



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd FLOOR - CONFERENCE ROOM

THURSDAY, FEBRUARY 3, 2011

4:00 P.M.

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, February 3, 2011.
2. Review and discuss options for a future text amendment to the TMED zoning districts concerning the applicability thresholds for existing residential uses.
3. Discuss upcoming appointments to the following City boards and commissions:
 - (A) Building & Standards Commission – two regular members and three alternate members to fill expiring terms through March 1, 2013
 - (B) Development Standards Advisory Board – three members to fill expiring terms through March 1, 2014
 - (C) Electrical Board – three members to fill expiring terms through March 1, 2014
 - (D) Parks and Leisure Services Advisory Board – two members to fill expiring terms through March 1, 2014
 - (E) Tree Board – two members to fill expiring terms through March 1, 2014
 - (F) Zoning Board of Adjustment – two regular members and two alternate members to fill expiring terms through March 1, 2013

5:00 P.M.

MUNICIPAL BUILDING

**2 NORTH MAIN STREET
CITY COUNCIL CHAMBERS – 2ND FLOOR**

TEMPLE, TX

REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PUBLIC COMMENTS

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

III. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. [National School Counseling Week](#) [January 31 -- February 6, 2011](#)

IV. REPORTS

4. Receive the City of [Temple Comprehensive Annual Financial Report](#) for fiscal year ended September 30, 2010.

V. CONSENT AGENDA

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

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

Minutes:

- (A) [January 20, 2011 Special Called and Regular Meeting](#)

Contracts, Leases & Bid

- (B) [2011-6228-R](#): Consider adopting a resolution authorizing a construction contract with K&S Backhoe Services of Gatesville for the emergency replacement of an 8" water line crossing of the railroad near Avenue D and South 14th Street, in the amount of \$38,032.41.
- (C) [2011-6229-R](#): Consider adopting a resolution authorizing the purchase of Telecommunication/Data infrastructure Cabling for the new Temple Fire Station 8/EOC/Training Center with Titan Datacom of Austin in the amount of \$33,307.27.
- (D) [2011-6230-R](#): Consider adopting a resolution authorizing the purchase of janitorial supplies from Gulf Coast Paper of Temple utilizing a BuyBoard contract in the estimated annual amount of \$85,000.
- (E) [2011-6231-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP (KPA), for development of a master plan and concepts for monuments and gateways for the Temple Medical and Education District in an amount not to exceed \$28,600.
- (F) [2011-6232-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP (KPA), for development of a conceptual design for a plaza in the downtown area in an amount not to exceed \$25,000.

Ordinances – Second and Final Reading

- (G) [2011-4420](#): SECOND READING – 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.
- (H) [2011-4421](#): SECOND READING – 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.
- (I) [2011-4422](#): SECOND READING – 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.

- (J) [2011-4423](#): SECOND READING – 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.

Misc.

- (K) [2011-6233-R](#): Consider adopting a resolution suspending the proposed effective date of the proposed rate schedules of the Oncor Electric Delivery Company.
- (L) [2011-6234-R](#): Consider adopting a resolution in support of HJR 56 as filed by Representative Solomons to provide relief from unfunded mandates for local governments.
- (M) [2011-6235-R](#): Consider adopting a resolution authorizing submission of an application for funding through the U.S. Department of the Interior, Bureau of Reclamation, WaterSMART, Water and Energy Efficiency Grant program in the amount of \$65,000, with \$32,500 cost-shared by the City, to install an electronic irrigation control system at Freedom Park, Miller Park, Wilson Park, and West Temple Park.
- (N) Consider adopting resolutions:
1. [2011-6236-R](#): Changing the polling place in City Council District 4 from Vineyard Christian Fellowship Church, 7425 West Adams Avenue (FM 2305), to Holy Trinity Catholic High School, located at 6608 West Adams Avenue (FM 2305);
 2. [2011-6237-R](#): Ordering an election for May 14, 2011, for the election of the District 2 Councilmember, the District 3 Councilmember and the Mayor at-large for three year terms; and
 3. [2011-6238-R](#): Authorizing joint election agreements with the Temple Health & Bioscience Economic Development District and Temple Independent School District for the May 14, 2011 election.

(Spanish translation available for this item available upon request)

(Traducción al español de este artículo está disponible bajo petición)

- (O) [2011-6239-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2010-2011.

VI. REGULAR AGENDA

ORDINANCES

6. [2011-4425](#): SECOND READING – PUBLIC HEARING – Consider adopting an ordinance authorizing the annexation of approximately 3,230.43 acres located in the City’s western extraterritorial jurisdiction including a portion of Lake Belton and surrounding property.

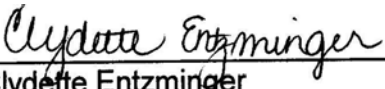
7. [2011-4426](#): FIRST READING – PUBLIC HEARING - Z-FY-11-14: Consider adopting an ordinance authorizing a zoning change from Agricultural District (AG) to Single Family One District (SF1) on 47.36± acres of land situated in the George W. Lindsey Survey, Abstract No. 513 and the S.P. Terry Survey, Abstract No. 812, Bell County, Texas, located on the west side of Morgan's Point Road, south of Bonnie Lane.

BOARD APPOINTMENTS

8. [2011-6240-R](#): Consider adopting a resolution appointing one member to the Planning and Zoning Commission to fill an unexpired term through September 1, 2011.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 12:55 PM, on January 28, 2011.


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

02/03/11
Item #3
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamation:

National School Counseling Week

January 31 -- February 6, 2011

STAFF RECOMMENDATION: Present proclamation as presented in item description.

ITEM SUMMARY:

This proclamation was requested by, and will also be received by, Thomas Jones with the Temple Independent School District.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

02/03/11
Item #4
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Receive the City of Temple Comprehensive Annual Financial Report for fiscal year ended September 30, 2010.

STAFF RECOMMENDATION: Receive report as presented in item description.

ITEM SUMMARY: According to the City Charter of the City of Temple, an annual independent audit is required to be made of the financial records of the City by a Certified Public Accountant selected by the City Council. The City of Temple engaged the firm of Brockway, Gersbach, Franklin & Niemeier, P.C.

The City of Temple Comprehensive Annual Financial Report (CAFR) for fiscal year ending September 30, 2010, will be presented by Steve Niemeier, CPA. Mr. Niemeier is a partner with the accounting firm of Brockway, Gersbach, Franklin and Niemeier, P.C. and will be available to address the Councilmembers' questions.

In the previous year's financial statements, the City implemented a dramatic change in governmental financial reporting. We believe this new presentation provides better information to users of the comprehensive annual financial report. The new reporting model issued by the Governmental Accounting Standards Board requires that the management provide a narrative introduction, overview, and analysis to accompany the basic financial statements in the form of Management's Discussion and Analysis (MD&A). The City's MD&A can be found immediately following the independent auditors' report.

The comprehensive annual financial report is presented in four sections: introductory, financial, statistical and compliance. The introductory section includes this transmittal letter, the City's organizational chart and a list of principal officials. The financial section includes the MD&A, Government-wide and Major Fund presentations, notes to the financial statements, Required Supplementary Information, Combining Individual Fund Statements, as well as the independent

auditors' report on the financial statements and schedules. The statistical section includes selected financial and demographic information, generally presented on a multiyear basis.

Fiscal year 2010 was the third year new risk-based auditing standards were implemented by the auditors. These new auditing standards changed the audit approach. Some of these changes included expanding the quality and depth of the auditor's required understanding of the city and its environment, including internal control, requiring the auditor to assess the risks of material misstatements at the financial statement level and at the assertion level on all audits based on the understanding obtained, eliminating the "default to maximum" for control risk, which should encourage testing of controls, emphasizing the importance of the City's risk assessment process, strengthening the linkage between assessed risks and the auditor's responses to those risks, clarifying the auditor's ability to rely on audit evidence gathered in prior audits, strengthening guidance for testing disclosures, clarifying and expanding guidance on evaluating audit findings, and expanding documentation requirements.

The new auditing standard, *Communicating Internal Control Related Matters Identified in an Audit*, made some significant changes. Some of these changes included segregating deficiencies into three categories – control deficiencies, significant deficiencies, and material weaknesses. Significant deficiencies replaces the old term previously used as "reportable conditions." The terms "significant deficiency" and "material weakness" have been redefined. The auditor is now required to evaluate our organization's internal control deficiencies and to determine which deficiencies rise to the level of a significant deficiency or material weakness. Although an audit is not designed to identify internal control deficiencies, the auditor will be required to evaluate the design and implementation of our internal controls and deficiencies may be noted. The auditor must communicate in writing to management and those charged with governance both significant deficiencies and material weaknesses, including those already communicated to you in prior periods, even if we chose not to correct them. However, they will not be expressing an opinion on the effectiveness of our internal control. This new standard will significantly increase the number of management letters issued compared to the past.

FISCAL IMPACT: The fee for the FY 2010 annual audit is \$ 62,500. The audit fee is proportionally allocated to each fund.

ATTACHMENTS:

Audit – hard copy only to be provided



COUNCIL AGENDA ITEM MEMORANDUM

02/03/11
Item #5(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydetta Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) January 20, 2011 Special Called and Regular Meeting

STAFF RECOMMENDATION: Approve minutes as presented in item description.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

[January 20, 2011 Special Called and Regular Meeting](#)

TEMPLE CITY COUNCIL

JANUARY 20, 2011

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, January 20, 2011, at 4:00 P.M., in the Conference Room, 3rd Floor, Municipal Building, 2 North Main 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 20, 2011.

Regular Agenda Item #4 - TMED zoning: David Blackburn, City Manager, stated this is a very significant item and probably the largest rezoning undertaken by the City.

Regular Agenda Item #7 - Economic Development Policy Amendments: Mr. Blackburn explained this amendment will allow the City Manager more authority in approving Chapter 380 agreements, under certain parameters. The intent is to streamline the approval process.

Regular Agenda Item 8 - GO Refunding Bonds: Traci Barnard, Director of Finance, stated the City is not selling bonds at this time. This ordinance only delegates authority to the City Manager and Director of Finance to refund these bonds if the rates become favorable. Both the City's bond counsel and financial advisor will be present at the regular meeting to answer questions.

Regular Agenda Item #9 - Board appointment: Mayor Jones stated Barbara Brown has expressed an interest in serving on the Planning and Zoning Commission and he has visited with her about this position.

2. Discuss mowing right-of-ways.

David Blackburn, City Manager, discussed this item with the City Council. He began by providing some background information about the issue. Last year, TxDOT reduced the mowing schedule for right of ways to three times per year during the period of March through October. This impacted several high visibility entryways into Temple, including I-35, Loop 363, FM 2305, FM 93 and 31st Street. The question for the Council to answer is whether TxDOT's reduced level of service is acceptable.

Staff has begun to explore the possibility of increasing the mowing in these areas. The TxDOT contractor submitted a bid of \$108,900 to increase the mowing frequency in several areas to every two weeks, the same standard the City has for Avenue H. Mr. Blackburn displayed a map showing the TxDOT mowing locations and showed photos of several areas of TxDOT right of way currently being maintained by the City under separate agreements.

Mr. Blackburn presented preliminary information relating to contracted mowing services on a 2-week, 3-week and once per month schedule. He also provided the same preliminary information relating to in-house mowing crews. Mr. Blackburn noted the workload and cost of an in-house crew could be divided between right of way mowing and drainage channel maintenance, with a portion of the funds coming from the Drainage Fund. If the reduced service level that TxDOT is providing is not acceptable to the Council, Mr. Blackburn indicated staff would continue to explore options and alternatives, to include contracted mowing services, establishment of an in-house mowing crew or a combination approach.

The Councilmembers indicated their desire to have an increased level of service over what is currently being provided by TxDOT. They also discussed the advantages of having these services performed by an in-house crew.

3. Discuss proposed amendment to the contract with Waste Management for the operation of the City's landfill.

Jonathan Graham, City Attorney, provided the City Council with some background information regarding the landfill and how it was privatized in 1993 by entering into an agreement with Waste Management (WM). He explained that agreement was amended in 2004, at which time our landfill became regional and he showed statistics regarding tonnage collected based on location. Mr. Graham reviewed the significant aspects of the 2004 agreement with Waste Management, which included encouraging WM to bring in solid waste from outside the City, while recognizing the impact this additional waste would have on the useful life of the landfill. Mr. Graham showed the impact of this on the surcharge payments and lease payments received by the City.

The staff feels it is time to amend the operating agreement to begin pursuing expansion of the landfill to ensure adequate useful life. WM is also interested in this expansion and has indicated they are willing to invest funds in expanding and permitting the landfill.

Mr. Graham reviewed the major proposed amendments to the operating agreement. WM is committed to expend up to \$1,000,000 for land acquisition and 100% of the permitting cost associated with the landfill expansion. Annual lease payments would increase to \$600,000 with an escalation factor and surcharges would be adjusted minimally. The amount of waste to be accepted from outside the City would be increased to 325,000 tons per year, tipping fees would also be increased, as would the amount of demo waste allowed at no cost to the City. Mining/mineral rights, a pilot curbside residential recycling program, household hazardous waste, and an undercarriage washing sytem are other issues that would be addressed in the amended agreement. In return, WM is asking for a 30-year term on the agreement to allow them to recapture the substantial investment they would be committing to make.

Mr. Graham stated this issue will be discussed at the City Council's strategic planning retreat on February 10th. It is anticipated the item will be presented to Council for consideration in late February or early March.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, January 20, 2011 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

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

I. CALL TO ORDER

1. Invocation

Pastor Pat Dietrich, First Lutheran Church, voiced the Invocation.

2. Pledge of Allegiance

Nicole Torralva, Director of Public Works, led the Pledge of Allegiance.

II. PUBLIC COMMENTS

Mr. James Stewart, resident at 2300 Old Waco Road and small business owner in Temple, addressed the City Council regarding agenda item 3(G). He stated this would not be a good decision for the City. The cost of these annual inspections is only \$50 and it is a minimal cost to ensure the safety of our water system. Every city in this area requires an annual inspection. Mr. Stewart gave several examples of how the system can be contaminated under certain circumstances. He explained he has been testing backflow devices for 18 years and within 10 years almost all devices fail. This affects all citizens of Temple, not just those with irrigation systems. Mr. Stewart asked the Council to attend a demonstration by the Plumbing Association before making a decision.

III. CONSENT AGENDA

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

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

(B) January 7, 2011 Special Called Meeting

(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).

(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.

(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.

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

Motion passed unanimously.

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.**

Autumn Speer, Director of Community Services, presented this zoning case to the City Council. This is the second part of the TMED process and will actually rezone the properties in that district. Mrs. Speer explained the purpose of the TMED district and the public input process conducted to date. There are three zoning districts and 4 special districts being

proposed in the TMED. A map of the entire TMED boundary was presented, with the area noted that is affected by this zoning change. This zoning does not include the residential area. Mrs. Speer also reviewed the general provisions and use standards of this area, as well as additional TMED standards. Of the 355 notices mailed to surrounding property owners, 36 were returned in favor, 11 opposed, 1 zoning change request and 1 text amendment request that will be handled at a later date. Of the 523 courtesy notices mailed, 44 were returned in favor, 19 opposed and 1 neutral. The Planning and Zoning Commission unanimously recommended approval of the requested rezoning.

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

Mr. Herb Cowan, representing Don's Medical, 1900 South 1st Street, addressed the City Council. If T5-e zoning is approved, it is his understanding that no vehicle sales or repair work could occur. Their business currently performs repair work on handicap equipment and sells handicap lift equipped vehicles. They were told they would be grandfathered but the documentation shows otherwise.

Mrs. Speer stated the business would be allowed to continue what is currently being done.

Mr. Jose Sifuentes, 1519 South 5th, stated he does not understand this entire zoning issue. He expressed his concerns with increased property taxes, decreasing property values, and his ability to remodel or make repairs. He asked if there was a photo of what the City wants this area to look like in the future. How will it really affect him and his property, Mr. Sifuentes asked. He felt like the people in these areas, particularly in his neighborhood, need to be made aware of what is being proposed.

Kim Foutz, Assistant City Manager, stated individual invitations have been sent to all property owners, at least 3 times, to explain what was being proposed. She encouraged Mr. Sifuentes to contact Mrs. Speer for additional information.

Councilmember Schneider asked if a residential property is remodeled or expanded, under what guidelines would that be allowed to occur.

Mrs. Speer replied the rezoning requires compliance with design standards when there is an increase in area of 10-24%. Most of these properties being rezoned are commercial. She showed the mix of property zoning, noting there are about 50-60 single family homes in this rezoning.

Councilmember Schneider asked if those single family properties could be excluded and rezoned with the other residential properties later.

Mrs. Speer replied this could be addressed better by revising the applicability standards rather than removing residential properties from those zoning districts.

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

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance, with second reading and final adoption set for February 3, 2011, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

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.

Brian Mabry, Planning Director, presented this zoning case to the City Council. Firestone tire store is requesting the conditional use permit, which is required for minor vehicle servicing in the I-35 corridor. Mr. Mabry displayed the site plan, which complies with the I-35 standards with two exceptions. The applicant requested an appeal and submitted proposed enhancements to offset the requirements being appealed. The Planning and Zoning Commission approved the requested appeal. An aerial photo of the subject property was shown, as well as photos of surrounding uses. The request complies with the Future Land Use and Character Map and Thoroughfare Plan, and public utilities are available to serve the tract. Most of the zoning in the surrounding area is Commercial and Light Industrial, with the I-35 overlay. The property is part of the planned development for the entire Birdcreek Shopping Center.

Mr. Mabry displayed site plan, noting various features such as landscaping. The applicant is exceeding landscaping requirements in exchange for the items appealed to the Planning and Zoning Commission, which includes a reduced buffer area along I-35 and one less parking spot than required. Mr. Mabry also reviewed the proposed facades, which do meet the I-35 standards, other screening and buffering requirements, and site elements such as signs, lighting and utilities. He also reviewed the general criteria for conditional use permits. Three notices were mailed to surrounding property owners, with none being returned in approval or opposition.

Councilmember Janczak confirmed that the proposed building arch meets the standards of the I-35 overlay.

Mr. Mabry replied yes, it does conform to those standards.

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

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

Motion by Councilmember Russell Schneider to adopt ordinance, with second reading and final adoption set for February 3, 2011, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

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.**

Brian Mabry, Planning Director, presented this case to the City Council. The purpose of the amendment is to expand the previously approved General Retail designation 27.5 feet to the south. The property is to be replatted to rearrange lot lines and this will take the place of the site development plan submitted with the initial Planned Development in 2006. The property is located at the intersection of South 31st street and the proposed H.K. Allen Parkway. Mr. Mabry displayed an aerial photo of the subject property and photos of surrounding uses, much of which is undeveloped.

The staff supports this request even though the Future Land Use and Character Map designates this area as suburban residential. The property is consistent with Land Use Policy 13 in the Comprehensive Plan. The request also conforms to Thoroughfare Plan, water serves the property and sewer will be extended. General Retail zoning exists in surrounding areas. Mr. Mabry displayed the site development plan as revised. One notice was mailed to the surrounding property owner and it was not returned. The Planning and Zoning Commission unanimously approved the request and staff concurred with that recommendation.

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

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

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance, with second reading and final adoption set for February 3, 2011, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

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.**

Jonathan Graham, City Attorney, presented this item to the City Council. He provided some background information regarding Chapter 380 agreements and how they are used by cities to make grants of public funds to promote economic development. The City of Temple has created a Chapter 380 program in our economic development ordinance and the proposed amendment will allow additional flexibility. Most of our Chapter

380 agreements are with private parties and have been made in existing Strategic Investment Zone (SIZ) corridors. Three of the SIZ corridors have special Chapter 380 requirements and authority. Mr. Graham showed the relationship of these SIZ corridors to the TMED area.

The proposed ordinance would grant the City Manager authority to approve Chapter 380 grants in the three SIZ corridors that meet guidelines in those ordinances, up to \$25,000; approve grants in other SIZ corridors, up to \$10,000; and approve grants in areas outside SIZ corridors, up to \$7500, all subject to available funding. Mr. Graham stated the purpose of this amendment is to streamline our approval processes.

Councilmember Dunn stated this is a smart proposal but he would like to know what has been approved. He asked that a quarterly report of the Chapter 380 agreements approved by the City Manager be provided to the City Council.

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

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

Motion by Councilmember Danny Dunn to adopt ordinance, with second reading and final adoption set for February 3, 2011, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

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.

Traci Barnard, Director of Finance, presented this item to the City Council. This item will delegate authority to the Director of Finance and City Manager to determine which of the refundable obligations meet refunding parameters under the current market, in a principal amount not to exceed \$45,000,000.

Dan Wegmiller, Specialized Public Finance, Inc., the City's financial advisor, addressed the City Council. This delegation method has been used by the City Council in the past to take advantage of the market. They will be looking at about \$16,000,000 in various issues that could present some saving opportunities, possibly as much as \$50,000 annually. There will be no cost to the City if pricing does not take place. Interest rates on the refundable obligations range from 4.25% to 5% and we are seeing interest rates of 3% now. The authority granted by the ordinance will be for a 6-month period to seize the opportunity to refund if

available.

Carol Pumbo, McCall, Parkhurst & Horton, L.L.P., the City's bond counsel, outlined the conditions under which the refunding of the bonds would be authorized if the ordinance is approved.

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

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

Motion by Councilmember Marty Janczak to adopt ordinance on first and final reading, seconded by Councilmember Danny Dunn.

Motion passed unanimously.

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.**

Mayor Jones stated this position is vacant due to a recent resignation. Mayor Jones recommended the appointment of Barbara Brown.

Motion by Mayor Pro Tem Patsy E. Luna to adopt resolution appointing Barbara Brown to fill the unexpired term on the Planning and Zoning Commission through September 1, 2011, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

02/03/11
Item #5(B)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Director of Public Works
Thomas Brown, Superintendent of Utility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with K&S Backhoe Services of Gatesville for the emergency replacement of an 8" water line crossing of the railroad near Avenue D and South 14th Street, in the amount of \$38,032.41.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In late December, the City became aware that an existing 8" water line crossing under the Union Pacific Railroad tracks near Avenue D and South 14th Street had broken, causing water to seep from the ground around the embankment. Public Works Utility Services personnel immediately valved off the crossing, eliminating this waterline feed into the downtown area. The existing water line is cast iron pipe with lead poured joints, with records indicating that the line is 60 plus years old with no casing under the tracks.

Public Works staff met with the Union Pacific Railroad and underground utility companies located in the area on 12/30/2010. After careful analysis by the Engineering Division, reduced flows into this area have resulted in deeming this valved off connection as an emergency due to reduced fire protection in the area (Public Health & Safety). As a result, per Local Government Code 252.022, this project is exempt from the competitive bidding process.

Due to the urgent nature of this project, Clark & Fuller was retained to complete the emergency design in the amount of \$8,653.58. Clark & Fuller obtained three quotes (bid tabulation attached), with K&S Backhoe Services submitting the low bid in the amount of \$38,032.41. The Engineer's opinion of probable cost for construction was \$52,395. The total project cost is \$46,685.99.

Staff authorized this work as an emergency and Notice to Proceed was issued on Monday, January 24, 2011. This project is expected to be totally complete to include clean up by March 15, 2011.

FISCAL IMPACT: This project was not budgeted as part of the FY 2011 operating budget. Due the critical nature of the water line funding has been identified. A budget adjustment is presented for Council's approval appropriating \$47,186 from completed projects to account 520-5200-535-6357, project #100711 to fund the engineering, construction and testing fees related to the emergency water line replacement.

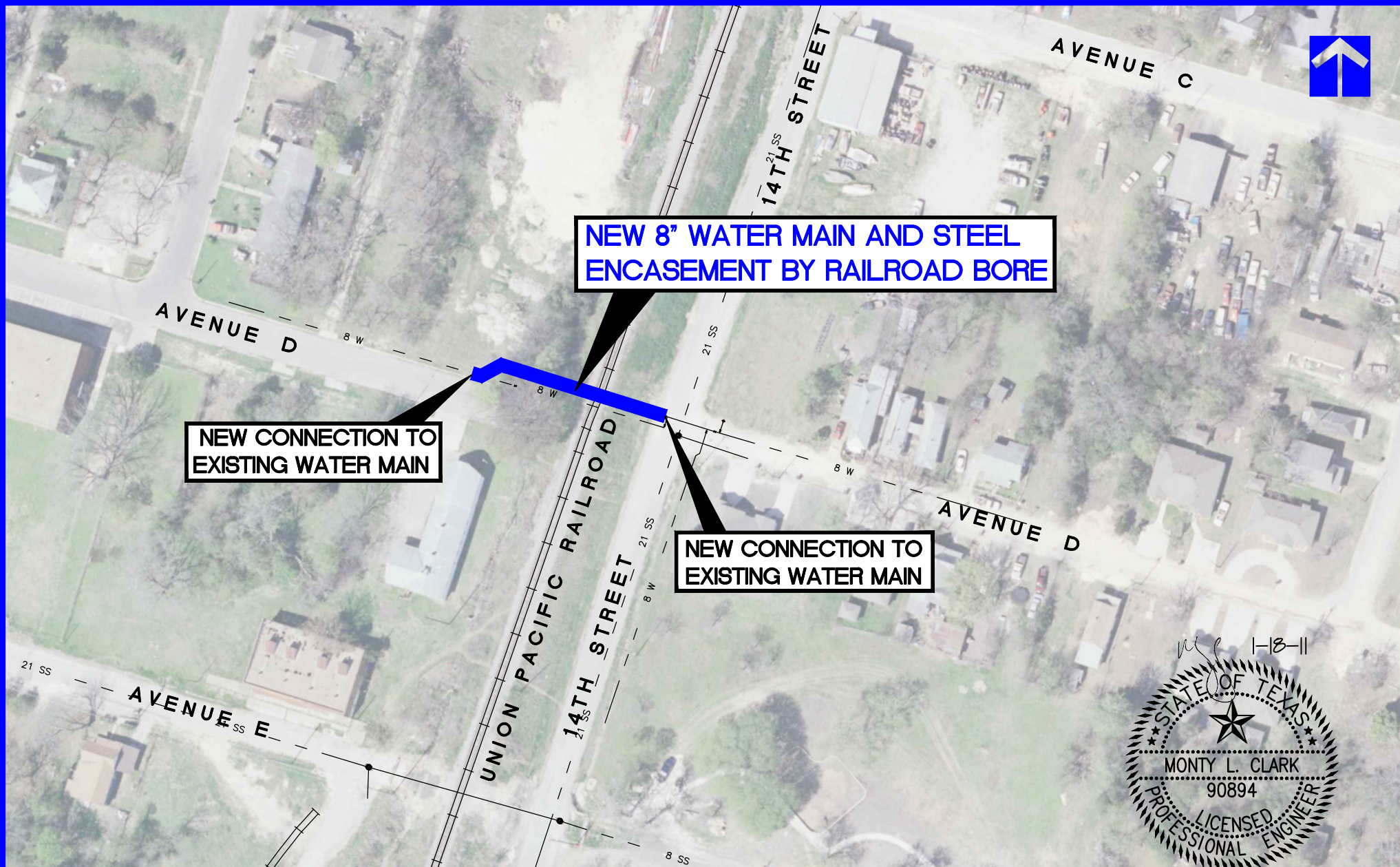
ATTACHMENTS:

[Project Map](#)

[Bid Tabulation](#)

[Budget Adjustment](#)

[Resolution](#)



**NEW 8" WATER MAIN AND STEEL
ENCASEMENT BY RAILROAD BORE**

**NEW CONNECTION TO
EXISTING WATER MAIN**

**NEW CONNECTION TO
EXISTING WATER MAIN**



Tabulation of Bids Received
Emergency Water Main and Railroad Bore

	Bidders		
	K&S Backhoe Services Inc Gatesville	Bell Contractors Belton	Smetana & Associates Temple
Description			
Total Bid Price	\$38,032.41	\$48,639.00	\$71,988.00

FY 2011

BUDGET ADJUSTMENT FORM

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

Adjustments should be rounded to the nearest \$1.

+

—

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
520-5200-535-63-57	100711	WLR-RR near Ave D & 14th Street	\$ 47,186			
520-5400-535-63-59	100560	Sewer Line Rpl-S Main & S 1st			34,555	
520-5400-535-63-59	100558	Sewer Line Rpl-S 10th & Ave M			11,953	
520-5400-535-63-59	100659	Sewer Line Rpl-Dunbar Road			678	
TOTAL.....			\$ 47,186		\$ 47,186	

EXPLANATION OF ADJUSTMENT REQUEST:

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

The budget adjustment appropriates funds from completed projects to fund the emergency replacement of an 8" water line crossing of the railroad near Ave D and South 14th Street. \$8,653.58 is needed to fund the engineering contract with Clark & Fuller and \$38,032.41 is needed to fund the construction contract with K&S Backhoe Services. An additional \$500 is being appropriated to fund testing fees.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING February 3, 2011

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date _____

	Approved
	Disapproved

Finance

Date _____

	Approved
	Disapproved

City Manager

Date _____

	Approved
	Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH K&S BACKHOE SERVICES OF GATESVILLE, TEXAS, FOR THE EMERGENCY REPLACEMENT OF AN 8-INCH WATER LINE CROSSING OF THE RAILROAD NEAR AVENUE D AND SOUTH 14TH STREET, IN THE AMOUNT OF \$38,032.41; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in late December, the City became aware of an existing 8-inch water line crossing under the Union Pacific Railroad tracks near Avenue D and South 14th Street had broken;

Whereas, due to the urgent nature of the project, Clark and Fuller, PLLC, engineering firm was retained to complete the emergency design for the water line replacement;

Whereas, Clark & Fuller obtained written quotes from 3 responsible bidders who have proven experience with the City – K&S Backhoe Services of Gatesville, Texas, submitted the low quote in the amount of \$38,032.41;

Whereas, the Staff recommends accepting the quote (\$38,032.41) from K&S Backhoe Services for this project;

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

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a construction contract, not to exceed \$38,032.41, between the City of Temple, Texas, and K&S Backhoe Services of Gatesville, Texas, after approval as to form by the City Attorney, for emergency replacement of an 8-inch water line crossing of the railroad near Avenue D and South 14th Street.

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

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

PASSED AND APPROVED this the **3rd** day of **February**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/03/11
Item #5(C)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of Telecommunication/Data infrastructure Cabling for the new Temple Fire Station 8/EOC/Training Center with Titan Datacom of Austin in the amount of \$33,307.27.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On May 10, 2008, the citizens of Temple authorized the issuance of General Obligation Bonds in the amount of \$13,995,000 for public safety facilities and projects. The bond election proposition included \$4,775,000 for the construction of Fire Station No. 8 with Training Center/Emergency Operations Center (EOC). On March 5, 2009, Council authorized a professional services agreement with Architectural Edge, Inc. for the design of the facility. On February 4, 2010, Council authorized the use of the competitive sealed proposal delivery method for the acquisition of the construction services related to the facility. Chaney-Cox was selected to provide construction services for the project in the amount of \$2,885,000.

A technology plan was put forth to ensure telecommunications, data, security and computing needs were met in the new facility. The total cost of the cabling needs for this part of the Technology Plan is in the amount of \$33,307.27. We have used Titan Datacom in the past and we have had good experiences with this vendor and found them to be a responsible vendor.

We are recommending the use of the State of Texas Department of Information Resources (DIR) contract SDD-1571 to purchase these items. Historically we have purchased technology through this contract because we always obtain the best prices because the State of Texas DIR has a broad purchasing power for the whole state. The State of Texas DIR has already done the work in writing and creating specifications that are standard across the industry, which in turn saves us a lot of time and resources in helping to streamline technology purchases. In effect, contracts through DIR maximize the buying power on commodity technologies and services while ensuring the vendors are compliant and meet a national standard without the government agencies having to go through a redundant process.

FISCAL IMPACT: Funding for the purchase of telecommunication/Data infrastructure Cabling in the amount of \$33,307.27 is available in account 363-2200-522-68-51, project 100411, for the construction of Fire Station #8 from the 2009 General Obligation Bonds (GO Bonds).

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A TELECOMMUNICATION/DATA INFRASTRUCTURE CABLING CONTRACT FOR THE NEW TEMPLE FIRE STATION #8/EOC/TRAINING CENTER WITH TITAN DATACOM OF AUSTIN, TEXAS, (STATE OF TEXAS DIR CONTRACT SDD-1571), IN THE AMOUNT OF \$33,307.27; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, construction of the new Fire Station #8 is underway and a technology plan has been put forth to ensure telecommunications, data, security and computing needs are met in the new facility;

Whereas, the Staff recommends the purchase of a telecommunication/data infrastructure cabling contract with Titan Datacom of Austin, Texas, under the State of Texas DIR Contract SDD-1571, in the amount of \$33,307.27;

Whereas, funds are available in Account No. 363-2200-522-6851, project # 100411, from the 2009 General Obligation Bonds for this purchase; and

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

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

Part 1: The City Council authorizes the purchase of a Telecommunication/Data Infrastructure Cabling contract for the new Temple Fire Station #8/EOC/Training Center with Titan Datacom of Austin, Texas, (State of Texas DIR Contract SDD-1571), in the amount of \$33,307.27.

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

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

PASSED AND APPROVED this the 3rd day of **February**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

APPROVED AS TO FORM:

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/03/11
Item #5(D)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of janitorial supplies from Gulf Coast Paper of Temple utilizing a BuyBoard contract in the estimated annual amount of \$85,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Purchasing Department currently stocks a number of janitorial products in its warehouse. As departments need these items, stock requisitions are submitted to the Purchasing Department. For those items not stocked, the Purchasing Department orders them as non-stocked items for other departments.

Gulf Coast Paper has an ordering system through the BuyBoard for the City to place orders on. It allows for multiple orders and delivery to multiple locations. The contract offers discounts off catalog pricing ranging from 15% to 50%. Utilizing this contract through the BuyBoard satisfies the requirement for competitive bids and allows us to buy local.

FISCAL IMPACT: Budgeted amount: Sufficient amounts in various accounts*
Estimated expenditure: \$85,000.

*These items will be ordered on an as-needed basis and departments will make sure sufficient funds are available for their purchases.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF JANITORIAL SUPPLIES FROM GULF COAST PAPER OF TEMPLE, TEXAS, THROUGH THE BUYBOARD LOCAL GOVERNMENT ONLINE PURCHASING COOPERATIVE, IN THE ESTIMATED AMOUNT OF \$85,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Gulf Coast Paper of Temple, Texas, has an ordering system through the BuyBoard Local Government Online Purchasing Cooperative for the City to place orders for janitorial supplies on – it allows for multiple orders and delivery to multiple locations and offers discounts of catalog pricing ranging from 15% to 50%;

Whereas, the Staff recommends utilizing this contract through the BuyBoard which satisfies the requirement for competitive bids and allows the City to buy its janitorial supplies local;

Whereas, the estimated amount for the supplies is \$85,000, and these items will be ordered on an as-needed basis and departments will make sure sufficient funds are available for their purchases; 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 janitorial supplies from Gulf Coast Paper of Temple, Texas, through the BuyBoard Local Government Online Purchasing Cooperative, in the estimated amount of \$85,000.

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

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

PASSED AND APPROVED this the 3rd day of February, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

APPROVED AS TO FORM:

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/03/11
Item #5(E)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP (KPA), for development of a master plan and concepts for monuments and gateways for the Temple Medical and Education District in an amount not to exceed \$28,600.

STAFF RECOMMENDATION: Adopt resolution as presented in item description, as recommended by the Reinvestment Zone No. 1 Board on January 26, 2011.

ITEM SUMMARY: Over the past 2 years, the Temple Medical and Education District Coordinating Group has worked with staff and stakeholders to develop a general concept plan for the district. A major recommendation in this plan was to develop infrastructure such as monumentation, gateways, banners, signs, and development regulations to create district identity and a unique sense of place.

In response, the Reinvestment Zone Board and City Council recently adopted a revised Reinvestment Zone Finance Plan and Master Plan. One of the new focuses in the Plan is the TMED District. The Plan includes an overall master plan and conceptual design for monuments and gateways throughout the district. The proposed project scope includes the following:

- Review existing and proposed vehicular and pedestrian circulation
- Develop illustrations, elevations, and general site plans for the following intersections:
 - Loop 363 and 31st Street
 - Loop 363 and 1st Street
 - 31st Street and Avenue R
- Develop overall TMED District identification signage
 - Lights
 - Banners
 - Street signs, wayfinding signs, and business signage
- Cost estimates

FISCAL IMPACT: Funds are available in the Reinvestment Zone No. 1 Financing Plan, Acct #795-9500-531-2616, for this professional services contract in the amount of \$28,600.

ATTACHMENTS:

[Proposal](#)
[Monumentation map](#)
[Resolution](#)



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS

Texas Firm F-510

RICK N. KASBERG, P.E.

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

THOMAS D. VALLE, P.E.

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

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

January 5, 2011

Ms. Kim Foutz
City of Temple
2 North Main Street
Temple, Texas 76501

Re: City of Temple, Texas
Temple Reinvestment Zone #1 – TMED Monumentation/Gateway Plan

Dear Ms. Foutz:

At the request of the City of Temple Reinvestment Zone #1, we are submitting this proposal for the above referenced project. This project will develop a plan and concepts for the monuments and gateways for the TMED area.

The project will review existing and proposed vehicular and pedestrian circulation for locations of monumentation signage and gateways. Illustrations will be developed for general site plans and elevations to convey the intent of the design. Design concepts shall be created for the primary entries located at the intersection of Loop 363 and 31st Street and the intersection of Loop 363 and 1st Street, the secondary entry located at the intersection of 31st Street and Avenue R and overall TMED District identification signage. The overall identification signage will include lights and banners, street signs, way finding and proposed business signage. Cost estimates will be developed based on the concept drawings. Deliverables will include ten (10) copies of illustrative conceptual design packages and ten (10) copies of cost estimates.

We can complete all the tasks represented for the lump sum cost of \$28,600. We are available to discuss the scope of the project at your convenience. As always, we look forward to working with you on the project and to the enhancement that it will bring to the City of Temple.

Sincerely,

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

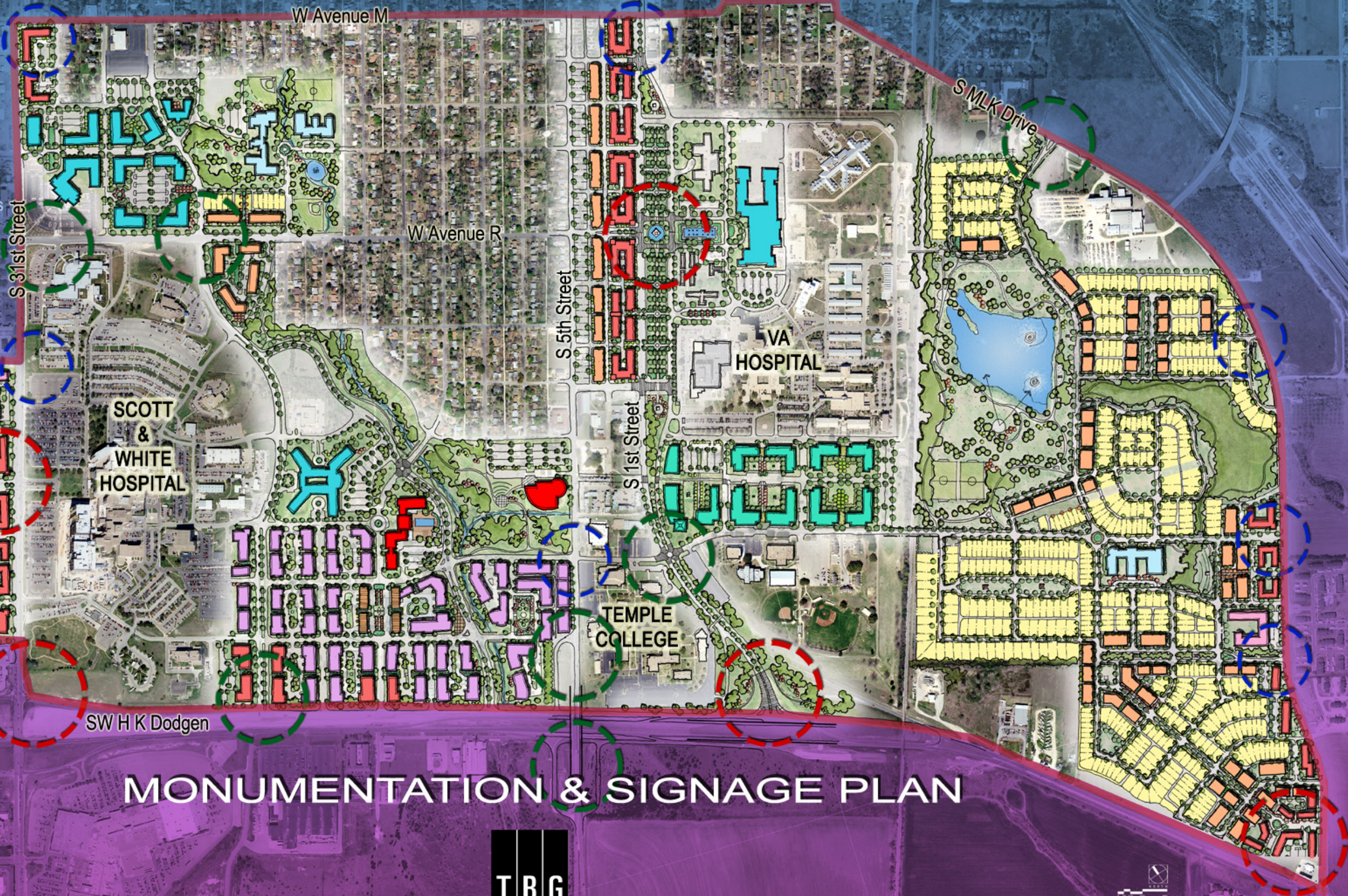
RDP/crc

TEMPLE MEDICAL EDUCATIONAL DISTRICT

MAJOR DISTRICT
MONUMENTATION:
DISTRICT IDENTIFIERS
VERTICAL OR HORIZONTAL
IMPROVEMENTS THAT
STATES ENTRY INTO THE
DISTRICT

SECONDARY
MONUMENTATION
LOCATIONS:
ENHANCED INTERSECTIONS
AND OVERPASSES

T.M.E.D DISTRICT
IDENTIFICATION
MARKERS:
ADDITION OF HARDSCAPE
ELEMENTS, LIGHTING AND
UPGRADED LANDSCAPE



MONUMENTATION & SIGNAGE PLAN



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND KASBERG, PATRICK & ASSOCIATES, L.P., FOR DEVELOPMENT OF A MASTER PLAN AND CONCEPTS FOR MONUMENTS AND GATEWAYS FOR THE TEMPLE MEDICAL EDUCATION DISTRICT (TMED), IN AN AMOUNT NOT TO EXCEED \$28,600; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, at its meeting on January 26, 2011, the Reinvestment Zone Board of Directors voted to recommend that a master plan and concepts for monuments and gateways for the Temple Medical Education District (TMED) be developed;

Whereas, Kasberg, Patrick & Associates, L.P., submitted a proposal for this project in the amount of \$28,600, and the Staff recommends accepting it;

Whereas, funds are available for this project in Account No. 795-9500-531-2616; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a professional services agreement, not to exceed \$28,600, between the City of Temple, Texas, and Kasberg, Patrick & Associates, L.P., after approval as to form by the City Attorney, for development of a master plan and concepts for monuments and gateways for the Temple Medical Education District (TMED).

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 3rd day of **February**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/03/11
Item #5(F)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP (KPA), for development of a conceptual design for a plaza in the downtown area in an amount not to exceed \$25,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description, as recommended by the Reinvestment Zone No. 1 Board on January 26, 2011.

ITEM SUMMARY: The Reinvestment Zone Board and City Council recently adopted a revised Reinvestment Zone Finance Plan and Master Plan. One of the new focuses in the plan is the downtown area. The plan includes a conceptual design for a plaza in the western portion of downtown near the Santa Fe Depot. The area included in the study is bound by Central Avenue, Third Street, Avenue B, and 7th Street.

The proposed project scope includes the following:

- Concept plan
- Illustrations
- Three dimensional renderings
- Cost estimates

FISCAL IMPACT: Funds are available in the Reinvestment Zone No. 1 Financing Plan, Acct #795-9500-531-2539, for Project # 100699 for this professional services contract in the amount of \$25,000.

ATTACHMENTS:

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



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS

Texas Firm F-510

RICK N. KASBERG, P.E.

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

THOMAS D. VALLE, P.E.

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

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

January 5, 2011

Ms. Kim Foutz
City of Temple
2 North Main Street
Temple, Texas 76501

Re: City of Temple, Texas
Temple Reinvestment Zone #1 - Downtown Plaza Conceptual Design

Dear Ms. Foutz:

At the request of the City of Temple Reinvestment Zone #1, we are submitting this proposal for the above referenced project. This project will develop concepts, illustrations, three dimensional renderings and cost estimates for a Plaza located in the downtown area.

This project will review concepts for the proposed plaza located near the Santa Fe Depot in Downtown Temple. Concepts will include plaza infrastructure, elements, street configuration and parking facilities. Illustrations and three dimensional renderings will be developed to show concepts in life settings of the plaza. Meetings between the City of Temple, Temple Reinvestment Zone and downtown partners will be held at intermediate milestones in the project to review the concepts and accept input. Final illustrations and renderings will be developed for the project. Cost estimates will be developed based on the concept drawings. Deliverables will include ten (10) copies of illustrative conceptual design packages and ten (10) copies of cost estimates.

We can complete all the tasks represented for the lump sum cost of \$25,000. We are available to discuss the scope of the project at your convenience. As always, we look forward to working with you on the project and to the enhancement that it will bring to the City of Temple.

Sincerely,

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

RDP/crc

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND KASBERG, PATRICK & ASSOCIATES, L.P., FOR DEVELOPMENT OF A CONCEPTUAL DESIGN FOR A PLAZA IN THE DOWNTOWN AREA, IN AN AMOUNT NOT TO EXCEED \$25,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, at its meeting on January 26, 2011, the Reinvestment Zone Board of Directors voted to recommend that a conceptual design for a plaza in the downtown area be developed;

Whereas, Kasberg, Patrick & Associates, L.P., submitted a proposal for this project in the amount of \$25,000, and the Staff recommends accepting it;

Whereas, funds are available for this project in Account No. 795-9500-531-2539, project # 100699; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a professional services agreement, not to exceed \$25,000, between the City of Temple, Texas, and Kasberg, Patrick & Associates, L.P., after approval as to form by the City Attorney, for development of a conceptual design for a plaza in the downtown area.

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 **3rd** day of **February**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

Clydetta Entzminger
City Secretary

APPROVED AS TO FORM:

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/03/11
Item #5(G)
Consent Agenda
Page 1 of 7

DEPT./DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

ITEM DESCRIPTION: SECOND READING – 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: Adopt ordinance as presented in item description, on second and final reading. Per council request at the public hearing held January 20, 2011, staff will prepare and present options for a text amendment to the TMED zoning districts at a workshop on February 3, 2011, to discuss applicability thresholds for existing residential uses.

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					
Totals	354	157	105.5	58	2	5.5	14	12

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:

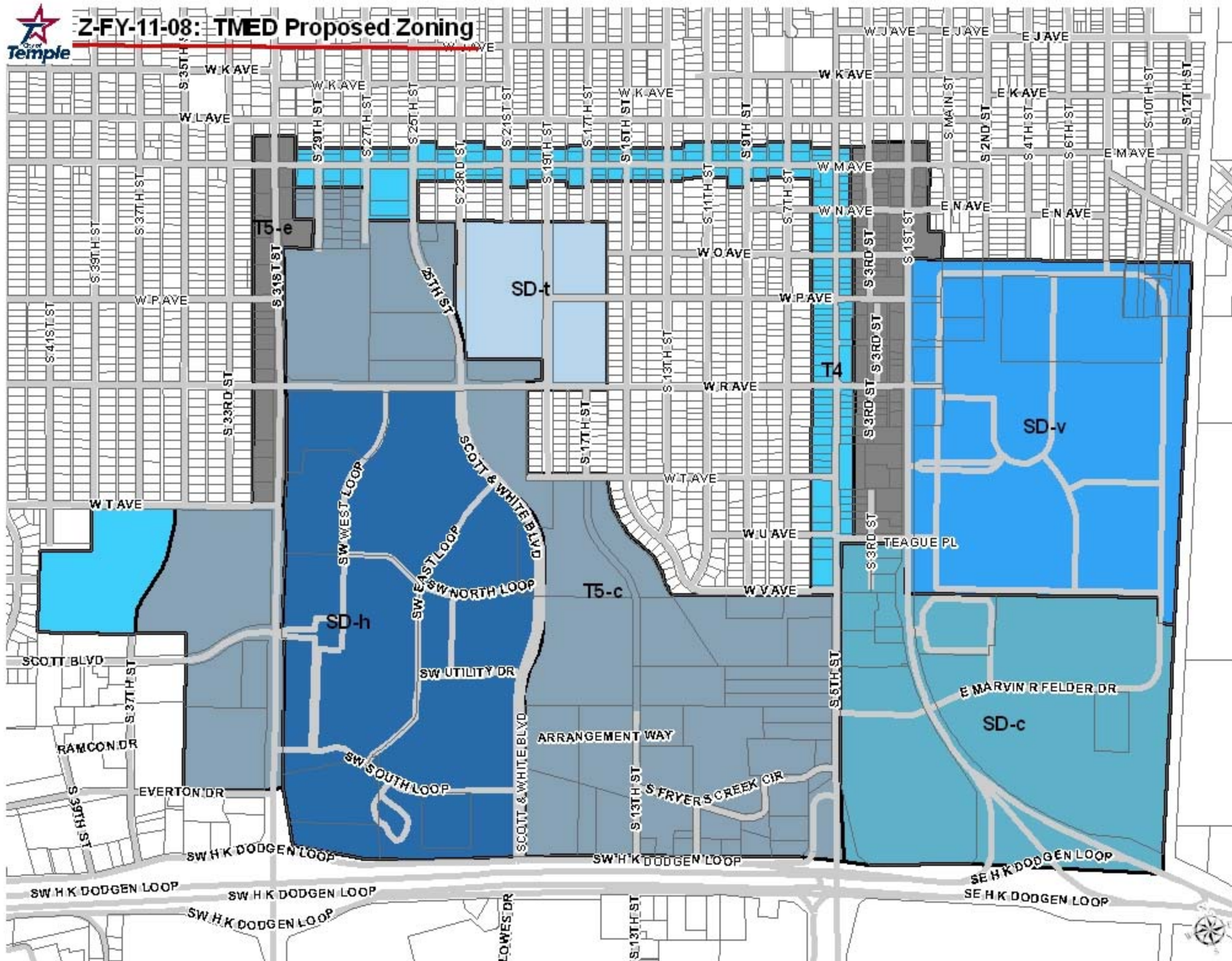
Of 355 notices to property owners within the TMED Districts:
24 in Favor, 11 Opposed

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:

Barbara J Adams
Signature

Barbara J Adams
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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**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

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**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 ^{now} 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.

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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
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Temple, Texas 76501

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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.

David Hickman Signature David Hickman Print Name

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

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Planning Department
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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

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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 J. Kasberg
Purchaser 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.

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Planning Department
Room 201
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Temple, Texas 76501

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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 up dated 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.

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Room 201
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Temple, Texas 76501

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**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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**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
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**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.

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:

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
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Temple, Texas 76501

Number of Notices Mailed: 523

Date Mailed: December 22, 2010

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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

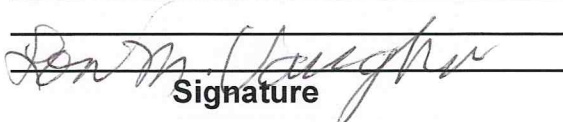
Zoning Application Number: Z-FY-11-08

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:


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
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Temple, Texas 76501

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Number of Notices Mailed: 523

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:

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

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)

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:


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

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)**

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:

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
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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:

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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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)**

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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DEC 30 2010

City of Temple
Planning Department

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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JAN 03 2011

City of Temple
Planning & Development

Number of Notices Mailed: 355

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.

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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
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Room 201
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Temple, Texas 76501

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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.

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Planning & Development

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Date Mailed:

December 22, 2010



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

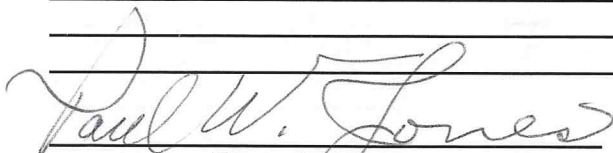
Zoning Application Number: Z-FY-11-08

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:


Signature


Print Name

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

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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.

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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)

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.

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Planning & Development

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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

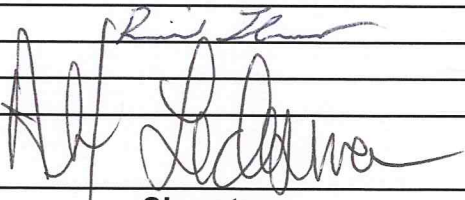
Project Manager City of Temple


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
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Room 201
Municipal Building
Temple, Texas 76501

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**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

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: 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

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

VELEZ, MARIO R ETUX MARIA
812 E 8TH AVE
BELTON, TX 76513-2726

Subject Property: 1305 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 (✓) denial of this request.

Comments:

I AM NOT IN FAVOR OF THE POSSIBLE
REZONING.

Mario R. Velez & Maria Velez
Signature

MARIO R. VELEZ & MARIA VELEZ
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

Number of Notices Mailed: 355

Date Mailed:

December 22, 2010

City of Temple
Planning Department



PLANNING AND ZONING COMMISSION AGENDA ITEM

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					
Totals	354	157	105.5	58	2	5.5	14	12

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



1st Street



1st Street from Avenue M



5th Street and Avenue R



Avenue M and 31st Street



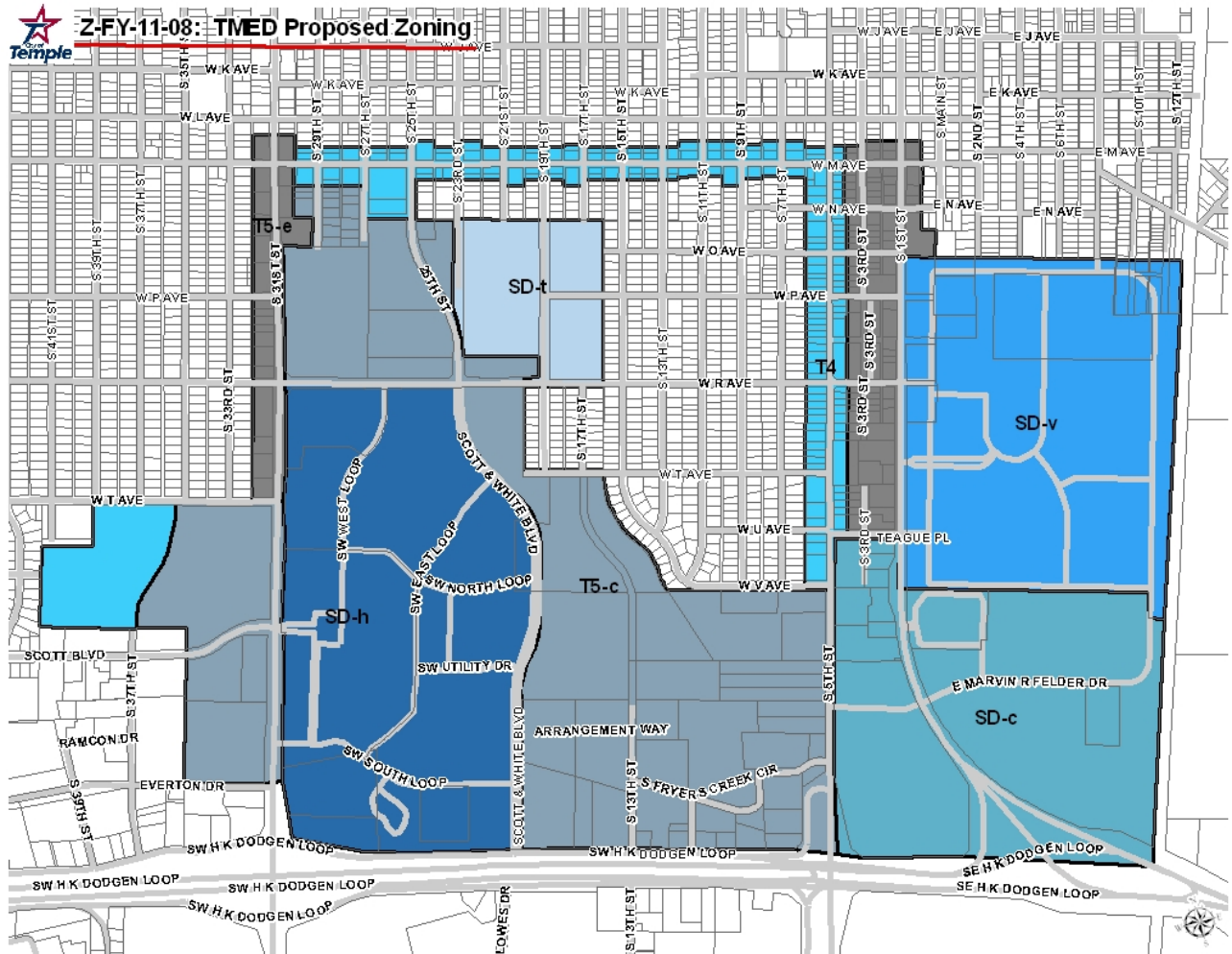
Avenue R and 25th Street



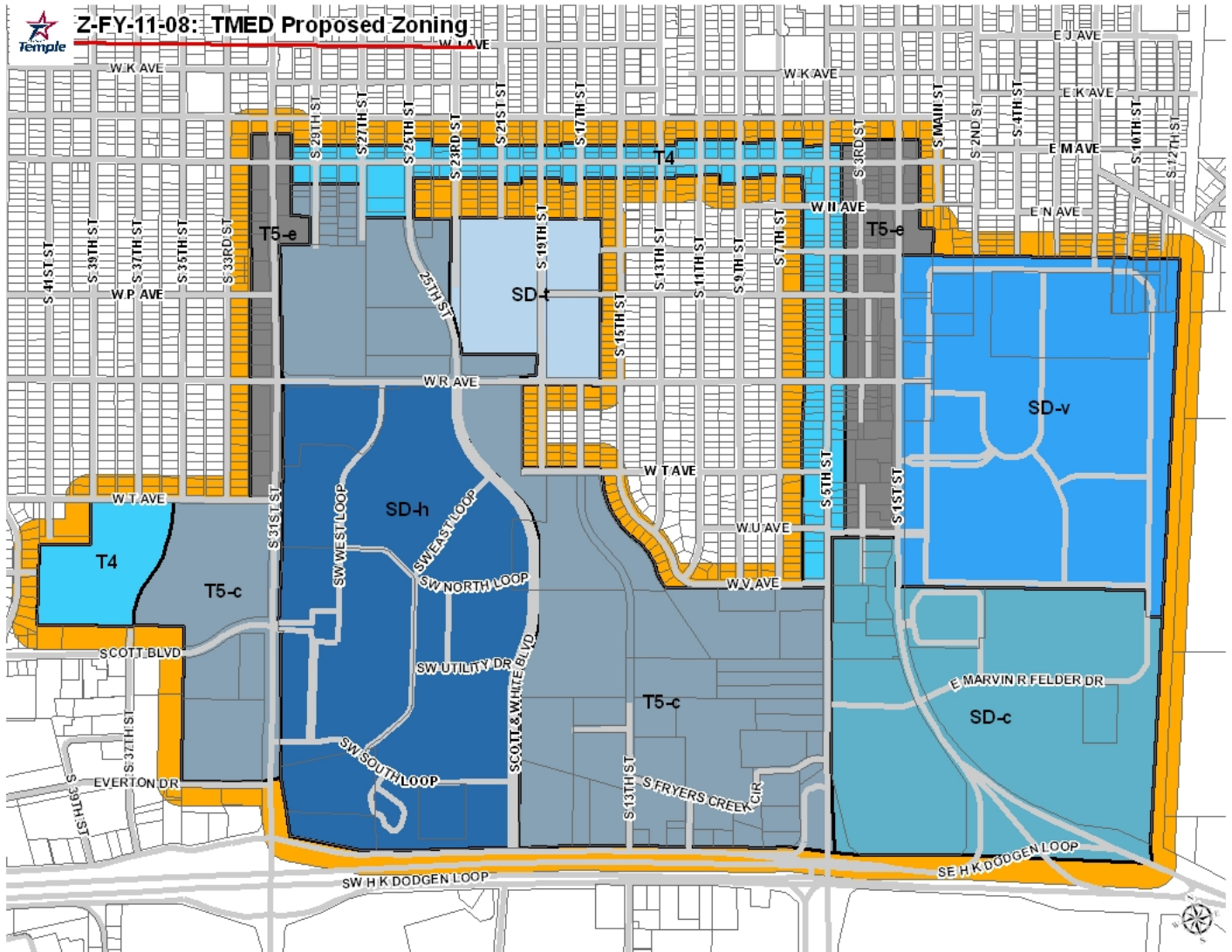
31st Street

[illegible]

PROPOSED ZONING MAP:



NOTICE MAP:



**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.

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 **20th** day of **January**, 2011.

PASSED AND APPROVED on Second Reading on the **3rd** day of **February**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/03/11
Item #5(H)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: SECOND READING – 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: Adopt ordinance as presented in the item description, on second and final reading.

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

ZFY-11-09

Feet 0 100 200 300

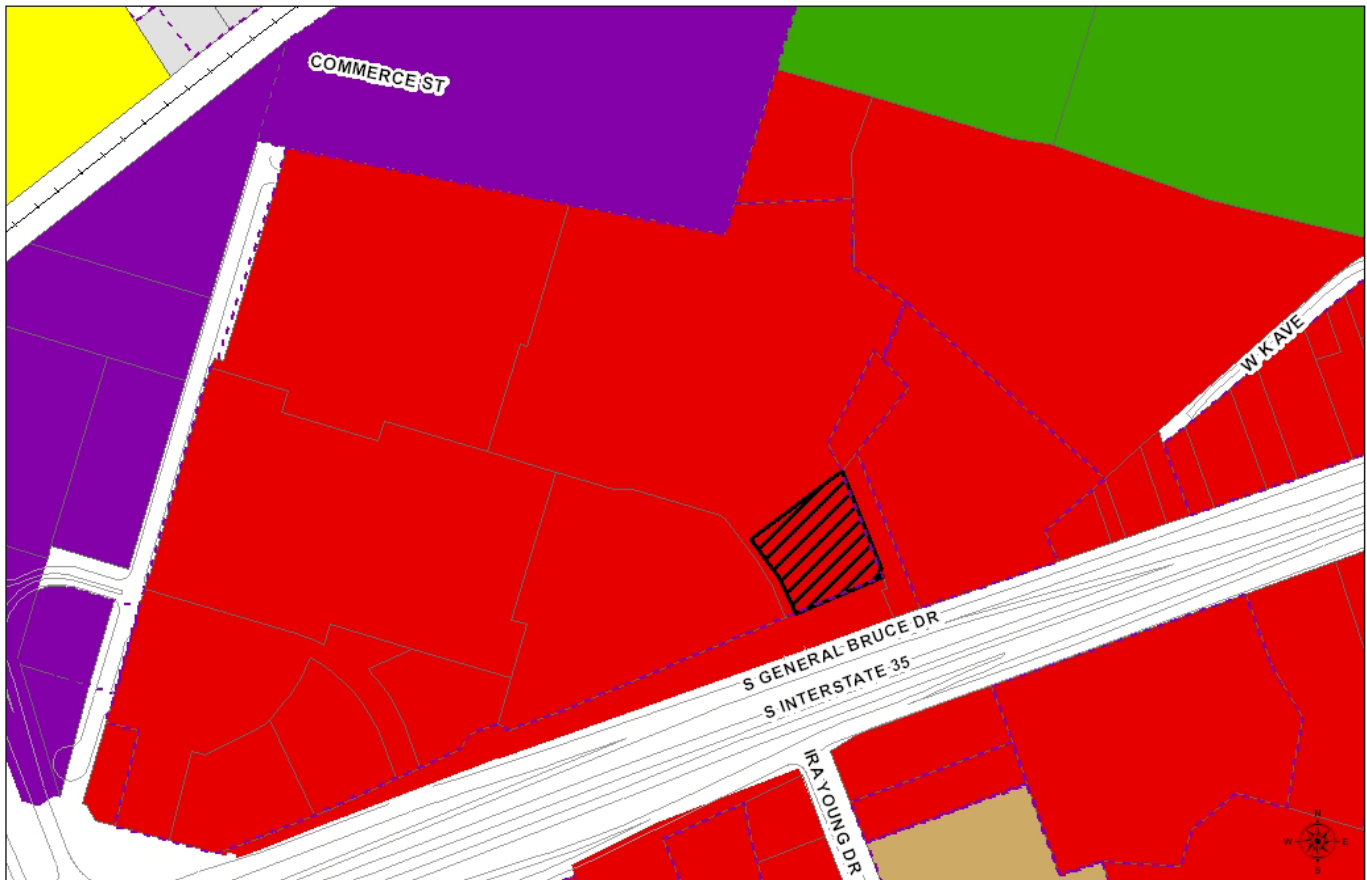
J Stone 12.01.10



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 | |

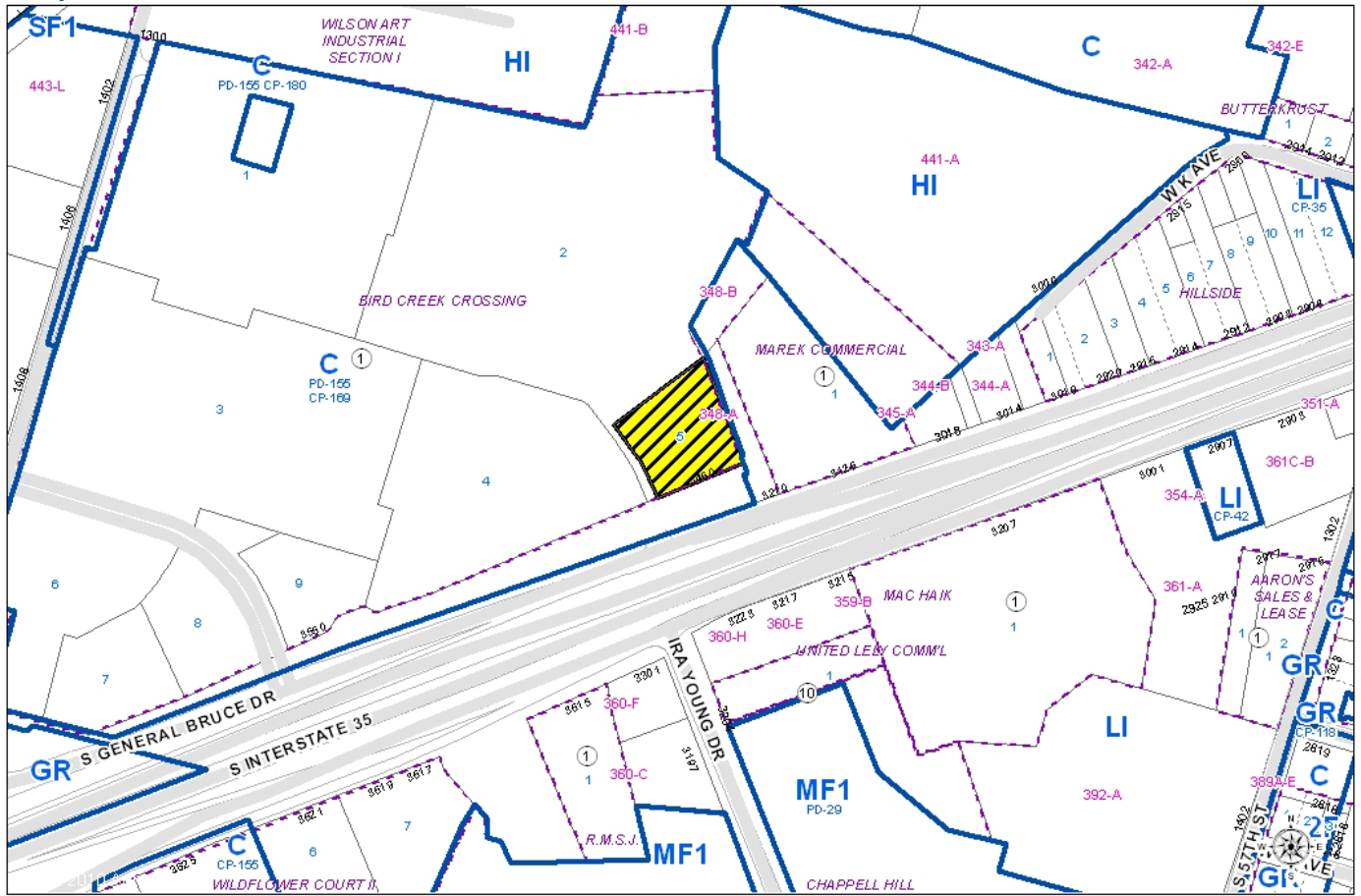
1 inch = 300 feet
J Stone 12.01.10



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



Feet 0 100 200 300

J Stone 12.01.10

 Z-FY-11-09 WATER LINE SEWER LINE



PAINT 1
SHERWIN WILLIAMS
"BRANDYWINE" SW7718



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	09-09-09
TO BID: DATE	09-09-09

SHEET TITLE:
COLOR ELEVATIONS

SHEET NUMBER:
R4

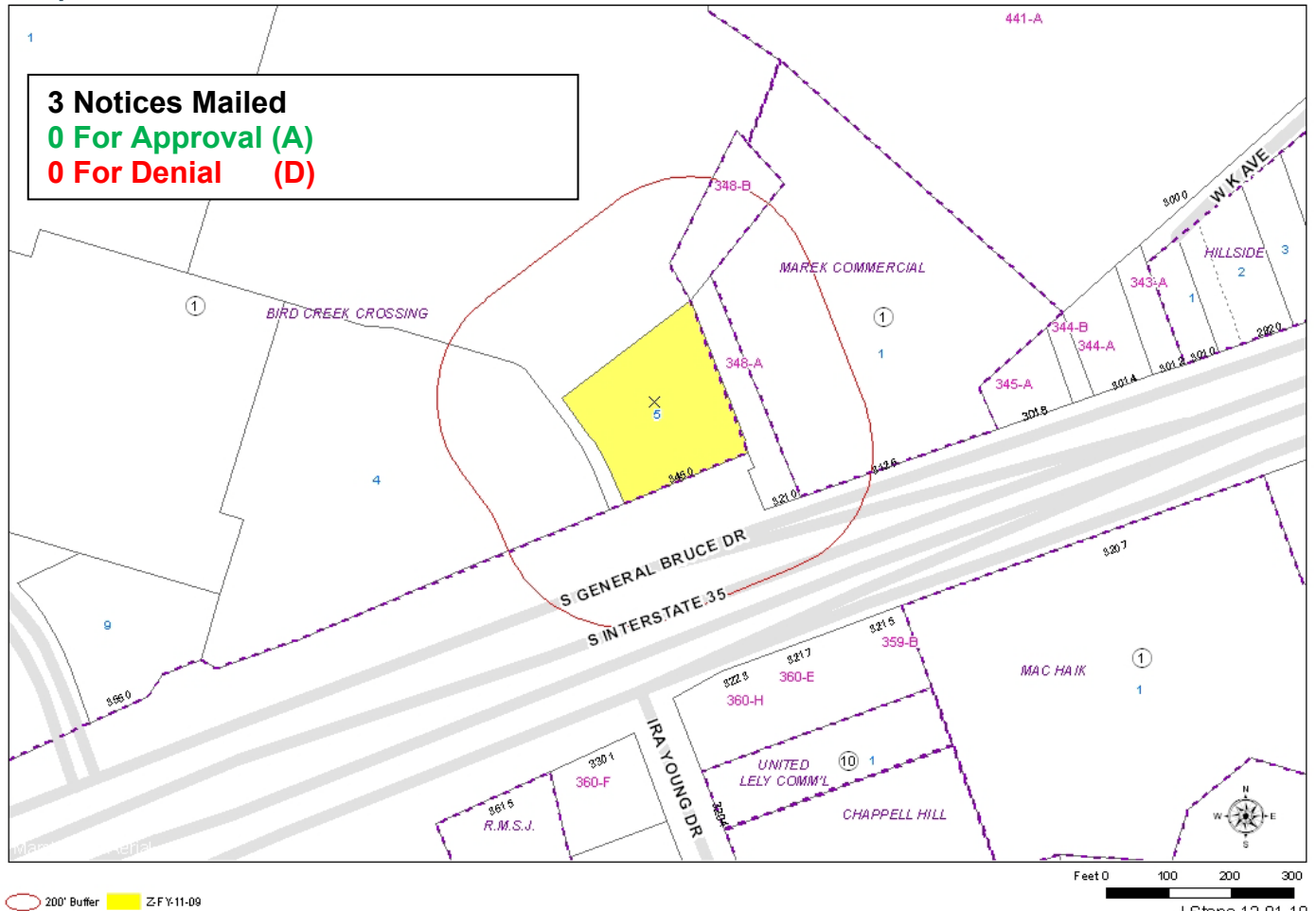
CONSTRUCTION DOCUMENTS WILL BE BASED ON THE LATEST RELEASE OF THE PROTOTYPICAL DOCUMENTS ON PROJECT/DATE AT THE TIME OF CONSTRUCTION DOCUMENT AUTHORIZATION.



Z-FY-11-09

Bird Creek Crossing, Block 1, Lot 5

3450 S. General Bruce Dr



APPLICANT / DEVELOPMENT: Kurt Overmyer of Mays and Company

CASE MANAGER: Brian Mabry, AICP, Planning Director

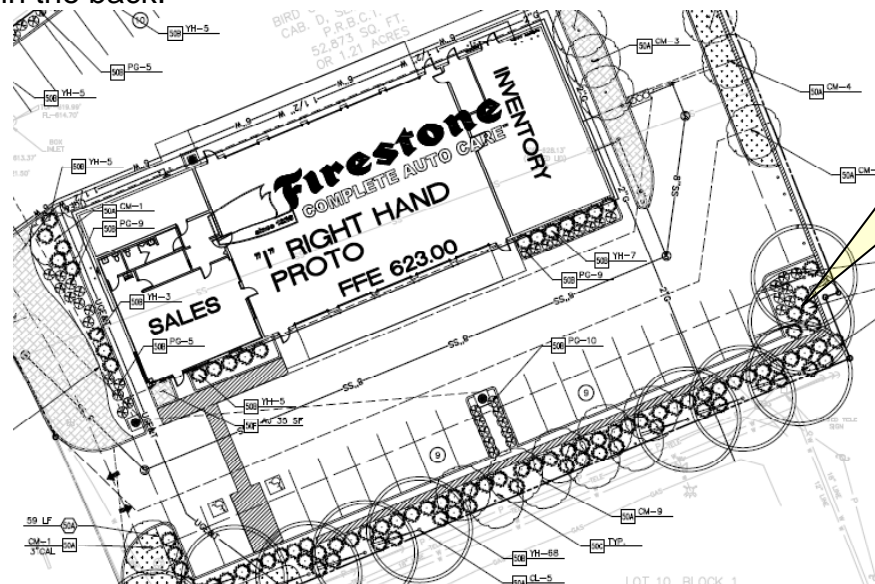
ITEM DESCRIPTION: Z-FY-11-09 Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow minor vehicle servicing on Lot 5, Block 1, Bird Creek Crossing Subdivision, at 3450 South General Bruce Drive.

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.



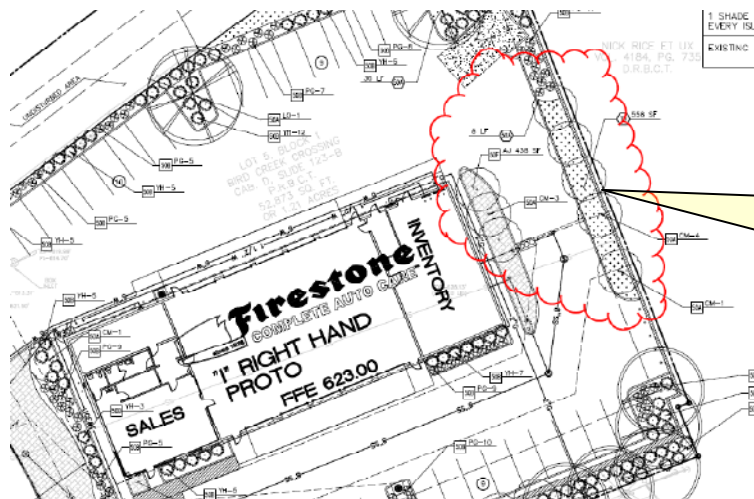
Screening and Walls

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.

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 **20th** day of **January**, 2011.

PASSED AND APPROVED on Second Reading on the **3rd** day of **February**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/03/11
Item #5(I)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: SECOND READING – 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.

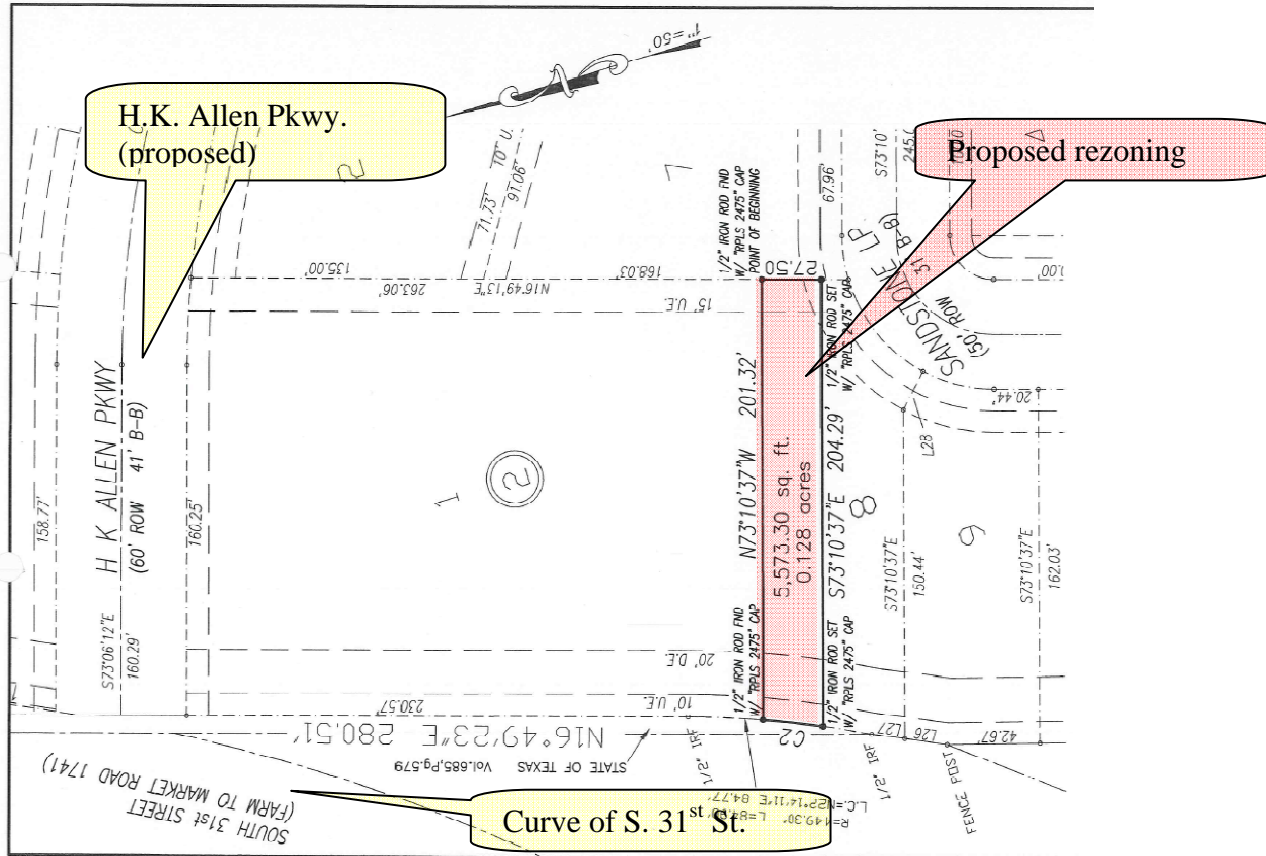
STAFF RECOMMENDATION: Adopt ordinance as presented in item description, on second and final reading.

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. 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 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. 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 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. 31st 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



Z-FY-11-10

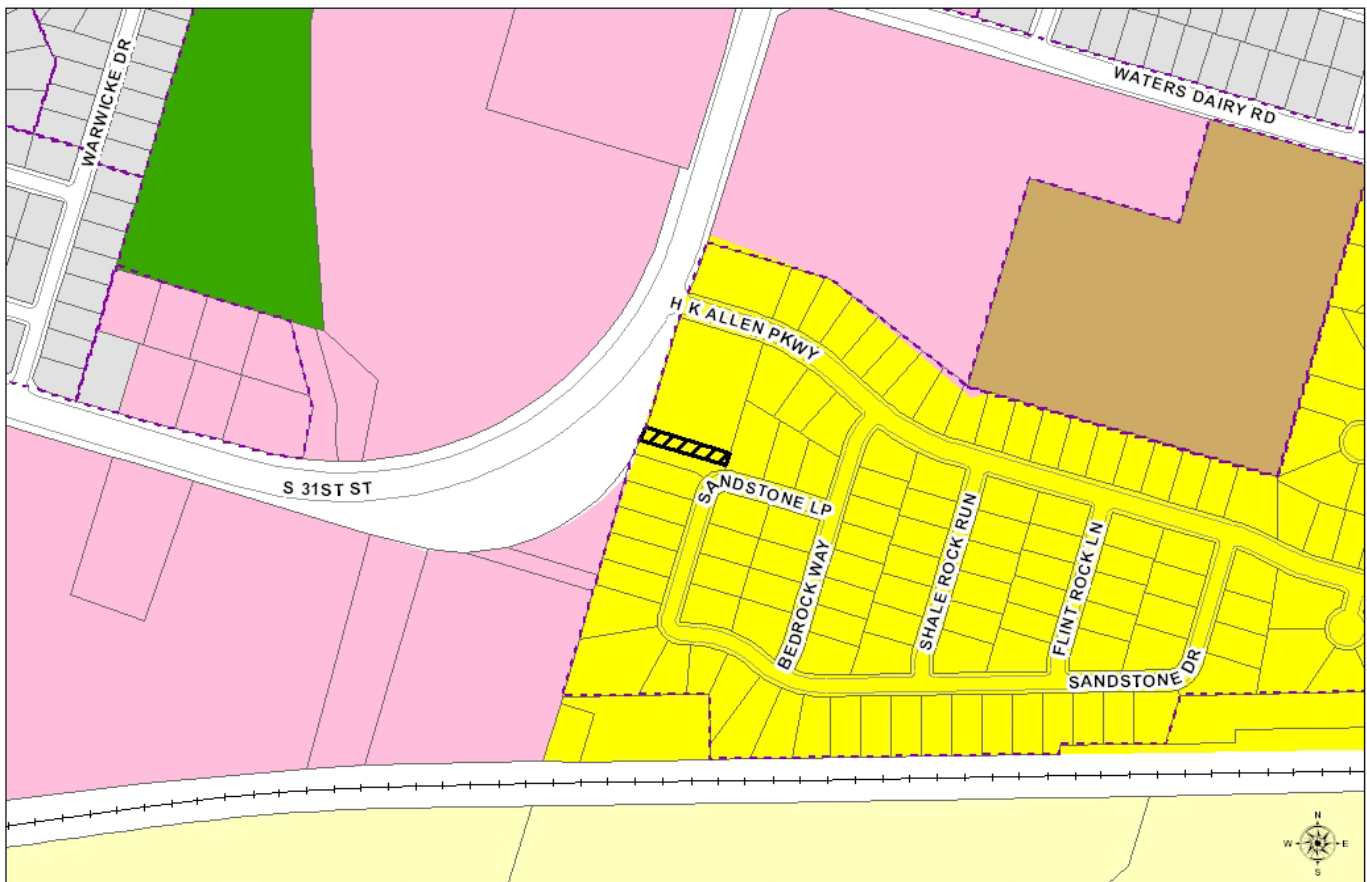
J Stone 12.01.10



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 | |

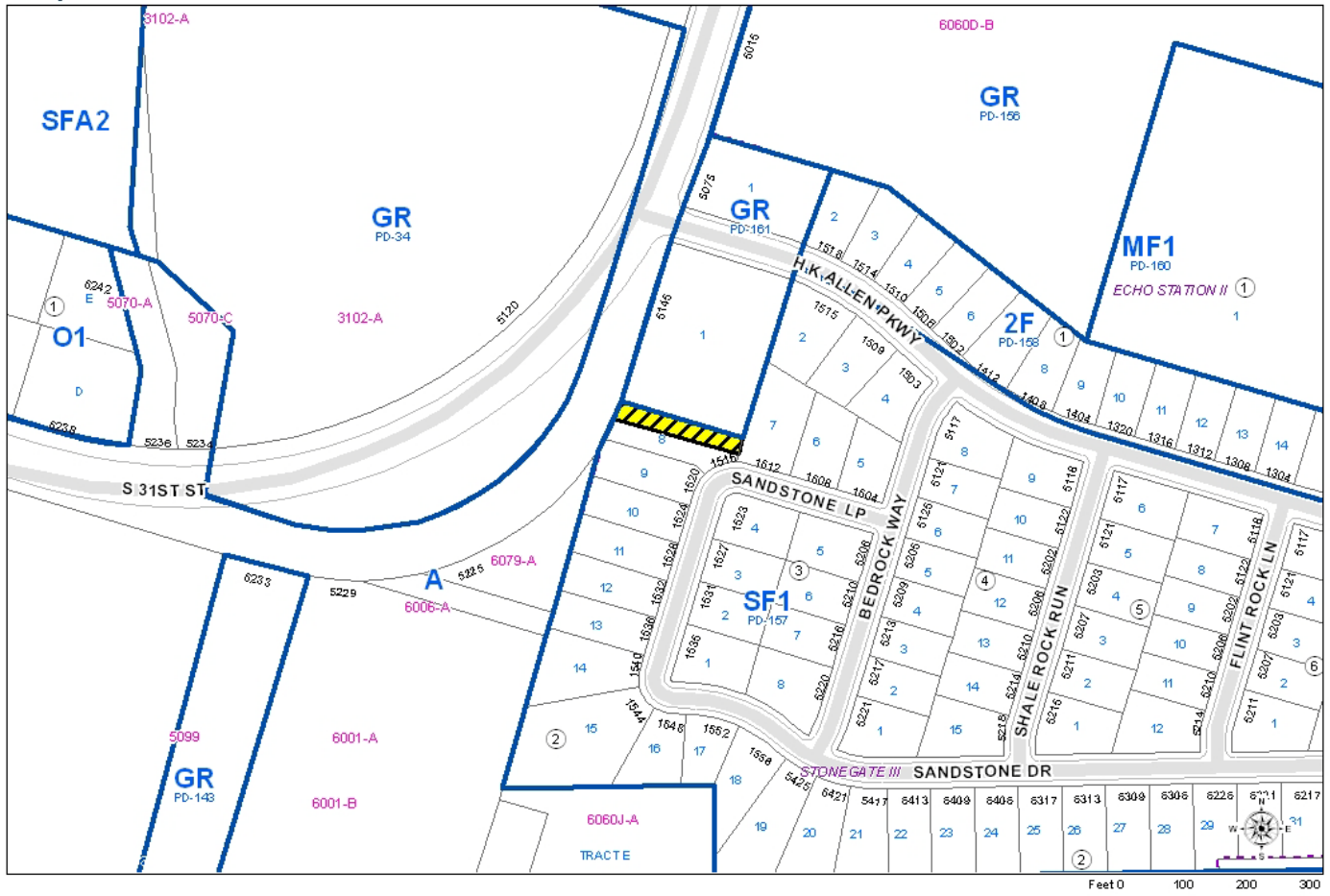
1 inch = 300 feet
J Stone 12.01.10



Z-FY-11-10

Stonegate III, Blk 2, Lot 8

1516 Sandstone Loop



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

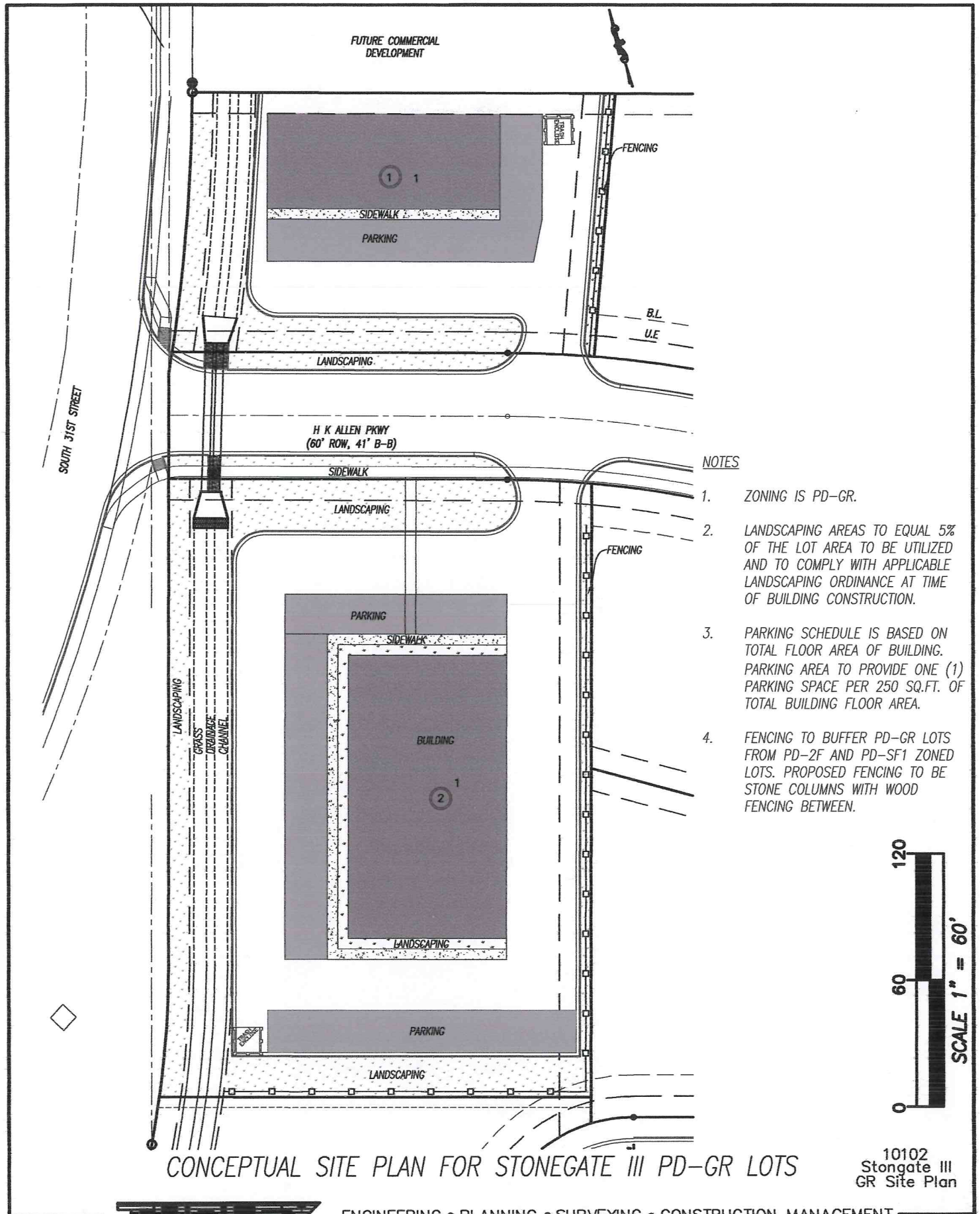


March 2010 Aerial

Feet 0 100 200 300

Yellow box: ZFY-11-10
Blue line: WATER LINE
Red line: SEWER LINE

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.



10102
Stongate III
GR Site Plan



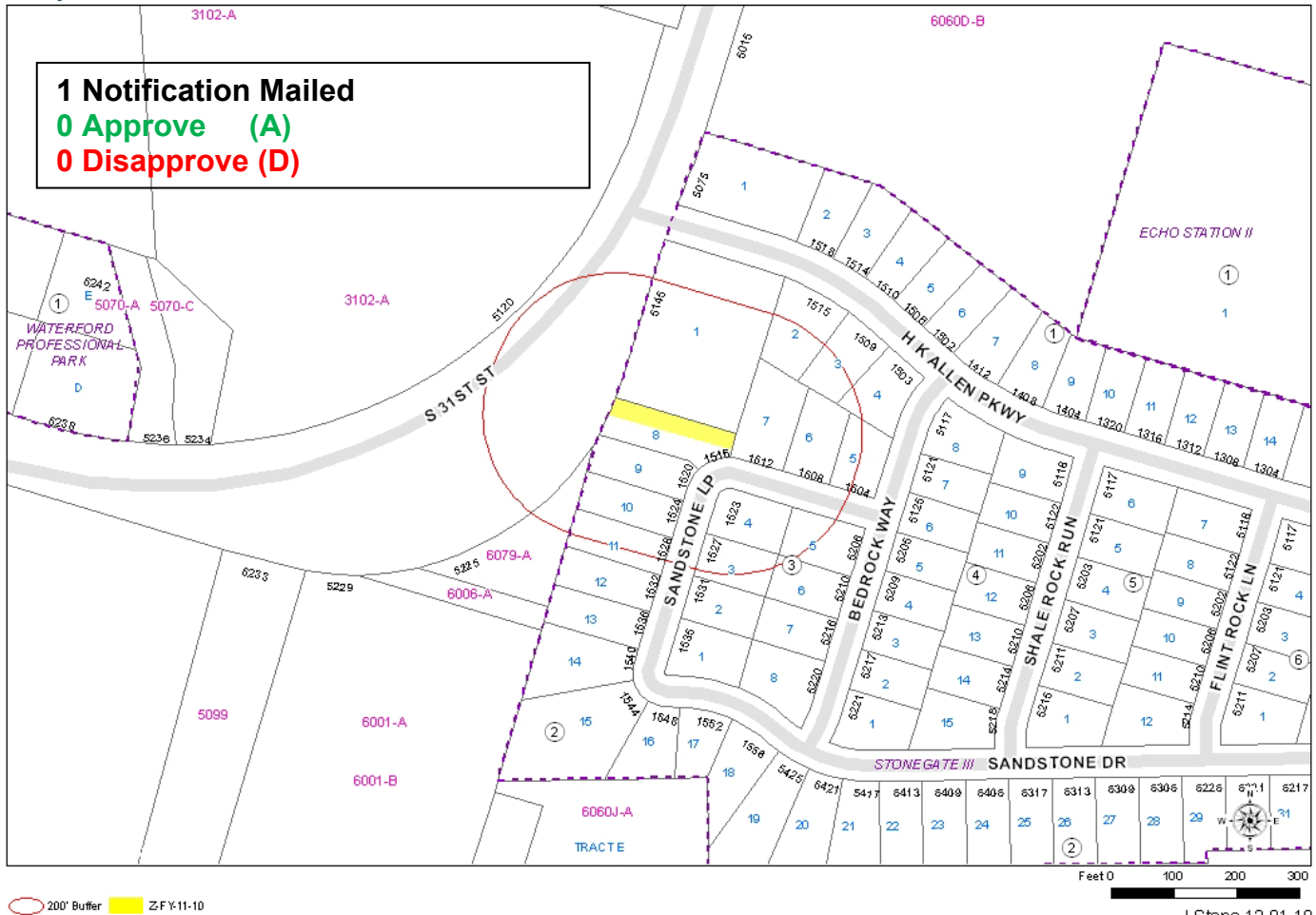
ENGINEERING • PLANNING • SURVEYING • CONSTRUCTION MANAGEMENT
TURLEY ASSOCIATES, INC. 301 NORTH 3RD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400



Z-FY-11-10

Stonegate III, Blk 2, Lot 8

1516 Sandstone Loop



J Stone 12.01.10

PLANNING AND ZONING COMMISSION AGENDA ITEM

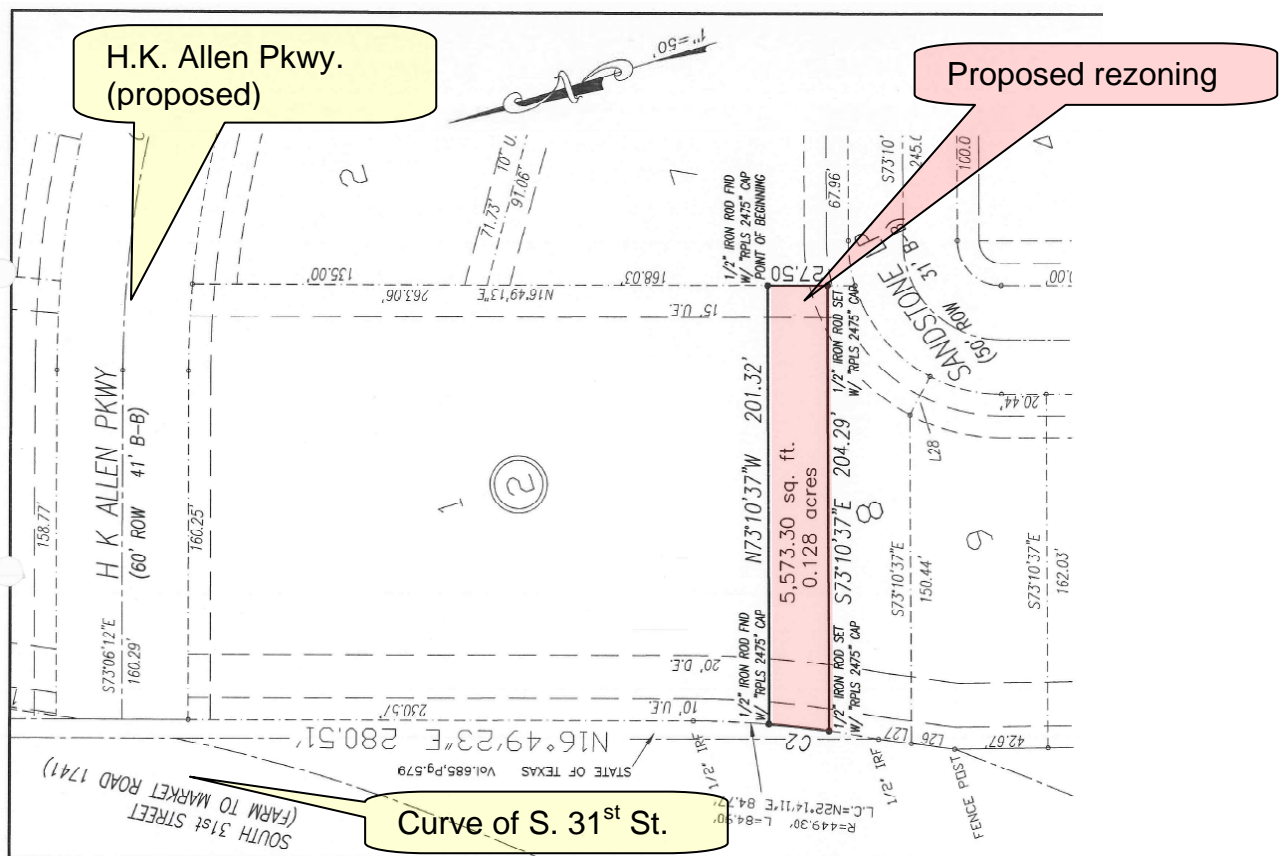
01/06/11
Item #3
Regular Agenda
Page 1 of 4

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. 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 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. 31st 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. 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 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 **20th** day of **January**, 2011.

PASSED AND APPROVED on Second Reading on the **3rd** day of **February**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/03/11
Item #5(J)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney
David Blackburn, City Manager

ITEM DESCRIPTION: SECOND READING – 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: Adopt ordinance as presented in item description, on second and final reading.

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 1st, Avenue G/H & North 3rd) 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 1st Street SIZ** corridor (which runs from Adams to South Loop 363 and includes a portion of the Downtown area and includes portions of South 5th Street, Main Street and South 2nd Street);

The **Avenue G/H SIZ** corridor (which runs from South 1st Street to South 25th Street and includes portions of Avenue F, G, H & I)

The **North 3rd Street SIZ** corridor (which runs from is made up of two areas centered on North 3rd Street—Area A runs from Central to Houston and includes portions of North 7th, North 5th 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 1st, Avenue G/H and North 3rd) 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](#)

ORDINANCE NO. 2011-4423

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, ESTABLISHING A COMPREHENSIVE ECONOMIC DEVELOPMENT POLICY FOR THE CITY OF TEMPLE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple is committed to establishing long-term economic vitality, an essential key to the growth of any community, by responding and preparing for challenges and changes in an environment characterized by ongoing competition for sustained economic advantage and identity;

Whereas, in an effort to enrich an already substantial diversity of economic activity, the City of Temple desires to establish an *Economic Development Policy* consolidating the City's existing and newly-proposed economic development policies into one comprehensive document;

Whereas, the City has established criteria and guidelines governing tax abatement within the City pursuant to Chapter 312 of the Tax Code, and by ordinance has designated two tax abatement reinvestment zones;

Whereas, the City has by ordinance created a tax increment financing reinvestment zone pursuant to Chapter 311 of the Tax Code, and used the tax increments accrued in said zone to construct public improvements intended to spur economic development of the zone;

Whereas, Article 3, Section 52-a of the State Constitution, authorizes the Legislature to provide for the creation of programs for the making of loans and grants of public money for the public purposes of development and diversification of the economy of the State;

Whereas, the Legislature, in Tex. Rev. Civ. Stat. Ann. art. 835s, has authorized home rule cities to acquire land and buildings for the purpose of leasing the land or improvements thereto to private companies for use in manufacturing or other commercial activity;

Whereas, the Legislature, in Chapter 380 of the Local Government Code, has authorized home rule cities to establish programs for making loans and grants of public money to promote State or local economic activity within their boundaries; and

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

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

Part 1: That a comprehensive *Economic Development Policy* is hereby adopted by the City of Temple, Texas, to read as follows:

ECONOMIC DEVELOPMENT POLICY

FOR THE CITY OF TEMPLE, TEXAS

ADOPTED FEBRUARY 3, 2011

I. Criteria and Guidelines Governing Tax Abatement.

A. Definitions.

1. "**Abatement**" means the full or partial exemption from ad valorem taxes of certain real property in a reinvestment zone designated by the City for economic development purposes.

2. "**Agreement**" means a contract between a property owner or lessee and the City.

3. "**Base year value**" means the assessed value of eligible property on January 1st of the year of the execution of the tax abatement Agreement, plus the agreed upon value of eligible property improvements made after January 1 but before the execution of the Agreement.

4. "**Deferred Maintenance**" means those improvements necessary for continued operation but which do not improve productivity or alter any process technology. Exterior improvements (e.g., painting, installing, repairing, removing or replacing a facade) to the exteriors of buildings in the Downtown Development Area which are designed to improve visual appearance of property are not deferred maintenance.

5. "**Downtown Development Area**" is an approximately 43 block area of downtown Temple as shown by the map and description attached hereto as Exhibit "A."

6. "**Eligible Facilities**" means those new, expanded or modernized buildings and structures, including fixed machinery and equipment, which are reasonably likely as a result of granting abatement, to contribute to the retention or expansion of primary employment or to attract major investment in the reinvestment zone that would be a benefit to the property and that would contribute to the economic development within the City Eligible Facilities in all commercial/industrial tax abatement reinvestment zones include manufacturing, distribution and storage facilities, office buildings, transportation facilities, and entertainment complex. Additional Eligible Facilities in reinvestment zones established in the Downtown Development Area include retail stores, apartment buildings, restaurants and entertainment facilities (excluding sexually oriented businesses) facilities.

7. "**Expansion**" means the addition of buildings, structures, machinery, equipment or payroll for purposes of increasing production capacity.

8. "**Facility**" means property improvements completed or in the process of construction which together comprise an integral whole.

9. **"Modernization"** means a complete or partial demolition of Facilities and the complete or partial reconstruction or installation of a Facility of similar or expanded production capacity. Modernization may result from the construction, alteration, or installation of buildings, structures, machinery or equipment, or both. Modernization in the Downtown Development area includes painting of exterior walls, restoring, removing or installing a facade and related exterior improvements designed to visually improved the exterior of a building or block.

10. **"New Facility"** means a property previously undeveloped which is placed into service by means other than or in conjunction with Expansion and Modernization.

11. **"Productive Life"** means the number of years a property improvement is expected to be in service for a facility.

12. **"South 1st Street Corridor"** is an area comprised of approximately a 74 block area, which includes South 1st Street from Adams Avenue to South Loop 363 and portions of several adjacent streets including portions of South 2nd Street, South 3rd Street and South 5th Street, as shown by the map and description attached hereto as Exhibit "B."

13. **"Avenue H Strategic Investment Zone"** is an area consisting of Avenue F, G, H & I from South 1st Street to South 25th Street, as shown by the map and description attached hereto as Exhibit "C."

14. **"North 3rd Street Strategic Investment Zone"** is an area consisting of two area of land center on North 1st Street; Area A is bounded on the west by North 7th Street [from Central to French] and on the east from Adams—where it adjoins the South 1st SIZ incentive corridor—north to French Avenue, and North 3rd Street Area B Tax Increment Financing Reinvestment Zone is an irregular shaped area (again depicted on the map attached to this Narrative) centered on North 3rd Street running north-south roughly from Monroe Avenue to Industrial Boulevard.

B. Statement of Purpose.

The City is committed to the promotion of high quality commercial and industrial development in all parts of the City, and an ongoing improvement of the quality of life of its citizens. These objectives may be served by the enhancement and expansion of the local economy. The City will consider, on a case-by-case basis granting property tax abatement as a stimulus for economic development in accordance with the criteria and guidelines established herein. Nothing herein shall imply or suggest that the City is under any obligation to provide tax abatement to any applicant, that any applicant has a property right or interest in tax abatement, or that the City is precluded from considering other options which may be in the best interest of the City.

C. Designation of Tax Abatement Reinvestment Zones.

The City will consider designating areas within the City limits or extraterritorial jurisdiction of the City as commercial-industrial tax abatement reinvestment zones which meet one or more of the criteria for designation of a reinvestment zone under Section 312.202 of the Tax Code, and where the property owner meets the minimum qualifications to qualify for a tax abatement under Part I.D. 1.b. of this Policy. Designation of an area as a tax abatement reinvestment zone is a prerequisite to entering into a tax abatement agreement with the owner of the property in a particular area. Property located within a

City created (and State-approved) Enterprise Zone is eligible for consideration for tax abatement agreements without the necessity of separate designation as a tax abatement reinvestment zone.

D. Abatement Authorized.

1. **Eligible Facilities.** Upon application, the City will consider granting tax abatement on Eligible Facilities as hereinafter provided.

a. Creation of New Value. The City will consider granting tax abatement only for the additional value of eligible property improvements made subsequent to, and specified in, an abatement agreement between the City and the property owner or lessee, subject to such limitations as the City may require.

b. New and Existing Eligible Facilities. The City will consider granting abatement for new Eligible Facilities and for improvements to existing Eligible Facilities for purposes of Modernization and Expansion.

c. Eligible Property. The City will consider granting abatement to the value of real property improvements (buildings, structures, fixed [permanently attached] machinery and equipment, site improvements, related fixed improvements necessary to the operation and administration of the Facility), and personal property (excluding inventory or supplies) with a Productive Life of ten years or more.

d. Ineligible Property. The following types of property shall remain fully taxable and ineligible for tax abatement: land, supplies, inventory, housing, Deferred Maintenance, property to be rented or leased except as provided in subpart (5) below, and other property which has a Productive Life of less than ten years.

e. Owned/Leased Facilities. If a Leased Facility is granted abatement, the agreement shall be executed with the lessor and the lessee.

2. Standards for Tax Abatement.

a. Minimum Standards. The City will consider tax abatement only on eligible facilities which meet at least two of the following criteria.

(1) The project involves a minimum increase in property value of three hundred percent (300%) for construction of a new facility, or fifty percent (50%) for expansion of an existing facility, with an overall new investment of at least \$1 million in taxable assets. For eligible facilities in any reinvestment zone within the Downtown Development Area or within the South 1st Street Corridor, the project must involve either a minimum increase in property value of one hundred and fifty percent (150%) for construction of a new facility, or twenty-five percent (25%) for expansion of an existing facility, with an overall new investment of at least \$50,000 in taxable assets.

(2) The project makes a substantial contribution to redevelopment efforts, special area plans, or strategic economic development programs by enhancing either functional or

visual characteristics, e.g., historical structures, traffic circulation, parking facades, materials, signs.

(3) The project has high visibility, image impact, or is of a significantly higher level of development quality.

(4) The project is an area which might not otherwise be developed because of constraints of topography, ownership patterns, site configuration, etc.

(5) The project can serve as a prototype and catalyst for other development of a higher standard.

(6) The project stimulates desired concentrations of employment or commercial activity.

(7) The project generates greater employment than would otherwise be achieved, e.g., commercial/industrial versus manufacturing versus warehousing.

(8) For eligible facilities in any reinvestment zone within the Downtown Development Area, the project improves the aesthetic appearance of the neighborhood, brings new jobs to the Downtown area, increases the availability of public parking, or increases the amount of green space (landscaping).

b. Minimum Required Investment. An applicant requesting tax abatement shall agree as a condition of any tax abatement ultimately approved by the City Council to expend a certain minimum amount of funds on real or personal property improvements, or to provide a certain number of jobs, as provided below:

Percentage of increased value to be abated	Minimum Required Real or Personal Property Investment or Job Creation		
	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation [†]
25%	\$250,000-\$400,000	\$1,000,000-\$1,600,000	25-30 jobs
30%	400,001-550,000	1,600,001-2,200,000	31-35 jobs
35%	550,001-700,000	2,200,001-2,800,000	36-40 jobs
40%	700,001-850,000	2,800,001-3,400,000	41-45 jobs
45%	850,001-1,000,000	3,400,001-4,000,000	46-50 jobs
50%	1,000,001-1,300,000	4,000,001-5,200,000	51-55 jobs
55%	1,300,001-1,600,000	5,200,001-6,400,000	56-60 jobs
60%	1,600,001-1,900,000	6,400,001-7,600,000	61-65 jobs
65%	1,900,001-2,200,000	7,600,001-8,800,000	66-70 jobs
70%	2,200,001-2,500,000	8,800,001-10,000,000	71-75 jobs
75%	2,500,001-3,500,000	10,000,001-14,000,000	76-85 jobs
80%	3,500,001-4,500,000	14,000,001-18,000,000	86-95 jobs
85%	4,500,001-5,500,000	18,000,001-22,000,000	96-105 jobs
90%	5,500,001-6,500,000	22,000,001-26,000,000	106-115 jobs
95%	6,500,001-7,500,000	26,000,001-30,000,000	116-125 jobs
100%	7,500,001-10,000,000	30,000,001-40,000,000	126-175 jobs

Percentage of increased value To be abated	Inside the Downtown Development Area or the South 1 st Street Corridor Minimum Required Real or Personal Property Investment or Job Creation		
	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation
100%	\$50,000 or more	\$100,000 or more	5-25 jobs

Percentage of increased value To be abated	Inside the Avenue H Strategic Investment Zone Minimum Required Real or Personal Property Investment or Job Creation		
	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation
100%	\$35,000 or more	\$60,000 or more	5-25 jobs

Percentage of increased value To be abated	Inside the North 3 rd Street Strategic Investment Zone Area A and Area B Minimum Required Real or Personal Property Investment or Job Creation		
	Eligible Real Property Improvements	Eligible Personal Property*	Full Time Job Creation
100%	\$50,000 or more	\$100,000 or more	10-25 full time jobs

Projects involving an investment in real property in excess of \$10,000,000 (\$250,000 in the Downtown Development Area, or the South 1st Street and Avenue H Strategic Investment Zones) in eligible personal property of more than \$40,000,000 (\$1,000,000 in the Downtown Development Area or the South 1st Street and Avenue H Strategic Investment Zones), or the creation of more than 175 (25 in the Downtown Development Area, the South 1st Street, Avenue H Strategic or the North 3rd Street Investment Zones) new full time jobs, or requests for tax abatement for more than 5 years, will be individually negotiated.

If a request for tax abatement is justified on the basis of the purchase and maintenance of eligible personal property or on the creation of jobs, the applicant must agree to maintain the personal property or jobs for a period of not less than twice the period for which tax abatement is granted. For example, if an applicant requests and receives 75% tax abatement for five years based on the purchase and maintenance of eligible personal property, the applicant must agree in the tax abatement agreement, subject to recapture of all abated taxes, to maintain the personal property on the property tax roll for not less than ten years.

*Personal property with a useful life of less than ten years is not eligible for tax abatement. Personal property on site prior to the effective date of the tax abatement agreement is not eligible. Supplies and inventory are ineligible for tax abatement under this policy and State law.

† As used herein, the creation of jobs refers to the creation of a job paying not less than \$10 per hour, the approximate median salary for employees in Bell County. To qualify for a level of tax abatement, e.g., 25%, based on the creation of a specific number of jobs, you must commit to hiring the required effective number of employees by the end of year 2 of the agreement. To calculate the effective number of jobs created: (1) calculate the total annual payroll created (based on the number of employees you will hire at various annual salaries); (2) divide this annual payroll by \$20,640 (our calculated annual salary for a \$10/hr employee); and (3) round this figure to the nearest whole integer.

c. Additional or Enhancement Factors. In addition to the minimum investment or job creation criteria listed in (2) above, the following factors, among others, shall be considered in

determining whether to grant Tax Abatement, and if so, in what percentage of value to be abated and the duration:

- (1) value of land and existing improvements, if any;
- (2) type and value of proposed improvements;
- (3) productive life of proposed improvements;
- (4) number of existing jobs to be retained by proposed improvements;
- (5) number, salary, and type of new jobs to be created by proposed improvements;
- (6) amount of local payroll to be created;
- (7) whether the new jobs to be created will be filled by persons residing or projected to reside within the City;
- (8) amount of local sales taxes to be generated directly;
- (9) the costs, if any, to be incurred by the City to provide facilities or services directly resulting from the new improvements;
- (10) the amount of ad valorem taxes to be paid the City during the Abatement period considering the existing values, the percentage of new value abated, the Abatement period, and the projected property value after expiration of the Abatement period;
- (11) population growth that occurs directly as a result of new improvements;
- (12) the types and value of public improvements, if any, to be constructed and paid for by the applicant seeking Abatement;
- (13) the extent to which the proposed improvements compete with existing businesses;
- (14) the positive or negative impact on the opportunities of existing businesses;
- (15) the attraction of other new businesses to the area;
- (16) the overall compatibility with the City's zoning and subdivision regulations, and over-all comprehensive plan; and
- (17) whether the project is environmentally compatible with the community (no appreciable negative impact on quality-of-life perceptions).

Each Eligible Facility shall be reviewed on its merits utilizing the factors provided above. After such review, abatement may be denied entirely or may be granted to the extent deemed appropriate after full evaluation.

3. Abatement barred in certain circumstances. Neither a reinvestment zone nor an abatement agreement shall be authorized, if the City Council determines that:

- a. there would be a substantial adverse effect on the provision of government service or tax base;
- b. the applicant has insufficient financial capacity to meet the requirements of the proposed abatement agreement;
- c. planned or potential use of the property would constitute a hazard to public safety, health, or morals;
- d. approval of a reinvestment zone or abatement agreement would violate State or Federal laws or regulations; or
- e. there exists any other valid reason for denial deemed appropriate by the City.

4. Property subject to Taxation. From the execution of an Abatement Agreement to the end of the effective abatement period under the Agreement, taxes shall be payable as follows:

- a. the value of ineligible property (Part I.D.1.d.) shall be fully taxable;
- b. the base year value of existing eligible property as determined each year shall be fully taxable;
- c. the additional value of new eligible property shall be taxed in the manner and for the period provided for in the Abatement Agreement; and
- d. the additional value of new, eligible property shall be fully taxable at the end of the Abatement period.

5. Application for Tax Abatement.

a. Any present or potential owner of taxable property in the City of Temple, Texas, may request the creation of a tax abatement reinvestment zone and tax abatement by filing a written request with the City. The application shall then be forwarded to the City Manager for review. After processing the application, the City Manager shall make a recommendation to the City Council of the City for final disposition.

b. The application shall consist of a completed application form, which shall provide detailed information on the items described in Part I.D.2. above; a map and property description; and a time schedule for undertaking and completing the planned improvements. In the case of Modernization, a statement of the assessed value of the facility, separately stated for real and personal property, shall be given for the tax year immediately proceeding the application. The application form may require such financial and other information as may be deemed appropriate for evaluating the financial capacity and other factors of the applicant.

c. The City shall give notice as provided by the Tax Code, i.e., written notice to the presiding officer of the governing body of each taxing unit in which the property to be subject to the agreement is located, no later than the seventh day before the date the City Council considers approval of a tax abatement agreement.

d. The City shall not establish a reinvestment zone for the purpose of Abatement if it finds that the request for the abatement was filed after the commencement of construction of a New Facility, or alteration, Modernization, Expansion of an existing Facility.

6. Tax Abatement Agreements

a. After preliminary approval of an application, the City shall formally pass a resolution authorizing an Agreement with the owner (and lessee, where applicable) of the Facility, which Agreement shall include, but not be limited to:

- (1) The kind, number, and location of all proposed improvements of the property;
- (2) A provision for access to and authorize inspection of the property by municipal employees to ensure that the improvements or repairs are made according to the specifications and conditions of the Agreement;

- (3) Limits for the uses of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period the property tax exemptions are in effect;
- (4) Provide for recapturing property tax revenue lost as a result of the Agreement if the owner of the property fails to make the improvements or repairs as provided by the Agreement;
- (5) Each term agreed to by the owner of the property;
- (6) A requirement that the owner of the property annually certify to the governing body of each taxing unit that the owner is in compliance with each applicable term of the Agreement;
- (7) Provide that the City Council may cancel or modify the Agreement if the property fails to comply with the Agreement;
- (8) The percentage of value to be abated each year; and
- (9) The commencement date and the termination date of Abatement.

b. To be effective, a tax abatement agreement must be approved by the affirmative vote of a majority of the members of the City Council at a regularly scheduled meeting of the City Council.

c. Agreements shall normally be approved or disapproved within sixty (60) days from the date the applicant filed a properly completion application for tax abatement with the City Manager.

7. Recapture of Abated Taxes Upon Default.

a. In the event that the company or individual:

- (1) allows its ad valorem taxes owed the City to become delinquent and fails to timely and properly follow the legal procedures for their protest or contest, or
- (2) violates any of the terms and conditions of the Abatement Agreement, and fails to cure during the Cure Period hereinafter described,
- (3) the Agreement then may be terminated, and the company or individual whose Agreement is terminated shall repay, as liquidated damages, all taxes previously abated by virtue of the Agreement to the City within thirty (30) days of the termination.

b. Should the City determine that the company or individual is in default according to the terms and conditions of its Agreement, the City shall notify the company or individual of such default in writing at the address stated in the Agreement, and if such is not cured within thirty (30) days from the date of such notice ("Cure Period"), then the Agreement may be terminated.

8. Administration.

a. The Chief Appraiser of the Bell County Appraisal District will annually determine an assessment of the real and personal property comprising the reinvestment zone. Each year, the company or individual receiving abatement shall furnish the Appraiser with such information as may be necessary for the Abatement. Once value has been established, the Chief Appraiser will notify the City of the amount of the assessment.

b. An abatement agreement shall stipulate that employees or designated representatives of the City will have access to the reinvestment zone during the term of the Abatement to inspect the Facility to determine if the terms and conditions of the agreement are being met. All inspections will be made only after the giving of twenty-four (24) hours prior notice and will only be conducted in such manner as to not unreasonably interfere with the construction or operation of the Facility. All inspections will be made with one or more representatives of the company or individual and in accordance with its safety standards.

c. Upon completion of construction, the designated representative of the City shall annually evaluate each Facility receiving Abatement to insure compliance with the agreement, and a formal report shall then be made to the City Council of Temple regarding the findings of the evaluation.

9. Assignment of Tax Abatement Agreements.

Abatement may be transferred and assigned by the holder to a new owner or lessee of the same Facility upon the approval by resolution of the City subject to the financial capacity of the assignee and provided that all conditions and obligations in the Abatement Agreement are guaranteed by the execution of a new contractual Agreement with the City. No assignment or transfer shall be approved if the parties to the existing Agreement, the new owner or new lessee, are liable to any jurisdiction for outstanding taxes or other obligations. Approval of assignments will not be unreasonably withheld.

10. Sunset Provision.

These tax abatement criteria and guidelines are effective upon the date of their adoption and will remain in force for two years, unless amended by three-quarters vote of the City Council, at which time all reinvestment zones and tax abatement agreements created pursuant to these provisions will be reviewed to determine whether the goals have been achieved. Based on that review, the criteria and guidelines may be modified, renewed or eliminated.

II. Availability of Tax Increment Financing of Public Improvements.

A. Existence of tax increment financing district.

The City of Temple has previously created Tax Increment Financing District Number One. To be designated as a tax increment financing reinvestment zone (TIFRZ), an area must meet the criteria established for reinvestment zones under Section 311.005 of the Tax Code. Designation of an area of the City as an enterprise zone under Tex. Rev. Civ. Stat. Ann. art. 5190.7, the Texas Enterprise Zone Act, qualifies an area automatically for designation as a tax increment financing reinvestment zone.

B. Development agreements.

The City will consider entering into development agreements with the owners of property within a TIFRZ where construction of a public improvement(s), e.g., a street, sewer or water line, bridge,

railroad spur, or drainage project, using tax increment funds is likely to result in the significant expansion or modernization of an existing facility, the construction of a major new facility, the creation of a significant number of new jobs, or otherwise accomplishes one of the major goals of Chapter 311 of the Tax Code. The City Council may by ordinance or resolution, with the advise and recommendation of the Board of Directors of Tax Increment Financing Reinvestment Zone Number One, may establish minimum criteria for consideration of development agreements.

III. Additional Economic Incentives within the City

A. Designation of Enterprise Zone.

The City has nominated an area of the City for designation as an enterprise zone by the State of Texas, acting through its Department of Commerce, under Tex. Rev. Civ. Stat. Ann. art. 5190.7 (the Texas Enterprise Zone Act). Pending approval of the area as an enterprise zone by the State, the City will consider granting several types of economic incentives with the enterprise zone.

1. Sales and use tax refunds.

a. Minimum qualifications. To encourage development of the Enterprise Zone, the City will consider granting sales and use tax rebates to businesses within the Enterprise Zone which:

- (1) meet the definition of "qualified businesses" for purposes of Section 3(a)(11) of the Enterprise Zone Act;
- (2) meet the qualifications for, and receive designation by the State as an enterprise project as an enterprise project as provided for in Section 10 of the Enterprise Zone Act.

b. Eligible taxes. The City may agree to a refund of its sales and use taxes paid by qualified business designated as a enterprise project on the purchase, lease, or rental of equipment or machinery for use in an enterprise zone or on the purchase of material for use in remodeling, rehabilitating, or constructing a structure in the Enterprise Zone.

c. Agreement required. The City will, by development agreement, consider refunding up to one-half (1/2) of the *eligible* sales and use tax paid by a qualified business and enterprise project for a period of up to three (3) years.

d. Documentation required. A qualified business and enterprise project entitled to a refund of sales and use tax under this Section by agreement shall pay the entire amount of State and local sales and use taxes at the time of purchase. A qualified business and enterprise project entitled to a refund of sales and use tax by agreement may request a refund once each year in writing. A qualified business and enterprise project entitled to a refund of sales and use tax by agreement must provide documentation necessary to support a refund claim in a form prescribed by the City's Director of Finance.

2. Waiver of permit fees.

By resolution, the City Council may adopt a policy to waive certain building, permit, license or development fees to qualified businesses which have been designated as enterprise projects within the Enterprise Zone. The City Council is authorized to waive building, permit, license or development fees

up to \$10,000 as part of a Chapter 380 agreement approved by the City Manager under Part III, B(2) of this ordinance.

B. Other economic incentives within the City.

1. Pursuant to authority delegated by the Legislature to cities under Chapter 380 of the Local Government Code, and as authorized by Article 3, Section 52-a of the Texas Constitution, the City will consider making loans or grants of public funds or property, or the selling or leasing City property at or below the fair market value of said property, to promote State or local economic development and to stimulate business and commercial activity within the City.

2. Upon application, the City may consider one or more of the following economic tools to encourage economic development:

- (a) The City may purchase tracts of land in the City to encourage economic development if it determines that assembly of smaller tracts into larger tracts will promote the sale or development of property over the long term. The City may also purchase land to sell or lease to a qualified business in the City, if it determines that a qualified business meets the minimum requirements for additional incentives set out below.
- (b) To promote economic development within the City, the City Manager is authorized to execute Chapter 380 agreements involving grants of public funds, or the transfer of land with value, providing personnel and services of the municipality, up to \$25,000 within the South 1st Street SIZ Incentive Zone, the Avenue G/H SIZ Investment Zone, or the North 3rd Street SIZ Incentive Zone, subject to the availability of funds appropriated annually for that purpose.
- (c) To promote economic development within the City, the City Manager is authorized to execute Chapter 380 agreements involving grants of public funds, or the transfer of land with value, providing personnel and services of the municipality, up to \$10,000 within any of the City's other Strategic Investment Zones, as designated in City Resolution No. 2007-4965-R. To promote economic development within the City, the City Manager is authorized to execute Chapter 380 agreements involving grants of public funds, or the transfer of land with value, providing personnel and services of the municipality, up to \$7,500 in any part of the City not covered by one of the City's Strategic Investment Zones, as designated in City Resolution No. 2007-4965-R.
- (d) The City Manager shall provide the City Council with a quarterly report listing and describing the terms and conditions of any Chapter 380 agreements approved under Part III, B(2) of this ordinance in the preceding quarter.
- (e) As further authorized by Tex. Rev. Civ. Stat. Ann. art. 5190.7 § 20(b), the City may sell or lease City-owned property to private developers, if the City Council determines that the property is not needed for any other public purpose, and that sale of the property to a private developer will result in capital improvements or the creation of new jobs within the City. The City will generally sell or lease public property at its fair market value, but will consider making a one-time grant to an applicant, or selling or leasing property at less than fair market value, according to the following formula:

Additional Incentives within the City		
Value of grant, or value of reduction in lease payments or sale price	To qualify for additional incentive, a qualified business must agree to the following minimum investment in <u>both</u> improvements to real property (new construction or expansion of existing facility) <u>and</u> the creation of new jobs	
Not to exceed \$150,000	Not less than \$7.5 million	Not less than 125 new jobs
Not to exceed \$300,000	Not less than \$15 million	Not less than 250 new jobs
Not to exceed \$450,000	Not less than \$22.5 million	Not less than 375 new jobs
Not to exceed \$600,000	Not less than \$28 million	Not less than 500 new jobs

Incentives under Chapter 380 of the Local Government Code where the investment and number of jobs exceed the chart above will be individually negotiated. The City Council may on a case by case basis consider approving chapter 380 agreements involving grants of public funds, or the transfer of land with value, providing personnel and services of the municipality, with a value of greater than \$7,500 but less than \$150,000.

C. Additional economic incentives in Downtown Development Area.

1. Pursuant to authority delegated by the Legislature to cities under Chapter 380 of the Local Government Code, and as authorized by Article 3, Section 52-a of the Texas Constitution, the City will consider making loans or grants of public funds or property, or the selling or leasing City property at or below the fair market value of said property, to promote State or local economic development and to stimulate business and commercial activity in the Downtown Development Area (as shown on Exhibit "A").

2. Upon application, the City of Temple will consider one or more of the following economic tools to encourage economic development in the Downtown Development Area:

- (a) The City may purchase tracts of land in the Downtown Development Area to encourage economic development if it determines that assembly of smaller tracts into larger tracts will promote the sale or development of property over the long term. The City may also purchase land to sell or lease to a qualified business in the Downtown Development Area, if it determines that a qualified business meets the minimum requirements for additional incentives set out below.
- (b) As further authorized by Tex. Rev. Civ. Stat. Ann. art. 5190.7 § 20(b), the City may sell or lease City-owned property to private developers, if the City Council determines that the property is not needed for any other public purpose, and that sale of the property to a private developer will result in capital improvements or the creation of new jobs in the Downtown Development Area. The City will generally

sell or lease public property at its fair market value, but will consider making a one-time grant to an applicant, or selling or leasing property at less than fair market value, according to the following formula:

Additional Incentives in the Downtown Development Area		
Value of grant, or value of reduction in lease payments or sale price or surplus property	To qualify for additional incentive, a qualified business must agree to the following minimum investment in <u>either</u> improvements to real property (new construction or expansion of existing facility) <u>or</u> the creation of new jobs (25% of the holders of which must be residents of zone or economically disadvantaged).	
Not to exceed \$6,000	Not less than \$70,000	Not less than 3 new jobs
Not to exceed \$8,000	Not less than \$100,000	Not less than 5 new jobs
Not to exceed \$10,000	Not less than \$175,000	Not less than 10 new jobs
Not to exceed \$15,000	Not less than \$225,000	Not less than 15 new jobs
Not to exceed \$18,000	Not less than \$300,000	Not less than 20 new jobs

3. In order for a proposal to be considered for the Additional Incentives under this subsection, an applicant is required to submit a Business Plan detailing sufficient information to evaluate the development and the opportunities for success. A development agreement will provide clauses that insure the return of monetary or real incentives granted for a project in the event that the project is not undertaken within a specified time.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 20th day of **January**, 2011.

PASSED AND APPROVED on Second and Final Reading on the 3rd day of **February**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/03/11
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Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution suspending the proposed effective date of the proposed rate schedules of the Oncor Electric Delivery Company.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Oncor Electric Delivery Company ("Oncor" or "the Company") filed an application on or about January 7, 2011 with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by \$353 million effective on February 14, 2011. The Company asks the City to approve an 14.6% increase in residential rates, a 15.5% increase in commercial rates, and a 25.9% increase in street lighting rates. According to Oncor, annual rates would increase by approximately \$60 or \$5/month for an average (1,300 kWh/month) residential customer.

The resolution suspends the February 14, 2011 effective date of the Company's rate increase for the maximum period permitted by law to allow the City, working in conjunction with the Steering Committee of Cities Served by Oncor, to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

The law provides that a rate request made by an electric utility cannot become effective until at least 35 days following the filing of the application to change rates. The law permits the City to suspend the rate change for 90 days after the date the rate change would otherwise be effective. **If the City fails to take some action regarding the filing before the effective date, Oncor's rate request is deemed administratively approved.**

DISCUSSION

The City is a member of a 146-city coalition known as the Steering Committee of Cities Served by Oncor ("Steering Committee"). The Steering Committee has been in existence since the late 1980s. It took on a formal structure in the early 1990s when cities served by the former TXU gave up their statutory right to rate case expense reimbursement in exchange for higher franchise fee payments. Empowered by city resolutions and funded by *per capita* assessments, the Steering Committee has been the primary public interest advocate before the Public Utility Commission, the Courts, and the Legislature on electric utility regulation matters for the last 20 years.

The current filing comes 15 months following the implementation of Oncor's last rate increase. That case is currently on appeal.

Explanation of "Be It Resolved" Paragraphs:

Section 1. The City is authorized to suspend the rate change for 90 days after the date that the rate change would otherwise be effective for any legitimate purpose. Time to study and investigate the application is always a legitimate purpose. Please note that the resolution refers to the suspension period as "the maximum period allowed by law" rather than ending by a specific date. This is because the Company controls the effective date and can extend the deadline for final city action to increase the time that the City retains jurisdiction if necessary to reach settlement on the case. If the suspension period is not otherwise extended by the Company, the City must take final action on Oncor's request to raise rates by February 14, 2011.

Section 2. This provision authorizes the Steering Committee, consistent with the City's resolution approving membership in the Steering Committee, to act on behalf of the City at the local level in settlement discussions, in preparation of a rate ordinance, on appeal of the rate ordinance to the PUC, and on appeal to the Courts. Negotiating clout and efficiency are enhanced by the City cooperating with the Steering Committee in a common review and common purpose. Additionally, rate case expenses are minimized when the Steering Committee hires one set of attorneys and experts who work under the guidance and control of the Executive Committee of the Steering Committee.

Section 3. The Company will reimburse the Steering Committee for its reasonable rate case expenses. Legal counsel and consultants approved by the Executive Committee of the Steering Committee will submit monthly invoices that will be forwarded to Oncor for reimbursement. No individual city incurs liability for payment of rate case expenses by adopting a suspension resolution.

Section 4. This section merely recites that the resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed.

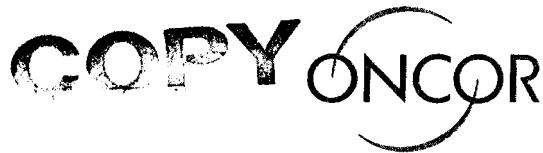
Section 5. This section provides that both Oncor and Steering Committee counsel will be notified of the City's action by sending a copy of the approved and signed resolution to certain designated individuals.

The staff recommends approval of the suspension resolution.

FISCAL IMPACT: None at this time.

ATTACHMENTS:

[Oncor Rate Adjustment Letter
Resolution](#)



City of Temple Franchise

Autry Warren
Senior Director
Transmission & Municipal Relations

Oncor Electric Delivery
1601 Bryan St.
Suite 23-045C
Dallas, Texas 75201

Tel 214 486 3863
Fax 214 486 2180
awarren1@oncor.com

January 7, 2011

The Honorable William A Jones III
City of Temple
2 North Main
Temple TX 76501

Dear Mayor Jones III:

Attached for filing please find a Petition and Statement of Intent of Oncor Electric Delivery Company LLC for Authority to Change Rates in accordance with Public Utilities Regulatory Act (PURA) § 36.102. This rate request is identical to those being filed today with other regulatory authorities and affects all customers served by Oncor Electric Delivery Company LLC.

Enclosed is a single volume that contains the Petition and Statement of Intent filed with the Public Utility Commission of Texas ("Commission") (including a Summary of Proposed Rates by Customers and Rate Class), proposed tariffs, and summaries of testimony.

As a regulatory authority with jurisdiction over Oncor's rates, operations and services within your city limits, Oncor is requesting that the City take action with regard to this rate change request as expeditiously as possible. If the City does not act to either suspend the effective date for 90 days or take a final action prior to the effective date of February 14, 2011, the rates would be considered approved by operation of law. It is Oncor's intent to have system-wide rates in effect and towards that end intends to appeal to the Commission any action taken by the City, and request consolidation into one proceeding at the Commission. Once the appeal is granted, the City would have standing as a party to participate fully in the proceeding at the Commission.

Should you have any questions concerning this filing, or would like to request a copy of the full 11-volume rate filing package, please contact your local area manager.

Very truly yours,

A handwritten signature in cursive script that reads "Autry Warren".

RECEIVED

JAN 7 - 2011

cc
CITY OF TEMPLE, TX
CITY SECRETARY

Receipt Acknowledged By:



Cheryl Eitzinger

Title: City Secretary

Date: 1-07-11

City of Temple

Petition and Statement of Intent of Oncor Electric Delivery Company LLC for Authority to Change Rates

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SUSPENDING THE FEBRUARY 14, 2011, EFFECTIVE DATE OF ONCOR ELECTRIC DELIVERY COMPANY'S REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE.

WHEREAS, on or about January 7, 2011, Oncor Electric Delivery Company (Oncor), pursuant to PURA §§ 33.001 and 36.001 filed with the City of Temple a Statement of Intent to increase electric transmission and distribution rates in all municipalities exercising original jurisdiction within its service area effective February 14, 2011; and

WHEREAS, the City of Temple is a member of the Steering Committee of Cities Served by Oncor ("Steering Committee") and will cooperate with the 146 similarly situated city members and other city participants in conducting a review of the Company's application and to hire and direct legal counsel and consultants and to prepare a common response and to negotiate with the Company prior to getting reasonable rates and direct any necessary litigation; and

WHEREAS, PURA § 36.108 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days after the date the rate change would otherwise be effective; and

WHEREAS, PURA § 33.023 provides that costs incurred by Cities in ratemaking activities are to be reimbursed by the regulated utility.

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

Part 1: The February 14, 2011, effective date of the rate request submitted by Oncor on or about January 7, 2011, be suspended for the maximum period allowed by

law to permit adequate time to review the proposed changes and to establish reasonable rates.

Part 2: As indicated in the City's resolution approving membership in the Steering Committee, the Executive Committee of Steering Committee is authorized to hire and direct legal counsel and consultants, negotiate with the Company, make recommendations regarding reasonable rates, and to intervene and direct any necessary administrative proceedings or court litigation associated with an appeal of a rate ordinance and the rate case filed with the City or Public Utility Commission.

Part 3: The City's reasonable rate case expenses shall be reimbursed by Oncor.

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

Part 5: A copy of this Resolution shall be sent to Oncor, care of Autry Warren, Oncor Electric Delivery Company, LLC, 1601 Bryan St., 23rd Floor, Dallas, Texas 75201 and to Geoffrey Gay, General Counsel to the Steering Committee, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED this the 3rd day of **February**, 2011.

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

02/03/11
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DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Consider adopting a resolution in support of HJR 56 as filed by Representative Solomons to provide relief from unfunded mandates for local governments.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Representative Burt R. Solomons, representing House District 65, which includes the cities of Carrollton, Dallas, Frisco, Hebron, Lewisville, Coppell and Plano, filed HJR 56 on January 10, 2011. This legislation, if approved, would limit the Texas Legislature's authority to pass legislation which would require mandates of local governments without providing a funding source. This legislation defines a local government as a county, city, hospital district, community college district or a special district created by one of these entities.

The Bell County Commissioner's Court has approved a similar resolution supporting the passage of HJR 56. At the time of this writing, other cities in Bell County are also considering resolutions supporting the passage of HJR 56.

FISCAL IMPACT: None

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, IN SUPPORT OF HJR 56 AS FILED BY REPRESENTATIVE SOLOMONS TO PROVIDE RELIEF FROM UNFUNDED MANDATES FOR LOCAL GOVERNMENTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the rising costs of local government are driven by two main factors: growth in demand as the population grows and growth in required services or levels of service mandated by the state;

Whereas, many in state government rightly oppose unfunded federal mandates on the states, yet every legislative session at least a few new unfunded mandates on local governments are passed;

Whereas, the time delay between the legislature mandating a certain level of services and the setting of local budgets to provide those services, Temple residents often do not know whom to hold accountable for the budget decisions that must be made to accommodate unfunded mandates;

Whereas, HJR 56 provides cities, counties, and community colleges with protection against unfunded mandates by providing that a mandate on local government that requires the spending of additional local funds has no effect unless the state provides funding or reimbursement;

Whereas, HJR 56 is modeled on the same practice the legislature has followed for many years in establishing new mandates on state agencies – if a proposed mandate increases costs, a legislator must have funds included in the appropriations act or identify a new funding source to pay for the new mandate;

Whereas, HJR 56 is a budgetary reform measure that provides an incentive for the legislature to tie funding to mandates passed on to local governments;

Whereas, HJR 56 will improve accountability to taxpayers and voters and represents common sense reform that both statewide and local constituents are demanding; 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 supports HJR 56 as filed by Representative Solomons to provide relief from unfunded mandates for local governments.

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 **3rd** day of **February**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/03/11
Item #5(M)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing submission of an application for funding through the U.S. Department of the Interior, Bureau of Reclamation, WaterSMART, Water and Energy Efficiency Grant program in the amount of \$65,000, with \$32,500 cost-shared by the City, to install an electronic irrigation control system at Freedom Park, Miller Park, Wilson Park, and West Temple Park.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The U.S. Department of the Interior, Bureau of Reclamation, has announced a matching grant program entitled "WaterSMART: Water and Energy Efficiency Grants for FY 2011." The Water and Energy Efficiency program provides cost-shared funding, on a competitive basis, to municipalities and water districts for implementing on-the-ground projects that assist in managing water in the West. Among the areas that funding will be allocated include:

Focus on Water Conservation

- a. Installation of metering devices
- b. Installation of advanced water measurement equipment

The final application is due February 17, 2011. According to funding solicitation, selection will be announced no sooner than April, 2011.

The project scope we are requesting to apply for involves the installation of an electronic irrigation control system at Freedom Park, Miller Park, Wilson Park and West Temple Park. These types of systems allow for control over irrigation systems at one central location. The installation of these systems allows users to control the start/stop times, detect leaks with flow meters, improve maintenance needs, measure precipitation accumulation with a rain sensor, and decrease the need to go to each site to change watering needs during water use restriction times, tournaments, and other rentals.

Currently, staff goes by each park every two weeks and physically turns on each station to make sure everything is working correctly. When there are field rentals, tournaments, water restrictions being enforced or we are seeding new grass, staff goes to every park and adjusts irrigation times or turns the system off, whichever is appropriate. Also, when we have a day or two of good rain, we do not have the resources to go and turn off all of the systems, knowing that the systems will have to be turned back on a few days later.

With the current practice the systems sometimes run even when the ground is sufficiently saturated (at times when it is raining) and requires excess driving and labor time to travel to each park, which are inefficient methods of operating. By installing the electronic irrigation control system, the features of the system will allow for a decrease in water use and costs, and a decrease in driving and labor needs due to the ability to identify and complete most maintenance needs remotely.

The control system is managed through a software program. This program records and stores daily water use, precipitation accumulation, flow rates and other information that will help improve and conserve water use. These features can help staff identify and monitor trends and better estimate future needs. Also, once the remaining park areas are upgraded to include control system devices, they will easily tie into the proposed systems software.

We selected to install the new system at Freedom Park, Miller Park, Wilson Park and West Temple Parks, as these facilities generally require the most maintenance due to the size of the parks and number of irrigation station and heads. The next phase would be to install control systems at the remaining community parks, once another grant opportunity is realized. Utility cost savings from these upgrades and the identification of more funding sources can then be used to install devices at the remaining key areas, to include all Parks water meters used for irrigation.

Staff is recommending that we submit a proposal to the Bureau of Reclamation to receive grant funds to install an electronic irrigation control system. The total estimated cost for labor and materials is \$65,000, of which \$32,500 would be funded by the program. City required matching is 50% of the project costs, totaling \$32,500.

FISCAL IMPACT: The funding program guidelines provide for a 1:1 match. The City's 50% match is estimated to be \$32,500. A budget adjustment is presented for Council's approval designating the City's match in the amount of \$32,500 from General Fund Balance-Designated for Capital Projects-Unallocated, account 110-0000-352-1345.

ATTACHMENTS:

[Budget Adjustment
Resolution](#)

FY 2011

BUDGET ADJUSTMENT FORM

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

		+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE
110-0000-352-13-45		Desg. Capital Proj-WaterSMART Grant	\$ 32,500		
110-0000-352-13-45		Desg. Capital Proj-Unallocated			32,500
		Do not post			
TOTAL.....			\$ 32,500		\$ 32,500

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

To designate the City's 50% match of \$32,500 for the Water SMART: Water and Energy Efficiency Grant for FY 2011 through the U.S. Department of the Interior, Bureau of Reclamation. If awarded this grant, the City will install an electronic irrigation control system at Freedom Park, Miller Park, Wilson Park and West Temple Park which will allow for control over irrigation systems at one central location. The total project costs is estimated at \$65,000.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

X

Yes

11

No

DATE OF COUNCIL MEETING

2/3/2011

WITH AGENDA ITEM?

X

☒ Yes

11

No

Department Head/Division Director

Date _____

Approved

Disapproved

Finance

Date _____

Approved

Disapproved

City Manager

Date _____

Approved

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS; AUTHORIZING SUBMISSION OF AN APPLICATION FOR FUNDING THROUGH THE U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION, WATERSMART, WATER AND ENERGY EFFICIENCY GRANT PROGRAM IN THE AMOUNT OF \$65,000, WITH \$32,500 COST SHARED BY THE CITY, TO INSTALL AN ELECTRONIC IRRIGATION CONTROL SYSTEM AT FREEDOM PARK, MILLER PARK, WILSON PARK, AND WEST TEMPLE PARK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Parks and Leisure Services Department desires to submit a grant application to the U.S. Department of the Interior for grant funds to install an electronic irrigation control system at Freedom Park, Miller Park, Wilson Park, and West Temple Park;

Whereas, The Water and Energy Efficiency program provides cost-shared funding, on a competitive basis, to municipalities and water districts for implementing on-the-ground projects that assist in managing water in the West;

Whereas, the Staff will request funds in the amount of \$65,000, with \$32,500 cost shared by the City;

Whereas, an amendment to the FY2010-2011 budget needs to be approved designating the City's cash grant match; 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 submission of an application for funding through the U.S. Department of the Interior, Bureau of Reclamation, WaterSMART, Water and Energy Efficiency Grant program in the amount of \$65,000, to install an electronic irrigation control system at Freedom Park, Miller Park, Wilson Park and West Temple Park, and authorizes the City Manager to execute any documents, after approval as to form by the City Attorney, that may be necessary for the grant application.

Part 2: The City Council accepts any funds that may be received for this grant, and commits to the City's \$32,500 cost-shared amount, if the grant is awarded.

Part 3: The City Council approves an amendment to the FY2010-2011 budget, substantially in the form of the copy attached as Exhibit A, to designate the City's cash grant match.

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

PASSED AND APPROVED this the 3rd day of **February**, 2011.

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

02/03/11
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Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Consider adopting resolutions:

1. Changing the polling place in City Council District 4 from Vineyard Christian Fellowship Church, 7425 West Adams Avenue (FM 2305), to Holy Trinity Catholic High School, located at 6608 West Adams Avenue (FM 2305);
2. Ordering an election for May 14, 2011, for the election of the District 2 Councilmember, the District 3 Councilmember and the Mayor at-large for three year terms; and
3. Authorizing joint election agreements with the Temple Health & Bioscience Economic Development District and Temple Independent School District for the May 14, 2011 election.

STAFF RECOMMENDATION: Adopt resolutions as presented in item description.

ITEM SUMMARY: (1) The current polling place in District 4 was established in 2005 at Vineyard Christian Fellowship Church, located at 7425 West Adams Avenue (FM 2305). Both City and County elections have been held at this location. Vineyard Christian Fellowship Church notified us last year, that the facility would not be available for our use after the May 2010 City election.

Staff contacted Holy Trinity Catholic High School about using their new facility as a polling place in District 4 and our request was approved by the school board at its January meeting. We have toured the facility and feel it will be a very appropriate and accessible location for the voters in District 4.

(2) This proposed resolution calls the City's general election for Saturday, May 14, 2011 for the election of the District 2 and District 3 Councilmembers and the Mayor at-large for three year terms. The resolution also sets forth the polling places, early voting procedures, and various other requirements in accordance with State law and the City Charter.

If each candidate for an office that is to appear on the ballot in a particular District is unopposed as of March 21, 2011, the deadline for write-in candidates to declare candidacy, the City Council may declare each unopposed candidate elected and cancel the May 14, 2011 election.

(3) This proposed resolution authorizes joint election agreements with the Temple Health & Bioscience Economic Development District and Temple Independent School District to conduct joint elections and share expenses for the May 14, 2011 general election. The City will be responsible for all duties associated with conducting the election and the costs will be shared equally between those parties holding elections. Should any of the entities declare the May 14, 2011 election to be canceled because of unopposed candidates, then the agreement will become void.

FISCAL IMPACT: Funds in the amount of \$11,600 are allocated in the City Secretary's budget for the 2011 General Election. All other entities holding joint elections with the City will pay their pro rata share of the total cost of conducting the election.

ATTACHMENTS:

[Resolutions](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ESTABLISHING POLLING PLACES FOR THE CITY OF TEMPLE ELECTIONS; CHANGING DISTRICT 4 POLLING LOCATION FROM VINEYARD CHRISTIAN FELLOWSHIP CHURCH, LOCATED AT 7425 WEST ADAMS AVENUE TO HOLY TRINITY CATHOLIC HIGH SCHOOL, LOCATED AT 6608 WEST ADAMS AVENUE (FM 2305); AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Section 1.6 of the Code of Ordinances provides that the location of each polling place in the City shall be as determined by resolution of the City Council from time to time;

Whereas, the Staff recommends establishing the polling places more fully described herein; 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 establishes the following polling places:

- (1) ***City Council District No. 1:*** The polling place for this district is hereby designated and established as the Frank Mayborn Civic and Convention Center, 3303 North 3rd Street in the City of Temple.
- (2) ***City Council District No. 2:*** The polling place for this district is hereby designated and established as Meridith-Dunbar Elementary School, 1717 East Avenue J in the City of Temple.
- (3) ***City Council District No. 3:*** The polling place for this district is hereby designated and established as Thornton Elementary School, 2900 Pin Oak Drive, in the City of Temple.

(4) ***City Council District No. 4:*** The polling place for this district is hereby designated and established as the Holy Trinity Catholic High School, located at 6608 West Adams Avenue (FM 2305).

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 **3rd** day of **February**, 2011

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

RESOLUCIÓN NO. _____

UNA RESOLUCIÓN DEL CONSEJO DE LA CIUDAD DE LA CIUDAD DE Temple, Texas, establecio LOS LUGARES DE VOTACIÓN PARA LA CIUDAD DE TEMPLO ELECCIONES; EL CAMBIO DISTRITO 4 MESAS UBICACIÓN DE VIÑA CHRISTIAN FELLOWSHIP CHURCH, ubicado en 7425 WEST ADAMS AVENUE A LA SANTA TRINITY Catholic High School, situada en 6608 WEST ADAMS AVENUE (FM 2305); y proporcionar un reuniones abiertas CLÁUSULA.

Considerando, Sección 1.6 del Código de ordenanzas establece que la ubicación de cada lugar de votación en la Ciudad será la que determine por resolución del Consejo de la ciudad de tiempo en tiempo;

Considerando que el personal recomienda establecer los locales de votación más detalladamente aquí; y

Considerando que, el Ayuntamiento ha examinado la cuestión y considera de interés público para autorizar esta acción.

Ahora, por tanto, que sea resuelto por el Ayuntamiento de la ciudad de Temple, Texas, Que:

Parte 1: El Consejo de la ciudad establece los siguientes los lugares de votación:

Consejo de la ciudad Distrito No. 1: La votación de este distrito queda designado y es establecido como Frank Cívico y Centro de Convenciones, 3303 North 3rd Street en la Ciudad de Temple.

Consejo de la ciudad Distrito No. 2: La votacion de este distrito queda designado y establecido como Meridith-Dunbar Elementary School, 1717 East Avenue J en la Ciudad de Temple.

Consejo de la ciudad Distrito No. 3: La votacion de este distrito queda designado y establecido como Thornton Elementary School, 2900 Pin Oak Drive, en la Ciudad de Temple.

Consejo de la ciudad Distrito No. 4: La votación de este distrito queda designado y establecido como el Holy Trinity Catholic High School, ubicado en 6608 West Adams Avenue (FM 2305).

Parte 2: Por la presente se encuentra y se determinó oficialmente la reunión en la que esta ordenanza se pasa fue abierto al público como se requiere y que el aviso publico de la hora, lugar, y propósito de dicha reunión se dio como lo exige la Ley de Reuniones Abiertas.

APROBADA y aprobó el 3o día de Febrero, 2011

LA CIUDAD DE TEMPLE, TEXAS

WILLIAM A. JONES, III, el Alcalde

ATESTIGUAR:

APROBADO DE FORMA:

Clydette Entzminger
Ciudad Secretario

Jonathan Graham
Fiscal de la ciudad

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ORDERING AN ELECTION TO BE HELD WITHIN THE CITY FOR THE ELECTION OF THE DISTRICT 2 AND DISTRICT 3 CITY COUNCILMEMBERS AND MAYOR AT-LARGE; MAKING PROVISION FOR THE CONDUCT OF SAID ELECTION; CONTAINING OTHER PROVISIONS INCIDENT AND RELATED TO THE PURPOSE OF THIS RESOLUTION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Section 41.001 of the Texas Election Code provides that regular municipal elections shall be held on the second Saturday in May;

Whereas, the laws of the State of Texas and the City of Temple further provide that the Election Code of the State of Texas is applicable to said election, and, in order to comply with said Code, an order should be passed establishing the procedure to be followed in said election and designating the voting places for said election; and

Whereas, the City Council finds and determines that it is necessary and advisable to order and hold an election within the City of Temple for the election of Councilmembers described above.

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

Part 1: It is hereby ordered that a municipal election be held on Saturday, May 14, 2011, for the purpose of electing two (2) City Councilmembers and Mayor at-large. One City Councilmember shall be elected by the voters from District 2 and one City Councilmember shall be elected from the voters from District 3 and a Mayor at-large.

In each race, the candidate receiving a majority of the votes cast in such election shall be declared elected by the City Council. If none of the candidates receives a majority of the votes cast in a particular race, the City Council shall order a run-off election as provided by the City Charter and the Texas Election Code, at which the two candidates receiving the highest number of votes in the May 14th election shall stand for election. The candidate receiving the greatest number of votes in the run-off election shall be declared elected by the City Council. Councilmembers shall hold office for a term of three years.

Part 2: Optical scan paper ballots shall be used for early voting, voting by mail and election day voting in each polling place, in conjunction with the ES&S Model Precinct Ballot Counter. The ES&S AutoMARK Voter Assist Terminal, which is Help America Vote Act (HAVA) compliant, will also be used for early voting and in each polling place on election day. Both systems of voting shall provide privacy for voters while casting their votes in accordance with Section 51.032 of the Texas Election Code.

Part 3: All independent candidates at the election to be held on May 14, 2011, for the above-mentioned Offices, shall file their applications to become candidates with the City Secretary of the City of Temple at the City Secretary's Office, Room 103, First Floor of the Municipal Building, 2 North Main Street, Temple, Texas, beginning 91 days before the date of said election, being February 12, 2011, and ending on or before 61 days before the date of said election being on or before March 14, 2011, in compliance with Section 143.007 of the Texas Election Code. No person may, in such election, be a candidate for two single member district positions. All applications shall be sworn to and comply with Section 141.031 of the Election Code. All candidates shall file with said application the loyalty affidavit and statement regarding awareness of the State nepotism statute as required by Article 141.031 of the Election Code.

Part 4: The City Secretary of this City shall, in accordance with the terms and provisions of the Election Code, post in her Office the names of all candidates who have filed their application in accordance with the terms and provisions of this order, and said names shall be posted in a conspicuous place in said Office for at least ten (10) days before said City Secretary orders the same to be printed on the ballot for said election.

Part 5: The election shall be held at the following places in the City for the election called by this resolution:

<i>City Council District No. 1</i>	Frank Mayborn Civic and Convention Center 3303 North 3rd Street
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<i>City Council District No. 2</i>	Meridith – Dunbar Elementary 1717 East Avenue J
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<i>City Council District No. 3</i>	Thornton Elementary 2900 Pin Oak Drive
---	---

<i>City Council District No. 4</i>	Holy Trinity Catholic High School 6608 West Adams Avenue (FM 2305)
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Early Voting Ballot Board

Municipal Building,
2 North Main Street
(between Central and Adams)

Part 5: (a) **Early voting by personal appearance.** Any registered voter is eligible to vote early by personal appearance on weekdays, beginning on May 2, 2011, and ending on May 10, 2011, outside the City Secretary's Office, Room 103 (First Floor), Municipal Building, Temple, Texas. Early Voting will be conducted from 8:00 a.m. to 5:00 p.m. May 2, 2011 through May 6, 2011. During the time period of May 9 and May 10, 2011 Early Voting will be conducted from 7:00 a.m. to 7:00 p.m.

(b) **Early voting by mail.** A registered voter is eligible to vote early *by mail* if (1) the voter expects to be absent from the county on election day, and during the regular hours for conducting early voting at the main early voting polling place for the part of the period for early voting by personal appearance remaining after the voter's early voting ballot application is submitted to the early voting clerk, (2) the voter is under a disability that would prevent them from appearing at the polling place on election day, (3) the voter will be 65 years of age or older on election day, or (4) the registered voter is confined in jail at the time the early voting ballot application is submitted.

(1) Applications for ballot by mail shall be mailed to Clydette Entzminger, City Secretary, P.O. Box 207, Temple, Texas 76503, and must be received no earlier than March 15, 2011 and no later than May 6, 2011, provided that if the sole ground for voting early by mail is that the voter will be out of the county on election day, the application must be received by April 29, 2011, unless the voter is out of the county when the application is made, in which case the application must still be received by April May 6, 2011.

Part 6: Clydette Entzminger, the City Secretary, is hereby appointed Clerk for early voting, and is authorized to appoint by written order one or more persons to assist her as deputy early voting clerks. The early voting clerk shall maintain a roster listing each person who votes early by personal appearance and for each person to whom an early ballot to be voted by mail is sent in accordance with Section 87.121 of the Texas Election Code. The early voting clerk shall perform all other duties required by him by the Texas Election Code.

Part 7: The Mayor shall make proclamation of the May 14, 2011 election and issue, or cause to be issued, all necessary orders, writs and notices for said election and returns of said election shall be made to the City Council immediately after the closing of the polls. The Mayor is further authorized to give notice of a run-off election if such election is necessary. The City Secretary shall cause notice of this

election, in both English and Spanish, to be published and posted in compliance with Texas Election Code Section 4.003(a)(1) and 4.003(b).

Part 8: Immediately after said election is held, the officers holding the same shall make returns on the result thereof to the Mayor of this City as required by the Election Code of this State.

Part 9: A copy of this order shall also serve as a Writ of Election which shall be delivered to the above-appointed Presiding Judges, for said election along with the Election Judge's Certificate of Appointment.

Part 10: The City Secretary is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election and to comply with Federal, State, and local law and in the conduct thereof.

Part 11: If any section or part of any section, paragraph, or clause of this resolution is declared invalid or unconstitutional for any reason, such declaration shall not be held to invalidate or impair the validity, force, or effect of any other section or sections, part of section, paragraph, or clause of this resolution.

Part 12: This resolution shall take effect immediately from and after its passage, and it is accordingly so ordained.

Part 13: 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 the 3rd day of **February, 2011.**

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney

RESOLUCION NO. _____

RESOLUCIÓN DEL CONSEJO MUNICIPAL DE LA CIUDAD DE TEMPLE, TEXAS, ORDENA UNA ELECCION QUE SE CELEBRARA DENTRO DE LA ELECCIÓN POR LA CIUDAD DE TEMPLE DEL DISTRITO 2 Y EL DISTRITO 3 Y ALCADE EN GRANDE CONCEJALES DE LA CIUDAD: TOMANDO PROVISIÓN PARA LA REALIZACIÓN DE DICHA ELECCIÓN; CONTENIDO DE INCIDENTES Y OTRAS DISPOSICIONES RELACIONADAS CON EL OBJETIVO DE LA PRESENTE RESOLUCIÓN.

CONSIDERANDO QUE, La Sección 41.001 del Código Electoral de Texas, establece que las elecciones municipales se ordinaria se celebrara en el segundo Sábado de Mayo; y

CONSIDERANDO QUE, Las leyes del Estado de Texas y la Ciudad de Temple se dispone además que, El Código Electoral del Estado es aplicable a dicha elección y en orden para cumplir con dicho código de una orden se debe pasar estableciendo el procedimiento a seguir en dicho la elección y designación de los lugares de votación para dicha elección.

CONSIDERANDO QUE, El Consejo municipal han encontrado y determinando que es necesario y conveniente para el ordenar y realizar una elección en la ciudad de Temple para la elección de Concejales de la ciudad descritos anteriormente.

AHORA, POR LO TANTO, SE ORDENA EL CONSEJO MUNICIPLA DE LA CIUDAD DE TEMPLE, TEXAS, QUE:

Parte 1: Por la presente se ordenó que las elecciones municipales se celebraran el Sábado, 14 de mayo 2011, con el fin de elegir a dos (2) Concejales de la Ciudad. Un Concejal de la ciudad serán elegidos por los votantes del Distrito 2 y un Concejal de la Ciudad serán elegidos de entre los votantes del Distrito 3 y alcade en grande.

En cada carrera, el candidato recibe la mayoría de los votos emitidos en dicha elección se declarará elegidos por el Consejo de la Ciudad. Si ninguno del los candidatos reciben la mayoría de los votos en las elecciones los concejales deben solicitar una segunda vuelta electoral conforme a lo dispuesto por la Constitución de la Ciudad y el Código Electoral de Texas, en la que los dos candidatos que obtengan el mayor número de votos en las elecciones del 14 de mayo deberán presentarse a las elecciones. El candidato que reciba el mayor número de votos en la segunda vuelta electoral se declara elegido por el Consejo de la Ciudad. Concejales serán elegidos por un período de tres años.

Parte 2: Boletos de papel de escáner óptico se utilizarán para la votación anticipada, el voto por correo y la votación el día de las elecciones en cada lugar de votación, en relación con el ES & S Modelo Precinto de Contador de Votos. El ES & S

AutoMARK Terminal de Ayuda de Votantes, que es la ley Ayuda a América a Votar (HAVA) queja, También se utilizarán para la votación temprana y en cada lugar de votación el día de las elecciones. Ambos sistemas de votación se ofrecen privacidad para los votantes al mismo tiempo de emitir su voto, de conformidad con el Artículo 51.032 del Código Electoral de Texas.

Parte 3: Todos los candidatos independientes en las elecciones que se celebrarán el 14 de mayo de 2011, para las oficinas mencionadas, deberán presentar sus solicitudes para convertirse en candidatos con el Secretario Municipal de la Ciudad del Temple en la oficina del Secretario de la Ciudad. Sala 103, Primer Piso del Edificio Municipal, Calle 2 Norte Main, Temple, Texas, comenzando 91 días antes del día de la fecha de dicha elección, siendo 12 de Febrero de 2011 y termina en o antes 61 días antes la fecha de de dicha elección en o antes 14 de Marzo de 2011 de conformidad con el Artículo 141.031 del Código Electoral de Texas. Ninguna persona podrá, en tal elección, ser un candidato para dos posiciones único miembro del distrito. Todas las solicitudes deberán mantener y cumplir con Artículo 141.031 del Código Electoral de Texas. Todos los candidatos deben presentar en dicha la solicitud la declaración jurada de la lealtad y la declaración sobre el conocimiento de la situación del nepotismo del estatuto del Estado como exige el por el Artículo 141.031 del Código Electoral.

Parte 4: La Secretaria de esta Ciudad de conformidad con los mandatos y disposición del Código Electoral, hacer notar en su Oficina los nombres de todos los candidatos que hayan presentado su solicitud de conformidad con los mandatos y disponibles de la presente orden, de dicho que los nombres serán publicados en un por lo menos diez (10) días antes de dicha oficina de la Ciudad del Secretario del mismo para ser impreso en el boleto electoral para dicha elección.

Parte 5: La elección se celebrarán en los siguientes lugares en la ciudad para las elecciones convocadas por la presente resolución:

<i>Consejo Municipal Distrito No. 1</i>	Frank Mayborn Civic and Convention Center, 3303 North 3rd Street
<i>Consejo Municipal Distrito No. 2</i>	Meridith – Dunbar Elementary 1717 East Avenue J
<i>Consejo Municipal Distrito No. 3</i>	Thornton Elementary 2900 Pin Oak Drive
<i>Consejo Municipal Distrito No. 4</i>	Holy Trinity Catholic High School 6608 West Adams Ave (FM 2305)

Votación Temprana Locales

Edificio Municipal
2 North Main Street
(Entre medio de)
C. Central y Ave. Adams

Parte: 6 (a) **Votando temprano por apariencia personal.** Cualquier votante registrado es elegible para votar temprano por la apariencia personal de Lunes a Viernes, comenzando el 2 de mayo, 2011, y finalizando el 10 de mayo, 2011, afuera de la Oficina del Secretario de la Ciudad - Despacho 103, (Primer Piso), Edificio Municipal, Temple, Texas. Votando temprano se llevara a cabo a través de 8:00 a.m. hasta 5:00 p.m. 2 de mayo por 6 de mayo 2011. Durante el periodo de tiempo de 9 de mayo y 10 de mayo 2011. Votando temprano se llevara a cabo a través de 7:00 a.m. hasta 7:00 p.m.

(b) **Votando temprano por correo.** Un votante registrado es elegible para votar en ausencia por correo (1) si el votante espera no estar en el condado el día de las elecciones, (2) si el votante tiene alguna incapacidad que no le permita votar el día de las elecciones, (3) si el votante tiene 65 años o mas el día de las elecciones, o (4) si el votante esta preso en la cárcel en el momento de la solicitud de boleto de votación temprano se presenta.

(1) Solicitudes para votar por correo deben ser enviadas a Clydette Entzminger, Secretaria de la Ciudad, P.O. Box 207, Temple, Texas 76503, y deben ser recibidas no más temprano del 15 de Marzo de 2011 y no mas tarde de 6 de mayo 2011, a condición de que el votante no va a estar en el condado el día de las elecciones, entonces las solicitudes deben ser recibidas el 29 de Abril de 2011, a menos que el votante no este en el condado cuando se haga la solicitud, en este caso las solicitudes deben ser recibidas a mas tardar el 6 de mayo de 2011.

Parte: 7 Clydette Entzminger, la Secretaria de la Ciudad, Se nombra al secretario para la votación temprana, y está autorizado a nombrar por orden escrita de una o más personas para ayudar a sus empleados como delegado de la votación temprana. La secretaria de votación anticipada se mantendrá una lista de revistas de cada persona que vota temprano por la apariencia personal y para cada persona y con el cual una boleta de votación anticipada para votar por correo se envía de conformidad con el Artículo 87.121 del Código Electoral de Texas. La secretaria de votación anticipada realizara todas las tareas que se requería por el Código Electoral de Texas.

Parte: 8 El Alcalde hará la proclamación de la elección el 14 de mayo 2011 y emitirá o hacer emitir un comunicado todas las ordenas necesarias escritos y comunicaciones para dicha elección e informes de dicha elección se hará saber de inmediatamente a los concejales después del cierre de las urnas. El Alcalde también está autorizado a dar aviso de una segunda vuelta electoral y retornes de dicha

elección si la elección es necesaria. La Secretaria de la Ciudad deberá hacer la notificación de esta elección, tanto en Inglés y Español, que se anuncie y se publicará en el cumplimiento del Código Electoral de Texas Artículo 4.003(a) (1) ay 4.003(b).

Parte: 9 Inmediatamente después de dicha elección se lleva a cabo, los oficiales de la celebración de la misma estarán obligadas a declarar sobre el resultado de la misma Alcalde de esta ciudad como lo exige la Código Electoral de este Estado.

Parte: 10 Una copia de esta orden será servida como Elección Escrita que será entregada a los Jueces Electorales anteriormente nombrados, por dicha junto con el Certificado de Juez de Designado.

Parte: 11 La Secretaria esta autorizada y ordenada para proporcionar y facilitar toda materiales electorales necesarios para llevar a cabo dicha elección y para cumplir con las leyes Federales, Estatales y leyes Locales y en el desarrollo de la misma comportamiento.

Parte: 12 Si cualquier sección o cualquier parte de sección, párrafo o cláusula de esta resolución será declarada nula o inválido o inconstitucional por cualquier motivo, en la realización del mismo dicha declaración no se hace perjudicar la validez, forzar, o el efecto de cualquier sección o secciones, parte de sección, párrafo o cláusula de esta resolución.

Parte: 13 La presente resolución entrara en vividor inmediatamente desde o después de su pasaje, y será ordenada así como corresponde.

Parte: 14 Por la presente se encuentra y se determinó oficialmente la reunión en la que esta ordenanza se pasa fue abierto al público como se requiere y que el aviso publico de la hora, lugar, y propósito de dicha reunión se dio como lo exige la Ley de Reuniones Abiertas.

PASADO Y APROBADO el **3 de Febrero de 2011.**

LA CIUDAD DE TEMPLE, TEXAS

WILLIAM A. JONES, III, MAYOR

ATESTIGUAR:

APROBADO A FORMAR:

Clydette Entzminger
Secretaria de Municipio

Jonathan Graham
Abogado de Municipio

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE JOINT ELECTION AGREEMENTS WITH TEMPLE HEALTH & BIOSCIENCE ECONOMIC DEVELOPMENT DISTRICT, AND THE TEMPLE INDEPENDENT SCHOOL DISTRICT FOR THE MAY 14, 2011, GENERAL ELECTION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, State law authorizes two or more political subdivisions to enter into an agreement to hold elections jointly when the political subdivisions are holding elections on the same day in all or part of the same territory or when State law makes holding a joint election mandatory;

Whereas, the Temple Independent School District, and the Temple Health and Bioscience Economic Development District, share all or part of the voting districts of the City of Temple and desire to conduct joint elections with the City of Temple for the May 14, 2011, election;

Whereas, funds are allocated in the City Secretary's budget for the 2011 General Election – all other entities holding joint elections with the City will pay their pro rata share of the total cost of conducting the election; 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 Manager, or his designee, is authorized to execute *Joint Election Agreements*, after approval as to form by the City Attorney, authorizing a joint election between the City of Temple, the Temple Health & Bioscience Economic Development District, and the Temple Independent School District for the May 14, 2011, election.

Part 2: If any entity declares the May 14, 2011 election to be canceled, in compliance with Section 2.051 through Section 2.054 of the Texas Election Code, because the candidates' names that are to appear on the ballot are unopposed and there are no propositions on the ballot, the agreement with that particular entity will become void.

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 ct.

PASSED AND APPROVED this the **3rd** day of **February**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

NO. DE LA RESOLUCIÓN. _____

UNA RESOLUCIÓN DEL CONSEJO DE CIUDAD DE LA CIUDAD DEL TEMPLO, TEJAS, AUTORIZANDO AL ENCARGADO DE LA CIUDAD A EJECUTAR ACUERDOS COMUNES DE LA ELECCIÓN CON SALUD DEL TEMPLO Y EL DISTRICTO DEL DESARROLLO ECONÓMICO DE BIOSCIENCE, Y EL DISTRICTO INDEPENDIENTE DE LA ESCUELA DEL TEMPLO PARA EL 14 DE MAYO DE 2011, ELECCIÓN GENERAL; Y PROPORCIONANDO UNA CLÁUSULA ABIERTA DE LAS REUNIONES.

Mientras que, La ley del estado autoriza subdivisiones dos o más políticos para entrar en un acuerdo de celebrar elecciones en común cuando las subdivisiones políticas están celebrando elecciones encendido el mismo día en el todo o una parte del mismo territorio o cuando la ley del estado hace celebrar una elección común obligatoria;

Mientras que, el distrito independiente de la escuela del templo, y la salud del templo y el distrito del desarrollo económico de Bioscience, todo o una parte de la parte del distritos de votación de la ciudad del templo y del deseo de conducir elecciones comunes con la ciudad del templo para el 14 de mayo de 2011, elección;

Mientras que, los fondos se asignan en el presupuesto de la secretaria de la ciudad para la elección general 2011 - el resto de las entidades que celebran elecciones comunes con la ciudad pagarán su parte pra rata del coste total de conducir la elección; y

Mientras que, el consejo de ciudad ha considerado la materia y la juzga en el interés público de autorizar esta acción.

AHORA, POR LO TANTO, SEA RESUELTO POR EL CONSEJO DE CIUDAD DE LA CIUDAD DEL TEMPLO, TEJAS, DE QUE:

Parte 1: Autorizan al encargado de la ciudad, o su designee, a ejecutarse *Acuerdos comunes de la elección*, después de la aprobación en cuanto a forma por el abogado de la ciudad, autorizando una elección común entre la ciudad del templo, la salud del templo y el distrito del desarrollo económico de Bioscience, y el distrito independiente de la escuela del templo para el 14 de mayo de 2011, elección.

Parte 2: Si cualquier entidad declara la elección del 14 de mayo de 2011 para ser cancelada, de acuerdo con la sección 2.051 a la sección 2.054 del código de la elección de Tejas, porque nombres de los candidatos los' que son aparecer en la balota son sin oposición y allí no son ningún asunto en la balota, el acuerdo con esa entidad particular llegará a ser vacío.

Parte 3: Por la presente se encuentra y se determinó oficialmente la reunión en la que

esta ordenanza se pasa fue abierto al público como se requiere y que el aviso publico de la hora, lugar, y propósito de dicha reunión se dio como lo exige la Ley de Reuniones Abiertas.

PASADO Y APROBADO esto **3rd** día de **Febrero**, 2011.

LA CIUDAD DEL TEMPLO, TEJAS

GUILLERMO A. JONES, III, alcalde

ATESTIGÜE:
FORMA:

APROBADO EN CUANTO A

Clydette Entzminger
Secretaria de la ciudad

Jonatán Graham
Abogado de la ciudad



COUNCIL AGENDA ITEM MEMORANDUM

02/03/11
Item #5(O)
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 \$41,157.

ATTACHMENTS:

Budget amendments
Resolution

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2011 BUDGET
February 3, 2011

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
110-2041-521-6229	100712	OCU Seized Funds - State (Police Department)	\$ 13,900	
110-0000-313-0330		Reserved for Seized Funds		\$ 13,900
State seized funds are needed to purchase an unmarked vehicle for Detective Unit.				
110-3500-552-2311		Buildings & Grounds (Parks)	\$ 821	
110-0000-445-1587		Parks Donations		\$ 821
To appropriate funds received by the Temple Parks Foundation to replace part of a slide at the Whistlestop Playground.				
110-3700-524-2516		Judgments & Damages (Construction Safety)	\$ 333	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 333
Attorney fees for lawsuit filed against the City -- Centex Investments, Inc. v. City of Temple				
520-5900-535-6357	100486	Bellaire Waterline Improvements	\$ 26,103	
520-0000-373-0411		Water & Sewer Unreserved Retained Earnings		\$ 26,103
To appropriate additional funds for change order #2 and change order #3 with K&S Backhoe Services for construction services related to Bellaire Waterline Rehabilitation Project.				
TOTAL AMENDMENTS			\$ 41,157	\$ 41,157

GENERAL FUND

Beginning Contingency Balance	\$ -
Added to Contingency Sweep Account	\$ -
Carry forward from Prior Year	\$ -
Taken From Contingency	\$ -
Net Balance of Contingency Account	\$ -
Beginning Judgments & Damages Contingency	\$ 80,000
Added to Contingency Judgments & Damages from Council Contingency	\$ -
Taken From Judgments & Damages	\$ (34,448)
Net Balance of Judgments & Damages Contingency Account	\$ 45,552
Beginning Fuel Contingency	\$ 55,841
Added to Fuel Contingency	\$ -
Taken From Fuel Contingency	\$ -
Net Balance of Fuel Contingency Account	\$ 55,841
Beginning Self Insurance Start Up Cost Contingency	\$ 628,756
Added to Self Insurance Start Up Cost Contingency	\$ -
Taken From Self Insurance Start Up Cost Contingency	\$ (628,756)
Net Balance of Self Insurance Start Up Cost Contingency Account	\$ -
Net Balance Council Contingency	\$ 101,393

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2011 BUDGET
February 3, 2011

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Beginning Balance Budget Sweep Contingency	\$	-
		Added to Budget Sweep Contingency	\$	-
		Taken From Budget Sweep	\$	-
		Net Balance of Budget Sweep Contingency Account	\$	-
		WATER & SEWER FUND		
		Beginning Contingency Balance	\$	50,000
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(19,433)
		Net Balance of Contingency Account	\$	30,567
		Beginning Self Insurance Start Up Cost Contingency	\$	100,365
		Added to Self Insurance Start Up Cost Contingency	\$	-
		Taken From Self Insurance Start Up Cost Contingency	\$	(100,365)
		Net Balance of Self Insurance Start Up Cost Contingency Account	\$	-
		Net Balance Water & Sewer Fund Contingency	\$	30,567
		HOTEL/MOTEL TAX FUND		
		Beginning Self Insurance Start Up Cost Contingency	\$	10,968
		Added to Self Insurance Start Up Cost Contingency	\$	-
		Taken From Self Insurance Start Up Cost Contingency	\$	(10,968)
		Net Balance of Self Insurance Start Up Cost Contingency Account	\$	-
		DRAINAGE FUND		
		Beginning Self Insurance Start Up Cost Contingency	\$	9,911
		Added to Self Insurance Start Up Cost Contingency	\$	-
		Taken From Self Insurance Start Up Cost Contingency	\$	(9,911)
		Net Balance of Self Insurance Start Up Cost Contingency Account	\$	-
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$	2,284
		Carry forward from Prior Year	\$	25,229
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(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 2nd day of September, 2010, the City Council approved a
budget for the 2010-2011 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain
amendments to the 2010-2011 City Budget.

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

Part 1: The City Council approves amending the 2010-2011 City Budget by
adopting the budget amendments which are more fully described in Exhibit A,
attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED this the 3rd day of **February**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/03/11
Item #6
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager

ITEM DESCRIPTION: SECOND READING – PUBLIC HEARING - Consider adopting an ordinance authorizing the annexation of approximately 3,230.43 acres located in the City's western extraterritorial jurisdiction including a portion of Lake Belton and surrounding property.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on second and final reading.

ITEM SUMMARY: On December 2, 2010, the City Council adopted a resolution directing City staff to create a Municipal Service Plan and public hearing schedule in anticipation of the annexation of the subject property. The property is located west of the existing City limits and contains approximately 3,230.43 acres. The property includes a portion of Lake Belton and surrounding property that the Army Corps of Engineers owns.

Staff prepared the draft municipal service plan and conducted the two required public hearings on January 6 and January 7, 2011.

This meeting is the last opportunity for the Council to receive citizen comments regarding the proposed City-initiated annexation. Following the public hearing, staff recommends the Council approve the ordinance on second reading.

FISCAL IMPACT: Police and fire services to the proposed annexation area will be provided in accordance with existing service and interlocal agreements between the US Army Corps of Engineers, Texas Parks & Wildlife, Ft. Hood, Bell County, Temple Police Department, and Temple Fire and Rescue. Interlocal agreements between these entities are already in place for the area and the City has no intention of replacing or modifying the existing service agreements for the provision of public safety services to the area. The Municipal Service Plan does not contain any proposal to extend water or wastewater services or any other new physical facilities to serve this property.

ATTACHMENTS:

[Municipal Service Plan](#)
[Map of Study Area](#)
[Field Notes](#)
[Ordinance](#)

CITY OF TEMPLE ANNEXATION SERVICE PLAN

For approximately 3,230.43 acres situated in Bell County, Texas, located west of the current City limits in the City's western extraterritorial jurisdiction (ETJ) including a portion of Lake Belton and surrounding property and being depicted on Exhibit "A" of the Annexation Ordinance (2011-4425).

SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION

1. POLICE PROTECTION

The City will continue to provide police protection to the newly-annexed area in accordance with existing service and interlocal agreements between the US Army Corps of Engineers, Texas Parks & Wildlife, Ft. Hood and Bell County. The nearest Temple Police station is located at Fire Station 7 on West Adams.

2. FIRE PROTECTION AND EMERGENCY MEDICAL SERVICE

The City will continue to provide fire protection from Fire Station 7 and emergency medical service to the newly-annexed area in accordance with existing service and interlocal agreements between the US Army Corps of Engineers, Texas Parks & Wildlife, Ft. Hood and Bell County.

3. SOLID WASTE COLLECTION

Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided to citizens in the newly-annexed area to the extent that the City has access to the area to be serviced. Private contractors currently providing sanitation collecting services in the area may continue to do so for up to two years.

4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES

Any and all water or wastewater facilities owned or maintained by the City at the time of the proposed annexation shall continue to be maintained by the City. Any and all water or wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City, to the extent of its ownership, to the same degree that it maintains water or wastewater facilities in other areas of the City with the same or similar topography, land use and population density. Any and all water or wastewater facilities outside the extent of the ownership of the City, and owned by other water or wastewater providers shall continue to be allowed to provide those services to the newly-annexed area.

5. MAINTENANCE OF ROADS, STREETS, ALLEYWAYS AND STREET LIGHTING

The City Council is not aware of the existence of City-owned or maintained public roads, streets or alleyways in the area proposed for annexation. Any and all public roads, streets or alleyways which may be acquired subsequent to the proposed annexation of the area shall be maintained by the City, to the extent of its ownership, to the same degree that it maintains public roads, streets or alleyways other areas of the City with the same or similar topography,

land use and population density. Any and all lighting of roads, streets and alleyways which may be positioned in a right-of-way, roadway or utility company easement shall be maintained by the applicable utility company servicing the City, pursuant to the rules, regulations and fees of such utility.

6. MAINTENANCE OF PUBLIC PARKS, PLAYGROUNDS AND SWIMMING POOLS

The City Council is not aware of the existence of City-owned or maintained public parks, playgrounds or swimming pools now located in the area proposed for annexation. Any and all public parks, playgrounds and swimming pools which may be acquired subsequent to the proposed annexation of the area shall be maintained by the City, to the extent of its ownership, to the same degree that it maintains parks, playgrounds and swimming pools in other areas of the City with the same or similar topography, land use and population density.

7. MAINTENANCE OF CITY-OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

The City Council is not aware of the existence of any City-owned or maintained facility, building or other municipal service now located in the area proposed for annexation. In the event any such City-owned or maintained facility, building or municipal service does exist and are public facilities, the City will maintain such areas to the same degree that it maintains City-owned or maintained facilities, buildings or municipal services in other areas of the City with the same or similar topography, land use and population density.

8. CONSTRUCTION SAFETY

The City will provide building inspection services upon City approval of building permits in the newly-annexed area at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

9. CODE ENFORCEMENT

The City will provide code enforcement services to the newly-annexed area at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

CAPITAL IMPROVEMENTS

1. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

The City Council finds and determines it to be unnecessary to acquire or construct any capital improvements for the purposes of providing police protection, fire protection, or emergency medical services. The City Council finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other areas already incorporated in the City with the same or similar topography, land use and population density.

2. ROADS AND STREETS

The City will undertake to provide the same degree of road and street lighting as is provided in areas of similar topography, land use and population density within the present corporate limits of the City. Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use and development of the annexed property. Developers will be required, pursuant to the ordinances of the City to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City for the properly dedicated street. City participation in capital expenditures will be in accordance with City policies.

3. WATER AND WASTEWATER FACILITIES

The area is currently adequately served by a rural water supply corporation and septic tanks. Extension of water lines internally within the area proposed to be annexed will be the responsibility of developers of property or individual property owners, conforming to the City's policies.

4. CAPITAL IMPROVEMENTS

Notwithstanding any other provision of this service plan, a landowner within the newly annexed area will not be required to fund capital improvements as necessary for municipal services in a manner inconsistent with Chapter 395 of the Local Government Code, unless otherwise agreed to by the landowner.

SPECIFIC FINDINGS

The City Council finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time immediately preceding the annexation process. Because of the differing characteristics of topography, land utilization and population density, the service levels which may ultimately be provided in the newly-annexed area may differ somewhat from services provided in other areas of the City. These differences are specifically dictated because of differing characteristics of the property and the City will undertake to perform consistent with this contract so as to provide the newly-annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City who reside in areas of the same or similar topography, land use and population density.

APPROVED ON THIS _____ DAY OF _____, 2011.

City of Temple, Texas

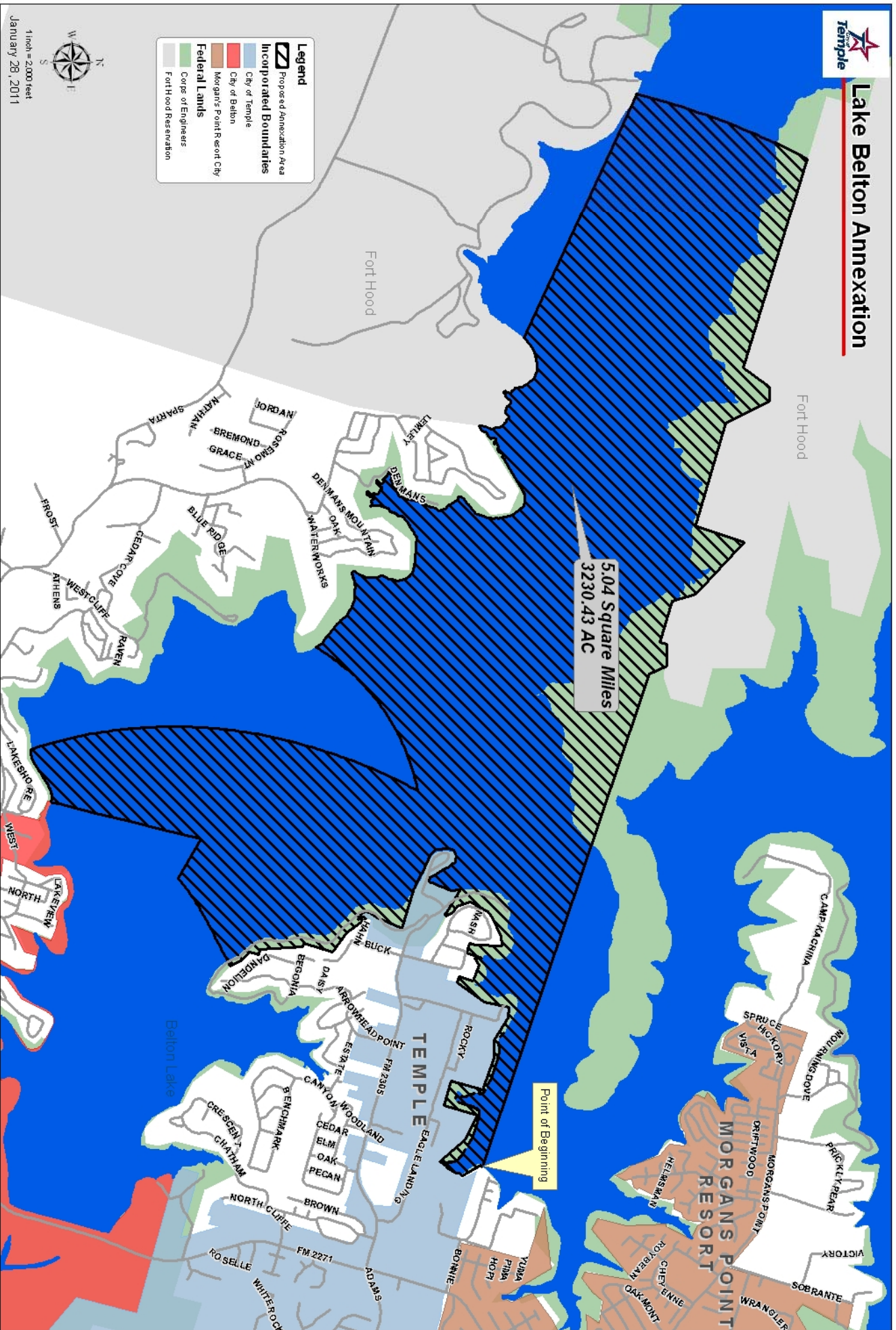
Mayor

ATTEST:

City Secretary



Lake Belton Annexation



BEING a 3230.43 acre tract of land situated in the Fort Worth District of the U.S. Army Corps of Engineers property, Bell County, Texas and being more particularly described as follows.

BEGINNING at the most northerly northeast corner of this tract of land and the east property corner of the Corps of Engineers', Bell County, Texas;

THENCE departing the said east corner of the tract of land, continue southeast across the Corps of Engineers' east property, to a point in the northwest boundary line of the city limits of the City of Temple, Texas;

THENCE following the most westerly boundary line of the city limits to a point being in the south boundary line of the city limits and a point in the west boundary line of that certain 0.913 acre tract of land described in a Warranty Deed dated September 13, 1996 from Eloise Hahn to John Starling Jr. and being of record in Volume 3523, Page 37, Official Public Records, Bell County, Texas & the most easterly boundary line of the Corps of Engineers property for corner;

THENCE in a southerly direction along the most easterly boundary line of the said Corps of Engineers to the intersection of the ETJ boundary line for the City of Temple, Bell County, Texas for the most easterly corner of this property;

THENCE in a southwest direction along the ETJ boundary line to a point connecting the northwest boundary of the city limits line for the City of Belton, Bell County, Texas and the southeast boundary line for the Corp of Engineers for the southeast corner of this property;

THENCE meandering along the Belton Lake shore line and the south boundary line for the Corp of Engineers to a point in the ETJ boundary line of the City of Temple, Texas for the southwest corner of this property;

THENCE in a northerly direction across the Corp of Engineers property following the ETJ boundary line of the City of Temple, Texas to a point in the middle of Lake Belton;

THENCE in a southwesterly direction across the Corp of Engineers property following the ETJ boundary line of the City of Temple, Texas to a point in the southerly boundary line of the Corp of Engineers property and on the shore line of Belton Lake;

THENCE in a westerly direction following the south boundaries of the Corp of Engineers property to a point in the Northeast corner of the boundary of Fort Hood, Texas, Bell County;

THENCE in a northwest direction across Lake Belton following the north boundary line of Fort Hood and the south boundary line of the Corps of Engineers property to a point in the most westerly ETJ boundary line of the City of Temple, Texas for the southwest point corner;

THENCE in a northerly direction following the boundary line of the ETJ of the City of Temple, Texas to a point in the north boundary line of the Corp of Engineers property and the south boundary line of Fort Hood for the northwest point corner;

THENCE in an easterly direction following the north boundary line of the Corps of Engineers property and the south boundary line of Fort Hood to a point in the boundary line of each for a north point corner;

THENCE departing the said south Fort Hood boundary line and the north boundary line of the Corp of Engineers S. 24 degrees 00' 42" E., 463.51 feet across the Corp of Engineers property to a point for corner;

THENCE S. 71 degrees 17' 34" E., approximately 12,354.59 feet to the Point of BEGINNING and containing 3230.43 acres of land.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, ANNEXING APPROXIMATELY 3,230.43 ACRES LOCATED IN THE CITY'S WESTERN EXTRATERRITORIAL JURISDICTION INCLUDING A PORTION OF LAKE BELTON AND SURROUNDING PROPERTY TO THE CITY OF TEMPLE AND APPROVING A SERVICE PLAN FOR THAT AREA PROPOSED TO BE ANNEXED; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE CITY AND THAT THE OWNERS AND INHABITANTS THEREOF, IF ANY, SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREAFTER ADOPTED; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple is a home-rule city authorized by State law and the City Charter to annex territory lying adjacent and contiguous to the City;

Whereas, two separate public hearings were conducted prior to consideration of this ordinance in accordance with Chapter 43 of the Texas Local Government Code;

Whereas, the hearings were conducted and held not more than forty nor less than twenty days prior to the institution of annexation proceedings;

Whereas, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty nor less than ten days prior to the public hearings;

Whereas, the property to be annexed is contiguous with and adjacent to the City and not within the boundaries of any other city; and

Whereas, the City is able to provide all services to the property to be annexed according to the service plan attached hereto.

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

Part 1: All of the above premises are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

Part 2: The property, consisting of approximately 3,230.43 acres located in the City's western extraterritorial jurisdiction including a portion of Lake Belton and surrounding property, more fully described in Exhibit A, attached hereto and incorporated herein for all purposes (hereinafter referred to as the "Property"), is hereby annexed and brought within the corporate limits of the City of Temple, Bell County, Texas, and is made an integral part thereof, to be effective on February 3, 2011, at 5:00 p.m.

Part 3: The service plan submitted in accordance with Chapter 43 of the Texas Local Government Code is hereby approved as part of this ordinance, made a part hereof and attached hereto as Exhibit B.

Part 4: The owners and inhabitants of the Property herein annexed, if any, shall be entitled to all of the rights and privileges of other citizens and property owners of said City and are hereby bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

Part 5: The official map and boundaries of the City of Temple, heretofore adopted and amended be and hereby amended so as to include the annexed Property as part of the City of Temple.

Part 6: The annexed Property shall, in compliance with the Zoning Ordinance of the City of Temple, be zoned as "AG," *Agricultural District* until permanent zoning is established by the City Council.

Part 7: The annexed Property shall be included in, and become a part of, the City of Temple City Council Election District Number 4.

Part 8: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 9: If the taking of any territory annexed by this ordinance is declared by a court of competent jurisdiction to be invalid and/or illegal, it shall not affect the balance of the property annexed and attempted to be annexed, and that property shall remain as part of the City of Temple, Texas. It is the intent of this ordinance that any territory that is not lawful for the City to incorporate be excluded from this annexation and that such exclusion be documented by having a qualified surveyor correct the property description of the annexed area to conform to the Council's intention and to insure that the boundary description closes.

Part 10: The City Council specifically finds that, excluding area entirely surrounded by the City of Temple but not included as part of the City in this annexation ordinance, is in the public interest.

Part 11: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **2nd** day of **February**, 2011.

PASSED AND APPROVED on Second Reading on the **3rd** day of **February**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/03/11

Item #7

Regular Agenda

Page 1 of 3

DEPT. / DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-11-14: Consider adopting an ordinance authorizing a zoning change from Agricultural District (AG) to Single Family One District (SF1) on 47.36± acres of land situated in the George W. Lindsey Survey, Abstract No. 513 and the S.P. Terry Survey, Abstract No. 812, Bell County, Texas, located on the west side of Morgan's Point Road, south of Bonnie Lane.

P&Z COMMISSION RECOMMENDATION: At its January 18, 2011, meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation to recommend approval of a rezoning from AG to SF-1.

Commissioner Hurd was absent and one commission position remains vacant.

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 17, 2011.

Staff recommends approval of Z-FY-11-14, a rezoning from AG to SF-1, for the subject property for the following reasons:

1. While the request does not comply with the Future Land Use and Character Map, two nearby subdivisions with the same Future Land Use and Character map designations have been zoned SF-1;
2. The request complies with the Thoroughfare Plan, and
3. Public facilities are available to serve or are planned to be extended to the property.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-11-14, from the Planning and Zoning meeting, January 18, 2011. The Applicant requests this rezoning to establish *Lago Terra*, a 47.36± acre private, gated residential subdivision. According to the approved preliminary plat for the property, the subdivision is proposed to have 77 residential lots that range in size from 0.33 acres to 0.80 acres.

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

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character	N
CP	Map 4.2 – 20 year Growth Planning	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	N

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 Estate Residential with a small amount along Morgan's Point Road as Auto Commercial. Estate Residential is characterized by large lot residential with open space as the dominant views. Auto Commercial is typified by destination retail and commercial uses easily accessed by cars, with parking in front of the building, along with drive through businesses. The rezoning request does not comply with the FLU map as SF-1 is 7500 sq. ft. minimum lots.

There are, however, two nearby subdivisions, directly to the south and to the southeast across Morgan's Point Road (*Eagle Oaks at the Lake* and *Krasivi* subdivisions), with the same Future Land Use and Character map designations that are zoned SF-1. The balance of the surrounding land is AG. If approved, the property will be added to a periodic update of the Future Land Use Plan Map.

20-Year Growth Plan (Map 4.2)

The 20-year Growth Plan shows this area in the projected growth area. This part of the request is in conformance with the Comprehensive Plan.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates Morgan's Point Road as a Minor Arterial and Bonnie Lane as a Local Street. Morgan's Point Road, or FM 2271, is a TXDOT facility, and Bonnie Lane, in the ETJ, is a County-maintained road. Bonnie Lane's right to use will be blocked for emergency access only. There is excess capacity on this road and the request complies with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

The property is served by a 3-inch water line along Morgan's Point Road. Additionally, Bonnie Lane has a 3 inch water line running along the northeastern boundary, and Eagles Landing Drive contains an 8-inch line, allowing ample opportunity for system looping. The closest sewer line is approximately 1330-feet to the south at the intersection of W. Adams and Morgan's Point Road Public sewer facilities are not currently available but are planned to be extended by this applicant.

PUBLIC NOTICE: Thirty-one notices of the Planning and Zoning Commission public hearing were sent out, 20 in the city limits and 11 courtesy notices in the ETJ. As of Monday, January 24th, at 5 PM, 2 notices had been returned in favor of and 1 notice returned in opposition to this request. The newspaper printed notice of the Planning and Zoning Commission public hearing on January 7, 2011, in accordance with state law and local ordinance (see attached notice map).

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Resolution
Aerial Map
Land Use and Character Map
Thoroughfare Plan Map
Zoning Map
Utility Map
Notice Map
Response Letters
P&Z Staff Report
P&Z Minutes (January 19, 2011)
Ordinance

RESOLUTION

[PLANNING NO. P-FY-10-14]

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF TEMPLE, TEXAS, APPROVING THE PRELIMINARY PLAT FOR LAGO TERRA SUBDIVISION, AN APPROXIMATELY 47.36 ACRE, 77-LOT RESIDENTIAL SUBDIVISION, LOCATED ON THE WEST SIDE OF MORGAN'S POINT ROAD, SOUTH OF BONNIE LANE.

Whereas, on August 2, 2010, the Planning and Zoning Commission considered the Preliminary Plat for Lago Terra Subdivision, an approximately 47.36 acre, 77-lot residential subdivision, located on the west side of Morgan's Point Road, south of Bonnie Lane; and

Whereas, the Planning and Zoning Commission has considered the matter and deems it in the public interest to approve the Preliminary Plat of Lago Terra Subdivision.

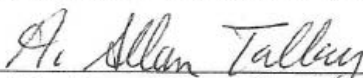
NOW, THEREFORE BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF TEMPLE, TEXAS, THAT:

Part 1: The Planning and Zoning Commission approves the Preliminary Plat for Lago Terra Subdivision, an approximately 47.36 acre, 77-lot residential subdivision, located on the west side of Morgan's Point Road, south of Bonnie Lane, more fully shown on the Plat which is on file in the City's Planning Department, incorporated herein and referred to by reference, subject to the following:


- (a) Approval of a zone change from Agricultural District (A) to Single Family One District (SF-1);
- (b) Approval of a street use license for a gated entry;
- (c) Signs being placed in the subdivision prohibiting parking within the street right-of-way;
- (d) Striping of the streets as fire lanes;
- (e) Homeowner Association (HOA) maintenance of signs and striping enforcement of no parking provisions; and
- (f) Any additions and/or alterations to the Engineering Plans as required by the Engineering Department.

PASSED AND APPROVED this the 2nd day of August, 2010.


PLANNING & ZONING COMMISSION


By: H. Allan Talley, Chairperson

ATTEST:


Secretary

APPROVED AS TO FORM:


City Attorney's Office



Z-FY-11-14

17.92 acres commonly known as Outblocks 2769-A & 7110-A, City Addition, and approximately 29.43 acres out of Outblocks 7106-A and 7107-A, City Addition (future Lago Terra Subdivision)

275 Hundred Block of Morgan's Point Road, South of Bonnie Lane



Feet 0 100 200 300 400



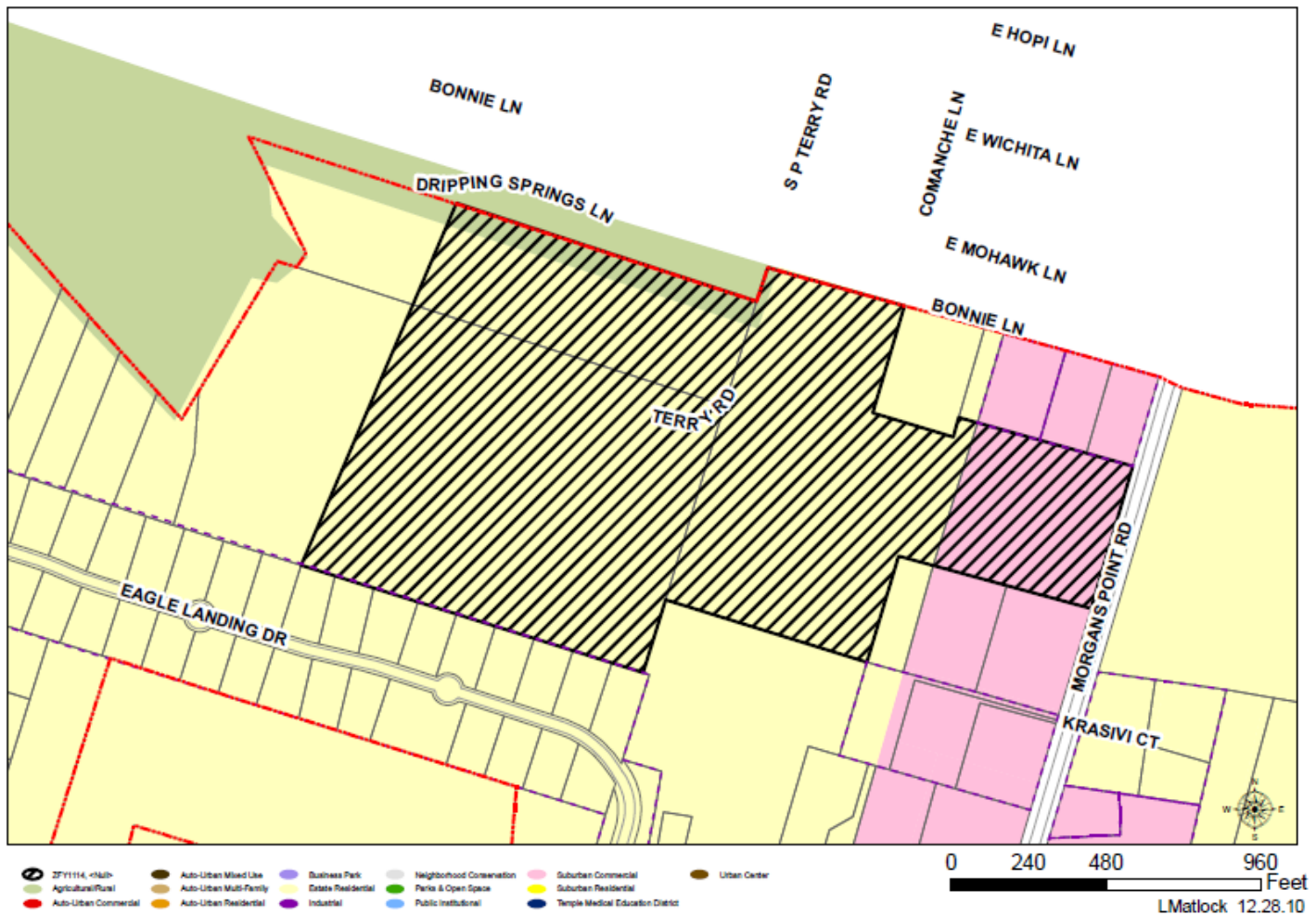
LMatlock 12.27.10



Z-FY-11-14

17.92 acres commonly known as Outblocks 2769-A & 7110-A, City Addition, and approximately 29.43 acres out of Outblocks 7106-A and 7107-A, City Addition (future Lago Terra Subdivision)

275 Hundred Block of Morgan's Point Road, South of Bonnie Lane



Yellow - Estate Residential

Green - Agricultural

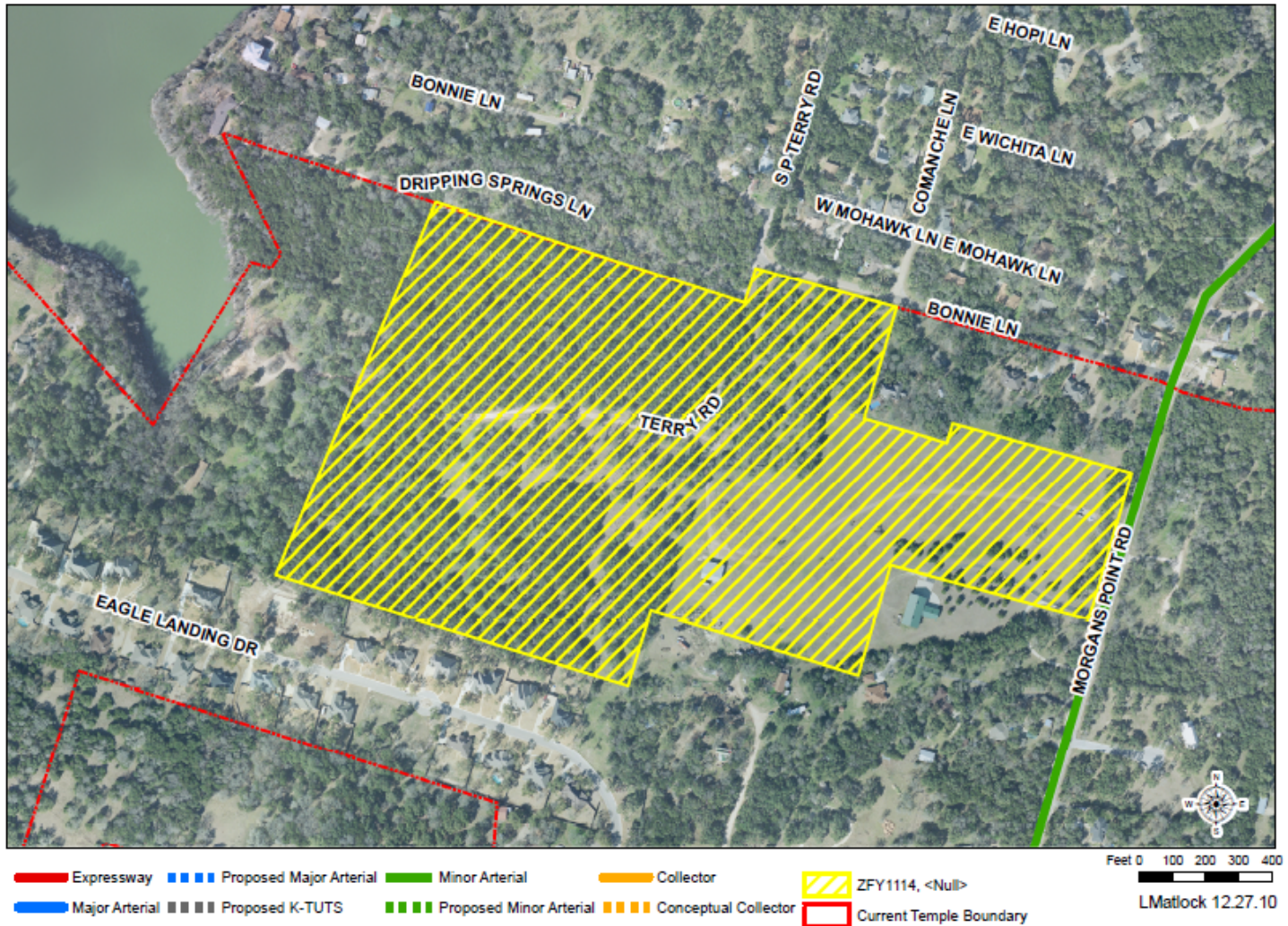
Pink - Suburban Commercial



Z-FY-11-14

17.92 acres commonly known as Outblocks 2769-A & 7110-A, City Addition, and approximately 29.43 acres out of Outblocks 7106-A and 7107-A, City Addition (future Lago Terra Subdivision)

275 Hundred Block of Morgan's Point Road, South of Bonnie Lane

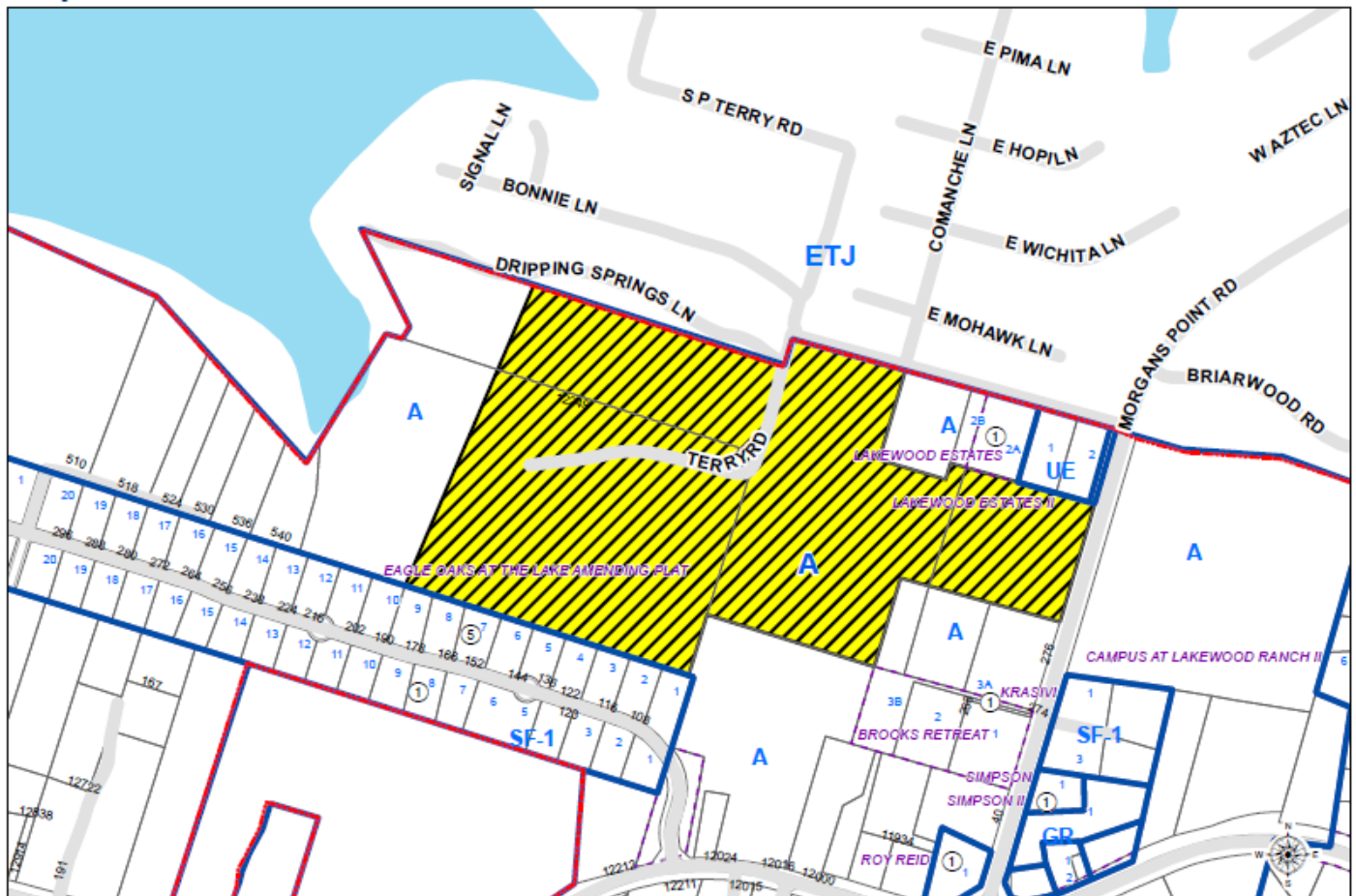




Z-FY-11-14

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275 Hundred Block of Morgan's Point Road, South of Bonnie Lane



Current Temple Boundary Subdivisions ZFY1114
 Zoning Parcels

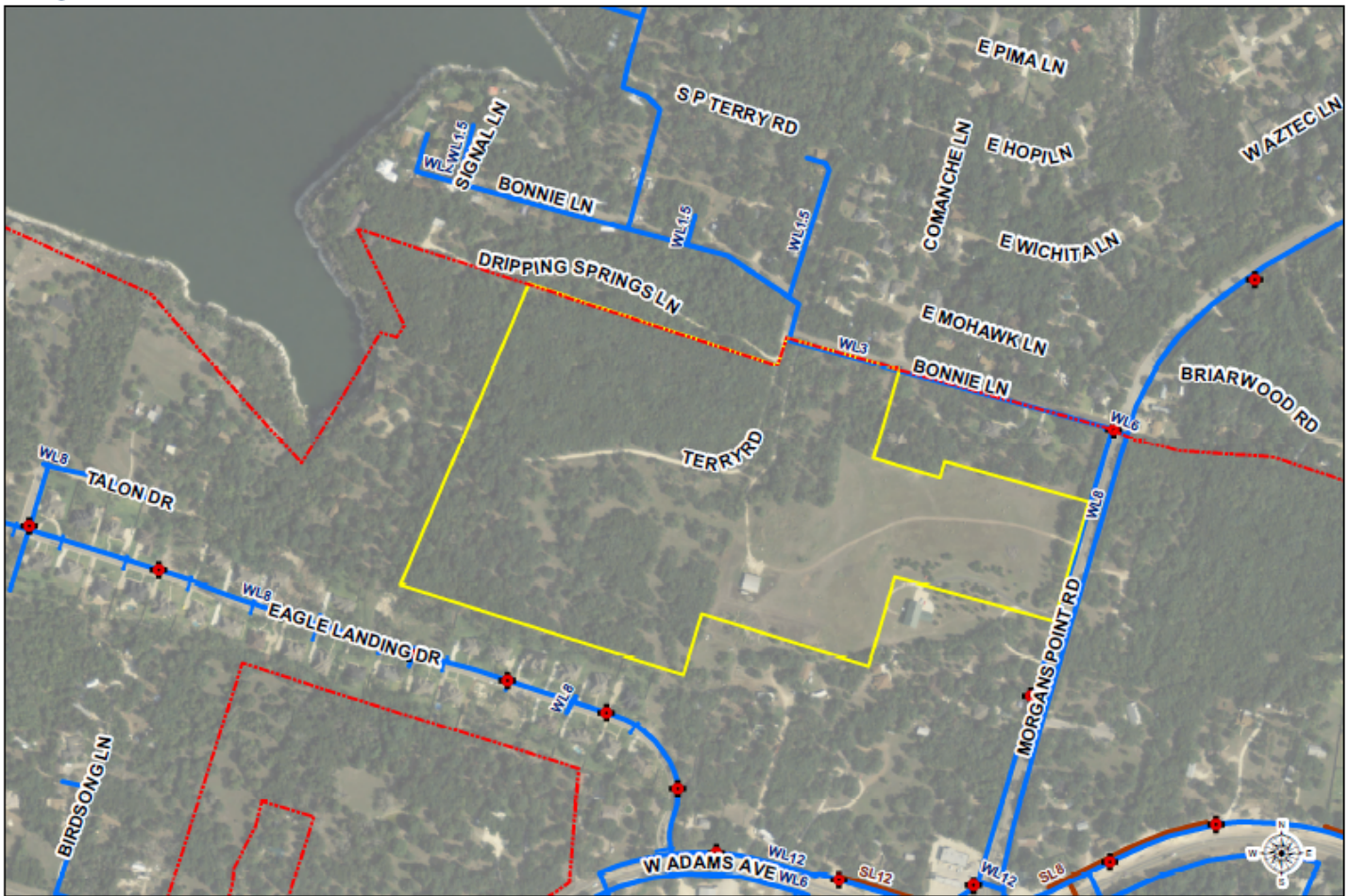
Feet 0 100 200 300 400
LMatlock 1.4.11



Z-FY-11-14

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275 Hundred Block of Morgan's Point Road, South of Bonnie Lane



Current Temple Boundary

ZFY11-14

Streets

— WATER LINE

— SEWER LINE

● FIRE HYDRANT

Feet 0 100 200 300 400

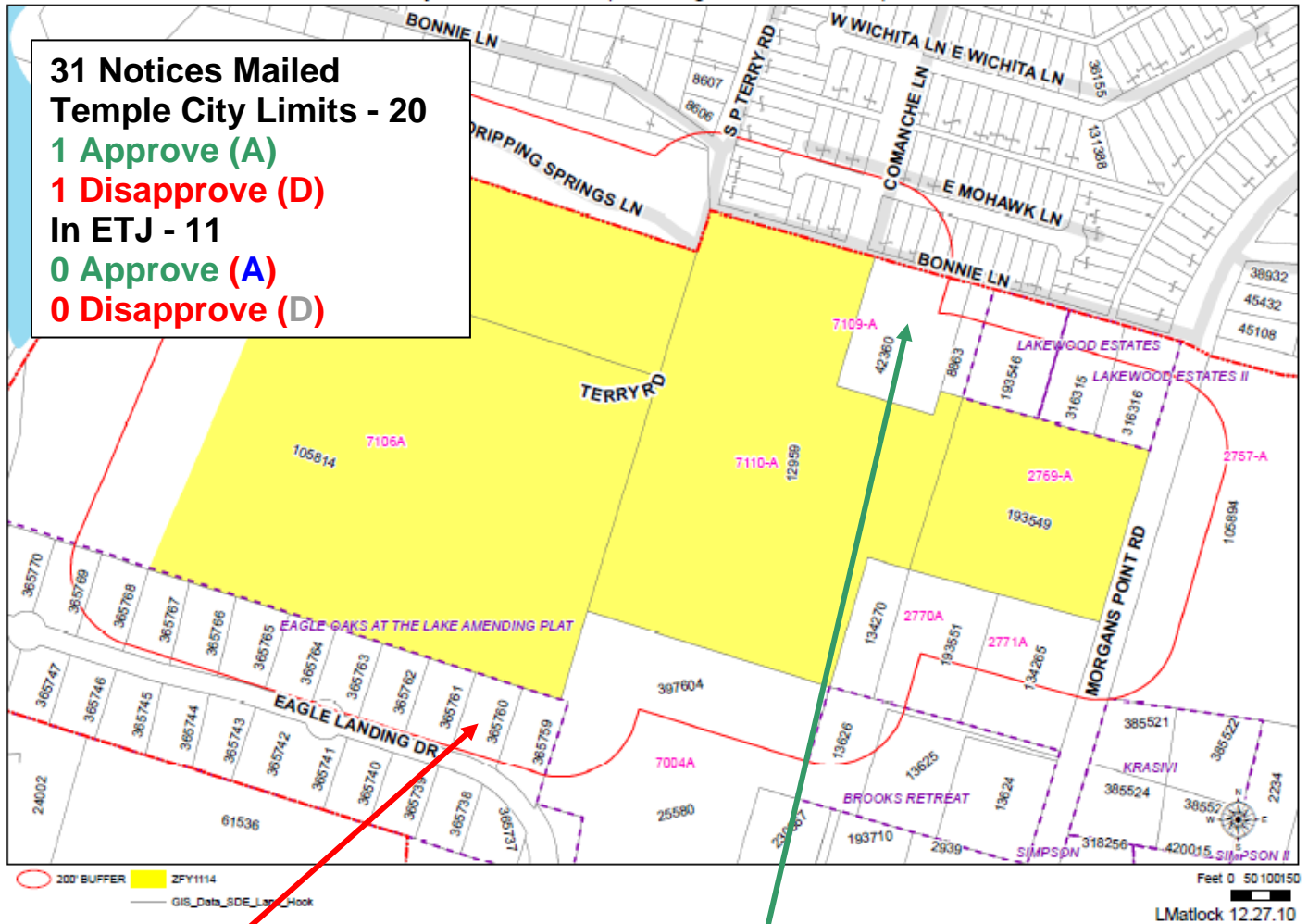
LMatlock 12.27.10



Z-FY-11-14

17.92 acres commonly known as Outblocks 2769-A & 7110-A, City Addition, and approximately 29.43 acres out of Outblocks 7106-A and 7107-A, City Addition (future Lago Terra Subdivision)

275 Hundred Block of Morgan's Point Road, South of Bonnie Lane



(D) - Recommend Disapproval

(A) - Recommend Approval



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

RECEIVED

JAN 18 2011

Raymond Etux Amanda Duggan
116 Eagle Landing Drive
Belton, Texas 76513

City of Temple
Planning & Development

Zoning Application Number: Z-FY-11-14

Project Manager: Leslie Matlock

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

I recommend () approval

(☒) denial of this request.

Comments:

This area represents a natural habitat viewed and enjoyed by our family. It played a large role in our decision to live here. This change in our lifelong dream home is quite a blow. We built a see-thru fence to enjoy this view. Since it was zoned for agriculture, we did not think we would lose this view. If this goes thru we will have to pay to reference behind our house along with several others. I plead with you to help us maintain this tranquil home we have worked so hard for. A loss of peace and privacy was not what we envisioned when we purchased our home. Thanks for your time and consideration.
God bless.

Raymond Duggan
Signature

Raymond Duggan
Print Name

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

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

Number of Notices Mailed: 20

Date Mailed: January 7, 2011



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

David & Mary Barr
12099 Bonnie Lane
Belton, Texas 76513

Zoning Application Number: Z-FY-11-14

Project Manager: Leslie Matlock

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

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

Comments:


Signature


Print Name

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

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

RECEIVED

JAN 18 2011

City of Temple
Planning & Development



COURTESY NOTICE
RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

RECEIVED

JAN 21 2011

City of Temple
Planning & Development

Dorothy B. Scott
12700 Dripping Springs
Belton, Texas 76513

Zoning Application Number: Z-FY-11-14

Project Manager: Leslie Matlock

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

I recommend ☒ approval ☐ denial of this request.

Comments:

*As long as they are allowed to make
the changes which they have agreed to make
to protect my property from excessive water discharge*

Dorothy Scott
Signature

Dorothy Scott
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 18 2011 ←

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

Number of Notices Mailed: 11

Date Mailed: January 7, 2011

PLANNING AND ZONING COMMISSION AGENDA ITEM

01/18/11
Item #2
Regular Agenda
Page 1 of 4

APPLICANT / DEVELOPMENT: Victor Turley PE of Turley Associates



CASE MANAGER: Leslie Matlock, AICP, Senior Planner





ITEM DESCRIPTION: Z-FY-11-14; Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (AG) to Single Family One (SF1) District on 47.36± acres of land situated in the George W. Lindsey Survey, Abstract No. 513 and the S.P. Terry Survey, Abstract No. 812, Bell County, Texas, located on the west side of Morgan's Point Road, south of Bonnie Lane. (Victor Turley Associates for McLean Commercial Ltd, property owners)

BACKGROUND: The applicant requests the SF-1 zoning district in order to establish *Lago Terra*, a new single-family residential subdivision. This is planned to be a private, gated development, with the main access from Morgan's Point Road and emergency access from Bonnie Lane, a local street to the north of the parcel. The Planning and Zoning Commission approved the Preliminary Plat on August 2, 2010, and this rezoning is one of the steps before Staff can bring the Final Plat to an agenda for approval as required in the attached Planning and Zoning Commission Resolution.

SURROUNDING PROPERTY AND USES:

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

Direction	Zoning	Current Land Use	Photo
Subject Property	AG (SF-1 proposed)	Undeveloped	<p>View from Morgan's Point Road to the West (Future main private street opening)</p> 
			<p>View from Bonnie Lane to the South (Future emergency entrance to gated development)</p> 

Direction	Zoning	Current Land Use	Photo
West	AG	Estate-Type Large Lot Use	
North	AG and UE	Undeveloped and Single Family Residential Subdivision and Estate-Type Large Lot Residential Uses	
South	AG and SF-1	Single Family Residential Subdivision and Estate-Type large lot residential uses	
East	AG	Undeveloped	

COMPREHENSIVE PLAN COMPLIANCE:

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

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character	N
CP	Map 4.2 – 20 year Growth Planning	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	N

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 Estate Residential and a small amount along Morgan's Point Road as Auto Commercial. The areas of the 77 lots are between 0.33 and 0.80 acre. Estate Residential as a land use designation, is characterized by homes on large lots, typically 1 acre or larger, with open space and vegetation as the dominant views. Auto Commercial is typified by destination retail and commercial uses that are easily accessed by cars, with parking in front of the building along with drive through businesses. The rezoning request does not comply with the FLU map.








There are, however, two nearby subdivisions, directly to the south and to the southeast across Morgan's Point Road (*Eagle Oaks at the Lake* and *Krasivi* subdivisions), with the same Future Land Use and Character map designations that have been given SF-1 zoning.

20-Year Growth Plan (Map 4.2)

The 20-year Growth Plan shows this area in the projected growth area. This part of the request is in conformance with the Comprehensive Plan.

20-Year Growth Planning



- | | | | |
|---|----------------|--|---------------------------|
|  | Developed Area |  | FEMA 100-Year Flood Plain |
|  | Growth Area |  | FEMA 500-Year Flood Plain |
|  | Protected Area |  | City Limits |
|  | Holding Area | | |

TEMPLE COMPREHENSIVE PLAN

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates Morgan's Point Road as a Minor Arterial and Bonnie Lane as a Local Street. Morgan's Point Road, or FM 2271, is a TXDOT facility, and Bonnie Lane, in the ETJ, is a County-maintained road. If the approximately 47.36 acres were developed into 77 lots as shown on the approved Preliminary Plat, then according to the Institute of Transportation Engineers, about 770 weekday vehicle trips would be added to the existing street network. Bonnie Lane would have an emergency gate access into the subdivision as planned, and so the traffic impact for this development would be onto Morgan's Point Road. The request complies with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

The property is served by a 3-inch water line along Morgan's Point Road. Additionally, Bonnie Lane has a 3 inch water line running along the northeastern boundary, and Eagles Landing Drive contains an 8-inch line, allowing the system to be looped in this area.

The closest sewer line is approximately 1330-feet to the south at the intersection of W. Adams and Morgan's Point. Public sewer facilities are not currently available at the property. The applicant does not plan septic system usage but will extend the public sewer.

DEVELOPMENT REGULATIONS:

The purpose of the SF-1 zoning district is to be developed with average or standard single-family lots which serve as a transition between larger and smaller lot single-family districts. This subdivision's northern border is at the city limits. The pattern of land use in the ETJ is rural estate residential as are the bulk of the surrounding parcels with approximately ½ acre to over 2 acre lots. The *Eagle Oaks at the Lake* Subdivision lots range from just under .50 acres to .75 acres in size. To the southeast, the *Krasivi* Subdivision is zoned SF1, and has lot sized from .50 acres to over 1 acre.

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

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

Any lot with at least 120 linear feet on its street front boundary each have the ability to be re-platted into 2 lots at a later time to the minimum lot area listed in the table above.

PUBLIC NOTICE:

Thirty-one notices of the Planning and Zoning Commission public hearing were sent out, twenty in the city limits and eleven courtesy notices in the Extra Territorial Jurisdiction. As of Thursday, January 13th, 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 January 7, 2011, in accordance with state law and local ordinance (see attached notice map).

STAFF RECOMMENDATION: Staff recommends approval of Z-FY-11-14 for the following reasons:

1. While the request does not comply with the Future Land Use and Character Map, two nearby subdivisions with the same Future Land Use and Character map designations have been zoned SF-1;
2. The request complies with the Thoroughfare Plan, and
3. Public facilities are available to serve or are planned to be extended to the property.

FISCAL IMPACT: Not Applicable.

ATTACHMENTS:

[P&Z Resolution dated August 2, 2010](#)

[Aerial](#)

[Land Use and Character Map](#)

[Thoroughfare Plan Map](#)

[Zoning Map](#)

[Utility Map](#)

[Notice Map](#)

[Response Letters](#)

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

TUESDAY, JANUARY 18, 2011

ACTION ITEMS

Item 2: Z-FY-11-14: Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (AG) to Single Family One District (SF1) on 47.36± acres of land situated in the George W. Lindsey Survey, Abstract No. 513 and the S.P. Terry Survey, Abstract No. 812, Bell County, Texas, located on the west side of Morgan's Point Road, south of Bonnie Lane. (Applicant: Victor Turley Associates for McLean Commercial Ltd)

Ms. Leslie Price, Senior Planner, stated the zoning change was conditional of the prior preliminary plat which was approved. The developer has received authorization to start basic improvements on the land; however, if the zone change is denied, the preliminary plat would need to be redrawn to comply with the Agricultural (AG) zoning or the applicant may reapply for the Single Family One (SF1) zoning after six months or apply for another kind of zoning designation.

The preliminary plat shows 77 lots and 2 lots which would be common areas by the gates. This is a private street development and they propose to extend sanitary sewer to the lot. The subject property contains 47.36± acres.

The Future Land Use and Character Map shows Lago Terra as both Estate Residential and Suburban Commercial. The SF1 zoning request would be a minimum of 7,500 square feet per lot with 60 foot width and 100 foot depth. Some lots show 120 feet in width which could conceivably be divided into two lots.

Surrounding zoning designations include two adjacent subdivisions zoned SF1. There is another small addition that has been zoned UE. All other adjacent land is zoned AG.

There is a 6 inch and 8 inch water line and a 12 inch and 8 " sewer line available to serve the property or to be extended to the property.

Morgan's Point Road is designated as a minor arterial and the request complies with the Thoroughfare Plan.

31 notices were mailed out: one response was received in favor of the request and one was in opposition.

Staff recommended approval of the zone change request from AG to SF1. Although the request does not comply with the Future Land Use and Character Map, two adjacent developments have been designated as SF1. The request complies with the Thoroughfare Plan and there are adequate public facilities to serve the property or to be extended to the property. The approved plat also complies with the regulations.

Commissioner Pope asked what the purpose of the Future Land Use and Character Map was if it was not complied with and Ms. Price stated the City tries to stay within what the Future Land Use and Character Map indicates.

Chair Talley opened the public hearing.

Mr. Chris Anderson, 12075 Bonnie Lane, Temple, Tx, stated he did not have an issue with the request and was in agreement with it. However, he did have concerns about the utilities and square footage of the houses proposed to be built. Mr. Anderson would like the houses to be comparable to his property and does not want his property value to decrease. Mr. Anderson also stated there has been drainage issues in the area for some time. With the property being undeveloped, Mr. Anderson gets considerable runoff over his back yard and would like assurances this would be resolved.

Chair Talley asked if someone could address Mr. Anderson's issues about drainage and utilities. Mr. Brian Mabry, Planning Director, stated when a preliminary or final plat is submitted, it is reviewed and checked for compliance with the City's drainage criteria manual. The preliminary plat for this project did comply or it would not have been approved. Any final plats coming forward would be reviewed and checked for compliance with the drainage standards.

Mr. Steve Shepherd, 4422 Orchard Hill, Belton, Texas, representing the applicant, stated the water that Mr. Anderson is currently getting as runoff would be diverted by putting in a road and the same would apply to several other homes on Eagles Nest having drainage problems. Once the drainage structures were installed by virtue of the street, it should alleviate any water problems to adjacent properties.

Commissioner Pope asked what the average size of the lots were and Mr. Shepherd stated they were all fairly close to half acre lots, around 120, 140 feet deep. They would probably be a minimum of around 2,500 square feet on the back part and on the front, somewhere close to 2,000. The front would probably not be built out for several years. Mr. Anderson said 2,000 would be acceptable and Mr. Shepherd stated they were hoping for 3,000.

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

Commissioner Pope asked again about the Future Land Use and Character Map and how it played in the Staff recommendations. Mr. Mabry stated the Future Land Use and Character Map is just one of several items for the Commission to consider when making recommendations, along with the Thoroughfare Plan, adjacent uses, and adjacent zoning districts. If it does not comply with the Future Land Use and Character Map, it may be a strike against the project, however, there are also things that do comply with the Comprehensive Plan and surrounding zoning districts. Commissioner Pope asked what the difference was between SF1 and UE and Mr. Mabry stated the UE minimum lot size is 22,500 square feet (about half an acre, more or less) and SF1 minimum lot size is 7,500 square feet.

Commissioner Sears made a motion to approve Z-FY-11-14 from AG to SF1 and Commissioner Pilkington made a second.

Motion passed: (7:0)

Commissioner Hurd absent

ORDINANCE NO. _____

[PLANNING NO. Z-FY-11-14]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (AG) TO SINGLE FAMILY ONE DISTRICT (SF1) ON APPROXIMATELY 47.36 ACRES OF LAND SITUATED IN THE GEORGE W. LINDSEY SURVEY, ABSTRACT NO. 513 AND THE S.P. TERRY SURVEY, ABSTRACT NO. 812, BELL COUNTY, TEXAS, LOCATED ON THE WEST SIDE OF MORGAN'S POINT ROAD, SOUTH OF BONNIE LANE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Agricultural District (AG) to Single Family One District (SF1) on approximately 47.36 acres of land situated in the George W. Lindsey Survey, Abstract No. 513 and the S.P. Terry survey, Abstract No. 812, Bell County, Texas, located on the west side of Morgan's Point road, south of Bonnie Lane, 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 **3rd** day of **February**, 2011.

PASSED AND APPROVED on Second Reading on the **17th** day of **February**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/03/11
Item #8
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. Marvin Hurd has resigned from the Planning and Zoning Commission, effective January 21, 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) FTalley735@aol.com	09/07	2013	5004 Wildflower Lane (h) Temple, TX 76502	770-0289 H
Barbara Brown Hbbrown76502@sbcglobal.net	01/11	2011	4402 Lonestar Temple, TX 76502	771-2832 H
Ashley Williams ashleydusek@msn.com	09/08	2011	P.O. Box 3313 Temple, TX 76505	541-0216 W/C 774-8915 F
Mike Pilkington mpilkington@pilkington-homes.com	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 mvpbep@sbcglobal.net	09/06	2012	1206 North 3 rd Street Temple, TX 76501	773-4198 H 231-1470 C
Marvin Hurd mm@drivershq.com resigned 01-21-11	09/08	2011	14 West Welton Ave Temple, TX 76501	773-9833 H
Will Sears willsears@hotmail.com	09/10	2013	3401 Mesquite Drive Temple, TX 76502 Mail: PO Box 4820 76505	931-2485 W/C 771-0919 H
James Staats jmmstaats@aol.com james@allcountysurveying.com	08/09	2012	2214 Fox Glen Lane Hm: Temple, TX 76502-H Ofc: 1303 S. 21 st -W	778-2272 W 773-3464 H 534-1233 C
Derek Martin (Vice-Chair) derekmartin@templeproventures.com	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: 1st and 3rd Mondays of each month, 5:30 p.m., Council Chambers, Municipal Building **City Staff:** Planning Director

REVISED 01/21/11

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.

Name John R. Bailey Residence Address 373 Eagle Landing
3000 S. 31st St. #306 Belton, TX 76513 (Temple June)
Mailing Address Same 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 a

PLEASE NOTE: All information supplied on this form is public information.

* Reappointed to RZ #1 8/20/09



CITY OF TEMPLE

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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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• If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci.temple.tx.us.

Name 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

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

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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

Name Scott Branscum Residence Address 1101 N. 3rd ST.

Mailing Address 1101 N 3rd 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

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.

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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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

Src

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



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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.

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 tcoley3@aatt.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 used 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

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- | | |
|-------------------------------------|---|
| 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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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

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• If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci.temple.tx.us.

Name 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
 Comments (Attach additional page if desired): 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

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

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

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- If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci.temple.tx.us.

Name 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

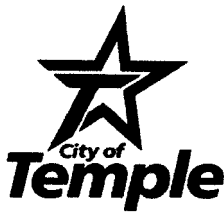
Comments (Attach additional page if desired):

Signed: Alan C. Horn

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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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

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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

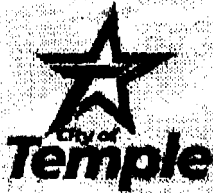
Name, in priority order, the Board or Boards on which you would prefer to serve: Temple Eco Dev Corp,
Airport Advisory Board, Planning & Zoning Commission

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
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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.

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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AIRPORT ADVISORY BOARD
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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

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CITY OF TEMPLE
CITY BOARD APPLICATION FORM

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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: R E Morgan

Date: 7/26/09

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CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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PLANNING & ZONING COMMISSION
REINVESTMENT ZONE NUMBER ONE
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD
BUILDING BOARD OF APPEALS
COMMUNITY SERVICES ADVISORY BOARD
TEMPLE PUBLIC SAFETY ADVISORY BOARD
DEVELOPMENT STANDARDS ADVISORY BOARD
PARKS & LEISURE SERVICES ADVISORY BOARD
TRANSIT ADVISORY COMMITTEE
CENTRAL TEXAS HOUSING CONSORTIUM

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- If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci.temple.tx.us.

Name 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
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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

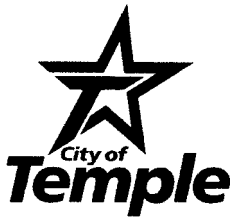
expertise, Harvard Leadership Series, Past President Rotary
Comments (Attach additional page if desired):

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

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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

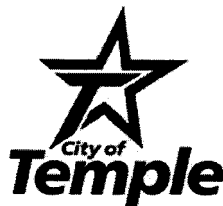
Class C - Standard Driver's License

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

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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 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

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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.



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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 VILLAG 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

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BUILDING BOARD OF APPEALS
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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

Comments (Attach additional page if desired):

AND CHIEF APPRAISER OF CITY OF TEMPLE, MANAGER OF ALL APPRAISERS IN
BELTON CAD.

Signed: Starky K. Winnett

Date: 7-24-09

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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., ^{THE} 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.