option.

Sincerely,

  
Bill Bogucki

HR

CITY OF TEMPLE

CITY BOARD APPLICATION FORM

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

AIRPORT ADVISORY BOARD  
BUILDING & STANDARDS COMMISSION  
CIVIL SERVICE COMMISSION  
ELECTRICAL BOARD  
ZONING BOARD OF ADJUSTMENT  
LIBRARY BOARD  
PLANNING & ZONING COMMISSION  
REINVESTMENT ZONE NUMBER ONE  
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD  
BUILDING BOARD OF APPEALS  
COMMUNITY SERVICES ADVISORY BOARD  
TEMPLE PUBLIC SAFETY ADVISORY BOARD  
DEVELOPMENT STANDARDS ADVISORY BOARD  
PARKS & LEISURE SERVICES ADVISORY BOARD  
TRANSIT ADVISORY COMMITTEE  
CENTRAL TEXAS HOUSING CONSORTIUM

• If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.

• If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or

\*\*\*\*\*  
Name Scott Branscum Residence Address 1101 N. 3<sup>rd</sup> ST.

Mailing Address 1101 N 3<sup>rd</sup> ST. Phone Number(Business) \_\_\_\_\_ (Home) 254-899-0310

Fax Number \_\_\_\_\_ Cell Phone Number 254-760-3607 E-Mail Address psb1101@scb.net

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: Retired

What City Boards have you served on before & When? N/A

En

Name, in priority order, the Board or Boards on which you would prefer to serve: Planning  
and Zoning Commission

What experience and/or educational background do you have that could be applied to community service?

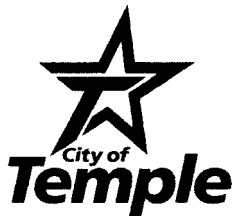
Serving on the Board of Dir. Temple Preservation League  
Comments (Attach additional page if desired):

Interested in the history and growth of Temple

Signed Scott D. Branscum Date: \_\_\_\_\_

PLEASE NOTE: All information supplied on this form is public information.

and also in the preservation of  
Hilcrest Cemetery. After moving  
to Temple in 1996 I feel that I  
need to get involved in city govt. and  
its outlook for the future.



## CITY OF TEMPLE

### CITY BOARD APPLICATION FORM

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AIRPORT ADVISORY BOARD  
BUILDING & STANDARDS COMMISSION  
CIVIL SERVICE COMMISSION  
ELECTRICAL BOARD  
ZONING BOARD OF ADJUSTMENT  
LIBRARY BOARD  
PLANNING & ZONING COMMISSION  
REINVESTMENT ZONE NUMBER ONE  
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD  
BUILDING BOARD OF APPEALS  
COMMUNITY SERVICES ADVISORY BOARD  
TEMPLE PUBLIC SAFETY ADVISORY BOARD  
DEVELOPMENT STANDARDS ADVISORY BOARD  
PARKS & LEISURE SERVICES ADVISORY BOARD  
TRANSIT ADVISORY COMMITTEE  
CENTRAL TEXAS HOUSING CONSORTIUM  
TREE BOARD

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• If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or [centz@ci.temple.tx.us](mailto:centz@ci.temple.tx.us).

\*\*\*\*\*  
Name BARBARA BROWN Residence Address 4402 Lone Star Tr.

Mailing Address 4402 Lonestar 76502 Phone Number(Business) \_\_\_\_\_ (Home) 771-2832

Fax Number \_\_\_\_\_ Cell Phone Number \_\_\_\_\_ E-Mail Address hbbrown76502@sbccglobal.net

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: homemaker

What City Boards have you served on before & When? Library Board - 2003 to 2006, Public Safety Ad. Board 2004 - 2007, Animal Svc Board - 2007 to present

Name, in priority order, the Board or Boards on which you would prefer to serve: Planning & Zoning

What experience and/or educational background do you have that could be applied to community service?

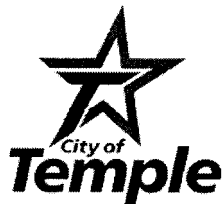
I worked for a new home builder in Corpus Christi for 2 1/2 yrs as a sales asst.

Comments (Attach additional page if desired):

I'm a dedicated community volunteer and genuinely care about this city and its citizens.

Signed: Barbara Brown Date: July 19, 2010

**PLEASE NOTE: All information supplied on this form is public information.**



## CITY OF TEMPLE

### CITY BOARD APPLICATION FORM

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

- |                                     |   |
|-------------------------------------|---|
| * AIRPORT ADVISORY BOARD            | ANIMAL SERVICES ADVISORY BOARD          |
| * BUILDING & STANDARDS COMMISSION   | * BUILDING BOARD OF APPEALS             |
| * CIVIL SERVICE COMMISSION          | COMMUNITY SERVICES ADVISORY BOARD       |
| * ELECTRICAL BOARD                  | TEMPLE PUBLIC SAFETY ADVISORY BOARD     |
| * ZONING BOARD OF ADJUSTMENT        | DEVELOPMENT STANDARDS ADVISORY BOARD    |
| LIBRARY BOARD                       | PARKS & LEISURE SERVICES ADVISORY BOARD |
| * PLANNING & ZONING COMMISSION      | TRANSIT ADVISORY COMMITTEE              |
| REINVESTMENT ZONE NUMBER ONE        | CENTRAL TEXAS HOUSING CONSORTIUM        |
| * TEMPLE ECONOMIC DEVELOPMENT CORP. |   |

• If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.

• If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or [centz@ci.temple.tx.us](mailto:centz@ci.temple.tx.us).

\*\*\*\*\*  
Name JEFF BYRD Residence Address 11212 INVERNESS RD

Mailing Address 11212 INVERNESS RD ; Phone Number (Business) 563-6633 (Home) 780-1742  
BELTON, TX 76513

Fax Number 866-539-5764 Cell Phone Number 254-563-6633 E-Mail Address jeff@bccgeneralcontractor.com

Temple Resident: ☒ Yes ☐ No : MAILING ADDRESS BELTON / TEMPLE TAXES

Current Employer/Nature of Business: SELF EMPLOYED - BCC GENERAL CONTRACTOR, LLC.  
CONSTRUCTION MANAGEMENT SERV.

What City Boards have you served on before & When? N/A

Name, in priority order, the Board or Boards on which you would prefer to serve: BUILDING & STANDARDS ;

PLANNING & ZONING ; CIVIL SERVICE ; ELECTRICAL BOARD ; ECONOMIC DEVELOP CORP ; OTH

What experience and/or educational background do you have that could be applied to community service?

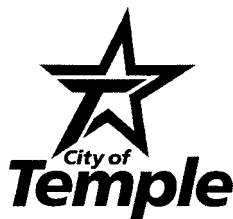
SMALL BUSINESS OWNER ; BACHELOR OF SCIENCE DEGREE IN INDUSTRIAL TECHNOLOGY

AND CONSTRUCTION MANAGEMENT ; LIFE LONG CHURCH MEMBER AND ORGANIZATIONS  
Comments (Attach additional page if desired): WITHIN.

Signed: [Signature] Date: 3-4-09

PLEASE NOTE: All information supplied on this form is public information.

\* App'd Electrical Bld  
3/05/09



## CITY OF TEMPLE

### CITY BOARD APPLICATION FORM

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

AIRPORT ADVISORY BOARD  
BUILDING & STANDARDS COMMISSION  
CIVIL SERVICE COMMISSION  
CONVENTION CENTER & TOURISM BOARD  
ZONING BOARD OF ADJUSTMENT  
LIBRARY BOARD  
PLANNING & ZONING COMMISSION  
REINVESTMENT ZONE NUMBER ONE  
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD  
BUILDING BOARD OF APPEALS  
COMMUNITY SERVICES ADVISORY BOARD  
ELECTRICAL BOARD  
DEVELOPMENT STANDARDS ADVISORY BOARD  
PARKS & RECREATION BOARD  
TRANSIT ADVISORY COMMITTEE  
TEMPLE HOUSING AUTHORITY  
TEMPLE PUBLIC SAFETY ADVISORY BOARD

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• If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or [centz@ci.temple.tx.us](mailto:centz@ci.temple.tx.us).

\*\*\*\*\*

Name Whit Coats Residence Address 3201 Forest Tr

Mailing Address 3201 Forest Tr Phone Number(Business) \_\_\_\_\_ (Home) (254) 778-0937

Fax Number \_\_\_\_\_ Cell Phone Number \_\_\_\_\_ E-Mail Address \_\_\_\_\_

Current Employer/Nature of Business: Retired

What City Boards have you served on before & When? None

Name, in priority order, the Board or Boards on which you would prefer to serve: \_\_\_\_\_

Planning & Zoning

What experience and/or educational background do you have that could be applied to community service?

College Degree, MASTERS Degree (Public Admin)

30 yrs Residence in City Employed 20 yrs in Army

Comments (Attach additional page if desired): Ten years in private industry in Temple

Ten years w/ STATE OF TX in Employment

Signed: Whit Coats Date: 2-24-10

PLEASE NOTE: All information supplied on this form is public information.



## CITY OF TEMPLE

## CITY BOARD APPLICATION FORM



The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

AIRPORT ADVISORY BOARD  
BUILDING & STANDARDS COMMISSION  
CIVIL SERVICE COMMISSION  
ELECTRICAL BOARD  
ZONING BOARD OF ADJUSTMENT  
LIBRARY BOARD  
PLANNING & ZONING COMMISSION  
REINVESTMENT ZONE NUMBER ONE  
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD  
BUILDING BOARD OF APPEALS  
COMMUNITY SERVICES ADVISORY BOARD  
TEMPLE PUBLIC SAFETY ADVISORY BOARD  
DEVELOPMENT STANDARDS ADVISORY BOARD  
PARKS & LEISURE SERVICES ADVISORY BOARD  
TRANSIT ADVISORY COMMITTEE  
CENTRAL TEXAS HOUSING CONSORTIUM  
TREE BOARD

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- If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or [centz@ci.temple.tx.us](mailto:centz@ci.temple.tx.us).

Name Twila Coley Residence Address 714 S 13th Temple Tx  
Mailing Address 714 S 13th Phone Number (Business) 931-7619 (Home) 774-8142  
Fax Number NA Cell Phone Number 931-7619 E-Mail Address twila3@att.net  
Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: Convenience

What City Boards have you served on before & When? Library board 2008-2010  
Animal Control 2008-2010

Name, in priority order, the Board or Boards on which you would prefer to serve:

Planning and zoning, Temple Public Safety Advisory Board

What experience and/or educational background do you have that could be applied to community service?

Comments (Attach additional page if desired):

I have truly enjoyed my time served on both Boards, Library & Animal Control.

Signed: Twila Coley Date: 7-21-2010

PLEASE NOTE: All information supplied on this form is public information.

\* App'd PSAB 8/19/10





14r

**CITY OF TEMPLE**  
**CITY BOARD APPLICATION FORM**

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

- |                                     |   |
|-------------------------------------|---|
| AIRPORT ADVISORY BOARD              | ANIMAL SERVICES ADVISORY BOARD            |
| BUILDING & STANDARDS COMMISSION     | BUILDING BOARD OF APPEALS                 |
| CIVIL SERVICE COMMISSION            | COMMUNITY SERVICES ADVISORY BOARD         |
| ELECTRICAL BOARD                    | TEMPLE PUBLIC SAFETY ADVISORY BOARD       |
| ZONING BOARD OF ADJUSTMENT          | DEVELOPMENT STANDARDS ADVISORY BOARD      |
| LIBRARY BOARD                       | / PARKS & LEISURE SERVICES ADVISORY BOARD |
| 2 PLANNING & ZONING COMMISSION      | TRANSIT ADVISORY COMMITTEE                |
| REINVESTMENT ZONE NUMBER ONE        | CENTRAL TEXAS HOUSING CONSORTIUM          |
| 3 TEMPLE ECONOMIC DEVELOPMENT CORP. |   |

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• If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or [centz@ci.temple.tx.us](mailto:centz@ci.temple.tx.us).

\*\*\*\*\*  
Name WILLIAM B. CRELIN Residence Address 208 SUNDANCE DR

Mailing Address SAME Phone Number(Business) \_\_\_\_\_ (Home) 773-3070

Fax Number \_\_\_\_\_ Cell Phone Number 624-1135 E-Mail Address WUBCRELIN@SBCGLOBAL.NET

Temple Resident: X Yes \_\_\_\_\_ No

Current Employer/Nature of Business: RETIRED

What City Boards have you served on before & When? NONE

Name, in priority order, the Board or Boards on which you would prefer to serve: PARKS & LEISURE -  
PLANNING & ZONING COMMISSION - TEMPLE ECONOMIC DEVELOPMENT CORP

What experience and/or educational background do you have that could be applied to community service?  
THIRTY THREE YEARS SERVING AS A MUNICIPAL FINANCE DIRECTOR

Comments (Attach additional page if desired):

Signed: William B. Crelin Date: 1-21-09

PLEASE NOTE: All information supplied on this form is public information.

**RECEIVED**

JAN 21 2009

CITY OF TEMPLE, TX  
CITY SECRETARY

**William B. Crelin**  
**208 Sundance Drive**  
**Temple, TX 76502**  
**254-624-1135**

**RESUME**

**Finance Director...Chief Financial Officer**

Senior manager with extensive strategic administrative and financial planning, treasury and cash flow management experience. Ability to relate to the public. Investment banking and commercial development negotiations in background. Implementer of control systems involving multiple projects and locations.

**Selected Accomplishments**

After dissolution of the Howell Township Municipal Utilities Authority, developed strategies and managed takeover of operations affecting staff and budget reductions. Stabilized water and sewer rates.

Developed and managed Lock Box System of Collections for Water and Sewer Utility System. Reduced man hours from 8 hours to 1 hour to receive and post daily receipts.

Analyzed cash flow projections, determined future cash requirements and invested available funds in various instruments. Improved interest earnings on cash by over 300%.

Researched hardware and software to completely computerize the organization. Wrote all specifications, solicited bids and secured funding approval. Implemented and managed staff and sub-contractors during computer conversion of system.

Developed and designed a system and wrote procedures for a budgeting process for improved forecasting and control.

Negotiated the underwriting of debt securities with financial community investment banking firms.

Established credit card acceptance for Taxes, Sewer, Beach Badge Fees and Dog Licenses at Mantoloking Borough.

Developed and implemented a uniform system of accounts that enabled uniformity of reporting for all divisions.

Researched and purchased employee benefit programs, evaluated bids from major insurers and administered the programs.

Negotiated contract with three labor unions and managed employment agreements.

Managed and invested up to \$90,000,000.00 in available funds on an annual basis. Established a secured computer interface with banking institution to invest on a daily basis increasing interest earnings by 10%.

Developed and instituted a centralized purchasing system combining all departments and services for the Township of Howell and the Borough of Mantoloking,

### **Employment History**

Township of East Windsor May 2003 to March 2005

Finance Director

Mantoloking Borough March 1993 to April 2003

Chief Financial Officer

Tax Collector

Insurance Commissioner

Purchasing Agent

Howell Township June 1990 to July 1993

Chief Financial Officer

Neptune Township November 1972 to May 1990

Chief Financial Officer

### **Education**

Monmouth College

Accounting, 1973

Rutgers University

Certified Municipal Finance Officer, 1976

Certified Tax Collector, 1996

Rutgers University, 1990 – 2005

Continuing Educations Credits Requirements 30 Credits Annually Required by State of NJ

Certified Municipal Finance Officer

Certified Tax Collector

### **Military**

United States Army

Honorable Discharge

1968 - 1971



## CITY OF TEMPLE

## CITY BOARD APPLICATION FORM

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AIRPORT ADVISORY BOARD  
☒ BUILDING & STANDARDS COMMISSION  
 CIVIL SERVICE COMMISSION  
 ELECTRICAL BOARD  
 ZONING BOARD OF ADJUSTMENT  
 LIBRARY BOARD  
☒ PLANNING & ZONING COMMISSION  
 REINVESTMENT ZONE NUMBER ONE  
 TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD  
☒ BUILDING BOARD OF APPEALS  
 COMMUNITY SERVICES ADVISORY BOARD  
 TEMPLE PUBLIC SAFETY ADVISORY BOARD  
☒ DEVELOPMENT STANDARDS ADVISORY BOARD  
 PARKS & LEISURE SERVICES ADVISORY BOARD  
 TRANSIT ADVISORY COMMITTEE  
☒ CENTRAL TEXAS HOUSING CONSORTIUM

• If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.

• If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or [centz@ci.temple.tx.us](mailto:centz@ci.temple.tx.us).

\*\*\*\*\*  
 Name TONYA DEGGES Residence Address 3009 W. AVE. T, TEMPLE  
 Mailing Address Same Phone Number (Business) 817-903-7031 (Home) 254-598-4333  
 Fax Number 254-231-4897 Cell Phone Number 817-903-7031 E-Mail Address tonya-degges@yahoo.com

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: SELF - 360 Perspective / Architecture

What City Boards have you served on before & When? NONE

Name, in priority order, the Board or Boards on which you would prefer to serve: Building & Standards, Planning & Zoning, Building Board of Appeals, CTHC

What experience and/or educational background do you have that could be applied to community service?  
2002 graduate of University of Texas @ Arlington

With a degree in architecture. Working at a firm in Ft. Worth until 2008 when I moved to Temple and started my own business.

Signed: Tonya Degges Date: February 1, 2010

PLEASE NOTE: All information supplied on this form is public information.

Appt'd Electrical Board 3/18/10

# Tonya Degges

3009 W. Avenue T  
Temple, TX 76504  
P: (254) 598-4333  
F: (254) 231-4897  
Cell: (817) 903-7031  
Website: [www.360-perspective.com](http://www.360-perspective.com)

## SUMMARY OF QUALIFICATIONS

Creative, versatile and highly-motivated designer with a combination of 8 years of experience in residential and commercial design/built fields. Especially skilled at building effective and productive working relationships with clients and other design team members with excellent analytical problem solving skills. Completed IDP and actively pursuing registration.

## EXPERIENCE

**360 Perspective**, Temple, TX  
Founder

August 2008-Present

-Owner / Designer Small Architectural Design Firm working in developing a broad range of Residential designs and Small-scale commercial projects

**Quorum Architects, Inc.**, Fort Worth, TX  
Assistant Project Manager

January 2007-August 2008

**Army & Air Force Exchange Services- AAFES, North America**

-Design Team / Schematic Design, Design Development, Client Meetings  
Report Presentation, Code Review, Construction Documents and Administration  
-Continuous production and design of National Retail & Restaurant chains  
@ US Army and Naval Bases through-out the United States

**Health Texas Provider Network Physicians Offices, Fort Worth, TX**

-Design Team / Design Development, Client Meetings and  
Presentations, Code Review, Construction Documents and Administration

**G.L. Barron Company, Inc.**, Fort Worth, TX  
Project Designer

January 2005-December 2006

**Grace Fellowship Bible Church, Paradise, TX**

-Co-designer / Schematic Design, Design Development, Client Meetings and  
Presentations, Code Review, Construction Documents and Administration  
-\$4.2 million, 30,000 sf new facility with emphasis on design development of  
audio and visual features-worship space – seating 650 people

**Arlington First Church of The Nazarene, Arlington, TX**

-Design Team / Design Development, Client Meetings and  
Presentations, Code Review, Construction Documents and Administration  
-\$4.5 million, 28,000 sf new facility including worship space, fellowship  
hall and classrooms

**First Baptist Hillsboro, Hillsboro, TX**

-Design Team / Design Development and Construction Documents,

Interior Finish Coordination through owner and project manager  
-\$2.7 million, 16,500 sf addition including new education wing and gymnasium

**OPTIMA Homes, Inc., Fort Worth, TX;**  
**Design Department Manager**

March 2003 - January 2005

- Design and Development of Residential Plans and Plot Plans
- Construction Documents
- Construction Administration
- City Code Reviews

**Cantwell Construction, Whitney, TX;**  
**Co-Owner**

June 2000 - March 2003

- Project Management
- Project Administration
- Design Documents
- City Code Reviews

## **EDUCATION**

**UNIVERSITY OF TEXAS AT ARLINGTON, Arlington, TX** June 1999 – December 2002  
**School of Architecture**

Undergraduate Program-Bachelor of Science in Architecture [BSArch]

**HILL COLLEGE, Hillsboro, TX**

General studies with concentration on Science

## **SKILLS**

**Technical Drawing-Advanced**  
AutoCAD 2008, SoftPlan 11.2,

**Technical Drawing with 3D Modeling and Rendering Capabilities-Advanced**  
ArchiCAD 9.0, Autodesk Architectural Desktop 2005, Revit

**Graphics and Presentation- Advanced**  
Adobe CS – Photoshop, Illustrator, InDesign, Microsoft PowerPoint

## **AWARDS / ACTIVITIES**

**Honorable Mention**  
Metal in Construction Association-International Design Competition 2002

**Dean's Honor List**  
Hill College Academic Excellence 1999

**NCARB**  
Registered Member in IDP

**American Institute of Architecture Students**  
Elected Member

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## CITY OF TEMPLE

## CITY BOARD APPLICATION FORM

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AIRPORT ADVISORY BOARD  
BUILDING & STANDARDS COMMISSION  
CIVIL SERVICE COMMISSION  
ELECTRICAL BOARD  
ZONING BOARD OF ADJUSTMENT  
LIBRARY BOARD  
PLANNING & ZONING COMMISSION  
REINVESTMENT ZONE NUMBER ONE  
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD  
BUILDING BOARD OF APPEALS  
COMMUNITY SERVICES ADVISORY BOARD  
TEMPLE PUBLIC SAFETY ADVISORY BOARD  
DEVELOPMENT STANDARDS ADVISORY BOARD  
PARKS & LEISURE SERVICES ADVISORY BOARD  
TRANSIT ADVISORY COMMITTEE  
CENTRAL TEXAS HOUSING CONSORTIUM

- If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.
- If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or [centz@ci.temple.tx.us](mailto:centz@ci.temple.tx.us).

Name Alan C. Horn Residence Address 3502 Preston Oaks Dr. Temple 76504

Mailing Address Same Phone Number (Business) 778-4241 (Home) 771-3689

Fax Number 778-5151 Cell Phone Number 254-493-0679 E-Mail Address Alan@mmccorps.com

Temple Resident: 16 yrs Yes ☒ No ☐

Current Employer/Nature of Business: MW BUILDERS OF TX, INC. GENERAL CONTRACTORS

What City Boards have you served on before & When? NONE

Name, in priority order, the Board or Boards on which you would prefer to serve: TEMPLE ECONOMIC DEV. CORP  
BUILDING STANDARDS COMMISSION, PLANNING & ZONING COMMISSION, BUILDING BOARD OF APPEALS

What experience and/or educational background do you have that could be applied to community service?  
GENERAL CONTRACTORS, COMMERCIAL CONSTRUCTION

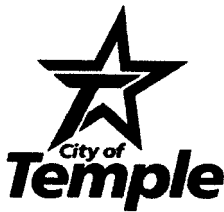
Comments (Attach additional page if desired):

Signed: [Signature]

Date: 7/15/09

PLEASE NOTE: All information supplied on this form is public information.

App'd to Bldg Board of Appeals  
3-0410



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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BUILDING & STANDARDS COMMISSION  
CIVIL SERVICE COMMISSION  
ELECTRICAL BOARD  
ZONING BOARD OF ADJUSTMENT  
LIBRARY BOARD  
PLANNING & ZONING COMMISSION  
REINVESTMENT ZONE NUMBER ONE  
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD  
BUILDING BOARD OF APPEALS  
COMMUNITY SERVICES ADVISORY BOARD  
TEMPLE PUBLIC SAFETY ADVISORY BOARD  
DEVELOPMENT STANDARDS ADVISORY BOARD  
PARKS & LEISURE SERVICES ADVISORY BOARD  
TRANSIT ADVISORY COMMITTEE  
CENTRAL TEXAS HOUSING CONSORTIUM

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\*\*\*\*\*  
Name David Jones Residence Address 11704 Meredith Drive

Mailing Address 11704 Meredith Drive Phone Number(Business) 939.9404 (Home) 780.1433

Fax Number 939.9408 Cell Phone Number 718.2221 E-Mail Address david@belltec.net

Temple Resident: XX Yes        No

Current Employer/Nature of Business: Belltec Industries & Prestige Solutions

What City Boards have you served on before & When? Belton Zoning Board of Adjustments  
1997 & 1998

Name, in priority order, the Board or Boards on which you would prefer to serve: Temple Eco Dev Corp,  
Airport Advisory Board, Planning & Zoning Commission

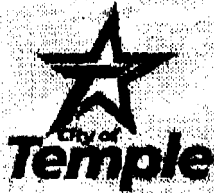
What experience and/or educational background do you have that could be applied to community service?  
Education: BS Texas A&M, MBA Baylor. Experience: Residential construction with my home building company Prestige Solutions. Manufacturing management experience through Mohawk Eq and Belltec Industires.

Comments (Attach additional page if desired):  
I am a pilot and currently fly out of Temple airport and therefore interested in the growth and development of the airport. I would also be willing to commit the time to serve on two boards.

Signed: [Signature] Date: 8-5-09

PLEASE NOTE: All information supplied on this form is public information. \* App'd Airport Board 8/19/10





## CITY OF TEMPLE

## CITY BOARD APPLICATION FORM

Sent via fax

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AIRPORT ADVISORY BOARD  
BUILDING & STANDARDS COMMISSION  
CIVIL SERVICE COMMISSION  
CONVENTION CENTER & TOURISM BOARD  
ZONING BOARD OF ADJUSTMENT  
LIBRARY BOARD  
PLANNING & ZONING COMMISSION  
REINVESTMENT ZONE NUMBER ONE  
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD  
BUILDING BOARD OF APPEALS  
COMMUNITY SERVICES ADVISORY BOARD  
ELECTRICAL BOARD  
DEVELOPMENT STANDARDS ADVISORY BOARD  
PARKS & RECREATION BOARD  
TRANSIT ADVISORY COMMITTEE  
TEMPLE HOUSING AUTHORITY  
TEMPLE PUBLIC SAFETY ADVISORY BOARD

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Name Ed Lauglin Residence Address 3114 Sleepy Hollow Lane  
Temple, TX 76502

Mailing Address \_\_\_\_\_ Phone Number (Business) 254-317 (Home) 773-5230

Fax Number 773-8426 Cell Phone Number 718-3786 E-Mail Address edlauglin@comcast.net

Current Employer/Nature of Business: Law Offices of Ed Lauglin

What City Boards have you served on before & When? None

Name, in priority order, the Board or Boards on which you would prefer to serve: ① Planning & Zoning

② Zoning Board of Adjustment ③ Building & Standards ④ Tourism

What experience and/or educational background do you have that could be applied to community service?

28 years experience in legal services

26 years experience in commercial & residential real estate

Comments (Attach additional page if desired):

Signed: Ed Lauglin

Date: 7/9/08

PLEASE NOTE: All information supplied on this form is public information.

\* App'd Bldg. & Standards  
2-1909



## CITY OF TEMPLE

## CITY BOARD APPLICATION FORM

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CIVIL SERVICE COMMISSION  
ELECTRICAL BOARD  
ZONING BOARD OF ADJUSTMENT  
LIBRARY BOARD  
PLANNING & ZONING COMMISSION  
REINVESTMENT ZONE NUMBER ONE  
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD  
BUILDING BOARD OF APPEALS  
COMMUNITY SERVICES ADVISORY BOARD  
TEMPLE PUBLIC SAFETY ADVISORY BOARD  
DEVELOPMENT STANDARDS ADVISORY BOARD  
PARKS & LEISURE SERVICES ADVISORY BOARD  
TRANSIT ADVISORY COMMITTEE  
CENTRAL TEXAS HOUSING CONSORTIUM

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Name Rich Lewis Residence Address 305 BEN NEVIS LN.  
Mailing Address SAME Phone Number (Business) 254-778-3199 (Home) 254-780-2669  
Fax Number 254-778-7712 Cell Phone Number \_\_\_\_\_ E-Mail Address rick@swecu.org  
Temple Resident: ☒ Yes ☐ No  
Current Employer/Nature of Business: Scott White Employees Credit Union  
What City Boards have you served on before & When? NONE

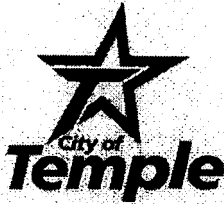
Name, in priority order, the Board or Boards on which you would prefer to serve: PLANNING & ZONING

What experience and/or educational background do you have that could be applied to community service?

BANKING, FINANCE, APPRAISALS, 54 years AS A Citizen of Temple  
BBA (GENERAL BUSINESS) UNIVERSITY of TEXAS  
Comments (Attach additional page if desired):

Signed: Rich Lewis Date: 7/24/09

PLEASE NOTE: All information supplied on this form is public information.



CITY OF TEMPLE  
CITY BOARD APPLICATION FORM

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ELECTRICAL BOARD  
ZONING BOARD OF ADJUSTMENT  
LIBRARY BOARD  
PLANNING & ZONING COMMISSION  
REINVESTMENT ZONE NUMBER ONE  
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD  
BUILDING BOARD OF APPEALS  
COMMUNITY SERVICES ADVISORY BOARD  
TEMPLE PUBLIC SAFETY ADVISORY BOARD  
DEVELOPMENT STANDARDS ADVISORY BOARD  
PARKS & LEISURE SERVICES ADVISORY BOARD  
TRANSIT ADVISORY COMMITTEE  
CENTRAL TEXAS HOUSING CONSORTIUM

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Name Richard E. Morgan Residence Address 214 West Houston Ave.  
Temple, TX 76501  
Mailing Address 214 W. Houston Ave. Phone Number (Business) 254.634-4244 (Home) 254.771.0109  
Temple, TX 76501  
Fax Number 254.634.8809 Cell Phone Number 254.760.0331 E-Mail Address richard.morgan@hst.ir.com

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: Self Employed/Sole Proprietor/Clinical Social Worker

What City Boards have you served on before & When? \_\_\_\_\_

Name, in priority order, the Board or Boards on which you would prefer to serve: (1) Planning & Zoning Commission  
(2) Community Services Advisory Board (3) Temple Public Safety Advisory Board  
(4) Reinvestment Zone Number One (5) Transit Advisory Board

What experience and/or educational background do you have that could be applied to community service?  
Served on Numerous Committees including Bell County Resource Group  
Parents Without Partners Board of Directors - Bell County Mental Health

Comments (Attach additional page if desired): I have a Master of Science Degree  
in Social Work from University of Texas  
over 20 years as a Clinical Social Worker

Signed: Richard E. Morgan

Date: 7/26/09

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CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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ELECTRICAL BOARD  
ZONING BOARD OF ADJUSTMENT  
LIBRARY BOARD  
PLANNING & ZONING COMMISSION  
REINVESTMENT ZONE NUMBER ONE  
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD  
BUILDING BOARD OF APPEALS  
COMMUNITY SERVICES ADVISORY BOARD  
TEMPLE PUBLIC SAFETY ADVISORY BOARD  
DEVELOPMENT STANDARDS ADVISORY BOARD  
PARKS & LEISURE SERVICES ADVISORY BOARD  
TRANSIT ADVISORY COMMITTEE  
CENTRAL TEXAS HOUSING CONSORTIUM

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Name Michael Nader Residence Address 4510 Walnut Rd.  
Mailing Address 4510 Walnut Rd. Temple 76502 Phone Number (Business) 773-4585 (Home) 773-1848  
Fax Number \_\_\_\_\_ Cell Phone Number 214-693-4541 E-Mail Address Miken1006@aol.com  
Temple Resident: ☒ Yes ☐ No  
Current Employer/Nature of Business: HEB on Adams - Pharmacist  
What City Boards have you served on before & When? None

Name, in priority order, the Board or Boards on which you would prefer to serve: Temple Economic Development Corporation OR Planning & Zoning Commission

What experience and/or educational background do you have that could be applied to community service?  
Finished Leadership Temple this past year

Comments (Attach additional page if desired): I want to serve my city and help where and when I can.

Signed: Michael Nader Date: 7/31/09

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## CITY OF TEMPLE

### CITY BOARD APPLICATION FORM

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CIVIL SERVICE COMMISSION  
ELECTRICAL BOARD  
ZONING BOARD OF ADJUSTMENT  
LIBRARY BOARD  
PLANNING & ZONING COMMISSION  
REINVESTMENT ZONE NUMBER ONE  
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD  
BUILDING BOARD OF APPEALS  
COMMUNITY SERVICES ADVISORY BOARD  
TEMPLE PUBLIC SAFETY ADVISORY BOARD  
DEVELOPMENT STANDARDS ADVISORY BOARD  
PARKS & LEISURE SERVICES ADVISORY BOARD  
TRANSIT ADVISORY COMMITTEE  
CENTRAL TEXAS HOUSING CONSORTIUM

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\*\*\*\*\*  
Name Jeff Norwood Residence Address 256 Eagle Landing Temple  
Mailing Address 256 Eagle Landing Temple 76513 Phone Number (Business) 493 4600 (Home) 780 3402  
Fax Number \_\_\_\_\_ Cell Phone Number 493 4600 E-Mail Address Jeffn@intonline.com  
Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: Insurance Network of Texas / Insurance - risk management

What City Boards have you served on before & When? None

Name, in priority order, the Board or Boards on which you would prefer to serve: \_\_\_\_\_

Building & Standards Commission, Planning & Zoning Commission

What experience and/or educational background do you have that could be applied to community service?  
Insurance & risk management 10 years, Construction

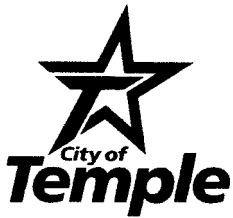
expertise, Harvard Leadership Series, Past President Rotary  
Comments (Attach additional page if desired):

Vice President 100+ employee company, Bolton Leadership  
Program

Signed: [Signature] Date: 7-10-10

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Appt'd Bldg Stand. 3/4/10



## CITY OF TEMPLE

### CITY BOARD APPLICATION FORM

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ZONING BOARD OF ADJUSTMENT  
LIBRARY BOARD  
PLANNING & ZONING COMMISSION  
REINVESTMENT ZONE NUMBER ONE  
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD  
BUILDING BOARD OF APPEALS  
COMMUNITY SERVICES ADVISORY BOARD  
TEMPLE PUBLIC SAFETY ADVISORY BOARD  
DEVELOPMENT STANDARDS ADVISORY BOARD  
PARKS & LEISURE SERVICES ADVISORY BOARD  
TRANSIT ADVISORY COMMITTEE  
CENTRAL TEXAS HOUSING CONSORTIUM  
TREE BOARD

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\*\*\*\*\*

Name Mary Ann Rojas Residence Address 1313 N. 8th, Temple TX

Mailing Address 19 N. Main #2715 Phone Number (Business) 254 298-8885 (Home) 254 774-7061

Fax Number 254 773-3579 Cell Phone Number 361 816-4157 E-Mail Address MANUANN.rojas@PhyJobSource.org

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: OWNER: Job Source, Employment Service

What City Boards have you served on before & When? I have served on numerous Boards, Committees and served as Executive Director of Workforce Boards in Corpus Christi and Lubbock. I have broad experience in community services, economic development, workforce and policy making. I currently serve on TX Assn of Partners in Education and Medicaid Advisory Council. Current member of Temple Chamber of Commerce.

Name, in priority order, the Board or Boards on which you would prefer to serve:

- 1) Temple Economic Development Corp.
- 2) Building and Standards
- 3) Community Services
- 4) TRANSIT Advisory Committee
- 5) Reinvestment Zone
- 6) Planning-Zoning

or any appropriate area designated by council

What experience and/or educational background do you have that could be applied to community service?

College grad, 15 years Senior Executive experience, small business owner and working knowledge of community, education, development, and workforce programs. Knowledge of working with local, regional, state councils, commissions & Boards

Comments (Attach additional page if desired):

I am very interested in becoming involved in my community and offering my knowledge, experience and education to the betterment of the local community.

Signed: [Signature] Date: May 13, 2010

PLEASE NOTE: All information supplied on this form is public information.

**MARY A ROJAS**

1313 N 8TH ST  
TEMPLE, TX 76501-2036  
(254) 774-7061

**Career Objectives**

Senior Level Executive/Entrepreneur seeking similar position in Central Texas area

**Summary of Qualifications**

Senior Executive with 10 plus years in the Chief Executive role in the public sector and 5 years as small business owner. Recognized for collaborative work style and leadership with proven success in developing and implementing successful projects.

**Work History**

Oct 01, 2009 - Dec 31, 2009

**Southwest Key Programs - Austin, Texas****Chief Program Officer**

Responsible for start up phase of newly acquired project. Direct and guide the implementation of business plan, work with senior management on transition of workforce services contract personnel, develop service plans, operational plans, monitoring plans and general oversight of program implementation and performance. Recruit senior level talent to meet the needs of system. Develop and implement program goals. Achieved performance standards in first quarter of contract. Develop and motivate staff. Complete monthly management reports, approve leave, evaluate performance of staff. Provide guidance and direction to senior level and front line staff. Work with staff and board to ensure expenditure performance. Review budgets and make recommendations as appropriate to meet financial and programmatic goals.

Mar 12, 2005 - Sep 30, 2009

**Workforce Solutions of the Coastal Bend - Corpus Christi, Texas****Executive Director**

Responsible for implementing regional strategic plan. Work in support of 34 member volunteer board and 13 member chief elected officials to guide, develop and sustain the regional workforce plan. Provide leadership and support to 28 administrative staff and 100 direct service staff throughout 12 county area offices. Led organization through 18 month financial recovery plan consisting of system re-design and re-organization. Implemented 5 year plan and achieved all objectives and exceeded expectations. Provided leadership and guidance to senior level staff responsible for marketing, IT, procurement, fiscal and general operations area. Represent board at committees, local and state boards. Work in concert with local stakeholders, industry partners, economic development organizations, counties, cities, school districts, colleges and universities and other community partners to develop programs, address needs and work collaboratively to create beneficial and sustainable solutions. Exercised professionalism at all times. Present information at conferences, panels, workshops etc. Approve and execute contracts, documents, agreements on behalf of Board. Work with board members and executive committee to ensure regional strategic plan is implemented to benefit intended recipients. Monitor expenditures and ensure program objectives are met in agreement to terms of state contract. Act a lead spokesperson for organization, participate in on-screen, radio and print interviews. Prepare presentations, speeches, executive summaries, board reports, agendas, articles and papers as required. Review, approve and edit local policies and procedures. Review management reports and monitor contractor performance. Collaborate with industry executives to develop award winning service delivery model.

Jan 02, 2001 - Feb 15, 2001

**Workforce Solutions South Plains - Lubbock, Texas****Executive Director**

Responsible for implementing regional strategic plan for 15 county region. Provided direction and leadership to 28 member board and 16 member chief elected officials. Create and develop award winning programs in collaboration with cross section of community partners. Worked with industry leaders and local universities to form the South Plains Nursing community education coalition to address the nursing workforce shortages in the region. As a result a collaborative of nursing schools, industry partners, chambers of commerce and economic development partners raised over 5 million dollars through fund raising and matching grants which garnered national attention. Implemented a performance improvement plan resulting in state financial awards. Provided leadership and guidance to 15 member board staff and 100 direct service staff. Review contracts, documents, monitoring reports, write articles, review and approve policy. Assist in grant writing, review and approval. Act as spokesperson for organization. Represent organization at conferences, events,

meetings, local and state boards. Work collaboratively with industry partners to address workforce issues and implement solution based strategies. Approve budgets, make recommendations to board, prepare agendas, executive summaries, and participate in conference and event planning. Provide monetary funding to local youth projects. Developed rural outreach initiative to enhance services to rural areas. Founding member of West Texas Allied Communities, an entrepreneurial program which resulted in jobs created in rural Texas. Oversee IT, procurement, monitoring, planning and fiscal departments. Executed contracts, agreements, financial awards on behalf of board.

Sep 10, 1995 - Feb 01, 2001

**Job Source - Wichita Falls, Texas**

**Owner/President**

Responsible for the overall business operation and day to day activities. Hire, train and motivate staff. Complete case reviews, open files and develop service plans for individual clients. Accepted referrals from Texas and Oklahoma state rehabilitation agencies. Attend trainings, meetings and conferences. Provide job development, job coaching and placement services. Prepare and submit monthly reports and invoices for payment. Keep financial records, complete state and federal quarterly reports. Secure leases, execute contracts, research opportunities and work with employers on daily basis to meet their individual staffing needs. Work with accountants, attorneys, insurance agents and other professionals on business related matters. Set goals, implement revenue generation strategies, consistently monitor and evaluate business plan. Acquired knowledge of state tax credits, state workforce agencies and state workforce boards. Represented company on local workforce board and acted as Chairwoman of the board in 1999-2000.

## Education

Jun 1989 - Aug 1994

**Midwestern State University - Wichita Falls, Texas**

Education Level: Bachelors Degree

Major: management

GPA: 2.9

Graduated: Yes

## Occupational Experience

**Chief Executives ( 10 yrs 0 mos )**

**General and Operations Managers ( 15 yrs 0 mos )**

**Administrative Services Managers ( 10 yrs 0 mos )**

**Product Safety Engineers ( 0 yrs 0 mos )**

## Computer Skills

**Typing Speed: 50 Words Per Minute**

- EMail Software (Outlook, Thunderbird, etc)
- Internet Browser (Internet Explorer, Firefox, etc)
- Personal Computers
- Presentation Software (PowerPoint, Flash, etc)
- Spreadsheet Software (Calc, Excel, etc)
- Word Processing Software (Word, WordPerfect, etc)

## Language Skills

**English - Excellent ( Read Write Speak)**

**Spanish - Good ( Read Write Speak)**

## Additional Skills

Government Executive with over 10 years experience. Working knowledge of public boards, developing regional strategic plans, working with elected officials and industry leaders on local and regional issues. Skilled and experienced in developing plans to meet strategic objectives. Worked with Chambers of Commerce, Economic Development Agencies, Associations and community stakeholders, act as chief spokesperson for the organization. Experienced in directing, managing and planning in a complex environment. Experienced managing multi-million dollar budget, and directing planned expenditures and forecasting activities. Led team of senior managers and directors. Prepare board agendas. Knowledgeable of Open meetings act and compliance requirements. Knowledgeable of process for administering federal programs.



**Driver's License**

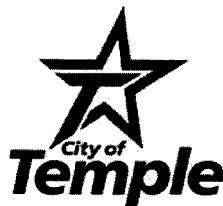
Class C - Standard Driver's License

**References**

**Arnold Saenz**  
County Judge  
Jim Wells County  
(361) 668-5706

**Rosie Collin**  
Director  
Ingleside Local Redevelopment Authority  
(361) 510-4448  
vrcollin@gtek.biz

**Mona Statser**  
Executive Director/Colleague  
North Texas Workforce Development Board  
(940) 767-1432  
mona.statser@twc.state.tx.us



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

AIRPORT ADVISORY BOARD  
BUILDING & STANDARDS COMMISSION  
CIVIL SERVICE COMMISSION  
ELECTRICAL BOARD  
ZONING BOARD OF ADJUSTMENT  
LIBRARY BOARD  
PLANNING & ZONING COMMISSION  
REINVESTMENT ZONE NUMBER ONE  
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD  
BUILDING BOARD OF APPEALS  
COMMUNITY SERVICES ADVISORY BOARD  
TEMPLE PUBLIC SAFETY ADVISORY BOARD  
DEVELOPMENT STANDARDS ADVISORY BOARD  
PARKS & LEISURE SERVICES ADVISORY BOARD  
TRANSIT ADVISORY COMMITTEE  
CENTRAL TEXAS HOUSING CONSORTIUM

- If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.
- If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or [centz@ci.temple.tx.us](mailto:centz@ci.temple.tx.us).

\*\*\*\*\*  
Name Dawn Sprague Residence Address 3108 Oakridge Drive, Temple 76502  
Mailing Address (same) Phone Number(Business) 254-493-5456 (Home) 254-771-0907  
Fax Number 254-771-0907 Cell Phone Number 254-493-5456 E-Mail Address DAWN&UXSPRAGUE@HOTMAIL.COM  
Temple Resident: ☒ Yes ☐ No  
Current Employer/Nature of Business: home, artist, costumer  
What City Boards have you served on before & When? none

Name, in priority order, the Board or Boards on which you would prefer to serve: 1) Development Standards Advisory Board, 2) Planning + Zoning Commission, 3) Parks + Leisure Services

What experience and/or educational background do you have that could be applied to community service?  
B.S. in Advertising from UT, school/parent group organizer, TISD Long Range Planning Group,  
Have had remodel experience, worked as commercial painter/finisher, -new construction and remodel.  
Comments (Attach additional page if desired):

I am a quick study and good at research.  
I ask a lot of questions and care deeply for the community in which I am →  
Signed: [Signature] Date: 12 Feb. 2009

PLEASE NOTE: All information supplied on this form is public information.

raising two children. I hope to contribute my skills and abilities to improving our community and making it more safe, attractive and fun for its residents and business.

I am passionate about equal access, efficiency and raising the quality of life for all Temple residents. Recycling, clean energy, re-use and multi-use are all activities that are important to me. Creative thinking is something I admire and hope to achieve when solving problems.

I look forward to helping Temple in any way I can.



**CITY OF TEMPLE**  
**CITY BOARD APPLICATION FORM**

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ZONING BOARD OF ADJUSTMENT  
LIBRARY BOARD  
PLANNING & ZONING COMMISSION  
REINVESTMENT ZONE NUMBER ONE  
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD  
BUILDING BOARD OF APPEALS  
COMMUNITY SERVICES ADVISORY BOARD  
TEMPLE PUBLIC SAFETY ADVISORY BOARD  
DEVELOPMENT STANDARDS ADVISORY BOARD  
PARKS & LEISURE SERVICES ADVISORY BOARD  
TRANSIT ADVISORY COMMITTEE  
CENTRAL TEXAS HOUSING CONSORTIUM

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\*\*\*\*\*  
Name VALENTINE VILLA Residence Address 7717 HAWTHORN

Mailing Address 7717 HAWTHORN Phone Number (Business) 254-774-1418 (Home) 254-774-1418

Fax Number \_\_\_\_\_ Cell Phone Number \_\_\_\_\_ E-Mail Address VILLAVG VILLA@AOL.com

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: RETIRED - COMPUTER CONSULTANT

What City Boards have you served on before & When? NONE

Name, in priority order, the Board or Boards on which you would prefer to serve: (1) PARKS & LEISURE,

(2) TEMPLE ECONOMIC DEV, (3) PLANNING & ZONING, AIRPORT ADVISORY

What experience and/or educational background do you have that could be applied to community service?  
MY INVOLVEMENT IN OTHER CIVIC ORGANIZATIONS

Comments (Attach additional page if desired):

Signed: [Signature] Date: 02/10/2009

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## CITY OF TEMPLE

## CITY BOARD APPLICATION FORM

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ZONING BOARD OF ADJUSTMENT  
LIBRARY BOARD  
PLANNING & ZONING COMMISSION  
REINVESTMENT ZONE NUMBER ONE  
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD  
BUILDING BOARD OF APPEALS  
COMMUNITY SERVICES ADVISORY BOARD  
TEMPLE PUBLIC SAFETY ADVISORY BOARD  
DEVELOPMENT STANDARDS ADVISORY BOARD  
PARKS & LEISURE SERVICES ADVISORY BOARD  
TRANSIT ADVISORY COMMITTEE  
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Name STARKY K. WINNETT Residence Address 2009 SOUTH 53RD, TEMPLE, TX 76  
Mailing Address 2009 S. 53RD, TEMPLE, TX 76798 Phone Number (Business) 760-2699 (Home) 778-5836  
Fax Number 778-5836 Cell Phone Number 760-2699 E-Mail Address SKWIN47@AOL.COM  
Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: RETIRED / SELF EMPLOYED APPRAISER

What City Boards have you served on before & When? N/A (WORKED FOR CITY OF TEMPLE AND BELLCOUNTY APPRAISAL DISTRICT FOR 33 YEARS)

Name, in priority order, the Board or Boards on which you would prefer to serve: PLANNING & ZONING COMMISSION, BUILDING BOARD OF APPEALS, BUILDING & STANDARDS COMMISSION

What experience and/or educational background do you have that could be applied to community service?

CITY OF TEMPLE - ELECTRICAL INSPECTOR, BUILDING INSPECTOR, MAPER, SURVEYOR, OFFICE MANAGER WATER DEPT., REVIEW APPRAISER, OFFICE MANAGER, CHIEF APPRAISER OF CITY OF TEMPLE, MANAGER OF ALL APPRAISERS IN BELTON CAD.

Signed: Starky K. Winnett Date: 7-24-09

PLEASE NOTE: All information supplied on this form is public information.

App'd Bldg Board of Appeals 3/04/10

ET RED FROM BELL COUNTY APPRAISAL DISTRICT 1999.

EMPLOYED BY STATE OF TEXAS AS ONSITE REVIEW APPRAISER  
FROM 1974 TO 1981. (PART-TIME)

EMPLOYED BY CORYELL COUNTY APPRAISAL DISTRICT FROM 2001-2005.

I AM CURRENTLY EMPLOYED BY LISCO APPRAISAL SERVICES, WE APPRAISE  
REAL ESTATE PARCELS FOR BANKS, LOAN CO., <sup>THE</sup> PUBLIC AND ETC.  
WE APPRAISE WORK FOR APPRAISAL DISTRICTS ALL OVER THE  
STATE OF TEXAS (LAND, RESIDENCE, COMMERCIAL, ~~RETAIL~~, INDUSTRIAL  
AND PERSONAL PROPERTY).

I AM VICE-CHAIRMAN OF DEACONS AT HEIGHTS BAPTIST CHURCH  
OF TEMPLE AND HAVE BEEN ON MANY MISSIONS TRIP TO MEXICO  
AND TO THE GULF COAST THE LAST 3 YEARS BUILDING CHURCHES, RESIDENCES  
AND OTHER PROJECTS.

HAVE BEEN A FOOTBALL OFFICIAL FOR 44 YEARS, CALLING GAMES  
FOR HIGH SCHOOL, COLLEGE AND ARENA FOOTBALL (INDOOR).

I HAVE COACHED SOFTBALL, BASEBALL, SOCCER AND OTHER SPORTS  
FOR MANY YEARS, WITH KIDS AND ADULTS.

I DO VOLUNTEER WORK FOR "CHURCHES TOUCHING LIVES FOR CHRIST" AND  
OTHER ORGANIZATIONS.