



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd FLOOR - CONFERENCE ROOM

THURSDAY, MARCH 17, 2011

3:00 P.M.

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, March 17, 2011.
2. Receive update on the sale of City of Temple, Texas General Obligation Refunding Bonds, Series 2011.
3. Discuss the proposed FY 2011-2012 budget and related issues.
4. Receive the following Planning updates:
 - Temple Medical and Education District (TMED) ordinance amendments
 - Addition of nursing home/assisted living uses to use table
 - Requirements for first floor parking structures in special districts
 - Defining specific trees approved for street trees
 - Defining residential applicability
 - Unified Development Code Phase 2
 - Proposed changes to the International Residential Code, International Building Code, and Fire Code

5:00 P.M.

MUNICIPAL BUILDING

2 NORTH MAIN STREET
CITY COUNCIL CHAMBERS – 2ND FLOOR

TEMPLE, TX

JOINT MEETING
TEMPLE CITY COUNCIL
&
CITY OF TEMPLE EMPLOYEE BENEFITS TRUST

REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. (A) [Social Work Month](#) [March, 2011](#)
(B) [The Great American Clean Up](#) [March 17 – May 31, 2011](#)

III. PUBLIC APPEARANCES

4. Receive comments from Mr. Andrew Machuca regarding [oak wilt prevention](#).

IV. PUBLIC COMMENTS

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

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) [February 10, 2011 Special Called Meeting](#)
- (B) [March 3, 2011 Special Called and Regular Meeting](#)

Contracts, Leases & Bid

- (C) [2011-6258-R](#): Consider adopting a resolution authorizing a Chapter 380 grant agreement between the City of Temple and Victor D. Turley, P.E., R.P.L.S. for improvements at 301 North 3rd Street in an amount not to exceed \$9,985.
- (D) [2011-6259-R](#): Consider adopting a resolution authorizing a one-year renewal to a professional services agreement with City-County Benefits Services (C-CBS) for employee benefits consulting services at an annual cost of \$30,561.36.
- (E) [2011-6260-R](#): Consider adopting a resolution authorizing a contract with Heart of Texas Landscape & Irrigation Co., Inc. of Belton for mowing and maintenance services in the amount of \$62,090.
- (F) [2011-6261-R](#): Consider adopting a resolution authorizing an agreement with the Texas Department of Transportation (TxDOT) for mowing TxDOT right of way areas in Temple and approving funding in the amount of \$205,000 to hire staff and purchase the equipment necessary to do the mowing.

Ordinances – Second and Final Reading

- (G) [2011-4429](#): SECOND READING - Consider adopting an ordinance authorizing amendments to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans to reallocate funding from Line 456, Avenue R (31st Street to 15th Street), to Line 457, Avenue U from Scott and White Boulevard to 1st Street and the 13th to 17th connector from Avenue R to Loop 363 in the amount of \$350,000 in FY 2011 and \$600,000 in FY 2012.

Misc.

- (H) [2011-6262-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2010-2011.

VI. REGULAR AGENDA

ORDINANCES

6. [2011-4430](#): FIRST READING – PUBLIC HEARING - Z-FY-11-06: Consider adopting an ordinance authorizing an amendment to Articles 2, 3 and 11 of the Unified Development Code regarding final decision-making authority for sidewalk waivers and the establishment of definitions for a sidewalk and a trail.
7. [2011-4431](#): FIRST READING – PUBLIC HEARING - Z-FY-11-16: Consider adopting an ordinance authorizing a zoning change from Two-Family Dwelling District (2F) to General Retail District (GR) on Lot 1, Block 1, Jennings Addition, located at 1603 West C Avenue.
8. [2011-4432](#): FIRST READING – PUBLIC HEARING - Z-FY-11-17: Consider adopting an ordinance authorizing a zoning change from Single Family One District (SF1) to Two Family District (2F) on Lot 4, Block 1, Bruner Brothers Addition, located at 1303 South 2nd Street.
9. [2011-4433](#): FIRST READING – PUBLIC HEARING - Z-FY-11-19: Consider adopting an ordinance authorizing a zoning change from Agriculture District (AG) to General Retail District (GR) on Outblock 726-B, located West of South 5th Street and South of Canyon Creek Drive.
10. [2011-4434](#): FIRST READING - PUBLIC HEARING - Consider adopting an ordinance amending Chapter 37, "Traffic," of the Code of Ordinances of the City of Temple, Texas, by adding Section 37-55, "Engine Brake Prohibited," prohibiting the use of an engine brake on a street or roadway within the City limits.

RESOLUTIONS

11. [2011-6263-R](#): Consider adopting a resolution approving a policy to require the City to commit to practicing sustainable and energy efficient measures.

BOARD APPOINTMENTS

12. [2011-6264-R](#): Consider adopting a resolution appointing one member to the Community Services Advisory Board to fill an unexpired term through September 1, 2013.

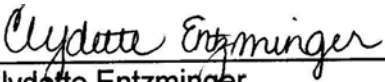
ADJOURN THE REGULAR MEETING OF THE TEMPLE CITY COUNCIL AND CONVENE THE CITY OF TEMPLE EMPLOYEE BENEFITS TRUST MEETING.

VII. AGENDA – CITY OF TEMPLE EMPLOYEE BENEFITS TRUST

13. Consider adopting Amendment #1 to the Declaration of Trust for the [City of Temple Employee Benefits Trust](#) as requested by the State Comptroller's Office.

***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 12:50 PM, on March 11, 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

03/17/11
Item #3(A)-(B)
Regular Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamations:

- | | |
|---------------------------------|-------------------------|
| (A) Social Work Month | March, 2011 |
| (B) The Great American Clean Up | March 17 – May 31, 2011 |

STAFF RECOMMENDATION: Present proclamations as presented in item description.

ITEM SUMMARY:

- (A) This proclamation was requested by, and will also be received by, Dr. Diane Ruud with the Social Work Department at the VA Hospital.
- (B) This proclamation was requested by, and will also be received by, Tanya Gray with Keep Temple Beautiful.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

03/17/11
Item #4
Regular Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Receive comments from Mr. Andrew Machuca regarding oak wilt prevention.

STAFF RECOMMENDATION: Receive comments as presented in item description.

ITEM SUMMARY: Andrew Machuca filed a Request for Placement on the City Council Agenda. Please see attached form.

FISCAL IMPACT: None

ATTACHMENTS:

[Request for placement on agenda](#)

CITY OF TEMPLE, TEXAS

CITY COUNCIL MEETINGS

REQUEST FOR PLACEMENT ON AGENDA

_____ Priority

NAME OF PRESENTER: Andrew Machuca

ADDRESS: P.O. Box 1332 Temple TX 76503

TELEPHONE NO. (254) 624-4564

DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note - The City Council meets the first and third Thursdays of each month.) 03-17-11

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

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

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

Brendy Machuca / Andrew Machuca
SIGNATURE OF PRESENTER DATE 03-10-11

For Office Use:

RECEIVED

MAR 10 2011

CITY OF TEMPLE, TX
CITY SECRETARY



COUNCIL AGENDA ITEM MEMORANDUM

03/17/11
Item #5(A)-(B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

- (A) February 10, 2011 Special Called Meeting
- (B) March 3, 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:

February 10, 2011 Special Called Meeting
March 3, 2011 Special Called and Regular Meeting

SPECIAL MEETING OF THE TEMPLE CITY COUNCIL

FEBRUARY 10, 2011

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, February 10, 2011, at 8:00 AM at the Cathedral Oaks Event Center, 1312 Waco Road, Belton, Texas.

Present:

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

1. Discuss the FY 2011-2012 budget process and calendar, the City's Strategic Plan, and various budget related policy issues.

David Blackburn, City Manager, began the work session with a discussion of the City's organizational continuity issues. About one-half of the leadership is now eligible for retirement and he stated he will begin to identify strategies to address this concern, such as emphasizing leadership development. Employee compensation and benefits were also discussed.

Mayor Jones stated he felt it was important to allocate some funds for performance pay increases this year for this program to continue to be meaningful. Councilmember Janczak expressed his support for continuing to the maximize the use of technology.

The next topic presented was the City's Strategic Plan, beginning with the vision and the strategic focus areas. Mr. Blackburn reviewed some of the strategic goals and objectives for each of the focus areas, noting some that have been completed and others that need to be modified. In the focus area of Growing Community Enhancements, Mr. Blackburn noted those areas where the City received high marks or lower marks on the citizen survey that was recently completed.

Councilmember Janczak asked if the drainage issues could be addressed through an enterprise fund with dollars earmarked for that purpose.

Mr. Blackburn replied the City currently has a special revenue fund for drainage and the fee collected from residents is accounted for in that fund. He added we do need to do more regarding the maintenance of the system as that will help with certain events. The capital improvement plan lists specific projects but these have not been implemented by the City Council. The challenge continues to be with identifying funds.

Mayor Pro Tem Luna stated there is less curb and gutter in District 2 than in the rest of the City. She asked that this be addressed in small increments if possible.

Councilmember Schneider stated he felt we need to educate people on what we have in Temple to help improve the perception of the quality of life here.

Councilmember Dunn stated the new sidewalks and trails have been a big hit with the citizens. If we are committed to continuing the sidewalks, he asked that we require them and not allow this to be a bargaining tool with the developers.

Mr. Blackburn reviewed the key calendar dates for the FY 2012 budget and process.

Councilmember Dunn asked to have more discussion and input on the funding allocated for the public service agencies.

Next, Mr. Blackburn highlighted some of the issue point papers submitted by departments. These included funding for the SIJ program, cost of services study, full time Municipal Judge and Juvenile Case Manager, Fire Department staffing for Station 8, Police Department facilities and operations, employee health insurance, street maintenance, Solid Waste fleet replacement, residential recycling program, non-public safety radios, and Parks capital improvement funding.

The next topic presented was the City Manager's fence posts to be used in the development of the FY 2012 Budget. These included maintaining fiscal soundness, maintaining core services, focusing on people and aligning strategic, financial and tactical plans. Mr. Blackburn explained what each of these mean as they relate to the budget. He also noted that maintaining the tax rate is not included as one of his fence posts in FY 2012.

Mr. Blackburn reviewed an updated presentation on water rights and future demand, which was originally presented in 2006. This presentation discussed the growth management planning issues associated with providing water both now and in the future. Topics discussed included: How much water do we have? How much water does a person use/need? How many people can we provide water to? Mr. Blackburn also discussed the City's wholesale water supply contracts which are being re-negotiated at this time for various reasons. He asked Council if they were comfortable with the current rate setting philosophies for inside city, outside city and wholesale customers outside the city.

The City's landfill was the next topic discussed. Mr. Blackburn stated the Council will soon be presented with a new contract with Waste Management for consideration which will extend the term from 2024 to 2041. This presentation included background information about the landfill and the current contract with Waste Management which was executed in May 2004. The Council reviewed information about landfill capacity and remaining site life projections, as determined by population forecasts, remaining volume capacity and compaction rates, and historical sources of waste. Mr. Blackburn stated the landfill is currently being operated as a 'business' and is being marketed regionally. To continue on this course the landfill will need to be expanded. He asked Council to let him know if a different course of action should be pursued.

Mr. Blackburn stated Choice '08, the Comprehensive Mater Plan, was adopted in 2008 and should be reviewed every 2-3 years. A few areas have been selected to begin this review process which is targeted for completion by the end of September. Mr. Blackburn explained the purpose of Choices '08 and what it should be used for. His discussion focused on four of the five building blocks in the plan - transportation, economic development, urban design and implementation - noting the objectives that have been achieved through the current action plan and those that need to be re-prioritized. Comprehensive Plan issues that Mr. Blackburn discussed

included package liquor stores and whether zoning actions have lined up with the Comprehensive Plan, such as the Urban Estate zoning issues in South Temple.

The City received a Department of Energy Grant in 2009 for the TMED trail and the sustainability/grant manager position, Mr. Blackburn explained. Significant work has occurred in this area such as energy and efficiency assessments, grant work and a City-owned property inventory. The next step is to adopt an overall Sustainability and Energy Efficiency Policy from which an action plan can be developed. Mr. Blackburn reviewed several of the draft policy provisions.

The final topic discussed was the National Citizen Survey, sponsored by ICMA, that was conducted in early November. 294 surveys were returned for a response rate of 26%. The survey contained 8 focus areas - community quality, community design, public safety, environmental sustainability, community inclusiveness, recreation and wellness, civic engagement and public trust. Mr. Blackburn provided an overview of the survey report and discussed some of the highlights. He explained how the results are interpreted and compared. Mr. Blackburn noted that 74% of the respondents rated the overall quality of life in Temple as excellent or good. All of the data in the survey report will be used as a tool in the planning and budget process.

There being no further business, Mayor Jones adjourned the Special Meeting of the Temple City Council.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

TEMPLE CITY COUNCIL

MARCH 3, 2011

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, March 3, 2011, at 3:00 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, March 3, 2011.

Regular Agenda Item 6 - Board Appointments: The Council discussed the board applications on file for the open board positions.

Consent Agenda Item 4(G) - Police Department Relocation Services: Mayor Pro Tem Luna asked if these services were required to be bid. Jonathan Graham, City Attorney, replied no, due to the health and safety issues associated with this project. All of the original furnishings were purchased from and installed by Perry's Office Products. David Blackburn, City Manager, stated he viewed this service as a professional services agreement with Perry's due to the nature of the work.

2. Discuss mowing of right-of-ways.

David Blackburn, City Manager, provided background information regarding this item. The Texas Department of Transportation (TxDOT) has reduced the mowing schedule for several high visibility entryways to Temple and Mr. Blackburn asked the City Council if this level of service is acceptable.

Staff has explored the possibility of increasing the mowing standards in these right of way areas by either 'piggybacking' on TxDOT's mowing contract, contracting out the services based on our current mowing contract, or performing the services with an in-house mowing crew. Mr. Blackburn discussed each of these options, explaining that with the in-house mowing crew, the high visibility areas could be mowed every two weeks and three weeks for right of ways for six months of the year. The remaining six months of the year the crew would clean drainage inlet areas. This option would divide the workload and the funding between the Drainage Fund and the General Fund and provide the most flexibility with the mowing schedule. However, Mr. Blackburn noted this would be a new or enhanced service area and he would not recommend the cost be absorbed into the budget. The impact on the budget cannot be determined at this time but he would likely recommend some adjustment in the drainage fee, as well.

The City Council indicated their desire to move forward with providing this enhanced level of service with in-house crews.

3. Discuss the proposed FY 2011-2012 budget and related issues.

Mr. Blackburn, City Manager, began with a review of the vision and strategic focus areas in the City's Strategic Plan. He also reviewed the key budget calendar dates, noting those where Council participation is required. The fence posts for the development of the FY 2012 budget were discussed and Mr. Blackburn noted that maintaining the tax rate is not included in the fence posts this year.

Mayor Pro Tem Luna asked if funding will be included in the FY 2012 budget for Clark Pool. She also asked about the funding request from Hillcrest Cemetery, the Chamber survey and the potential for advertising on the bus stops.

Mr. Blackburn stated Clark Pool is one of the issue papers submitted by the Parks Department and it will be reviewed during the budget process. Hillcrest was provided with \$25,000 this year and they will have an opportunity to request funding for next year under the public service agency funding. The Chamber of Commerce is still reviewing the survey results and is making calls to businesses that would be a good fit to locate in Temple. Relating to the bus stops, Mr. Blackburn stated the installation of these is progressing throughout the City. The opportunity for advertising is still being discussed and Mr. Ator can provide an update during the public service agency presentations in May.

Councilmember Schneider stated he would like to see the funding rotated among the public service agencies where some agencies receive funding one year and the others the next year.

Mr. Blackburn stated he would suggest Council ask the agencies when they make their presentations if this alternate funding would work for them.

Councilmember Dunn asked if a rating sheet could be developed for Council to rate the agencies during their presentations and then submit to Mr. Blackburn. He also asked about the possibility of bringing the administration of the Community Development Block Grant (CDBG) program back in-house. He felt the City is not currently getting its share of federal funds that are available.

Mr. Blackburn and Traci Barnard, Director of Finance, discussed some of the issues associated with the administration of the CDBG program, indicating a future work session would be scheduled to discuss in more detail.

Mr. Blackburn stated approval of Consent Agenda Item 4(H), the landfill contract amendment, will bring forward some new policies, including the expansion of the landfill and a pilot curbside recycling program. The recycling program will be developed and brought to Council fairly soon for approval before proceeding. The costs of the program, as well as what will be accomplished by implementing such a program, will be presented at that time.

Councilmember Schneider stated he would also like for the Council to discuss the Unified Development Code, Phase 2, in a work session before implementation. He expressed his concern with extra costs associated with its implementation. He would like a clear understanding of why the City is considering these changes and what the deliverables will be.

The City Council continued their discussion regarding the City's future population in relation to the availability of landfill space and water. Councilmember Dunn felt the City should make every effort to get additional water when we can. Councilmember Janczak agreed that would allow us the most options in the future.

Mr. Blackburn asked the Council where growing the landfill and additional water fit into the strategic focus areas, expanding the tax base or nurturing the community? Several of the focus areas could be applied to these issues. Mr. Blackburn continued with some discussion of the effects of budget cuts at the state and federal level on City services, including transit services.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, March 3, 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

Father Tom Chamberlain, Our Lady of Guadalupe Catholic Church, voiced the Invocation.

2. Pledge of Allegiance

Charlie Borgeson, Kindergarten Student Sparta Elementary, led the Pledge of Allegiance.

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. (A) Project ReDirectory Kickoff March 2011

Mayor Jones presented this proclamation to Lisa Sebek, Director of Solid Waste Services and Keep Temple Beautiful board member.

(B) Presentation of 2010 Achievement of Excellence in Libraries Award from the Texas Municipal Library Directors Association.

Lisa Youngblood, representative of the Texas Municipal Library Directors Association, presented Judy Duer and Library Staff with this award.

III. PUBLIC COMMENTS

Mr. Milton Hensley, 301 Mitchell Drive, addressed the City Council regarding the Right to Life. He read a prepared statement about two issues that are before the State Legislature that concerns the Right of Life - HB 15, the Sonogram Bill, and HB

473, the Alcohol Ignition Interlock Bill. Mr. Hensley stated Representative Ralph Sheffield is in favor of both of these bills and has indicated he will vote for their approval. He asked the Council and citizens to thank Representative Sheffield for protecting the Right to Life.

IV. CONSENT AGENDA

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

(A) February 17, 2011 Special Called and Regular Meeting Contracts, Leases & Bid

(B) 2011-6249-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for survey and design services required to design the South First Street Gateway Improvements at Loop 363 within the Temple Medical and Education District (TMED) in an amount not to exceed \$185,000.

(C) 2011-6250-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP (KPA), to develop options and cost estimates for alternatives in creating a rail safety zone, in an amount not to exceed \$25,000.

(D) 2011-6251-R: Consider adopting a resolution authorizing a professional services agreement with Clark and Fuller, PLLC of Temple in the amount of \$58,309.70 for engineering services required for the 2011 City of Temple Community Development Block Grant (CDBG) South 1st Street Sidewalk Improvements.

(E) 2011-6252-R: Consider adopting a resolution authorizing a change order #3 to the construction contract with K&S Backhoe Services, Inc., (K&S) of Gatesville for construction activities required to build the Centex Sportsman Water Line Improvements in west Temple in an amount not to exceed \$35,587.60.

(F) 2011-6253-R: Consider adopting a resolution authorizing Temple Heat & Air L.L.C. to replace the HVAC system cooling tower in the Library under an existing annual contract in the estimated amount of \$52,995.

(G) 2011-6254-R: Consider adopting a resolution ratifying a contract with Perry Office Plus of Temple, for Police Headquarters relocation services in an amount not to exceed \$27,500 and declaring an official intent to reimburse associated expenditures made prior to the issuance of tax-exempt obligations for this project.

(H) 2011-6255-R: Consider adopting a resolution authorizing an agreement with Waste Management to operate the Temple Landfill (amending and replacing the existing 2004 Agreement with Waste Management).

(I) 2011-4428: SECOND READING - A-FY-10-15: Consider adopting an ordinance closing 650 feet of the 11-foot wide alley in Block 9, South Park

Addition, located on the east side of Scott & White Park, between West Avenue R and West Avenue P; and closing 575.9 feet of the 11-foot wide alley in Blocks 1 and 5, South Park Addition, between West Avenue P and the northwest corner of Lot 1, Block 1 of South Park Addition; and retaining 11-foot wide blanket utility easements for each.

(J) 2011-6256-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2010-2011.

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

Motion passed unanimously.

V. REGULAR AGENDA

ORDINANCES

- 5. 2011-4429: FIRST READING - PUBLIC HEARING - Consider adopting an ordinance authorizing amendments to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans to reallocate funding from Line 456, Avenue R (31st Street to 15th Street), to Line 457, Avenue U from Scott and White Boulevard to 1st Street and the 13th to 17th connector from Avenue R to Loop 363 in the amount of \$350,000 in FY 2011 and \$600,000 in FY 2012.**

Traci Barnard, Director of Finance, presented this item to the City Council. In the current Financing and Project plans, partial funding is available for improvements to Avenue R, from 31st Street to 15th Street. Since adoption of the Master Plan and the Financing and Project Plans, a change in project scope has been approved by the RZ No. 1 Project Committee and the RZ No. 1 Board of Directors. The recommendation is to split the project between Avenue R intersection improvements at Scott & White Boulevard and 19th Street and Avenue U improvements from Scott & White Boulevard to 1st Street and the 13th to 17th Street connector from Avenue R to Loop 363. Mrs. Barnard summarized the Financing and Project Plan amendments necessary to implement this recommendation.

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

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

Motion by Councilmember Danny Dunn to adopt ordinance, with second and final reading set for March 17, 2011, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

BOARD APPOINTMENTS

6. **2011-6257-R: Consider adopting a resolution appointing members to the following City boards and commissions:**

(A) Building Board of Appeals - one member to fill an unexpired term through March 1, 2012

It was recommended that Michael Vansa be appointed to fill this unexpired term.

(B) Library Board - one member to fill an unexpired term through September 1, 2011

It was recommended the Barbara Moyles be appointed to fill this unexpired term.

(C) Temple Public Safety Advisory Board - one member to fill an unexpired term through September 1, 2013

It was recommended that Richard Morgan be appointed to fill this unexpired term.

(D) Zoning Board of Adjustment -one alternate member to fill expiring term through March 1, 2013

It was recommended that Joel Amos be appointed as an alternate member on this board to fill the expired term.

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

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

03/17/10
Item #5(C)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager
Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Chapter 380 grant agreement between the City of Temple and Victor D. Turley, P.E., R.P.L.S. for improvements at 301 North 3rd Street in an amount not to exceed \$9,985.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The resolution authorizes an agreement with Victor D. Turley, P.E., R.P.L.S., the owner of property at 301 N. 3rd Street for certain improvements. The property is currently undeveloped. The property is located in the North 3rd Street SIZ incentive zone, but the amount requested exceeds the pre-approved limits for that Zone. The proposed improvements include installation of a decorative ornamental iron fence (in lieu of chain link) and double iron gate for parking to support a land surveying and engineering firm.

This agreement and resolution would allow Turley to receive up to \$9,985 of a total project cost of \$14,425. Eligible expenses include removal of the existing posts and holes, materials, and construction costs. Improvements must be completed by July 31, 2011. Payment of the grant funds will not be made until work and inspections are completed, and receipts are received by the City.

FISCAL IMPACT: The total maximum grant by the City is \$9,985. In the FY '11 budget, there is \$25,847 remaining in account #110-1500-515-2695 to fund this grant. Although this agreement does not fall under the requirements of the North 3rd Street SIZ policy, because of the project's location within the North 3rd Street SIZ corridor, we are recommending funding from SIZ funds.

ATTACHMENTS:

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

Chapter 380 Development Agreement



This Agreement is executed by and between the City of Temple, a home rule city in Bell County, Texas (hereinafter “the City”) and Victor D. Turley, P.E., R.P.L.S (hereinafter “Owner”).

City and Owner agree as follows:

Section 1. Purpose. Pursuant to authority granted to home rule cities under Chapter 380 of the Local Government Code, the City and the Owner enter into this Agreement to promote economic development. City and Owner agree to assume the responsibilities set forth below.

Section 2. Obligations of Owner. Owner proposes to make certain improvements to the Property, which are described generally below, and to use the Property as parking for a land surveying and engineering firm after the Improvements are completed.

Owner agrees to commence the Improvements on or before April 15, 2011, and to complete said Improvements on or before July 31, 2011. As a condition to receiving the matching grants from the City described in Section 3, Owner agrees to complete the improvements described in Section 3.

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

(a) Decorative Ornamental Fence and Gate Grant. The City will make a grant of up to \$9,985 toward a total project cost of \$14,425 for installation of a decorative ornamental iron fence and double iron gate. Improvement costs eligible for reimbursement include ground preparation costs (including labor), post/pole removal costs, and materials and construction (including labor) costs, but specifically exclude design costs.

Section 4. Acceptance of Improvements and Payment of Matching Grants. The City’s obligation to provide the matching grants is conditioned upon the Owner completing the Improvements described in Section 3. After the Improvements are inspected and accepted by the City, and all receipts for eligible expenditures are provided, the City will make payment to the Owner within 30 days of such acceptance.

Section 5. Maintenance of Improvements. Owner, or its successors and assigns, agree to maintain the Improvements described in Section 3 for a period of not less than five (5) years from the date matching grants are received from the City.

Section 6. Term. This Agreement begins on the execution date of this document and ends July 31, 2011.

Section 7. Assignment. Owner shall have the right to assign this Agreement as collateral for the financing of the construction of the Improvements, and in the event that Owner is unable to complete the project for any reason, its assignee shall have the right, but not the obligation to finish the project, and receive a contribution from the City in the amounts specified in this Agreement upon final inspection and acceptance of the Improvements by the City.

Section 8. Availability of Records. Owner agrees to make its books and other records related to the construction of the Improvements available for inspection by the City during reasonable business hours.

Executed on this the ____ day of _____, 2011.

City of Temple, Texas

Owner

David A. Blackburn
City Manager

Victor Turley

Attest:

Approved as to form:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney

State of Texas §

County of Bell §

This instrument was acknowledged before me on the ____ day of _____, 2011
by David A. Blackburn, City Manager, for the City of Temple, a Texas home rule City.

Notary Public

State of Texas §

County of Bell §

This instrument was acknowledged before me on the ____ day of _____, 2011
by _____.

Notary Public



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 “MATCHING GRANT” AGREEMENT BETWEEN THE CITY OF TEMPLE AND VICTOR D. TURLEY, P.E., R.P.L.S., FOR REDEVELOPMENT IMPROVEMENTS AT 301 NORTH THIRD STREET IN THE THIRD STREET STRATEGIC INVESTMENT ZONE CORRIDOR, IN AN AMOUNT NOT TO EXCEED \$9,985 PLUS WAIVER OF PERMITS AND FEES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, property owned by Victor D. Turley, P.E., R.P.L.S., located at 301 North Third Street is situated within the Third Street Strategic Investment Zone which makes it eligible to receive a matching grant incentive from the City which is authorized by Ordinance No. 2008-4218 passed by the Temple City Council on June 5, 2008, and amending Ordinance No. 2009-4285 passed on March 5, 2009;

Whereas, the Staff recommends entering into a Chapter 380 “matching grant” agreement which will outline the obligations and representations of Victor D. Turley, P.E., R.P.L.S.;

Whereas, the total project investment by Victor D. Turley, P.E., R.P.L.S., is \$14,425, and the City’s total match may not exceed \$9,985;

Whereas, funds are available for this grant in Account No. 110-1500-515-2635; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a Chapter 380 “matching grant” agreement, between the City of Temple and Victor D. Turley, P.E., R.P.L.S., after approval as to form by the City Attorney, for redevelopment improvements located at 301 North Third Street in the Third Street Strategic Investment Zone corridor, for a cost not to exceed \$9,985 plus waiver of permits and fees.

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 **17th** day of **March**, 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

03/17/11
Item #5(D)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a professional services agreement with City-County Benefits Services (C-CBS) for employee benefits consulting services at an annual cost of \$30,561.36.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On March 5, 2009, the Council authorized a professional services agreement with City-County Benefits Services for professional benefit consulting services over a five year period to be awarded one year at a time. On March 18, 2010, Council authorized a one year renewal to the agreement. Staff has worked closely with City-County Benefits Services over the past six years on health insurance, dental insurance, retiree insurance, long term disability insurance, life insurance, Section 125 insurances, and GASB 45 compliance issues. City-County Benefits Services has provided invaluable guidance in these areas. Throughout the year, C-CBS will continue to monitor our claims experience and help staff with administering the contracts, as well as guiding us through recommendations for complying with GASB 45.

Staff recommends Council authorize a one-year renewal to the professional services agreement with City-County Benefits Services.

FISCAL IMPACT: Budgeted amount: \$25,978 in account 110-2700-515-2616
4,600 in account 520-5000-535-2616
620 in account 240-4400-551-2616
310 in account 292-2900-534-2616
\$31,508

Recommended expenditure: \$30,561.36

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO A
PROFESSIONAL SERVICES AGREEMENT WITH CITY-COUNTY
BENEFITS SERVICES (C-CBS) FOR EMPLOYEE BENEFITS
CONSULTING SERVICES AT AN ANNUAL COST OF \$30,561.36;
AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on March 5, 2009, the City Council authorized a professional services agreement with City-County Benefits Services for professional benefit consulting services over a 5 year period to be awarded one year at a time;

Whereas, on March 18, 2010, the City Council approved a one year renewal to the agreement;

Whereas, City-County Benefits Services has worked closely with Staff over the past six years and has provided invaluable guidance for decisions about employee benefits;

Whereas, the Staff recommends authorizing a professional services agreement for an annual cost of \$30,561.36;

Whereas, funds are available for this service in Account Nos. 110-2700-515-2616, 520-5000-535-2616, 240-4400-551-2616, and 292-2900-534-2616; 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 with City-County Benefits Services, for an annual cost not to exceed \$30,561.36, after approval as to form by the City Attorney, for employee benefit consulting services.

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 **17th** day of **March**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

ATTEST:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/17/11
Item #5(E)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with Heart of Texas Landscape & Irrigation Co., Inc. of Belton for mowing and maintenance services in the amount of \$62,090.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: We are requesting authorization to enter into an agreement with Heart of Texas Landscape, Inc. of Belton for \$62,090 for mowing and maintenance services. Last year, the City entered into an agreement with Heart of Texas for mowing services. That contract allows for four one year extensions – agreeable by both parties. The areas to be mowed include Airport Park, Old Howard Road (Outer Loop phases I and II), Pepper Creek Trail and Conner Park. The contract period will be from April 1, 2011 to March 31, 2012.

Heart of Texas Landscape, Inc. has agreed to keep their pricing the same for the current contract period of April 1, 2011 through March 31, 2012. The Parks and Leisure Services Department was very pleased with the quality of work that was performed last year by Heart of Texas under this contract.

We are requesting to renew the agreement with Heart of Texas Landscape & Irrigation Co., Inc. of Belton for mowing and maintenance services from April 11, 2011 to March 31, 2012 in the estimated annual amount of \$62,090.

The Reinvestment Zone No. 1 has provided the City funding for Airport Park, Outer Loop (Phase I and II), Bioscience Park and Pepper Creek Trail.

FISCAL IMPACT: The FY 2011 operating budget includes \$117,840 for contracted mowing in account 110-3500-552-2623. This includes reimbursement from the Reinvestment Zone No. 1 to cover the cost of contracted mowing within the Reinvestment Zone No. 1 boundaries. The budget for mowing also includes smaller mowing contracts and mowing performed by VA workers that are outside of this contract.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, AUTHORIZING A SERVICES AGREEMENT WITH HEART OF
TEXAS LANDSCAPE & IRRIGATION CO., INC., OF BELTON, TEXAS,
FOR MOWING AND MAINTENANCE SERVICES, IN THE ESTIMATED
AMOUNT OF \$62,090; AND PROVIDING AN OPEN MEETINGS
CLAUSE.

Whereas, in April, 2010, the City entered into an agreement with Heart of Texas Landscape & Irrigation Co., Inc., of Belton, Texas, for mowing and maintenance services;

Whereas, the bid allowed for four 1-year extensions and the Staff recommends extending the agreement for an additional year from April 11, 2011, through March 31, 2012, in the estimated amount of \$62,090;

Whereas, funds are available for this service in Account No. 110-3500-552-2623 ;
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 services agreement, for an estimated annual amount of \$62,090, between the City of Temple and Heart of Texas Landscape & Irrigation Co., Inc., of Belton, Texas, after approval as to form by the City Attorney, for mowing and maintenance services.

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 **17th** day of **March**, 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

03/17/11
Item #5(F)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services

Nicole Torralva, Director of Public Works

ITEM DESCRIPTION: Consider adopting a resolution authorizing an agreement with the Texas Department of Transportation (TxDOT) for mowing TxDOT right of way areas in Temple and approving funding in the amount of \$205,000 to hire staff and purchase the equipment necessary to do the mowing.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: There are several high-visibility TxDOT right of way (ROW) areas located at major entryways to Temple including:

- Interstate 35
- Loop 363
- FM 2305
- FM 93
- 31st St. (FM 1741)

In 2010, TxDOT reduced the mowing schedule for ROW areas to 3 times per year – twice during the high growth mowing season of March – October. Because of the high visibility of these areas staff explored the possibility of increasing the mowing standard in the TxDOT ROW's:

- In the contract for mowing Temple, the TxDOT contractor bid \$108,900 annually.
- Our estimate for a local contractor to mow the ROW's would be \$123 -\$164 annually.
- Our estimate to mow the ROW's in-house (and perform other city work in the non-mowing season is \$205,000 (\$102,500 funded from the General Fund and \$102,500 from the Drainage Fund) for the first year and \$76,000 per year in subsequent years (\$38,000 funded from the General Fund and \$38,000 from the Drainage Fund).

We are requesting Council's approval to enter into an agreement with TxDOT to mow their ROW's in Temple in-house. If approved, we would utilize the crew of two workers to mow the ROW's for approximately 6 months and then use them to clean the city storm drain inlets for 6 months.

FISCAL IMPACT: A budget adjustment is presented for Council's approval appropriating \$205,000 to fund the mowing program and initial start up costs in the amount of \$205,000. Funding for the program will be split between the General Fund – funding from Designated for Capital Projects – Unallocated in the amount of \$102,500 and the Drainage Fund – funding from the Drainage operating budget in the amount of \$102,500 based on the work that will be performed by the crew.

The costs for FY 2012 are estimated to be \$76,000 and will be split based on the crew performing mowing services for six months (\$38,000) and drainage services for six months (\$38,000). The costs for this crew will be included in the preliminary budget for FY 2012 that will be filed on June 24, 2011.

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	
110-3500-552-11-15		Skilled	\$ 10,781		
110-3500-552-12-20		Retirement/Pension	1,834		
110-3500-552-12-21		Social Security	156		
110-3500-552-12-22		Health Insurance	1,160		
110-3500-552-12-23		Workers Compensation	454		
110-3500-552-12-24		Unemployment Insurance	270		
110-3500-552-12-25		Dental Insurance	40		
110-3500-552-12-26		Life Insurance	16		
110-3500-552-12-27		AD&D Insurance	3		
110-3500-552-12-28		Long Term Disability	26		
110-3500-552-21-13		Clothing & Uniforms	100		
110-3500-552-21-15		Automotive Supplies (Fuel)	6,854		
110-3500-552-21-16		Supplies & Tools	675		
110-3500-552-22-24		Communication Equipment	20		
110-3500-552-23-33		Auto & Equip (Fleet Services)	1,000		
110-3500-552-26-10		Telephone	100		
110-3500-552-26-18		Uniform & Supply Rental	150		
110-3500-552-62-22	100719	Machinery & Equip (Batwing Mower)	38,976		
110-3500-552-62-22	100720	Machinery & Equip (Small Hustler)	4,795		
110-3500-552-62-22	100721	Machinery & Equip (Landscaper)	35,090		
110-0000-352-13-45		Designated Cap Proj - Unallocated		102,500	
292-2900-534-11-15		Skilled	10,781		
292-2900-534-12-20		Retirement/Pension	1,834		
292-2900-534-12-21		Social Security	156		
292-2900-534-12-22		Health Insurance	1,160		
292-2900-534-12-23		Workers Compensation	454		
292-2900-534-12-24		Unemployment Insurance	270		
292-2900-534-12-25		Dental Insurance	40		
292-2900-534-12-26		Life Insurance	16		
292-2900-534-12-27		AD&D Insurance	3		
292-2900-534-12-28		Long Term Disability	26		
292-2900-534-21-13		Clothing & Uniforms	100		
292-2900-534-21-15		Automotive Supplies (Fuel)	6,854		
292-2900-534-21-16		Supplies & Tools	675		
292-2900-534-22-24		Communication Equipment	20		
292-2900-534-23-33		Auto & Equip (Fleet Services)	1,000		
292-2900-534-26-10		Telephone	100		
292-2900-534-26-18		Uniform & Supply Rental	150		
292-2900-534-62-22	100719	Machinery & Equip (Batwing Mower)	38,976		
292-2900-534-62-22	100720	Machinery & Equip (Small Hustler)	4,795		
292-2900-534-62-22	100721	Machinery & Equip (Landscaper)	35,090		
292-2900-534-23-17		Drainage Systems		102,500	
TOTAL.....			\$ 205,000	\$ 205,000	

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

This budget adjustment appropriates \$205,000 in funding for the agreement with TxDOT for the City to begin mowing TxDOT right of way areas in Temple. 50% will be funded from General Fund Unallocated Fund Balance and 50% will be funded from Drainage Systems.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

March 17, 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 AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR MOWING RIGHT OF WAY AREAS IN TEMPLE AND APPROVING FUNDING IN THE AMOUNT OF \$205,000 TO HIRE STAFF AND PURCHASE THE EQUIPMENT NECESSARY TO DO THE MOWING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, there are several high-visibility TxDOT right of way areas located at major entryways in Temple – TxDOT reduced the mowing schedule for right of way areas to 3 times a year;

Whereas, the Staff recommends entering into an agreement with TxDOT to mow the areas in-house and to use the staff during the non-mowing season to clean the storm drain outlets;

Whereas, the estimated amount to hire staff and purchase equipment necessary to do the mowing is \$205,000;

Whereas, funds are available for this service but an amendment to the FY2010-11 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 an agreement with the Texas Department of Transportation (TxDOT), after approval as to form by the City Attorney, for mowing TxDOT right of way areas in Temple, and approving funding in the amount of \$205,000 to hire staff and purchase the equipment necessary to do the mowing.

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 **17th** day of **March**, 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

03/17/11
Item #5(G)
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: SECOND READING - Consider adopting an ordinance authorizing amendments to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans to reallocate funding from Line 456, Avenue R (31st Street to 15th Street), to Line 457, Avenue U from Scott and White Boulevard to 1st Street and the 13th to 17th connector from Avenue R to Loop 363 in the amount of \$350,000 in FY 2011 and \$600,000 in FY 2012.

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

The Reinvestment Zone No. 1 Board approved the amendments at its February 23, 2011 meeting.

ITEM SUMMARY: The currently adopted Financing and Project Plans provides partial funding for improvements to Avenue R from 31st Street to 15th Street of \$400,000 for design in FY 2011 and \$1,000,000 for construction in FY 2012. Since the adoption of the Master Plan and the Financing and Project Plans, a change in project scope has been approved by the Zone Project Committee. The project will be split between Avenue R Intersection Improvements at Scott & White Boulevard and 19th Street and Avenue U Street Improvements from Scott and White Boulevard to 1st Street and the 13th to 17th connector from Avenue R to Loop 363.

An amendment to the Financing and Project Plans to reallocate funding from Line 456, Avenue R (31st Street to 15th Street), to Line 457, Avenue U from Scott and White Boulevard to 1st Street and the 13th to 17th connector from Avenue R to Loop 363 is presented for approval. The amendment is summarized in the table below:

	FY 2011	FY 2012
Current Project Plan:		
Line 456- Avenue R (31 st St to 15 th St)	\$400,000	\$1,000,000
Proposed Amendment to Project Plan:		
Line 456- Ave R/S&W Blvd, Ave R/19 th Intersections	\$50,000	\$400,000
Line 457- Ave U (S&W Blvd – 1 st St), 13 th to 17 th	\$350,000	\$600,000

The funding in FY 2012 for Line 457 will only partially fund construction of the project for Avenue U Street Improvements from Scott and White Boulevard to 1st Street and the 13th to 17th connector from Avenue R to Loop 363. Other funding sources will be identified to complete the project.

FISCAL IMPACT: The proposed amendment reallocates funding within the FY 2011 and FY 2012 Project Plan on Lines 456 and 457 as described above. There is no change within the Financing Plan and no change to the proposed funding levels in total due to this amendment. Total amount funded for these two projects in FY 2011 remains \$400,000 and in FY 2012 remains \$1,000,000.

ATTACHMENTS:

[Budget Adjustment](#)

[Financing Plan](#)

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

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	
795-9500-531-65-55	100718	AVENUE U	\$ 350,000			
795-9500-531-65-53	100696	AVENUE R INTERSECTION PROJECT			\$ 350,000	
TOTAL.....			\$ 350,000		\$ 350,000	

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

To reallocate funds between two projects per the amendment to the Financing/Project plans. This amendment was approved by the Zone Board on 02/23/11. First reading of ordinance was approved by Council on 03/03/11. Second & final reading presented to Council on 03/17/11.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

3/17/2011

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director_____
Date☐
☐

Approved

Disapproved

Finance_____
Date☐
☐

Approved

Disapproved

City Manager_____
Date☐
☐

Approved

Disapproved

FINANCING PLAN

DESCRIPTION		Y/E 9/30/11 Year 29	Y/E 9/30/12 Year 30	Y/E 9/30/13 Year 31	Y/E 9/30/14 Year 32	Y/E 9/30/15 Year 33	Y/E 9/30/16 Year 34	Y/E 9/30/17 Year 35	Y/E 9/30/18 Year 36	Y/E 9/30/19 Year 37	Y/E 9/30/20 Year 38	Y/E 9/30/21 Year 39	Y/E 9/30/22 Year 40
1	"Taxable Increment"	\$ 132,020,000	\$ 132,020,000	\$ 139,995,945	\$ 143,080,007	\$ 145,017,763	\$ 202,529,247	\$ 220,811,496	\$ 224,519,611	\$ 228,264,807	\$ 231,297,455	\$ 234,360,430	\$ 236,704,034
1	FUND BALANCE, Begin	\$ 6,901,796	\$ 2,632,152	\$ 694,162	\$ 628,743	\$ 1,725,059	\$ 1,063,666	\$ 568,103	\$ 539,052	\$ 587,232	\$ 684,529	\$ 733,083	\$ 817,104
2	Adjustments to Debt Service Reserve	(1,300,000)	462,707	1,761,865	1,765,643	-	-	-	-	-	-	-	-
3	Fund Balance Available for Appropriation	\$ 5,601,796	\$ 3,094,859	\$ 2,456,027	\$ 2,394,386	\$ 1,725,059	\$ 1,063,666	\$ 568,103	\$ 539,052	\$ 587,232	\$ 684,529	\$ 733,083	\$ 817,104
SOURCES OF FUNDS:													
4	Tax Revenues	3,742,462	4,135,611	4,337,625	4,400,312	4,449,698	6,049,648	6,531,300	6,602,434	6,674,282	6,737,970	6,802,296	6,858,393
6	Allowance for Uncollected Taxes	(114,517)	(115,655)	(116,801)	(117,961)	(119,132)	(120,314)	(121,509)	(122,715)	(123,934)	(125,165)	(126,408)	(127,663)
8	Interest Income-Other	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	40,000	40,000	30,000	10,000
10	Grant Funds	-	-	-	-	-	-	-	-	-	-	-	-
12	License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
14	Other Revenues	-	-	-	-	-	-	-	-	-	-	-	-
16	P.I.L.O.T.	1,300,000	1,300,000	-	-	-	-	-	-	-	-	-	-
20	Total Sources of Funds	\$ 5,013,945	\$ 5,405,956	\$ 4,306,824	\$ 4,368,351	\$ 4,416,566	\$ 6,015,334	\$ 6,495,791	\$ 6,565,719	\$ 6,626,348	\$ 6,688,805	\$ 6,741,888	\$ 6,776,730
25	TOTAL AVAILABLE FOR APPROPRIATION	\$ 10,615,741	\$ 8,500,815	\$ 6,762,851	\$ 6,762,737	\$ 6,141,625	\$ 7,079,000	\$ 7,063,894	\$ 7,104,771	\$ 7,213,580	\$ 7,373,334	\$ 7,474,971	\$ 7,593,834
USE OF FUNDS:													
DEBT SERVICE													
26	2003 Bond Issue (\$11.740)	868,420	867,035	869,055	869,855	868,930	866,530	867,440	866,753	869,240	869,640	868,070	870,070
27	2008 Bond Issue (\$16.010 mil)	201,960	201,960	201,960	201,960	201,960	201,960	201,960	201,960	201,960	1,786,960	1,787,292	1,784,972
28	2009 Bond Refunding	370,669	1,473,669	1,474,569	1,479,969	1,499,769	1,508,775	1,510,150	1,488,750	1,485,000	-	-	-
29	2008 Bond Issue-Taxable (\$10.365 mil)	536,935	1,241,935	1,239,641	1,240,495	1,239,233	1,240,854	1,240,096	1,241,957	1,241,173	1,237,744	1,241,670	1,242,422
30	Issuance Costs	-	-	-	-	-	-	-	-	-	-	-	-
31	Refunding Bonds Proceeds	-	-	-	-	-	-	-	-	-	-	-	-
32	Payment to Refunding Bond Agent	-	-	-	-	-	-	-	-	-	-	-	-
33	Paying Agent Services	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
40	Subtotal-Debt Service	1,979,184	3,785,799	3,786,425	3,793,479	3,811,092	3,819,319	3,820,846	3,800,620	3,798,573	3,895,544	3,898,232	3,898,664
OPERATING EXPENDITURES													
50	Prof Svcs/Proj Mgmt	261,865	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
52	Legal/Audit	1,200	1,200	1,200	1,200	1,200	1,200	1,300	1,300	1,300	1,300	1,300	1,400
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
54	Zone Park Maintenance [maintenance]	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
56	Rail Maintenance	177,446	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58	Road/Signage Maintenance	108,574	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
60	Contractual Payments [TEDC - Marketing]	150,000	165,000	181,500	199,650	219,615	241,577	253,655	266,338	279,655	293,638	308,320	323,736
62	TISD-Joint Use facilities	174,779	22,873	23,102	23,333	23,567	23,802	24,040	24,281	24,523	24,769	25,016	25,267
65	Subtotal-Operating Expenditures	1,048,864	739,073	755,802	774,183	794,382	816,579	828,995	841,919	855,478	869,707	884,636	900,403
70	TOTAL DEBT & OPERATING EXPENDITURES	\$ 3,028,048	\$ 4,524,872	\$ 4,542,227	\$ 4,567,662	\$ 4,605,474	\$ 4,635,898	\$ 4,649,841	\$ 4,642,539	\$ 4,654,051	\$ 4,765,251	\$ 4,782,868	\$ 4,799,067
80	Funds Available for Projects	\$ 7,587,693	\$ 3,975,943	\$ 2,220,624	\$ 2,195,075	\$ 1,536,151	\$ 2,443,103	\$ 2,414,052	\$ 2,462,232	\$ 2,559,529	\$ 2,608,083	\$ 2,692,104	\$ 2,794,767
PROJECTS													
150	North Zone/Rail Park	264,800	250,000	250,000	250,000	250,000	-	-	-	-	-	-	-
200	Airport Park	-	125,000	625,000	-	-	-	-	-	-	-	-	-
250	Bio-Science Park	284,449	-	-	-	-	-	-	-	-	-	-	-
300	Outer Loop [from Wendland Rd to IH-35 North]	-	1,200,000	-	-	-	-	-	-	-	-	-	-
350	Northwest Loop 363 Improvements (TxDOT commitment)	930,000	-	-	-	-	-	-	-	-	-	-	-
400	Synergy Park	126,200	-	-	-	-	-	-	-	-	-	-	-
450	Downtown	570,092	206,781	216,881	220,016	222,485	-	-	-	-	-	-	-
500	TMED	2,780,000	1,500,000	500,000	-	-	-	-	-	-	-	-	-
501	Major Gateway Entrances	-	-	-	-	-	-	-	-	-	-	-	-
600	Bond Contingency	-	-	-	-	-	-	-	-	-	-	-	-
610	Public Improvements	-	-	-	-	-	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	2,746,995
	Subtotal-Projects	4,955,541	3,281,781	1,591,881	470,016	472,485	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	2,746,995
TOTAL USE OF FUNDS		\$ 7,983,589	\$ 7,806,653	\$ 6,134,108	\$ 5,037,678	\$ 5,077,959	\$ 6,510,898	\$ 6,524,841	\$ 6,517,539	\$ 6,529,051	\$ 6,640,251	\$ 6,657,868	\$ 7,546,062
700	FUND BALANCE, End	\$ 2,632,152	\$ 694,162	\$ 628,743	\$ 1,725,059	\$ 1,063,666	\$ 568,103	\$ 539,052	\$ 587,232	\$ 684,529	\$ 733,083	\$ 817,104	\$ 47,772

Project Plan - 02/23/2011 - to Zone Board

SUMMARY FINANCING PLAN					
	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
1Beginning Available Fund Balance, Oct 1	\$ 6,901,796	\$ 2,632,152	\$ 694,162	\$ 628,743	\$ 1,725,059
20Total Sources of Funds	5,013,945	5,405,956	4,306,824	4,368,351	4,416,566
2Adjustments to Debt Service Reserve	(1,300,000)	462,707	1,761,865	1,765,643	-
25Net Available for Appropriation	10,615,741	8,500,815	6,762,851	6,762,737	6,141,625
50/52General Administrative Expenditures	263,065	176,200	176,200	176,200	176,200
54Zone Park Maintenance [mowing, utilities, botanical supplies]	150,000	150,000	150,000	150,000	150,000
54Zone Park Maintenance [maintenance]	25,000	25,000	25,000	25,000	25,000
56Rail Maintenance	177,446	100,000	100,000	100,000	100,000
58Road/Signage Maintenance	108,574	100,000	100,000	100,000	100,000
60Contractual Payments (TEDC - Marketing)	150,000	165,000	181,500	199,650	219,615
62TISD - Joint Use Facilities [look at contracts and calculation]	174,779	22,873	23,102	23,333	23,567
26Debt Service - 2003 Issue {\$11.740 mil}	869,620	868,235	870,255	871,055	870,130
27Debt Service - 2008 Issue {\$16.010 mil}	201,960	201,960	201,960	201,960	201,960
28Debt Service - 2009 Issue {Refunding}	370,669	1,473,669	1,474,569	1,479,969	1,499,769
29Debt Service - 2008 Taxable Issue {\$10.365 mil}	536,935	1,241,935	1,239,641	1,240,495	1,239,233
30Issuance Costs	-	-	-	-	-
31Refunding Bond Proceeds	-	-	-	-	-
32Payment to Refunding Bond Agent	-	-	-	-	-
70Total Debt & Operating Expenditures	3,028,048	4,524,872	4,542,227	4,567,662	4,605,474
80Funds Available for Projects	\$ 7,587,693	\$ 3,975,943	\$ 2,220,624	\$ 2,195,075	\$ 1,536,151

PROJECT PLAN					
	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
NORTH ZONE/RAIL PARK (including Enterprise Park):					
100Railroad Spur Improvements	14,800	-	-	-	-
102Elm Creek Detention Pond	-	-	-	-	-
103ROW Acquisition - Public Improvements	-	-	-	-	-
104Extension of Rail Service	-	-	-	-	-
105BN Trans-Load NE Site Phase I - [\$850K total project cost]	-	-	-	-	-
106Wendland Road Improvements	-	-	-	-	-
107Wendland Property Roadway Phase I - [\$1.87M total project cost]	-	-	-	-	-
110Public Improvements in North Zone	250,000	250,000	250,000	250,000	250,000
150Total North Zone/Rail Park (including Enterprise Park)	264,800	250,000	250,000	250,000	250,000
AIRPORT PARK:					
151Airport Park Infrastructure Construction	-	-	-	-	-
155Pepper Creek Trail Extention Phase I - [\$750K total project cost]	-	125,000	625,000	-	-
200Total Airport Park	-	125,000	625,000	-	-
BIO-SCIENCE PARK:					
201Greenbelt Development along Pepper Creek	34,449	-	-	-	-
202Outer Loop Phase II (from Hwy 36 to FM 2305)	-	-	-	-	-
203Bio-Science Park Phase 1	-	-	-	-	-
204Pepper Creek Trail Connection to S&W (City of Temple portion)	250,000	-	-	-	-
250Total Bio-Science Park	284,449	-	-	-	-
300Outer Loop (from Wendland Rd to IH-35 North) - [\$15.5M total project cost]	-	1,200,000	-	-	-
350Northwest Loop 363 Improvements (TxDOT commitment)	930,000	-	-	-	-
SYNERGY PARK:					
351Lorraine Drive (Southeast Industrial Park) - [\$1.5M total project cost]	126,200	-	-	-	-
400Total Synergy Park	126,200	-	-	-	-
DOWNTOWN:					
401Downtown Improvements [look at 1999 Ordinance]	440,092	206,781	216,881	220,016	222,485
402Rail Safety Zone Study	25,000	-	-	-	-
403Lot Identification & Signage	80,000	-	-	-	-
404Santa Fe Plaza Study	25,000	-	-	-	-
405Santa Fe Plaza Parking Lot - [\$1.3M total project cost]	-	-	-	-	-
450Total Downtown	570,092	206,781	216,881	220,016	222,485
TMED:					
451TMED - 1st Street @ Temple College - [\$2.9M total project cost]	500,000	-	-	-	-
452Master Plan Integration 2010	50,000	-	-	-	-
453Monumentation Identification Conceptual Design	30,000	-	-	-	-
454TMED - 1st Street @ Loop 363 Design/Construction - [\$2M total project cost]	300,000	500,000	500,000	-	-
455TMED - Friars Creek Trail 5th Street to S&W Blvd. - [\$1.9M total project cost - DOE Grant of \$400K]	1,500,000	-	-	-	-
456Avenue R - S&W Blvd, Ave R - 19th Intersections	50,000	400,000	-	-	-
457Ave U from S&W Blvd to 1st St & the 13th to 17th connector from Ave R to Loop 363	350,000	600,000	-	-	-
500Total TMED	2,780,000	1,500,000	500,000	-	-
OTHER PROJECTS:					
501Gateway Entrance Projects	-	-	-	-	-
550Total Other Projects	-	-	-	-	-
600Undesignated Funding - Bonds	-	-	-	-	-
610Undesignated Funding - Public Improvements	-	-	-	-	-
Total Planned Project Expenditures	4,955,541	3,281,781	1,591,881	470,016	472,485
700Available Fund Balance at Year End	\$ 2,632,152	\$ 694,162	\$ 628,743	\$ 1,725,059	\$ 1,063,666

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AMENDMENTS TO THE TAX INCREMENT FINANCING REINVESTMENT ZONE NO. 1 FINANCING AND PROJECT PLANS TO REALLOCATE FUNDING FROM LINE 456, AVENUE R (31ST STREET TO 15TH STREET), TO LINE 457, AVENUE U FROM SCOTT AND WHITE BOULEVARD TO 1ST STREET AND THE 13TH TO 17TH CONNECTOR FROM AVENUE R TO LOOP 363, IN THE AMOUNT OF \$350,000 IN FY 2011 AND \$600,000 IN FY 2012; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; DECLARING FINDINGS OF FACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

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

September, 2007; Ordinance No. 2007-4173 on October 25, 2007; Ordinance No. 2008-4201 on the 21st day of February, 2008; and Ordinance No. 2008-4217 the 15th day of May, 2008; Ordinance No. 2008-4242 the 21st day of August, 2009; Ordinance No. 2009-4290 on the 16th day of April, 2009; Ordinance No. 2009-4294 on the 21st day of May, 2009; Ordinance No. 2009-4316 on the 17th day of September, 2009; Ordinance No. 2009-4320 on the 15th day of October, 2009; Ordinance No. 2010-4338 on the 18th day of February, 2010; Ordinance No. 2010-4371 on the 19th day of August, 2010; and Ordinance No. 2010-4405 on November 4, 2010;

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

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

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

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

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

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

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

Part 2: Reinvestment Zone Financing and Project Plans. The amendment to the Tax Increment Financing Reinvestment Zone No. One Financing and Project Plans, heretofore adopted by the Board of Directors of the Zone and referred to in the preamble of this ordinance, are hereby approved and adopted, as set forth in the Amendments to Reinvestment Zone Number One, City of Temple, Texas, attached hereto as Exhibits A and B. This expenditure requires an amendment to the 2010-2011 budget, a copy of which are attached as Exhibit C.

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

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

Part 5: Economic Development Program. The Council hereby establishes an economic development program for the Zone in accordance with Article III, Section 52-a of the Texas Constitution, Section 311.010(h) of the Texas Tax Code and Chapter 380 of the Texas Local Government Code to develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone and develop or expand transportation, business and commercial activity in the Zone including a program to make grants and loans of Zone assets or from the tax increment fund of the Zone in accordance with the provisions of Article III, Section 52-a, Chapter 311 of the Texas Tax Code and Chapter 380 of the Texas Local Government Code as directed and authorized by the Council. The Council hereby further directs and authorizes the Board of Directors of the Zone to utilize tax increment reinvestment zone bond proceeds to acquire the land and pay other real property assembly costs as set forth in the additional amendment attached hereto to help develop and diversify the economy of the Zone and develop or expand business and commercial activity in the Zone in accordance with Article III, Section 52-a, Chapter 311 of the Texas Tax Code and Chapter 380 of the Texas Local Government Code.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **3rd** day of **March**, 2011.

PASSED AND APPROVED on Second Reading on the **17th** day of **March**, 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

03/17/11
Item #5(H)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing budget amendments for fiscal year 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 \$174,972.

ATTACHMENTS:

[Budget amendments
Resolution](#)

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2011 BUDGET
March 17, 2011

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-2011-521-2516 110-1500-515-6531		Judgments & Damages (Police Dept.) Contingency - Judgments & Damages	\$ 3,916	\$ 3,916
Deductible reimbursement to the Texas Municipal League for settlement of a claim seeking reimbursement for personal injuries and for damage to a vehicle struck by a police vehicle in the 000 Block of West Adams on May 21, 2010.				
110-2057-521-2514 110-0000-442-0720		Travel & Training (Police Dept.) Police Revenue	\$ 8,922	\$ 8,922
Received the annual allocation payment from the Law Enforcement Officer Standards and Education (LEOSE) account. This payment must be used as necessary to ensure the continuing education of persons licensed under Chapter 1701, Occupations Code. This budget adjustment recognizes the revenue and appropriates the expenditures for the related training.				
110-2210-522-2535 110-0000-446-3022		Land & Building Rentals Rental/Fire Land Lease	\$ 12,458	\$ 12,458
This budget adjustment recognizes additional Airport revenue from a lease of land to the Fire Department and appropriates the expenditure to the Fire Department for the land lease. The net effect is \$0.				
110-2232-522-2211 110-0000-442-1630		Instruments/Special Equipment (Fire Dept. - HazMat) Fire Revenue	\$ 4,890	\$ 4,890
This budget adjustment recognizes revenue from a HazMat reimbursement and appropriates the expenditures to replace HazMat suits used in this incident.				
110-2330-540-2516 110-1500-515-6531		Judgments & Damages (Solid Waste - Residential) Contingency - Judgments & Damages	\$ 606	\$ 606
Settlement of claim filed against the City seeking reimbursement for damage to a heat-and-cool window unit at 808 1/2 N. 3rd Street after a side-loader arm of a garbage truck knocked the unit out of the window on December 31, 2010.				
110-3250-551-2513 110-0000-445-0485		Special Services (Recreation - Summit Fitness & Recreation Center) Summit Tennis Revenue	\$ 18,751	\$ 18,751
Decreases in both accounts due to restructured tennis contract. Under that agreement, BBI Tennis now leases Summit tennis courts and City of Temple does not collect tennis revenues.				
110-3500-552-2516 110-1500-515-6531		Judgments & Damages (Parks Dept.) Contingency - Judgments & Damages	\$ 2,969	\$ 2,969
Deductible reimbursement to the Texas Municipal League for settlement of a claim seeking reimbursement for property damage and personal injuries as a result of a vehicle accident on January 29, 2010, involving a Parks vehicle which struck a vehicle driven by the claimant.				

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2011 BUDGET
March 17, 2011

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
240-4400-551-6310	100707	Buildings & Grounds - Marquee (Mayborn Center)	\$ 1,860	
240-0000-358-1110		Hotel/Motel Unreserved Fund Balance		\$ 1,860

Appropriate Hotel/Motel Unreserved Fund Balance to fund change order #1 for painting related to the replacement of the marquee at the Mayborn Convention Center.

364-2000-521-2635	Water/Sewer (Police Temporary Facility)	\$ 3,500	
364-2000-521-2636	Electric Utilities	\$ 56,000	
364-2000-521-2637	Gas Utilities	\$ 800	
364-0000-490-2582	Transfer In from General Fund		\$ 60,300
110-2012-521-2635	Water/Sewer		\$ 3,500
110-2012-521-2636	Electric Utilities		\$ 56,000
110-2012-521-2637	Gas Utilities		\$ 800
110-9100-591-8164	Transfer Out - 2011 Limited Tax Notes	\$ 60,300	

This budget adjustment transfers funds from the Police Department's utility account to the bond fund to cover utility costs associated with the Police Department's move to the temporary facility. This will cover utility costs not eligible to be charged to bond funds.

TOTAL AMENDMENTS	\$ 174,972	\$ 174,972
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GENERAL FUND

Beginning Contingency Balance	\$ -
Added to Contingency Sweep Account	\$ -
Carry forward from Prior Year	\$ -
Taken From Contingency	\$ -
Net Balance of Contingency Account	\$ -
Beginning Judgments & Damages Contingency	\$ 80,000
Added to Contingency Judgments & Damages from Council Contingency	\$ -
Taken From Judgments & Damages	\$ (46,492)
Net Balance of Judgments & Damages Contingency Account	\$ 33,508
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	\$ 89,349
Beginning Balance Budget Sweep Contingency	\$ -
Added to Budget Sweep Contingency	\$ -
Taken From Budget Sweep	\$ -
Net Balance of Budget Sweep Contingency Account	\$ -

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2011 BUDGET
March 17, 2011

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		WATER & SEWER FUND		
		Beginning Contingency Balance	\$	50,000
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(23,790)
		Net Balance of Contingency Account	\$	26,210
		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	\$	26,210
		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 17th day of **March**, 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

03/17/11
Item #6
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-11-06: Consider adopting an ordinance authorizing an amendment to Articles 2, 3 and 11 of the Unified Development Code regarding final decision-making authority for sidewalk waivers and the establishment of definitions for a sidewalk and a trail.

P&Z COMMISSION RECOMMENDATION: At its February 22, 2011 meeting, the Planning and Zoning Commission voted 8/0 in accordance with staff recommendation to recommend approval of the proposed UDC amendments to:

1. Sections 2.7 and 3.10 of the UDC regarding changing final decision-making authority for Sidewalk Waivers from the Director of Public Works to the Director of Community Services; and
2. Article 11 establishing definitions for a sidewalk and a trail.

Commissioner Williams was absent.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for April 7, 2011.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-11-06, from the Planning and Zoning meeting, February 22, 2011.

The City Manager has requested Staff pursue the first UDC amendment listed in the P&Z Recommendation above. Planning Staff requests consideration of the Definitions amendment in order to provide further clarity in the UDC related to these terms.

WAIVER AUTHORITY (ATTACHMENTS 1 AND 2): This proposed amendment modifies Articles 2 and 3 of the UDC. It simply changes the title of the person allowed to administratively approve, approve with conditions or disapprove requests for waivers of the sidewalk standards from the Director of Public Works to the Director of Community Services.

SIDEWALK AND TRAIL DEFINITIONS (ATTACHMENT 3): This proposed amendment modifies Article 11 of the UDC. It adds a definition for “sidewalk” and a definition for “trail”.

PUBLIC NOTICE:

The newspaper printed notice of the Planning and Zoning Commission public hearing on February 11, 2011 in accordance with state law and local ordinance

FISCAL IMPACT: NA

ATTACHMENTS:

[Proposed Sec. 2.7 UDC Amendment for Sidewalk Waivers](#)
[Proposed Sec. 3.10 UDC Amendment for Sidewalk Waivers](#)
[Proposed Article 11 UDC Amendment for Sidewalk and Trail Definitions](#)
[P&Z Staff Report Z-FY-11-06](#)
[P&Z Minutes 02/22/11](#)
[Ordinance](#)

Attachment 1

Proposed Sec. 2.7 UDC Amendment for Sidewalk Waivers

Sec. 2.7. Director of ~~Public Works~~ Community Services

The Director of ~~Public Works~~ Community Services must take final action on Sidewalk Waiver requests or may refer the request to the Planning and Zoning Commission and the City Council.

Attachment 2

Proposed Sec. 3.10 UDC Amendment for Sidewalk Waivers

Sec. 3.10. Sidewalk Waiver

3.10.1 Applicability

As part of the platting procedures described in Sec. 3.6 through Sec. 3.8 above or the Building Permit procedure in Sec. 3.13, an applicant may request a waiver of the sidewalk requirements in Sec. 8.2.3.

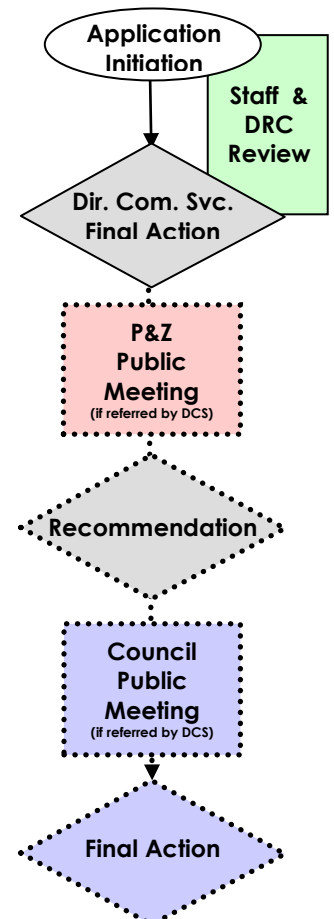
3.10.2 Review Process

The Director of ~~Public Works~~ Community Services must approve, approve with conditions or deny a written request for waiver of the sidewalk requirements in Sec. 8.2.3 or the Director of ~~Public Works~~ Community Services may refer a request for waiver to the Planning and Zoning Commission and City Council.

3.10.3 Review Criteria

In determining whether to approve, approve with conditions or deny a Sidewalk Waiver application, the Director of ~~Public Works~~ Community Services must consider the following criteria.

- A. Special topographical or other conditions exist on the property being platted, developed or redeveloped, such that a literal enforcement of this section would result in unnecessary hardship.
- B. The purpose of this UDC is observed and substantial justice is done.
- C. The waiver is in the public interest.
- D. The anticipated volume of vehicular and pedestrian traffic in the area based on the proposed development and the current or future uses of surrounding property as set forth in the Comprehensive Plan, Zoning District Map and Citywide Trails Master Plan.
- E. The likelihood that a proposed new sidewalk will connect to other sidewalks in the adjoining areas within five years.
- F. The likelihood of the area for which a waiver is being requested to serve as a pedestrian link between public or private facilities in adjoining areas.
- G. Whether due to the width or the anticipated reconstruction of adjoining roadways, construction of a sidewalk on the property under consideration makes economic sense.



Attachment 3

Proposed Article 11 UDC Amendment for Sidewalk and Trail Definitions

Sec. 11.2. Defined Terms

As used in this UDC, unless the context otherwise indicates, the words below are defined as follows. Words not expressly defined in this Section are to be construed in accordance with their ordinary meaning or in accordance with their customary usage in municipal planning and engineering practices.

Sidewalk. A walking path composed of concrete that generally runs parallel with a street and that is located within a public right-of-way.

....

Trail. A walking path composed of concrete, crushed granite or improved natural surfaces that traverses land, does not generally run parallel with a street and that is located in a public right-of-way or a public access easement.



PLANNING AND ZONING COMMISSION AGENDA ITEM

02/22/11
Item #7
Regular Agenda
Page 1 of 2

APPLICANT / DEVELOPMENT: City of Temple

CASE MANAGER: Brian Mabry, AICP, Planning Director

ITEM DESCRIPTION: Z-FY-11-06 Hold a public hearing to consider and recommend action on an amendment to Articles 2, 3 and 11 of the Unified Development Code regarding final decision-making authority for Sidewalk Waivers and the establishment of definitions for a sidewalk and a trail.

BACKGROUND: The purpose of these proposed amendments to the text of the Unified Development Code (UDC) is to:

1. Allow the Director of Community Services, rather than the Public Works Director, to make a final decision on Sidewalk Waiver requests; and
2. Define the meaning of the terms “sidewalk” and “trail”.

The City Manager has requested Staff to pursue the first UDC text amendment listed above. Planning Staff requests consideration of the Definitions amendment in order to provide further clarity in the UDC related to these terms.

WAIVER AUTHORITY (ATTACHMENTS 1 AND 2): This proposed amendment modifies Articles 2 and 3 of the UDC. It simply changes the title of the person allowed to administratively approve, approve with conditions or disapprove requests for waivers of the sidewalk standards from the Director of Public Works to the Director of Community Services. This amendment would allow the Public Works Department to focus more of its attention on maintaining existing sidewalks, as it deems appropriate. Since the job of the Planning Department is to coordinate with developers on new development and the extension of new infrastructure, it makes sense for the Director of Community Services (who oversees the Planning Department) to be the final administrative authority for waiving the construction of new sidewalks.

Existing provisions of the UDC are proposed to remain in place related to the criteria for making a decision on a Sidewalk Waiver request and related to the ability of the Director of Community Services to refer a Sidewalk Waiver request to the Planning and Zoning Commission and City Council.

SIDEWALK AND TRAIL DEFINITIONS (ATTACHMENT 3): This proposed amendment modifies Article 11 of the UDC. It adds a definition for “sidewalk” and a definition for “trail”. These definitions are needed so that it can be clear that in the text of the UDC when a “sidewalk” is mentioned, that the code is referring to a pedestrian path that is paved and in a public right-of-way along a street. When a “trail” is mentioned, the code is referring to a pedestrian path that may be paved or unpaved and usually goes across a property and is not associated with an adjacent street.

PUBLIC NOTICE:

The newspaper printed notice of the Planning and Zoning Commission public hearing on February 11, 2011 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of the proposed amendments to:

1. Articles 2 and 3 of the UDC regarding final decision-making authority for Sidewalk Waivers;
and
2. Article 11 establishing definitions for a sidewalk and a trail.

FISCAL IMPACT: NA**ATTACHMENTS:**

[Proposed Sec. 2.7 UDC Amendment for Sidewalk Waivers \(Attachment 1\)](#)

[Proposed Sec. 3.10 UDC Amendment for Sidewalk Waivers \(Attachment 2\)](#)

[Proposed Article 11 UDC Amendment for Sidewalk and Trail Definitions \(Attachment 3\)](#)

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

TUESDAY, FEBRUARY 22, 2011

ACTION ITEMS

Item 7: Z-FY-11-06: Hold a public hearing to consider and recommend action on an amendment to Articles 2, 3, and 11 of the Unified Development Code regarding final decision-making authority for Sidewalk Waivers and the establishment of definitions for a sidewalk and a trail.

Mr. Brian Mabry, Planning Director, stated the amendments were to change the administrative approval authority of the sidewalk waiver and to supply definitions to the terms “sidewalk” and “trail.” Mr. Mabry clarified the other cases presented (the rezonings) were changes to the zoning map; this would be change to the words, the regulations, that go along with the zoning map.

The purpose of the proposed amendments to Unified Development Code (UDC) Articles 2 and 3 are to allow the Director of Community Services the authority to approve sidewalk waivers whenever an applicant submits a request to waive sidewalk requirements for their property. That authority is currently held by the Public Works Director and the amendment would allow some of the workload to fall on the Planning Department and allow the Public Works Department to focus on maintaining existing infrastructure which includes sidewalks. Planning would focus on new proposed sidewalks.

The existing review criteria which serves as a decision guide would remain in place for the Director of Community Services and would not change. The provision that the Director of Community Services can refer a waiver request to the P&Z Commission and to the City Council would remain in place.

In reference to Article 11 of the UDC, Mr. Mabry stated the proposed definition of a sidewalk would be:

a paved walking path that generally runs parallel to the street and is located in a public right-of-way.

For the proposed definition of a trail:

a paved or unpaved walking path that traverses land, does not generally run parallel to a street, and is located on public land or in public right-of-way or public access easement.

Examples of a trail and sidewalk are given.

The proposed definitions are also in compliance with what is recommended in the Citywide Trails Master Plan.

Staff recommends approval of the amendment to Articles 2 and 3 to allow the Director of Community Services, rather than the Public Works Director, to have the final administrative authority on a sidewalk waiver request and amendment of Article 11 of the UDC to incorporate the definitions of sidewalks and trails as previously presented.

Commissioner Staats asked for clarification on the word 'paved' and Mr. Mabry stated generally "paved" means asphalt or concrete. Commissioner Staats asked if brick pavers were allowed in the City and Mr. Mabry replied brick pavers were not the best materials for sidewalks or trails. Commissioner Staats stated he wanted to eliminate any future potential challenge to the issue of 'paved.' Mr. Mabry stated when the wording for the definition of sidewalk is presented to City Council, concrete may be the only material mentioned.

Chair Talley opened the public hearing.

Mr. Patterson approached and commended the Staff for working on and addressing this issue. Mr. Patterson stated there were certain areas in the City where plats have been required to have sidewalks that go nowhere.

Commissioner Pope stated he agreed with Mr. Patterson, however, in the future when sidewalks are needed, it should not be the taxpayers but the developers to provide them. Mr. Mabry stated in the past workshops with P&Z Commissioners, several amendments were mentioned, such as fees in lieu of construction, and are still pending. Once City Council elections occur and are settled, those additional amendments will be brought forward to the P&Z Commission.

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

Commissioner Pope made a motion to approve Z-FY-11-06, Amendments to Articles 2, 3 and 11 of the Unified Development Code regarding final decision making authority of sidewalk waivers and definitions for a sidewalk and trail and Commissioner Pilkington made a second.

Motion passed: (8:0)

Commissioner Williams absent

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 2010-4413, THE “UNIFIED DEVELOPMENT CODE,” ARTICLES 2, 3 AND 11, REGARDING FINAL DECISION-MAKING AUTHORITY FOR SIDEWALK WAIVERS AND THE ESTABLISHMENT OF DEFINITIONS FOR A SIDEWALK AND A TRAIL; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on December 16, 2010, the City of Temple adopted Ordinance No. 2010-4413, the “Unified Development Code,” which is a consolidated set of land development regulations related to zoning, platting and site design;

Whereas, at its February 22, 2011, meeting the Planning and Zoning Commission voted to amend Articles 2, 3 and 11 of the Unified Development Code regarding final decision making authority for Sidewalk Waivers and the establishment of definitions for a sidewalk and a trail, and the Staff recommends this action; and

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

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

Part 1: The City Council approves an amendment to Ordinance No. 2010-4413, the “Unified Development Code,” by amending Section 2.7, entitled, “Director of Community Services,” and Section 3.10, entitled, “Sidewalk Waiver,” to establish final decision-making authority for sidewalk waiver requests; and Section 11.2, entitled, “Defined Terms,” to add definitions for *sidewalk* and *trail*, said amendments being more fully described in Exhibits A, B, and C, attached hereto for all purposes.

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

Part 3: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be

declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **17th** day of **March**, 2011.

PASSED AND APPROVED on Second Reading on the **7th** day of **April**, 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

03/17/11
Item #7
Regular Agenda
Page 1 of 3

DEPT. / DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-11-16: Consider adopting an ordinance authorizing a zoning change from Two-Family Dwelling District (2F) to General Retail District (GR) on Lot 1, Block 1, Jennings Addition, located at 1603 West Avenue C.

P&Z COMMISSION RECOMMENDATION: At its February 22, 2011 meeting, the Planning and Zoning Commission voted 8/0 in accordance with staff recommendation to recommend approval of a zoning change from 2F to GR.

Commissioner Williams was absent.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for April 7, 2011.

Staff recommends approval of Z-FY-11-16, a zoning change from 2F to GR, for the subject property for the following reasons:

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

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-11-16, from the Planning and Zoning meeting, February 22, 2011. The Applicant requests this rezoning to establish a future general retail development.

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

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

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 Auto-Urban Commercial. The General Retail zoning request complies with the map.

Thoroughfare Plan (CP Map 5.2)

Although the Thoroughfare Plan designates West C Avenue as a local street, South 31st Street, which sides on this lot, is a major arterial. This arterial can handle the increased load that this zoning change may create. The zoning request complies with the plan.

Availability of Public Facilities (CP Goal 4.1)

A 12-inch water line across S. 31st Street and a six-inch sewer line serve the property. Public facilities are available to the property.

Temple Trails Master Plan Map

The Sidewalk and Trails Plan designates property along the eastern side of S. 31st Street as a community-wide trail from the northern extent of 31st Street to the southern city limits. The subject property is on the western side of S. 31st Street. This zoning change will not affect the Trails Master Plan.

PUBLIC NOTICE: Fourteen notices of the Planning and Zoning Commission public hearing were sent out. As of Wednesday, March 1st, at 5:00 PM, 2 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 February 11, 2011, in accordance with state law and local ordinance

FISCAL IMPACT: NA

ATTACHMENTS:

Aerial Map
Land Use and Character Map
Zoning Map
Thoroughfare Plan Map
Utility Map
Notice Map
Response Letters
P&Z Staff Report Z-FY-11-16
P&Z Minutes -February 22, 2011
Ordinance



Z-FY-11-16

Lot 1, Block 1, Jennings Addition

1603 West C Avenue



2008 Bell County Aerial

Feet 0 50 100 150

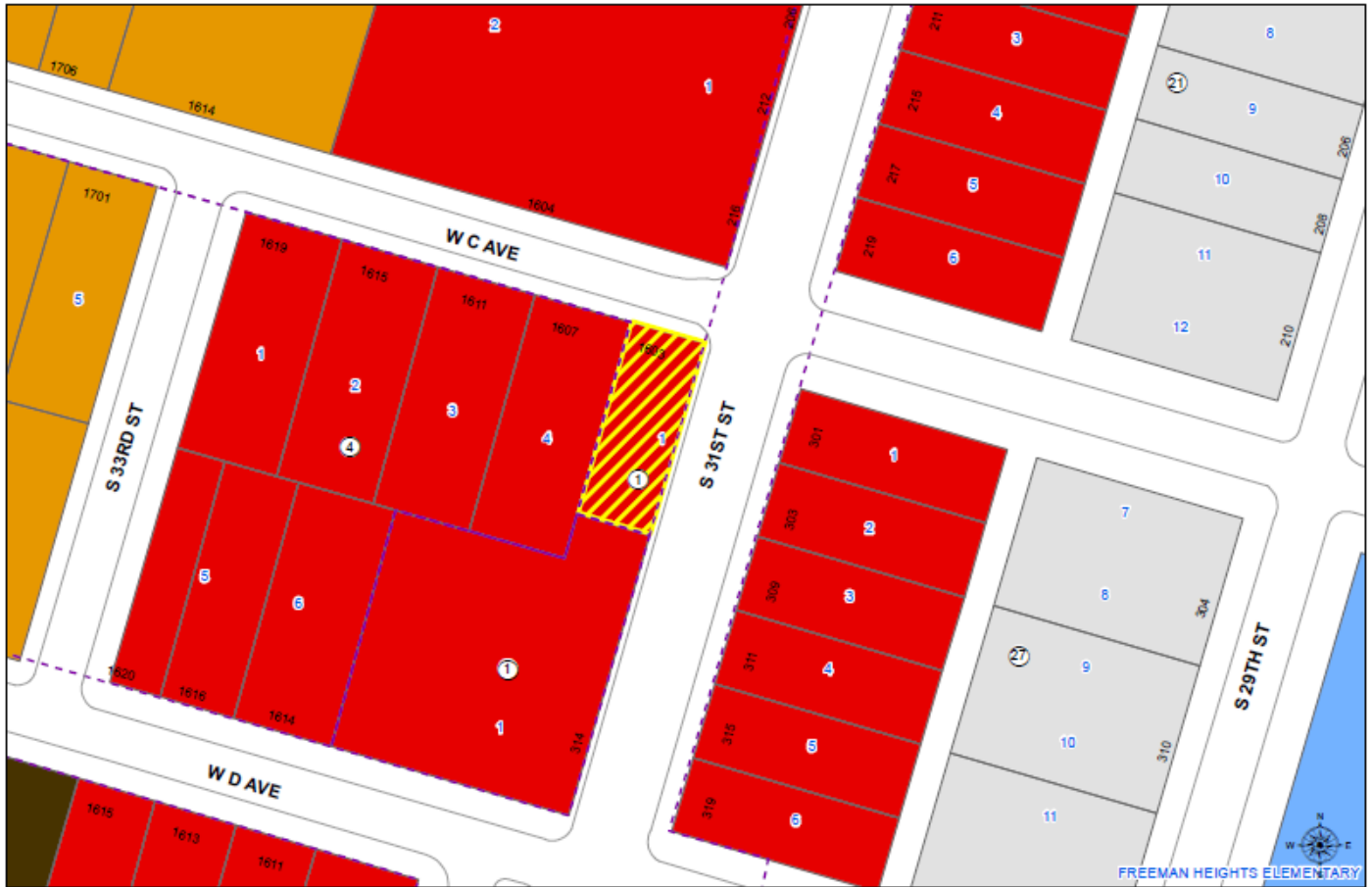
LMatlock Planning 1.21.11



Z-FY-10-54

Lot 1, Block 1, Jennings Addition

303 West C Avenue



- | | | | | | |
|-----------------------|-------------------------|--------------------|---------------------------|-----------------------------------|--------------|
| ZFY1115, <Null> | Auto-Urban Mixed Use | Business Park | Neighborhood Conservation | Suburban Commercial | Urban Center |
| Agricultural/Rural | Auto-Urban Multi-Family | Estate Residential | Parks & Open Space | Suburban Residential | |
| Auto-Urban Commercial | Auto-Urban Residential | Industrial | Public Institutional | Temple Medical Education District | |

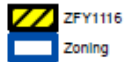
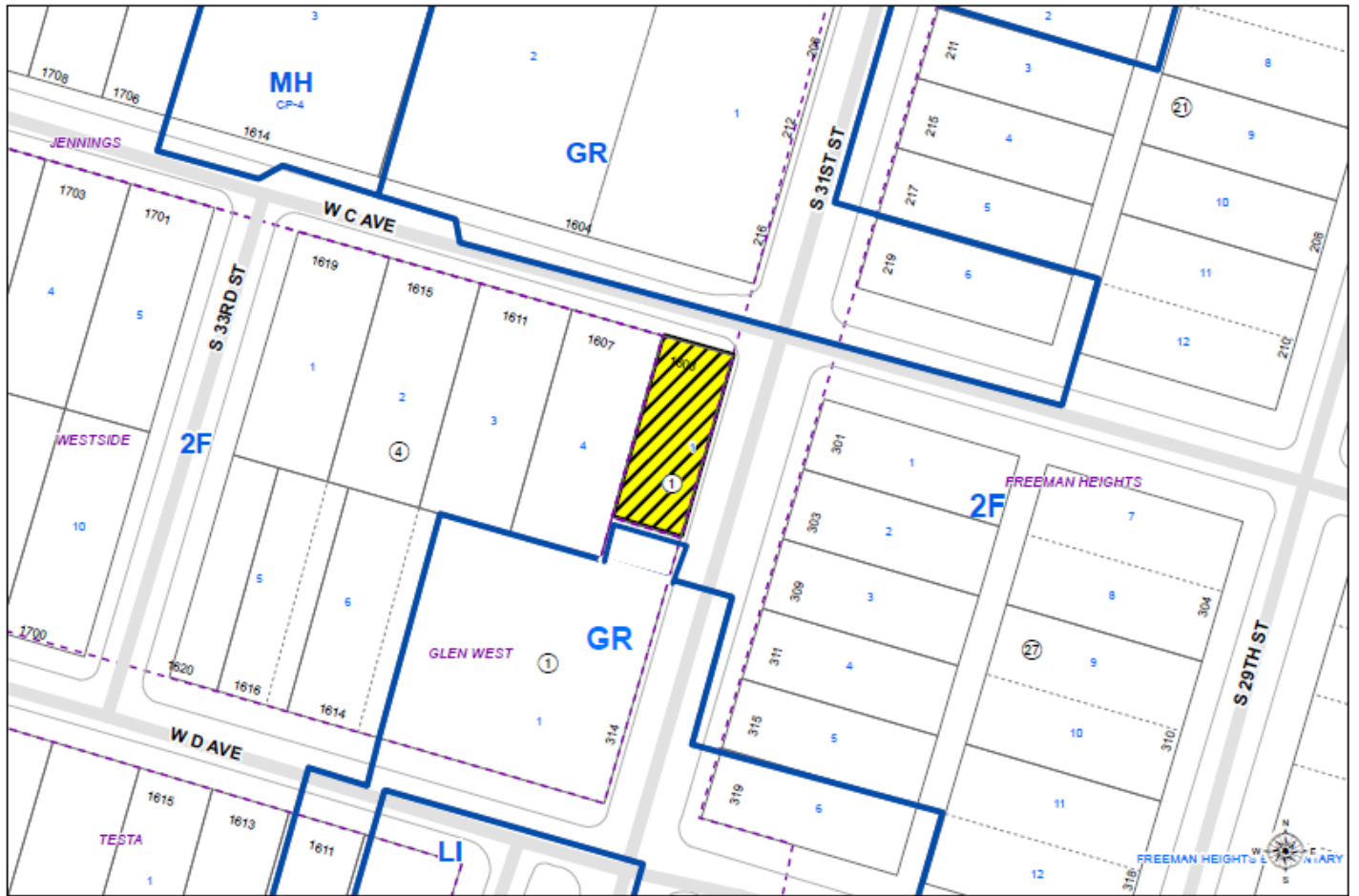
1 inch = 86 feet
LMatlock Planning 1.25.11



Z-FY-11-16

Lot 1, Block 1, Jennings Addition

1603 West C Avenue



Feet 0 50 100 150

LMatlock Planning 1.21.11



Z-FY-11-16

Lot 1, Block 1, Jennings Addition

1603 West C Avenue



- Legend:
- ZFY1115, <Null>
 - Expressway
 - Major Arterial
 - Proposed Major Arterial
 - Proposed K-TUTS
 - Minor Arterial
 - Proposed Minor Arterial
 - Collector
 - Conceptual Collector

Feet 0 50 100 150

LMatlock Planning 1.21.11






Z-FY-11-16

Lot 1, Block 1, Jennings Addition

1603 West C Avenue



 ZFY1116  SEWER LINE
 WATER LINE

Feet 0 50 100 150

LMatlock Planning 1.21.11

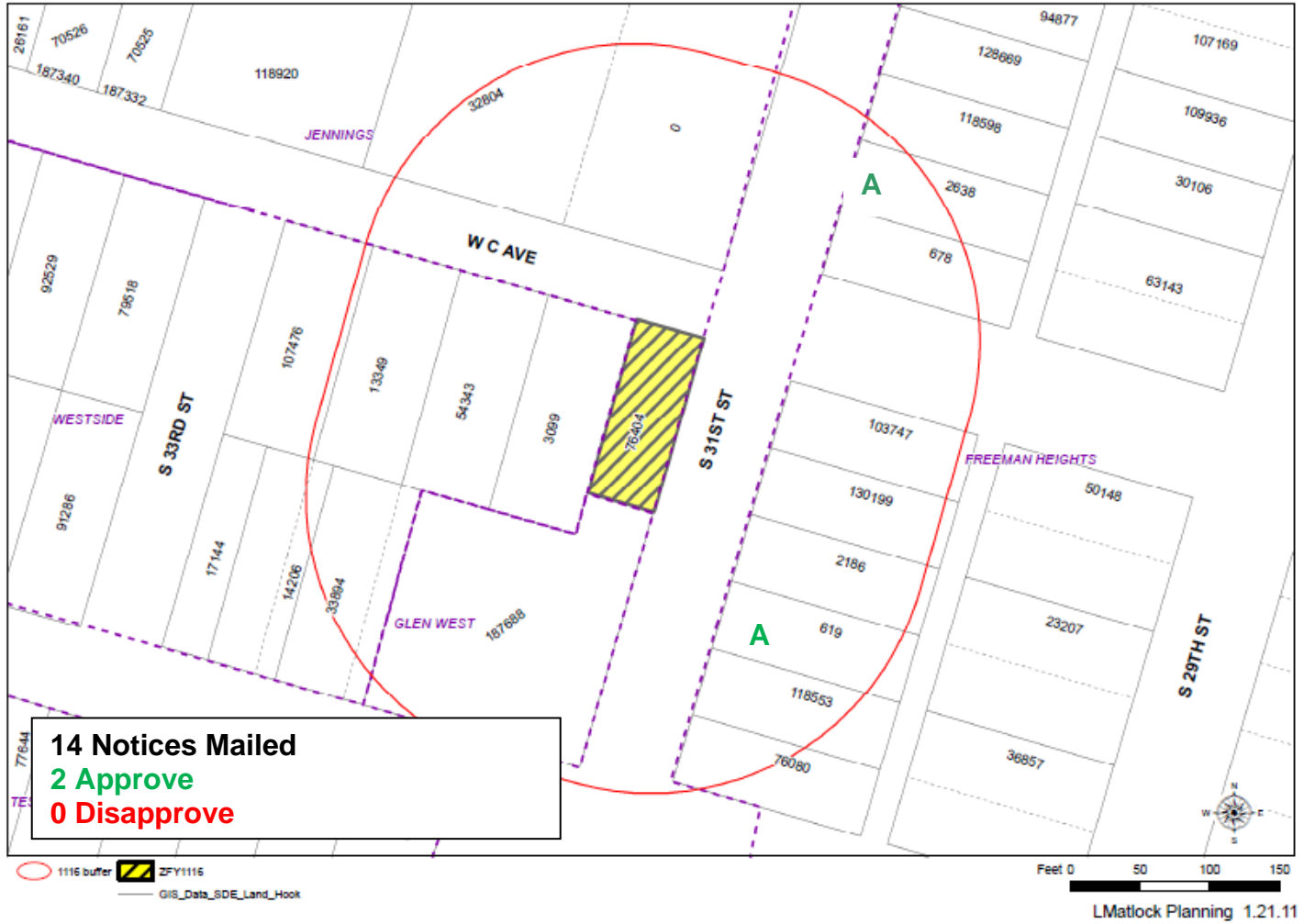
12 inch Water Line



Z-FY-11-16

Lot 1, Block 1, Jennings Addition

1603 West C Avenue





RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Bonnie Goodwin
2700 Rock Road
Troy, Texas 76579

Zoning Application Number: Z-FY-11-16

Project Manager: Leslie Matlock

The proposed rezoning will allow retail uses in 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:

Bonnie Goodwin
Signature

BONNIE GOODWIN
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than February 22, 2011

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

RECEIVED

FEB 16 2011

City of Temple
Planning & Development



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

Jose Etux Cynthia Rojas
217 South 31st Street
Temple, Texas 76504

Zoning Application Number: Z-FY-11-16

Project Manager: Leslie Matlock

The proposed rezoning will allow retail uses in 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:

Cynthia L. Rojas
Signature

Cynthia L. Rojas
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than February 22, 2011

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

RECEIVED

MAR 01 2011

City of Temple
Planning & Development

Number of Notices Mailed: 14

Date Mailed: February 10, 2011



PLANNING AND ZONING COMMISSION AGENDA ITEM

2/22/11
Item #3
Regular Agenda
Page 1 of 3

APPLICANT / DEVELOPMENT: Earl and Sara Arnold, Owners



CASE MANAGER: Leslie Matlock, AICP, Senior Planner




ITEM DESCRIPTION: Z-FY-11-16 Hold a public hearing to discuss and recommend action on a rezoning from Two-Family Dwelling District (2F) to General Retail District (GR) on Lot 1, Block 1, Jennings Addition, located at 1603 W. C Avenue.

BACKGROUND: The applicant requests the rezoning to establish a retail development.

SURROUNDING PROPERTY AND USES:

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

Direction	Zoning	Current Land Use	Photo
Subject Property	2F (GR proposed)	Undeveloped Residential Lot (house demolished)	
North (across W. Ave. C)	GR	Vacant Land, Retail Service and Church	

Direction	Zoning	Current Land Use	Photo
South	GR	Retail Auto Servicing	
East (across S. 31 st St.)	2F	Single- and Two-Family Residential	
West	2F	Single-Family Residential	

COMPREHENSIVE PLAN COMPLIANCE:

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

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character	Y*
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*
STP	Temple Trails Master Plan Map	Y*

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

Future Land Use and Character (CP Map 3.1)

The future land use and character map designates the property as Suburban Commercial. The General Retail rezoning request complies with the map.

Thoroughfare Plan (CP Map 5.2)

Although the Thoroughfare Plan designates West C Avenue is a local street, South 31st Street, which sides on this lot, is a major arterial. This arterial can handle the increased load that this rezoning may create. The rezoning request complies with the plan.

Availability of Public Facilities (CP Goal 4.1)

A 12-inch water line across S. 31st Street and a six-inch sewer line serve the property. Public facilities are available to the property.

Temple Trails Master Plan Map

The Sidewalk and Trails Plan designates property somewhere along the eastern side of S. 31st Street as a community-wide trail from the northern extent of 31st Street to the southern city limits. This rezoning will not affect the Trails Master Plan.

DEVELOPMENT REGULATIONS:

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

PUBLIC NOTICE:

Fourteen notices of the Planning and Zoning Commission public hearing were sent out. As of Wednesday, February 16th, 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 February 11, 2011, in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of the rezoning for case Z-FY-11-16 for the following reasons:

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

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial

Land Use and Character Map

Responses

Zoning Map

Thoroughfare Plan Map

Utility Map

Notice Map

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

TUESDAY, FEBRUARY 22, 2011

ACTION ITEMS

Item 3: Z-FY-11-16: Hold a public hearing to discuss and recommend action on a rezoning from Two-Family Dwelling District (2F) to General Retail District (GR) on Lot 1, Block 1, Jennings Addition, located at 1603 W. C Avenue. (Earl and Sarah Arnold)

Ms. Leslie Matlock, Senior Planner, stated this property was a vacant lot that previously held a single family residence which was demolished. The property is located next to Gorilla Lube on South 31st Street which is designated as a major arterial on the Thoroughfare Plan. This area is transitioning from residential to retail. Surrounding properties consist of Gorilla Lube to the south, a single family home to the west, office/retail to the north, and residential to the east.

Fourteen notices were mailed out. One notice was received in favor of the request and one notice was received in opposition.

Staff recommends approval of this zone request from Two Family (2F) to General Retail (GR) since the area is transitioning to more nonresidential use. This request complies with the Future Land Use and Character Map, the Thoroughfare Plan, and public facilities are available to serve this site.

Chair Talley asked if any verbal conversation was made with the owner of the negative response since the subject of taxes was raised in their comments. Ms. Matlock replied no.

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

Commissioner Sears made a motion to approve **Z-FY-11-16** and Commissioner Pilkington made a second.

Motion passed: (8:0)

Commissioner Williams absent

[PLANNING NO. Z-FY-11-16]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM TWO-FAMILY DWELLING DISTRICT (2F) TO GENERAL RETAIL DISTRICT (GR) ON LOT 1, BLOCK 1, JENNINGS ADDITION, LOCATED AT 1603 WEST AVENUE C; 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 rezoning from Two-Family Dwelling District (2F) to General Retail District (GR) on Lot 1, Block 1, Jennings Addition, located at 1603 West Avenue C, 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 17th day of **March**, 2011.

PASSED AND APPROVED on Second Reading on the 7th day of **April**, 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

03/17/11
Item #8
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-11-17: Consider adopting an ordinance authorizing a zoning change from Single Family One District (SF1) to Two Family District (2F) on Lot 4, Block 1, Bruner Brothers Addition, located at 1303 South 2nd Street.

P&Z COMMISSION RECOMMENDATION: At its February 22, 2011 meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation to recommend approval of a zoning change from SF1 to 2F.

Commissioner Staats abstained, and Commissioner Williams was absent.

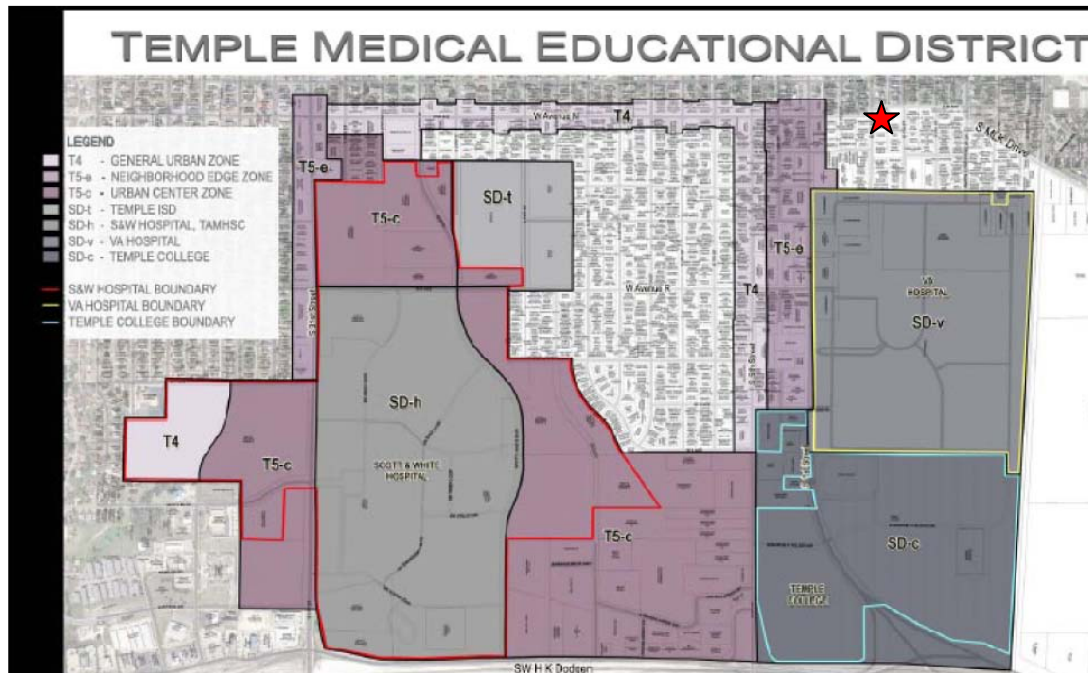
STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for April 7, 2011.

Staff recommends approval of Z-FY-11-17, a zoning change from SF1 to 2F, for the following reasons:

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

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-11-17, from the Planning and Zoning meeting, February 22, 2011. The applicant requests a zoning change from Single Family One (SF1) to Two Family District (2F) to allow construction of a duplex on an undeveloped lot that is approximately 9,188 square feet in area. The subject property's north boundary line is the dividing line between SF1 and 2F Districts.

The subject property (shown with a star below) is located in the TMED area on the Future Land Use and Character Map but is outside of the boundaries of the TMED rezoning that the City Council recently approved.



COMPREHENSIVE PLAN COMPLIANCE:

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

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

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 Temple Medical and Education District (TMED). The TMED District encourages a blend of housing types within an urban context. The proposed duplex is compatible with this designation.

Thoroughfare Plan (CP Map 5.2):

Although the Thoroughfare Plan classifies South 2nd Street as a local street along the subject property, the plan classifies a portion of South 2nd Street as a collector at its intersection with East Avenue M. Local streets are appropriate for duplex development.

Availability of Public Facilities (CP Goal 4.1):

Water and sewer services will be available to the property through a 6-inch water line in the South 2nd Street right-of-way, a 2-inch water line in the alley, and an 8-inch sewer line in the alley.

DEVELOPMENT REGULATIONS:

The requested 2F District is an intermediate zoning classification allowing an orderly transition from single-family neighborhoods to higher densities of residential use.

The 2F District permits single-family and duplex housing. It prohibits apartments, manufactured homes, patio homes, and townhouses.

The following table shows UDC dimensional requirements for the 2F zoning district for a two-family dwelling:

2F, Two-Family	
Min. Lot Area (sq. ft.)	4,000
Min. Lot Width (ft.)	60
Min. Lot Depth (ft.)	100
Max. Height (stories)	2 ½
Min. Yard (ft)	
Front	25
Side	5
Side (street)	15
Rear	10

PUBLIC NOTICE:

Staff mailed sixteen notices of the Planning and Zoning Commission public hearing. As of February 22, 2011 at 5:00 PM, one notice was returned in favor of the request and none were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on Friday, February 11, 2011, in accordance with state law and local ordinance

FISCAL IMPACT: NA

ATTACHMENTS:

[Aerial](#)
[Land Use and Character Map](#)
[Zoning Map](#)
[Thoroughfare Plan Map](#)
[Utility Map](#)
[Notice Map](#)
[P&Z Staff Report Z-FY-11-17](#)
[P&Z Minutes - 02/22/11](#)
[Ordinance](#)



Z-FY-11-17

Lot 4, Block 1, Bruner Brothers Addition

1303 S. 2nd Street



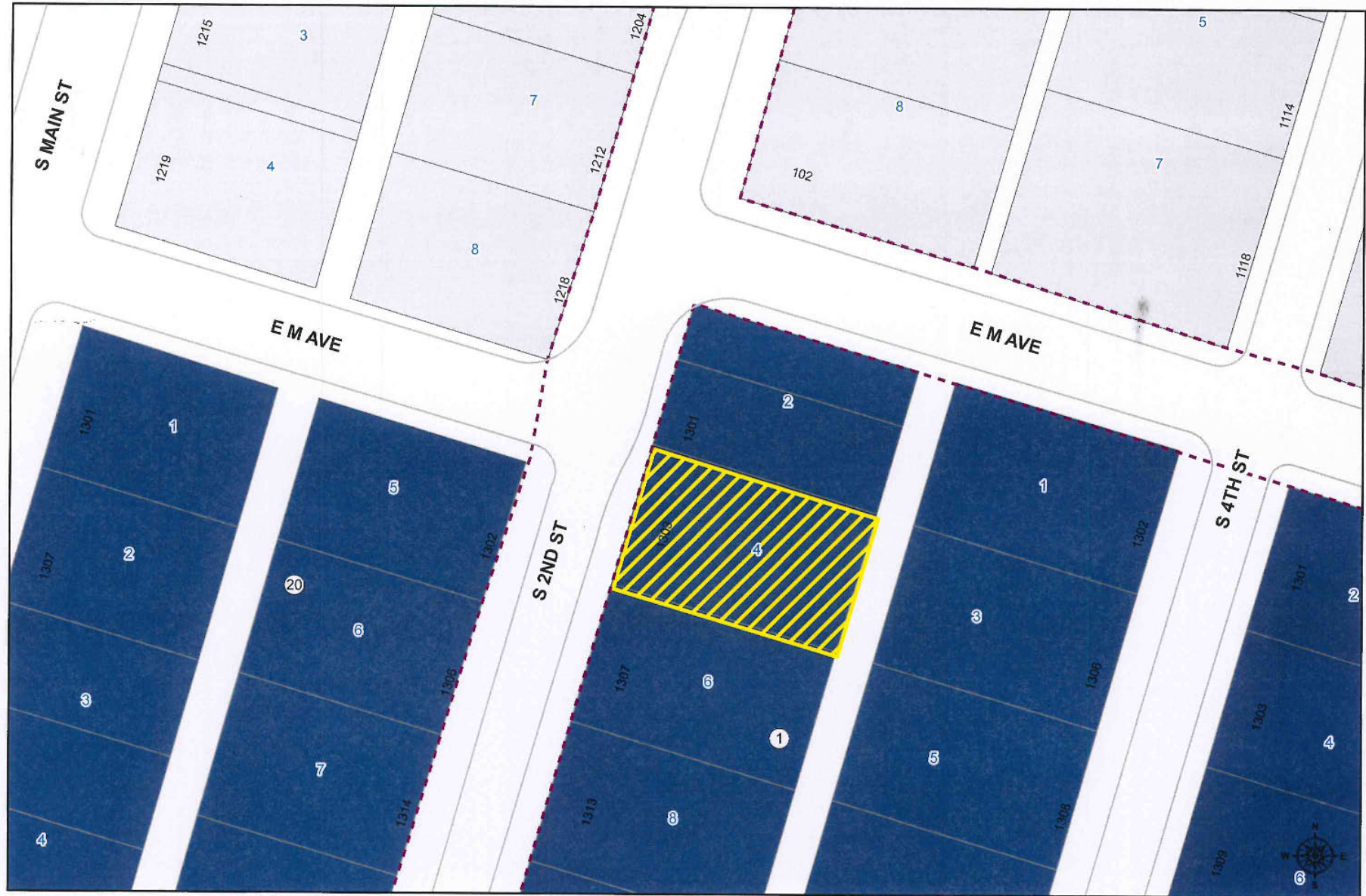
Feet 0 50 100 150



Z-FY-11-17

Lot 4, Block 1, Bruner Brothers Addition

1303 S. 2nd Street



- | | | | | | |
|-----------------------|-------------------------|--------------------|---------------------------|-----------------------------------|--------------|
| case 1117 | 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 = 69 feet

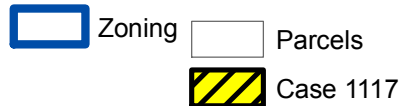
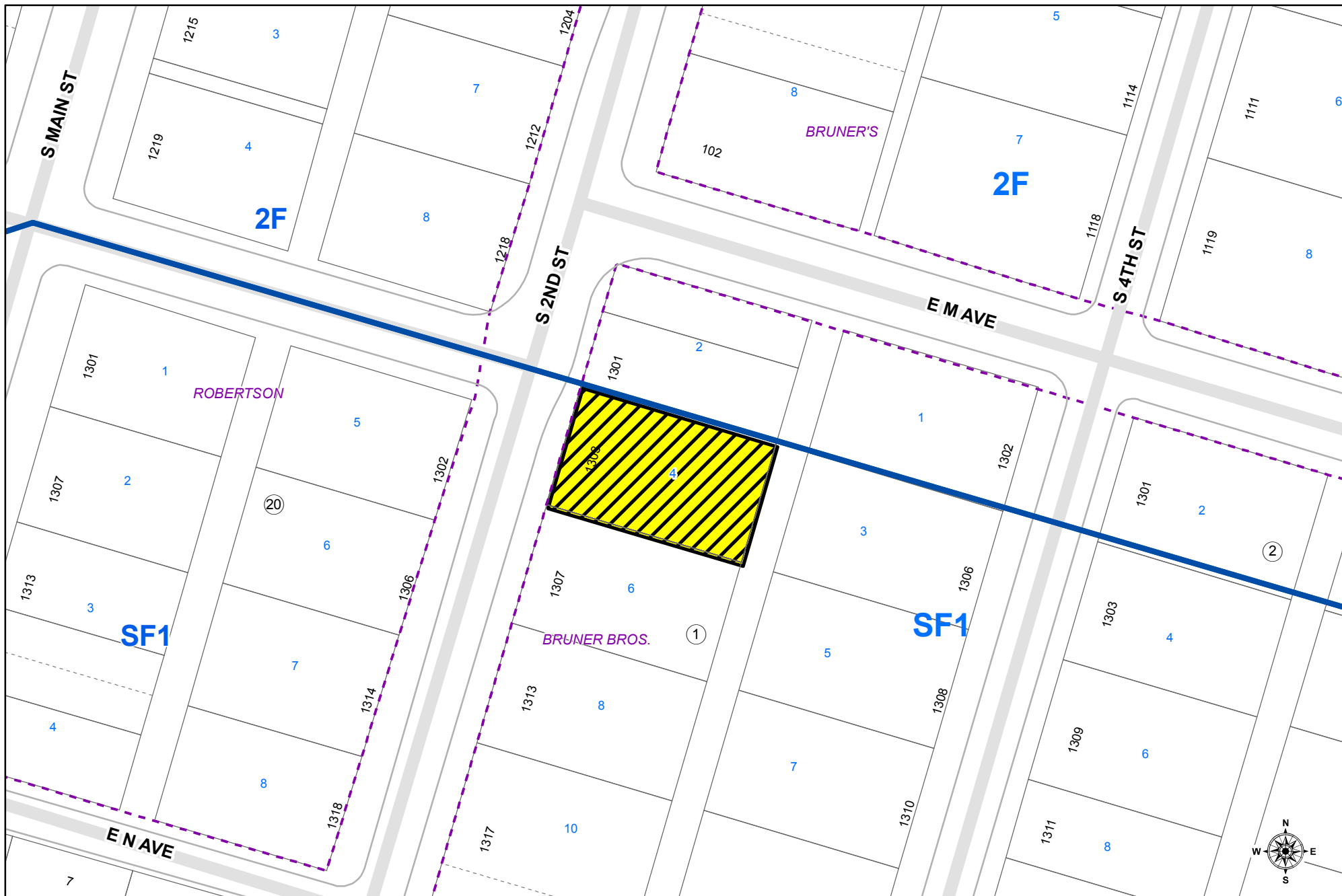
LMatlock Planning 1.25.11



Z-FY-11-17

Lot 4, Block 1, Bruner Brothers Addition

1303 S. 2nd Street



Feet 0 50 100 150

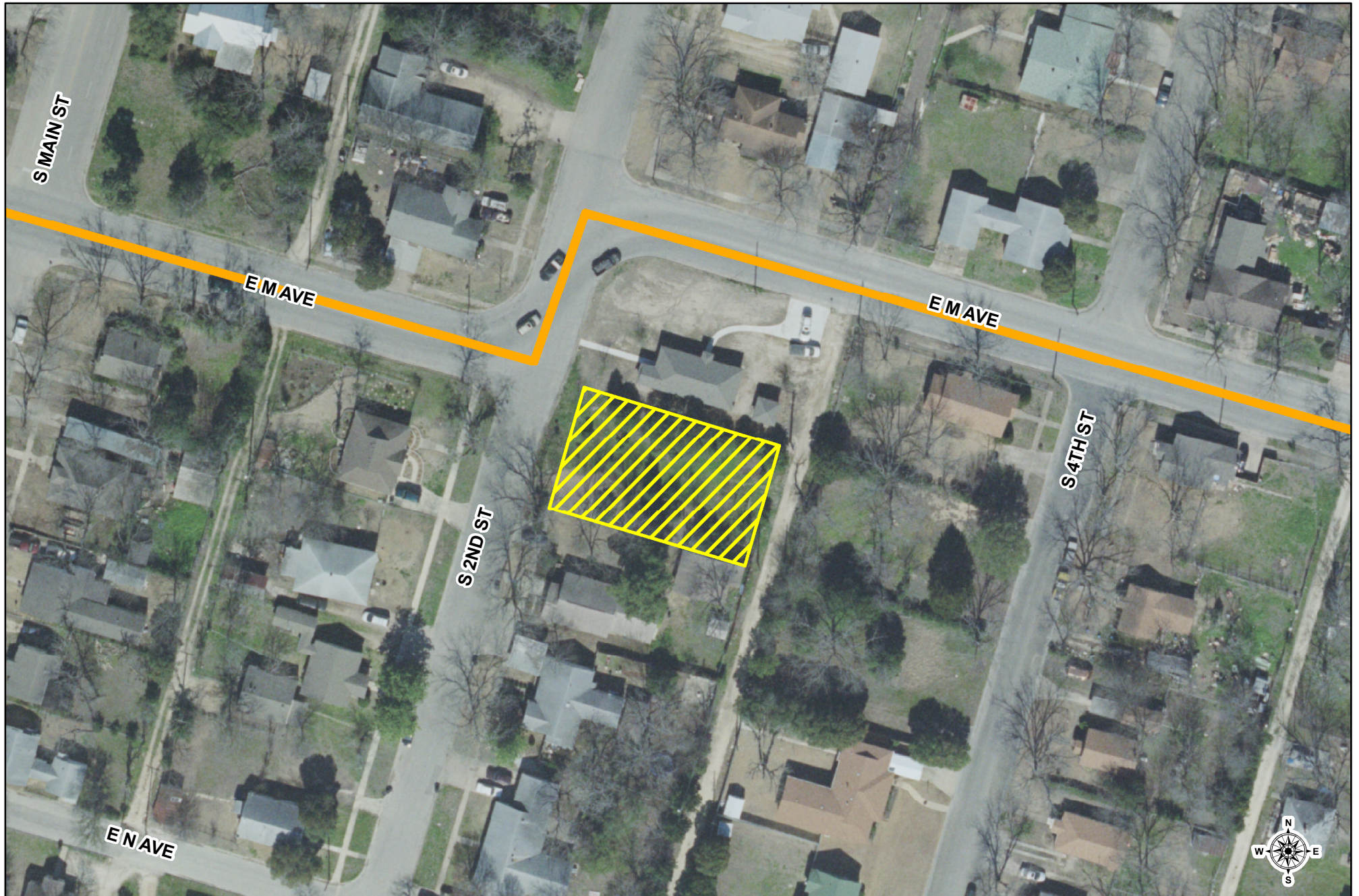
LMatlock Planning 1.25.11



Z-FY-11-17

Lot 4, Block 1, Bruner Brothers Addition

1303 S. 2nd Street



Feet 0 50 100 150



Collector



Case 1117



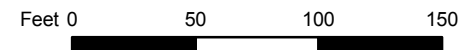
Z-FY-11-17

Lot 4, Block 1, Bruner Brothers Addition

1303 S. 2nd Street



- util 1117
- SEWER LINE
- WATER LINE
- FIRE HYDRANT





PLANNING AND ZONING COMMISSION AGENDA ITEM

02/22/11

Item #4

Regular Agenda

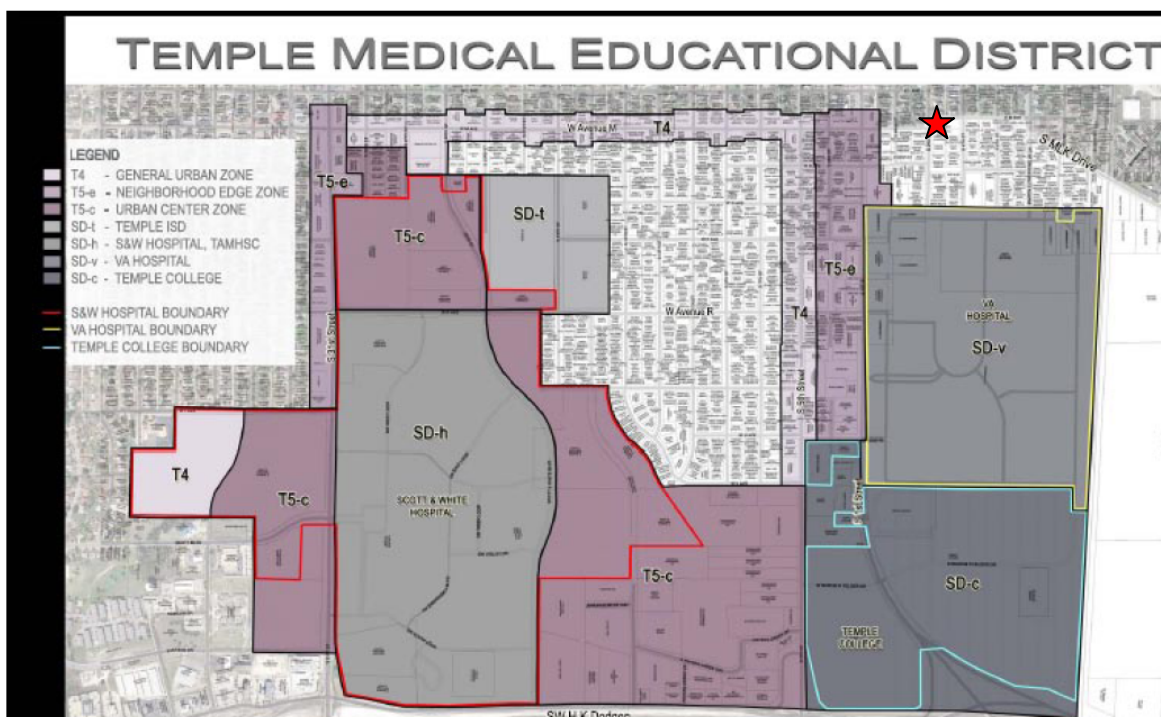
Page 1 of 4

APPLICANT / DEVELOPMENT: David Patterson for Marie Curtis Family, Ltd

CASE MANAGER: Tammy Lyerly, Planner

ITEM DESCRIPTION: Z-FY-11-17 Hold a public hearing to discuss and recommend action on a rezoning from Single Family One District (SF1) to Two Family District (2F) on Lot 4, Block 1, Bruner Brothers Addition, located at 1303 South 2nd Street. (David Patterson for Marie Curtis Family, Ltd)

BACKGROUND: The applicant requests a rezoning from Single Family One (SF1) to Two Family District (2F) to allow construction of a duplex on an undeveloped lot that is approximately 9,188 square feet in area. The subject property's north boundary line is the dividing line between SF1 and 2F Districts. The subject property (shown with a star below) is located in the TMED area on the Future Land Use and Character Map but is outside of the boundaries of the rezoning that the City Council recently approved.



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	SF1 (2F proposed)	Undeveloped	
North	2F	Single-Family Residential	
South	SF1	Single-Family Residential	

Direction	Zoning	Current Land Use	Photo
East	SF1	Single-Family Residential	
West	SF1	Single-Family Residential	

COMPREHENSIVE PLAN COMPLIANCE:

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

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

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 Temple Medical and Educational District (TMED). The TMED District encourages a blend of housing types within an urban context. The proposed duplex is compatible with this designation.

Thoroughfare Plan (CP Map 5.2):

Although the Thoroughfare Plan classifies South 2nd Street as a local street along the subject property, the plan classifies a portion of South 2nd Street as a collector at its intersection with East Avenue M. Local streets are appropriate for duplex development.

Availability of Public Facilities (CP Goal 4.1):

Water and sewer services will be available to the property through a 6-inch water line in the South 2nd Street right-of-way, a 2-inch water line in the alley, and an 8-inch sewer line in the alley.

DEVELOPMENT REGULATIONS:

The requested 2F District is an intermediate zoning classification allowing an orderly transition from single-family neighborhoods to higher densities of residential use.

The 2F District permits single-family to duplex housing. It prohibits apartments, manufactured homes, patio homes, and townhouses.

The following table shows UDC dimensional requirements for the 2F zoning district for a two-family dwelling:

2F, Two-Family	
Min. Lot Area (sq. ft.)	4,000
Min. Lot Width (ft.)	60
Min. Lot Depth (ft.)	100
Max. Height (stories)	2 ½
Min. Yard (ft)	
Front	25
Side	5
Side (street)	15
Rear	10

PUBLIC NOTICE:

Staff mailed sixteen notices of the Planning and Zoning Commission public hearing. As of February 16, 2011 at 9 AM, no notices were returned in favor of and none were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on Friday, February 11, 2011, in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of Z-FY-11-17, a rezoning from SF1 to 2F on the subject property for the following reasons:

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

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Aerial](#)

[Land Use and Character Map](#)

[Zoning Map](#)

[Thoroughfare Map](#)

[Utility Map](#)

[Notice Map](#)

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

TUESDAY, FEBRUARY 22, 2011

ACTION ITEMS

Item 4: Z-FY-11-17: Hold a public hearing to discuss and recommend action on a rezoning from Single Family One District (SF1) to Two Family District (2F) on Lot 4, Block 1, Bruner Brothers Addition, located at 1303 South 2nd Street. (David Patterson for Marie Curtis Family, Ltd)

Commissioner Staats stated he would need to abstain from this Item.

Ms. Tammy Lyerly, Planner, stated the applicant for this zone request was proposing to build a duplex. If approved, this item would go to City Council for first reading on March 17, 2011 and second reading and final action on April 7, 2011.

The subject property is vacant, adjacent to a Two Family (2F) zoning district, surrounded by Single Family One (SF1) to the south, and fronts South 2nd Street. To the west is single family residential, the north and south is single family residential, and undeveloped property and residential is to the east. The property is located on the dividing line between 2F zoning to the north and SF1 zoning to the south and east. The applicants would like to expand the 2F zoning to their property to allow construction of the duplex.

Dimensional standards are given for 2F dwellings which allows single family development as well as a duplex and the applicant's property complies with the standards and dimensions requirements. Apartments, manufactured homes, patio homes and townhouses are prohibited.

The Comprehensive Plan character use designates the area as part of the TMED even though the property is located just outside of the designated TMED area which was recently approved by City Council. The property is still being reflected as SF1.

The Land Use Goal 4.1, Growth and Development Patterns, states it should be consistent with City infrastructure and public service capabilities. The TMED encourages a blend of housing types within an urban context. The Thoroughfare Plan designates East Avenue M as a collector street and South 2nd Street is designated as a local street which is appropriate for a duplex or single family development.

The property has access to a six inch water line along the east right-of-way along South 2nd Street and a two inch water line in the alley, along with an eight inch sewer line also located in the alley.

Sixteen notices were mailed out and only one was received in favor of the request.

Staff recommends approval of this rezoning request since it complies with the Future Land Use and Character Map, the Thoroughfare Plan, and public facilities are available to serve the property.

Chair Talley opened the public hearing.

Mr. Pat Patterson, 2116 West Avenue H, stated he was the owner of the subject property which has been vacant for approximately 20 years. The City put a new sewer line behind the property last year and Mr. Patterson would like to take advantage of that utility.

Chair Talley asked what the word “encourage” meant so it was clear for the record. Ms. Lysterly stated the Future Land Use and Character Map has areas designated for certain types of development. The subject property was not included in the actual TMED area but it is recommended for a certain type of development and TMED encourages a variety of housing types. If approved, the duplex would be compatible with adjacent SF1 development and would be located near a collector street.

Commissioner Pope asked about off street parking and Mr. Patterson stated he would have two parking spaces for each side with a landscaped separation. He would also have a storage shed in the back for lawn equipment, brick and stone fronts with Hardiplank on the sides and rear, and the landscaping would be more than what the City requires.

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

Vice-Chair Martin made a motion to approve Z-FY-11-17 and Commissioner Pope made a second.

Motion passed: (7:0)

Commissioner Staats abstained; Commissioner Williams absent

[PLANNING NO. Z-FY-11-17]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM SINGLE FAMILY ONE DISTRICT (SF1) TO TWO FAMILY DISTRICT (2F) ON LOT 4, BLOCK 1, BRUNER BROTHERS ADDITION, LOCATED AT 1303 SOUTH 2ND STREET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Single Family One District (SF1) to Two Family District (2F) on Lot 4, Block 1, Bruner Brothers Addition, located at 1303 South 2nd Street, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 17th day of **March**, 2011.

PASSED AND APPROVED on Second Reading on the 7th day of **April**, 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

03/17/11
Item #9
Regular Agenda
Page 1 of 3

DEPT. / DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-11-19: Consider adopting an ordinance authorizing a zoning change from Agriculture District (AG) to General Retail District (GR) on Outblock 726-B, located West of South 5th Street and South of Canyon Creek Drive.

P&Z COMMISSION RECOMMENDATION: At its February 22, 2011 meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation to recommend approval of a zoning change from 2F to GR.

Commissioner Staats abstained and Commissioner Williams was absent.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for April 7, 2011.

Staff recommends approval of Z-FY-11-19, a zoning change from AG to GR, for the subject property for the following reasons:

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

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-11-19, from the Planning and Zoning meeting, February 22, 2011. The Applicant requests this zoning change to establish future retail development along South 5th Street.

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

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

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 Auto-Urban Commercial. The zoning request complies with the map.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates both South 5th Avenue and Canyon Creek Drive as major arterials. These roads have been built for major traffic. The rezoning request complies with the T-plan.

Availability of Public Facilities (CP Goal 4.1)

Multiple water and sewer lines are in place to serve the property. Public facilities are available to the property.

Temple Trails Master Plan Map

The Sidewalk and Trails Plan designates property directly behind this property to the west as a community-wide spine within the drainage area which is already owned by the City of Temple. This zoning change will not trigger dedication for the Trails Master Plan.

PUBLIC NOTICE: Seven notices of the Planning and Zoning Commission public hearing were sent out. As of Wednesday, February 16th, at 5:00 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 February 11, 2011, in accordance with state law and local ordinance (see attached notice map).

FISCAL IMPACT: NA

ATTACHMENTS:

Aerial Map
Land Use and Character Map
Zoning Map
Thoroughfare Plan Map
Utility Map
Notice Map
Response Letters
P&Z Staff Report Z-FY-11-19
P&Z Minutes - February 22, 2011
Ordinance



Z-FY-11-19

Outblock 726-B

West of S. 5th Street and
South of Canyon Creek Drive



Feet 0 50 100 150

2008 Bell County Aerial

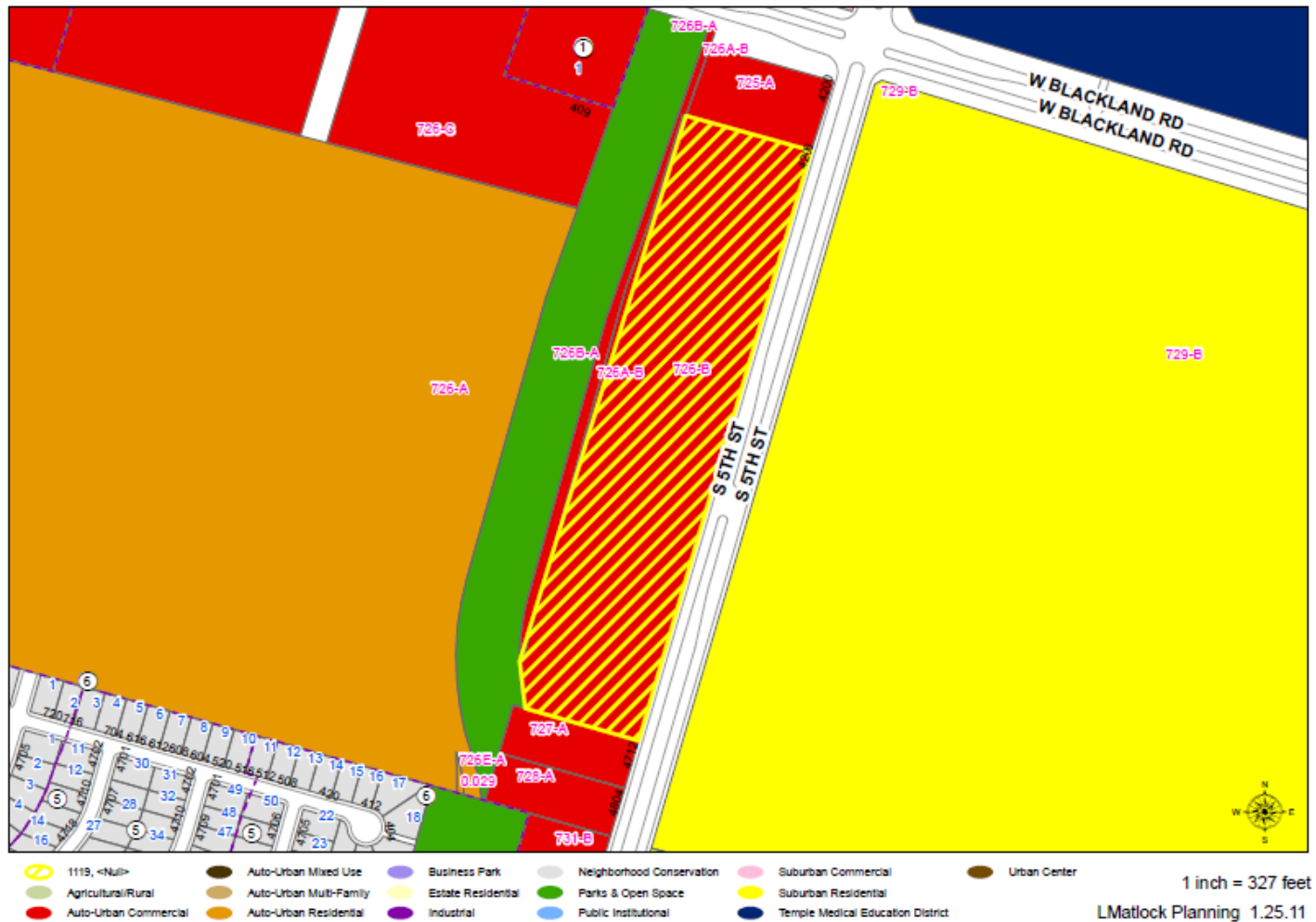
LMatlock Planning 1.25.11



Z-FY-11-19

Outblock 726-B

West of S. 5th Street and
South of Canyon Creek Drive

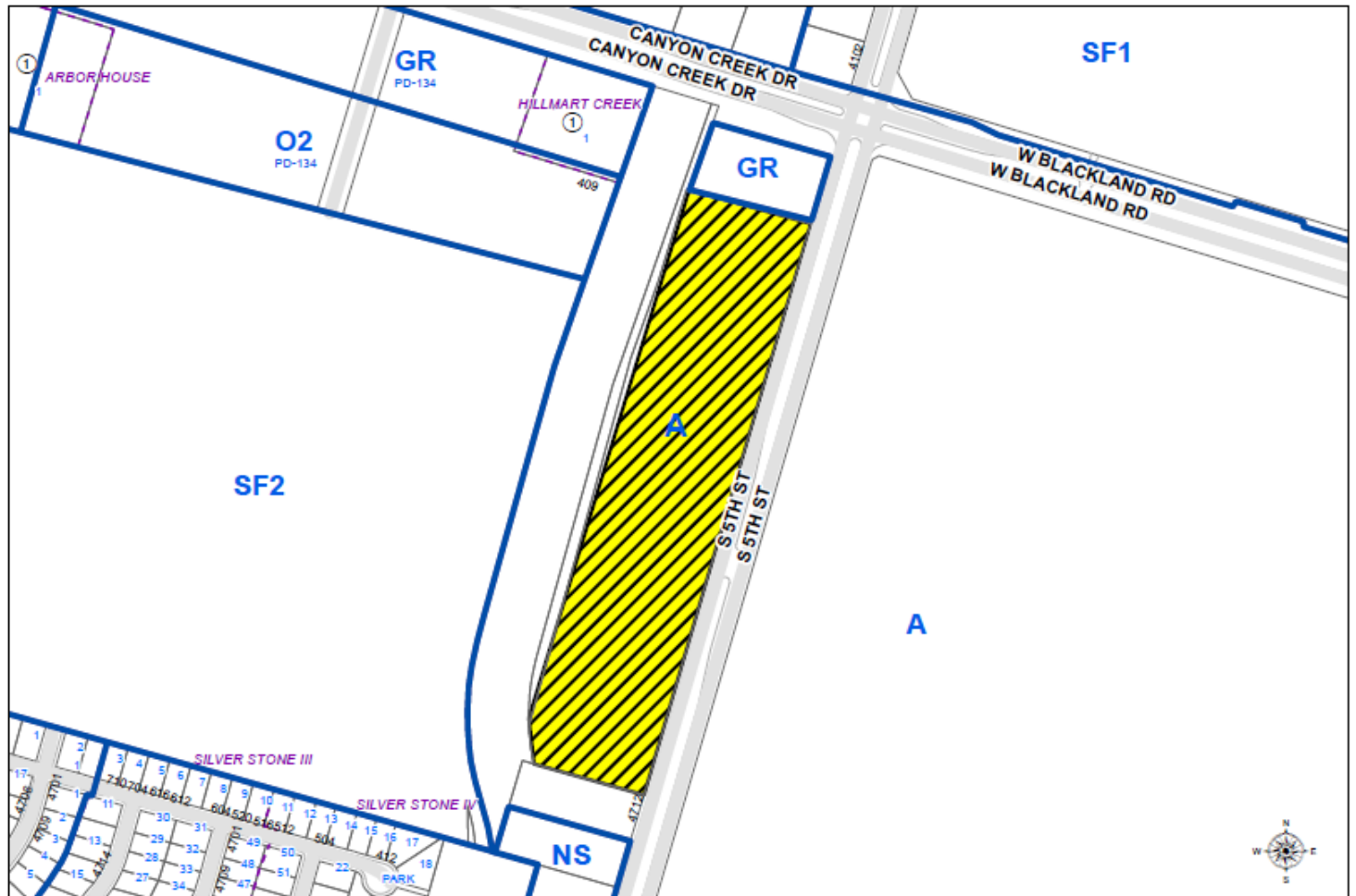




Z-FY-11-19

Outblock 726-B

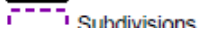
West of S. 5th Street and
South of Canyon Creek Drive



1119



Zoning



Subdivisions

Feet 0 50100150

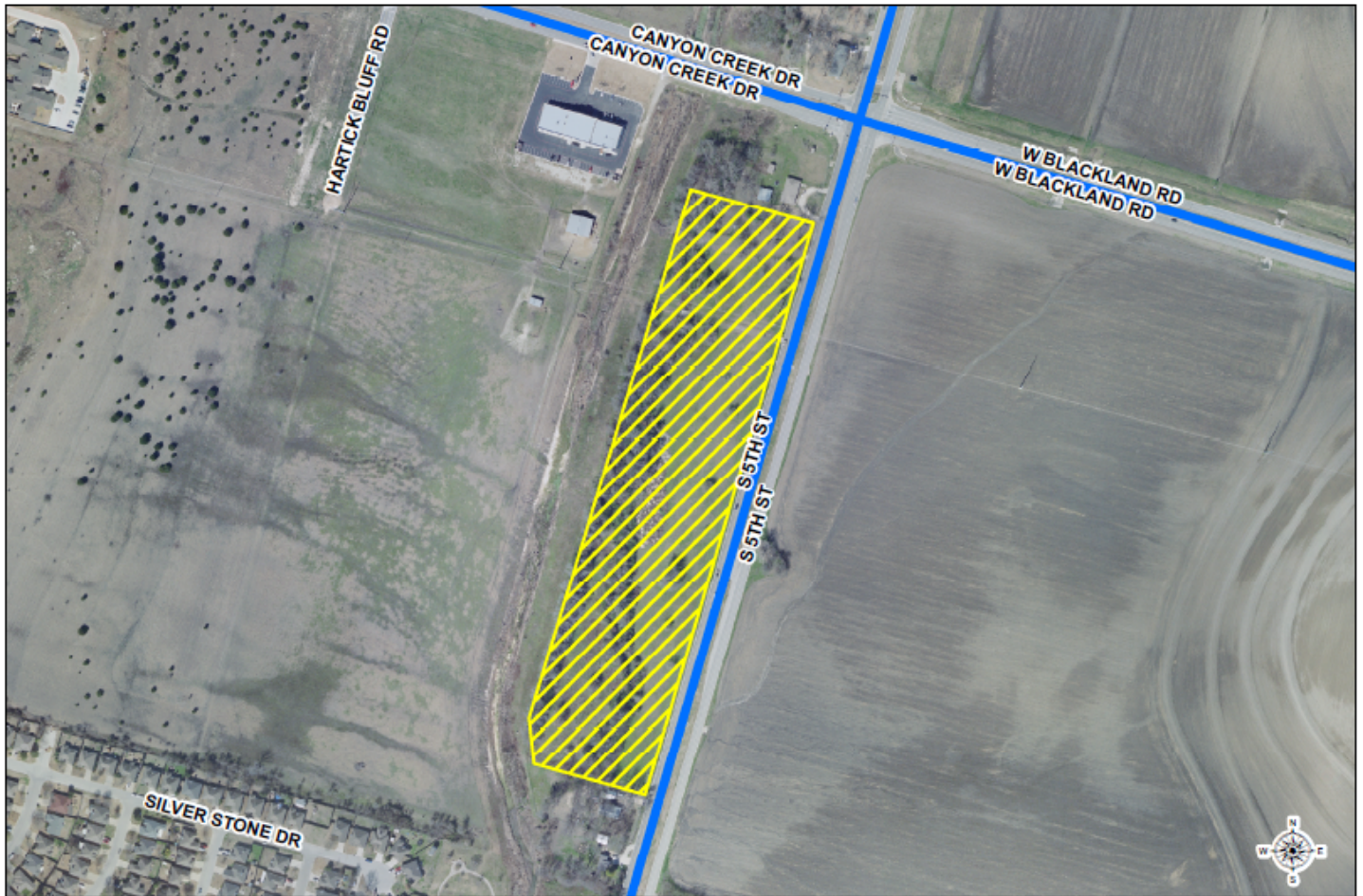
LMatlock Planning 1.25.11



Z-FY-11-19

Outblock 726-B

West of S. 5th Street and
South of Canyon Creek Drive



Feet 0 50 100 150

Major Arterial

LMatlock Planning 1.25.11



Z-FY-11-19

Outblock 726-B

West of S. 5th Street and
South of Canyon Creek Drive



- Z-FY 11-19
- Proposed Community-Wide Spine
- Proposed Community Trail
- Proposed Local Connector

Feet 0 50100

LMatlock Planning 2.1.11



Z-FY-11-19

Outblock 726-B

West of S. 5th Street and
South of Canyon Creek Drive



- 1119
- WATER LINE
- FIRE HYDRANT
- SEWER LINE

Feet 0 50 100 150

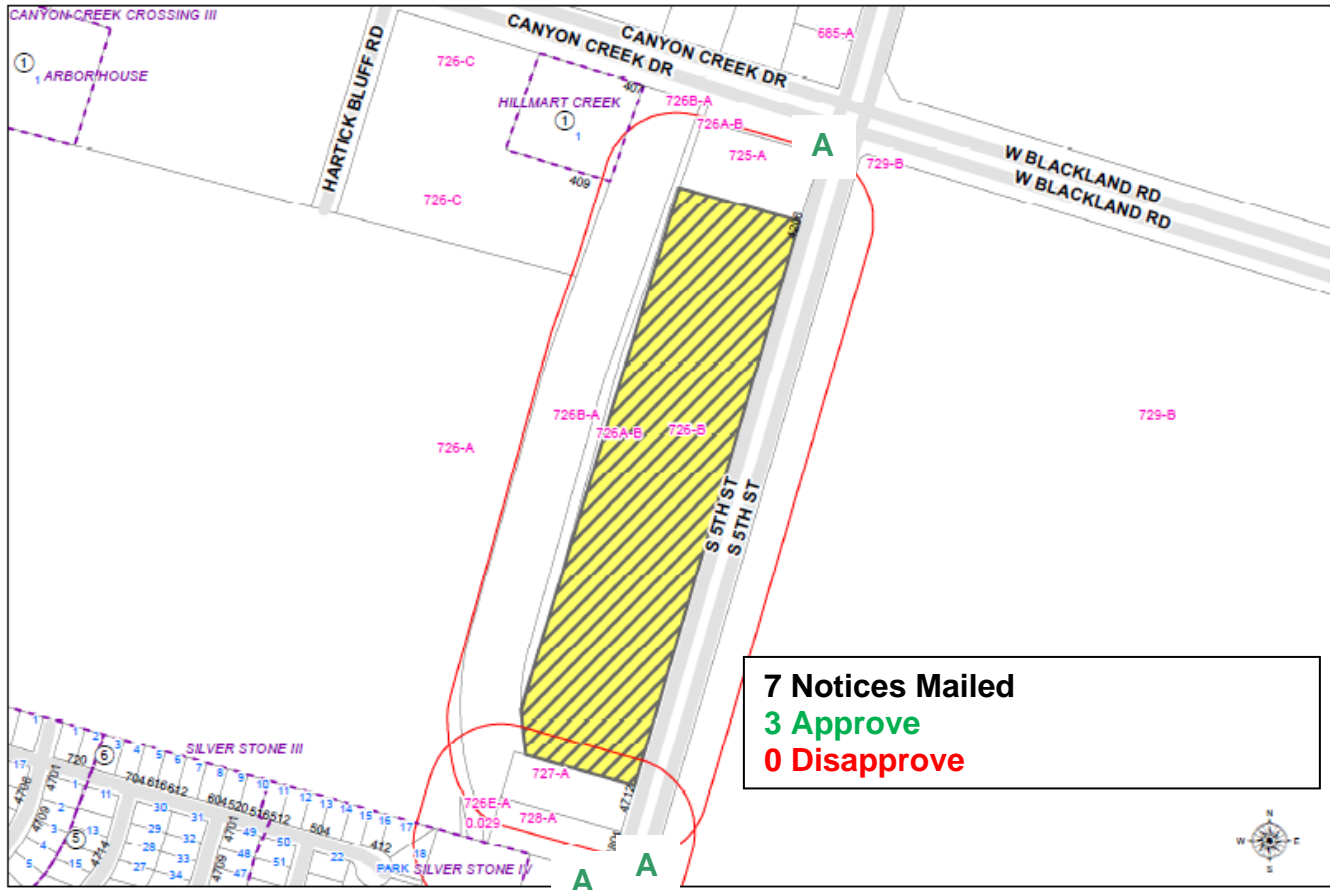
LMatlock Planning 1.25.11



Z-FY-11-19

Outblock 726-B

West of S. 5th Street and
South of Canyon Creek Drive



1119,

200' buffer 1119

Feet 0 50100150

LMatlock Planning 1.25.11



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

Palaco Development Ltd
c/o Patrick Mullins
P.O. Box 706
Temple, Texas 76503

Zoning Application Number: Z-FY-11-19

Project Manager: Leslie Matlock

The proposed rezoning will allow retail uses in 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

Patrick Mullins
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than February 22, 2011

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

RECEIVED

FEB 16 2011

City of Temple
Planning & Development



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Mae Dean Wheeler, Trustee
1919 Whitney Street
Houston, Texas 77006

Zoning Application Number: Z-FY-11-19

Project Manager: Leslie Matlock

The proposed rezoning will allow retail uses in 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:

Ronald A. Cowe
Signature

RONALD A. COWE, AGENT.
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than February 22, 2011

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

RECEIVED

FEB 18 2011

City of Temple
Planning & Development

Number of Notices Mailed: 7

Date Mailed: February 10, 2011



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

Jack Etux Dorothy Collier
1296 Pecan Creek Road
Killeen, Texas 76549

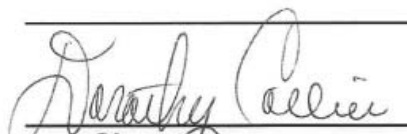
Zoning Application Number: Z-FY-11-19

Project Manager: Leslie Matlock

The proposed rezoning will allow retail uses in 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

Dorothy Collier
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than February 22, 2011

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



Number of Notices Mailed: 7

Date Mailed: February 10, 2011



PLANNING AND ZONING COMMISSION AGENDA ITEM

2/22/11
Item #6
Regular Agenda
Page 1 of 3

APPLICANT / DEVELOPMENT: David Patterson on behalf of Friars Ridge, LTD, Owners



CASE MANAGER: Leslie Matlock, AICP, Senior Planner




ITEM DESCRIPTION: Z-FY-11-19 Hold a public hearing to discuss and recommend action on a rezoning from Agriculture District (AG) to General Retail District (GR) on Outblock 726-B, located West of S. 5th Street and South of Canyon Creek Drive.

BACKGROUND: The applicant requests the rezoning to establish a retail development.

SURROUNDING PROPERTY AND USES:

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

Direction	Zoning	Current Land Use	Photo
Subject Property	AG (GR proposed)	Undeveloped	
North	GR	Single-Family Residential	

Direction	Zoning	Current Land Use	Photo
South	AG	Undeveloped	
East (across 5 th St.)	S. AG	Undeveloped Agricultural Use	
West	AG	Undeveloped – Drainage Area	

COMPREHENSIVE PLAN COMPLIANCE:

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

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character	Y*
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*
STP	Temple Trails Master Plan Map	Y*

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

Future Land Use and Character (CP Map 3.1)

The future land use and character map designates the property as Suburban Commercial. The rezoning request complies with the map.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates both S. 5th Avenue and Canyon Creek Drive as major arterials. These roads have been built for major traffic. The rezoning request complies with the T-plan.

Availability of Public Facilities (CP Goal 4.1)

Multiple water and sewer lines are in place to serve the property. Public facilities are available to the property.

Temple Trails Master Plan Map

The Sidewalk and Trails Plan designates property directly behind this property to the west as a community-wide spine within the drainage area which is already owned by the City of Temple. This rezoning will not trigger dedication for the Trails Master Plan.

DEVELOPMENT REGULATIONS:

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

PUBLIC NOTICE:

Seven notices of the Planning and Zoning Commission public hearing were sent out. As of Wednesday, February 16th, 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 February 11, 2011, in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of the rezoning for case Z-FY-11-16 for the following reasons:

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

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Aerial](#)

[Land Use and Character Map](#)

[Zoning Map](#)

[Thoroughfare Plan Map](#)

[Utility Map](#)

[Notice Map](#)

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

TUESDAY, FEBRUARY 22, 2011

ACTION ITEMS

Item 6: Z-FY-11-19: Hold a public hearing to discuss and recommend action on a rezoning from Agriculture District (AG) to General Retail District (GR) on Outblock 726-B, located West of S. 5th Street and South of Canyon Creek Drive. (David Patterson on behalf of Friars Ridge, LTD)

Commissioner Staats stated he would need to abstain from this Item.

Ms. Matlock stated if this request were approved, the item would proceed to City Council for first reading on March 3rd [Secretary's note: the first reading will take actually place on March 17, 2011] and final action on March 17th [Secretary's note: the second reading will actually take place on April 7, 2011]. The property is currently vacant and located adjacent to South 5th Street just south of Canyon Creek Drive.

Surrounding properties consist of a single family home to the north, the Blackland Prairie to the east, an office/retail use to the south, and a drainage area and single family area to the west.

The Future Land Use and Character Map designates the area as Suburban-Commercial. There is a trail system that crosses behind the property but is on private property. The subject property fronts South 5th Street which is designated as a major arterial and public facilities are available to serve the site.

Seven notices were mail and two were received in favor.

Staff recommends approval of this rezoning request since it complies with the Future Land Use and Character Map, the Thoroughfare Plan, and public utilities are available to serve the site.

Chair Talley opened the public hearing.

Mr. Pat Patterson, 2116 W Avenue H, is the owner of the property and would like to plat the area for small general retail sites. Commissioner Sears asked how many acres the property was and Mr. Patterson stated 12+ acres. Chair Talley asked if the property (land) was just like the soil for Blackland and Mr. Patterson stated yes.

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

Vice-Chair Martin made a motion to approve **Z-FY-11-19** and Commissioner Sears made a second.

Motion passed: (7:0)

Commissioner Staats abstained; Commissioner Williams absent

ORDINANCE NO. _____

[PLANNING NO. Z-FY-11-19]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM AGRICULTURE DISTRICT (AG) TO GENERAL RETAIL DISTRICT (GR) ON OUTBLOCK 726-B, LOCATED WEST OF SOUTH 5TH STREET AND SOUTH OF CANYON CREEK DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Agriculture District (AG) to General Retail District (GR) on Outblock 726-B, located west of South 5th Street and south of Canyon Creek Drive, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **17th** day of **March**, 2011.

PASSED AND APPROVED on Second Reading on the **7th** day of **April**, 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

03/17/11
Item #10
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Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: FIRST READING - PUBLIC HEARING: Consider adopting an ordinance amending Chapter 37, "Traffic," of the Code of Ordinances of the City of Temple, Texas, by adding Section 37-55, "Engine Brake Prohibited," prohibiting the use of an engine brake on a street or roadway within the City limits.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for April 7, 2011.

ITEM SUMMARY: The addition of this section to the Traffic chapter of the Code of Ordinances will prohibit vehicles from using any type of engine brake (aka "jake brake") to reduce their speed or come to a stop. Using a jake brake causes noise that is often viewed as a nuisance in urbanized areas. This prohibition will apply to any road or street within the City limits including State-maintained roadways. This section includes an exception for emergency vehicles.

If approved by the City Council, the City would enforce the ordinance by posting signs at major thoroughfare entrances into the City.

FISCAL IMPACT: The estimated cost for installing signs at major thoroughfare entrances notifying drivers of the ordinance is \$2,000. Funding for the signs is available in account # 110-3400-531-2334.

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 37, "TRAFFIC," OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE ADDING A NEW SECTION 37-55, ENTITLED, "USE OF ENGINE BREAK OR RETARDER PROHIBITED," TO PROHIBIT THE USE OF AN ENGINE BRAKE ON A STREET OR ROADWAY WITHIN THE CITY LIMITS; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Staff recommends amending Chapter 37, "Traffic," of the Code of Ordinances to add a new section to prohibit vehicles from using any type of engine brake or engine retarder to reduce their speed or come to a stop;

Whereas, the prohibition will apply to any road or street within the City limits including a state maintained roadway, and will include an exception for emergency vehicles; 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, THAT:

Part 1: Chapter 37, "Traffic," of the Code of Ordinances of the City of Temple, Texas, is amended by adding a new Section 37-55, entitled, "Use of Engine Break or Retarder Prohibited," to read as follows:

Sec. 37-55. Use of engine break or retarder prohibited.

(A) This section applies to a roadway or street within the corporate limits of the City, including a state maintained roadway.

(B) A person may not use an engine brake or engine retarder to assist in slowing or braking a motor vehicle, except for a fire truck engaged in emergency duties.

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

Part 3: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall

not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **17th** day of **March**, 2011.

PASSED AND APPROVED on Second Reading on the **7th** day of **April**, 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

03/17/11

Item #11

Regular Agenda

Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager

Ashley Williams, Sustainability and Grant Manager

ITEM DESCRIPTION: Consider adopting a resolution approving a policy to require the City to commit to practicing sustainable and energy efficient measures.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In 2009 the City was awarded the Energy Efficiency and Conservation Block Grant from the US Department of Energy. Through the acceptance of this grant the City committed to developing a Sustainable Program, to encourage and guide energy efficient projects and programs. In support of the forthcoming Sustainability Management Plan, staff has developed a Sustainability and Energy Efficiency Policy to support the development of the plan and subsequent programs.

The purpose of a City-wide Sustainability and Energy Efficiency Policy is to demonstrate the City of Temple's commitment to economic, environmental and social stewardship, to yield cost savings to the City's operating funds through reduced operating costs, to contribute to enhancing regional resources, and to provide healthy work environments for staff and visitors. The policy commits the City to the following goals; these goals are further discussed in the attached policy.

- Reduce energy costs and consumption
- Improve environmental monitoring (Model responsible energy management)
- Prevent pollution
- Increase energy efficiency
- Conserve water
- Reduce consumption and waste
- Reuse, recycle and purchase recycled content products
- Reduce reliance on non-renewable resources
- Engage and educate employees and the community
- Promote inter-departmental collaboration
- Measuring monitoring and communicating the City's progress toward a defined goal set

Staff is recommending the adoption of this policy because the City is in a position to set a community standard of sustainable and energy efficient practices.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Policy](#)

[Resolution](#)

Sustainability and Energy Efficiency Policy

Purpose:

The purpose of a City-wide Sustainability and Energy Efficiency Policy is to demonstrate the City of Temple's commitment to economic and environmental stewardship, to yield cost savings to the City's operating funds through reduced operating costs, to contribute to protecting, conserving and enhancing regional resources, and to provide healthy work environments for staff and visitors. Additionally, the City is in a position to set a community standard of sustainable and energy efficient practices.

Policy:

The City of Temple is committed to a clean, safe and healthy environment. As such, we will exercise sustainable practices focusing on environmental and economical stewardship in our dealings with employees, other governments, citizens, City contractors, business and others in the community. The following actions will assist the City in reducing negative sustainability impacts in all activities including operations, maintenance, construction and waste disposal, allowing the City to achieve the following goals:

- Reduce energy costs and consumption
- Improve environmental monitoring (Model responsible energy management)
- Prevent pollution
- Increase energy efficiency
- Conserve water
- Reduce consumption and waste
- Reuse, recycle and purchase recycled content products
- Reduce reliance on non-renewable resources
- Engage and educate employees and the community
- Promote inter-departmental collaboration
- Measuring monitoring and communicating the City's progress toward a defined goal set

These goals are embodied by the following actions:

- Implementation of adaptable programs and procedures that serve as evolving documents, with the intent to meet or exceed all applicable environmental laws and regulations, avoid spending excess money on energy and procurement, conserve resources, and improve work environments
 - Sustainability Management Plan to include existing conditions, current initiatives and plans, opportunities for innovation, tools and best practices, case studies, policy recommendations and suggested metrics for measuring future progress

- Sustainable Building goal for new construction of City-owned facilities above 2,500 square feet and current City-owned facilities
- Ensure that the relationship and impact of energy costs on the City budget/expenditures is understood and monitored
 - Use resources more efficiently by identifying opportunities to conserve energy and save money through smart investments with identifiable payback periods
 - City decision-making will be guided by the goals of increasing sustainable benefits and reducing or eliminating negative environmental impacts in all aspects of the City's activities, while maintaining fiscal integrity and the community's economic vitality
 - Work in partnership with local, State and Federal agencies, local businesses, educational institutions, community groups and the general public to protect, preserve and restore our community and surrounding region
- Continual improvement of our environmental and energy performance through proactive sustainable management and self-assessments and/or third-party assessments
- Establish annual goals and objectives of environmental and energy performance for 2011 and beyond
- Implementation of best management practices and resource conservation measures to reuse, reclaim and recycle materials we generate
- Utilization of a Sustainable Management Systems, as appropriate for our operations, to provide a framework for systematically reviewing and reducing our environmental footprint
- Educate City employees on sustainable practices and motivate and encourage employees to practice environmental and economical stewardship
 - Energy Awareness Program for employees and the community
 - Increase transparency through a long-term dialogue using public outreach, and demonstrate accountability by openly monitoring and evaluating progress
- Maintain a Sustainability Committee to encourage interdepartmental cooperation

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ADOPTING THE “SUSTAINABILITY AND ENERGY EFFICIENCY POLICY,” WHICH WILL REQUIRE THE CITY OF TEMPLE TO COMMIT TO PRACTICING SUSTAINABLE AND ENERGY EFFICIENT MEASURES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in 2009 the City was awarded the Energy Efficiency and Conservation Block Grant from the US Department of Energy – through the acceptance of this grant, the City committed to developing a Sustainable Program to encourage and guide energy efficient projects and programs;

Whereas, in support of the forthcoming Sustainability Management Plan, the Staff developed a “Sustainability and Energy Efficiency Policy,” to support development of the plan and subsequent programs;

Whereas, the purpose of a policy is to demonstrate the City’s commitment to economic, environmental and social stewardship, to yield cost savings to the City’s operating funds through reduced operating costs, to contribute to enhancing regional resources, and to provide healthy work environments for staff and visitors;

Whereas, the Staff recommends the City’s adoption of the policy to set a community standard of sustainable and energy efficient practices; 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 adopts the “Sustainability and Energy Efficiency Policy,” a copy of which is attached hereto as Exhibit A, which will require the City of Temple to commit to practicing sustainable and energy efficient measures.

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 17th day of **March**, 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

03/17/11
Item #12
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Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution appointing one member to the Community Services Advisory Board to fill an unexpired term through September 1, 2013.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Appointment of one member is requested to fill the term of Iris Witt who resigned from this board effective March 7th. The member must be a Bell County resident.

Board applications for persons desiring to serve on these boards are attached for Council review, as well as the Board Summary form for the Community Services Advisory Board.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Board Summary Form](#)
[Board Application Summary](#)
[Board Applications](#)

COMMUNITY SERVICES ADVISORY BOARD

TERM EXPIRATION: SEPTEMBER - 3 YEAR TERMS

APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Rev. Roscoe Harrison rharrison@swmail.sw.org OMA	06/04	2012	5222 J. I. Bruce Dr., Temple, TX 76502	773-0173 H 724-1929 W 724-5288 F
Lamar Collins, Chair coach@collinseducationgroup.org	09/06	2012	101 Twelve Oaks Drive Temple, TX 76502	412-5704 W 624-7133 C 808-1008 Pager
Nancie Etzel NEtzel27@hotmail.com	04/08	2012	329 Big Timber Drive Temple, TX 76502	780-9898 H
Patsy Cofer pcofer@hotmail.com O/OMA	09/10	2013	4314 Gazelle Trl Temple, TX 76504	718-1859 W 899-8165 H 718-0866 C
Ashleigh Pettijohn apettijohn@extracobanks.com	09/10	2013	201 Rabern Ct Apt 517 Belton, TX 76513	774-5807 W 624-9268 H/C
Iris Witt wittiwitt@aol.com resigned 3-07-11	09/10	2013	1914 Forest Trail Temple, TX 76502	742-4960 W 228-5642 H 903-271-5693 C
Melissa Bragg melissatyrochbragg@yahoo.com	09/08	2011	4747 McLane Parkway Temple, TX 76504	654-5606 C
Jody Donaldson jody@jdonaldson.com	09/05	2011	4106 Eagle Road, 76502	771-2422 W 778-8401 H
Dee Blackwell dahblackwell@hotmail.com	04/10	2011	8520 Oak Crossing, 76502	228-5609 H 541-8873 C

Created May 7, 1992 by Resolution #92-234-R; duties expanded May 6, 2004 by Resolution 2004-4042-R

Purpose: To assess public service needs in the community; annually request proposals from public service agencies to meet identified needs; recommend funding levels to the Council from the CDBG annual budget; monitor the agencies receiving CDBG funds to evaluate their performance and proper utilization of funds.

Membership: 11 members, all residents of Bell County; Ex-officio members - City Manager

Term: 3 years

City Staff: Traci Barnard, Director of Finance

Meeting Time/Place: Regular meetings monthly, special meetings as needed; Staff Conference Room, Municipal Building.

General Duties: Attend approximately 6 board meetings per year, from October through May; participate in subcommittee work on application format as needed; participate in subcommittee application review; participate in interview process of agency representatives; present funding recommendations to the Council in June. Duties will include the selection criteria and process for the new HOME Program and other associated CDBG activities.

Revised 08/19/10



APPLICATION SUMMARY

**MARCH 17, 2011
BOARD APPOINTMENTS**

COMMUNITY SERVICES ADVISORY BOARD – 3 YEAR TERMS: Meets on called basis

1 Unexpired Term through September 1, 2013: Iris Witt – resigned effective 3-07-11; must be Bell County resident.

Board Forms on File:

Julie Adkison
Margaret Goodwin (currently on Public Safety Advisory Board)
Olivia Marsala
John Mayo (currently on Public Safety Advisory Board)
Richard Morgan (currently on Public Safety Advisory Board)
Don Nelson (currently on Public Safety Advisory Board)
Florencio Olivares
Mary Ann Rojas (currently on Building & Standards Commission-alternate member)
Margarita Stefano-Rios (currently on Library Board)
Bennie Trevino (currently on Public Safety Advisory Board)



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
CONVENTION CENTER & TOURISM BOARD	ELECTRICAL BOARD
ZONING BOARD OF ADJUSTMENT	KEEP TEMPLE BEAUTIFUL, INC.
LIBRARY BOARD	PARKS & RECREATION BOARD
PLANNING & ZONING COMMISSION	TRANSIT ADVISORY COMMITTEE
REINVESTMENT ZONE NUMBER ONE	TEMPLE DOWNTOWN DEVELOPMENT ALLIANCE
TEMPLE ECONOMIC DEVELOPMENT CORP.	TEMPLE HOUSING AUTHORITY
TEMPLE PUBLIC SAFETY ADVISORY BOARD	DEVELOPMENT STANDARDS ADVISORY 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 Julie Adkison Residence Address 7 E Pima Lane, Belton, TX 76513

Mailing Address Same Phone Number (Business) (254) 931-7171 (Home) (254) 780-9445

Fax Number _____ Cell Phone Number (254) 931-7171 E-Mail Address jadkpics.com

Current Employer/Nature of Business: Self Employed Photographer

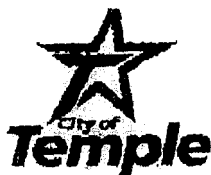
What City Boards have you served on before & When? None

Name, in priority order, the Board or Boards on which you would prefer to serve: Community Services
Advisory Board

What experience and/or educational background do you have that could be applied to community service?
Entrepreneurship Degree and part of AKPsi (a business fraternity) - did some
community service with the fraternity
Comments (Attach additional page if desired):

Signed: Julie Adkison Date: 08/05/10

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



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

AIRPORT ADVISORY BOARD
BUILDING & STANDARDS COMMISSION
CIVIL SERVICE COMMISSION
ELECTRICAL BOARD
ZONING BOARD OF ADJUSTMENT
LIBRARY BOARD
PLANNING & ZONING COMMISSION
REINVESTMENT ZONE NUMBER ONE
TEMPLE ECONOMIC DEVELOPMENT CORP.

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

• 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 Margaret Goodwin Residence Address 3206 Keller Rd., 76504

Mailing Address Same Phone Number (Business) 254-771-8600 EXT 377 (Home) _____

Fax Number _____ Cell Phone Number 254-541-0894 E-Mail Address mag47g00@msn.com

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: King's Daughters Hosp, medical technologist

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: ① Parks & Leisure
② Library ③ Community Services ④ Temple Public Safety ⑤ Any others
at your discretion

What experience and/or educational background do you have that could be applied to community service?

I am a life-long resident of Temple and a graduate of Temple High School and Temple college. I have worked in the medical field for over 40 yrs.

I feel that I have benefited from the services of the city and would like to be a benefit to my community.
Signed: Margaret Goodwin Date: _____

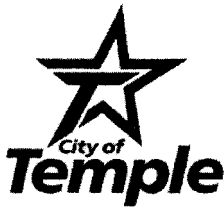
PLEASE NOTE: All information supplied on this form is public information.

App'd PSAB 6/17/10

RECEIVED

JAN 26 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
BUILDING & STANDARDS COMMISSION
CIVIL SERVICE COMMISSION
ELECTRICAL BOARD
ZONING BOARD OF ADJUSTMENT
LIBRARY BOARD
PLANNING & ZONING COMMISSION
REINVESTMENT ZONE NUMBER ONE
TEMPLE ECONOMIC DEVELOPMENT CORP.

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

• If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.

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

Name Olivia Marsala Residence Address 1714 Aztec Trace B
2010 SW HK Dodgen Loop Harker Heights, TX 76548
Mailing Address Suite 201 Temple, TX Phone Number (Business) 773-4600 (Home) 254 698 1541
76504
Fax Number 773 4686 Cell Phone Number 254 721 0933 E-Mail Address omarsala@odysseyhealth.com

Temple Resident: Yes ☒ No

Current Employer/Nature of Business: Odyssey HealthCare, Manager of Volunteer Services

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 Community Services
Advisory Board ② Library Board ③ Civil Service Commission
(not eligible) not eligible

What experience and/or educational background do you have that could be applied to community service?

Bell County Care Network, Central Texas Care Network,

Innovative Social Solutions Advisor (youth empowerment program)
Comments (Attach additional page if desired): _____

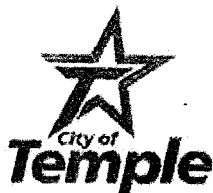
Signed: Olivia Marsala Date: 12.8.08

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

RECEIVED

DEC 11 2008

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
BUILDING & STANDARDS COMMISSION
CIVIL SERVICE COMMISSION
ELECTRICAL BOARD
ZONING BOARD OF ADJUSTMENT
LIBRARY BOARD
PLANNING & ZONING COMMISSION
REINVESTMENT ZONE NUMBER ONE
TEMPLE ECONOMIC DEVELOPMENT CORP.

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

- If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.
- If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci.temple.tx.us.

Name John Mayo Residence Address 6918 Valley Mist 76502
Mailing Address SAME Phone Number(Business) 773-9966 (Home) 953-8466
Fax Number N/A Cell Phone Number 541-6816 E-Mail Address John.mayo@hotmail.com
Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: Omega Enterprises / Construction

What City Boards have you served on before & When? Zoning Board (Alternate) 2003-2005

Name, in priority order, the Board or Boards on which you would prefer to serve: 1) Civil Service
2) Temple Public Safety 3) Community Services

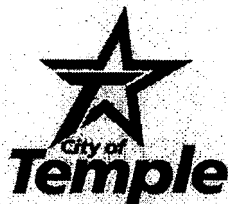
What experience and/or educational background do you have that could be applied to community service?
BBA-Accounting, MBA, 25 Year Professional Business Experience.

7-year as Director / Instructor - Search & Recovery Team
Comments (Attach additional page if desired):
19-year resident of Temple with strong ties to community with a
desire to give back.

Signed: John Mayo Date: 7/24/2009

PLEASE NOTE: All information supplied on this form is public information. App'd PSAB 41510

Hy



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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Name Richard E. Morgan Residence Address 214 West Houston Ave.
Mailing Address 214 W. Houston Ave. Phone Number (Business) Temple, TX 76501 (Home) 254.771.0109
Fax Number 254.634.8809 Cell Phone Number 254.760.0331 E-Mail Address richardmorgan@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: 7/24/09

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

App'd PSAB 3/03/11



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

ci. temple, tx. us
at city
Board & Comm.

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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 DONALD W NELSON Residence Address 3105 HEMLOCK BLVD.
Mailing Address Same Phone Number (Business) _____ (Home) 254-778-1803
Fax Number Same Cell Phone Number _____ E-Mail Address d Nelson @ AT&T RR. CO.
Temple Resident: X Yes _____ No

Current Employer/Nature of Business: Retired - Scott & Mike

What City Boards have you served on before & When? Parks/Tourism - 2008; Library - 2011

Name, in priority order, the Board or Boards on which you would prefer to serve: TEMPLE ECONOMIC

Development; Community Services Advisory; Public Safety Advisory

What experience and/or educational background do you have that could be applied to community service?

M.S. Boston Univ.; AB Tufts University - Experience in Banking in New

England & Ohio: Div of Public Affairs Scott & Mike

Comments (Attach additional page if desired):

Temple has been good to me - I'd like to reciprocate if my talent can be used.

Signed: Donald Nelson Date: 7-26-09

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

* Appointed to PSAB 8/20/09



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
PLANNING & ZONING COMMISSION	- TRANSIT ADVISORY COMMITTEE
REINVESTMENT ZONE NUMBER ONE	- CENTRAL TEXAS HOUSING CONSORTIUM
TEMPLE ECONOMIC DEVELOPMENT CORP.	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 Florencio Olivares Residence Address 1111 N. 6TH ST

Mailing Address 1111 N. 6TH ST Temple, TX 76501 Phone Number (Business) 254-718-7326 Home 254-295-0123

Fax Number _____ Cell Phone Number 254-718-7326 E-Mail Address florencio.Olivares@atmosenergy.com

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: ATMOS ENERGY

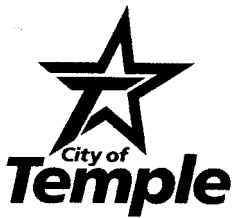
What City Boards have you served on before & When? None

Name, in priority order, the Board or Boards on which you would prefer to serve: Community Services
Advisory Board

What experience and/or educational background do you have that could be applied to community service?
I have an Associate degree in Management - United Way "Day of Caring"
Volunteer - Volunteer work at the Temple VA Hospital
Comments (Attach additional page if desired):

Signed: Florencio Olivares Date: 8-11-10

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



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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BUILDING & STANDARDS COMMISSION
CIVIL SERVICE COMMISSION
ELECTRICAL BOARD
ZONING BOARD OF ADJUSTMENT
LIBRARY BOARD
PLANNING & ZONING COMMISSION
REINVESTMENT ZONE NUMBER ONE
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD
BUILDING BOARD OF APPEALS
COMMUNITY SERVICES ADVISORY BOARD
TEMPLE PUBLIC SAFETY ADVISORY BOARD
DEVELOPMENT STANDARDS ADVISORY BOARD
PARKS & LEISURE SERVICES ADVISORY BOARD
TRANSIT ADVISORY COMMITTEE
CENTRAL TEXAS HOUSING CONSORTIUM
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@myjobsource.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 service, 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. App'd Bldg & Standards (A)

MARY A ROJAS

1313 N 8TH ST
 TEMPLE, TX 76501-2036
 (254) 774-7061

Career Objectives

Senior Level Executive/Entrepreneur seeking similar position in Central Texas area

Summary of Qualifications

Senior Executive with 10 plus years in the Chief Executive role in the public sector and 5 years as small business owner. Recognized for collaborative work style and leadership with proven success in developing and implementing successful projects.

Work History

Oct 01, 2009 - Dec 31, 2009

Southwest Key Programs - Austin, Texas**Chief Program Officer**

Responsible for start up phase of newly acquired project. Direct and guide the implementation of business plan, work with senior management on transition of workforce services contract personnel, develop service plans, operational plans, monitoring plans and general oversight of program implementation and performance. Recruit senior level talent to meet the needs of system. Develop and implement program goals. Achieved performance standards in first quarter of contract. Develop and motivate staff. Complete monthly management reports, approve leave, evaluate performance of staff. Provide guidance and direction to senior level and front line staff. Work with staff and board to ensure expenditure performance. Review budgets and make recommendations as appropriate to meet financial and programmatic goals.

Mar 12, 2005 - Sep 30, 2009

Workforce Solutions of the Coastal Bend - Corpus Christi, Texas**Executive Director**

Responsible for implementing regional strategic plan. Work in support of 34 member volunteer board and 13 member chief elected officials to guide, develop and sustain the regional workforce plan. Provide leadership and support to 28 administrative staff and 100 direct service staff throughout 12 county area offices. Led organization through 18 month financial recovery plan consisting of system re-design and re-organization. Implemented 5 year plan and achieved all objectives and exceeded expectations. Provided leadership and guidance to senior level staff responsible for marketing, IT, procurement, fiscal and general operations area. Represent board at committees, local and state boards. Work in concert with local stakeholders, industry partners, economic development organizations, counties, cities, school districts, colleges and universities and other community partners to develop programs, address needs and work collaboratively to create beneficial and sustainable solutions. Exercised professionalism at all times. Present information at conferences, panels, workshops etc. Approve and execute contracts, documents, agreements on behalf of Board. Work with board members and executive committee to ensure regional strategic plan is implemented to benefit intended recipients. Monitor expenditures and ensure program objectives are met in agreement to terms of state contract. Act a lead spokesperson for organization, participate in on-screen, radio and print interviews. Prepare presentations, speeches, executive summaries, board reports, agendas, articles and papers as required. Review, approve and edit local policies and procedures. Review management reports and monitor contractor performance. Collaborate with industry executives to develop award winning service delivery model.

Jan 02, 2001 - Feb 15, 2001

Workforce Solutions South Plains - Lubbock, Texas**Executive Director**

Responsible for implementing regional strategic plan for 15 county region. Provided direction and leadership to 28 member board and 16 member chief elected officials. Create and develop award winning programs in collaboration with cross section of community partners. Worked with industry leaders and local universities to form the South Plains Nursing community education coalition to address the nursing workforce shortages in the region. As a result a collaborative of nursing schools, industry partners, chambers of commerce and economic development partners raised over 5 million dollars through fund raising and matching grants which garnered national attention. Implemented a performance improvement plan resulting in state financial awards. Provided leadership and guidance to 15 member board staff and 100 direct service staff. Review contracts, documents, monitoring reports, write articles, review and approve policy. Assist in grant writing, review and approval. Act as spokesperson for organization. Represent organization at conferences, events,

meetings, local and state boards. Work collaboratively with industry partners to address workforce issues and implement solution based strategies. Approve budgets, make recommendations to board, prepare agendas, executive summaries, and participate in conference and event planning. Provide monetary funding to local youth projects. Developed rural outreach initiative to enhance services to rural areas. Founding member of West Texas Allied Communities, an entrepreneurial program which resulted in jobs created in rural Texas. Oversee IT, procurement, monitoring, planning and fiscal departments. Executed contracts, agreements, financial awards on behalf of board.

Sep 10, 1995 - Feb 01, 2001

Job Source - Wichita Falls, Texas

Owner/President

Responsible for the overall business operation and day to day activities. Hire, train and motivate staff. Complete case reviews, open files and develop service plans for individual clients. Accepted referrals from Texas and Oklahoma state rehabilitation agencies. Attend trainings, meetings and conferences. Provide job development, job coaching and placement services. Prepare and submit monthly reports and invoices for payment. Keep financial records, complete state and federal quarterly reports. Secure leases, execute contracts, research opportunities and work with employers on daily basis to meet their individual staffing needs. Work with accountants, attorneys, insurance agents and other professionals on business related matters. Set goals, implement revenue generation strategies, consistently monitor and evaluate business plan. Acquired knowledge of state tax credits, state workforce agencies and state workforce boards. Represented company on local workforce board and acted as Chairwoman of the board in 1999-2000.

Education

Jun 1989 - Aug 1994

Midwestern State University - Wichita Falls, Texas

Education Level: Bachelors Degree

Major: management

GPA: 2.9

Graduated: Yes

Occupational Experience

Chief Executives (10 yrs 0 mos)

General and Operations Managers (15 yrs 0 mos)

Administrative Services Managers (10 yrs 0 mos)

Product Safety Engineers (0 yrs 0 mos)

Computer Skills

Typing Speed: 50 Words Per Minute

- EMail Software (Outlook, Thunderbird, etc)
- Internet Browser (Internet Explorer, Firefox, etc)
- Personal Computers
- Presentation Software (PowerPoint, Flash, etc)
- Spreadsheet Software (Calc, Excel, etc)
- Word Processing Software (Word, WordPerfect, etc)

Language Skills

English - Excellent (Read Write Speak)

Spanish - Good (Read Write Speak)

Additional Skills

Government Executive with over 10 years experience. Working knowledge of public boards, developing regional strategic plans, working with elected officials and industry leaders on local and regional issues. Skilled and experienced in developing plans to meet strategic objectives. Worked with Chambers of Commerce, Economic Development Agencies, Associations and community stakeholders, act as chief spokesperson for the organization. Experienced in directing, managing and planning in a complex environment. Experienced managing multi-million dollar budget, and directing planned expenditures and forecasting activities. Led team of senior managers and directors. Prepare board agendas. Knowledgeable of Open meetings act and compliance requirements. Knowledgeable of process for administering federal programs.

Driver's License

Class C - Standard Driver's License

References

Arnold Saenz
County Judge
Jim Wells County
(361) 668-5706

Rosie Collin
Director
Ingleside Local Redevelopment Authority
(361) 510-4448
vrcollin@gtek.biz

Mona Statser
Executive Director/Colleague
North Texas Workforce Development Board
(940) 767-1432
mona.statser@twc.state.tx.us



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

✓✓

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

AIRPORT ADVISORY BOARD
BUILDING & STANDARDS COMMISSION
CIVIL SERVICE COMMISSION
ELECTRICAL BOARD
ZONING BOARD OF ADJUSTMENT
2 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 Margarita R. Stefan-Rios Residence Address 2419 East Adams Ave.
Mailing Address _____ Phone Number(Business) _____ (Home) 254-742-7703
Fax Number _____ Cell Phone Number 254-493-9085 E-Mail Address RJose2513@aol.com
Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: _____

What City Boards have you served on before & When? Keep Temple Beautiful 4yrs
Hispanic League

Name, in priority order, the Board or Boards on which you would prefer to serve: Community service Advisory
Animal Services Adv. Bd.
Board - Library Board - Parks and Leisure services, Tx Housing Consortium

What experience and/or educational background do you have that could be applied to community service?
Volunteer Red Cross Disaster Team Temple/Bell Co Case advocate
Mellenan Cty. Taught 35yrs, 11yrs @ St. Mary's

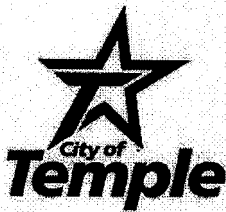
Comments (Attach additional page if desired):
I served 3 terms as a Silver Haired legislator
representing Temple & Bell Cty.

Signed: Margarita Stefan-Rios Date: 8/01/2008

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

* Appointed to Library Board 8/20/09

✓



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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BUILDING & STANDARDS COMMISSION
CIVIL SERVICE COMMISSION
ELECTRICAL BOARD
ZONING BOARD OF ADJUSTMENT
LIBRARY BOARD
PLANNING & ZONING COMMISSION
REINVESTMENT ZONE NUMBER ONE
TEMPLE ECONOMIC DEVELOPMENT CORP.

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

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Name Bernie Trevino Residence Address 1003 South 13th St
Mailing Address 1003 S. 13th St Phone Number (Business) _____ (Home) 254-771-3859
Fax Number 254-771-3859 Cell Phone Number _____ E-Mail Address bnn-trevino@yahoo.com
Temple Resident: ☒ Yes ☐ No
Current Employer/Nature of Business: not employed
What City Boards have you served on before & When? none

Name, in priority order, the Board or Boards on which you would prefer to serve: Building Board of Appeals
electrical board, community services, public safety board.

What experience and/or educational background do you have that could be applied to community service?
25 years as an electrician 18 as an industrial maintenance electrician

Comments (Attach additional page if desired):

Signed: Bernie Trevino Date: 1-28-09

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

App'd PSAB 11/04/10



EMPLOYEE BENEFITS TRUST AGENDA ITEM MEMORANDUM

03/17/11
Item #13
Trust Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting Amendment #1 to the Declaration of Trust for the City of Temple Employee Benefits Trust as requested by the State Comptroller's Office.

STAFF RECOMMENDATION: Adopt Amendment #1 to the Declaration of Trust as presented in item description.

ITEM SUMMARY: In 2007, the City of Temple developed the City of Temple Employee Benefits trust in an effort to decrease employee insurance costs by eliminating a premium tax that is passed on by insurance carriers. The City of Temple is exempt from state and federal taxes. However, the City is indirectly paying state insurance premium tax because the insurance carriers must pay a 1.75% premium tax, which the insurance carrier in turn passes on to the City. The Texas Legislature amended Chapter 222.02 (c)(5)(A) of the Texas Insurance Code effective in 2006. This legislative amendment exempts carriers from paying the 1.75% premium tax on insurance policies issued to a municipal Trust which provides employee benefits.

The State Comptroller's Office has requested changes to some of the language in our trust document. Therefore, Staff is presenting the amendments to the Trustees for approval. The changes are shown on the attachments. Included as attachments are an original document with the changes highlighted and Amendment #1 to the Declaration of Trust.

FISCAL IMPACT: None

ATTACHMENTS:

[Declaration of Trust Original with Markup](#)
[Amendment #1 to the Declaration of Trust \(document to be adopted\)](#)

DECLARATION OF TRUST

I.

The **City of Temple**¹ (“City”), as settlor, designates the members of the **City of Temple** City Council² to be Trustees and declares that the City holds in trust the funds described in Schedule A attached hereto and incorporated herein by reference, which is the property of the City, and all substitutions and additions to such funds, for the purpose of providing life, disability, sick, accident, and other health benefits to the City’s officers, employees, and qualified retirees and their dependents.

II. PURPOSE

This is a nonprofit trust created for the purpose of providing City officers, employees, and qualified retirees and their dependents with life, disability, sickness, accident, and other health benefits either directly or through the purchase of insurance and to perform operations in furtherance thereof.

III. DURATION

The Trust shall continue until terminated by operation of law or by majority vote of the Trustees.

IV. TRUSTEES: COMPOSITION, OFFICERS, COMPENSATION, AND MEETINGS

COMPOSITION. The Trustees are the members of the **City of Temple** City Council, and the term of each Trustee is cotemporaneous with his or her term of office as a Member of the

¹ The settlor is the entity establishing the trust and may also be a Chapter 172 Pool, a county, a hospital district, or a county or municipal hospital.

² The trustees will govern the operations of the trust and may also be the Trustees of a Chapter 172 Pool, members of a County Commissioners Court, or members of the Board of Directors of a hospital district or of a municipal or county hospital.

City Council. Whenever a Trustee ceases to be a member of the **City of Temple** City Council, the person succeeding him or her in office will serve as a successor Trustee of the Trust.

OFFICERS. The Mayor shall serve as Chairman and shall preside at meetings of the Trustees and shall have all such other powers as are conferred herein or by majority vote of the Trustees. The Mayor Pro Tem shall serve as Vice Chairman and shall preside at meetings of the Trustees whenever the Chairman is absent. The Secretary shall rotate, coinciding with the **City of Temple's** Fiscal Year, between the Council members, skipping the Mayor Pro Tem, beginning with District 1. The Secretary will oversee the preparation of meeting agendas, giving notice of meetings to the Trustees, and the minutes of the meetings of the Trustees.

COMPENSATION. The Trustees shall be reimbursed for all reasonable and necessary expenses incurred by them in the performance of their duties and will otherwise receive no compensation for their service as Trustees. **Any approved reimbursement(s) will be made by the City of Temple.**

Comment [BOS1]: Added

MEETINGS. A meeting of the Trustees may be called by the Chairman or on written request to the Chairman by two or more Trustees. Trustees shall have at least three days written notice of any meeting. For purposes of this section, electronic mail notice is written notice.

V. RIGHTS, POWERS, AND DUTIES OF TRUSTEES; QUORUM AND VOTING

RIGHTS, POWERS, AND DUTIES. In addition to all other powers and duties conferred on them by this Trust document and imposed or authorized by law, the Trustees shall have the following powers and duties:

1. The Trustees shall carry out all of the duties necessary for the proper operation and administration of the Trust on behalf of the covered persons and shall have all

the powers necessary and desirable for the effective administration of the affairs of the Trust.

2. The Trustees have the general power to make and enter into all contracts, leases, and agreements necessary or convenient to carry out any of the powers granted by this Trust document or by law or to effectuate the purpose of the Trust. All such contracts, leases, and agreements or any other legal documents herein authorized shall be approved by the Trustees and signed by the Chairman on behalf of the Trust. The Trustees may also designate another Trustee to sign such documents.
3. The Trustees shall use the Trust's funds to accomplish the purpose of the Trust, as described in Paragraph II herein, and to operate and administer the Trust solely in the interest of the covered City officers, employees, and qualified retirees and dependents thereof and for the exclusive purpose of providing benefits to such persons and defraying the reasonable expenses of administration of the Trust. To this end, the Trustees may purchase life, disability, or accident and health insurance to provide coverage for participating City officers, employees, and qualified retirees and their dependents. The Trustees may also adopt a health benefits plan that covers eligible City officers, employees, and qualified retirees, and their dependents.
4. The Trustees may accept contributions to the Trust funds from any source including contributions from covered persons receiving benefits from the Trust.
5. The Trustees shall be authorized to contract with any qualified organization to perform any of the functions necessary for providing life, disability, sick, accident, and other health benefits, including but not limited to excess loss

Comment [BOS2]: Delete

Comment [BOS3]: Delete

insurance, stop loss insurance, claims administration, and administrative services, and any other services that the Trustees shall deem expedient for the proper operation of the Trust. When required by law or desired by the Trustees, the Trustees may seek sealed competitive bids or sealed competitive proposals with respect to contracts required to carry out the operations of the Trust and to effect the purpose of the Trust.

Comment [BOS4]: Insert

Comment [BOS5]: Delete

6. The Trustees shall arrange for the investing of the funds of the Trust so as to keep the same invested according to law and at the best interest rates obtainable for the benefit of the covered persons. The Trustees may hire money managers and shall adopt an investment policy for its own use and that of its agents in making investments. The Trustees shall select a depository for the Trust's funds and provide for the proper security of any and all investments. The Trustees shall designate signatories for the Trust's depository accounts.

7. The City of Temple Trustees may purchase out of the Trust funds insurance for the Trustees and any other fiduciaries appointed by the Trustees and for the City of Temple Trust itself to cover liability or losses occurring by reason of the act or omission of any one or more of the Trustees or any other fiduciary appointed by them. Any insurance purchased by the City of Temple Trustees must give the insurer recourse against the Trustees or other fiduciaries concerned for breach of any fiduciary obligation or fiduciary duty owed to the Trust.

Comment [BOS6]: Insert

Comment [BOS7]: Delete

Comment [BOS8]: Delete

Comment [BOS9]: Insert

Comment [BOS10]: Delete

Comment [BOS11]: Insert

Comment [BOS12]: Delete

8. The Trustees shall arrange for proper accounting and reporting procedures for the Trust's funds and shall also provide for an annual audit of the Trust's financial affairs by a certified public accountant.

9. The Trustees may retain legal counsel to represent the Trust and the Trustees in all legal proceedings as well as to advise the Trust and the Trustees on all matters pertaining to the operation and administration of the Trust.
10. The Trustees have the authority to terminate the Trust at any time.
11. Upon termination of the Trust, the Trustees shall provide for the payment of Trust obligations, debts, losses, and other liabilities and shall provide for the disposition of the remaining Trust funds in accordance with Paragraph IX herein.
12. The Trustees shall have the power to acquire, by purchase or otherwise, retain, invest, reinvest, and manage, temporarily or permanently, any interest (including an undivided interest) in any realty or personalty; to alter, improve, repair, replace, abandon, and demolish assets; to sell, exchange, encumber, lease for any period, or otherwise dispose of any asset of the Trust, publicly or privately, with or without notice, wholly or partly for cash or credit, without appraisal, and to give options for those purposes; to abandon, compromise, contest, and arbitrate claims; to hold title in the name of a nominee; to adopt policies and regulations for the efficient operation of the Trust; to determine all matters of trust accounting as established by controlling law or customary practices; to set up and maintain reasonable reserves for taxes, assessments, insurance premiums, repairs, improvements, depreciation, depletion, amortization, obsolescence, general maintenance of buildings or other property, and any other purpose; to employ agents, accountants, brokers, attorneys-in-fact, attorneys-at-law, tax specialists, realtors, investment counsel, and other assistants and advisers; and to delegate powers and duties to other persons, partnerships, corporations, and financial or business organizations.

Comment [BOS13]: Delete entire Item

QUORUM AND VOTING. A majority of the Trustees shall constitute a quorum for the transaction of business at any meeting of the Trustees and the vote of a majority of the Trustees present shall be required for approval of any action at such meeting. The vote of such majority of the Trustees at such meeting shall constitute action of the Trustees as a group.

VI. BENEFICIARIES

The beneficiaries of the Trust are the City officers, employees, and qualified retirees and their dependents who are covered by a life, disability, sick, accident, or other health benefits plan purchased or adopted by the Trust (also called “covered persons” herein). Beneficiaries may make contributions to the Trust for use by the Trustees in fulfilling the purposes of the Trust. No beneficiary shall have any claim against the funds or any other property of the Trust. The rights and interests of the beneficiaries are limited to the insurance or health benefits specified in any policy purchased or plan adopted by the Trustees.

VII. TRUST FUNDS

The Trust funds consist of the funds described in Schedule A hereto as provided by the Settlor to institute this Trust, future contributions by the Settlor, beneficiary contributions, investment income, and any other money or property which shall come into the hands of the Trustees in connection with the administration of the Trust. The Trustees may use the Trust’s funds as follows:

1. to pay all expenses which the Trustees consider necessary in establishing the Trust and in administering the Trust and all reasonable expenses incurred by the Trustees in the performance of their duties as defined to be those allowed under Section 222.002(c)(5)(A) [Texas Insurance Code] and or permitted by the State

Comptroller of the State of Texas in its role as the administrator of this legislation;

Comment [BOS14]: Insert

2. to pay premiums on any insurance policies allowed under Section 222.002(c)(5)(A) [Texas Insurance Code] purchased by the Trust;

Comment [BOS15]: Insert

3. to make authorized investments;
4. to pay claims under any health benefits plan adopted by the Trustees;
5. to pay for all necessary professional services, property, and equipment required for the proper operation of the Trust;

Comment [BOS16]: Delete

6. to pay all legal obligations of the Trust; and

Comment [BOS17]: Delete

7. to pay any judgment entered against the Trust or to compromise and settle litigation in which the Trust is a party.

Comment [BOS18]: Delete

VIII. LIABILITY OF TRUSTEES AND OFFICERS

The Trustees shall use ordinary care and reasonable diligence in the exercise of their powers and the performance of their duties hereunder; and they shall not be liable for any mistake of judgment or other action made, taken or omitted by them in good faith, nor for any action taken or omitted by any agent, employee or independent contractor selected with reasonable care; nor for loss incurred through investment of the Trust funds or failure to invest. No Trustee shall be liable for any action taken or omitted by any other Trustee. No Trustee shall be required to give a bond or other security to guarantee the faithful performance of his or her duties hereunder. To the fullest extent permitted by law: (a) the City of Temple Trust shall indemnify each Trustee who was, is, or is threatened to be made a party to any threatened, pending, or completed action, suit, or proceeding (“*Proceeding*”), any appeal therein, or any inquiry or investigation preliminary thereto, by reason of the fact that the Trustee is or was a Trustee; (b) the City of Temple Trust

Comment [BOS19]: Insert

Comment [BOS20]: Delete

Comment [BOS21]: Insert

Comment [BOS22]: Delete

shall pay or reimburse a Trustee for expenses incurred (i) in advance of the final disposition of a Proceeding to which such Trustee was, is or is threatened to be made a party, and (ii) in connection with such Trustee's appearance as a witness or other participation in any Proceeding.

IX.
AMENDMENT, REVOCATION AND TERMINATION

This Declaration of Trust and the Trust created herein shall terminate when and if required by operation of law. The Trustees shall have the power to amend, modify, terminate or revoke, in whole or in part, this Declaration of Trust and the Trust created herein by majority vote at a duly called meeting at which a quorum is present. Notwithstanding the foregoing, the Trustees shall have no power to amend Paragraph II of this Declaration of Trust. Beneficiaries of the Trust shall have no right to amend this Declaration of Trust, and their approval shall not be a condition or requirement for an authorized amendment by the Trustees.

Upon termination of the Trust, the Trustees shall pay all obligations, debts, losses, and other liabilities of the Trust. Thereafter, the Trustees shall first use the remaining trust funds to pay covered claims of persons covered under the City's health benefits plan that may be in effect at the time of termination of the Trust and, then, either apply any remaining balance of the funds for the benefit of those covered persons in such manner as the Trustees determine shall best carry out to purposes of this Trust or pay such balance over to such covered persons on a per capita basis. Notwithstanding the foregoing, the Trustees, upon termination of the Trust and payment of all Trust obligations may, by vote of a majority of the Trustees, transfer the remaining funds or any portion thereof to the trustees of any trust or trusts established for a substantially similar purpose to be applied for uses substantially similar to those set forth in Paragraph II herein.

**X.
GOVERNING LAW**

This Declaration of Trust and the Trust created herein shall be construed and governed by the laws of the State of Texas in force from time to time.

**XI.
MISCELLANEOUS**

Whenever the context so admits and such treatment is necessary to interpret this Declaration of Trust in accordance with its apparent intent, the use herein of the singular shall include the plural, and vice versa, and the use of the feminine, masculine, or neuter gender shall be deemed to include the other genders.

The captions or headings above the various Paragraphs of this Declaration of Trust have been included only to facilitate the location of the subjects covered by each Paragraph but shall not be used in construing this Declaration of Trust.

If any clause or provision of this Declaration of Trust proves to be or is adjudged invalid or void for any reason, such invalid or void clause, provision, or portion shall not affect the whole, but the balance of the provisions hereof shall remain operative and shall be carried into effect insofar as is legally possible.

IN WITNESS WHEREOF, the undersigned parties have executed this Declaration of Trust, consisting of twelve (12) pages and Schedule A attached hereto, on the dates of their respective acknowledgments below. By joining in the execution of this Declaration of Trust, the Trustees acknowledge receipt of the property described in Schedule A, signify acceptance of the Trust created hereunder, and covenant that the Trust will be executed with all due fidelity. This Trust is effective as of the last date of signature below.

William A. Jones, III, Mayor, Settlor

William A. Jones, III, Mayor, Trustee

Patsy Luna, Trustee

Anthony “Tony” Jeter, Trustee

Russell Schneider, Trustee

Martha Tyroch, Trustee

THE STATE OF TEXAS §
 §
COUNTY OF BELL §

This instrument was acknowledged before me on, July 24, 2007, by William A. Jones, III,
Mayor of the City of Temple on behalf of Settlor.

Notary Public, State of Texas
Print Name: Clydette Entzminger
My Commission Expires: _____

THE STATE OF TEXAS §
 §
COUNTY OF BELL §

This instrument was acknowledged before me on, July 24, 2007, by William A. Jones, III, Trustee.

Notary Public, State of Texas
Print Name: Clydette Entzminger
My Commission Expires: _____

THE STATE OF TEXAS §
 §
COUNTY OF BELL §

This instrument was acknowledged before me on July 24, 2007, by Patsy Luna, Trustee.

Notary Public, State of Texas
Print Name: Clydette Entzminger
My Commission Expires: _____

THE STATE OF TEXAS §
 §
COUNTY OF BELL §

This instrument was acknowledged before me on July 24, 2007, by Anthony “Tony” Jeter, Trustee.

Notary Public, State of Texas
Print Name: Clydette Entzminger
My Commission Expires: _____

THE STATE OF TEXAS §
 §
COUNTY OF BELL §

This instrument was acknowledged before me on July 24, 2007, Russell Schneider, Trustee.

Notary Public, State of Texas
Print Name: Clydette Entzminger
My Commission Expires: _____

THE STATE OF TEXAS §
 §
COUNTY OF BELL §

This instrument was acknowledged before me on July 24, 2007, by Martha Tyroch, Trustee.

Notary Public, State of Texas
Print Name: Clydette Entzminger
My Commission Expires: _____

SCHEDULE A

The following is a list of the assets initially transferred by the **City of Temple**, Settlor, to the Trust:

City of Temple's first month (October 2007) contributions for Employee, Dependent, and Retiree Medical/Pharmacy Benefits, Dental Benefits, Life Insurance Benefits, and Long Term Disability Benefits.

City of Temple Employee, Dependents, and Retirees first month (October 2008) of Plan Year's payroll deductions or contributions for Medical/Pharmacy Benefits, Dental Benefits, Life Insurance Benefits, and Long Term Disability.

AMENDMENT NUMBER ONE DECLARATION OF TRUST

The **City of Temple Employee Benefits Trust** hereby amends the Declaration of Trust dated July 24, 2007. The following provisions are amended to read.

IV. TRUSTEES: COMPOSITION, OFFICERS, COMPENSATION, AND MEETINGS

COMPENSATION. The Trustees shall be reimbursed for all reasonable and necessary expenses incurred by them in the performance of their duties and will otherwise receive no compensation for their service as Trustees. **Any approved reimbursement(s) will be made by the City of Temple.**

V. RIGHTS, POWERS, AND DUTIES OF TRUSTEES; QUORUM AND VOTING

RIGHTS, POWERS, AND DUTIES. In addition to all other powers and duties conferred on them by this Trust document and imposed or authorized by law, the Trustees shall have the following powers and duties:

1. No change
2. The Trustees have the general power to make and enter into all contracts and agreements necessary or convenient to carry out any of the powers granted by this Trust document or by law or to effectuate the purpose of the Trust. All such contracts and agreements or any other legal documents herein authorized shall be approved by the Trustees and signed by the Chairman on behalf of the Trust. The Trustees may also designate another Trustee to sign such documents.

3. No Change
4. No Change
5. The Trustees shall be authorized to contract with any qualified organization to perform any of the functions necessary for providing life, disability, sick, accident, and other health benefits, including but not limited to excess loss insurance, stop loss insurance, claims administration, and administrative services. When required by law or desired by the Trustees, the Trustees may seek sealed competitive bids or sealed competitive proposals with respect to contracts required to carry out the operations of the Trust and to effect the purpose of the Trust.
6. No Change
7. The [City of Temple](#) may purchase insurance for the Trustees and any other fiduciaries appointed by the Trustees and for the [City of Temple](#) to cover liability or losses occurring by reason of the act or omission of any one or more of the Trustees or any other fiduciary appointed by them. Any insurance purchased by the [City of Temple](#) must give the insurer recourse against the Trustees or other fiduciaries concerned for breach of any fiduciary obligation or fiduciary duty owed to the Trust.
8. No change.
9. No change.
10. No change.
11. No change.
12. [Delete Item 12.](#)

VII. TRUST FUNDS

The Trust funds consist of the funds described in Schedule A hereto as provided by the Settlor to institute this Trust, future contributions by the Settlor, beneficiary contributions, investment income, and any other money or property which shall come into the hands of the Trustees in connection with the administration of the Trust. The Trustees may use the Trust's funds as follows:

1. to pay all expenses which the Trustees consider necessary in establishing the Trust and in administering the Trust and all reasonable expenses incurred by the Trustees in the performance of their duties as defined to be those allowed under Section 222.002(c)(5)(A) [Texas Insurance Code] and or permitted by the State Comptroller of the State of Texas in its role as the administrator of this legislation;
2. to pay premiums on any insurance policies allowed under Section 222.002(c)(5)(A) [Texas Insurance Code] purchased by the Trust;
3. to make authorized investments;
4. to pay claims under any health benefits plan adopted by the Trustees;
5. Delete item 5;
6. Delete item 6; and
7. Delete item 7.

VIII. LIABILITY OF TRUSTEES AND OFFICERS

The Trustees shall use ordinary care and reasonable diligence in the exercise of their powers and the performance of their duties hereunder; and they shall not be liable for any mistake of

judgment or other action made, taken or omitted by them in good faith, nor for any action taken or omitted by any agent, employee or independent contractor selected with reasonable care; nor for loss incurred through investment of the Trust funds or failure to invest. No Trustee shall be liable for any action taken or omitted by any other Trustee. No Trustee shall be required to give a bond or other security to guarantee the faithful performance of his or her duties hereunder. To the fullest extent permitted by law: (a) the [City of Temple](#) shall indemnify each Trustee who was, is, or is threatened to be made a party to any threatened, pending, or completed action, suit, or proceeding (“*Proceeding*”), any appeal therein, or any inquiry or investigation preliminary thereto, by reason of the fact that the Trustee is or was a Trustee; (b) the [City of Temple](#) shall pay or reimburse a Trustee for expenses incurred (i) in advance of the final disposition of a Proceeding to which such Trustee was, is or is threatened to be made a party, and (ii) in connection with such Trustee’s appearance as a witness or other participation in any Proceeding.

IN WITNESS WHEREOF, the undersigned parties have executed this Amendment Number One to the Declaration of Trust, consisting of eight (8) pages on the dates of their respective acknowledgments below. By joining in the execution of this Amendment Number One to the Declaration of Trust, the Trustees acknowledge signify acceptance of the Amendment created hereunder, and covenant that the Amendment will be executed with all due fidelity. This Amendment is effective as of the last date of signature below.

William A. Jones, III, Mayor, Settlor

William A. Jones, III, Trustee

Daniel Dunn, Trustee

Patsy Luna, Trustee

Martin Janczak, Trustee

Russell Schneider, Trustee

THE STATE OF TEXAS §
 §
COUNTY OF BELL §

This instrument was acknowledged before me on, March 17, 2011, by William A. Jones, III,
Mayor, Settlor.

Notary Public, State of Texas
Print Name: Clydette Entzminger
My Commission Expires:

THE STATE OF TEXAS §
 §
COUNTY OF BELL §

This instrument was acknowledged before me on, March 17, 2011, by William A. Jones, III,
Trustee.

Notary Public, State of Texas
Print Name: Clydette Entzminger
My Commission Expires: _____

THE STATE OF TEXAS §
 §
COUNTY OF BELL §

This instrument was acknowledged before me on March 17, 2011, by Daniel Dunn, Trustee.

Notary Public, State of Texas
Print Name: Clydette Entzminger
My Commission Expires: _____

THE STATE OF TEXAS §
 §
COUNTY OF BELL §

This instrument was acknowledged before me on March 17, 2011, by Patsy Luna, Trustee.

Notary Public, State of Texas
Print Name: Clydette Entzminger
My Commission Expires: _____

THE STATE OF TEXAS §
 §
COUNTY OF BELL §

This instrument was acknowledged before me on March 17, 2011, Martin Janczak, Trustee.

Notary Public, State of Texas
Print Name: Clydette Entzminger
My Commission Expires: _____

THE STATE OF TEXAS §
 §
COUNTY OF BELL §

This instrument was acknowledged before me on March 17, 2011, by Russell Schneider, Trustee.

Notary Public, State of Texas
Print Name: Clydette Entzminger
My Commission Expires: _____